

**Before the Hearings Panel appointed by
Taupo District Council**

In the Matter of

the Resource Management Act 1991 (**Act**)

And

In the Matter of

An application for land use consent [RM240388], subdivision consent [RM240389] and variation to subdivision consent RM200118B for: 83 residential lots, 4 reserves, 5 road and over 6 stages; land use consent for earthworks and for additional building coverage, plot ratio and building setbacks; variation to Stage 9 of the previous subdivision stage.

Statement of Evidence of

Sarah Hunt

for Seven Oaks Kinloch Limited

Dated: 12 August 2025

INTRODUCTION**Qualifications and Experience**

1. My name is Sarah Margarette Hunt. I am a Senior Planner at Cheal Consultants Ltd (Cheal), with 14 years of experience in both New Zealand and Scotland across public and private sectors. I am a full member of the New Zealand Planning Institute and certified as a Hearings Commissioner through the Making Good Decisions Programme. I hold a Bachelor of Environmental Management (Policy and Planning) and a Master of Applied Science from Lincoln University.
2. In my role at Cheal, I have prepared numerous resource consent applications for subdivision, land use, water permits, and discharges to both District and Regional Councils in the North Island. I have made submissions on plan changes on behalf of clients.

Code of Conduct

3. While this is not an Environment Court hearing I have read and agree to comply with the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023. This evidence is within my area of expertise except where I state that I am relying on material provided by another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.
4. I have prepared this statement based on my knowledge of the Resource Management Act 1991, the Taupō District Plan, my knowledge of the locality being a previous resident in Kinloch for 6 years, and regular visits to the site since 2017.

Project Involvement

5. I have worked for the applicant as their planning consultant since the inception of Seven Oaks subdivision in 2017. I prepared all the previous applications for subdivision and land use and change of conditions for Seven Oaks. I prepared the Assessment of Environmental Effects for this Proposal and responded to requests for further information made by Council. I have reviewed the section 42A report, the submissions received.

SCOPE OF EVIDENCE

6. My evidence addresses the following matters:

- (a) Outline the proposal and description of the site.
- (b) Relevant District Plan Provisions and Activity Status
- (c) Assessment of environmental effects.
- (d) Assessment of relevant statutory documents.
- (e) Part 2 of the Resource Management Act 1991 (the Act).
- (f) Response to submissions.
- (g) Response to s42A report.
- (h) Conclusion

SUMMARY

7. Subdivision Consent is sought to subdivide 83 residential lots, 4 local purpose reserve lots, and 7 road lots over 6 stages.
8. Land use Consent is sought for:
 - a. earthworks cut and fill to construct roads and to shape the proposed lots in excess of the 1.5m and 0.5m vertical ground alteration limits outside and within setbacks;
 - b. new roads, and extension of water and wastewater utility services;
 - c. future development on the residential lots to exceed the provisions relating to combined coverage, plot ratio, setbacks, and earthworks.
9. A change of consent conditions application has been made to change conditions of Subdivision Consent RM200118A to remove Stage 9 from that earlier consent to incorporate this area into this proposed subdivision.
10. The site is zoned Low Density Residential (**LRZ**) and General Residential (**GRZ**) – DEV1 Kinloch in the Operative District Plan and requires consent as a non-complying activity, due to the proposed lot sizes within the LDRZ.
11. Although the majority of the site is zoned for low density residential, a sensitive design approach has been taken by providing protection of the scenic reserve edge, limiting building height, providing stormwater treatment and planted local purpose reserves, and limiting outdoor lighting.
12. The proposed subdivision can be adequately serviced via connections to existing network infrastructure and the proposed access, roading, pedestrian and cycle connections which integrate with the surrounding transport network.

13. The proposal passes the s104D “gateway” as the actual or potential effects arising will be no more than minor. In that regard, effects are also no more than minor and acceptable pursuant to s104(1)(a). With the implementation of measures proposed for the design, layout and staging of the subdivision; landscape planting, light control, erosion and sediment control, and stormwater management, any potential effects will be appropriately avoided, remedied, or mitigated.
14. The proposal will have a range of positive effects, including contributing to the supply of housing in Kinloch, creating transport connections, making an efficient use of land and enhancing the general amenity of the surrounding area. In my opinion, the anticipated increase in the population within Kinloch will make local shops and public transport services more viable, thereby minimising energy and carbon use.
15. Although not reliant on this in terms of s104D, my assessment of the relevant statutory provisions concludes that the proposal is generally consistent with the objectives and policies of the relevant statutory documents notwithstanding the proposal is a higher density than anticipated for in the Kinloch Structure Plan and Taupō District Plan. The character and amenity of Kinloch will be maintained. The subdivision is surrounded by a strong framework of vegetation by the existing scenic reserves, proposed planted stormwater swales, and reserves. The radial pattern of increased density towards the lake, the use of cul-de-sacs and walking/cycling tracks are factors that contribute to the maintenance of Kinloch's character.
16. The proposal provides for the social wellbeing of a growing community by contributing to the supply of housing within the Kinloch Structure Plan Area. The proposed subdivision supports integrated planning of land use, infrastructure and development and optimises the efficient use of land adjoining existing residential development.
17. My assessment under section 104 is that consent can be granted, subject to the conditions contained in Attachment A of my evidence.

18. The Officer's report has recommended the proposal be granted subject to conditions.
19. The majority of submissions received on the proposal seek that the proposal be declined. Key issues raised in opposition are small lot sizes not consistent with the Taupō District Plan, character and amenity effects, reduced setback from the reserves, and infrastructure effects. Support for the proposal exists in relation to high quality of developments the applicant has previously undertaken, and positive effects for the future of Kinloch.
20. My evidence relies on and is supported by evidence from Micheal Graham - Landscape Architect, Judith Makinson - Traffic Engineer, Thomas Brand - Civil Engineer, and Dr Hannah Mueller - Ecologist. I concur with the majority of the Officer's s42A report, and I concur wholly with her conclusions. Areas of difference between myself and the s42A report author are limited to minor interpretation differences, and some suggested amendments to the Council's recommended conditions which are addressed in my evidence that follows.
21. In accordance with the Hearing Commissioner's Minute #1 (7 July 2025), paragraph 4(d), I have endeavoured to avoid unnecessary repetition of technical reports, including the AEE submitted to the Council which I authored, and have sought to achieve a balance whereby I have provided an outline of the Proposal and highlighted the key issues arising from submissions and the section 42A report.

SITE DESCRIPTION AND OVERVIEW OF PROPOSAL

22. A full description of the site (**Site**) and an overview of the proposed development are provided in the updated Assessment of Environmental Effects (AEE) dated 4th June 2025 and the Officer's Report.
23. The main points are briefly summarised as follows:
 - i. The area being subdivided is approximately 14ha. There is approximately 1.4ha of General Residential Zone (DEV1-Kinloch) (GRZ), and 13.6ha of Low-Density Residential Zone (DEV1-Kinloch) (LRZ). 11ha will be residential lots, with the remaining area being roads and reserves.

- ii. The site is surrounded by residential development to the south, low density residential development to the north, and the Otaketake Stream, and Okaia Stream Scenic Reserves to the west and east.
 - iii. The site is vacant, except for one dwelling, and currently leased out for grazing.
 - iv. This proposal is a revised version of the earlier subdivision and land use application lodged on behalf of the applicant (RM230338-339 & RM200118B) for 100 lots, which has been withdrawn. This proposal responds to the submissions made on that earlier application and incorporates additional land which the applicant has acquired.
 - v. Subdivision Consent is sought to subdivide 83 residential lots, 4 local purpose reserve lots, and 7 road lots over 6 stages.
 - vi. The residential lots range in size from 800m² to 3763m².
 - vii. Land Use Consent is sought for associated earthworks, infrastructure, and future bulk and location controls on the residential lots.
 - viii. Specific building setbacks, lighting restrictions, height limits and fencing are proposed to protect the scenic reserve.
24. Since public notification, and providing responses to further information requests from Taupō District Council, the applicant has made some further changes to Minimum Building Setbacks and Earthworks Disturbance as described below.
25. Setbacks are now individualised based on lot shape and size so that where a larger setback than 7.5m is feasible for the lots adjoining the DoC Reserve and other larger lots in the LRZ this has been incorporated into an updated scheme plan. This approach has enabled the increase of the setback to the LRZ permitted setback standard of 10m on 14 out of the 25 lots adjoining the DoC Reserve and on the larger lots in the low-density zone. Where a 10m setback was not possible adjoining the scenic reserve due to the shape of the building platform (e.g., where the lots are narrow and the building platform is restricted), a 7.5m setback is proposed (consistent with the GRZ Kinloch standards). All lots that front Kahikatea Drive have a 5m front boundary setback for consistency. The setbacks are shown in the bulk and location table in Appendix J of Officer's report and Building Area Plan (220225 – 101 Rev C) in Appendix A of Officer's report. Earthworks contour plans and roading layout plans are revised to be

consistent with the amended setbacks (Attachment B,) and therefore proposed conditions are amended accordingly (Attachment A).

26. The proposed earthworks disturbance on future lots has now been reduced from 90% originally proposed, to 40% on lots 1200m² or greater, and 70% of lots less than 1200m².
27. The proposed bulk, location and earthworks standards for the future lots are a combination of standards that are less restrictive than those in the district plan for a permitted activity (for example, as combined coverage, and building setbacks); standards that are more restrictive than the district plan permitted standards and which are secured by way of consent notice (such as building heights); and the district plan permitted rule standards (such as height to boundary, vehicle movements, signage).
28. To address the potential for confusion to arise, the table of development controls (Appendix J in Officer's Report) makes it clear through bold font, and the notes on the side panel whether a land use consent or consent notice variation is required. I concur with Appendix J of the Officer's Report.

RELEVANT DISTRICT PLAN PROVISIONS AND ACTIVITY STATUS

29. As outlined in the Officer's Report, since the application was notified, the Taupō District Plan has changed to reflect the National Planning Standards formatting and terminology.
30. Prior to the change to the National Planning Standards, the site was zoned Kinloch Residential and Kinloch Low Density Residential. These zones are now referred to as Low Density Residential Zone in DEV1 – Kinloch Development Area (Kinloch LRZ), and General Residential Zone in DEV1 – Kinloch Development Area (Kinloch GRZ).
31. As a result of the definitions changing, consequential changes to the district plan have been made by Taupo District Council to retain the original intent of the provision. For example, Building Coverage in Kinloch Residential Environment was previously 25%. Building Coverage previously excluded eaves less than 600mm. Consequently, "Building Coverage" has now become Maximum Combined Coverage (includes Building Footprint and structures). Maximum

Combined Coverage is now 30% to reflect the inclusion of increased roof area resulting from the inclusion of eaves in the Building Footprint definition.

32. The bulk and location provisions for this proposal have been amended to reflect the operative Taupō District Plan. These amendments are not material.

Consent triggers

33. The subdivision triggers the need for resource consent pursuant to the following subdivision rules because new utility services are needed, and the proposed lot sizes do not meet the required minimum and average lot sizes of 1ha, and 1.5ha:
- **Sub – R8 RDIS activities (2)** *Any subdivision within unserviced areas of the residential zones, or any activity which results in a new public road or extension to existing public roads, water, stormwater or wastewater utility services.*
 - **Sub – R26 NC Activity – DEV1 – Kinloch (2)** *Any subdivision within DEV1 – Kinloch, which is not identified as CON or DIS activity.*
34. The earthworks required for the subdivision will disturb more than 10% of the allotment at one time, as well as exceeding the 1.5m, and 0.5m cut/fill depths outside and within the building setbacks. This triggers the need for land use consent under the following earthwork rules:
- **EW-R3 DIS Activities (2)** *Any activity within the NCZ, MRZ, GRZ, LRZ and MUZ which does not comply with two or three standards for PER activities including (where a standard contains more than one control) two or three parts thereof, or is not a PER, CON or RDIS activity.*
35. On the basis that the activities are “bundled”, and the most restricted activity status applies the subdivision and land use are considered as a Non-Complying Activity.
36. As the future land use will not be able to comply with four of the Kinloch LRZ standards, bespoke bulk and location standards (relatively consistent with Kinloch GRZ standards) will be applied. The future land use cannot comply with:
- i. Maximum Combined Coverage
 - ii. Maximum Plot Ratio
 - iii. Front Boundary Building Setbacks

iv. All other boundary Building Setbacks

This triggers Rule **LRZ- R4 – NC activities (1)** *Any activity which does not comply with four or more standards for PER activities including (where a standard contains more than one control) four or more parts thereof.*

37. In addition, the future land use will not be able to comply with the earthworks standards as more than 10% of the allotment will be disturbed at more than one time, therefore Rule **EW-R2 RDIS Activities (1)** *Any earthworks within GRZ, MRZ, LRZ that does not comply with any one part of the standards for PER activities is triggered.*
38. On the basis that the activities are “bundled”, and the most restricted activity status applies the future land use will be classed as a Non-Complying Activity.
39. The change of conditions to RM200118A is required to remove Stage 9 and Okaia Drive from that consent. This is a discretionary activity in accordance with s127 of the RMA.
40. The cancellation of the consent notice on the existing sites of Lots 1 and 2 DP 514174 is a discretionary activity in accordance with Section 221 of the RMA.

SECTION 104 (1)(A) ASSESSMENT OF EFFECTS

41. I largely agree with the assessment of effects in Section 13 of the Officer's Report. I briefly address each of those effects as follows.

Character and Amenity

42. In section 13.6 of the s42A report, the author states that *“I do not consider that the effects from earthworks / construction, provision of services etc. factor into the consideration of the character and amenity effects of the proposed subdivision and development, given that those effects are temporary and very confined in their nature.”*
43. I agree with that statement and note that while earthworks can change the character and amenity of a site, as raised in submission from Tukairangi Trust, such effects are temporary and confined and to be expected in any land use development. In this proposal, given the contour of the Site is relatively consistent, there will be no major change in landform. The earthworks are

required to even out the humps and hollows, so in this case the effects of earthworks are temporary and confined and will not result in material landform change. In my opinion will have less than minor effects on the character and amenity of the Site and surrounding environment.

44. On Kinloch's character, I emphasise that the majority of existing development in Kinloch was consented prior to the Kinloch Structure Plan, and therefore most lots in Kinloch do not comply with the required lot sizes. The existing character of Kinloch is not consistent with the character expected by the Kinloch Structure Plan. See Attachment C for an image showing existing lots inconsistent with the lot sizes required by the Kinloch Structure Plan.
45. As Mr Rielly and Mr Graham refer to in their evidence, the rationale for the location of the boundary between Kinloch GRZ, and Kinloch LRZ is not clear and in my opinion is an anomaly in the District Plan. There is no physical reason on site for the zone transition to be in this location. I agree with Mr Graham and Mr Rielly that it would make more sense for it to be the cadastral boundary that corresponds with the alignment of Kahikatea Drive site access and the Kinloch Golf Course / Bode Land boundary on the east. This location would make the density transition align with that expressed on the valley floor.
46. While the zone boundary cannot be changed through this process, the Proposal seeks to provide a progression of development density between the two consented areas to the south and to the north which reflects an appropriate transition which will ensure that the character and amenity of the existing environment will be retained.
47. I agree with the Officer's summary in section 13.28 that the proposal will provide an appropriate character and amenity transition between the residential lots to the south and the low density lots to the north.
48. To protect the natural character and amenity of the adjoining scenic reserves, in addition to the larger lot sizes and 10m setbacks where practical as outlined in the Officer's report, the applicant is offering to restrict building heights to 4.5m, where 8m is permitted by LRZ-R5 Standard 7. The applicant is also offering to install a "pool style" fence around the perimeter of the scenic reserves which is consistent with the previous stages of Seven Oaks subdivision.

49. The applicant also proposes conditions and corresponding consent notices for the future lots adjoining scenic reserves preventing fixed outdoor lighting in the setbacks, having restrictions on outdoor lighting outside the setbacks, preventing cutting or trimming of vegetation within the reserve, and preventing openings such as gates or access ways through the boundary fence into the scenic reserve. Therefore, I agree with the Officer's Report that the potential effects of the proposal on the natural character and amenity of the reserves will be no more than minor.
50. I agree with the Officer's assessment that the potential character and amenity effects on the wider Kinloch Village will be no more than minor. I highlight that the boat ramp at Kinloch Marina is private infrastructure. The owners of the boat ramp are responsible for determining how this infrastructure ought to be managed appropriately during peak summer periods. In my opinion, concerns about queues at the boat ramp is not an RMA issue to be considered in the context of this application.

Landscape / Visual Impacts

51. The landscape effects and visual impact of the proposal are addressed in Mr Graham's evidence.

52. In terms of landscape character in section 54 Mr Graham concludes:

"The proposed residential development represents a continuation of the existing settlement pattern at a comparable density, resulting in a coherent and anticipated transition in land use. Relative to the scale and character of Kinloch village and the surrounding environment, I consider adverse effects on the wider landscape character to be very low. Furthermore, as a result of the increased extent of Kinloch GRZ development, the proposal is expected to deliver a very low positive effect by enhancing the legibility and coherence of residential density distribution within Kinloch."

53. In terms of natural character in section 59 Mr Graham concludes:

"As the development does not encroach on the Lake Taupo OLA or its margins, or SNA 152 Otaketake Stream Scenic Reserve and SNA 170 Okaia Stream Scenic Reserve, it does not affect their key attributes. It is considered

that the proposed development will have a very low positive effect on the natural character values associated with the Stream Reserves due to an enhanced perceived naturalness in juxtaposition to the proposed residential development adjacent to it and no adverse effect on Lake Taupō."

54. In terms of visual amenity effects in section 92 Mr Graham concludes:

"The adverse effect on visual amenity as a result of the subdivision is considered very low due to the limited visibility of the site and the integration with development within the view catchment. Overall, the effects of the development on the visual and amenity values of the existing environment are considered to be less than minor."

55. In section 121 Mr Graham concludes:

"I consider that the overall adverse effects of the proposed subdivision on the existing landscape character and visual amenity values are very low. I consider that the proposed development meets the overall intent of the relevant landscape and amenity objectives, policies and rules of the TDP and section 6 (a), 6 (b), 6 (c) and 7 (c) of the RMA. In my opinion, the overall development will result in less than minor effects on the landscape character and amenity of the receiving environment".

56. The proposed condition suggested by Mr Graham of including a planting plan set *Seven Oaks Final Stage Revision R2 dated 01/08/25* prepared by MGLA is included in the proposed conditions.
57. The previous landscape assessment prepared by Mr Graham and peer reviewed by Boffa Miskell for the 100-lot proposal on the same site (RM230338-339 & RM200118B since withdrawn) both concluded the effects are no more than minor (Attachment D).
58. I accept this analysis by Mr Graham and rely on his evidence that the proposal responds appropriately to the transition between Kinloch GRZ and Kinloch LRZ by proposing subdivision and design controls that will have a less than minor effect on the natural and landscape character.

59. I agree with the Officer's assessment that the proposal will have less than minor effects on landscape character, no more than minor effects on natural character and values of the area, less than minor visual effects, and no more than minor temporary/ earthworks effects.

Privacy and Outlook

60. I agree with the Officer's report that increased density can have potential adverse effects on privacy and outlook to nearby residents. I also agree that any privacy and outlook effects will be negligible because:
- i. Building heights will be limited to 4.5m within 50m of DoC reserves, and 7.5m elsewhere where I note that 8m is the permitted standard.
 - ii. The resulting built form is similar in character to the residential Seven Oaks development to the south, and within Lisland subdivision further to the south east;
 - iii. The substantial separation and screening provided by the elevation of the site and the scenic reserve;
 - iv. There are no formed walking or biking tracks within the scenic reserves adjacent to the Site.

61. In my opinion, the potential effects on privacy and outlook of nearby residents are negligible.

Ecology

62. The ecological effects of the proposal are addressed by Dr Mueller's evidence. The applicant proposes conditions which are consistent with the recommendation of Dr Mueller as discussed below.
63. Dr Mueller identifies the potential adverse effects on biodiversity values associated with the proposal include injury or mortality of bird species during vegetation clearance and earthwork activities, disturbance of fauna species during earthworks, habitat loss for fauna that use currently grassed areas, changes in sediment discharges and stormwater runoff in receiving environments, and lighting and noise associated with change in land use.

64. Dr Mueller makes effects management recommendations regarding sediment control, wildlife-sensitive lighting design, and restoration planting. These include
- Adequate sediment and erosion control measures will need to be implemented.
 - Best practice offline stormwater treatment.
 - Wildlife – sensitive lighting design at all lots adjacent to the reserve areas to minimise effects of lighting on this key habitat area including no external lighting in the setback adjoining the reserve, and beyond the setback shielding lighting, maximum temperature of 2700K, and motion sensors for outdoor lighting.
 - A restoration planting plan for subdivision reserve areas outlining corridors to link habitats across the Site, species mix and planting spacings, planting methods, maintenance and monitoring requirements, weed and pest animal control.

65. Dr Mueller concludes in section 57 of her evidence:

On the basis that the effects management measures and restoration planting I have recommended are implemented, the expected adverse effects on ecological values and habitats present on Site will be appropriately and adequately managed and no residual effects are anticipated.

66. The effects management measures and restoration planting recommended by Dr Mueller are included as proposed conditions (Attachment A).
67. I accept this analysis by Dr Mueller and rely on her evidence that the proposal will adequately manage the expected adverse on ecological values and habitats to a no more than minor level.
68. I note that the s92 response addressed Waikato Regional Council's concerns regarding ecological values raised in their submission, and now Waikato Regional Council support the proposal.¹
69. I agree with the Officer's report that the potential effects on ecology from the proposed development will be no more than minor.

¹ Letter to be Tabled for Minute 1 Seven Oaks Hearing – WRC no longer has concerns.pdf

Transportation

70. The transportation effects are addressed by Ms Makinson's evidence.
71. Ms Makinson's traffic analysis and assessment addresses the effects of the proposed subdivision road network, expected traffic generation and distribution, analysis of key intersections, and wider road network effects including the Control Gates Bridge.
72. Ms Makinson considers the internal road design and layout are consistent with 'NZS 4404:210 Land Development and Subdivision Infrastructure' and provides suitable infrastructure and walking and cycling within the proposed residential subdivision. Ms Makinson suggests that footpaths be constructed on both sides of Kahikatea Drive within the development. Figure 14 – Kahikatea Drive Typical Cross Section in the Updated Engineering Report dated 3 June 2025 shows a 1.4m footpath on one side and a 1.8m cycleway on the other side of Kahikatea Drive. This cycleway is intended to be a shared footpath and cycleway consistent with that constructed along Seven Oaks Drive to the south.
73. Ms Makinson assessed the existing Kinloch Road network for capacity, safety and function. In her opinion the intersections can reasonably be expected to operate at Level of Service A in morning and afternoon peak periods under conservative traffic growth scenarios. Ms Makinson also considers the road network as sufficient capacity to accommodate increased traffic demands arising from the proposal without a noticeable drop-in service.
74. Ms Makinson has modelled the effect of the proposal on the wider network including Control Gates Bridge (which was peer reviewed by Mr Smith from Abley) and concluded the effect is minimal.
75. Overall Ms Makinson concludes that in her opinion the traffic and transportation effects of the proposed development are less than minor.
76. I accept this analysis by Ms Makinson and rely on her evidence that the transportation effects of the proposed development will be less than minor.
77. I agree with the Officer's report that transportation effects of the proposed development will be no more than minor.

Services / Infrastructure

78. The servicing and infrastructure effects are addressed by Mr Brand's evidence.
79. Mr Brand confirms the roading layout is designed in accordance with Taupō District Council guidelines. The proposed stormwater system consisting of vegetated swales and attenuation ponds is designed to cope with well in excess of the required 10 year design storm.
80. Taupō District Council have confirmed the water infrastructure has capacity to supply water to the proposed development². The system is designed to deliver 5000m³/day of treated water. There are expected to be a total of 1,825 connections for existing, consented, and future lots (including this proposal). This equates to approximately 2.5m³/day, where Taupō District Council's target is 1.5m³/day per connection. Therefore, there is sufficient capacity in the water infrastructure for this proposal.
81. Taupō District Council have confirmed wastewater disposal and treatment infrastructure is sufficient for the proposed development³. There are expected to be a total of 1,736 wastewater connections for existing, consented, and future lots (including this proposal). The system is designed and consented for 1,810 connections. Therefore, there is sufficient capacity in the wastewater infrastructure for this proposal.
82. Since the close of submissions, the applicant engaged in discussions with Fire and Emergency New Zealand (FENZ) about their concerns raised in their submission. As a consequence, the application and FENZ have agreed a condition of consent that requires the water supply infrastructure to be in accordance with the FENZ Firefighting Code of Practice. This proposed condition is included in the recommended conditions (Attachment A).
83. I agree with the Officer's report that the potential effects of the proposal in relation to servicing and infrastructure will be no more than minor.

