

BEFORE THE INDEPENDENT HEARINGS PANEL

UNDER the Resource Management Act
1991 and the Canterbury
Earthquake (Christchurch
Replacement District Plan)
Order 2014

AND

IN THE MATTER of the Proposed Christchurch
Replacement District Plan

SUBMITTER Castle Rock Limited
(Submitter #2168/2169)

STATEMENT OF EVIDENCE OF VICTORIA ANNE FOXTON

27 AUGUST 2015

1. INTRODUCTION

- 1.1 My name is Victoria Foxton. I am a Director of Castle Rock Estate Limited and authorised to give this evidence on behalf of the company. Castle Rock Estate was established originally in the spring of 1992 after purchasing 75 acres of land in the Heathcote and Horotane Valleys as a three block purchase from the Lyttelton Borough Council in 1991. Together with my husband Creag McCulloch, we own 125 Scruttons Road and 195 Port Hills Road ("the properties").
- 1.2 I am providing my evidence from the perspective of the landowner and as a person involved with the history of the properties. I have previously appeared before the Independent Hearings Panel as a lay submitter and produced a brief written statement¹. I do not propose to repeat that material in any detail. The purpose of my evidence is to summarise the history associated with these properties and outline the intended future use.

2. 125 SCRUTTONS ROAD

History and Background

- 2.1 We have owned the property at 125 Scruttons Road since 1991 after purchasing 26.3 ha of land in the Heathcote and Horotane Valleys as a three block purchase from the Lyttelton Borough Council. The property used for grazing, which was and still is an uneconomical use of the land. There is currently a single dwelling on the property as well as several sheds.
- 2.2 The Council approached us in the mid-1990s to become involved in the Avoca Valley Stream Care Group. Several public workshops and meetings were held in regards to our top block of land and others along the upper Avoca Valley Stream. At that time, we owned a larger block that included the stream. It was at this early stage that we mentioned to the Council that we would like to undertake an environmental residential development on our lower block turning the

¹ [928 Castle Rock Estate – Statement of evidence 20-2-15](#)

stream, which really was and still is, no more than a drainage ditch, into a living feature with wetland areas.

- 2.3 The Council expressed an interest in purchasing that part of our property containing the stream. It was explained to us that this would make things easier for a smaller subdivision and the Council would develop all the wetlands we had envisaged at no cost to us. The Council needed an access way from Scruttons Road (20m wide) down Avoca Stream and asked if we would increase our land for sale to include this land. As this land was going to be rezoned for residential use, it was quite valuable to us. Council then came back to us asking for another area of land (again 20m wide) along our southern boundary.
- 2.4 There was no financial reward for us in doing this except we felt that the enhancement of the stream was critical and it would provide access for the public to view the wetlands. My family and I are very environmentally minded and with stated intent from the Council of a zoning change, we agreed to the land purchase and sold that part of the property to the Council.
- 2.5 During this time we were also approached by the Lyttleton Port Company (**LPC**) to join forces with them in asking for rezoning changes to Variation 37 of the Council's City Plan. The 20 ha (approx) of land owned by the LPC is on our northern boundary and bounded by the Heathcote River and Lyttelton motorway. I understand that Variation 37 was to deal with a range of zoning and development issues in the Ferrymead area.
- 2.6 The Council then dropped Variation 37. This left us in 'no man's land' as our residential rezoning was going to occur through Variation 37. The wetland concept never eventuated and the restoration of the stream and drains has never occurred, apart from a small portion bordering the Golf Range. The Avoca Valley stream is now an anaerobic, dead ugly drain.
- 2.7 If the Council had followed through on the intended rezoning on this land when they first said they would, our filling of our land and the eventual beautification and enhancement of the Avoca Valley and

Scruttons Road drains would be completed and it would not still be a dead mess.

Current Proposal

- 2.8 The review and replacement of the Christchurch District Plan has allowed us to try yet again to rezone our land from its current use, which is consistent with what we have been discussing with the Council, as well as our local community, over many years. We are seeking to have 125 Scruttons Road rezoned for residential purposes. Our vision is for a well-designed environmental subdivision that will provide housing at the affordable level to replace what has been lost in this community as a result of the earthquakes. We are committed to this project notwithstanding the disappointments we have faced over the years in dealing with the Council.
- 2.9 Preparations are underway to fill the site in accordance with the Certificate of Compliance that we hold. We intend to complete the filling to allow development for the proposed land use.
- 2.10 We consider that the current proposal is the best use of the property and will result in a more desirable outcome than what it is currently being used for.

3. 195 PORT HILLS ROADS

History and Background

- 3.1 The property at 195 Port Hills Road was originally purchased as a viticultural block. Unfortunately after huge investments in vines and infrastructure the block proved uneconomical. The vines were lifted and the paddocks returned to horse grazing for the time being, which is also uneconomical but serves as an interim use until the property is redeveloped.
- 3.2 As with the Scruttons Road property, the Council approached us in the mid-1990s to become involved in the Avoca Valley Stream Care Group. The Council has also previously discussed the option for a portion of this land at the front of the property to be made available to complement Mary Duncan Park which is located next door. A land

sale or swap was discussed but never ratified as the protracted negotiations with the Council eventually stalled.

Current Proposal

- 3.3 We are seeking to develop 195 Port Hills Road. We are open to considering a range of options including whether this is a combination of industrial and residential, or entirely residential.
- 3.4 In 2006 we obtained resource consent to partially fill this land and, in 2007, we approached Eliot Sinclair for a concept plan for a future subdivision of the property. We plan to ensure that any design includes a potential future linkage through to Horotane Valley. We are also considering relocating the existing access closer to Mary Duncan Park as part of any development proposal.
- 3.5 We expect that development of this under-used block will ensure that the property is utilised to its full potential, from both the perspective as a landowner but will also improve the amenity of this area.

4. CONCLUSION

- 4.1 Given the long and drawn out history of the properties, and the numerous promises made by the Council over the years, we believe that the proposals before the panel in these proceedings are long overdue.
- 4.2 We have been involved with the local community for many years. My Husband Creag was also chairman of the Heathcote Valley Community Association from 2010-2012. Since the earthquakes we have received significant support from the community for our proposed redevelopment as a result of the loss of housing to the red zone. Attached at "A" is correspondence from members of the local community supporting rezoning and residential development at both Scruttons Road and Port Hills Road. This includes a letter from my Husband Creag, as chairman of the Heathcote Valley Community Association, to the Minister Gerry Brownlee, as well as letters from various members of the community. These letters all refer to the loss of housing in the Heathcote community and how new development is wanted by the community as a result.

- 4.3 We have committed considerable expenditure and time over the years and we wish to see the development vision realised for both properties.

Victoria Anne Foxton

27 August 2015

ATTACHMENT "A"