

**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

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**MEMORANDUM OF COUNSEL FOR THE APPLICANT**

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Dated: 25 February 2025

**MAY IT PLEASE THE PANEL:**

- [1] This memorandum follows the memorandum for the Applicant lodged on 14 February 2025 providing an update regarding expert ecological conferencing.
- [2] That memorandum advised that Dr Wells, the Applicant's ecological offsetting expert, had prepared an updated report and recommendations for a revised offset model. A copy of the updated report is **attached** to this memorandum.
- [3] The Applicant confirms it has conferred with the Department of Conservation (**DOC**) and proposes the following questions to be considered by the experts:

**1. Information requirements**

- (a) *Do the experts agree that the further survey and information presented by Wildlands (alongside existing survey and evidence presented by all parties in the course of the hearing) now provides adequate information to determine the application for consent in terms of ecological effects*

**2. Revised or additional effects management measures to address the new information**

- (a) *Three changes to the effects management measures are now proposed to account for the additional values and to better account for the cushionfield habitats that would be lost.*
- (b) *Which components of any revised or additional effects management measures do the experts consider to be offsets versus compensation?*
- (c) *For any offsetting / compensation components, which of the NPS-IB Appendix 3 and 4 principles do the experts consider are achieved / not achieved by the revised package?*
- (d) *Would the revised offsetting / compensation proposals achieve an overall net gain in biodiversity values? Could any changes be made to the proposal to create an overall net gain or to*

*otherwise better align with NPS-IB Appendix 3 and 4 principles?*

- [4] The Applicant is not proposing a revised site plan, and the ecological caucusing will be on the basis of the site plans as filed.
- [5] The experts are currently liaising as to the earliest they can confer, however Mr Harding has indicated he may not have availability to do so until 20 March 2025. An independent facilitator will not be required. The parties are likely to arrange for a scribe to attend. It is anticipated the conferencing would take 2-3 hours online.
- [6] It is expected a Joint Witness Statement (**JWS**) will be able to be lodged within 5 working days of the conclusion of conferencing.
- [7] Given the Applicant considers the outcome of the conferencing will have a bearing on whether additional hearing time is required and/or what further evidence is required, it wishes to reserve proposing directions being made in regard to those steps until after the JWS has been completed.
- [8] On the basis of the above, the Applicant requests a direction that:
  - (a) the experts are to arrange an online unfacilitated conferencing on the above questions at their earliest convenience; and
  - (b) by **31 March 2025** or as soon as practicable after conferencing has concluded, the Applicant is to:
    - (i) lodge a copy of the JWS, and seek directions as to a timetable for closing submissions, reply evidence and any additional hearing time; or
    - (ii) if the JWS is yet to be completed, update the Panel as to progress together with associated timetable directions for it to be lodged.

Dated: 25 February 2025

A handwritten signature in black ink, consisting of a large, stylized initial 'R' followed by a cursive 'E M' and a final flourish.

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