

Bruce Bartley Family Trust

36 Locheagles Rise, Kinloch

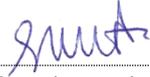
Application for Resource Consent for Variation of Consent Notice
and Land Use

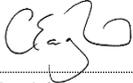
220069AP1
13 March 2023

Bruce Bartley Family Trust

36 Locheagles Rise, Kinloch

Application for Resource Consent under Section 88 and Section 221 of Resource Management Act 1991 for Variation of Consent Notice and Land Use

Prepared by: 
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**Reviewed and Approved
for Release by:** 
Catriona Eagles
Planning Manager

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APPLICATION DETAILS

Consent Authority:	Taupō District Council
The Applicant:	Bruce Bartley Family Trust
Address for Service:	Cheal Consultants Limited, PO Box 165, Taupō 3351
Address for Invoice:	brucebartley1@gmail.com
Site Details:	
<i>Street Address</i>	36 Locheagles Rise, Kinloch
<i>Legal Description</i>	Lot 1 DP 474891
<i>Record of Title</i>	653268
<i>Area</i>	1.14ha
<i>Zoning</i>	Kinloch Rural Residential

Activity for which Consent is sought:

It is proposed to construct a large new dwelling with a gross floor area of 1,456m².

The dwelling requires a variation of consent notice in accordance with S221 of RMA for the following reasons:

- The consent notice allows 5% building coverage (570.6m²), the proposal will result in 18.6% building coverage (2,130m²) an infringement of 13.6% (1,559.4m²).
- The consent notice allows 10m setbacks from all boundaries, the proposal will result in a gatehouse constructed over the vehicle access 2m from the northern boundary which is an 8m infringement.
- The consent notice allows for a maximum building height being the more restrictive of 7.5m or the reduced level of upper limit of building envelope 528.5m. The maximum height of the building will be the tower which is 2.15m higher than the 7.5m limit, and 5.24m higher than the RL of 528.5. The majority of the main dwelling will comply with both height limits with the exception of the apex of the roofs and two chimneys with up to a 2.5m exceedance. The bothy located south of the tower will exceed the RL of 528.5 by up to 3.8m.
- The consent notice allows for 10% site disturbance (earthworks) at one time. There will be site disturbance across 60% of the site at one time (a 50% infringement).

The variation of the consent notice is a discretionary activity in accordance with s127 of the Resource Management Act.

Land use consent is sought for the following reasons:

- Performance Standard 4a.1.13 allows 1.5m cut/fill outside the 10m building setback. The maximum cut will be 7m (5.5m more than permitted), and the maximum fill will be 1.5m.
- Performance Standard 4a.1.14 allows for 0.5m cut/fill inside the 10m building setback. The maximum cut will be 4.29m (3.8m more than permitted), and the maximum fill will be 6m (5.5m more than permitted).

The land use consent for earthwork infringements is a discretionary activity in accordance with Rule 4a.2.9 of the Taupō District Plan.

1. INTRODUCTION

Resource consent is sought to construct a large new dwelling with a gross floor area of 1,456m². The dwelling requires a variation of consent notice for exceedances of building coverage, building setback, building height, and area of earthworks disturbance. Land use consent is required for exceedances of earthworks cut/fill both within and outside of the building setback.

The variation of the consent notice is a discretionary activity in accordance with s221 and s127 of the Resource Management Act.

The land use consent for earthwork infringements is a discretionary activity in accordance with Rule 4a.2.9 of the Taupō District Plan.

Written approval has been provided by the affected parties.

In accordance with Section 88 of the Resource Management Act 1991 (RMA) the following report provides a site description, description of the proposal, consideration of the relevant rules and standards, Assessment of Environmental Effects, assessment of National Policy Statements/National Environmental Standards, and consideration of the relevant objectives and policies of the relevant Plans. A Landscape Visual Assessment Report has been undertaken. Conditions of consent are discussed and lastly the proposal is assessed against Part 2 of the RMA.

2. SITE DESCRIPTION

The subject site is located at 36 Locheagles Rise, Kinloch and is 1.14ha in area. The site is located on the eastern slopes of Kinloch overlooking the settlement and Lake Taupō to the west of the site. The site is located at the eastern end of the subdivision and is accessed off a Right of Way from the end of Locheagles Rise.

The applicant has a lease agreement with the owners of 30 and 32 Locheagles Rise, to lease the land on the slopes to the south of the right of way (identified orange in Image 2). This area will be landscaped and planted contiguous with the landscaping on the subject site. These additional lots are included in the earthworks design within this consent.

The site is sloping from the southeast down to the northwest, however level areas have been constructed for building platforms as part of the subdivision development. The site is currently vacant apart from two shipping containers near the east boundary. The site has services (water, power, wastewater).