² Council Planner's Section 42A Report, Appendix H – Memo Asset Managers Water & Wastewater Capacity

³ Council Planner's Section 42A Report, Appendix H – Memo Asset Managers Water & Wastewater Capacity

Earthworks / Construction

84. The earthworks / construction effects are addressed by Mr Brand's evidence.
85. The purpose of the earthworks is for general recontouring of the existing undulating land, to create lots suitable for building on, roads, and stormwater infrastructure. Earthworks within the 10m setback adjoining reserves will be minimised, but in some places will be unavoidable. The ground levels at the boundaries adjoining the reserves will remain unchanged. Robust erosion and sediment controls are proposed as well as an adherence to the Waikato Regional Council erosion and sediment control guidelines. Waikato Regional Council have granted a Land Use Consent (AUTH147276.01.01) and a Water Permit (AUTH147276.02.01) to allow earthworks within a High Risk Erosion Area and diversion of surface water via overland flow paths to construct roads, inground infrastructure and general land contouring to allow earthworks within a High Risk Erosion Area (Attachment E).
86. There are potential construction effects relevant to the Taupo District Council's jurisdiction, such as dust, noise, visual effects of an open construction area, potential sediment runoff, and construction traffic, common with residential land development. These effects are mitigated by staging of the subdivision, the visually confined nature of the site, the separation of the site from other residential development, and various other controls implemented by consent conditions including an erosion and sediment control plan which addresses timing and staging of works, erosion and sediment control measures, and dust suppression. These matters are also addressed by the Waikato Regional Council consent.
87. These conditions are included in the recommended conditions (Attachment A).
88. I agree with the Officer's report that with the proposed mitigations, the potential earthworks and construction effects will be no more than minor.

Tangata Whenua / Cultural & Historical Values

89. I agree with the Officer's report that the potential adverse effects on tangata whenua / cultural and historical values from the proposal will be less than minor.

- 90. The basis for this conclusion is that a previous archaeological assessment undertaken on the site, and previous discussions with mana whenua about the site have not identified any historical / cultural sites within the Site.
- 91. The land will no longer be used for farming, and all lots will have reticulated wastewater which will reduce the nitrogen leaching on this property improving lake water quality.
- 92. Stormwater reserves and vegetated swales will treat stormwater and provide ecological corridors for indigenous species. Erosion and sediment controls will be in place to ensure there are no discharges off site.
- 93. These conditions are included in the recommended conditions (Attachment A).

Change of Conditions RM200118A & Cancellation of Consent Notice

- 94. I agree with the Officer's report that the change of conditions and cancellation of consent notice will have negligible effects.
- 95. The change of conditions to RM200118A is required to reflect the new lot layout proposed in Stage 9. This is an administrative exercise and will have negligible environmental effects.
- 96. Cancelling the consent notice is required on Lots 1 and 2 DP 514174 as the consent notice refers to the lots not being serviced. As these lots are being subdivided, and services provided, the consent notice will no longer be relevant. This is another administrative exercise that will have negligible environmental effects.

Lapse Period

- 97. I agree with the Officer's report that a 10-year lapse period for a development of this scale, undertaken in stages will have less than minor effects. The site is well separated from other residential development in Kinloch and largely surrounded by reserves or the applicant's other properties, ensuring earthworks / construction effects are confined, and will not affect other residential properties.

Positive Effects

98. I agree with the Officer's report there are positive effects resulting from the proposal. In addition to the positive effects outlined in the Officer's report such as creation of roading and pedestrian linkages, variation of lot sizes providing for a variety of building types and price ranges, additional housing, the proposal also offers increased population in Kinloch that makes public transport, and local goods and services more viable evident by the recently granted kindergarten consent in Seven Oaks, and consent for a small supermarket, café / restaurant and seven retail tenancies. Such developments reduce the need for people to drive to Taupō, which support permanent population community vibrance, reduces traffic volumes on the road, and reduces carbon emissions.

Cumulative Effects

99. I agree with the Officer's report that there are potential cumulative effects resulting from the proposed development, however these are no more than minor.
100. Traffic generation is most likely to create potential cumulative effects. However, as assessed by Ms Makinson, the effect of the proposal on traffic generation and impact on safety and efficiency of the roading network is less than minor. I rely on her assessment and accordingly, there will be less than minor effects, including cumulative effects, on the roading network including the safety and efficiency of that network.
101. The visual impact of the built form resulting from residential development on the Site is another potential cumulative effect. However, as assessed by Mr Graham, this is less than minor. I agree with this assessment also and note that residential development on the Site is contemplated by the District Plan.

Precedent / Plan integrity

102. I agree with the Officer's assessment that should the proposal be granted consent, there will not be a precedent created by such a decision. The proposal is not contrary to the relevant objectives and policies of the District Plan (and is largely consistent with these), and the effects of the Proposal are minor at worst. As set out in the AEE and the Officer's s42A report, the application site is the only undeveloped large site in the Kinloch Structure Plan Area that sits across the GRZ Kinloch and LRZ Kinloch zones with roading connections. There is capacity in the

existing and planned infrastructure for this proposal. Any future proposal would have to demonstrate suitable infrastructure capacity which hasn't been accounted for and would be considered on its own merits.

103. In terms of plan integrity, the proposal is within a part of LRZ Kinloch where there is existing and substantial residential development that is inconsistent with the district plan's standard for lot sizes within the zone. Bearing that in mind, in my opinion the proposal will have minimal (no more than minor) adverse effects on the environment.

SECTION 104 (1)(B) RELEVANT STATUTORY DOCUMENTS

104. The Officer considers the proposal is fully consistent with the policy framework of all relevant statutory documents, particularly the NPS on Urban Development.

National Environmental Standards (Section 104(1)(b)(i))

105. I agree with the Officer's report that the NES for management of contaminants in soil is relevant to the proposal, however, does not apply to the consideration of this application as assessed in Section 4.3.1 of the updated AEE.

National Policy Statements (Section 104(1)(b)(iii))

106. I agree with the Officer's report that the NPS on Urban Development is relevant to this proposal, and that the proposal is consistent with it as assessed in Section 8.4.1 of the updated AEE. The proposal will provide a well-functioning urban environment at the zone transition between Kinloch GRZ, and Kinloch LRZ. The proposal is making efficient use of an urban zoned piece of land and existing infrastructure increasing the supply of housing and providing opportunity for increased and varied housing density types, and increased efficiency for public transport.

Regional Policy Statement (Section 104(1)(b)(v))

107. I agree with the Officer's report that the proposal is consistent with the relevant provisions and intent of the Waikato Regional Policy Statement as assessed in Section 8.6 of the updated AEE.

Waikato Regional Plan (Section 104(1)(b)(vi))

108. I agree with the Officer's report that the proposal is consistent with the relevant provisions and intent of the Waikato Regional Plan as assessed in Section 8.7 of

the updated AEE. Waikato Regional Council have granted a Land Use Consent (AUTH147276.01.01) and a Water Permit (AUTH147276.02.01) on 14 May 2025 to allow earthworks within a High Risk Erosion Area and diversion of surface water via overland flow paths to construct roads, inground infrastructure and general land contouring. The proposed earthworks and stormwater disposal methodology are permitted activities under the Waikato Regional Plan.

Taupō District Plan (Section 104 (1)(b)(vi))

109. The Officer's report considers the proposal to be consistent with most of the relevant Taupō District Plan objectives and policies aside from three policies related to the higher density of development proposed than anticipated for within the Kinloch LRZ.
110. I have a difference of opinion regarding the three policies in the Taupō District Plan related to the higher density development and explain why as follows.

Policy UFD-P10

Manage subdivision use and development of land to ensure that it will not:

- a) have an adverse effect on the functioning of the environment where it is located,*
- b) unduly conflict with existing activities on adjoining properties and the surrounding area,*
- c) compromise development consistent with the intent and planned urban built form of the zone where it is located, and*
- d) give rise to reverse sensitivity effects on existing uses.*

111. The proposal is consistent with a), b), and d). It will not have an adverse effect on the functioning of the environment where it is located. It will not unduly conflict with existing activities on adjoining properties and the surrounding area being other residential properties and the scenic reserve. The proposal will not give rise to reverse sensitivity effects on existing uses. Therefore, the proposal is only inconsistent with UFD – P10 (c) as the proposal will result in a higher density of built form of the zone (16 houses on minimum of 1ha, and average of 1.5ha sections).
112. In my opinion, this policy UFD-P10 (c) is inconsistent with the higher order document NPS-UD, as it is restricting increased density. The NPS-UD is very clear in the objectives and policies about improving housing affordability by

supporting competitive land and development markets and enabling more people to live in urban areas where there is a demand for housing and supporting infrastructure.

Policy SUB-P2.a DEV1-KINLOCH

Subdivision, and resulting development, that creates lots which are smaller than the minimum lot size than specified in Table 4: Minimum and average lot sizes for density areas of this plan for DEV1-Kinloch, should be designed so that the resulting development is clustered and is integrated into the landscape, coupled with a strong framework of tree and vegetation planting.

113. I note that p41 of the Kinloch Structure Plan explains the purpose of the strong framework of tree and vegetation planting around clustered development is that:
"There is an opportunity to provide more intensive densities of built development [sic] should be clustered and integrated into the landscape with a strong framework of tree and shrub planting. Expansive areas of open pastureland should offset these more intensive areas of development and/or planting with lower densities of development, to retain the rural outlook from the Valley floor within areas identified for medium and low density."
114. Given the Site is not visible from the valley floor due to the topography and scenic reserve, in my opinion the requirement of the strong framework of tree and vegetation planting is not as great as in other more elevated / visible locations such as Locheagles and Kinloch Golf subdivisions.
115. In my opinion the subdivision is at least partly consistent with this policy on the basis that the subdivision will create lots smaller than the minimum lot size, and half of the resulting development is clustered and integrated into the landscape with a strong framework of vegetation. The existing shape of the Site boundary and the scenic reserve naturally create clusters with a strong framework of vegetation as demonstrated by Stage 12 and Stage 13. Clusters are created in Stage 9 by the proposed stormwater reserves which will be planted. The expansive areas of Scenic Reserve surrounding the Site help to offset the higher density. So while the subdivision is not a "cluster subdivision" (being a large block subdivided into lots less than the minimum lot size, with the large balance lot set aside for non-residential use), the outcomes of this proposal are the same.

116. The proposed building heights (4.5m within 50m of the scenic reserves, and south of Kahikatea Drive, and 7.5m elsewhere) are more restrictive than the district plan which permits 8m. This height reduction will help the future development integrate into the landscape. The intent of the Kinloch Structure Plan is still achieved, as there will still be a rural outlook from the valley floor.

Policy LRZ-P9

Enable and encourage development in the Kinloch Low Density Residential Areas to be carried out in a manner which reflects the intent of the Kinloch Community Development Plan Area.

117. The Officer's report states *"the proposal is for a much higher density of development than expected by the KCSP for the low-density zone. As such, I consider that the proposal does not fully reflect the intent of the KCSP."*
118. I understand that the intent of the high, medium and low densities was to reduce the encroachment of urban development into rural areas and identify the maximum carrying capacity for the Structure Plan area. The Kinloch Structure Plan enables more intensive densities provided the built development is clustered and integrated into the landscape with a strong framework of tree and shrub planting to retain the rural outlook from the valley floor.
119. In my opinion, even though the proposal is a higher density than allowed for in the Kinloch LRZ, the intent of the Kinloch Community Development Plan Area is still achieved for the following reasons:
- i. All lots can be serviced by existing systems which have capacity, making an efficient use of existing infrastructure.
 - ii. The proposal does not affect any significant landforms.
 - iii. The Scenic Reserves surrounding the Site provide open space to offset the higher density.
 - iv. Amenity will be maximised through landscape enhancement, and opportunities to enhance existing ecosystems and create ecological corridors.
 - v. Provision of new reserves, including green connected corridors for pedestrian and cycle use.
 - vi. The rural outlook from the valley floor is maintained.

- vii. "Green" engineering approaches to stormwater management using swales, flood detention ponds and overland filtering.
 - viii. Streets follow irregular layout of the existing streets (cul de sacs) following natural contours with green connecting corridors.
120. I consider UFD-O2 to be relevant to this proposal, which was omitted from the Officer's report. This reads as follows:

Subdivision, use and development of land will protect the effective functioning of the Rural Zones [sic] maximise the efficient use of zoned and serviced urban land and is co-ordinated with the provision of cost-effective infrastructure.

121. In my opinion, the proposal is entirely consistent with this objective as it is maximising the efficient use of zoned urban land. While the site is not currently serviced, there is infrastructure at the boundary that can be extended, with sufficient capacity. The proposal is utilising available capacity in existing infrastructure, making cost effective and efficient use of it, while reducing possible pressure on rural land for urban development.

Other Matters (Section 104(1)(c))

Taupo District Future Development Strategy

122. I agree with the Officer's report that the proposal is consistent with the future development strategy.
123. The Future Development Strategy identifies Kinloch as the fastest growth catchment in the district, with growth expected to continue to be high, averaging 2% per year up to 2060. This growth is constrained by the limited available space for large residential developments, restrictions on land use, and the cost of new infrastructure. If growth continues without any constraints, it will require an additional 1200 residential units to accommodate future housing needs in Kinloch by 2060.
124. This proposal is enabling the expected growth and contributing to meeting future housing needs by making more efficient use of the low density residential

zoned land for general residential use (16 lots vs 83 lots), within the capacity of the existing planned infrastructure.

Iwi Management Plans

125. I agree with the Officer's report that the proposal is consistent with the relevant objectives, policies and outcomes of the Ngāti Tūwharetoa Environmental Iwi Management Plan and Raukawa Environmental Management Plan as assessed in the AEE.

Te Kaupapa Kaitiaki

126. I agree with the Officer's report that the proposal is consistent with the relevant objectives of Te Kaupapa Kaitiaki as assessed in Section 8.1 of the updated AEE.

SECTION 104D NON-COMPLYING ACTIVITIES AND SECTION 104

127. The proposal requires a non-complying activity subdivision and land use consent. Section 104D of the RMA sets out the matters relating the determination of applications for a non-complying activity. Consent may only be granted to a non-complying activity if either the adverse effect on the environment will be minor (s104D(1)(a)) or the activity is not contrary to the objectives and policies of a plan or proposed plan (s104D(1)(b)).
128. In terms of the first gateway of s104D and based on the evidence of the applicant's and Council's technical specialists I conclude that any actual or potential effects arising from the proposal will be minor and as such, this application meets the gateway tests set out in s104D for non-complying activities (s104D(1)(a)). Appropriate conditions of consent can be imposed to mitigate the effects of the proposal.
129. Although not reliant on this in terms of my s104D assessment, I conclude that the proposal is not contrary to the provisions of the relevant statutory document based on a fair appraisal of the objectives and policies as a whole, notwithstanding that the proposed subdivision is inconsistent with Policy UFD – P10 (c) of the Operative District Plan. Indeed, the proposal is largely consistent with the relevant objectives and policies.

130. In terms of the relevant provisions of statutory documents and other matters, I conclude that the proposal will not be contrary to the relevant objectives and policies.
131. The above assessment confirms that both gateways of section 104D can be satisfied and therefore I consider that consent can be considered pursuant to section 104.
132. In terms of Section 104, I have had regard to the actual and potential effects of the proposal, the relevant policy and planning documents, as well as the other matters in section 104. Having regard to those matters, for the reasons given earlier in evidence, I consider that the effects of the proposal can be appropriately managed and that the policy and planning provisions support the grant of the consent. While I acknowledge that the proposal is for residential development on low density residential zoned land, the proposal appropriately addresses all relevant issues. I consider that consent can be granted, subject to appropriate conditions.

MEASURES PROPOSED BY THE APPLICATION AS MITIGATION

133. I note the following measures proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to mitigate for any adverse effects. These are:
- i. Constructing a 1.8m swimming pool style fence along the Scenic Reserve boundaries will ensure the values of the scenic reserve are maintained by preventing ad-hoc access into the reserve.
 - ii. Limiting the height of future buildings on lots within 50m of the scenic reserve, and to the south of Kahikatea Drive to 4.5m. (Permitted height in Kinloch LRZ is 8m)
 - iii. Restricting outdoor lighting in the building setbacks adjoining scenic reserves to minimise light intrusion.
 - iv. Imposing a consent notice advising no landowner may interfere with reserve vegetation unless it is overhanging the residential lot boundary.
 - v. Undertaking planting in stormwater reserves, and road corridors.
 - vi. Requiring building cladding and roofing to be of darker colour hues, with reflectivity specifications.
 - vii. Vesting Lot 124 as a Local Purpose Reserve

134. Considering the above, in my opinion the proposal will generate positive effects on the environment.

PART 2 OF THE RESOURCE MANAGEMENT ACT 1991 (THE ACT).

135. Bearing in mind that the Kinloch Structure Plan was made operative some years ago, I have also assessed the proposal against Part 2 of the Act. In that regard, I consider the proposal will achieve the sustainable management purpose of Part 2 of the Act.
136. In my opinion the provision of a well-designed and integrated residential subdivision in this location will contribute to the efficient use of a physical resource in a manner that better provides for the social well-being of the community. The proposed subdivision supports integrated planning of land use, infrastructure and development and optimises the efficient use of land and existing infrastructure adjoining an existing suburban residential area, while protecting areas of significant indigenous vegetation and significant habitats of indigenous fauna (s6(d)). As such, I consider the proposal accords with Section 6 of the Act.
137. In terms of Section 7 of the Act, the proposal is an efficient use and development of natural and physical resources through increasing density in a residential area and utilising existing infrastructure capacity. The proposal has been designed to integrate with the existing residential development but also the wider area and catchment. The layout of lots is designed to ensure the provision of a good level of residential amenity for future residents in a manner that maintains the quality of the environment.
138. I do not consider that the proposal is contrary to the principles of Te Tiriti o Waitangi.

RESPONSE TO SUBMISSIONS.

139. Following public notification, 33 submissions were received: 28 were opposing, three in support and two neutral. I have reviewed the submissions. I agree with

Officer's report regarding the key themes in the 28 submissions in opposition to the proposal. Each theme is addressed below:

Concerns about the greater density of development and Inconsistency of the proposal with the Kinloch Community Structure Plan

140. All the submissions in opposition, stated they oppose the lot sizes being less than requirements of the Taupō District Plan, and many said its inconsistent with the Kinloch Community Structure Plan. As a non-complying activity, a consent for a greater density of lots can be granted provided either the adverse effect on the environment will be minor (s104D(1)(a)) or the activity is not contrary to the objectives and policies of a plan or proposed plan (s104D(1)(b)).
141. As set out above, relying on the evidence of other technical specialists, in my opinion that with appropriate conditions to mitigate effects, the effects of the proposal will be no more than minor. Therefore, consent can be granted for a greater density. I am also of the opinion that the proposal is not contrary to the objectives and policies of the Taupō District Plan. As I have outlined in paragraph 119, in my opinion while the proposal is for a greater density of lots, it still achieves the intent of the Kinloch Community Structure Plan and maintains the character and amenity of the environment.

Undermining of integrity of District Plan

142. My response to this is addressed in paragraph 103.

Increased demand on wastewater and water services, roading infrastructure

143. The memo from the Council asset managers in Appendix H of the s42a report confirms there is sufficient capacity in the water and wastewater services for this proposal. Ms Makinson's evidence confirms that the road network is suitable to meet the expected transportation demand of the proposal. The applicant has agreed with FENZ to a condition ensuring accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice.

Impact on the reserves from reduced setbacks and greater density

144. The permitted 10m setback from the reserves is proposed on 14 of the 25 lots adjoining the reserve. A 7.5m setback is proposed on the other 9 lots due to the lot shape to enable a suitable building platform. To mitigate the impact on reserves, the applicant is proposing to restrict building height to 4.5m, where 8m is permitted. The applicant is proposing to construct a pool style fence around the perimeter of the reserve to prevent ad hoc access into the reserve. The applicant is proposing to restrict outdoor lighting in the setback with the reserve and require shielding, motion sensing, and white LED with a maximum temperature of 2700K on other outdoor lighting as suggested by Dr Mueller to mitigate ecological effects. The applicant is also proposing consent notices on titles adjoining the reserve advising the perimeter fence must be maintained, and no clearance or trimming of vegetation within the reserve is permitted.

Adverse effects of greater density on Kinloch's character and amenity 'village feel'

145. Mr Graham's evidence addresses natural character, landscape character, and amenity values. He concludes that the proposal will have a less than minor effect on these matters. In terms of submissions made about increased population, and the effect of this on greater waiting times for the boat ramp at peak times, lack of public toilets, anti-social behaviour of people these are not effects caused by the proposal. Conversely the resulting increase in population is likely to assist to provide other services such as shops, social services and improved public transport.

Adverse effects of additional light on the night sky and noise pollution

146. The site is zoned for residential use; therefore, it is expected there would be house and streetlights in this location. The district plan has a light rule (Light R1) specifying the maximum artificial light level of 8 lux (lumens per square meter) at the boundary is a permitted activity. All dwellings are expected to comply with this rule or seek a resource consent. In addition, some of the conditions addressing potential ecological effects, will also mitigate night sky effects, such as shielding outdoor lighting to prevent upward light spill, and specifying the colour and maximum temperature of outdoor lighting to White LED with no more

than 2700k. As a result, the effects of the proposal on the night sky will be as anticipated by the District Plan and will be less than minor.

147. Similarly, for noise the district plan has a noise rule (Noise R2) specifying the same maximum noise limits within the GRZ and LRZ zones being:

- a. 7.00am — 7.00pm 50dB LAeq (15 mins)
- b. 7.00pm — 10.00pm 40dB LAeq (15 mins)
- c. 10.00pm — 7.00am 40dB LAeq (15 mins) and
- d. 10.00pm – 7.00am and 70dB LAF(max)

All activities are expected to comply with this rule or seek a resource consent.

Inadequate stormwater management measures

148. As explained in Mr Brand's evidence the stormwater design is conservative allowing for greater storm events than the 1 in 10-year event required. The stormwater design adheres to Waikato Regional Council's Stormwater Management Guidelines, secondary overland flow, and compliance with permitted activity rules. Waikato Regional Council have approved the stormwater diversion consent (AUTH147276.02.01) and now support the proposal.

Precedent effects if development approved

149. My response to this is addressed in paragraph 102.

Cumulative adverse effects

150. My response to this is addressed in paragraphs 99 -101.

RESPONSE TO S42A REPORT

151. I have identified in the body of my evidence where I agree or disagree with the Officer's report and provided reasons. The applicant had agreed to the draft conditions in Appendix I of the Officer's report; however, I offer some minor amendments in Attachment A.

CONCLUSION

152. Based on my assessment of the application and the technical evidence prepared for the applicant, this application meets both gateway tests set out in

s104D for non-complying activities, that the adverse effects of the proposed subdivision activity on the environment will be no more than minor (s104D(1)(a)), and the proposal is not contrary to the objectives and policies of the Taupō District Plan (s104D(1)(b)).

153. My assessment under section 104 is consent can be granted to the application, subject to the conditions contained in Attachment A of my evidence.



Sarah Margarette Hunt

12 August 2025

Attachments

- A. Draft Conditions
- B. Revised Earthworks Contour and Roding Layout Plans
 - 220225-SK201 Rev. F – Balance Land Earthworks Existing Contour Plan
 - 220225-SK202 Rev F – Balance Land Earthworks Proposed Contour Plan
 - 220225-SK301 Rev F – Balance Land Roding Conceptual Layout Plan Sheet 1 of 2
 - 220225-SK302 Rev F - Balance Land Roding Conceptual Layout Plan Sheet 2 of 2
- C. Map of lots inconsistent with required lot sizes in Kinloch
- D. Boffa Miskell Peer Review of Landscape Assessment for 100 lot proposal on the Site.
- E. Waikato Regional Council Consents AUTH147276.01.01 and AUTH147276.02.01

Attachment A : Draft Conditions

Attachment A – Draft conditions

SUBDIVISION CONSENT CONDITIONS RM240389

Note: The land use consent RM240388 covers the earthworks to implement the subdivision, and then future development on the lots which are covered by the consent notice conditions. As such, no separate set of land use consent conditions is required.

General Condition

1. The activity shall be undertaken in accordance with:
 - a) The application prepared by Cheal Consultants Ltd and received by Taupō District Council on 20 November 2024.
 - b) Further information prepared by Cheal Consultants Ltd and received by Taupō District Council on 7 February and 4 June 2025.
 - c) The plans prepared by Cheal Consultants Ltd, referenced:
 - Proposed Subdivision of Lot 504 DP 595759 & Lots 1 & 2 DP 514174– Drawing No 220225-SC001 Rev O
 - Stage 16 Subdivision of Lot 2 DP 514174 – Drawing No 220225 – SC003 Rev A
 - Balance Land Earthworks Existing Contour Plan – Drawing No 220225 – SK201 Rev F
 - Balance Land Earthworks Proposed Contour Plan – Drawing No 220225 – SK202 Rev ~~EF~~
 - Balance Land Earthworks Cut and Fill Plan – Drawing No 220225-SK203 Rev ~~EF~~
 - Balance Land Rooding Conceptual Layout Plan Sheet 1 of 2 – Drawing No 220225-SK301 Rev ~~EF~~
 - Balance Land Rooding Conceptual Layout Plan Sheet 2 of 2 – Drawing No 220225-SK302 Rev ~~EF~~
 - Balance Land Services Conceptual Layout Plan Sheet 1 of 2 – Drawing No 220225-SK401 Rev E
 - Balance Land Services Conceptual Layout Plan Sheet 2 of 2 – Drawing No 220225-SK402 Rev E
 - Building Area Plan – Drawing No 220225 – 101 Rev C

stamped 'Approved Plan for RM240388 – RM240389.

