

IN THE MATTER of the Resource Management Act 1991 (RMA or Act)

AND an application to the Taupo District Council (Council) by the Bruce Bartley Family Trust for land use consent and variation to consent notice to construct a new dwelling which exceeds the maximum building height, maximum building coverage, maximum earthworks disturbance and a minimum building setback encroachment in respect of a property legally described as Lot 1 DPS 474891, Lot 3 DP 474891 and Lot 4 DP 474891, and located at 32, 36 and 40 Locheagles Rise Kinloch.

1. INTRODUCTION

1.1 APPLICATION

The applicant has sought resource consent (land use and amendment to consent notice) and the s42A report¹ summarises the proposal as follows:

“Involves the construction of a large dwelling on the site of No 36 Locheagles Rise. The applicants also have an agreement with the landowners of the properties below at Nos 30 and 32 Locheagles Rise to carry out earthworks and landscaping on the southeast embankment of these sites as part of the proposed development.

The proposed dwelling will be a large two storey dwelling split across different levels, benched into the existing site topography. The proposed dwelling will have total floor area of 1476m² over four different floor levels described below. The overall length of the proposed dwelling will be 85m from north to south.

The proposed dwelling is set out in a north-south alignment and orientated with the living spaces to the west for the views to the lake and mountains. The northern portion of the dwelling will be constructed on the level area of the site, with the southern

¹ S42A Report-section 5

portion of the dwelling at a higher level where the topography slopes upwards to the south.

1.2 SUBJECT SITE AND SURROUNDING ENVIRONMENT

The s42A report² describes the site and environment as follows:

Site

“The main proposed development of the dwelling and associated earthworks is to occur on No 36 Locheagles Rise however some earthworks and mitigation planting of the embankment to the southeast of Nos 30 and 32 Locheagles Rise are also to be carried out. Hence those sites are also part of the proposal site.

The main application site of No 36 Locheagles Rise is 1.14ha in area and is located on the eastern slopes of Kinloch overlooking the settlement and Lake Taupō to the west. The site is located at the eastern most elevated part of the Locheagles subdivision and is accessed off a Right of Way from the end of Locheagles Rise public road.

The topography of the site slopes from the southeast down to the northwest, however a building platform forms a level large area at the central portion of the site that was constructed as part of the Stage 3A subdivision development. The site is currently vacant apart from two shipping containers near the east boundary. The site has services (water, power, wastewater).

Within the Locheagles subdivision are large tracts of Council recreation reserve extending down to the northwest and west and these reserve areas are generally following the steeper areas of the subdivision. These reserves have been extensively planted in natives which are now fully mature and provide considerable amenity for this area of Kinloch.

Surrounding Area

The Locheagles development extends up to the southeast from the northeast, lower residential area of Kinloch up into the foothills of the Whakaroa Hills. The pattern of this subdivision is generally standard residential allotments on the lower level adjoining the Kinloch township and decreasing in density with elevation to the southeast. The application site is located within Stage 3 which is at the very top of the subdivision around 1km from the Kinloch township (measured from the Kinloch Marina) elevated above the township.

Further to the south is the Whakaroa Headland which is mainly in mature native vegetation”.

² S42A Report-section 4

The main application site of No 36 Locheagles Rise adjoins five properties. Three of the properties at 30, 32 and 33 Locheagles are large lot residential sites to the west and south and two of the three sites contain dwellings. No 32 Locheagles Rise is still vacant for future development. To the north the site adjoins Lot 1 DP 392784 which is Council's Locheagles Rise Local Purpose Reserve containing a water reservoir. The site also adjoins the rear portion of No 34 Locheagles Rise to the north. To the east is the large Department of Conservation reserve”.

1.3 BACKGROUND

The following is helpful in respect of the background to the development of Locheagles Rise:

“The zoning of the application site and surrounds at the eastern end of Locheagles is Kinloch Rural Residential which expects minimum allotment sizes of 2ha, however the Locheagles Land Use consent was granted prior to the KCSP zoning came into effect and the consent determined a much higher density of development and resulting character that is quite different to the District Plan current zoning. That said, the KCSP desires a radial pattern of decreasing density from the original village out to the north, northeast and east, and the Locheagles subdivision does decrease in density with the sites generally increasing in area up to the east.

The application site is at the easternmost point of the Locheagles subdivision and is within the ‘Upper Locheagles’ portion of the development described as consisting of very low density ‘rural residential’ allotments of approximately 1ha, with a total of eight dwelling sites. The original application describes the sites within the Upper Locheagles area to be ‘situated within extensive native / woodland revegetation of the upper lands, so that dwellings can effectively blend with the vegetated surroundings.

The staged development of the Locheagles area has largely rolled out very consistently with the direction and principles of the masterplan. On Stage 3A at the easternmost point of the subdivision, the Locheagles masterplan envisages a low density, large lot development with considerable open space between relatively low height buildings. This is due to the elevated nature of this part of the Locheagles development making this land visible from more distant locations.”

This background provides some context to the consideration of the proposal due to the timing of the various planning initiatives, and it is of relevance that the Locheagles land use consent had been granted prior to the KCSP zoning coming into effect.

1.4 APPOINTMENT

I was appointed by the Council as independent commissioner in terms of s34A of the Resource Management Act 1991 (“the RMA”), to consider the application, submissions, the Council’s s42A report, and to then determine the application. The information available to me included the application, assessment of environmental effects (AEE) report and other information; the

submissions, the landscape peer review, and a report prepared by Council’s reporting officer, being the s42A report.

1.5 DEFINITIONS

In this Decision I use the following terms:

AEE	-	Assessment of Effects on the Environment report
Applicant	-	Bruce Bartley Family Trust
District Plan	-	Taupo District - Operative District Plan
Reporting Officer	-	Louise Wood
RMA	-	Resource Management Act 1991 and its amendments
s42A report	-	Section 42A report

2. HEARING NOT HELD AND SITE VISIT

In respect of this matter, no hearing was conducted pursuant to s100 of the RMA. While there were submissions in opposition, no submitter sought a hearing. The Council subsequently confirmed that no hearing need be held, and I subsequently considered the matter on the papers.

I conducted a site visit 30 March 2024 alone with no parties being present. The site visit was to gain an appreciation of the subject site, and its context in the immediate and surrounding environment.

3. SUBMISSION & MAIN ISSUES RAISED

The application was subject to public notification on 2 November 2023 with the submission period closing on 15 January 2024. Eight submissions were received.