The site was formed through subdivision consent RM130119 as part of Stage 3A of the 3-stage subdivision. The building platform for the site was set by the developer with earthworks undertaken at the time of subdivision. A building envelope has been established for the site, shown as 'BA' on the Title Plan. The envelope is set back approximately 15m from the northwest boundary, 10m from the southwest and southeast boundaries and 10-15m from the northeast boundary.

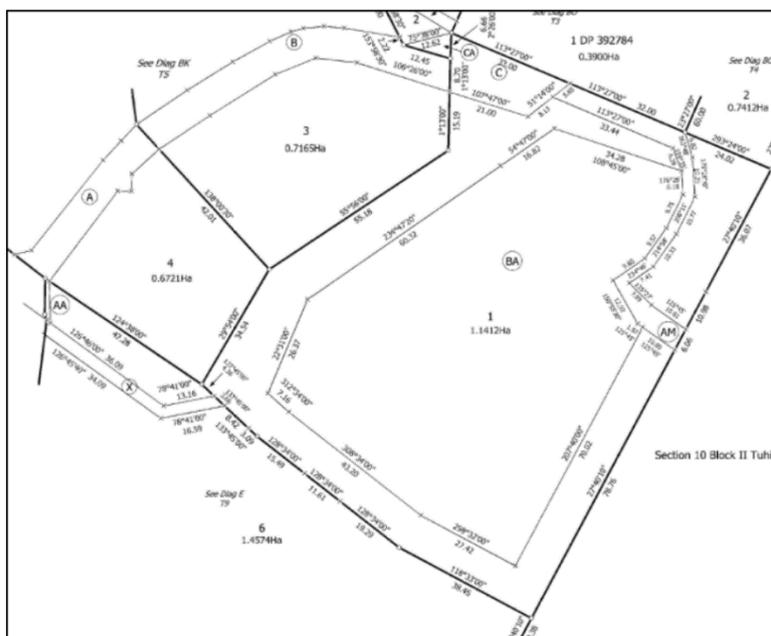


Image 1: LT Survey Plan

The site has a consent notice restricting the future building as follows:

- One dwelling only .
- Building Envelope – reduced level of upper limit of building envelope 528.5m, maximum building height 7.5m.
- A set building platform.
- Reflectivity limits for colours and materials of cladding and roof.
- No further subdivision.
- Foundation requirements.
- Maximum building coverage of 5%.
- Maximum earthworks disturbance at any one time of 10%.
- Limits to water supply pressure.

The site adjoins five lots. Three of the lots (30, 32 and 33 Locheagles Rise) are residential lots. These are located downslope of the southern and western boundaries of the subject site. Lot 1 DP 392784 is a reserve owned by Taupō District Council and is located downslope of the northern boundary of the subject site. This reserve is used for water storage. Section 10 BLK II Tuhingamata East SD is located on the eastern boundary of the subject site. This is a scenic reserve managed by the Department of Conservation and is covered in native vegetation.