Staging Condition

2. The subdivision may be carried out over six stages¹. Stage 16 must occur first and following that, multiple stages may be carried out at any one time, in any logical order, as long as it does not affect the ability to comply with any of the consent conditions that must be implemented at certain Stages.

Stage	Lot References
16 (First Stage)	Subdivision of Lot 2 DP 514174 into Lots 1, 2 and 3, with Lots 2 and 3 to be amalgamated with Lot 504 DP 595759 (the existing Seven Oaks balance land). Residential Lot 1 of 3245m ² [encompassing the existing house]

¹ Apart from the first Stage (16), the numbering of the other Stages 9-13 follows on from existing Seven Oaks subdivision Stages 1-8.

Attachment A – Draft conditions

	Amalgamation / Balance Lots 2 of 5200m ² & 3 of 1555m ² with Lot 504 DP 595759
9	Residential (total 32) Lots 1 – 3, 14 – 17, 20, 21, 23, 25, 27, 36 – 43, 72 – 83 [ranging in area from 800m ² to 3763m ²] Public Road to vest Lot 110 Lot 116 Lot 117 Local Purpose (LP) Reserve Lot 121 (Stormwater) Lot 122 (Stormwater) Lot 123 (Stormwater) Lot 124
10	Residential (total 13) Lots 18, 19, 22, 24, 26, 28 – 35 [ranging in area from 824m ² to 2548 ²] Public Road to vest Lot 113
11	Residential (total 17) Lots 44 – 60 [ranging in area from 801m ² to 2618m ²] Public Road to vest Lot 112
12	Residential (total 11) Lots 61 – 71 [ranging in area from 802m ² to 2600m ²] Public Road to vest Lot 114
13	Residential (total 10) Lots 4 – 13 [ranging in area from 912m ² to 1796m ²] Public Road to vest Lot 115

Construction Management Conditions [All Stages, except Stage 16]

- The consent holder shall prepare and submit a Construction Management Plan for approval to Taupō District Council's Development Engineer prior to any site works commencing for

Attachment A – Draft conditions

each stage. The Construction Management Plan shall include, but not be limited to: construction vehicle numbers, access and construction vehicle parking, timing of construction phases, hours of construction and heavy machinery use.

4. The consent holder shall ensure that during the construction of each Stage of the subdivision that the Construction Management Plan is kept at the site office and is adhered to at all times.

Earthworks / Geotechnical Conditions [All Stages, except Stage 16]

5. The consent holder shall prepare an Erosion and Sediment Control Plan (ECSP) for each Stage, or group of Stages to be constructed at the same time and submit this to Taupō District Council's Development Engineer for approval prior to any site works commencing. The ECSP shall include, but not be limited to, the following:
 - i. Timing and staging of the earthworks with consideration given to the season and area of earthworks. No bulk earthworks shall be carried out between 1 November and 31 January of any calendar year;
 - ii. Details of erosion and sediment control measures to be implemented during the earthworks and how they will be maintained;
 - iii. Mitigation measures proposed to prevent dust, vibration and noise nuisance during earthworks, also demonstrating access to reticulated water sources for dust suppression;
 - iv. Reinstatement by grassing or revegetation where appropriate;
 - ~~v.~~ v. The accidental discovery protocol under Condition 9;
 - ~~vi.~~ vi. The bird nesting incidental discovery protocol under condition 10 and
 - ~~vii.~~ vii. Details of the contractor undertaking the works.
6. The consent holder shall advise Taupō District Council's Development Engineer in writing ten working days prior to the commencement of earthworks of the commencement date for the earthworks for each Stage. A sign detailing the contractors contact details shall be erected at the site entrance (top of Kahikatea and Okaia Drives) prior to the commencement of works and shall remain in place for the duration of works.
7. Prior to earthworks commencing for each Stage, an on-site meeting shall be held between the contractor and Taupō District Council Resource Consents Planner - Monitoring to discuss the approved ECSP (including protocol under Condition 9 and 10) and ensure all the measures are in place. The consent holder shall ensure that all earthworks undertaken within each Stage(s) are carried out in accordance with the approved ECSP is always kept onsite and available for inspection.
8. The consent holder shall ensure that all earthworks are carried out in accordance with the approved ECSP 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. **[Advice Note: A dust nuisance is deemed to have occurred when particles are visible in the air.]**
9. The consent holder shall ensure that 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

Attachment A – Draft conditions

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.

10. The consent holder must advise employees and contractors at site induction that prior to earthworks commencing during peak breeding season (September – February) any nests found must be left in place, with a 10m exclusion zone set up between the nest and any works area, until such time as the chick has fledged or the nest is naturally abandoned.

10.11. The consent holder shall ensure that where earthworks of more than 0.3m fill has occurred on any of the lots, that a geotechnical completion report for those lots be provided to Taupō District Council with the section 224c application for each Stage. If the geotechnical report has any construction conditions for building development on the lots, these shall be incorporated into a consent notice on the title(s) of the relevant lots the wording of which shall also be provided with the section 224c application for each Stage.

11.12. Following completion of the earthworks in accordance with the approved ECSP (Condition 5) the consent holder shall ensure that a finished contour plan demonstrating the finished levels for each lot is provided with the section 224c application for each Stage.

Servicing Conditions [All Stages, unless specified]

12.13. The consent holder shall service all residential lots with individual wastewater, water, electricity and telecommunications connections to the service provider's standards. Easements shall be provided as necessary to secure services to allotments.

13.14. The consent holder shall ensure that the onsite wastewater system to the existing house on Lot 1 at Stage 16 is decommissioned and removed upon connection of this lot to wastewater services.

14.15. The consent holder shall prepare and submit detailed design plans of the upgraded storage volume at the Lisland Drive pump station to Taupō District Council's Development Engineer for approval prior to commencement of subdivision works for Stages 9-13, whichever Stage occurs first.

15.16. The consent holder must upgrade the storage volume at the Lisland Drive pump station in accordance with the approved plans (condition ~~14~~15) prior to s224(c) application for Stages 9-13, whichever occurs first.

16.17. The reticulated water supply infrastructure servicing the lots shall be designed in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008.

Stormwater [All Stages]

17.18. The consent holder shall ensure that overland flow paths are created clear of buildable areas on the lots that adjoin Seven Oaks Terraces subdivision to the north and protected to accommodate design stormwater flows (including likely future flows from the upstream land) without property damage up to the projected 100-year return period rainfall event.

18.19. The consent holder shall ensure that stormwater overland flows from the undeveloped lands within each balance lot at each Stage above are diverted to ensure that no water flows over the already created residential lots.

Attachment A – Draft conditions

~~19.20.~~ The consent holder shall ensure that the residential lots that drain out to a kerbed public roadway are formed, or a bund constructed, to individually and independently store (without allowing for soakage) and then dispose of stormwater from within the allotment boundaries for a one in ten year rainfall event of one hour duration (unless otherwise agreed with Taupō District Council's Development Engineer).

Roading Conditions [All Stages, except Stage 16]

~~20.21.~~ The consent holder shall ensure that full road construction plans for the public roads, are prepared and submitted to Taupō District Council's Development Engineer for approval, prior to commencement of site works for each Stage. Road design shall be undertaken in general accordance with the Taupō District Council Code of Practice for Development of Land (September 2009) and shall include:

- a) Roding classification i.e. Local or Collector;
- b) Footpaths on one side;
- c) Planting details demonstrating corridors to link habitats across the site including the plant species, spacings, numbers, plant heights at time of planting and at maturity, planting methodology and maintenance regime; street trees allowing for a 2m² tree pit, a minimum tree height of 2m at the time of planting; and
- d) Street lighting - the street lights in the cul de sacs of Roads 2 and 3 shall have a limit of 0.3 lux at the boundary to the Okaia Stream Scenic Reserve, and a temperature of no more than 2700K.

~~21.22.~~ The consent holder shall ensure that all of the roads at each Stage are formed and constructed with stormwater control as necessary to manage stormwater runoff. All stormwater runoff shall be to stabilised ground so as not to cause a nuisance to the receiving environment. These measures shall be designed to ensure the frequency, discharge rates and duration of the off-site stormwater discharges shall be no greater than the current pre-development situation for a 10 year storm event.

~~22.23.~~ The consent holder shall form vehicle crossings for lots where the position of the crossing is fixed:

- [Stage 9] Lots 17, 21, 40, 42, 76, 77, 80, 82
 - [Stage 10] Lots 31, 33, 35
 - [Stage 11] Lots 44, 47, 57 - 59
 - [Stage 12] Lots 64, 65, 68, 70
 - [Stage 13] Lots 9,10
- as shown on the approved scheme plan.

~~23.24.~~ The consent holder shall provide Right of Way easements where necessary to provide legal access to:

- [Stage 9] Lots 76, 77, 40, 42
- [Stage 10] 33, 35
- [Stage 11] 44, 47, 57 -59
- [Stage 12] 68, 70
- [Stage 13] 9, 10

Code of Practice Condition [All Stages]

~~24.25.~~ 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, unless otherwise specifically agreed with the Taupō District Council's Development Engineer.

Attachment A – Draft conditions

Fencing Condition [Stages 9, 11, 12 and 13]

~~25-26.~~ The consent holder shall ensure that a continuous, open style metal fence (such as pool fencing) of a maximum height of 1.8m and dark green or black in colour is erected along all boundaries of the residential lots with the adjoining Department of Conservation Okaia and Otaketake Scenic Reserves. The fencing shall be erected prior to application for section 224c approval for each Stage and photographic evidence of the fencing in place shall be provided with the section 224c application for each Stage.

[Advice Note: The works at the boundary with the reserves should ensure that the integrity of the vegetation within the reserves is maintained. This is a civil matter between the Department of Conservation and the consent holder.]

Local Purpose Reserves to Vest [Stage 9]

~~26-27.~~ The consent holder shall provide plans of all Local Purpose reserves (Lots 121, 122, 123, 124) for the stormwater, drainage and recreation assets (e.g. furniture or play equipment) within Stage 9 to Taupō District Council's Asset Manager Stormwater and Parks Manager – Open Spaces for approval prior to application for section 223. The plans shall detail the finished contours, planting and all infrastructure within the reserves including:

- i. Establishment of corridors to link habitats across the site
- ~~i.~~ ii. Timing and location of planting;
- ~~ii.~~ iii. Planting schedule identifying species, plant size at time of planting, planting density, minimum plant species heights;
- ~~iii.~~ iv. Planting specification includes measures for planting preparation (adequate topsoil / mulch), planting method, and staking for large tree species;
- ~~iv.~~ v. A maintenance schedule including a regime for replacing any dead or dying species, and any pruning requirements;
- ~~v.~~ vi. Confirmation that the consent holder will be responsible for maintenance of the planting for a period of 5 years or until the granting of s224(c) certificate for the last stage of subdivision following implementation; and
- ~~vi.~~ vii. Details of any furniture or play equipment (subject to confirmation of Taupō District Council's Parks Manager – Open Spaces).

~~27-28.~~ The consent holder shall ensure that the planting, infrastructure and any furniture or play equipment as detailed within the reserve plans (approved by Condition ~~267~~) is implemented prior to application for section 224c approval for Stage 9. Photographic dated evidence of this shall be provided with the application for section 224c.

[Advice Note: At the time of paying development contributions prior to s224(c) at the end of each Stage 9 – 13 Taupō District Council will give consideration to the level of investment made in reserves, landscape planting and infrastructure on reserves by the consent holder, in regards to offsetting the development contributions normally collected for reserves and infrastructure in accordance with sections 60-63 of the Development Contributions Policy 2024.]

~~28-29.~~ Lots 121, 122 and 123 shall be formed and vested in Taupō District Council as Local Purpose Reserve (Stormwater). Either pond batters shall be no steeper than 1 in 4 (22%) around wetted surfaces or safety fencing shall be installed around the ponds. Secondary flowpaths shall be formed clear of residential sites in the event of a pond overflow. The planting and infrastructure including any potential recreational furniture or playgrounds described in the approved plans (Condition ~~2627~~) shall be implemented prior to application for section 224(c).

Attachment A – Draft conditions

~~29.~~30. The consent holder shall ensure that a fencing covenant is registered on all residential lots within each Stage that have a boundary with a Local Purpose Reserve to absolve Taupō District Council of any fencing obligations along the common boundary.

Roads to Vest [All Stages, except for Stage 16]

~~30.~~31. Lots 110, 116, 117, 112, 114, 115, and 113, shall be vested as unencumbered in Taupō District Council as Public Road at each Stage.

[Advice Note: Application(s) to Taupō District Council will be required for any new public road names.]

Amalgamation Condition [Stage 16]

~~31.~~32. Pursuant to Section 220(1)(b)(ii) of the Resource Management Act 1991, that Lot 2 and Lot 3 hereon be held with Lot 504 DP 595759 in one record of title.

[Request No: 1940548]

Cancellation of Amalgamation Condition [whichever Stage occurs after Stage 16]

~~32.~~33. Pursuant to Section 241(3) of the Resource Management Act 1991, the amalgamation condition requiring 'Lot 2 and Lot 3 hereon be held with Lot 504 DP 595759 in one Record of Title' be cancelled.

Cancellation of Consent Notice Condition [Stage 16]

~~33.~~34. Pursuant to Section 221(3) of the Resource Management Act 1991, consent notice 11224390.4 on the Records of Title 797345 and 797346 of Lots 1 and 2 DP 513174 shall be cancelled. *[Advice Note: Certification of this cancellation shall be issued at the time of section 224c application for Stage 16.]*

Consent Notice Conditions [All Stages, excluding Stage 16]

~~34.~~35. Pursuant to Section 221 of the Resource Management Act 1991, a consent notice shall be registered on the title of the balance lot at each Stage requiring the following condition:

- a. No buildings or structures shall be erected on this lot.

[Advice Note: This consent notice will be noted as having expired once the balance lot is developed.]

~~35.~~36. Pursuant to Section 221 of the Resource Management Act 1991, a consent notice shall be imposed on the specified lot titles requiring the following conditions:

All Lots

- a) Only one residential unit can be developed on this site, and no further subdivision.
- b) Development on the lots shall comply with the Table of Development Controls for Stages 9 – 13 Seven Oaks Balance Land, dated August 2025
- c) The exterior cladding, doors and joinery of all buildings are to be finished in darker colour hues of greys, greens, browns, or black not exceeding 37% reflectivity as measured on the British Standard Specification 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 Specification Colour Range BS5252 or equivalent.

Lots Adjoining Scenic Reserve [Lots 1-2, 80, 82 (Stage 9); 50 – 53, 57 – 65 (Stages 11,12); 5 – 13 (Stage 13)]

Attachment A – Draft conditions

- d) No fixed artificial outdoor lighting is permitted in the setback from the scenic reserves to minimise the intrusion of light into the reserve areas.
- e) Beyond the setback from scenic reserves, outdoor lighting shall:
 - use shielding to avoid upward light spill;
 - be white LED with a maximum of temperature of no more than 2700K
 - in the case of exterior security lighting, be controlled by a motion sensor with a short duration timer (5 minutes maximum).
- f) Landowners of any allotment that has a boundary with the Department of Conservation Scenic Reserves shall ensure that the fence that has been erected by the developer along the boundary with the reserve is maintained in good condition and, if damaged, is replaced with the same type, colour and height of fence.
- g) No landowner may undertake any clearance, trimming or otherwise alter in any way the existing vegetation within any Reserve surrounding or within the subdivision, unless there are branches of the vegetation overhanging into the residential Lot boundary in which case trimming of this vegetation may occur only up to the site boundary with the reserve.
- h) No landowner may access the Department of Conservation Scenic Reserve direct from the Lot, and therefore no openings such as gates or access ways are to be constructed through any fences on the boundary with the Scenic Reserve

Land Covenant Conditions [All Stages, excluding Stage 16]

36.37. The consent holder shall ensure that the consent notice conditions listed under Condition 35 are included in the developer Land Covenant on the lots, and that evidence of such Land Covenant is provided at application for section 224c for each Stage.

Advice Notes

- 1 *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.*
- 2 *Local Government Act 2002: Development Contributions - In granting this resource consent, Council has identified that the activity will generate additional demand for infrastructure, roading, reserves and community facilities and therefore a Development Contribution is required.*
- 3 *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.*

Attachment A – Draft conditions

CHANGE OF SUBDIVISION CONSENT CONDITIONS RM200118C

Note: Stages 2 – 7 of Seven Oaks Subdivision Consent RM200118 are completed, with Stage 8 yet to be completed. The completed consent conditions have been greyed out.

General Condition

- 1 The activity shall be undertaken in accordance with:
 - a The application prepared by Cheal Consultants Ltd and received by Taupō District Council on 27 May 2020.
 - b The further information provided by Cheal Consultants Ltd and received on 28 July and 11 September 2020.
 - c The plans prepared by Cheal Consultants Ltd referenced:
 - Scheme Plan Stages 2 – 9 – Drawing No 19630-SC001 Rev F
 - Scheme Plan Stages 3, 4, 5, 6 & 7 – Drawing No 19630-SC002 Rev F
 - Scheme Plan Stages 2 & 8 – Drawing No 19630-SC003 Rev F
 - Earthworks Cut to Fill Plan – Drawing No 19630-SK108 Rev Aand stamped 'Approved Plan for RM200117 & RM200118' following the grant of this consent.
 - d The change of conditions application prepared by Cheal Consultants Ltd and received by Taupō District Council on 14 March 2023.
 - e The change of conditions application prepared by Cheal Consultants Ltd and received by Taupō District Council on 20 November 2024.

Staging Condition

- 2 The subdivision may be carried out over seven stages – Stages 2 – 8 as described in the table below. The Stages may be undertaken in any order and multiple stages may be undertaken at one time, as long as it does not affect the ability to comply with any of the consent conditions that must be implemented at certain Stages.

Stage	Lot References
2	Residential (total 37) 37 – 62 113 - 123 [ranging in area from 800m ² to 1579m ²] Road Lot 401 Local Purpose (LP) Reserves 301 (Stormwater) 302 (Stormwater)
3	Residential (total 18) 63 – 77, 112, 167 & 168 [ranging in area from 800m ² to 1282m ²] Public Road to vest

Attachment A – Draft conditions

	402
4	Residential (total 15) 78 – 84 100 & 101, 106 - 111 [ranging in area from 800m ² to 1087m ²] Public Road to vest 403
5	Residential (total 15) 85 - 99 [ranging in area from 801m ² to 1394m ²] Public Road to vest 404 Local Purpose (LP) Reserve 305 (Drainage)
6	Residential (total 4) 102 - 105 [ranging in area from 1344m ² to 1654m ²] Public Road to vest 405
7	Residential (total 16) 133 – 146, <u>161</u> [ranging in area from 804m ² to 1339m ²] Public Road to vest 406 Local Purpose (LP) Reserve 303 (Scenic) 304 (Stormwater)
8	Residential (total 20) 124 – 132 147 - 157 [ranging in area from 800m ² to 1567m ²] Public Road to vest 407

Construction Management Conditions

- 3 The consent holder shall prepare and submit a Construction Management Plan for approval to Taupō District Council's Consents and Regulatory Manager prior to any site works

Attachment A – Draft conditions

commencing. The Construction Management Plan shall include, but not be limited to: construction vehicle numbers, access and construction vehicle parking, timing of construction phases, hours of construction and heavy machinery use.

- 4 The consent holder shall ensure that during the construction of each Stage of the subdivision that the Construction Management Plan is kept at the site office and is adhered to at all times.

Earthworks Conditions

- 5 The consent holder shall prepare an Earthworks Management Plan for each Stage, or group of Stages to be constructed at the same time, and submit this to Taupō District Council's Development Engineer for approval prior to any site works commencing. The Earthworks Management Plan shall include, but not be limited to, the following:
 - i. Timing and staging of the earthworks with consideration given to the season and area of earthworks;
 - ii. Details of erosion and sediment control measures to be implemented during the earthworks and how they will be maintained;
 - iii. Mitigation measures proposed to prevent dust, vibration and noise nuisance during earthworks;
 - iv. Reinstatement by grassing or revegetation where appropriate;
 - v. The accidental discovery protocol under Condition 8
 - vi. Details of the contractor undertaking the works.
- 6 The consent holder shall advise Taupō District Council's Consents and Regulatory Manager in writing ten working days prior to the commencement of earthworks of the commencement date for the earthworks for each Stage. A sign detailing the contractors contact details shall be erected at both site entrances (top of Okaia Drive and Kahikatea Drive) prior to the commencement of works and shall remain in place for the duration of works.
- 7 Prior to earthworks commencing for each Stage, an on-site meeting shall be held between the contractor and Taupō District Council staff to discuss the approved Earthworks Management Plan (including protocol under Condition 8) and ensure all the measures are in place. The consent holder shall ensure that all earthworks undertaken within each Stage(s) are carried out in accordance with the approved Earthworks Management Plan and that the approved Earthworks Management Plan is kept onsite and available for inspection at all times.
- 8 Subject to any legal requirements of the Police, Heritage New Zealand Pouhere Taonga Act 2014, Antiquities Act 1975 and any other governing legislation, the following protocol shall apply and shall be included in the Earthworks Management Plan for each Stage:
 - (a) Where, during earthworks, any archaeological site, artefact or human remains are accidentally discovered or are suspected to have been discovered:

Attachment A – Draft conditions

- i. All works in the vicinity shall cease immediately.

In cases other than suspected human remains:

- ii. The contractor shall immediately secure the area and advise the consent holder and the Heritage New Zealand of the occurrence.
- iii. The consent holder must consult with tangata whenua and the Heritage New Zealand to determine what further actions are appropriate to safeguard the site or its contents before work may recommence.

Where human remains are suspected:

- iv. The contractor shall immediately secure the area in a way which ensures human remains are not further disturbed. The contractor shall advise the consent holder of the steps to take without delay.
 - v. The consent holder shall notify the police, tangata whenua and Heritage New Zealand of the suspected human remains as soon as practically possible after the remains have been disturbed.
 - vi. Earthmoving operations in the affected area will remain halted until the police, tangata whenua and the Heritage New Zealand have given approval for earthmoving operations to recommence.
- (b) Should a waahi tapu be uncovered during earthworks or other construction work, work in the affected area shall stop immediately and the consent holder shall consult with tangata whenua to determine what further actions are appropriate to safeguard the site or its contents before work recommences.

- 9 The consent holder shall ensure that where earthworks of more than 0.3m fill has occurred on any of the residential lots, that a geotechnical completion report for those lots be provided to Taupō District Council with the section 224c application for each Stage. If the geotechnical report has any construction conditions for building development on the lots, these shall be incorporated into a consent notice on the title(s) of the relevant lots the wording of which shall also be provided with the section 224c application for each Stage.

- 10 Following completion of the earthworks in accordance with the approved Earthworks Plan (Condition 1c) the consent holder shall ensure that a finished contour plan is provided with the section 224c application for each Stage.

Fencing Condition

~~37.~~11. The consent holder shall ensure that a continuous, open style fence (such as pool fencing) of a maximum height of 1.8m and dark green or black in colour is erected along all boundaries of the residential lots with the adjoining Department of Conservation Okaia and Otaketake Scenic Reserves. The fencing shall be erected prior to application for section 224c approval for each Stage and photographic evidence of the fencing in place shall be provided with the section 224c application for each Stage. **[Advice Note: The works at the boundary with the reserves should ensure that the integrity of the vegetation within the reserves is maintained. This is a civil matter between the Department of Conservation and the consent holder.]**

Engineering Conditions – for All Stages

Services

~~38.~~12. The consent holder shall service all residential lots with individual wastewater, water, electricity and telecommunications connections to the service provider's standards. Easements shall be provided as necessary to secure services to allotments.

Attachment A – Draft conditions

~~39.~~13. The consent holder shall pay a water and wastewater headworks contribution to Taupō District Council for each residential lot created. The contribution payable for each lot shall be equivalent to the Kinloch Development Contribution rates for water and wastewater operative at the completion of the development stage. **[Advice Note – This is an agreed condition between the parties. It is not a formal Development Contribution.]**

~~40.~~14. Stage 8 shall be connected to the Taupō District Council high pressure watermain at Kahikatea Drive, with a watermain size approved by council's water modelers as suitable for the required high-pressure zone. A water headworks contribution of \$1,120 + GST shall be paid on stage completion for each lot connected to the high pressure main. This sum shall be escalated at an annually compounding rate of 3.5% per annum from 31 March 2019, until the date paid. **[Advice Note – This is in addition to the general water headworks contribution under consent condition 13. It is an agreed condition between the parties. It is not a formal Development Contribution.]**

Stormwater

~~41.~~15. The consent holder shall ensure that overland flowpaths are created and protected to accommodate design stormwater flows (including likely future flows from the upstream balance land) without property damage up to the projected 100-year return period rainfall event.