The key matters raised in the submissions are outlined as follows:

Submitter Name	Support / Neutral / Oppose)
Mark Comber	Oppose – proposed dwelling is not in keeping with original spirit and nature of the Kinloch village; is a monstrosity; goes against established rules and desires of the Kinloch community.
Julie Jennings	Oppose – proposed dwelling will be prominent at top of Locheagles Rise; light pollution; will appear as two dwellings; exceeds height with multiple levels; does not follow resource consents that adhere to the

	KCSP; precedent; not in keeping with character of dwellings in Kinloch village.
Heritage New Zealand	Neutral / does not oppose
Brigid Eady	Support
Rachel Gibson	Support
Jenkins, Jack	Support
Patrick Kane	Support
Anthony Mitchell	Support

4. TAUPŌ DISTRICT PLAN REQUIREMENTS

The site is zoned Kinloch Rural Residential Environment as identified on Planning Map C4 of the District Plan. The site has the following overlays:

- Amenity Landscape Area ALA66 – Whakaroa Hills
- Kinloch Landscape Area

The adjoining Department of Conservation (DOC) land to the east is zoned Rural Environment and has overlays Outstanding Landscape Area OLA65 – Whakaroa, and Significant Natural Area SNA309 – Whakaipo Bay Scenic Reserve. The site also adjoins Local Purpose Reserve – Locheagles Water Reservoir (Designated site D115).

The proposal fails the following rules/performance standards in the Taupō District Plan:

RESIDENTIAL ENVIRONMENT (Section 4a)		
Performance Standards & Development Controls (4a.1)		
Performance Standard	Requirement	Proposal
4a.1.13 Maximum Earthworks Outside Building Setback	1.5m vertical ground alteration outside the minimum building setback in a new face or cut and/or fill	<p><i>36 Locheagles Rise</i> The proposed development will involve earthworks cut of up to a maximum of 7m, exceeding the 1.5m ground alteration limit by an additional 5.5m.</p> <p><i>32 Locheagles Rise</i> The proposed development will involve earthworks fill of up to 4.8m depth exceeding the 1.5m ground alteration limit by an additional 3.3m fill.</p>

<p>4a.1.14 Maximum Earthworks Inside Building Setback</p>	<p>0.5m vertical ground alteration within the minimum building setback requirement</p>	<p><i>36 Locheagles Rise</i> The proposed development will involve earthworks cut of up to 4.29m within the southwest boundary setback and earthworks fill of up to 6m depth within the northwest boundary setback area, exceeding the 0.5m ground alteration limit by an additional 3.8m cut and 5.5m fill.</p> <p><i>32 Locheagles Rise</i> The proposed development will involve earthworks fill of up to 6m depth within the southeast boundary setback area, exceeding the 0.5m ground alteration limit by an additional 5.5m fill.</p>
<p>General Rules (4a.2)</p>		
<p>Rule</p>	<p>Requirement</p>	<p>Proposal</p>
<p>4a.2.9</p>	<p>Any activity which does not comply with two or three development control performance standards for permitted activities including (where a standard contains more than one control) two or three parts thereof, or is not a permitted, controlled activity or restricted discretionary activity, is a discretionary activity.</p>	<p>The proposal triggers the two general performance standards as noted above; therefore, this rule is applicable.</p>

Overall, the application for land use consent must be assessed as a discretionary activity in accordance with Taupō District Plan Rule 4a.2.9.

The consent notice variation is also to be assessed as a discretionary activity in accordance with section 221(3) of the RMA.

5. PRINCIPAL MATTERS IN CONTENTION

Having considered the application, submissions and s42A report, and being guided by the assessment criteria of the District Plan, I consider that principal issues include the following:

- character and amenity.
- landscape/visual impact.

- privacy and outlook
- earthworks

6. MAIN FINDINGS

The application, submissions and s42A report identified a range of effects for consideration and determination of the application.

6.1 DISTRICT PLAN

The District Plan is the primary planning document, is operative, and provides the objective, policy, and rule framework in respect of my consideration of this matter. It takes an 'effects based' approach and it was common ground that the proposal be considered a discretionary activity.

The s42A report contains a comprehensive assessment of the proposal against the District Plan provisions, and consideration of environmental effects. Consideration of plan policies and objectives is outlined in section 7 of this decision. I have also had regard to the assessment contained in the application documentation prepared by Ms Hunt of Cheal Consultants Ltd. Both Ms Wood and Ms Hunt reach similar conclusions that the proposal is consistent with the relevant policies and objectives of the District Plan.

6.2 CHARACTER AND AMENITY EFFECTS

As discussed previously in this decision, provision has been made for the establishment of a dwelling on the subject site, and a building envelope had been established for that purpose. However, the proposal requires consent as the proposed dwelling is considerably larger than that originally envisaged at the time of the Locheagles masterplan was given consent. Building coverage of 2130m² or 18.6% of the subject site is proposed.

The two submissions in opposition raised concerns about the proposed dwelling not being in keeping with the character of development in Kinloch, goes against the established rules and desires of the Kinloch community, will be prominent at the top of Locheagles Rise does not follow resource consents that adhere to the KCSP and not in keeping with the character of dwellings in Kinloch village, and not being consistent with the directions of the KCSP.

Ms Wood noted that the *“Locheagles masterplan consent was authorised prior to adoption of the KCSP, which means the consent notice conditions came from the direction of the masterplan rather than the KCSP. The consent notice restrictions are the same for the eight sites within the upper, eastern gated enclave and the intent of the consent notice conditions*

is to have buildings well- spaced apart from each other as well as at different elevations across the hillside”.

Because of the above situation, guidance for development of the subject site and other sites in the vicinity came from the masterplan as opposed to the KCSP. As observed on my site visit, the existing dwellings in the gated part of the Locheagles development, are well separated from each other and are located at different elevations. Due to this situation and the location of adjoining reserves to the south and east, and the two Locheagles vegetated gully reserves extending to the northwest, a very low density, open character, framed by dense, vegetated landforms around the enclave, has occurred.

I appreciate that the proposal will be of a considerably larger scale than the existing dwellings within the Locheagles subdivision and in the remainder of Kinloch. However, I observed that the size of several of the dwellings in the vicinity of the subject site are considerably larger than many of the dwellings in Kinloch.

I acknowledge that there is inconsistency with the character of development that has established in Kinloch both through other masterplan developments and the KCSP, and this has been highlighted by those submitters opposing the consent application.

Given the above situation, there are however several factors that contribute to the mitigation to an acceptable level, of potential adverse effects of the proposal being inconsistent with the established character of Kinloch.

