

BEFORE THE HEARING COMMISSIONER APPOINTED BY TAUPŌ DISTRICT COUNCIL

IN THE MATTER of the Resource management Act 1991 (the Act)

AND

IN THE MATTER 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

BETWEEN Seven Oaks Kinloch Limited

(Applicant)

AND Taupō District Council

(Consent Authority)

**MEMORANDUM OF COUNSEL FOR SEVEN OAKS KINLOCH LIMITED
REGARDING PEER REVIEW OF LVA EVIDENCE OF MR GRAHAM**

Dated: 25 SEPTEMBER 2025

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KATE SHEPPARD
— CHAMBERS —

MAY IT PLEASE THE COMMISSIONER:

1. Counsel refers to the Commissioner's Minute #3 of 23 September 2025 in which the Commissioner requests the Applicant to agree to the commissioning of a peer review of the landscape and visual assessment provided with the Application (**Review**), including the supplementary assessment taken from the north of the site.¹
2. If the Applicant is amenable to the commissioning of the Review, the Commissioner suggests that the same landscape architect who undertook the January 2024 review be engaged to complete the Review.²

Applicant's position

3. The Applicant wishes to record its concerns regarding process and the lateness of the request for agreement to request a review of the Landscape and Visual Assessment for the Application (**LVA**).
4. The Applicant engaged an expert to prepare its LVA and to provide evidence at the hearing. The Council did not consider it necessary to commission a peer review of the LVA Assessment. Relevantly, the previous assessment that accompanied the previous application for the Balance Land assessed a 100-lot development. The revised and current Application reduced the scale of the development to 83 lots.³
5. Any submitter party dissatisfied with the LVA and the evidence on amenity effects prior to the hearing could have engaged their own expert or commissioned their own peer review. While Mr Graham provided a supplementary statement addressing views from the north that does not

¹ Minute #3, 23 September 2025, paragraph 2.

² Minute #3, 23 September 2025, paragraph 5.

³ However, counsel acknowledges that this earlier review did not form part of the Council's evidence at the hearing.

change this proposition, particularly given that his LVA and evidence in chief addressed the northern aspect.

Agreement to commission peer review

6. Nevertheless, despite the concerns noted above, the Applicant agrees to the commissioning of a peer review of Mr Graham's LVA on the understanding that:
 - (a) the review being commissioned is a peer review, not a full assessment; and
 - (b) the same landscape architect who provided the review of the earlier LVA is engaged to undertake the Review.
7. If the Review makes adverse comments regarding Mr Graham's methodology, the Applicant reserves its position to seek directions that Mr Graham may respond and that any such response is appended to its closing legal submissions.



M Mackintosh
Counsel for Seven Oaks Kinloch Limited

25 September 2025