~~42.~~16. The consent holder shall ensure that stormwater overland flows from the undeveloped lands within each balance lot at each Stage above the residential lots are diverted to ensure that no water flows over the residential lots.

Roading

~~43.~~17. The consent holder shall ensure that full road construction plans for the public roads, including the Kahikatea Drive extension, are prepared and submitted to Taupō District Council's Development Engineer for approval. Road design shall be undertaken in general accordance with the Taupō District Council Code of Practice for Development of Land (September 2009) and shall include:

- a) Roothing classification i.e. Local or Collector;
- b) Footpaths on one side;
- c) Street trees allowing for a 2m² tree pit, a minimum tree height of 2m at the time of planting and the trees being positioned closer to the carriageway/kerb than the footpath(s); or if trees are to go within the central portion of the road the swale design will need to be addressed; and
- d) Street lighting.

~~44.~~18. The consent holder shall ensure that all roads are constructed at each Stage in accordance with the approved road construction plans (Condition 17).

~~45.~~19. The consent holder shall ensure that Kahikatea Drive is constructed and vested as a public collector road in accordance with the approved road construction plan (Condition 17) through the balance land to the northeast to connect with the existing Kahikatea Drive road formation within Oakdale Downs prior to application for 224c approval for Stage 8.

~~46.~~20. The consent holder shall form vehicle crossings for lots fronting public roads where the position of the crossing is fixed.

Attachment A – Draft conditions

~~47.21.~~ The consent holder shall ensure that the residential lots that drain out to a kerbed public roadway are formed, or a bund constructed, to individually and independently store (without allowing for soakage) and then dispose of stormwater from within the allotment boundaries for a one in ten year rainfall event of one hour duration (unless otherwise agreed with Taupō District Council's Development Engineer).

Code of Practice

~~48.22.~~ The consent holder shall ensure that all works comply with Taupō District Council's Code of Practice for Development of Land (September 2009), unless otherwise specifically agreed with Taupō District Council's Development Engineer.

Local Purpose Reserves to Vest

~~49.23.~~ The consent holder shall ensure that a detailed plan of the planting and cycle / walkway for Lot 303 is prepared by a suitably qualified person and submitted to Taupō District Council's Consents and Regulatory Manager for approval prior to application for section 223 for Stage 2. The plan shall include the following:

- i. Location and construction details of a walkway / cycleway of a minimum width of 1.4m wide as detailed on the approved Subdivision Scheme Plan Drawing No 19630-SC001 Rev E;
- ii. Timing and location of planting;
- iii. Planting schedule identifying species, plant size at time of planting, planting density, minimum plant species heights
- iv. Planting specification includes measures for planting preparation (adequate topsoil / mulch), planting method, and staking for large tree species;
- v. A maintenance schedule including a regime for replacing any dead or dying species, and any pruning requirements;
- vi. Evidence of a contract with an experienced landscaping company that will be responsible for maintenance of the regeneration planting within Lot 303, for a period of 5 years or until the granting of s224(c) certificate for Stage 7 (whichever is earlier) following implementation.

~~50.24.~~ The consent holder shall ensure that the planting detailed in the approved Planting Plan for Lot 303 (Condition 23) is implemented prior to application for section 224(c) for Stage 2.

~~51.25.~~ The consent holder shall provide plans of all other Local Purpose reserves (excluding Lot 303 in Condition 23) for the stormwater, drainage and recreation assets (e.g. furniture or play equipment) within each Stage to Taupō District Council's Asset Manager for approval prior to application for section 223 for each relevant Stage. The plans shall detail the planting and all infrastructure within the reserves, and for the mixed purpose reserves internal boundaries defining each purpose area will be required. **[Advice Note: It may be appropriate to create two allotments for two different reserve purposes rather than have one allotment for two purposes. No change of conditions application would be required for such a change.]**

~~52.26.~~ Lots 301 and 302 [Stage 2] and Lot 304 [Stage 7] shall be formed and vested in Taupō District Council as Local Purpose Reserve (Stormwater). Either pond batters shall be no steeper than 1 in 4 (22%) around wetted surfaces or safety fencing shall be installed around the ponds. Secondary flowpaths shall be formed clear of residential sites in the event of a pond overflow.

Attachment A – Draft conditions

The planting and infrastructure including any potential recreational furniture or playgrounds described in the approved plans (Condition 25) shall be implemented prior to application for section 224(c) for each Stage. *[Advice Note: If there is a recreational element to be established within these reserves as determined through the plans (Condition 25) it may be appropriate to create two allotments for two different reserve purposes rather than have one allotment for two purposes. No change of conditions application would be required for such a change.]*

~~53.27.~~ Lot 305 [Stage 5] shall be formed and vested in Taupō District Council as Local Purpose Reserve (Drainage). The reserve shall be formed with a compacted gravel walkway (or similar surface), of a minimum width of 1.4m wide and at a gradient of no steeper than 10%. The planting and infrastructure described in the approved plans (Condition 25) shall be implemented prior to application for section 224(c) for Stage 5.

~~54.28.~~ Lot 303 [Stage 7] shall be vested in Taupō District Council as Local Purpose Reserve (Scenic). The planting and walkway / cycleway already established according to the approved plan (Condition 23) shall be to a standard as agreed with Taupō District Council's Development Engineer prior to being vested at Stage 7.

~~55.29.~~ The consent holder shall ensure that a fencing covenant is registered on all residential lots within each Stage that have a boundary with a Local Purpose Reserve to absolve Taupō District Council of any fencing obligations along the common boundary.

[Advice Note: At the time of paying development contributions prior to s224(c) at the end of each Stage 2 – 8, Taupō District Council will give consideration to the level of investment made in reserves, landscape planting and infrastructure on reserves by the consent holder, and by agreement with the consent holder the reserve development contributions shall be reduced accordingly.]

Roads to Vest

~~56.30.~~ Lots 401, 402, 403, 404, 405, 406 and 407 shall be vested as unencumbered in Taupō District Council as Public Road at each Stage. *[Advice Note: Application(s) to Taupō District Council will be required for any new public road names.]*

Consent Notice Conditions

~~57.31.~~ Pursuant to Section 221 of the Resource Management Act 1991, a consent notice shall be registered on the title of the balance lot at each Stage requiring the following condition:

- b. No buildings or structures shall be erected on this lot.

[Advice Note: This consent notice will be noted as having expired once the balance lot is developed.]

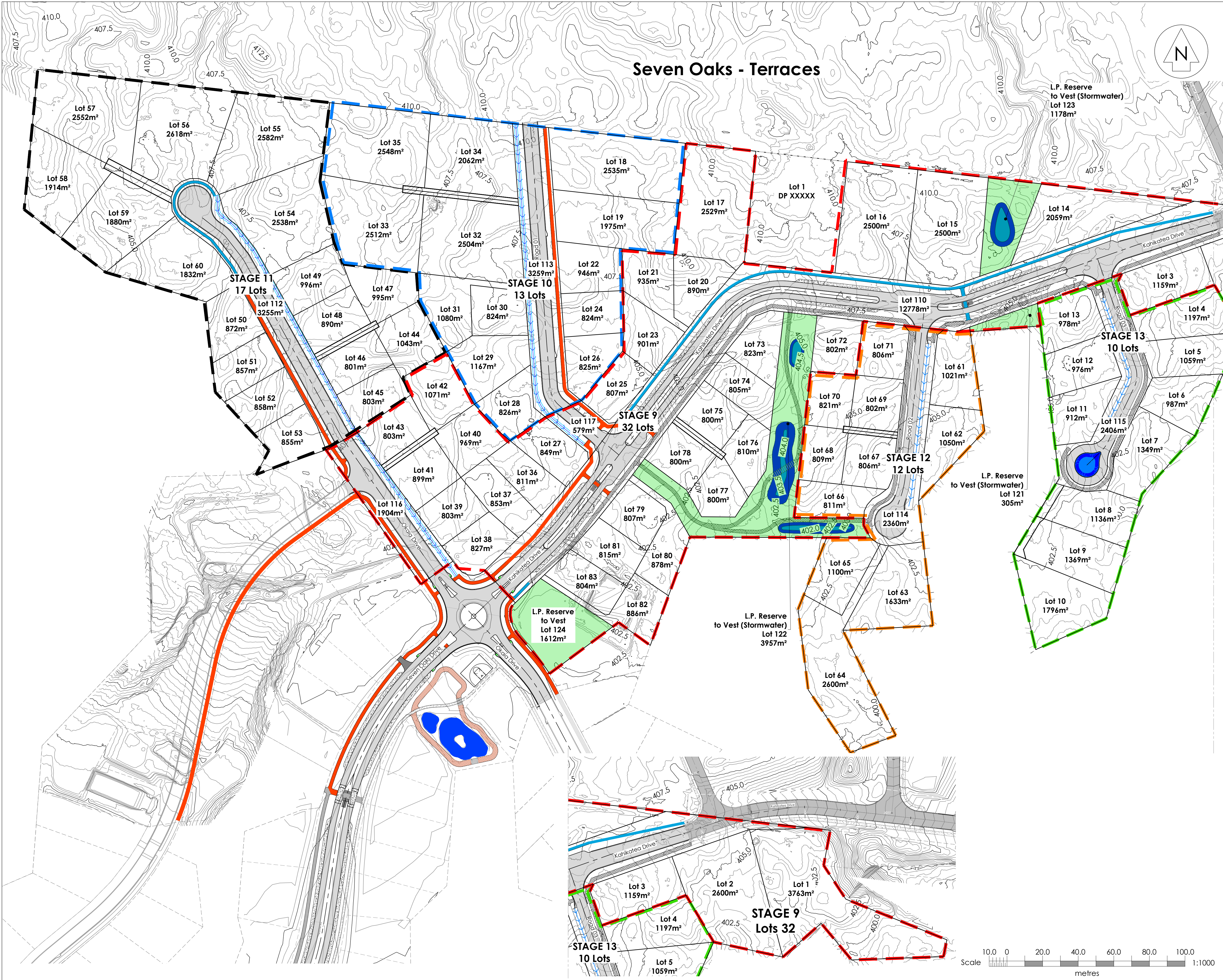
Attachment B : Revised Earthworks Contour and Roding Layout Plans

220225-SK201 Rev F – Balance Land Earthworks Existing Contour Plan

220225-SK202 Rev F – Balance Land Earthworks Proposed Contour Plan

220225-SK301 Rev F – Balance Land Roding Conceptual Layout Plan Sheet 1 of 2

220225-SK302 Rev F - Balance Land Roding Conceptual Layout Plan Sheet 2 of 2



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NOTES:

This plan has been prepared for the purpose of a resource consent application only. It is not a precise survey plan. As areas and dimensions are likely to vary upon survey it should not be attached to any sale & purchase agreements without an appropriate condition to cover such variations.

Owner: Seven Oaks Kinloch Ltd

Record of Title: 1109169

Total Area: 18.255 ha

Reticulated services will require additional easements after final construction and development of the legal survey.

Rights of way to rear Lots are a minimum 4m wide.

Pool Fence along DOC Land Boundary.

- LEGEND:
- Reserve to Vest (Recreation & Stormwater)
 - Design Contours Major
 - Design Contours Minor
 - Easement
 - Existing Culvert
 - Footpath 1.4m
 - Cycleway 1.8m
 - Combined Footpath & Cycleway 2.0m
 - Stage 9 Boundary
 - Stage 10 Boundary
 - Stage 11 Boundary
 - Stage 12 Boundary
 - Stage 13 Boundary

SEVEN OAKS

F	11/08/25	For Resource Consent	RR	SH	TWB
Rev	Date	Amendment	By	Chk	App

Project Title

Seven Oaks Kinloch Limited
Okiaia Drive
Kinloch

Drawing Title

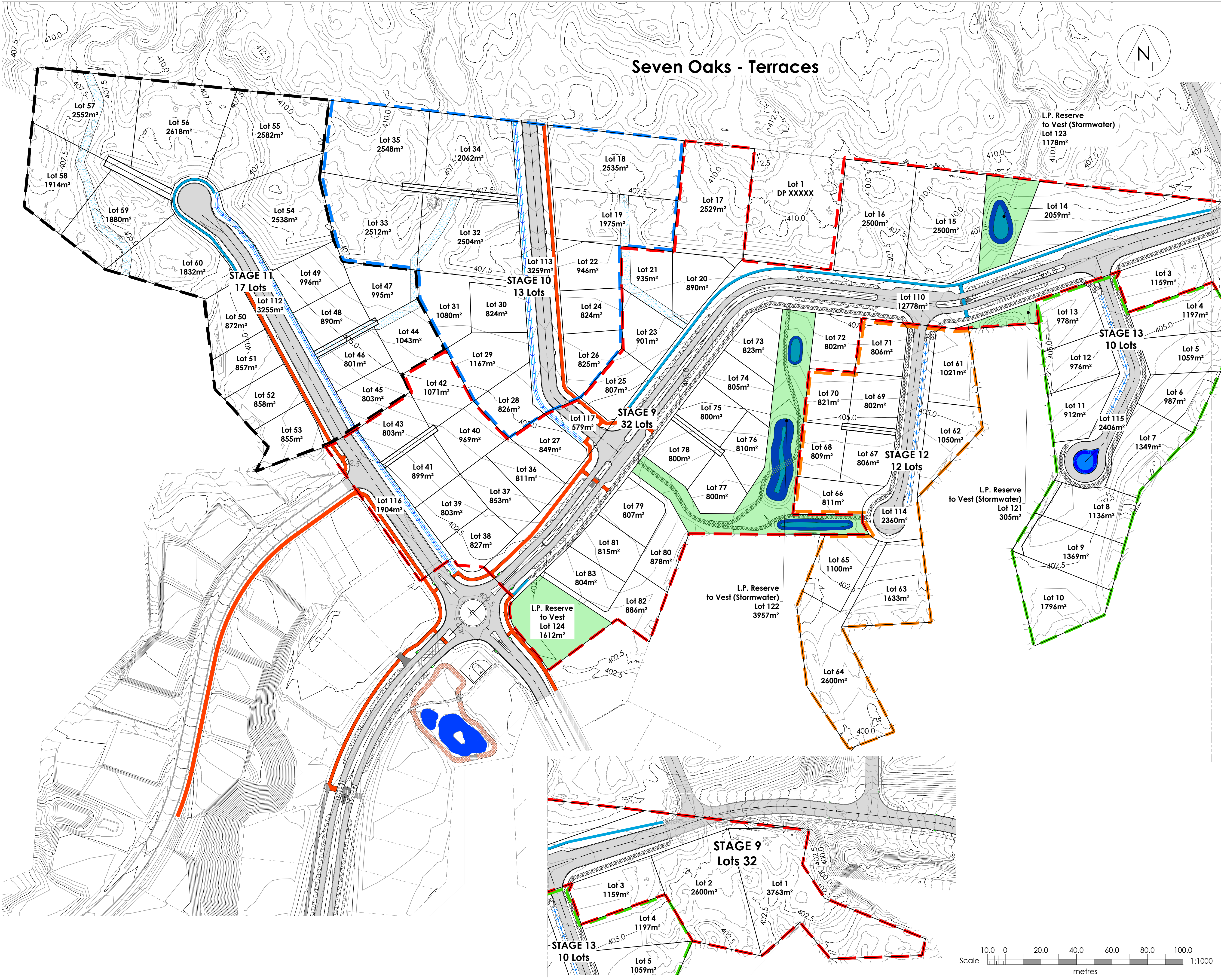
Balance Land
Earthworks
Existing Contour Plan

Surveyed	G.Ripoll	10/22	GR
Designed	S.Pen	12/22	SP
Drawn	P.Harris	21/12/22	PH
Checked	L.Urieete	21/12/22	LU
Approved	T.Brand	21/12/22	TWB

Status **RESOURCE CONSENT**

Scale A1 1:1000 A1
A3 1:2000

Drawing Number 220225-SK201 Rev F



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Pool Fence along DOC Land Boundary.

- Legend:
- Reserve to Vest (Recreation & Stormwater)
 - Stormwater Overland Flow Path
 - Design Contours Major
 - Design Contours Minor
 - Easement
 - Existing Culvert
 - Footpath 1.4m
 - Cycleway 1.8m
 - Combined Footpath & Cycleway 2.0m
 - Stage 9 Boundary
 - Stage 10 Boundary
 - Stage 11 Boundary
 - Stage 12 Boundary
 - Stage 13 Boundary



F	11/08/25	For Resource Consent	RR	SH	TWB
Rev	Date	Amendment	By	Chk	App

Project Title
Seven Oaks Kinloch Limited
Okiaia Drive
Kinloch

Drawing Title
Balance Land
Earthworks
Proposed Contour Plan

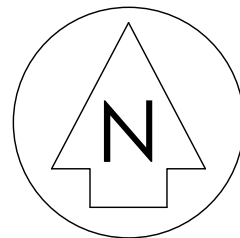
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Designed	S.Pen	12/22	SP
Drawn	P.Harris	21/12/22	PH
Checked	L.Urieete	21/12/22	LU
Approved	T.Brand	21/12/22	TWB

Status **RESOURCE CONSENT**

Scale	A1	1:1000	A1
	A3	1:2000	

Drawing Number
220225-SK202

Rev
F



cheal

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NOTES:

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Owner: Seven Oaks Kinloch Ltd

Record of Title: 1109169
Total Area: 18.255 ha

Reticulated services will require additional easements after final construction and development of the legal survey.

Rights of way to rear Lots are a minimum 4m wide.

Pool Fence along DOC Land Boundary.

Legend:

- Reserve to Vest (Recreation & Stormwater)
- Stormwater Overland Flow Path
- Easement
- ROW
- Footpath 1.4m
- Cycleway 1.8m
- Combined Footpath & Cycleway 2.0m
- Proposed Road
- Stage 9 Boundary
- Stage 10 Boundary
- Stage 11 Boundary
- Stage 12 Boundary
- Stage 13 Boundary

SEVEN OAKS

F	11/08/25	For Resource Consent	RR	SH	TWB
Rev	Date	Amendment	By	Chk	App

Project Title
Seven Oaks Kinloch Limited
Okaia Drive
Kinloch

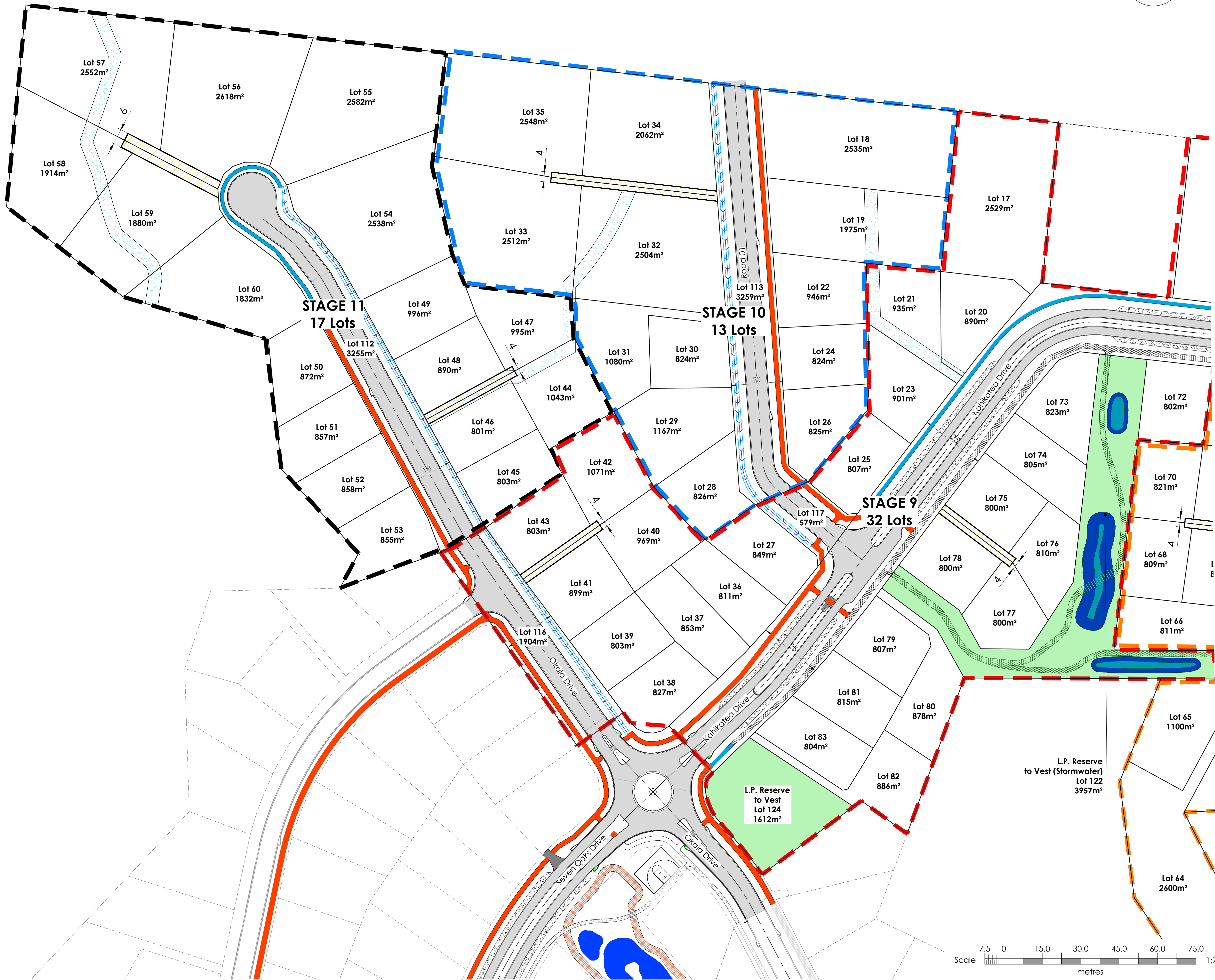
Drawing Title
Balance Land Roading
Conceptual Layout Plan
Sheet 1 of 2

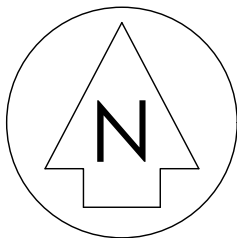
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Designed	S.Pen	12/22	SP
Drawn	P.Harris	21/12/22	PH
Checked	L.Uriaete	21/12/22	LU
Approved	T.Brand	21/12/22	TWB

Status **RESOURCE CONSENT**

Scale A1 1:750
A3 1:1500 | A1

Drawing Number 220225-SK301 | Rev F





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NOTES:

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Owner: Seven Oaks Kinloch Ltd

Record of Title: 1109169
Total Area: 18.255 ha

Reticulated services will require additional easements after final construction and development of the legal survey.

Rights of way to rear Lots are a minimum 4m wide.

Pool Fence along DOC Land Boundary.