Both the application and Ms Wood’s assessment note that *“design elements have been incorporated into the proposed dwelling such as significant modulation and variation in its facades and roofline, along with the utilisation of natural materials such as stone and timber.*

Ms Wood further noted that although *“the length of the proposed dwelling will be substantial at some 86m from north to south, the design modulation will assist significantly to break up the building bulk. This is demonstrated by the western facing façade of the proposed dwelling (the only façade visible from Kinloch to the west) where the longest façade will be 11.8m and the building is stepped with large roof overhangs, a mixture of materials, a range of roof pitches / angles, such that there are not long, dominant facades.*

Furthermore, a significant portion of the building extends to the east, behind the more visible western façade meaning that the visibility of the full bulk of the proposed dwelling is limited to that one western façade due to the elevation of the site”.

The revised planting plan is comprehensive in scope and provides for planting below and around the dwelling. It includes the ‘planting out’ of the embankment below the proposed

dwelling which is land that is part of the adjacent 30 and 32 Locheagles Rise properties. The planting plan incorporates a range of trees and shrubs of varying native species that will grow from 2m up to 8m – 12m in height. The Boffa Miskell landscape review had concluded that the proposed planting would achieve the softening, and break- up of the scale and mass of the proposed dwelling, providing integration with the wider landscape patterns. The proposed planting is a key mitigation of landscape and amenity effects potentially arising from development of the proposal.

The planting out of the embankment below the proposed dwelling assists in achieving mitigation, and it will be important that all planting including that on the subject site, is maintained on an ongoing basis.

Furthermore, it is considered that the location and topography of the site is a significant factor in minimising adverse effects on the character of the area due to its' location at the easternmost point of the Locheagles development, and that it is elevated above most of Kinloch village.

A further mitigating factor in my opinion, is that the subject site adjoins the scenic reserve to the southeast which forms the very dominant vegetated backdrop of Whakaroa Hill, which rises to a ridge height of 660m being considerably higher than the proposed dwelling and forms a significant backdrop behind the subject site.

I noted that within the eastern portion of the Locheagles development, there are also large, extensive reserve areas that extend from the upper slopes down to the west. These reserves contain dense, native vegetation that Ms Wood noted had been established in the early years of the Locheagles development and as such provide considerable amenity to the eastern hillside.

Notwithstanding that the proposed dwelling will be prominent on the elevated subject site, I am of the opinion that that character and amenity effects of it can be adequately mitigated to an acceptable level. This is due to a combination of mitigation elements that include the design of the proposed dwelling which includes significant modulation and variation of its facades and roofline, the use of natural building materials such as timber and stone and natural exterior colour schemes; the extensive and comprehensive planting proposed; the position of the subject site with the elevated Whakaroa Hill vegetated backdrop behind and reserve areas below and its elevation above Kinloch; and its separation above the existing urban area of Kinloch

I conclude that the mitigation as proposed, appropriately addresses the concerns raised by the submitters opposing the proposal, in respect of potential character and amenity effects.

6.3 LANDSCAPE AND VISUAL EFFECTS

As part of the application a Landscape Visual Assessment (LVA) had been submitted which had been prepared by Hudson Associates. The Council had sought a peer review of that assessment which was undertaken by Boffa Miskell.

I noted that both assessments had concluded that the proposal would be visible from a considerable distance across Kinloch given the elevated nature of the subject site and substantial scale of the proposed dwelling. This was also evident to me when I undertook the site visit. Both assessments acknowledged that the distance of those views reduces the level of adverse landscape / visual effects.

The review outlined that planting plays a significant role in respect of the proposal and has the potential to break down and reduce the perceived scale of the building. Planting would assist the integration of the proposal into the surrounding environment, mitigating adverse landscape and visual effects of the proposal both on the wider area, as well as on the Kinloch Landscape Area and ALA66.

Ms Wood noted that the original Locheagles development application also highlighted the potential for the area to include low density housing thoughtfully integrated within a 'robust framework of trees and native vegetation'.

The preparation of a comprehensive mitigation planting plan was proposed by Boffa Miskell to effectively mitigate the anticipated level of effects, with such a plan providing for vegetation to visually soften and blend the retaining structures into the landscape. The vegetation was to include trees to reduce the scale and mass of the building and comprehensive planting around the building to integrate it into the broader landscape.

The Boffa Miskell review concluded that without the abovementioned planting measures, there were likely to be a range of landscape visual effects that would be more than minor.

As part of the subsequent process, a revised planting plan was requested from Hudson Associates. I was advised that on consideration of the revised planting plan, Boffa Miskell concluded that the *"revised plan was a substantial improvement on the original planting plan, that the species and number of trees would reach appropriate heights to enable a breakup of the scale and mass of the proposed buildings, and that the planting circles the building and provides good integration with the wider landscape patterns"*.³

I noted that those opposition to the proposal, had high-lighted concerns about the proposed dwelling being a 'monstrosity', being very visually prominent on its elevated site and creating

³ S42A Report- Para 11.25

light pollution / night sky effects and not in keeping with the character of the Kinloch settlement as proposed by the KCSP and ODP provisions.

Ms Wood had concluded that any potential more than minor adverse landscape / visual effects of the proposal would be mitigated to an acceptable level, based on:

- *“The presence of existing modifications within the area (landcover modification, residential development)*
- *the proposed materiality, and modulation of the proposed buildings*
- *the proposal will be aligned with the landscape patterns being residential and will not disrupt the wider rural or ecological landscape patterns.*
- *the dwelling will have extensive planting in the foreground and circling it as proposed in the revised planting plan that will integrate with the existing revegetation patterns already established within the wider area, particularly considering the vegetated backdrop of the site.*
- *the dominant backdrop of Whakaroa Hill assists with mitigating the height of the proposal.*
- *proposed dwelling will result in a small increase in residential lighting in the broader context that will be inconsequential”.*⁴

Ms Wood also recommended that due to potential temporary adverse visual effects until the proposed planting around the dwelling becomes well established, mitigation of such effects was appropriate. Accordingly, she had recommended a condition of consent that involved the implementation of the planting on the embankment below the application site being 30 and 32 Locheagles Rise) following completion of the earthworks in this area. It is noted that this area is quite separate from the proposed dwelling location.

The intent of such a condition which I concur with, is to enable planting within the foreground area to become established during the duration of the construction, rather than leaving it until completion of the construction works. The remainder of the planting would occur upon completion of the dwelling.

