

**BEFORE THE HEARINGS COMMISSIONERS
APPOINTED BY THE CENTRAL OTAGO DISTRICT COUNCIL**

UNDER the Resource Management Act 1991

IN THE MATTER of a submission in a Plan Change under
clause 6 of Schedule 1 of the Act

BY **ONE FIVE FIVE DEVELOPMENTS LP**
Submitter

STATEMENT OF EVIDENCE OF SHANON GARDEN

Dated: 16 May 2023

Statement of evidence of Shanon Garden

Introduction

- [1] My name is Shanon John Garden. I work as a land developer. I undertake my own projects and provide development management consulting services to others.
- [2] I have tertiary qualifications in law and accounting. I have extensive experience in delivering capital projects, project management, and land development.
- [3] I am a partner of One Five Five Developments LP. This entity has contracted to acquire 155 Dunstan Road, Alexandra. It has also contracted an option to acquire an adjacent 1ha of 129 Gilligan's Gully Road. Together these parcels make 4.1ha and are accessed from Dunstan Road. It is our intention to develop these properties following the conclusion of the Central Otago District Council's (**Council/CODC**) Plan Change 19 (**PC19**).
- [4] I authored the submission and further submissions made by One Five Five Developments LP.
- [5] Where I refer to "we" in the evidence below I am representing the actions and views of the One Five Five Developments LP partnership.
- [6] Our submission has been made in two parts:
- (a) that Council rezone approximately 12.35ha of the area to the north of Dunstan Road, proposed by Council to be rezoned from Rural to Large Lot Residential (LLRZ), in a more typical urban form, under the zoning classification of Low Density Residential (LRZ); and
 - (b) that Council rezone a further 1.0ha of land at the southern extent of 129 Gilligans Gully Road from Rural into LLRZ.
- [7] I will leave it to others providing evidence in support of this submission to more specifically describe the subject area and proposed rezoning.

[8] In preparing my evidence I refer to and rely on the evidence of Mr Barr, planning, Mr Mike Moore, landscape, Andy Carr, traffic and Stuart Calder, survey and infrastructure, all dated 16 May 2023.

Our approach

[9] As a development partnership, we pride ourselves on taking a professional and responsible approach to land development, and in particular to our proposed development on Dunstan Road. We seek the best outcomes for Alexandra. We will work transparently and cooperatively with Council and other stakeholders to resolve any issues – and specifically infrastructure capacity and installation issues.

PC19 decision making

[10] We have taken the opportunity to communicate with Council about the risks (real or perceived) of conflict of interest when Council is a stakeholder in the plan change process, through the rezoning of a significant portion of Council owned land in the north of the township to Medium Density Residential (MRZ), and Councillors are also serving as Commissioners at the hearing. In this situation it becomes critical that decisions taken reflect a rigorous application of the applicable legislative and regulatory decision taking frameworks and also be evidence-based.

[11] We believe there is a compelling case, supported by the evidence we have presented, to rezone the subject area to a more efficient and appropriate LRZ 500m² scale. This will allow for a range of lot sizes, responding appropriately to the space available and other pre-existing physical characteristics of the land.

[12] There is simply no effects-based logic or evidence presented by Council in any of the s32 or 42A reporting that establishes that large semi-rural lot size in this area is more appropriate than a more conventional urban scale. Assertions made in support of the larger lot size are not supported by fact or clear justification. They appear to be merely preferences and conveniences.

Infrastructure

- [13] In our due diligence when acquiring our parcels of land at 155 Dunstan Road and 129 Gilligans Gully Road, and in preparing our submissions, we have made inquiries about what infrastructure will be required.
- [14] In discussions I had had with Council representatives I had come to understand that specific infrastructure solutions would need to be investigated and designed *following* the Plan Change 19 rezoning process.
- [15] In none of the material published in support of the Plan Change is infrastructure clearly addressed.
- [16] It has come as a surprise therefore that Council has raised the issue of infrastructure capacity as a reason for recommending our rezoning be declined. It is yet more surprising that an assertion has been made, without any supporting analysis, that our proposal cannot be serviced for wastewater.
- [17] Our preliminary investigations indicate that there are options, and that there will be appropriate engineered solutions to current and future capacity constraints.
- [18] Consequently, we challenge the approach of Council's Planner recommending to decline our proposed rezoning on the basis that it cannot be serviced for wastewater.
- [19] We accept that development cannot progress ahead of the infrastructure needed to serve it. However, PC19 has not been framed and presented in this way. Reading Ms White's s 42A report, it appears that infrastructure upgrades are required today to provide redundancy, and possibly additional capacity, and will likely be required to support any PC19 rezoning. There is no information provided to support how any of the proposed LLRZ or significantly more extensive MRZ zones will be served. Our incremental impact on that plan enabled capacity will be minor.

[20] Accordingly, it cannot logically and fairly be said that our proposed rezoning cannot be supported due to lack of capacity of wastewater infrastructure, when:

- (a) that conclusion does not appear to have been investigated and definitively concluded, and
- (b) more importantly, where it appears that any of the proposed rezoning will require upgraded or new infrastructure.

[21] We look forward to contributing to the necessary engineering and construction of infrastructure required to enable PC19, alongside Council and other private landowners.

Shanon Garden

16 May 2023