Legend:

- Reserve to Vest (Recreation & Stormwater)
- Easement
- ROW
- Existing Culvert
- Footpath 1.4m
- Cycleway 1.8m
- Combined Footpath & Cycleway 2.0m
- Proposed Road
- Stage 9 Boundary
- Stage 10 Boundary
- Stage 11 Boundary
- Stage 12 Boundary
- Stage 13 Boundary



F	11/08/25	For Resource Consent	RR	SH	TWB
Rev	Date	Amendment	By	Chk	App

Project Title
Seven Oaks Kinloch Limited
Okiaia Drive
Kinloch

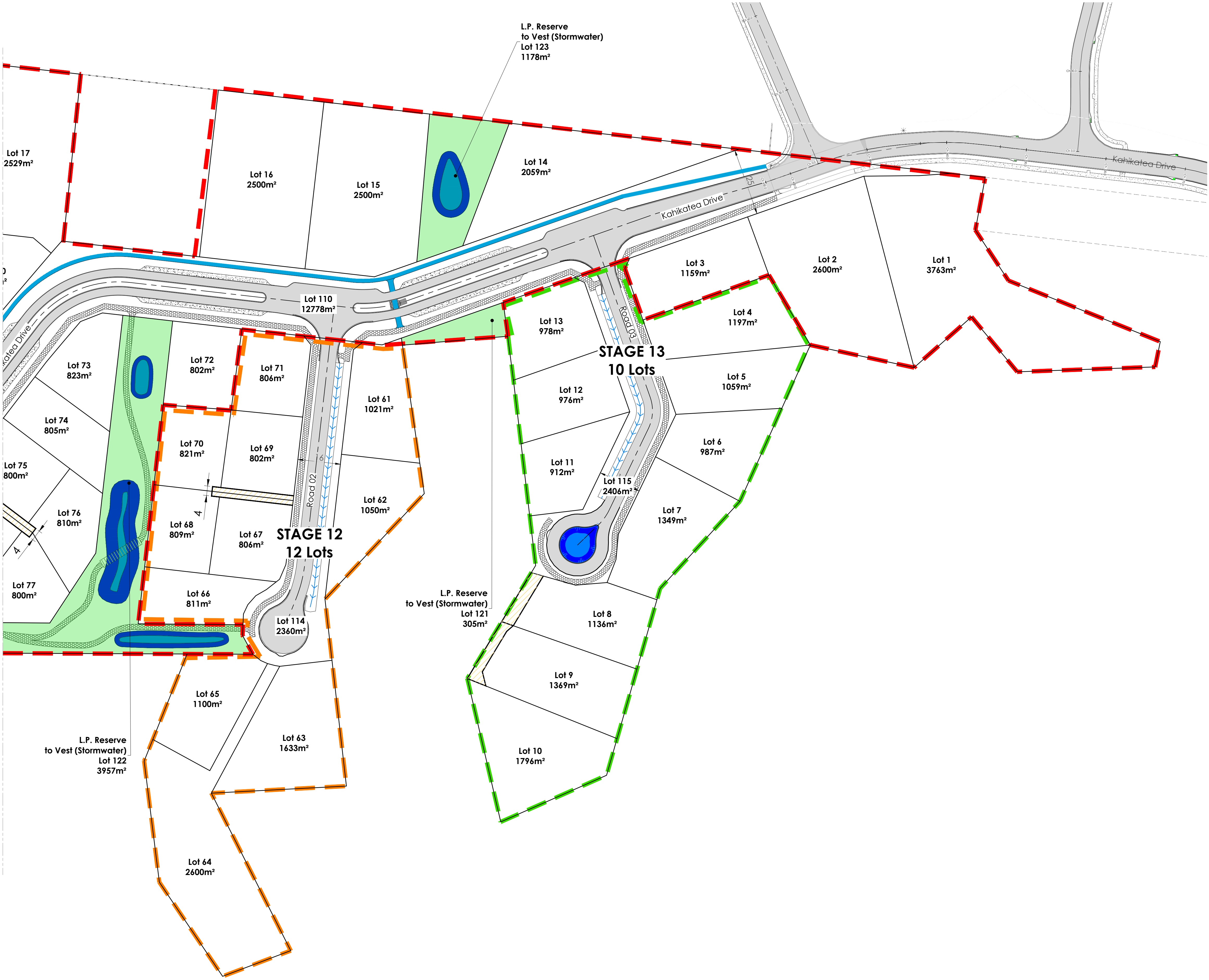
Drawing Title
Balance Land Roading
Conceptual Layout Plan
Sheet 2 of 2

Surveyed	G.Ripoll	10/22	GR
Designed	S.Pen	12/22	SP
Drawn	P.Harris	21/12/22	PH
Checked	L.Uriarte	21/12/22	LU
Approved	T.Brand	21/12/22	TWB

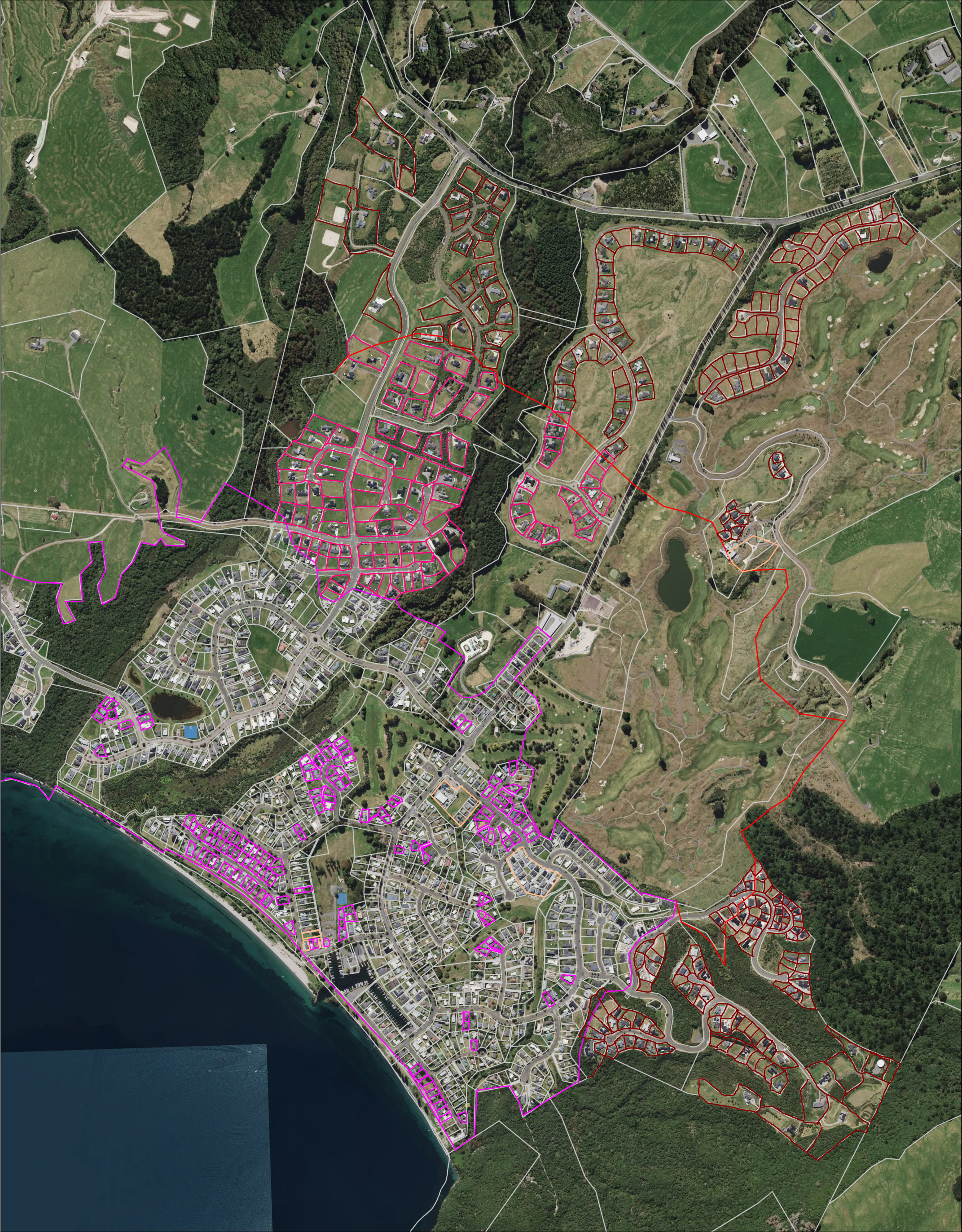
Status **RESOURCE CONSENT**

Scale	A1	1:750	A1
	A3	1:1500	

Drawing Number	Rev
220225-SK302	F



Attachment C : Map of lots inconsistent with required lot sizes in Kinloch



Map Prepared



-  Lots <800m2 in Kinloch Residential Zone
-  Lots<1ha in Kinloch Low Density
-  Lots <2ha in Kinloch Rural Residential

DISCLAIMER: This map/plan is illustrative only and all information should be independently verified on site before taking any action. Whilst due care has been taken, Grip gives no warranty as to the accuracy and plan completeness of any information on this map/plan and accepts no liability for any error, omission or use of the information.

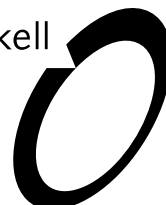
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**Attachment D : Boffa Miskell Peer Review of Landscape Assessment for
100 lot proposal on the Site.**

31 January 2024

Boffa Miskell



Louise Wood

Senior Resource Consents Planner
Taupō District Council
lwood@taupo.govt.nz

Dear Louise,

Re: Seven Oaks Kinloch Ltd Subdivision, Stage 9 – 15 – Landscape and Visual Assessment Peer Review

Introduction

1. Further to our correspondence, Boffa Miskell Limited ('**BML**') have undertaken a review of the Landscape and Visual Assessment Report ('**the LVA**' or '**the assessment**') accompanying the resource consent application for the proposed Seven Oaks Subdivision at Kinloch. The assessment was prepared by Mansergh Graham Landscape Architects (December 2022). The purpose of this review is the potential landscape and visual effects of the proposal.
2. As part of this, the following documents have been reviewed:
 - *Landscape and Visual Assessment Report* ('the assessment'), prepared by Mansergh Graham Landscape Architects, dated December 2022.
 - *Scheme Plan*, prepared by Cheal, dated 01/06/2023.
 - *Application for Resource Consent for Subdivision and Land Use, and Change of Conditions* (AEE), prepared by Cheal, dated 10 November 2023.
3. I possess a good understanding of Kinloch and have previously conducted peer reviews and assessments pertaining to landscape and visual effects in both Kinloch and the broader Taupō area. For the review of this application, I have relied upon my prior knowledge of the Kinloch area, the information provided in the application and desktop analysis. I have not undertaken a site visit at this stage.

Request for further information

4. After conducting the initial review of the application material, it was determined there was sufficient information for me to understand the landscape and visual effects of this proposal. No additional information was deemed necessary under Section 92.

PEER REVIEW

Proposal

5. The LVA description of the proposal differs slightly from the description outlined in the application AEE. These disparities include staging counts, two additional residential lots, and the number of stormwater reserves, among other details. It is presumed that these variations arose during the ten-month period between composing the LVA report (refer scheme plan D) and the AEE (reference scheme plan E). Despite these minor discrepancies, the changes between the two scheme plans are minor. For the purposes of this review, I have chosen to adopt the project description presented in the application AEE and scheme plan (Rev E), including the specified lot and density numbers.
6. Seven Oaks Ltd ('the applicant') are seeking subdivision and land use consent for a proposed 100 lot residential subdivision on Okaia and Kahikatea Drive, Kinloch. The subdivision is proposed to be completed in 8 Stages (stages 8 – 15) with the intention that more than one stage could be jointly completed. The proposed development will be located within an area that is predominately identified as Kinloch Low Density Area (11.3ha) but includes a portion of Kinloch Residential Area (2.2ha) under the Taupō District Plan (TDP). Within the Kinloch Community Structure Plan (KCSP), these areas are identified as Medium and High-Density Areas respectively.
7. The proposal is a non-complying activity under the Taupō District Plan (TDP), as the residential allotments will be less than the minimum and average lot sizes for the Kinloch Low Density Zone and some of the proposed lots will be less than the minimum and average lot sizes for the Kinloch Residential Zone (Rule 4a.4.5 TDP).
8. The land use consent is also classed as a non-complying activity as the development infringes the Kinloch Residential performance standards through infringing the maximum building coverage, maximum plot ration, minimum building setback – front boundary and minimum building setback – all other boundaries (Kinloch low density zone). The proposal also infringes the maximum earthworks inside and outside of the building setback.
9. In summary the proposal consists of:
 - An eight-stage subdivision (stages 8 to 15) that includes the creation of 100 residential lots with the minimum lot size of 492m² and average lot size of 945m² over a 13.5 ha site. As a consequence, the proposal breaches the minimum lot size and average lot size standards in the Kinloch Low Density Residential zone.
 - Development includes five road lots to vest, one recreation reserve and four stormwater reserves.

- **Lot size** – Kinloch Low Density Residential standards require a minimum 1ha lot size, while the proposal has a minimum lot size of 492m². The average lot size required is 1.5ha, and the proposed is for average lot size of 945m².
- **Building coverage** - The Kinloch Low Density Residential zone allows 5% building coverage. It is proposed to allow 25% coverage as per the Kinloch Residential performance standards on Lots 1 – 80, 97 - 98. This will exceed the 5% limit by an additional 20%. It is proposed to allow 40% building coverage on Lots 81 – 96, 99 and 100. This will exceed the 5% limit by an additional 35%.
- **Building coverage** - Excluding a portion of stage 12, the proposed development applies the Kinloch Residential Lot Density, which allows 25% building coverage and 30% plot ratio. Within stage 12 there is a higher density area proposed (Lots 83 to 102). This area retains the Kinloch Residential density, setbacks, and height restrictions, however, has a building coverage of 40%.
- **Building height** - Currently buildings up to 8m are allowed in the Kinloch Low Density environment. It is proposed to limit this to 7.5m, or 4.5m within 50m of the Scenic Reserve.
- **Earthworks** - The Kinloch Low Density Residential environment allows 10% of the allotment at any one time. It is proposed to allow 90% disturbance as per the Kinloch Residential Performance Standards. This will exceed the 10% limit by an additional 80%. The design is stated to 'seek to minimise earthworks and create a near cut to fill balance to avoid any import or export of soil material'. No retaining walls are proposed. The earthwork depths will be up to 6m cut, and 6m fill. Earthworks will be setback 7.5m from the DoC Boundary.
- The proposed development includes continuous, 1.8m high, open style fence (such as pool fencing) black in colour erected along all boundaries of the residential lots with the adjoining Department of Conservation Okaia and Otaketake Scenic Reserves.
- The assessment does not identify the need for additional mitigation to screen the development. An initial overview planting scheme has been prepared as part of the proposal, this is based on the indicative layout and includes street tree selection and broad areas of planting. It is recommended that any further detail, for planting within public reserves, wetlands or planted bunds, should be picked up in a detailed landscape plan, prepared by a qualified landscape architect and included as a condition of consent.

Methodology

10. The report outlines the methodology employed and alignment with the *Te Tangi a te Manu: Aotearoa New Zealand Landscape Assessment Guidelines [Final version 26 August 2022]*. Site visit summaries, information sources and other relevant information is provided. The 7-point scale for rating has been used in the assessment. This is consistent with Te Tangi a te Manu.
11. The assessment is supported through a series of maps, and photographs. Viewpoint locations have been clearly identified and cover a range of viewing audiences and distances. Two photomontages have been prepared (refer view location two and ten) however, does not appear to adhere to best practice methodology¹. Important factors

¹ Best Practice Guide Visual Simulations BPG 10.2, NZILA Education Foundation, 2010

such as viewing distance, the human field of view, viewpoint location, lens focal length, and overall methodology remain unclear. As a result, I have treated these with some degree of caution. The photographs from the remaining viewpoint locations that are included with the assessment are useful particularly with the annotation to show the extent of the development.

Relevant Statutory Provisions

12. The LVA does not make direct reference to all specific objectives and policies, however it makes reference to and provides commentary on the:
 - The Resource Management Act (**RMA**), Part 2, particularly sections 6 (a), (b), (c) and 7(c).
 - Regarding Section 6 (b) and (c), the site is not within an identified outstanding natural feature or landscape. Lake Taupō is identified as an Outstanding Natural Landscape (OLA 20) to the south of the proposed subdivision.
 - The site is adjacent to reserve land and land zoned Significant Natural Area (SNA). (SNA 152, and SNA 170).
13. The proposed development is in an area that is captured by both the Kinloch Residential Area and Kinloch Low Density Area. This is identified in the Residential Environment in Section 3a of the TDP. Section 4a *Residential Environment* contains performance standards and development controls for the Residential Environment with specific reference to the Kinloch Residential Area.
14. The assessment could also have identified RMA section 7(f) maintenance and enhancement of the quality of the environment. However, considered this is adequately address in the TDP and lower order legislation this is sufficiently covered. I am not aware of any additional statutory matters that should have been addressed.
15. I have taken the above statutory context into account when reviewing the proposal.

Existing Environment / Landscape

16. The wider surrounding context and site is well described in paragraphs 9 – 21. Including reference to several photographs, maps (within appendix) and descriptors that further enhance this understanding. I concur with the applicant's description which provides an accurate summary of the history of Kinloch, the site and wider context of the site. Of note when reading the assessment:
 - In the wider context, the original Kinloch residential development, situated within 500m of the foreshore, is confined by the Whanagamata Stream to the west and the Whakaroa Point Reserve to the east. The urban fabric features small-scale development near the lake, gradually transitioning to slightly larger lots farther away, with recent developments like Lisland and Locheagles Rise expanding the area. Most of the remaining land is in pastoral farming, with scattered patches of vegetation and regenerating scrubland along waterways and steeper headlands. The Kinloch Community Structure Plan (KCSP) guides development densities, categorising the application site in the western part as 'high density' and 'medium density' (800m² to 1.5ha). It includes an indicative collector road linking to Whangamata Road.

- The 13.5 ha application site is situated on elevated land west of Okaia Stream Scenic Reserve. It interacts with existing pastoral land, the Seven Oaks Development stages to the south, and vegetated reserve areas. Bounded by Okaia Stream Scenic Reserve to the east, Seven Oaks Development to the south, and Otaketake Stream Scenic Reserve to the west, the northern part extends into open pasture and undulating terrain. To the west, within Otaketake Stream Scenic Reserve, lies the Northwestern Bays Whakaroa Point to Otuparae Point Outstanding Landscape Area, separated by 100m of vegetation. The site, characterised by a generally southerly aspect, has undulating terrain falling from north to south.

Visual Catchments

17. The visual catchment (areas from where it will be visible) and viewing audience (people who will see it) are described in detail in paragraphs 48 – 57. This is supported using Zone of Theoretical Visibility (ZTV) mapping. Limitations of the ZTV are that the analysis does not take into account existing vegetation. It is however useful in the first stages of determining a visual catchment for the proposal. The findings from the ZTV were verified through field investigation by the assessor, this is considered a robust process.
18. I agree with the visual catchment and viewing audience identified. From public vantage points, the application site features a rounded ridgeline, bordered by Otaketake and Okaia Stream Scenic Reserves. These reserves, with established vegetation, separate the elevated land from Kinloch village and adjacent areas. Close-up views are typically obscured by dense vegetation. From a distance and from elevated views the site is more visible. Both fleeting and panoramic views are possible from locations below the application site.

ASSESSMENT OF EFFECTS

Landscape Character Effects

19. The assessment concludes that there will be *very low* landscape character effects on the broader context. I concur with this assessment and observe the following:
 - The defined boundary of Kinloch Residential on the western side ends abruptly at a narrow neck, without a clear rationale for this termination point. It seems to align with Kahikatea Drive, possibly following an older cadastral line or the edge of SNA170. From a landscape perspective, natural features such as streams, ridgelines, topography is preferable when setting boundaries. The assessment notes that the current 'Kinloch Residential' is mainly in the eastern part of the town, creating inconsistency. The proposed approach, increasing density in the west, aims to enhance consistency, improving symmetry of the settlement area and Kinloch landscape.
 - The intensification is sleeved within the development, and it utilises the stormwater reserve, and proposes vegetation to break up the bulk of the development. Towards the edges of the development the lot size transitions to larger lots.
 - Adherence to height controls, coupled with the factors mentioned above, will play a crucial role in mitigating the landscape character effects of the proposed increased density.

- The site is outside of designated areas of high or outstanding natural character, it is also outside areas designated as Outstanding Natural Features and Landscapes. The identified ONL will not be affected by the proposed subdivision. The buffer of existing reserve planting between the site and OLA 20 (including OLA 28), will prevent any adverse effect on the amenity of the lake.

Landscape Effects

20. The assessment lacks an assessment of the the physical landscape, such as vegetation removal and earthworks, which can alter its character or value. Typically addressed in a landscape and visual effects assessment, this would have been beneficial. In my view, the proposed earthworks and vegetation removal are expected to result in low (adverse) effects. The proposed earthworks involve cut and fill up to 6m, with setbacks, including a 7.5m distance from the DoC boundary and 1.5m from other boundaries. Staged development will limit simultaneous earthwork portions. The greatest extent of earthworks is largely concentrated in the west of the site. While substantial changes will occur for street network establishment and urban development, the intimate rolling nature of the site will diminish. However, key highpoints and general north south topography will be preserved. Given the extensive earthworks it is not anticipated that any vegetation will be retained on the site however the site is currently pasture and not subject to any SEA over lay or protected vegetation.
21. Overall effects are anticipated to be low (adverse), considering the extensive earthworks, resulting in minimal retained vegetation except near waterways. Notably, the site lacks vegetation identified as significant for ecological values (SEA) or as notable trees.

Visual Amenity Effects

22. A comprehensive assessment of visual effects is provided in paragraph 64 – 89. This assessment covers both views in the immediate proximity, more distant and is supported by viewpoint location photos and photomontages. Noting that the site is zoned for residential activity (Kinloch Low Density), with the effects of the development above that baseline that has been considered. A number of assumptions have been made in relation to building height, final form and location which seems reasonable at this stage of application.
23. The report provides a comprehensive evaluation of viewpoint location. Adverse visual effects are deemed low to very low, varying with distance. The Assessment concludes that the *‘overall impact of the development on visual and amenity values in the existing environment is considered less than minor’*. I concur with this assessment, recognising the anticipated shift in the landscape's future built character, the proposed development pattern aligning generally with the broader Kinloch area, the location of the higher density zones situated internally, limiting their visibility as well as effective mitigation through the use of the stormwater reserve and sleeving of the surrounding development and built form.

Conclusion

24. In conclusion, the Landscape and Visual assessment considers the relevant statutory provisions. The landscape and visual effects of the proposal are well considered and comprehensive. They consider both the immediate site and the wider environment.
25. The conclusions reached in the Assessment are consistent with the work undertaken in the Assessment. I am comfortable with the conclusions that the effects are no more than minor.
26. Whilst not relied upon for mitigation the assessment recommends that a detailed landscape planting plan be included as a condition of consent. I agree with this recommendation and add that the planting plan should further detail planting within public reserves, streets, wetlands, and planted bunds and prepared by a qualified landscape architect.
27. I trust that the above technical review provides you with enough information to enable you to complete your planning recommendation report in response to the application. Please let me know if you require any further clarification.

Julia Wick

Principal Landscape Architect

BOFFA MISKELL LTD

Method Statement

22 June 2023

This peer review has been guided by the methodology outlined in '*Te Tangi a te Manu: Aotearoa New Zealand Landscape Assessment Guidelines*' by Tuia Pito Ora New Zealand Institute of Landscape Architects, July 2022. The following details are provided specifically regarding the effects ratings utilised in this peer review.

The Nature of Effect

The nature of effect assesses the outcome of the proposal within the landscape. It is evaluated based on whether effects are positive (beneficial), negative (adverse), or neutral (benign) within the specific context within which they occur.

It is important to note that a change in landscape or the view of a landscape does not automatically imply an adverse effect. Landscapes are dynamic and undergo natural as well as human-induced changes, ranging from subtle shifts to more are noticeable transformations.

When assessing and managing landscape change, the key focus is to avoid or sufficiently mitigate adverse effects. The objective is to maintain or enhance the environment through appropriate design outcomes, while acknowledging that the nature and magnitude of effects may evolve over time.

The Level of Effect

Where the nature of effect is assessed as '**adverse**', the assessment quantifies the level (degree or magnitude) of adverse effect. Assessing the level of effect entails professional judgement based on expertise and experience provided with explanations and reasons. The identified level of adverse natural character, landscape and visual effects adopts a universal seven-point scale from **very low** to **very high** consistent with Te Tangi a te Manu Guidelines and reproduced below.

VERY LOW	LOW	LOW-MOD	MODERATE	MOD-HIGH	HIGH	VERY HIGH
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Landscape Effects

A landscape effect relates to the change on a landscape's character and its inherent values and in the context of what change can be anticipated in that landscape in relation to relevant zoning and policy. The level of effect is influenced by the size or spatial scale, geographical extent, duration and reversibility of landscape change on the characteristics and values within the specific context in which they occur.

Visual Effects

Visual effects are a subset of landscape effects. They are consequence of changes to landscape values as experienced in views. To assess where visual effects of the proposal may occur requires an identification of the area from where the proposal may be visible from, and the specific viewing audience(s) affected. Visual effects are assessed with respect to landscape character and values. This can be influenced by several factors such as distance, orientation of the view, duration, extent of view occupied, screening and backdrop, as well as the potential change that could be anticipated in the view as a result of zone / policy provisions of relevant statutory plans.

The Significance of Effects

Decision makers assessing resource consent applications must evaluate if the effect on individuals or the environment is less than minor² or if an adverse effect on the environment is no more than minor³. For non-complying activities, consent can only be granted if the s104D 'gateway test' is satisfied, ensuring adverse effects are minor or align with planning objectives. In these situations, the assessment may be required to translate the level of effect in terms of RMA terminology.

This peer review has adopted the following scale applied to relevant RMA circumstances⁴ (refer to diagram below), acknowledging low and very low adverse effects generally equate to 'less than minor' and high / very high effects generally equate to significant⁵.



² RMA, Section 95E

³ RMA, Section 95E

⁴ Seven-point level of effect scale. Source: Te tangi a te Manu, Pg. 15

⁵ The term 'significant adverse effects' applies to specific RMA situations, including the consideration of alternatives for Notices of Requirement and AEEs, as well as assessing natural character effects under the NZ Coastal Policy Statement.