As noted by Ms Wood, the passing of time being 20 years since the Locheagles masterplan consent was approved and subsequently implemented, has meant that there is now significant built form and well-established vegetation which now enables this proposed dwelling to be integrated into the landscape.

Following the advice of the Boffa Miskell peer review, I consider that the potential for more than minor adverse landscape / visual effects can be mitigated to an acceptable level and the concerns raised by the two submissions in opposition are considered to be addressed regarding landscape and visual effects, and also having regard to the conclusions reached regarding the mitigation proposed to address potential character and amenity effects.

⁴ S42A Report- Para 11.26

6.4 OUTLOOK AND PRIVACY EFFECTS

As noted in the application and s42A report, the proposal which is substantial in scale will be visually prominent at the top of the Locheagles subdivision. I observed during the site visit that the building envelopes of the other sites within the vicinity to the west are lower than that of the subject site by at least 10m-20m. There is also substantial separation between the application site building envelope and the building envelopes on the other sites with around 30m separation to the nearest dwelling and much greater separation to all other nearby sites.

The application contained the written approvals from the landowners of 30, 31, 32 and 33 Locheagles Rise. Having regard to s104(3) (a)(ii) of the RMA, I cannot consider any effects that the proposal may have on them.

Ms Wood observed⁵ *“ the vast majority of the sites within Locheagles subdivision and wider Kinloch are developed with dwellings that are orientated to the west-southwest, away from the application site. That said, the Whakaroa Hills are a significant landform dominating the eastern skyline from Kinloch. In this regard the proposed dwelling may have effects on the broader outlook currently enjoyed from properties within lower Kinloch. However, I consider that given the substantial distance, intervening topography, vegetated reserves and the significant Whakaroa Hills backdrop, these outlook effects are not considered to be significant. As such, the proposed dwelling is not considered to have adverse impacts on the privacy or outlook currently enjoyed by other sites in this area.”*

I concur with her assessment, and I consider that the privacy and outlook effects of the proposal will be minimal.

6.5 EARTHWORKS EFFECTS

As outlined in the application and the s42A report, the proposal involves extensive cut and fill earthworks and will disturb up to 60% of the site which would exceed the 1.5m and 0.5m cut/fill limits of the District Plan. This is to occur within and outside the setbacks on 36 and 32 Locheagles Rise, as well as the 10% site disturbance limit of the consent notice on 36 Locheagles Rise. I noted that the purpose of the consent notice conditions is to minimise significant changes to the existing landform and to minimise such matters as nuisance effects and off- site sediment runoff.

The s42A report outlines that the subject site had been subject to significant modification to create the existing building platform area during the construction of Stage 3A of the Locheagles subdivision, and this has formed the ‘original’ ground level due to these works being carried out at the time of subdivision. The building platform earthworks were

⁵ S42A Report-Para 11.33

authorised at the time of subdivision for Stage 3 and created large building platforms of some 900m².

The s42A report further explains the nature of the cut and fill earthworks and the earthworks are considered to be significant and notes that *“the proposed earthworks are mostly in cut to enable the southern portion of the substantial scale proposed dwelling to be set into the existing slope. The proposed earthworks cut is significant at a maximum of 7m (5.5m more than permitted) and will result in the building façade being extended below natural ground level by the same amount. Given the large scale of the proposed dwelling the resulting façade will be a maximum of 15m in height (the tower façade) from the resulting ground level after the cut”*.

While this situation could result in adverse visual dominance effects off site, the revised planting plan involves the establishment of significant trees in the foreground and surrounding the proposed dwelling such that these effects are considered to be mitigated to a minimal level.

I noted that an ‘Earthworks Management Plan’ had been submitted with the application which outlines the methodology for management of erosion and sediment during the undertaking of earthworks. Adherence to the methodology is considered to be a key implementation focus to ensure that any nuisance effects that could result from the earthworks are minimised to a minor level.

I consider that several of conditions are appropriate to mitigate any effects of the earthworks which include notification of when earthworks are due to commence; a site inspection to ensure all measures of the Earthworks Management Plan are in place; and adherence to the measures included in the submitted Earthworks Management Plan.

Accordingly with the mitigation proposed by the applicant, and earthworks related conditions, it is considered that the effects of the proposed earthworks can be managed to a minimal level.

6.6 POSITIVE EFFECTS

The proposal will allow the applicants to provide for their economic and social well-being through the construction and use of a new dwelling, while mitigating any potential adverse effects. Through a previous subdivision consent process, a dwelling site had already been developed and the proposal gives effect to the residential intent of the subdivision.

7. DISTRICT PLAN: OBJECTIVES & POLICIES

Ms Wood set out a detailed assessment of the proposal against the District Plan policy framework in her s42A report and the following objectives and policies were of relevance to my consideration of the proposal.

I have considered Ms Woods' analysis of the proposal against the relevant District Plan objectives and policies, and I concur with that analysis. I discuss the relevant objectives and policies as follows and assessment of the proposal in respect of them.

Objective and Policy Framework

The Residential Environment objectives and policies which are considered relevant to the proposal are discussed below.

“Objective 3a.2.1 states “The maintenance and enhancement of the character and amenity of the Residential Environment”. Policy 3a.2.1.i states “Maintain and enhance the character and amenity of the Residential Environment by controlling the bulk, location and nature of activities, to ensure activities are consistent with a residential scale of development, including an appropriate density and level of environmental effects”.

Policy 3a.2.1.v states that “Any relevant Structure Plans, strategies or guidelines should be taken into account in the design of any development within the residential environment.” Policy 3a.2.1. ix states “Avoid, remedy or mitigate adverse effects of subdivision, use and development in the residential areas on cultural, historic, landscape and natural values, as identified through the provision of this Plan.”

While the proposal involves the construction of a dwelling considerably larger in size than the typical scale of development in Kinloch, I note however the proposal is for a single dwelling on the site as envisaged by the consent notice, and therefore does not increase the density of development on the subject site.

I further observe that the effects assessment of the applicant and reporting officer in respect of character and amenity conclude that the combination of building design elements, the proposed planting, the subject site position and elevation above most of Kinloch with the vegetated backdrop (Whakaroa Hill) and reserve areas below and the significant separation from central Kinloch being some 1.3 kms, have been considered to provide mitigation such that the character and amenity effects of the proposal on the wider Kinloch area, will be mitigated to an acceptable level.