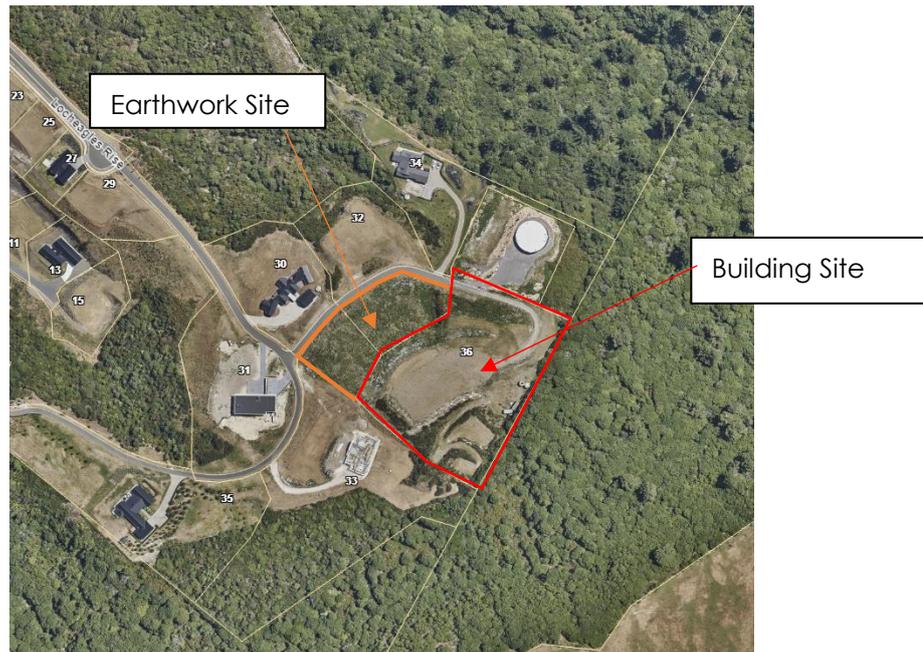


Image 2: Surrounding area of subject site

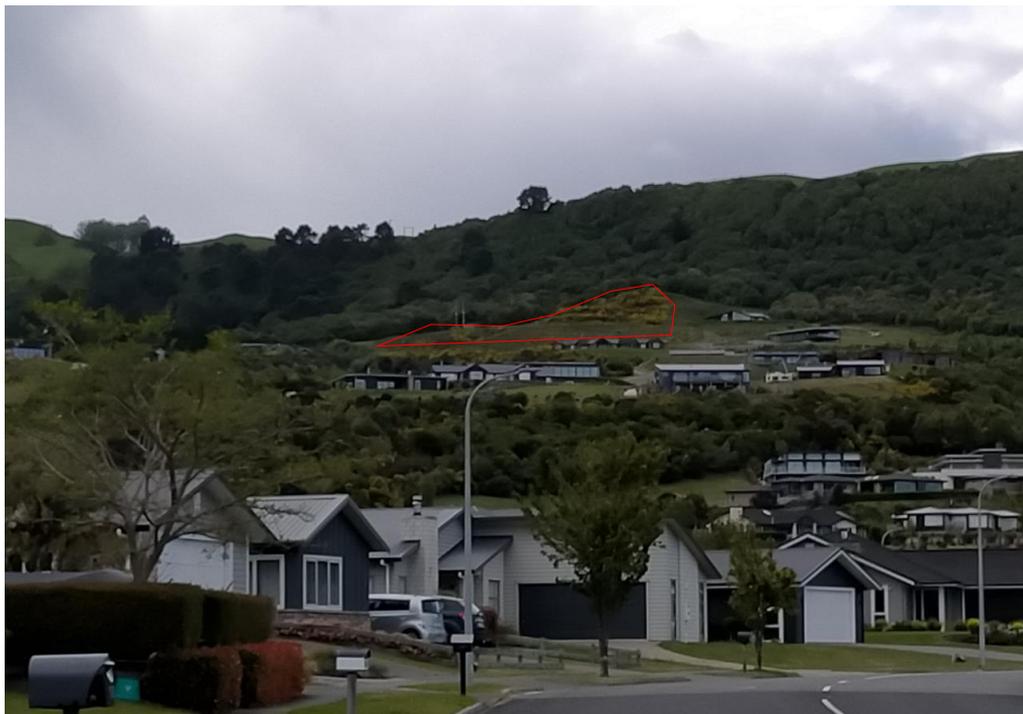


Image 3: Site Location at top of Locheagles Rise



Image 4: Building Platforms looking East



Image 5: Building Platform Looking South-East



Image 6: Building Platform looking South.



Image 8: Slope to the West of Building Platform



Image 7: Platform at top of site



Image 9: Gully to north of site



Image 10: View of site from the lake



Image 11: View up Locheagles Rise - Earthworks at time of subdivision 7/6/14



Image 12: View up Locheagles Rise
(White Balloons represent height of proposed dwelling)

3. DESCRIPTION OF PROPOSAL

The proposal involves the construction of a new large two storey dwelling split across 4 levels cut into the landscape.

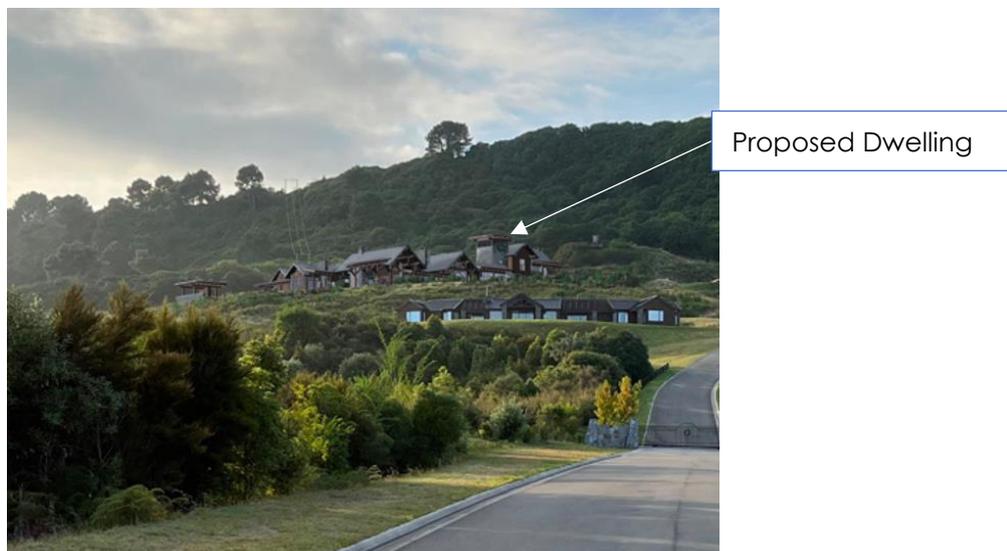


Image 13: Photomontage of proposed dwelling

The dwelling will have a floor area of 1,456m² with a building coverage of 2,130m² (18.6% where 5% is permitted). The additional 674m² coverage (ie difference between floor area and building coverage) is due to the covered areas of outdoor patios, and the pool shelter.