**Attachment E : Waikato Regional Council Consents AUTH147276.01.01
and AUTH147276.02.01**

Consent Evaluation Report

Applicant:	Seven Oaks Kinloch Limited	File No.:	61 73 85A
Address of Site:	Kahikatea Drive, Kinloch	Project Code:	RC27603
Consent Type(s):	Land Use Consent, Water Permit	Application Number:	APP147276

1 Introduction

Cheal Consultants Limited on behalf of Seven Oaks Kinloch Limited (the applicant) have applied for resource consent to develop stages 9-13 of a residential development at 25 and 27 Kahikatea Drive and an unnumbered Kahikatea Drive, Kinloch lot collectively known as Seven Oaks, Kinloch. This new application considers earthworks within a high-risk erosion area (HREA) and diversion of surface water overland flow paths and is integrally linked to surrounding consented stages of this development. The location is on or about NZTM 1853250.E 5717803.N as shown in Figure one below.

The application will allow for the civil construction of future stages 9-13 of “Seven Oaks” and proposes earthworks within the HREA’s and diversion of surface water via overland flows to construct roads and inground infrastructure and the general land contouring. The application is recorded in the Waikato Regional Council (WRC) records system as document reference (Ref) #30783043 and titled *“Seven Oaks Kinloch Limited, 30 Okaia Drive, Kinloch Application for Resource Consent under Section 88 of Resource Management Act 1991 for Land Use and Water Permit”* and further information responses recorded in folder Ref #31262295.

The applicant has requested a consent duration term of 10 years for the construction works to allow site development.

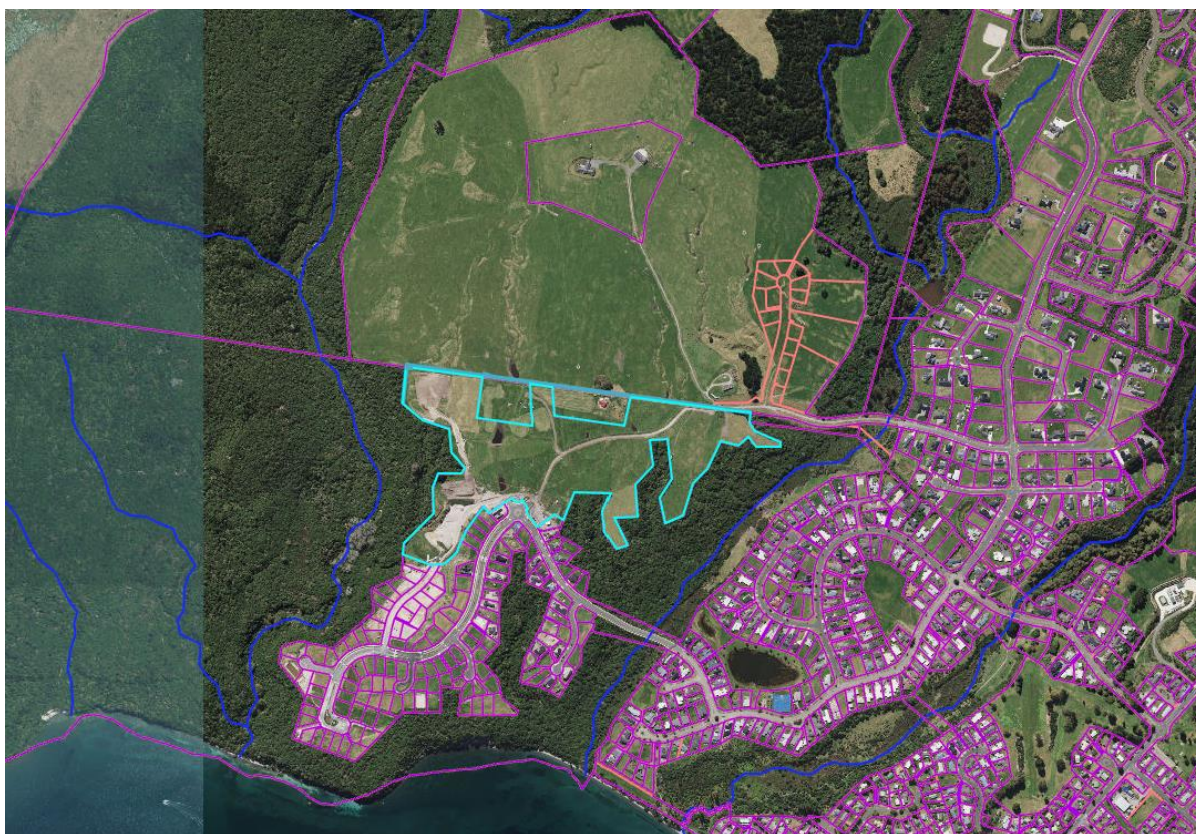


Figure one: Site Location, Kahikatea Drive, Kinloch (3 parcels of land), source WRC Ourmaps

The specific resource consents sought from the WRC are described as follows:

Reference Id	Activity Description
AUTH147276.01.01	To undertake earthworks within a High Risk Erosion Area in association with a residential subdivision development
AUTH147276.02.01	To divert surface water by diverting overland flow paths in association with land contouring for a residential subdivision development

This report assesses the application, the potential environmental effects and the relevant planning provisions in the Resource Management Act 1991 and WRC policies and plans. The report recommends whether to process the consent with or without notification, and whether consent should be granted.

2 Background and Description of Proposal

2.1 Location

Kinloch is a village located nestled into a bay along the northern shores of Lake Taupo and is approximately 20 kilometres west of Taupo. Kinloch was historically a holiday destination with holiday home sections created around 1959 and a marina constructed around 1962. The village has since grown with multiple land developments creating residential lots for both holiday and permanent residents.

This stage of the Seven Oaks Kinloch development includes 3 properties over a total land area of approximately 17.5 hectares. The most southwestern part of the site is not included in the works area reducing the workable area to approximately 16.7 hectares. The current zoning for the site split between two zones: the Kinloch Residential zone and the Kinloch Low Density Residential zone.

No streams run directly through the site, but surface water overland flow-paths contribute to the Otaketake Stream located west of the site, which flows north to south with the stream discharging to Lake Taupo west of Kinloch. The Otaketake Stream holds Waikato Regional Plan Classifications of Trout Fishery/Spawning and Priority Stock Exclusion. Located to the east of the site is the Okaia Stream which holds a Surface Water classification and Priority Stock Exclusion classification. Further east of the Okaia Stream is the Whangamata Stream which also flows north to south through Kinloch discharging to Lake Taupo at the western end of Kinloch “beach”.

The unnumbered Kahikatea Drive property is predominantly pasture with approximately four man-made pond features where current surface water overland flow-paths have formed stock drinking water ponds. No natural inland wetlands (NIW) have been located within the works area. An existing dwelling and outbuildings are located on 25 Kahikatea Drive and 27 Kahikatea Drive includes some farm buildings.

The adjoining properties north and south are either developed or approved to be developed into residential lots. West and east of the site is Department of Conservation owned and governed land which includes the stream environments and have significant natural area policy overlays under the Taupo District Plan.

2.2 Background and Existing Consents

Seven Oaks has been progressively developed since 2018 with Stage 1 lots available since around 2020. The consenting for the development has predominantly been through subdivision and land use consents with Taupo District Council (TDC) and this includes public notification for the same geographical area this report covers, under RM240388-389 and RM200118C. Submissions closed on 03 April 2025 for the TDC public notification.

AUTH147274.01.01 was granted 19 December 2024 for onsite wastewater discharge at 25 Kahikatea Drive, Kinloch due to a reduced discharge area resulting from the proposed residential development and to provide a wastewater option until municipal wastewater reticulation connection is provided to the existing dwelling. The expiry date for this consent is 18 December 2034.

AUTH145879.01.01 and AUTH145879.03.01 were granted 31 October 2023 for the upper terraces north of this works area for earthworks and vegetation clearance in a high risk erosion area to construct a residential subdivision and divert surface water overland flow paths associated with infilling of a gully system to construct a residential subdivision respectively. Both The authorisations hold 10-year consent terms with an expiry date of 30 October 2033.

AUTH145879.02.01 was granted 26 September 2023 to undertake earthworks and vegetation clearance in a high risk erosion area within 10m of the Okaia Stream and wetland. The expiry date is set at 25 September 2028.

The fully developed southern end of Seven Oaks is located near to Lake Taupo and includes a separation from the water body by vegetated Department of Conservation land.

2.3 Overall Proposal

The applicant is proposing a staged subdivision of the site and this application addresses work within stages 9-13 of the Seven Oaks Residential Development as shown in Figure two.



Figure two: Seven Oaks works area, Kahikatea Drive, Kinloch, *source Cheal application document, Image 1*

2.3.1 Earthworks

Bulk cut to fill earthworks is proposed to prepare and contour the site to remove humps and hollows, create the roading network and install inground infrastructure construction during civil works. The applicant intends to smooth the land rather than retain the undulating land characterisation. The application for earthworks outside of High Risk Erosion Areas (HREAs) is precautionary for these areas to ensure that any discharge exceeding total suspended solids (TSS) standards are considered and accounted for. Some works will be located within HREA's.

Earthworks across the site will include cut of approximately 45,050m³ and fill of 60,950m³, with an estimated balance/surplus of 4,100m³. Erosion and sediment controls and final earthworks methodology will be provided through the detailed design phase of the project and are expected to include bunding and diversion drains, clean and dirty water flow-paths, silt fences, sediment retention ponds (SRP) and decanting earth bunds (DEB) as shown in Figure three below. The draft erosion and sediment control plan provides some draft methodologies, and further to these proposed erosion and sediment controls, stabilisation of exposed areas and dust management will also be undertaken.

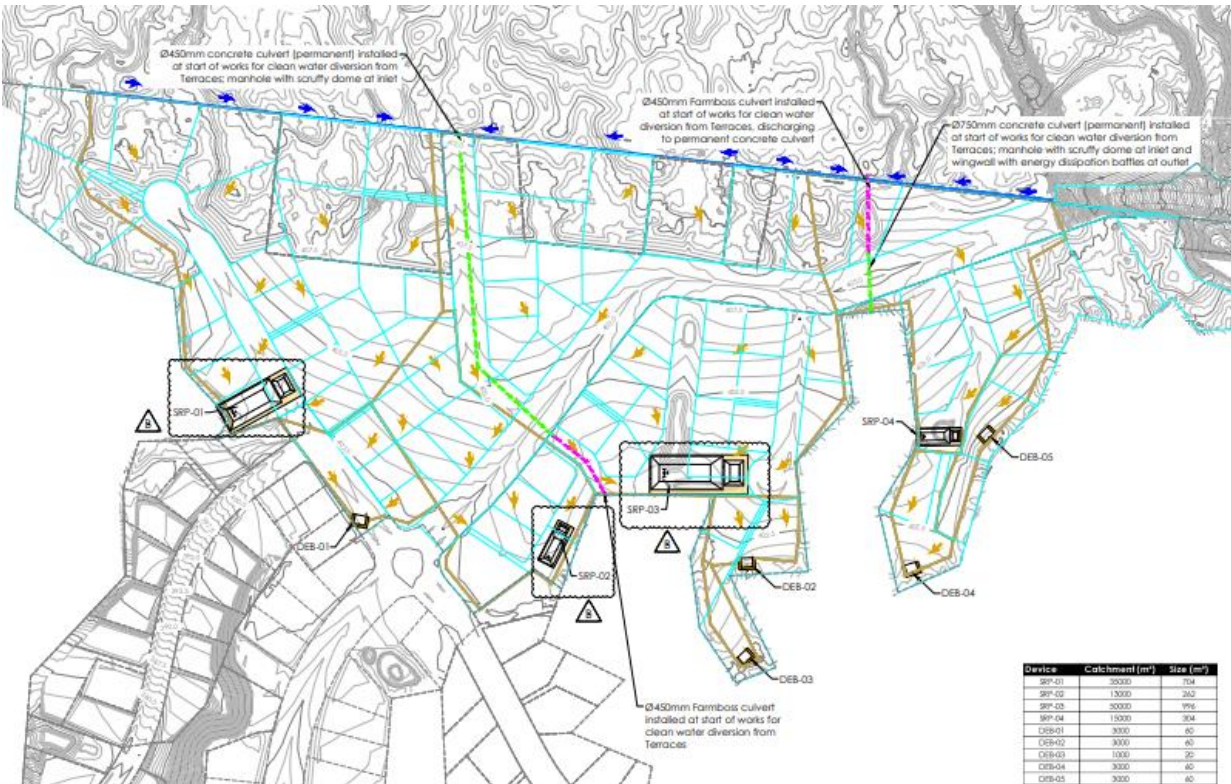


Figure three: Erosion and Sediment Control Plan – Seven Oaks Kinloch, *source Cheal 220225-SK204 RevB*

2.3.2 Overland Flowpath Diversion

The area of works specific to this application requires consideration of the upstream catchments that drain through the development. The upstream catchment area referred to as The Terraces has been considered under APP145879 and consented under AUTH145879.03.01 *“To divert overland flow paths associated with infilling of a gully system to construct a residential subdivision”*. The Terraces authorisation (AUTH145879.03.01) provides for the diversion of surface water through an overland flowpath diversions which will link to overland flowpath diversions within this balance area as shown in Figure four below.

The applicant proposes designating surface water overland flow paths and/or the use of stormwater reserves for the flows to pass safely through the site before any discharge to the Okaia or Otaketake Streams. The diversions are designed to direct the surface water overland flows to swales in road corridors which will link to stormwater reserves. Two areas of surface water overland flowpath from The Terraces ex catchments B/C and D/E are outlined by the applicant to flow into and through the area of works covered by this consent. It is also noted that ex catchment A from The Terraces will also flow through the northwestern part of this works area towards the Otaketake Stream. The Terraces contributing catchments are shown in Figure five below.

The overarching approach is for surface water flowpath diversion as directed from The Terraces via a combination of culverts, swales and road carriageways to stormwater reserves prior to any discharge to Department of Conservation (DoC) reserves which contain the Otaketake and Okaia Streams.

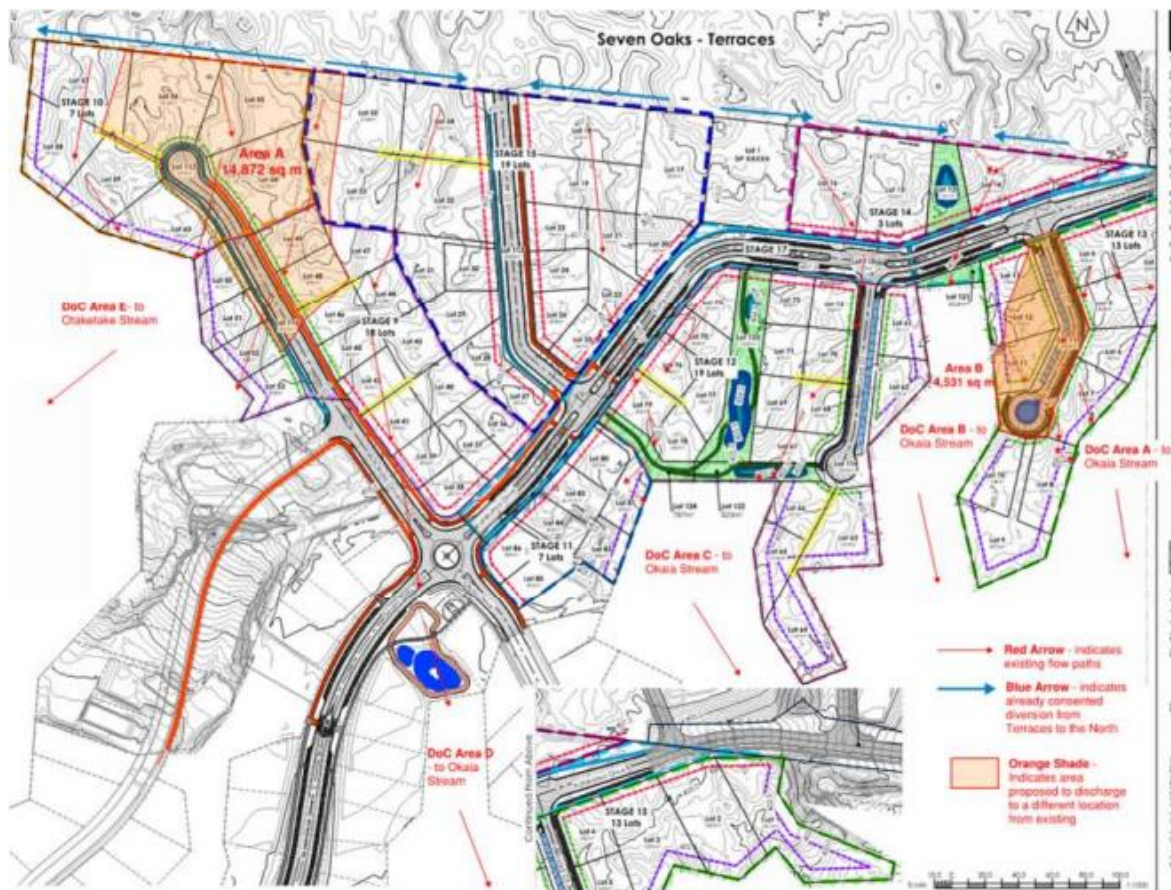


Figure 1 – Balance Land Diverted Area

Figure four: Proposed surface water flow diversion plan, source Cheal further information response, WRC Ref #31814350

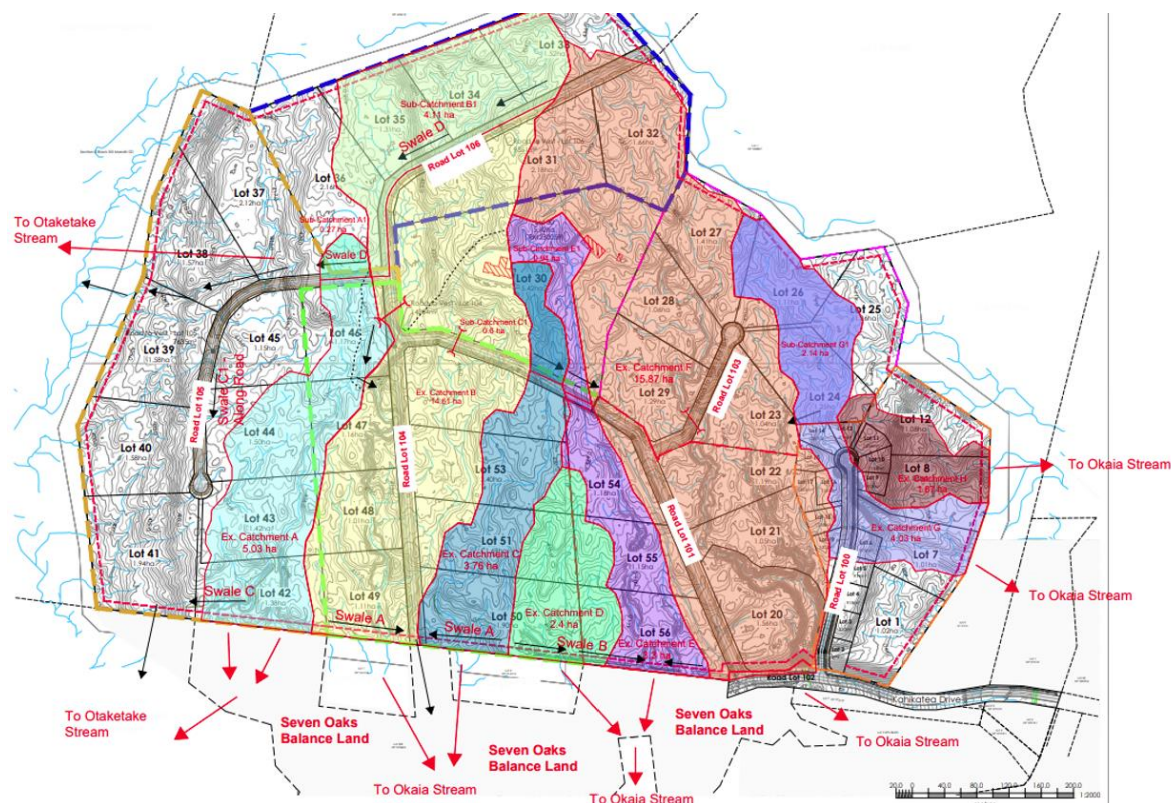


Figure five: Contributing Upper Catchment from The Terraces (AUTH145879.03.01), source Cheal resource consent application Figure 10 WRC Ref #30783043

3 Application Made and Activity Status Under the Plan

3.1 Waikato Regional Plan (WRP)

The application has been assessed against the WRP and requires resource consent as follows:

- **5.1.4.15 Discretionary Activity Rule** – Soil Disturbance, Roding, Tracking, Vegetation Clearance, Riparian Vegetation Clearance in High Risk Erosion Area. Resource consent is required the site having undulating topography and unable to demonstrate compliance with permitted activity rules both within and outside of HREA.
- **3.6.4.13 Discretionary Activity Rule** – Stopbanks, Diversions and any Associated Discharges of Water. The displacement and diversion of surface water overland flow paths is required to be assessed, and this rule provides for surface water diversions and any associated discharges of water.

The application is considered with an overall activity status under the WRP of **discretionary**.

3.2 Permitted Activities

The discharge of stormwater is a permitted activity (PA) under Rule 3.5.11.5 *Discharge of Stormwater Onto or Into Land* if the discharge can meet the conditions of the PA rule. The applicant has provided some information to support this and insists the stormwater discharge will be able to meet the PA conditions. The applicant should continue to assess the proposed PA works and if the site design changes where the relevant WRP PA rule conditions cannot be met, the applicant must assess if a separate consent is required and apply accordingly.

Summary of Activity Status

The overall combined activity status of the application is **discretionary**.

4 Term Sought

The applicant has requested a consent term of ten (10) years to complete the earthworks and surface water flowpath diversion works (temporary activities). This term is seen as appropriate to allow for the land disturbance to be undertaken and completed in stages, which will allow for unforeseen delays in the construction programme. An expiry date of 13 May 2035 is recommended.

5 Process Matters

The application was received by Waikato Regional Council on the 20th November 2024 and became active on the 26th November 2024. The relevant process matters are as follows:

Date	Process Detail
20/11/2024	Lodged
25/11/2024	On Hold
26/11/2024	Active
13/12/2024	S92 request for further information
31/01/2025, 17/02/2025, 04/04/2025	S92 partial responses
30/04/2025	S92 further information provided in full
08/05/2025	S37 5 days for review of draft conditions

14/05/2025	Non-notified report
14/05/2025	Consent evaluation report
14/05/2025	Decision issued

6 Consultation

6.1 Iwi

The activity occurs within the rohe of Ngāti Tūwharetoa and Ngati Raukawa which includes interest groups of Tūwharetoa Settlement Trust, Te Kotahitanga O Ngāti Tūwharetoa (TKNT) and Tūwharetoa Māori Trust Board (TMTB).

During previous stages of the Seven Oaks developments and this stage, engagement has included discussions between the applicant and Ngā Hapū O Te Hauauru documented under APP145879 and through email exchanges up to and including 20th November 2024. The applicant however has not provided information or clarification if ongoing engagement with either Ngāti Tuwharetoa or Ngāti Raukawa is occurring.

WRC contacted Ngāti Raukawa and this group have responded that they remain neutral on this proposal with the proviso that the applicant continues engagement with the Hauauru hapu collective (WRC Ref # 31310415). Based on the anticipated adverse effects being less than minor, I do not consider that additional consultation with iwi is required in this instance with Ngā Hapū O Te Hauauru having been involved and not raising any concerns or affects to iwi.

I consider for the reasons stated in this report that iwi are not affected parties to this application.

6.2 Department of Conservation (DoC) – was included in APP145879

Engagement with DoC was undertaken for the previous stages of the Seven Oaks developments as outlined in the evaluation report of APP145879. The applicant has not provided the results of any further engagement with DoC relating to this application but the agreement of planting within the gully area and a proposed covenant to protect the planting has been considered under APP145879 discussions.

The diversion of surface water overland flowpaths does not require access through DoC land and any discharges is expected to be similar to the existing interactions with the Otaketake and Okaia Streams. I am of the opinion that DoC are not affected by the proposed earthworks and diversion, and further consultation is not required for this application.

6.3 Parties Within the Works Area

Two privately owned properties 25 and 27 Kahikatea Drive, Kinloch are included in the development area (Comber and Sheridan respectively as owners). Both parties are involved in the ongoing development discussions with the applicant with their sites included in the development area as shown in the Cheal scheme plan (reference 220225-SC001 RevK). On this basis I consider that the owners of 25 and 27 Kahikatea Drive, Kinloch are not affected.

6.4 Other Parties

TDC are currently considering resource consents to develop the site under TDC applications RM240388-389. This was publicly notified with 33 submissions received and a hearing is tentatively set for August 2025.

Whilst TDC are considering RM240388-389, the specific activities of earthworks and surface water overland flowpath diversion considered by WRC under this consent process are not considered to affect the TDC subdivision and land use consent process, with zoning appropriate to support future housing development. The matters of the subdivision and land use consents under the Taupo District Plan, although intertwined, are not dependent on each other and TDC are not considered an affected party.

Section 6 Summary

I consider that there are no adversely affected parties relating to proposed activities of earthworks and surface water overland flowpath diversion.