While the site is located within the Kinloch Landscape Area and Amenity Landscape Area ALA66 (Whakaroa Hills) and that the DOC reserve land to the east is an Outstanding Landscape Area OLA65 and Significant Natural Area SNA309, it is considered that the proposed mitigation measures already described, will ensure that any adverse effects on these landscape value areas are mitigated to a minimal level.

I observe that the site's relationship with the adjoining DOC reserve will be unchanged as the proposed earthworks are primarily confined to the southwest and northwest areas of the site; and the proposed dwelling is well distanced from the boundary with the DOC reserve. I concur with Ms Wood that the landscape and natural values of OLA65 and SNA309 will not be affected by the proposal.

As outlined in the s42A report, the site is located within the Kinloch Structure Plan area, and within the Kinloch Rural Residential Environment I note however that the Locheagles masterplan consent was granted before the KCSP zoning came into effect and the consent determined a much higher density of development such that the resulting character is quite different to the District Plan current zoning. I have given this situation careful consideration and has been of relevance in my determination in respect of the proposal.

However, I have given consideration to the KCSP in terms of the elements of the building design, and proposed planting, which will ensure the integration of the proposed building into the landscape. The revised planting plan submitted by the applicant, provides for effective integration of the proposal, into the wider landscape.

Objective 3h.2.1 seeks to protect Outstanding Landscape Areas (OLAs) from inappropriate subdivision, use and development which may adversely affect the Landscape Attributes, and Policies 3h.2.1.i-iii and vi seek to *“ensure development is located and designed in a way that protects Landscape Attributes of Outstanding Landscape Areas”*; *“that protects these areas from more than minor adverse visual effects of earthworks”*, *“that avoids built structures that will have more than minor adverse visual effects on OLAs”*, and *“remedy or mitigate adverse effects of development on OLAs.”*

Furthermore, Objective 3h.2.2 seeks to maintain the Landscape Attributes of Amenity Landscape Areas (ALAs), and Policies 3h.2.2.i and iii seek to *“ensure development is located and designed to maintain the Landscape Attributes of ALAs”*, and *“Manage the scale and intensity of subdivision, use and development in Amenity Landscape Areas to avoid, remedy or mitigate more than minor effects on the Landscape Attributes...”*

As previously outlined, the subject site adjoins DOC reserve land to the east which is also noted as OLA65 – Whakaroa. The proposal is not intended to change the site's relationship with the adjoining reserve as the proposed earthworks are primarily confined to the

southwest and northwest areas of the site; and the proposed dwelling is well removed from the reserve boundary. My site visit assisted in understanding the significance of the OLA landform, and the steep vegetated backdrop it provides to the proposal, and Kinloch.

Ms Wood⁶ concluded as follows, in respect of assessing the proposal against these objectives:

“Although the proposed dwelling exceeds the maximum building coverage and height limits, the scale of the OLA behind the proposed dwelling is significant and the OLA attributes of this large landform will be maintained. The Boffa Miskell review concluded that the proposed planting around the dwelling will significantly assist to integrate the dwelling into the surrounding landscape. Furthermore, with the modulated design and materials of the proposed dwelling as well as the mitigation planting proposed, will serve to break up the bulk and sprawl of the building, minimising adverse effects on the Landscape Attributes of the OLA to the east”.

The site is within the Kinloch Landscape Area and Amenity Landscape Area ALA66 – Whakaroa Hills. The proposal is considered to incorporate mitigation measures (as listed above) that will ensure that any adverse effects on these landscape value areas are mitigated to a minimal level.

Having considered the relevant assessments, the revised planting plan and the Boffa Miskell review, I concur with the reporting officer and consider the proposal to be in accord with the relevant District Plan Residential Environment objectives and policies.

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Kinloch Community Structure Plan

I noted that the structure plan was put in place in September 2004 and had been developed through community consultation with the purpose of providing guidance and direction regarding new subdivision development within the Kinloch area, and to enable sustainable management of future growth. The plan provides a radial density pattern being higher density to the south, medium density through the central band and low density to the north and east.

Ms Wood outlined that minimum and average lot sizes are required which vary depending on which density area a development is located within. Additionally, specific site coverage for each area, were recommended, to reflect the historical built form. She further noted that these particular structure plan provisions were incorporated into the District Plan which became operative in 2007.

As previously discussed, the founding Locheagles masterplan was confirmed by Council about when the structure planning process was commencing. Ms Wood outlined that a residential development over this area had already been assessed and consented to, that does not conform exactly to the intent of the KCSP. However, it is noted that the Locheagles

⁶ S42A Report- Para12.11

masterplan does recognise does align with the structure plan direction for decreasing densities over rising topography, and significant re-vegetation.

Overall, it is considered that the proposal is generally consistent with the KCSP but appreciating that the Locheagles masterplan preceded the development and approval of the KCSP and its associated provisions.

Plan Changes 38-43

The s42A report outlines that a number of plan changes⁷ are in process and that while hearings have been held, no decisions have been released apart from Plan Change 39 relating to Residential Building Coverage.

Ms Wood notes that only one plan change (Plan Change 38- Strategic Directions) is of relevance to the proposal as the plan change applies to all District Plan zones. As the report⁸ notes that as no decision has been released on the plan change, I have not given any weighting to the change in respect of the proposal.

8. NATIONAL AND REGIONAL STATEMENTS AND STANDARDS & OTHER MATTERS

8.1 NATIONAL POLICY STATEMENTS/ENVIRONMENTAL STANDARDS

No statements or standards were highlighted for my consideration of the proposal. Ms Wood analysis had concluded that no National Environmental Standards or National Policy Statements were relevant to the proposal.

8.2 WAIKATO REGIONAL POLICY STATEMENT AND REGIONAL PLAN

The Waikato Regional Policy Statement (RPS) provides an overview of the resource management issues in the Waikato region and sets the direction and foundation of the regional and district plans which must give effect to the RPS. Both the RPS and Regional Plan are operative documents.

The Waikato Regional Plan contains the relevant rules, objectives and policies for activities undertaken within the Region. The provisions of specific relevance to the subject proposal, relate to the appropriate management of earthworks and the maintenance of water quality, through the management of stormwater. Resource consent was required for earthworks in a high-risk erosion area as there will be soil disturbance activities exceeding 1000m³ in volume in a high- risk erosion area (slopes greater than 25 degrees).

⁷ S42A Report- para 12.22

⁸ S42A Report - paras 12.24 & 12.25

It is noted that resource consent AUTH145517.01.01 was issued by Waikato Regional Council for earthworks disturbance in July 2023. The application states that no other consents are required.

Therefore, I consider that the proposal has addressed the regional policy and plan provisions.

