

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

UNDER

the Resource Management Act 1991

IN THE MATTER

of RC230179 an application for a 30-lot
subdivision at Rocky Point on Tarras-
Cromwell Road (SH8)

BY

TKO PROPERTIES LIMITED

Applicant

SUMMARY OF EVIDENCE OF SHANON GARDEN

Dated:

6 November 2024

Summary of evidence of Shanon Garden

- [1] My name is Shanon Garden.
- [2] My evidence addresses the arrangements that will be put in place to ensure appropriate ongoing management of shared services and of the commonly owned area at Rocky Point.
- [3] The purpose of outlining these arrangements in this forum is to provide certainty that the land management outcomes that TKO Developments Limited (**TKO**) is proposing *will* be delivered through formal and sustainable means.
- [4] The services company, yet to be incorporated and assumed to be named Rocky Point Services Ltd (**RPSL**), will be incorporated by the owner/developer as part of the development process. It will have a tailored constitution. Ownership will be transferred from the developer to incoming owners as lots are titled and on-sold. Ownership will be linked to land. A services agreement will be put in place between RPSL and each lot owner. That services agreement will be registered as a covenant on each lot title.
- [5] RPSL will manage:
 - (a) shared domestic water infrastructure;
 - (b) shared fire risk management infrastructure;
 - (c) common wastewater infrastructure;
 - (d) common private accessways; and
 - (e) the 47ha common area.
- [6] RPSL will be a party to the design covenants. It will inherit from the developer the ongoing obligations set out in the Ecological Enhancement Monitoring and Fire Risk Management Plans. It will hold the aggregated water right from Chinaman's Terrace water scheme on behalf of lot owners.

- [7] This structure and set of arrangements is adapted from a template which has been used successfully across a range of rural lifestyle developments elsewhere in Central Otago.

Matters raised in s 42A report and by submitters

Public access and walking tracks

- [8] Both Mr Vincent and submitters raise the underlying objective of enabling public access in the Landscape Protection Area of the RuRA2 zone, as further described in the RuRA2 Concept Plan at Schedule 19.16. That public access objective described in Schedule 19.16 is primarily to ensure access to the Manuka Reserve (or the DoC Scenic Reserve) to the east, behind Rocky Point. It must be noted that the current Rocky Point title does not neighbour the Scenic Reserve. Public access to the reserve is enabled and located in the RuRA2 zone in the neighbouring property.
- [9] Notwithstanding this, the proposed scheme will bring public or vested road into the Rocky Point development. So we believe there is a public benefit in making walking tracks available for public use and recreation. This tracking will be on private land, within the 47ha commonly owned area.
- [10] Mr Vincent in his Supplementary Report sought additional clarification on how that public access would be managed. As RPSL will manage the common area for lot owners, it is appropriate that RPSL also assume responsibility for the designated public access tracks. Given RPSL's limited resources it will be necessary that public access be limited in extent, that the tracks themselves are built and maintained to simple and basic standard, and that RPSL does not take on unsustainable cost or risk. Accordingly, we seek that consent conditions are carefully considered so as to not impose an unsustainable scale of public walking tracks, nor create an unsustainable burden on RPSL.
- [11] There is the possibility of further involvement and support by both Council and DoC in managing these tracks. Though this is not a necessity and can be considered further at a later time.

Management of the Common Area

- [12] Mr Vincent in his s 42A Report addendum proposes that there be a QEII covenant imposed on the Common Area.
- [13] While possible, we propose that this is not essential to the conservation and protection of that natural asset. We propose that the option of overlaying further administrative structures such as QEII be a matter for the owners (possibly with some input from other stakeholders) post-development.
- [14] The protection of the natural area will be formalised through the land management regime described earlier.
- [15] The common area will be owned as undivided shares in common by all lot thirty owners. No disposal or alienation or sale is possible without the support of every one of those owners in common.
- [16] The constitution of RPSL requires that the company not operate for profit. So uses such as leasing common area for a return would be prohibited.
- [17] The registered building control and land management covenants, which incorporate the Ecological Enhancement and Monitoring Plan, impose formal controls on use of the common area. Each lot owner, along with RPSL, is a party to and beneficiary of those covenanted protections. Any variation to the covenants will require the support of all thirty lot owners. Being a variation to thirty titles, this would also involve scrutiny and guidance from thirty solicitors representing each owner.
- [18] People will buy property at Rocky Point for the very reason that they find value in the surrounding natural area. While owners will have different views and may propose different forms of use, it is a very high bar to assume that all owners would simultaneously agree to compromise the amenity value that underpins property values.

[19] Mr Vincent does not offer thoughts on how the proposed land management structure is deficient, nor how a QEII overlay would improve the situation. Accordingly, I propose that this not be mandated as a condition of consent.

DoC Covenant

[20] We see an opportunity at Rocky Point for DoC to partner with landowners, taking some supporting role in the formal and conservation-focussed arrangements that will be put in place.

[21] The land management structure that will be delivered by RPSL at Rocky Point *will* ensure focussed and contemporary conservation management across 56ha or approximately 87% of the Rocky Point site.

[22] This conservation effort will be funded by levies from owners themselves. There will be no cost to the public. It will be actively managed under formal legal structures by owners with an aligned interest in protecting natural amenity. This may lessen the burden on DoC to manage these outcomes. It will also provide for a greater level of active protection than the DoC covenant in its current form.

Conclusion

[23] I consider that the RPSL land management structures will be both appropriate and effective in delivering the stated outcomes for Rocky Point.

Shanon Garden
15 November 2024