7 Statutory Matters

Section 104 of the Resource Management Act 1991 sets out matters that consent authorities must have regard to when considering resource consent applications and submissions. These matters are to be considered subject to Part 2 of the Resource Management Act 1991. Section 104 requires a consent authority to have regard to any actual and potential effects on the environment of allowing an activity along with any relevant provisions in certain planning documents, and any other matter the consent authority considers relevant and reasonably necessary to determine the application. These statutory considerations are addressed in the following sections of this report.

As identified in section 3 of this report, this proposal will be assessed as a discretionary activity and will therefore be determined in accordance with section 104B of the Act. Section 104B states that a consent authority may, after considering an application, grant or refuse the application, and if granted impose conditions under section 108 of the Act.

7.1 Identification of Relevant Matters

Matter	Relevant (Yes/No)	Comment (if relevant)
Bundling	No	-
Controlled activity	No	Discretionary activities
Restricted discretionary activity	No	Discretionary activities
S89A (MNZ notification and comment) for Coastal Permits and to use or enter navigable waterways	No	-
Any permitted baseline effects disregarded? (S104(2))	No	-
Value of investment/s124 applies (S104(2A))	No	-
S105	No	-
S107	Yes	I am satisfied that any associated discharge from earthworks that may eventuate to water is appropriate and will not result in adverse effects on the receiving environment as detailed in s170(1)(c) to (g). Does not contravene s15 or s15A
Vision and Strategy	No	Within Taupō Catchment
Hauraki Gulf Marine Park Act 2000	No	Not within HGMPA catchment

Regulations: - Water Measurement	No	Nearest surface water take is on Lake Taupō for Kinloch municipal supply. This area is over 2km from the water supply take at the far western end of Kinloch
Relevant statutory acknowledgements	No	Ngāti Raukawa and Ngāti Tuwharetoa – refer 7.1.1
S104A-G	Yes	S104B - Discretionary

7.1.1 Statutory Acknowledgement

Ngāti Raukawa statutory acknowledgement and deed of recognition named as the 'Waikato River and its tributaries' is identified across whole Kinloch area. I have given regard to this SA and this activity will not affect the Waikato River and I consider this SA is not relevant to this consent evaluation process.

Ngāti Tūwharetoa Lake Taupo redress shown as OTS-575-53 under Ngāti Tuwharetoa Claims Settlement Act 2018 has been given regard to this settlement legislation. This proposed activity does not include activities that are likely to be contrary to the purpose of Te Kopua Kanapanapa as the statutory body. With no direct works within Lake Taupo or its tributaries I consider this redress is not relevant to this consent evaluation process.

Section 7.1 Summary

Based on the above assessment I am satisfied that the earthworks and surface water overland flowpath diversion within the HREA can meet the requirements of the discretionary activity rule.

7.2 Effects of the Activity on the Environment and on Persons

Section 104(1)(a) provides that when considering a consent application, the consent authority must, subject to Part 2, have regard to the actual and potential effects on the environment of allowing the activity. Case law has determined that the "environment" must be read as the environment which exists at the time of the assessment and as the environment may be in the future as modified by the utilisation of permitted activities under the plan and by the exercise of resource consents which are being exercised, or which are likely to be exercised in the future. It does not include the effects of resource consents which might be sought in the future nor any past reversible effects arising from the consent being considered. In this case the receiving environment is not considered to be sensitive to the proposed activity.

In this case there are no permitted baseline effects which have been discounted. After considering the nature and scale of the proposal, I consider the following to be the key potential environmental effects that require assessment: water quality, land stability, dust (air quality), waahi tapu, and climate change. For the purpose of this report, I adopt the applicant's assessment of environmental effects and add further assessment of the effects below.

7.2.1 Water Quality - Erosion and Sediment Control

Soil disturbance activities increase the potential for erosion and destabilisation effects and have the potential to discharge sediment into waterways both during and after the works until the ground surface is stabilised. Sediment discharges to water can cause a range of adverse effects on freshwater ecosystems, including smothering aquatic life, damaging fish and invertebrates' gills, destruction of spawning grounds, and the deposition of nutrients to waterways. Increased turbidity can interfere with aquatic animal's abilities to feed due to poor visibility and reduced light penetration can reduce photosynthetic activity.

The applicant has provided a draft erosion and sediment control plan (ESCP) with some methodology. The ESCP proposes perimeter bunds, clean water diversion and sediment retention ponds (SRP). Erosion and Sediment Controls (ESC) have been reviewed by technical reviewer Kerry Pearce of Bryant Environmental (WRC Ref #30984210, #31316799, #32008312) and the draft ESCP is considered a baseline approach, theoretically appropriate for the works, with the requirement for a final ESC plan and full methodology to be provided and approved prior to works commencing, as outlined in the conditions of this consent.

I consider the proposed draft ESCP to be appropriate for the proposed activity allowing for detailed design of the project to inform a final ESC approach. Conditions are included for a final ESCP to be submitted prior to works commencing including methodology and to minimise water quality degradation as far as practicable. All works should be undertaken in accordance with the Waikato Regional Council's 2009 Erosion and Sediment Control Guidelines. Further to this the applicant has suggested a construction management plan to address issues such as sediment loss and, on this basis, I consider adverse effects on water quality resulting from the proposed activity will be less than minor if the recommended consent conditions are adhered to.

7.2.2 Land Stability

Progressive stabilisation of the site ensures that no loss of sediment occurs or is minimised. Progressive stabilisation of completed areas will need to be considered with methods such as topsoiling, mulch, grass-seeding or the installation of aggregates or final development pavements/impermeable surfaces appropriate. The ESCP stabilisation methods have been reviewed by technical reviewer Kerry Pearce of Bryant Environmental (WRC Ref #30984210, #31316799, #32008312) and final documents will be reviewed for approval as part of the final ESCP certification process with the requirement to confirm that appropriate stabilisation methodology is included in the detailed design.

I consider the proposed draft ESCP to be appropriate for the proposed activity and conditions are included for a final ESCP to be submitted prior to works commencing including stabilisation. On this basis, I have recommended conditions to ensure the site is stabilised in a timely manner and if the consent conditions are adhered to effects should be less than minor.

7.2.3 Dust Discharge (Air Quality)

Sites undertaking earthworks have the potential to discharge dust to air in and around the development area. The severity of dust discharge is determined by factors such as wind strength, soil type, area of exposed surfaces and moisture content of soil. Dust suppression can be obtained primarily by water cart application, and this is proposed as part of monitoring the open works area, keeping records, general management of the site and if required the application of mulch. Suspension of activities should also be considered by the applicant until favourable weather conditions return.

No dust discharge is expected beyond the works area boundary with the activity likely to comply with the conditions and standards stated in the WRP permitted activity Rule 6.1.8 for discharge to air. The ESCP dust methodology has been reviewed by technical reviewer Kerry Pearce of Bryant Environmental (WRC Ref #30984210, #31316799, #32008312) and is seen as suitable for the development. Further to this the applicant has suggested a construction management plan to address issues such as dust and, on this basis, I consider that dust discharge effects stemming from the proposed activity will be less than minor, if the recommended consent conditions are adhered to.

7.2.4 Overland Flowpath Diversion

Earthworks activities that change or divert existing surface water overland flow paths by directing the flow to a defined and designated area, changes the opportunity for rainwater to percolate the area, can alter nearby stream hydrology and has the potential to result in erosion issues.

Consultant engineer Jose Beya of IHBEYA has provided a technical review of the application (WRC Ref #31318329 and 31918281) and his comments are copied below:

I have reviewed the new information provided by Cheal. It is now clearer to me the diverted areas and the discharge points. With this I was able to do some calculations using Lidar information and the figures plan view provided by the applicant. Comments as follows:

- The impact of the proposed diversion in the Balance land is minor compared to the overall catchment flows. However, there is a concern about the cumulative effects produced by the sum of many changes in an area that appears to be developing further in the future, potentially putting more pressure on the streams.*
- A well-designed stormwater management system should account for maintaining the pre-development flood capacity of the streams. I am not able to review the details of the stormwater design without spending a significant amount of time and potentially requiring more information from Cheal.*
- There is a net water diversion from an area contributing to Otaketake stream to a discharge that leads to Okaia Stream (Area A) for the 100 y - RCP 8.5 2081-2100 rainfall event. In previous communications it was mentioned that the existing pond considers the diverted flow from Area A and this is considered adequate, as long as the requirement to achieve the 80% or 100% of the predevelopment flows from the WRC stormwater guidelines is met.*
- For the stormwater attenuation of Area A, drawings of the existing pond where the area drains to are provided. I carried out calculations for the 10 y 24h design rainfall storm as per the WRC guidelines, and the capacity of the pond (84 m³ +540 m³) seems to be enough for the areas within the Balance land draining to the pond. However, when accounting for the discharge from Ex catchments B, C1 and C from the Terraces land into the balance land, it does not seem enough, as the values I'm getting indicate the pond needs to be about 3 times larger in volume. There may be details about the connection between the Terrace land and the Balance land that I may not have represented well in the assumptions I made (I assumed all this flow drains towards the pond). Nevertheless, the applicant has reiterated that this application is for a diversion and not the stormwater discharge to land, which they mentioned is a permitted activity, and that the final design is not completed. Once the final design is carried out, it is advisable to review that the overall proposed stormwater management system follows the WRC guidelines. The existing pond may need to be modified or additional stormwater attenuation may need to be provided for the areas conveying flow to that pond.*
- There are parts of the subdivision which do not discharge to land (ground as indicated by the applicant) and may not fall into this permitted activity (Rule 3.5.11.5).*
- The capacity of the creek in DoC land area D that joins the Okaia stream appears sufficient to convey the 100 y ARI flood flow. This check was done only for a point around 20 m metres downstream the pond spillway.*
- For Area B, the discharge changes location within the Okaia Stream to approximately 150 m downstream. The change in location is considered to have less than minor effects, However, no stormwater attenuation appears to be provided for this discharge. This (as in for areas) does not appear to be a stormwater discharge to land.*
- The capacity of the creek in DoC land area B downstream the diversion of Area B discharge also appears sufficient to convey the 100 y ARI flood flow.*

On this basis, if consent is granted, a condition is imposed that requires the consent holder to submit fully detailed roading and earthworks engineering design drawings to WRC for approval prior to commencement of earthworks or civil construction. This will be required for each stage of the development if the physical works is undertaken in stages.

WRC's experience shows that these gully systems are very susceptible to change, and by diverting surface water runoff through multiple catchments may result in ongoing erosion issues. Consideration has also been given to the impact at the discharge points towards DoC reserves where the Otaketake and Okaia Streams flow.

Provided the recommended conditions are complied with, and that WRC have technical input prior to works into the final detailed design drawings of the overland flow paths and constructed swales, I am of

the opinion that the potential adverse effects from the diversion of surface water overland flow paths will be less than minor.

7.2.5 Waahi Tapu

The applicant has not identified any waahi tapu or other taonga within the site. The activity is not expected to disturb sites of archaeological value or cultural significance. If archaeological artefacts are discovered, works must cease and an archaeological find condition has been recommended. On this basis, I consider that the effects of the proposed activities that may impact iwi values are less than minor.

7.2.6 Climate Change Effects

Section 7(i) of the RMA identifies the effects of climate change on the proposal as an “other matter” to which particular regard must be had. I have considered the potential for climate change to affect the proposal and conclude that there is unlikely to be any such effects of concern resulting in effects less than minor.

Section 7.2 Effects Summary

Overall and on balance based on the assessment above, the potential effects of the earthworks on water quality, land stability and air quality (dust); and the diversion of surface water overland flows, waahi tapu, and climate change are less than minor, providing the conditions of the consent are adhered to. I recommend conditions as discussed above, to that effect.

7.3 Policies and Plans

Policy instrument	Relevant to application?	Consistent with policy instrument?
NZCPS	No	
NPS: • Fresh water • Electricity transmission • Renewable electricity generation • Urban development • Highly productive land • Greenhouse gas emissions from industrial process heat • Indigenous biodiversity	Yes No No No No No Yes	I consider this is consistent – refer 7.3.1 - - - - - Refer 7.3.1
RPS (operative)	Yes	Consistent with following RPS key issues. SMRM - significant resource management issues, IM – integrated management, LF – land and freshwater, NATC – natural character, UFD – urban form and development
Regional Plan (operative)	Yes	Section 3 - Water Module; Chapters 3.1, 3.2, 3.5, 3.6 Section 5 - Land and Soil Module; Chapters 5.1, 5.2 Section 6 – Air Module; Chapter 6.1 These have been appropriately considered with the relevant policies and objectives

Regional Plan - Proposed Plan Change 1	No	Within Taupo catchment
Regional Coastal Plan	No	-
NES: • Telecommunications • Drinking water sources • Air pollutants/quality • Electricity transmission • Contaminants in soil • Freshwater • Marine aquaculture • Plantation forestry • Outdoor storage of tyres • Greenhouse gas emissions from industrial process heat	No No No No No No No No No No	- - - - This is a territorial authority matter - - - - -
Any other matter considered relevant e.g. iwi management Plans	Yes	Ngāti Tuwharetoa and Raukawa Environmental Iwi Management Plans – Refer 7.3.2 Te Kaupapa Kaitiaki – Refer 7.3.3

7.3.1 National Policy Statements (NPS)

The National Policy Statement for Freshwater Management 2020 (NPS-FM)

The NPS-FM 2020 commenced 03 September 2020 with the most recent version from October 2024 and this is applied to all resource consents under consideration from that time. This policy has the concept to protect the mauri of the wai through effective freshwater management and to protect the health of freshwater under Te Mana o te Wai principles.

The NPS-FM is relevant if the proposal affects; the quality or quantity of freshwater (including groundwater) or the extent or values of wetlands or rivers or fish passage. I agree with the applicant's assessment under section 8.2.1 of the application that the NPS-FM policies and objectives will be achieved with the proposal being consistent with the NPS-FM and further add that freshwater habitats will not be adversely affected if the recommended conditions are complied with

National Policy Statement for Indigenous Biodiversity (NPS-IB)

The objective of the NPS-IB is to maintain indigenous biodiversity so that there is no overall loss of habitat from when the NPS commenced. The objective is supported by 17 Policies, which generally provide for the maintenance and enhancement of indigenous biodiversity.

This NPS applies to indigenous biodiversity in the terrestrial environment and is relevant to this application because of the proximity of Significant Natural Areas (SNA) adjacent to the site, namely the Okaia Stream Scenic Reserve to the east, and Otaketake Stream Scenic Reserve to the west. The works are not proposed to occur within the SNA's, and the effects of the proposed diversion to the SNA reserves have been assessed to be less than minor. Provided the Applicant complies with the recommended conditions, I do not consider the proposed earthworks and diversion will give rise to an effect that is inconsistent with the NPS- IB.

7.3.2 Iwi Environmental Management Plans (EMP)

Ngāti Tūwharetoa Environmental Iwi Management Plan (EIMP)

The EIMP provides a background to, and identifies key, resource-based issues for Ngāti Tuwharetoa iwi. The plan sets out environmental base lines and outlines that sustainability is the key foundation to make decisions regarding the environment. The EIMP plan has the following goals: exercise Kaitiakitanga,

promote and protect Matauranga and to recognise the ownership that Ngāti Tuwharetoa have over Lake Taupo-nui-a-tia and its tributaries.

Raukawa Environmental Management Plan (EMP) - Te Rautaki Taiao a Raukawa

The Raukawa EMP “Te Rautaki Taiao a Raukawa” is a statement of Raukawa issues, aspirations, and priorities in relation to the environment. The overall purpose of the Plan is to provide a statement of Raukawa values, experiences, and aspirations pertaining to the use and management of our environment. And secondly, the EMP is a living and practical document that will assist Raukawa to proactively and effectively engage in and shape: current and future policy, planning processes, and resource management decisions.

EMP Summary

Overall, the proposal does not compromise any of the issues, objectives, policies or principles, detailed within either the Ngāti Tuwharetoa EIMP or the Raukawa EMP. In summary, I am in agreement with the applicant that the activity will be consistent with both EMP’s relevant baselines, policies and goals and the earthworks activities are designed to ensure that the risk of sediment discharge to water is mitigated. I consider that the proposal is not inconsistent with either the Ngāti Tūwharetoa EIMP or the Raukawa EMP.

7.3.3 Te Kaupapa Kaitiaki

Te Kaupapa Kaitiaki became operative on 4 November 2022 and is relevant in relation to the proposal as a high-level plan related to land use activities in the Lake Taupō catchment. Its purpose is to identify the significant Tūwharetoa issues, values, vision, objectives and outcomes in order to:

- a) promote sustainable and integrated management of the Taupō Catchment environment for the benefit of Ngāti Tūwharetoa and all people in the Taupō Catchment (including future generations), and
- b) provide for the relationship of Ngāti Tūwharetoa, their culture and traditions with their ancestral lands, water, sites, geothermal resources, wāhi tapu, and other taonga, and
- c) respect Ngāti Tūwharetoa tikanga in the management of the Taupō Catchment.

I have given particular regard to Te Kaupapa Kaitiaki and in my opinion the application will not give rise to effects that are inconsistent with Te Kaupapa Kaitiaki in that it is contributing to the sustainable management of the Lake Taupō catchment and its associated values.

Section 7 Matters Summary

I consider that the proposed activities will be consistent with the above-mentioned policies, plans and regulations provided that the recommended conditions are complied with.

8 Relevant Part 2 Matters

The WRP and other relevant plans and policies have been prepared having regard to Part 2, with a coherent set of policies designed to achieve clear environmental outcomes. Therefore, for completeness I have addressed Part 2 matters briefly below.

Statutory provision

Section 104 of the RMA is subject to Part 2 of the Act:

- Section 5 of the RMA outlines the Act’s purpose, sustainable management of natural and physical resources.
- Section 6 of the RMA outlines matters of national importance. The application is not contrary to any matters set out in section 6.
- Section 7 outlines other matters for consideration. The matters of relevance are:
 - (f) Maintenance and enhance of the quality of the environment.

(i) the effects of climate change.

The application is not contrary to any matters set out in section 7.

- Section 8 concerns the principles of the Treaty of Waitangi. The proposal does not contradict the principles of the Treaty of Waitangi.

I have established throughout my report that the activity will continue to have a less than minor effect on the environment and is consistent with the policy intent of the relevant objectives and policies of the Waikato Regional Plan and the National Environmental Standards for Freshwater 2020.

Overall, the application is considered to meet the relevant provisions of Part 2 of the RMA as the proposal achieves the purpose (section 5) of the RMA, being the sustainable management of natural and physical resources. Provided that the activity is carried out as per the recommended consent conditions, I consider that the activity is consistent with Part 2 matters.

9 Discussion / Conclusions

Cheal Consultants Limited on behalf of the applicant Seven Oaks Kinloch Limited have applied for new resource consent to undertake development works at Kahikatea Drive, Kinloch associated with a residential/lifestyle subdivision development. The works include earthworks for land contouring, road and stormwater infrastructure construction. In this report I have considered the following potential adverse environmental effects associated with the proposed works; water quality, land stability, dust, surface water overland flow path diversion, waahi tapu, and climate change.

The application activities have been assessed against the National Policy Statement for Freshwater Management, National Environmental Standards for Freshwater, the Waikato Regional Policy Statement, the Waikato Regional Plan, iwi management plans, section 104 of the RMA and Part 2 of the RMA. The discretionary activity status requires a decision under s104B of the RMA 1991. Based on the assessment in section 7 of this report, I am satisfied that the proposal is consistent with relevant objectives, policies and rules and statutory provisions of the RMA.

In accordance with s104B of the RMA, as a discretionary activity status, I am satisfied that any adverse environmental effects can be avoided, remedied or mitigated such that the adverse environmental effects associated with the works are likely to be less than minor. If the activities are undertaken in accordance with recommended conditions, the proposed activities will be consistent with Waikato Regional Council's policies and plans, and with matters under Part 2 of the RMA. As a result of this assessment, I consider that this resource consent authorising the development can be granted.

I conclude there are no resource management reasons to grant a term less than what has been requested by the applicant and recommended by WRC for the earthworks and surface water overland flowpath diversion with a consent term of ten (10) years for each and I recommend an expiry dates of 13 May 2035. This term is seen as appropriate for the works to be completed, subject to the attached consent conditions.

10 Monitoring

The Waikato Regional Council has a statutory obligation under section 35 of the RMA 1991 to monitor the environmental effects associated with activities being carried out within the Waikato Region authorised by resource consents. Consequently, Waikato Regional Council staff or authorised agents will monitor this site both during and through to the completion of works.

I consider it appropriate for the consent holder to undertake regular monitoring of temporary erosion and sediment controls onsite resulting from this development. Accordingly, I have recommended standard conditions to this effect in the attached resource consent.

11 Recommended Decision

I recommend that in accordance with s104B resource consent application APP147276 be granted in accordance with the duration and conditions prescribed in the attached Resource Consent Certificates for the following reasons:

- The activities will have acceptable actual or potential adverse effects on the environment,
- The activities are consistent with relevant policies, plans, national standards or regulations,
- The activities are consistent with the purpose of the Resource Management Act 1991.



Ceri Hills
Consents Officer
Resource Use Directorate

Date: 14 May 2025

12 Decision

That the resource consent application is granted in accordance with above recommendations.



Hugh Keane
Team Leader – Consents Team 1
Resource Use Directorate

Date: 14 May 2025

Acting under authority delegated subject to the provisions of the Resource Management Act 1991 which at the time of decision had not been revoked.

RESOURCE CONSENT CERTIFICATE

Resource Consent: AUTH147276.01.01

File Number: 61 73 85A

*Pursuant to the Resource Management Act 1991, the
Regional Council hereby grants consent to:*

Seven Oaks Kinloch Limited
C/- Phil Rielly
PO Box 912
Taupo 3351

(hereinafter referred to as the Consent Holder)

Consent Type: Land Use Consent

Consent Subtype: Land - disturbance

Activity authorised: To undertake earthworks within a High Risk Erosion Area in association with a residential subdivision development

Location: Kahikatea Drive, Kinloch

Map reference: NZTM 1853250.E 5717803.N

Consent duration: This consent will commence in accordance with section 116 of the Resource Management Act 1991 and will expire on 13 May 2035

Subject to the conditions overleaf:

General

1. The earthworks in high risk erosion area activity authorised by this resource consent must be undertaken in general accordance with the application lodged under APP147276 and titled *Seven Oaks Kinloch Limited, 30 Okaia Drive, Kinloch Application for Resource Consent under Section 88 of Resource Management Act 1991 for Land Use and Water Permit* and saved as WRC document Ref #30783043, and subsequent information provided to the application - WRC folder Ref #31262295 and all other supporting documentation submitted except where otherwise required in the resource consent conditions below. Where there is any inconsistency between the application documentation and the resource consent conditions, the resource consent conditions prevail.
2. The consent holder is responsible for the exercise of this resource consent and must ensure contractors are made aware of the conditions of this resource consent and ensure compliance with those conditions.
3. A copy of this resource consent must be kept onsite at all times that physical works authorised by this consent are being undertaken and must be produced without unreasonable delay upon request from an agent of the Waikato Regional Council.

Pre-Start

4. The consent holder must appoint a representative prior to commencement of construction works authorised by this resource consent, who shall be the Waikato Regional Council's principal contact person regarding matters relating to this consent. The consent holder must inform the Waikato Regional Council of the representative's name and how they can be contacted prior to this consent being exercised. Should that person change during the term of this resource consent, the consent holder will immediately inform the Waikato Regional Council and must also give written notice to the Waikato Regional Council of the new representative's name and how they can be contacted.
5. Prior to the commencement of activities authorised by this consent, the consent holder must hold a pre-construction meeting that:
 - a. is scheduled with a minimum of five (5) working days' notice, and
 - b. includes invitations to representatives from:
 - i) Waikato Regional Council monitoring officer(s)
 - ii) the site representative,
 - iii) the confirmed onsite contractor, and
 - iv) any other party representing the consent holder.

Advice Note: *In the case that any of the invited parties, other than the site representative does not attend this meeting, the consent holder will have complied with this condition, provided the invitation requirement is met.*

Advice Note: *Notification can be provided to the Waikato Regional Council monitoring officer by emailing consentmonitoringqueries@waikatoregion.govt.nz and including site detail and the resource consent reference number AUTH147276.01.01.*

6. The consent holder must inform the Waikato Regional Council in writing at least five (5) working days prior to the commencement of activities of the start date of the works authorised by this resource consent.

Advice Note: *If the earthworks activities are undertaken in stages, then compliance with conditions 4-6 must be undertaken for each stage*

Erosion and Sediment Control Plan (ESCP)

7. The consent holder must provide Waikato Regional Council with a finalised Erosion and Sediment Control Plan (ESCP) at least ten (10) working days prior to the commencement of activities authorised by this consent. The objective of the ESCP must be to identify and implement measures necessary to minimise soil erosion and sediment discharge and dust discharge from the activities authorised by this consent for compliance with all relevant consent conditions. The ESCP must be prepared in accordance with the specific principles and practices which are appropriate for the activity authorised by this consent and contained within the Waikato Regional Council document titled *“Erosion and Sediment Control – Guidelines for Soil Disturbing Activities” (Technical Report No. 2009/02 – dated January 2009, including 2014 factsheets)*.