8.3 OTHER MATTERS SECTION 104 (1) (C)

Te Kaupapa Kaitiaki

Te Kaupapa Kaitiaki is a high-level plan for the Taupō catchment. Its purpose is to identify the significant issues, values, vision, objectives, and outcomes. It is a strategic document. It is underpinned by Ngāti Tūwharetoa Perspectives in the form of two principal Kaupapa referred to as Nga Pou e Toru and Te Kapua Whakapipi. They represent the aspirations, vision, and outcomes of Ngāti Tūwharetoa for settlement and present and future development.

Particular regard must be given to Te Kaupapa Kaitiaki when processing an application for resource consent.

Of direct relevance to this proposal are the following objectives:

- Te whanake – Sustainable Development
- Te oranga me nga hua o te taiao – Health and benefits of the environment

The site is zoned for residential use and the proposal is for a residential dwelling, which is a sustainable use of the land. There are no identified cultural sites within or nearby the application site. The location of the site is elevated and away from any water courses, reducing the risk of flooding, inundation, erosion, and land subsidence.

In summary, the proposal is considered to be consistent with the objectives of Te Kaupapa Kaitiaki.

Ngāti Tuwharetoa Iwi Management Plan

The Ngāti Tuwharetoa Environmental Management Plan provides a background to and identifies key resource-based issues for Ngāti Tuwharetoa. The vision of the management plan is for Ngāti Tuwharetoa to assert their custodial and customary right of tino rangatiratanga over their respective taonga, and Tuwharetoa collectively, will sustain and protect the life force of all tribal and inherited taonga.

The application site is zoned for residential development and has no identified / known waahi tapu, waahi taonga sites identified by the District Plan or on NZ Arch Site. The issues and

policies contained within the document have been assessed, and the proposal is considered to be consistent with this iwi management plan.

Raukawa Environmental Management Plan

Te Rautaki Taiao a Raukawa is a statement of Raukawa issues, aspirations, and priorities in relation to the environment. The proposal is consistent with Land – Whenua chapter in that the land use is suitable for the soil type, the proposed dwelling will be connected to community water and wastewater services and the future landscaping on the site will improve the biodiversity of the property. Generally, the proposal is considered to be consistent with the relevant objectives.

Precedent

One of the submitters in opposition raises the concern of precedent, in that if the decision is to approve this application it will mean all other applications for similar proposals will be approved as well.

I consider that the potential for precedent to result from granting consent to the proposal is extremely low. This is due to the application site characteristics and nature of the proposed development as well as the proposed mitigation measures. The site is large being 1.14ha in area and is elevated above Kinloch, at the far eastern end of the Locheagles development. The site adjoins the large, vegetated Whakaroa Hills which form a substantial backdrop to the proposed development. Ms Wood in her s42A report that there was no other site within the KCSP area, that had the abovementioned characteristics.

The proposed development is for a very large dwelling at 18.6% building coverage (2124m²), and it is most unlikely that any future applications will be received for anything close to this size. Furthermore, each application is assessed on a site-specific basis on its merits, and there is no reason to suggest that a similar application would be assessed and/or decided upon in the same manner.

9. SECTION 104: RESOURCE MANAGEMENT ACT 1991

In considering the application, I have had regard to the matters set out in s104 of the RMA, recognising the status of the proposal as a discretionary activity. Activity status is discussed in section 1.5 of this decision.

Section 104 outlines the criteria that the consent authority must have regard to, subject to Part 2 of the Act being:

- (a) *Any actual and potential effects on the environment of allowing the activity; and*
- (b) *Any relevant regional policy statement, and proposed regional policy statements; and*
- (c) *Any relevant objectives, policies, rules or other provisions of a plan or proposed plan; and*
- (d) *Any relevant Regional Plan or Proposed Regional Plan;*
- (e) *Any other matters the consent authority considers relevant and reasonably necessary to determine the application.*

In respect of a discretionary activity, s104B provides that a consent authority may grant or refuse consent and if granted, conditions may be imposed under s108 of the RMA.

Section 104(2) of RMA allows the Council to disregard any adverse effects on the environment where the plan permits an activity with that effect (the 'permitted baseline'). It is considered that the permitted baseline is not applicable to the assessment of this proposal given that principally the application is for a variation of consent notice which supersedes the District Plan provisions.

Section 104(3)(b) of RMA requires that if a person has given their written approval to the proposal, the Council cannot consider any adverse effects on that person. Written approval has been obtained from the landowners of 30, 31, 32 and 34 Locheagles Rise. As such, the effects of the proposal on these parties cannot be considered.

Section 104B provides that the consent may be granted or refused, and, if consent is granted, that conditions may be imposed on the consent under section 108.

I have considered all the relevant matters in terms of s104 of the RMA as outlined in this decision and conclude that it is appropriate to grant consent to the proposal.

10. PART 2: RESOURCE MANAGEMENT ACT 1991

I have given consideration to Part 2 matters in addition to my evaluation of the District Plan objectives and policies, as I considered it helpful to further test my consideration and evaluation of the District Plan provisions, and the conclusions I have reached in respect of the relevant policies and objectives.

No party raised with me that there was any invalidity, incomplete coverage or uncertainty with the planning documents or any suggestion that they have not been competently prepared in accordance with Part 2.

- **Section 5 – Purpose**

Section 5 outlines the purpose of the Act, which is to achieve sustainable management. Sustainable management is defined as *“managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety.”*

The proposal provides for a new dwelling on a site for residential activity which can be appropriately serviced, and it enables the applicant to provide for their social and economic well-being through such an activity. The site has been developed for residential use.

Any potential adverse effects of the proposal can be adequately avoided or mitigated by conditions of consent, given the policy and objective framework of the District Plan.

Therefore, the sustainable management purpose of the RMA can be achieved.

- **Section 6 - Matters of National Importance**

This section of the RMA outlines matters of national importance that should be recognised and provided for. It is considered that the relevant matter of national importance is ‘the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development’.

I note that the site is within the Kinloch Landscape Area and Amenity Landscape Area ALA66 (Whakaroa Hills), and that the DOC reserve land to the east, is also an Outstanding Landscape Area OLA65 (Whakaroa). It is considered that the proposal incorporates appropriate mitigation measures that will ensure that any adverse effects on the value of these areas are mitigated to a minimal level.

The site’s relationship with the adjoining DOC reserve will not change as the proposed earthworks are primarily confined to the southwest and northwest areas of the site; and the proposed dwelling is some distance from the boundary with the DOC reserve. As such the outstanding natural features and landscapes are considered to be protected.

