

CENTRAL OTAGO DISTRICT COUNCIL

TKO PROPERTIES – RC230179

MINUTE 10 OF THE HEARING PANEL

Introduction

1. The Panel has received the Applicant's written Right of Reply which includes:
 - (a) the Reply Submissions for the Applicant and case law;
 - (b) scheme plan
 - (c) a reviewed scheme plan and lot schedule;
 - (d) plan showing planting and protection areas;
 - (e) concept plans of a vineyard development on the land;
 - (f) revised planting plan for proposed Lots 27 - 30
 - (g) a statement of Supplementary Evidence from Mr Jeffery Brown.
2. This information was sent to all parties by Ms Lines and has been posted on the Council's website.
3. The Panel now seeks clarification from the Applicant on three matters as set out below:

Removal of Lot 7

4. The revised scheme plan shows proposed Lot 7 as having been deleted. However we are unclear on what this is intended to achieve as neither the legal submissions nor supplementary planning evidence provides adequate context for this change.
5. The legal submissions do address 'Changes to the proposal' which have been made "as a result of the further ecological information" and these include:

"(b) Revised plans to be included in conditions of consent, and revised layout of subdivision removing one lot (lot 7 both of which better prescribe the offset and compensation approach)."

6. It is not readily apparent to the Panel how the removal of proposed building Lot 7 will mitigate the ecological effects in the absence of any further ecological evidence having been provided on this.
7. We are mindful that Mr Vincent at the hearing suggested removal of one of the building allotments (i.e. Lots 24, 27, 28, 29 or 30) in order for him to be able to support the application. In addition Mr Brown's supplementary evidence confirms that if the Panel is minded to remove one of the 4 allotments along Bendigo Loop Road the Applicant has no issue with this, but he makes no further explanation of the removal of Lot 7. Mr Brown has reconfigured the draft conditions to reflect the removal of Lot 7, but no explanation is provided for that change to the proposal.

Ecological management plan

8. It is also not clear whether the plan Baxter Design – Planting and Protection Areas – Ref SK158, dated 17 April 2025, came out of the ecological expert witness conferencing. We note that at paragraph 32 of the JWS, the ecologists all confirmed they did not consider
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it their role to propose changes through conferencing, and this latest plan does not seem to have been referenced in the JWS.

9. In comparing this plan to the evidence of Mr Wells, it appears that the compensation/offsetting planting areas are the same as in Appendix 1 of Mr Wells' evidence, with the differences being the addition of two new enrichment planting locations, the possible reduction in the extent of enrichment planting Area 1 from Mr Wells' Appendix Two, and the introduction of several new cushion field maintenance areas. It appears that the management of these areas would be subject to a finalised Ecological Enhancement and Monitoring Plan developed under Mr Brown's proposed amended Condition 10 in his Supplementary Evidence.
10. However, we do not have any further ecological evidence from the Applicant explaining the genesis of and purpose of this plan.

Planting Plan for Lots 27 - 30

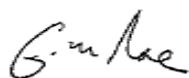
11. Finally, we have reviewed the new planting plan related to Lots 27-30 by Baxter Design (Ref 4371-SK137, dated 12 February 2025). The Revised Scheme Plan (Ref 4371-SK164, dated 22 April 2025) denotes that the landscaping on that plan has been superseded by plan SK152, which has not been provided, and this differs from Mr Brown's proposed amendments to Condition 1 which refer to the plan being SK137. We presume that is the correct plan for us to consider.

Conclusion

12. The Panel requests clarification from the Applicant on the matters outlined above to assist us to better understand the Right of Reply.

DATED this 2nd day of May 2025

Signed by



GM Rae
Chair of Hearing Panel