Advice Note: The *“Erosion and Sediment Control – Guidelines for Soil Disturbing Activities”* can be found on the Waikato Regional Council website: www.waikatoregion.govt.nz/earthworks. Note these guidelines were amended with the inclusion of a series of factsheets in 2014.

Advice Note: If the earthworks activities are undertaken in stages, then compliance with conditions 7 and 8 must be undertaken for each stage.

8. The finalised ESCP required by condition 7 must contain sufficient detail to address the following matters:
 - a. Details of all principles, procedures and practices that will be implemented to undertake erosion and sediment control to achieve sediment and dust discharge standard of this consent,
 - b. The design criteria and dimensions of all key erosion and sediment control structures,
 - c. A site plan of a suitable scale to identify:
 - i. The locations of waterways, including drains,
 - ii. The extent of soil disturbance and any vegetation removal,
 - iii. Any “no go” and/or buffer areas to be maintained undisturbed adjacent to any watercourses,
 - iv. Areas of cut and fill,
 - v. All locations of topsoil stockpiles,
 - vi. The boundaries and area of catchments contributing to all stormwater impoundment structures,
 - vii. The locations of all specific points of discharge to the environment, and
 - viii. Any other relevant site information.
 - d. Construction timetables for erosion and sediment control works and the cleanfill importation proposed,
 - e. Timetable and nature of progressive site rehabilitation and any re-vegetation proposed,
 - f. Maintenance, monitoring and reporting procedures,
 - g. Rainfall response and contingency measures including procedures to minimise adverse effects in the event of extreme rainfall events and/or the failure of any key erosion and sediment control structures,
 - h. Dry conditions response and contingency measures including dust suppression methods to minimise adverse effects in the event of dust creation from un-stabilised areas,
 - i. Procedures and timing for review and/or amendment to the ESCP,
 - j. Identification and contact details of personnel responsible for the operation and maintenance of all key erosion and sediment control structures, and
 - k. Truck access/entry details to the pre-load area for unloading, including methods of containment to avoid uncontrolled sediment discharge outside of the works area.
9. The ESCP must be certified in writing by the Waikato Regional Council acting in a technical certification capacity prior to any works authorised by this consent commencing. The Council's certification will be based on its assessment of whether the ESCP addresses the matters required by condition 8 and is in general accordance the Waikato Regional Council document titled *“Erosion*

10. Any proposed amendments or changes to the certified ESCP must be provided to the Waikato Regional Council for certification, prior to the implementation of any changes proposed.
11. The consent holder must ensure that a copy of the certified ESCP, including any certified amendments, is kept onsite at all times that physical works authorised by this consent are being undertaken and must be produced without unreasonable delay upon request from an agent of the Waikato Regional Council

Erosion and Sediment Control

12. All disturbed or cut vegetation, soil or debris must be deposited or placed in a position where it will not enter any water body or cause diversion, damming or erosion of any water body/course.
13. The consent holder must ensure that, as far as practicable, all clean water run-off from stabilised surfaces including all catchment areas of the site, shall be diverted away from any exposed areas via a stabilised system to prevent erosion.
14. The consent holder must carry out monitoring and maintenance of erosion and sediment controls in accordance with the conditions of this consent and will maintain records detailing:
 - a. The date, time and results of the monitoring undertaken, and
 - b. The erosion and sediment controls that required maintenance, and
 - c. The time when the maintenance was undertaken, and
 - d. The type of maintenance carried out.

These records must be provided to the Waikato Regional Council at all reasonable times and within 72 hours of a written request to do so.

Construction Management Plan

15. The consent holder must provide the Waikato Regional Council a Construction Management Plan (CMP) at least ten (10) working days prior to the proposed commencement of activities authorised by this consent. The objective of the CMP must be to document the measures by which the consent holder intends to comply with all conditions of this resource consent during the construction phase and must include but is not limited to the following:
 - a. Location of proposed works and structures,
 - b. Type and description of the proposed works,
 - c. Construction and design details,
 - d. A schedule of construction activities,
 - e. The commencement date and expected duration of the major cut and fill operations,
 - f. The location of the major cut and fill operations,
 - g. The location of topsoil stockpiles,
 - h. The commencement and completion dates for the implementation of erosion and sediment controls, and
 - i. The proposed construction and methodology, including staging of earthworks.

The CMP must be certified in writing by the Waikato Regional Council acting in a technical certification capacity prior to any works authorised by this consent commencing. The Council's certification will be based on its assessment as to whether the CMP addresses the matters required by parts a) to i) of this condition and achieves its objective. The consent holder must undertake all activities authorised by this consent in accordance with the certified CMP.

Advice Note: *If the earthworks activities are undertaken in stages, then compliance with condition 15 must be undertaken for each stage.*

16. Any changes proposed to the CMP must be confirmed in writing by the consent holder and the Waikato Regional Council, acting in a technical certification capacity in accordance with condition 15, prior to the implementation of any changes proposed.
17. The consent holder must ensure that a copy of the certified CMP, including any confirmed amendments, is kept onsite and this copy is updated within five (5) working days of any amendments being confirmed.

Chemical Treatment (Flocculation)

18. The implementation of a chemical treatment system must be maintained as a contingency throughout the duration of earthworks, and is to be implemented as soon as practicable in accordance with a certified Chemical Treatment Management Plan (CTMP) when bench testing or pond conditions indicate it would provide a significant benefit or be required to meet the sediment discharge standards of this consent, and/or at the request of an agent of the Waikato Regional Council.

Advice Note: *The Waikato Regional Council will determine the need to request implementation of chemical treatment based on consideration of:*

- *The quality of the existing/proposed erosion and sediment controls;*
- *The compliance history of the site/operator;*
- *Seasonal/local soil and weather conditions;*
- *Sensitivity of the receiving environment; and*
- *Any other relevant factor.*

19. The consent holder must provide the Waikato Regional Council with a Chemical Treatment Management Plan (CTMP), at least ten (10) working days prior to the commissioning of any chemical treatment system. The objective of the CTMP must be to identify and design the requirements for an appropriate chemical treatment system for the activities authorised by this consent in compliance with all relevant consent conditions.
20. The CTMP required by condition 18 must contain sufficient detail to address the following matters:
 - a. An analysis identifying which sediment retention ponds and decanting earth bunds require chemical treatment, this analysis taking into account:
 - i. The results of flocculant bench testing based on the sites soil reactivity to chemical treatment,
 - ii. The size of the contributing catchment that the sediment control device is treating,
 - iii. The likely duration a sediment control device will be used, and
 - b. Specific design details of the chemical treatment system, and
 - c. Detail of monitoring (including pH and any other water testing procedures), maintenance (including pre and post-rainfall event maintenance), recording and reporting procedures, and
 - d. Details of optimum dosage (including assumptions), and
 - e. Results of any initial chemical treatment trial, and
 - f. A spill contingency plan, and
 - g. Identification and contact details of personnel responsible for the operation and maintenance of the chemical treatment system and the organisational structure which will support this system.
21. The CTMP must be certified in writing by the Waikato Regional Council acting in a technical certification capacity prior to the commissioning of any chemical treatment system. The Council's

certification will be based on its assessment of whether the CTMP addresses the matters required by condition 20 a) to g).

22. Any proposed amendments to the certified CTMP must be provided to the Waikato Regional Council for certification, in accordance with condition 21, prior to the implementation of any proposed amendments.
23. The consent holder must ensure that a copy of the certified CTMP, including any certified amendments, is kept onsite at all times that physical works authorised by this consent are being undertaken and must be produced without unreasonable delay upon request from an agent of the Waikato Regional Council.

Sampling

24. The consent holder must take samples of the discharges from all sediment retention ponds on the site a minimum of once per month, except in any month when there are no discharges. Samples must also be taken after all rainfall events greater than 20 millimetres in the preceding 24 hours, if discharge is occurring. The consent holder must take the samples within four hours of becoming aware of a rainfall event greater than 20 millimetres in the preceding 24 hours that has created discharge from a device.
25. Within one working day of taking any samples required by condition 24, the consent holder must have those samples analysed for suspended solids and turbidity and (if flocculants are being used to treat any sediment retention pond) pH, and soluble aluminium. The results of the analysis must be forwarded to the Waikato Regional Council within 7 days of analysis.

Discharges

26. The discharge of suspended solids associated with the activities authorised by this consent must not:
 - a. Result in the concentration of suspended solids in the Otaketake Stream and the Okaia Stream exceeding 25 grams per cubic metre, and
 - b. Increase the concentration of suspended solids in the Otaketake Stream and the Okaia Stream by more than 10 percent.

This standard will apply except where the concentration of suspended solids in the Otaketake Stream and the Okaia Stream, unaffected by the activity, already exceeds 25 grams per cubic metre then there must not be any increase in the concentration of suspended solids in the named water body as a result of activities authorised by this consent. The point at which this will be determined is at a distance downstream of the discharge point which is no more than three times the width of the river or stream and which in any instance does not exceed 200 metres from the point of discharge.

27. To determine compliance with condition 26 a minimum of three water samples must be collected in all relevant waterways from the following locations:
 - (1) upstream and unaffected by the activities authorised by this consent, and
 - (2) the point source discharge from the activities authorised by this consent, and
 - (3) downstream of the activities authorised by this consent after reasonable mixing.
28. The consent holder must undertake a visual assessment and water samples to determine compliance with conditions 26 and 27 respectively within four hours of becoming aware of a rainfall event greater than 20 millimetres in any 24-hour period. Water samples should be

associated with the discharge from each sediment retention pond and decanting earth bund authorised by this consent, except when discharges are not occurring.

29. Within one (1) working day of water samples being taken, the consent holder must have those samples analysed for suspended solids. The results of the analysis must be provided to the Waikato Regional Council within seven days of analysis by an accredited laboratory.
30. The consent holder must have all samples associated with sediment retention ponds or decanting earth bunds which have been subject to any chemical treatment analysed for pH and soluble aluminium.
31. The results of any sampling required by this resource consent must be provided in writing to the Waikato Regional Council within five (5) days of the analysis being completed. The frequency of sampling, analyses and reporting may be altered or reduced with the written agreement of the Waikato Regional Council, acting in a technical certification capacity.

Monitoring and Maintenance

32. The consent holder must ensure that all erosion and sediment control structures are inspected on a weekly basis, prior to each forecasted significant rainfall event, and within 24 hours of each rainfall event that is likely to impair the function or performance of the controls.
33. The consent holder must carry out monitoring and maintenance of all erosion and sediment controls in accordance with the conditions of this consent and the Waikato Regional Council document titled *"Erosion and Sediment Control – Guidelines for Soil Disturbing Activities"* (Technical Report No. 2009/02 – dated January 2009), and must maintain records detailing:
 - a. The date, time and results of the monitoring undertaken; and
 - b. The erosion and sediment controls that required maintenance; and
 - c. The date and time when the maintenance was completed.

These records must be provided to the Waikato Regional Council at all reasonable times and within 72 hours of a written request to do so.

Site Stabilisation and Removal of Controls

34. The site must be stabilised against erosion and sediment discharge (including air discharge) as soon as practicable. The consent holder must monitor and maintain the site during the entirety of the works period to prevent sediment from entering any water body or air as dust emissions.
35. If required by the Waikato Regional Council, the consent holder must carry out immediate stabilisation of any specified exposed surfaces using instant stabilisation techniques to the satisfaction of the Waikato Regional Council. (i.e. straw mulching, pinned geotextile or similar).
36. The consent holder must ensure those areas of the site where cleanfill discharge has been completed, are stabilised as soon as practically possible and within a period not exceeding 14 days after completion of any discharge authorised by this consent. Stabilisation must be undertaken by providing adequate measures (vegetative and/or structural) that will minimise sediment runoff and erosion and air discharge. If the stabilisation method is vegetation cover, the consent holder must monitor and maintain the site until vegetation is established to such an extent that as far as practicable it prevents erosion and/or prevents sediment from entering any water body or air.

37. The erosion and sediment controls specified in the Erosion and Sediment Control Plan, must not be disestablished or removed without the prior written approval of the Waikato Regional Council, acting in a technical certification capacity.
38. The re-vegetation and/or stabilisation of all disturbed areas is to be completed in accordance with the measures detailed in the document titled "*Erosion and Sediment Control – Guidelines for Soil Disturbing Activities*" (Technical Report No. 2009/02 – dated January 2009).

Dust

39. All cleanfill activities authorised by this consent must be carried out and managed in such a manner as to ensure that all dust and particulate emissions are kept to a practical minimum to the extent that there are no dust discharges that causes an objectionable or offensive effect beyond the boundary of the subject property.

Advice Note: Chapter 6.4 of the Waikato Regional Plan 2012 provides guidance on the assessment of the effect of odour and dust emissions.

40. The consent holder must manage the activities authorised by this consent in such a manner to ensure that dust emissions are kept to a minimum, including:
 - a. The use of water carts or sprays to suppress dust from the cleanfill activity, on an as required basis,
 - b. The use of dust stabilisation systems (water or water plus additives),
 - c. The revegetation or stabilisation of disturbed land, which is currently not being worked,
 - d. The re-grassing or stabilisation of exposed areas including topsoil or cleanfill stockpiles, and
 - e. Where practicable, locating stockpiles where they provide wind protection for exposed/excavated areas.
41. If requested by the Waikato Regional Council due to dust effects that are considered objectionable beyond the boundary, the consent holder must carry out immediate dust suppression or remedial measures on any problematic dust generating surfaces within the site. This will be achieved by using hydro-seed/hydro-mulch, polymer soil stabilisers or a similar dust control or suppression product to provide instant remediation of dust effects to the extent that there are no dust discharges beyond the boundary of the site that cause an objectionable effect.
42. The consent holder must ensure that an adequate supply of water for dust control (sufficient to apply a minimum of 5 mm/day or 50m³/ha to all exposed areas of the site), and an effective means for applying that quantity of water, is available at all times during construction, and until such time as the site is fully stabilised unless otherwise agreed with the Waikato Regional Council.

Machinery

43. The consent holder must ensure that all machinery used in the exercise of this consent is cleaned prior to being transported to and from the site to ensure that all seed and/or plant matter has being removed and documented in accordance with the National Pest Control Agencies A series, best practice (Code A16) guidelines, available to download from [Keep it clean - machinery cleaning guidelines and handbook | Waikato Regional Council](#).

Advice Note: For the purposes of this condition, 'containment' and 'eradication' plant pest species are those species that are listed as such in the Waikato Regional Pest Management Strategy 2014 - 2024, or any subsequent version of that publication that is published after the granting of this resource consent.

44. All machinery must be operated in a manner which ensures that spillage of fuel, oil and similar contaminants are prevented, particularly during refuelling and machinery servicing and

maintenance. Refuelling and lubrication activities must be carried out away from any water body or surface water overland flowpath such that any spillage can be contained so that it does not enter natural waters.

45. Any storage of fuel, oil or other hazardous substances shall be fully contained within areas where any accidental spillages are unable to discharge to any water course.

Winter Works

46. Earthwork and soil disturbance activities authorised by this resource consent must not be carried out during the period 1 May to 30 September inclusive in any year that this consent is current, apart from necessary maintenance works, unless approved in writing by the Waikato Regional Council.
47. The consent holder must ensure that the site is appropriately stabilised by 30 April of each year unless otherwise approved in writing by the Waikato Regional Council. Stabilisation must be undertaken by providing adequate measures (vegetative and/or structural and including geotextile, mulching, re-vegetation and metalling) that will minimise erosion of exposed soil.
48. Requests to undertake earthworks during the period 1 May to 30 September inclusive must be submitted in writing to the Waikato Regional Council by 1 April each year that this consent is current and will be in the form of an amendment to the certified Erosion and Sediment Control Plan (ESCP).

Advice Note: *In considering a request for the continuation of winter earthworks, the Waikato Regional Council will consider the following:*

- *the nature of the site and the winter soil disturbance works proposed,*
- *the quality of the existing/proposed erosion and sediment controls,*
- *the compliance history of the site/operator,*
- *seasonal/local soil and weather conditions,*
- *the monitoring/sampling proposed to demonstrate compliance with the relevant discharge standards during the winter works period,*
- *sensitivity of the receiving environment, and*
- *any other relevant factor.*

Archaeological/Accidental Discovery

49. The consent holder must ensure that the exercise of this resource consent does not disturb any sites of archaeological value or of cultural significance to Tangata Whenua. In the event of any archaeological artefacts being discovered the works must, in the vicinity of the discovery, cease immediately and the Waikato Regional Council, Heritage New Zealand Pouhere Taonga and representatives of local iwi (where artefacts are of Māori origin) must be notified within 24 hours. Works may recommence on the written approval of the Waikato Regional Council after considering:
- a. Tangata whenua interests and values,
 - b. Protocols agreed upon by Tangata Whenua and the consent holder,
 - c. The consent holder's interests,
 - d. Any Heritage New Zealand Pouhere Taonga authorisations,
 - e. Any archaeological or scientific evidence, and
 - f. The assessment of the discovery by a registered archaeologist.

Administrative

50. The consent holder must pay the Waikato Regional Council any administrative charge fixed in accordance with section 36 of the Resource Management Act (1991), or any charge prescribed in accordance with regulations made under section 360 of the Resource Management Act (1991).

Advice Notes - General

1. In accordance with section 125 RMA, this consent shall lapse five (5) years after the date on which it was granted unless it has been given effect to before the end of that period.
2. This resource consent does not give any right of access over private or public property. Arrangements for access must be made between the consent holder and the property owner.
3. This resource consent is transferable to another owner or occupier of the land concerned, upon application, on the same conditions and for the same use as originally granted (s.134-137 RMA). The transfer of water, including changes of location, may occur as provided for in Chapter 3.4 of the Waikato Regional Plan, subject to the requirements of those rules.
4. The consent holder may apply to change the conditions of the resource consent under s.127 RMA.
5. The reasonable costs incurred by Waikato Regional Council arising from supervision and monitoring of this/these consents will be charged to the consent holder. This may include but not be limited to routine inspection of the site by Waikato Regional Council officers or agents, liaison with the consent holder, responding to complaints or enquiries relating to the site, and review and assessment of compliance with the conditions of consents.
6. Note that pursuant to s332 of the RMA 1991, enforcement officers may at all reasonable times go onto the property that is the subject of this consent, for the purpose of carrying out inspections, surveys, investigations, tests, measurements or taking samples.
7. If you intend to replace this consent upon its expiry, please note that an application for a new consent made at least 6 months prior to this consent's expiry gives you the right to continue exercising this consent after it expires in the event that your application is not processed prior to this consent's expiry.
8. If at any time during the resource consent period, you no longer require your consent, it may be surrendered, in whole or part, by giving written notice of such to the consent authority. Alternatively, please contact Resource Use staff on 0800 800 402 and we can provide you with a surrender form. Note that the surrender takes formal effect when you receive a notice of acceptance of the surrender from the Council.

RESOURCE CONSENT CERTIFICATE

Resource Consent: AUTH147276.02.01

File Number: 61 73 85A

*Pursuant to the Resource Management Act 1991, the
Regional Council hereby grants consent to:*

Seven Oaks Kinloch Limited
C/- Phil Rielly
PO Box 912
Taupo 3351

(hereinafter referred to as the Consent Holder)

Consent Type: Water Permit

Consent Subtype: Diversion

Activity authorised: To divert surface water by diverting overland flow paths in association with land contouring for a residential subdivision development

Location: Kahikatea Drive, Kinloch

Map reference: NZTM 1853250.E 5717803.N

Consent duration: This consent will commence in accordance with section 116 of the Resource Management Act 1991 and will expire on 13 May 2035

Subject to the conditions overleaf:

CONDITIONS - AUTH147276.02.01

General

1. The activity of diversion of surface water and overland flow paths authorised by this resource consent must be undertaken in general accordance with the application lodged under APP147276 and titled *"Seven Oaks Kinloch Limited, 30 Okaia Drive, Kinloch Application for Resource Consent under Section 88 of Resource Management Act 1991 for Land Use and Water Permit"* and saved as WRC document Ref #30783043, and subsequent information provided to the application - WRC folder Ref #31262295 and all other supporting documentation submitted except where otherwise required in the resource consent conditions below. Where there is any inconsistency between the application documentation and the resource consent conditions, the resource consent conditions prevail.
2. The consent holder is responsible for the exercise of this resource consent and must ensure contractors are made aware of the conditions of this resource consent and ensure compliance with those conditions.
3. A copy of this resource consent must be kept onsite at all times that physical works authorised by this consent are being undertaken and must be produced without unreasonable delay upon request from an agent of the Waikato Regional Council.

Prestart and Ongoing Site Requirements

4. The consent holder must appoint an ongoing representative prior to the exercise of this resource consent and arrange and conduct a pre-works site meeting as required by the pre-start conditions of AUTH147276.01.01, conditions 4-6.

Final Design Drawings

5. For each stage of the development (stages 9-13) the consent holder must submit final detailed roading and earthworks engineering design drawings to Waikato Regional Council for design approval prior to commencement of construction. The design should address the capacity, flow rates and velocity of the constructed overland flow paths to demonstrate in sufficient detail that the diversion of surface water flows will not cause adverse effects.
6. The detailed engineering design drawings required by condition 5 must be certified in writing by the Waikato Regional Council acting in a technical certification capacity prior to the commissioning of the earthworks and civil construction. The Council's certification will be based on its assessment of whether the detailed design addresses the matters of capacity, flow rates and velocity as required by condition 5.
7. Any changes proposed to the approved detailed engineering design drawings must be confirmed in writing by the consent holder and approved in writing by the Waikato Regional Council acting in a technical certification capacity, prior to the implementation of any changes proposed.

Monitoring and Maintenance

8. The consent holder must manage the diversion of surface water through the diversion of surface water overland flow paths to avoid the following effects:
 - a. Adverse scour, erosion and sediment deposition on land, property and within the beds of receiving water bodies or stormwater reserves, and
 - b. Adverse flooding of land, property and stormwater reserves or receiving water bodies, and
 - c. Adverse effects on aquatic ecosystems.

9. The consent holder must ensure the ongoing monitoring and maintenance of erosion and sediment control structures as required by the conditions of AUTH147276.01.01, conditions 32-33.

Review

10. At any time during the period July through September inclusive beginning 2028 and 2031, the Waikato Regional Council may, following service of notice on the consent holder, commence a review of the conditions of this consent pursuant to section 128(1) of the Resource Management Act 1991 for the following purposes:
 - a. to review the effectiveness of the conditions of these resource consents in avoiding or mitigating any adverse effects on the environment and if necessary to avoid, remedy or mitigate such effects by way of further or amended conditions, and/or
 - b. if necessary and appropriate, to require the holder of this resource consent to adopt the best practicable option to remove or reduce adverse effects on the surrounding environment, and/or
 - c. to review the adequacy of monitoring undertaken by the consent holder.

Advice Note: *Costs associated with any review of the conditions of this resource consent will be recovered from the consent holder in accordance with the provisions of section 36 of the Resource Management Act 1991.*

Administrative

11. The consent holder must pay the Waikato Regional Council any administrative charge fixed in accordance with section 36 of the Resource Management Act (1991), or any charge prescribed in accordance with regulations made under section 360 of the Resource Management Act (1991).

Advice Notes - General

1. In accordance with section 125 RMA, this consent shall lapse five (5) years after the date on which it was granted unless it has been given effect to before the end of that period.
2. This resource consent does not give any right of access over private or public property. Arrangements for access must be made between the consent holder and the property owner.
3. This resource consent is transferable to another owner or occupier of the land concerned, upon application, on the same conditions and for the same use as originally granted (s.134-137 RMA). The transfer of water, including changes of location, may occur as provided for in Chapter 3.4 of the Waikato Regional Plan, subject to the requirements of those rules.
4. The consent holder may apply to change the conditions of the resource consent under s.127 RMA.
5. The reasonable costs incurred by Waikato Regional Council arising from supervision and monitoring of this/these consents will be charged to the consent holder. This may include but not be limited to routine inspection of the site by Waikato Regional Council officers or agents, liaison with the consent holder, responding to complaints or enquiries relating to the site, and review and assessment of compliance with the conditions of consents.
6. Note that pursuant to s332 of the RMA 1991, enforcement officers may at all reasonable times go onto the property that is the subject of this consent, for the purpose of carrying out inspections, surveys, investigations, tests, measurements or taking samples.
7. If you intend to replace this consent upon its expiry, please note that an application for a new consent made at least 6 months prior to this consent's expiry gives you the right to continue exercising this consent after it expires in the event that your application is not processed prior to this consent's expiry.
8. If at any time during the resource consent period, you no longer require your consent, it may be surrendered, in whole or part, by giving written notice of such to the consent authority. Alternatively, please contact Resource Use staff on 0800 800 402 and we can provide you with a surrender form. Note that the surrender takes formal effect when you receive a notice of acceptance of the surrender from the Council.