- **Section 7 - Other Matters**

Section 7 outlines various matters that decision makers shall have regard to achieve the purpose of the RMA.

Three matters of relevance include *“the efficient use and development of natural and physical*

resources,” “the maintenance and enhancement of amenity values,” and the “maintenance and enhancement of the quality of the environment.”

The proposed design of the dwelling and the extensive and comprehensive planting will contribute to the maintenance and enhancement of amenity values of the subject site and area. It is also recognised that the subject site had been created for residential purposes and is an efficient use of the land resource.

- **Section 8 - Treaty of Waitangi**

No matters relating to the Treaty of Waitangi were brought to my attention.

11. CONCLUSION

I have considered all matters placed before me, including all application documentation, the submissions, the s42A report and associated reports from Council staff and consultants including the Boffa Miskell landscape peer review, and the relevant RMA, District Plan, and other plan provisions.

Overall, I consider that the proposal is consistent with Part 2 of the RMA and the relevant policy and objective framework of the District Plan. I am satisfied that the proposal is not inconsistent with the existing amenity and character of the area as discussed elsewhere in this decision, subject to the mitigation proposed by the applicant and the consent conditions imposed.

I have considered the proposal with reference to the matters raised in submissions and the relevant matters outlined by s104 of the RMA. The mitigation proposed which includes a building design with significant modulation and variation, natural exterior colour schemes and materials (such as stone and timber), the proposed planting below and around the proposed dwelling, and the site location with the large, vegetated backdrop of Whakaroa Hills behind, all contribute to soften and break up the building form and integrate the proposal into the surrounding landscape.

In addition, I consider that any potential adverse effects can be remedied or mitigated as proposed by the application, and through the imposition of consent conditions. Such conditions include adherence to the exterior colour schemes and materials of all buildings as shown on the plans; establishment of the planting specified in the planting plan; and maintenance of the planting on an ongoing basis.

Therefore, it is appropriate that consent be granted to the proposal.

12. DECISION

- A. THAT PURSUANT TO SECTIONS 104, 104B, 108 AND 221(3) OF THE RESOURCE MANAGEMENT ACT 1991, THE TAUPŌ DISTRICT COUNCIL GRANTS CONSENT TO THE APPLICATION FOR VARIATION OF CONSENT NOTICE (RM230067) BY BRUCE BARTLEY FAMILY TRUST ON THE PROPERTIES DESCRIBED AS 36, 32 AND 30 LOCHEAGLES RISE, KINLOCH, BEING LOT 1 DP 474891, LOT 3 DP 474891 AND LOT 4 DP 474891, TO:**

CONSTRUCT A LARGE NEW DWELLING EXCEEDING THE CONSENT NOTICE REQUIREMENTS OF:

- MAXIMUM BUILDING COVERAGE OF 5%;**
- MAXIMUM BUILDING HEIGHT OF 7.5M AND REDUCED LEVEL OF UPPER LIMIT OF BUILDING ENVELOPE OF 528.5M;**
- MAXIMUM EARTHWORKS SITE DISTURBANCE OF 10%; AND**
- A MINIMUM BUILDING SETBACK ENCROACHMENT OF A GATEHOUSE STRUCTURE**

- B. THAT PURSUANT SECTIONS 104, 104B AND 108 OF THE RESOURCE MANAGEMENT ACT 1991, THE TAUPŌ DISTRICT COUNCIL GRANTS CONSENT TO THE APPLICATION FOR LAND USE CONSENT (RM230066) BY BRUCE BARTLEY FAMILY TRUST ON THE PROPERTIES DESCRIBED AS 36 AND 32 LOCHEAGLES RISE, KINLOCH, BEING LOT 1 DP 474891 AND LOT 3 DP 474891, TO:**

CARRY OUT EARTHWORKS ASSOCIATED WITH THE DEVELOPMENT OF A LARGE DWELLING THAT WILL EXCEED THE MAXIMUM CUT AND FILL VERTICAL GROUND ALTERATION LIMITS WITHIN AND OUTSIDE THE SETBACKS.

CONSENT IS GRANTED SUBJECT TO THE CONDITIONS CONTAINED IN ATTACHMENT 1 TO THIS DECISION

REASONS FOR GRANTING CONSENT ARE OUTLINED IN THIS DECISION REPORT BUT CAN BE SUMMARISED AS FOLLOWS:

- 1. The proposal is consistent when taking overall broad consideration, with the policy and objective framework of the District Plan and is provided for as a discretionary activity. Having regard to s104(1) of the RMA, the actual and potential effects on the environment including any effects on the existing rural residential character and amenity of the area by granting consent, will be able to be avoided, remedied, or mitigated as outlined by the application, and by the imposition of conditions of consent.*
- 2. The proposal meets the various statutory provisions to be given regard in terms of the Resource Management Act 1991.*
- 3. The proposal is consistent with the purpose and principles of the Resource Management Act 1991.*

A handwritten signature in black ink, appearing to read 'Bill Wasley', with a stylized flourish at the end.

**Bill Wasley
Independent Commissioner**

5 April 2024

ATTACHMENT 1

VARIATION OF CONSENT NOTICE CONDITIONS RM230067 [ALL CONDITIONS 1-13]	
LAND USE CONSENT CONDITIONS RM230066 [CONDITIONS 1, 4-11]	
1	<p>General Accordance</p> <p>The activity shall be undertaken in accordance with the:</p> <p>a Application prepared by Cheal Consultants Ltd and received by Taupō District Council on 13 March 2023.</p> <p>b Further information provided by Cheal Consultants Ltd and received on 12 June 2023; and peer review of the Hudson Associates Landscape Character Assessment undertaken by Boffa Miskell.</p> <p>c Plans prepared by Vertical Arts, Roy Renwick Designs & Cheal Consultants Ltd, referenced:</p> <ul style="list-style-type: none">• Application Site Aerial Map• Overall Site Plan – Sheet No SP-1• Area Plans – Sheet No SD1.1• Main Level Floor Plan – Sheet No SD2.1• Second Level Floor Plan – Sheet No SD.2• Bothy Level Floor Plan – Sheet No SD2.3• Building Sections – Sheet No RC4.0• Building Sections – Sheet No RC4.1• Perspectives – Sheet No SD3.1• Perspectives – Sheet No SD3.2• Site Cut & Fill Plan – Sheet 01 Rev R2• Sections A, B & C – Sheet 01 Rev R3• Sections D, E & F – Sheet 01 Rev R4• Sections G & H – Sheet 01 Rev R5• Embankment Proposed Layout – Plan SK-002• Fill Balance Proposed Layout – Plan SK-003 <p>d The Planting Plan prepared by Hudson Associates Ltd, dated 28 February 2024.</p> <p>e The Earthworks Management Plan prepared by Cheal Consultants Ltd, dated 8 June 2023.</p> <p>all stamped 'Approved Plan for RM230066-67'.</p>
2	<p>Variation of Consent Notice Certification</p> <p>The variation of consent notice certificates shall be registered on the titles of 36 Locheagles Rise - Lot 1 DP 474891 [RT 653268], 32 Locheagles Rise - Lot 3 DP 474891 [RT 653270] and 30 Locheagles Rise – Lot 4 DP 474891 [RT 653271] and a copy of the updated titles shall be provided to Taupō District Council within 12 months of building consent issue for the dwelling, demonstrating that the variation of consent notice has been registered on the three titles pursuant to section 221(5) of the Act. <i>[Advice Note: The variation to consent notice certificates (attached) must be registered on Records of Title 653268, 653270 and 653271 by the Registrar-General of Land through Land Information New Zealand.]</i></p>

