

CENTRAL OTAGO DISTRICT COUNCIL

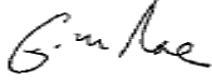
TKO PROPERTIES – RC230179

MINUTE 12 OF THE HEARING PANEL

1. The Panel has received responses from the parties, in accordance with our Minute 11.
 2. We confirm that the Panel is comfortable accepting into the process the additional comments/statements from Ms Williams and Mr Ewans, and the additional legal comments from Ms Warnock, for the Department of Conservation. Those responses are warranted on the basis that the Applicant's Right of Reply presented an amended proposal, additional statements of evidence, and legal submissions assisted by a barrister including reference to new case law.
 3. Issues to arise from the responses from parties, for which the Panel now seeks the Applicant's final response to, are as follows:
 - (a) The information conveyed by Department of Conservation, and Kate Wardle, that resource consent application (RC 210148V2) has been granted with amended conditions on an adjoining site on Lakefront Terrace also owned by the Applicant. This increases the housing density on that site which hosts some of the proposed off-site compensation sites for Rocky Point. The Panel is interested to know how that consent including the amended condition 20, as well as the site layout and intended development on the site, affects the proposed mitigation being offered as part of the application we are now considering.
 - (b) The suggestion by Kate Wardle that the proposed Lots 4, 5 and 6 be deleted to protect the Nationally Critical *Ceratocephala pungens* habitat. The Panel is interested to know the Applicant's response to this suggestion, and
 - (c) The amended conditions now recommended by Mr Vincent. The Panel is interested to know the Applicant's response to those suggested amended conditions.
 4. The Panel will also be requesting independent legal advice on what we consider to be quite complex legal arguments put to us by the Applicant on the one hand, and by the Department of Conservation on the other hand, regarding the covenanted Conservation land and how we should consider that for the purposes of our determination of this application. We will also be asking for legal advice regarding the recent Environment Court case (Conical Hills) and its relevance to our decision making.
 5. That advice will be sent to the parties as soon as it is available.
 6. Whilst the Applicant has already furnished its Right of Reply, in accordance with natural justice we consider it is appropriate that the Applicant is now able to respond to all of the above matters in a Final Right of Reply once it has reviewed our independent legal advice.
 7. The Panel will then be able to close the hearing and proceed to deliberations.
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DATED this 10th day of June 2025

Signed by

A handwritten signature in black ink, appearing to read "GM Rae". The signature is written in a cursive, flowing style.

GM Rae
Chair of Hearing Panel