

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

UNDER the Resource Management Act 1991

IN THE MATTER of RC230179 an application for a 33-lot
subdivision at Rocky Point on Tarras-
Cromwell Road (SH8)

BY **TKO PROPERTIES LIMITED**

Applicant

MEMORANDUM OF COUNSEL IN REPLY TO MINUTE 10

Dated: 19 May 2025

MAY IT PLEASE THE PANEL:

Introduction

- [1] This Memorandum of Counsel provides a short summary of further information provided for the Hearings Panel, in reply to its Minute 10.
- [2] Enclosed with this Memorandum is:
- (a) Memorandum by Wildlands consultants providing further explanation as to the removal of Lot 7 in the Applicant's final reply from an ecological perspective. This information directly addresses paragraphs 4–7 of Minute 10.
 - (b) This Memorandum also further explains the genesis and purpose of the updated plan: *'Baxter Design – Planting and Protection Areas – Ref SK158, dated 17 April 2025'* provided with the Applicant's final reply. As explained by Wildlands, the evidential reasoning for this plan is set out in Dr Wells' evidence in chief and the Wildlands supplementary memorandum provided prior to ecological Joint witness conferencing. This information directly addresses paragraphs 8-10 of Minute 10.
 - (c) Second supplementary statement of evidence from Mr Brown confirming the ecological reasoning for removal of Lot 7 as summarised by the Wildlands Memorandum, and confirming the expert planning conclusions as to the final reply proposal as a result of the same.
 - (d) Mr Brown further confirms the Panel's understanding of the Applicant's final reply plans is correct. This responds to paragraph 11 of Minute 10.
- [3] In respect of paragraph [2a] above and the removal of Lot 7 through final reply, the Applicant wishes to emphasise to the Panel that it carefully considered the concluding comments from Mr Vincent at the hearing suggesting removal of one of the allotments 24, 27, 28, 29 or 30 would assist in his support of the application for grant of consent.

- [4] While the Applicant was grateful for Mr Vincent's constructive suggestion in this regard, it took further expert ecological and landscape advice into consideration and ultimately concluded that there would be a more meaningful overall reduction in adverse effects as a result of removing Lot 7 as compared to one of the lots suggested by Mr Vincent.
- [5] The landscape reasoning for this position is as set out in Mr Brown's supplementary statement, concluding that Mr Baxter does not consider the deletion of one of the four building allotments along Bendigo Loop Road is necessary and Mr Brown agreed with, and replied upon, that advice.
- [6] The suggestion from Mr Vincent, respectfully, is not based upon either expert landscape or ecological reasoning, and the position of Mr Baxter should be preferred.
- [7] The removal of Lot 7 by contrast would be less arbitrary, and does have meaningful reductions on overall adverse ecological effects.

Dated: 19 May 2025



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R E M Hill / B B Gresson
Counsel for the Applicant