3	<p>Exterior Colours / Materials</p> <p>The consent holder shall submit a schedule of all exterior materials (walls, roofs, joinery) and colours for the dwelling and gatehouse building with the building consent application(s) to demonstrate compliance with Condition 3 of the consent notice:</p> <p>3 For all buildings the exterior cladding, joinery and doors are to be of natural timber, painted timber, stone or smooth cement plaster, and finished in green, brown or grey toned colours, not exceeding 37% reflectivity as measured on the British Standard Colour Range BS5252 or equivalent. No mirror glass may be used in the windows or doors. Roof materials are to be shingles, slate or colour steel in colours of darker tones than the exterior cladding and not exceeding 20% reflectivity as measured on the British Standard Colour Range BS5252 or equivalent.</p> <p>and the approved Perspectives prepared by Vertical Arts, referenced SD3.1 and SD3.2.</p>
4	<p>Earthworks Conditions</p> <p>The consent holder shall provide a Contractor Programme of Works as discussed in the approved Earthworks Management Plan to Taupō District Council’s Monitoring Officer prior to any site works commencing, and prior to the onsite meeting required by Condition 5. The programme shall state the likely duration of the earthworks for the two main stages of the development being the embankments of Nos 30 and 32 Locheagles Rise, and for the actual dwelling within No 36 Locheagles Rise.</p>
5	<p>At least five working days prior to the earthworks commencing on the site, the consent holder shall arrange an onsite meeting with Taupō District Council’s Monitoring Officer and the contractor undertaking the works.</p>
6	<p>The consent holder shall notify Taupō District Council in writing (an email is appropriate) of when earthworks are to commence at least three working days prior to the commencement date.</p>
7	<p>The consent holder shall ensure that prior to commencement of the earthworks that all of the erosion, sediment and stormwater management controls as described in the approved Earthworks Management Plan are fully constructed. This shall be demonstrated at the onsite meeting (Condition 5).</p>
8	<p>The consent holder shall ensure that the earthworks are managed in accordance with the approved Earthworks Management Plan and carried out so that all sediment, stormwater and dust is contained onsite, and no nuisance is created beyond the site boundaries. This will require on-going maintenance of the erosion, sediment and stormwater management controls during and after the earthworks until the area is fully stabilised. <i>[Advice Note: A dust nuisance is deemed to have occurred when particles are visible in the air.]</i></p>
9	<p>Construction Hours</p> <p>The use of machinery and plant involved in earthworks and/or building construction shall be confined to between the hours of 7.00am to 5.00pm Monday to Friday and 7.30am to 3.00pm on Saturday (and none on Sunday or public holidays). The start-up of plant or machinery shall not occur earlier than 7.00am Monday to Saturday.</p>
10	<p>Code of Practice</p> <p>The consent holder shall ensure that all works are completed in accordance with the Taupō District Council Code of Practice for the Development of Land 2009.</p>

11	<p>Archaeological Discovery</p> <p>Subject to any legal requirements of the Taupō District Council, the Police, Heritage New Zealand Pouhere Taonga Act 2014, Protected Objects Act 1975 and any other governing legislation, should a wāhi tapu or archaeological site be uncovered during earthworks or other construction work, work in the affected area shall stop immediately and the consent holder shall seek advice from Taupō District Council's Manager Iwi & Co-Governance, tangata whenua, Heritage New Zealand and/or the New Zealand Police (as appropriate) to determine what further actions are appropriate to safeguard the site or its contents before work recommences.</p>
12	<p>Planting</p> <p>The consent holder shall ensure that the planting within the southeast embankment areas of Nos 30 (Lot 4 DP 474891) and 32 Locheagles Rise (Lot 3 DP 474891) is carried out in accordance with the approved Planting Plan by Hudson Associates within the first planting season (March / April, September / October) following completion of the earthworks in these areas. The plants shall be of the species, quantities, scheduled sizes and spacings as detailed in the approved Planting Plan and be implemented in accordance with the maintenance and implementation statement in the approved plan. Photographic evidence of the planting shall be provided to Taupō District Council's Monitoring Officer following the implementation of the planting.</p>
13	<p>The consent holder shall ensure that the planting within the site of No 36 Locheagles Rise (Lot 1 DP 474891) is carried out in accordance with the approved Planting Plan by Hudson Associates within the first planting season (March / April, September / October) following issue of the Code Compliance Certificate for the building consent. The plants shall be of the species, quantities, scheduled sizes and spacings as detailed in the approved Planting Plan and be implemented in accordance with the maintenance and implementation statement in the approved plan. the Planting Plan and photographic evidence of the planting shall be provided to Taupō District Council's Monitoring Officer following the implementation of the planting.</p>
<p>Advice Notes</p>	
1	<p><i>The reasonable costs incurred by Taupō District Council arising from the supervision and monitoring of this consent will be charged to the consent holder. This may include routine site inspections to review and assess compliance with the conditions of consent and responding to complaints or enquiries relating to the consented activity.</i></p>
2	<p><i>Please be advised that the timeframes imposed under Section 115 of the Resource Management Act 1991 have been extended in accordance with Section 37 of the Act.</i></p>
3	<p><i>There is a corresponding Waikato Regional Council resource consent for earthworks site disturbance AUTH145517.01.01 with conditions to be complied with.</i></p>