The dwelling is orientated to capture sun, village and lake views. The dwelling is to be constructed with recessive colours and materials including stone and timber. The facades will be modulated, breaking up the surfaces of the building. Planting of mixed native and introduced species is proposed to create a substantial garden, and a framework of grassed walkways. The garden landscaping will include a swimming pool, garden ponds, gatehouse over driveway, and fire pit. The gatehouse will be constructed within the building setback.

The main dwelling will be located centrally within the site, outside of the building setback.



Image 14: Site Plan

The main level will be located at about 518m above sea level and will have a floor area of 750m². The main level will consist of:

- Entrance and Foyer (Stairwell)
- Kitchen, Living, Dining Area
- 2 Bedrooms with Ensuities
- 3 Car Garage and Mudroom
- Chill Room
- 2 Offices
- Second Stairwell and Elevator

There are 4 patios, and an outdoor living space located beneath the eaves of the house. Located between the garage and office is a courtyard.

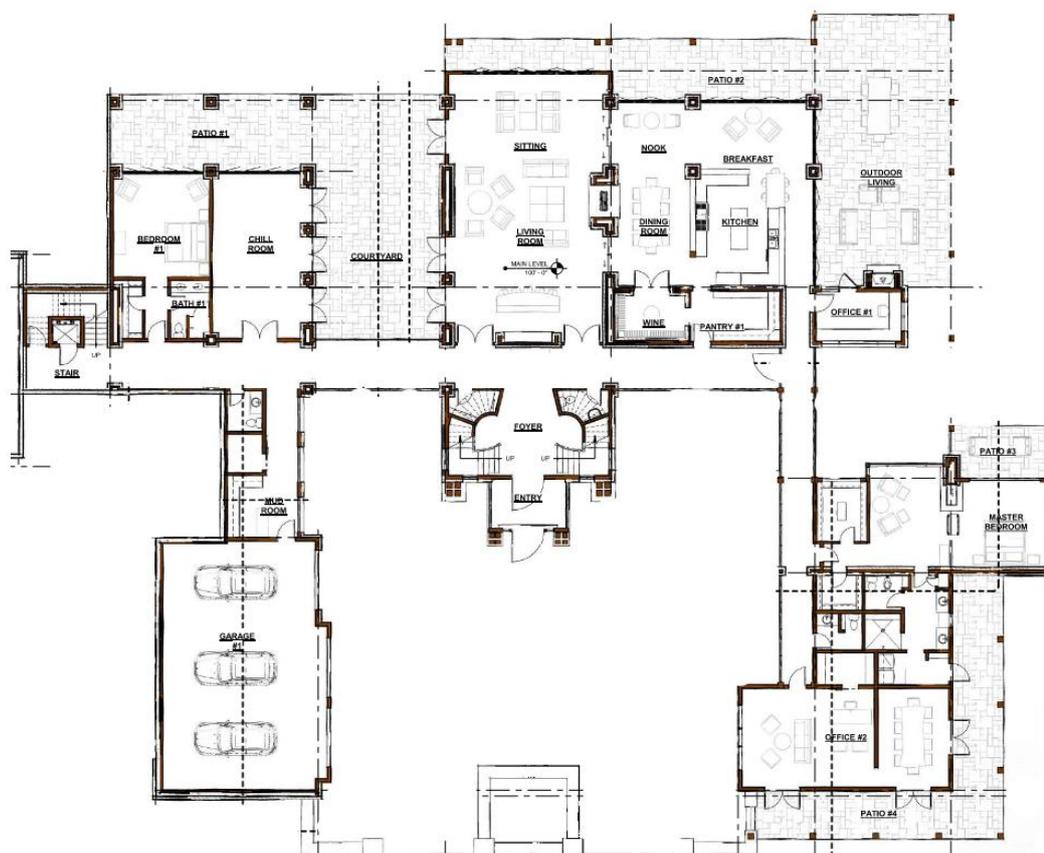


Image 15: Main Level Floor Plan

The second level will have a floor area of 358m² and will consist of:

- 2 Stairwells
- 2 Bedrooms with Ensuites
- Bunkroom with Ensuite
- Laundry
- Garage

There is a ground level patio located outside the two bedrooms. The ground level for the garage will be about 521m above sea level.

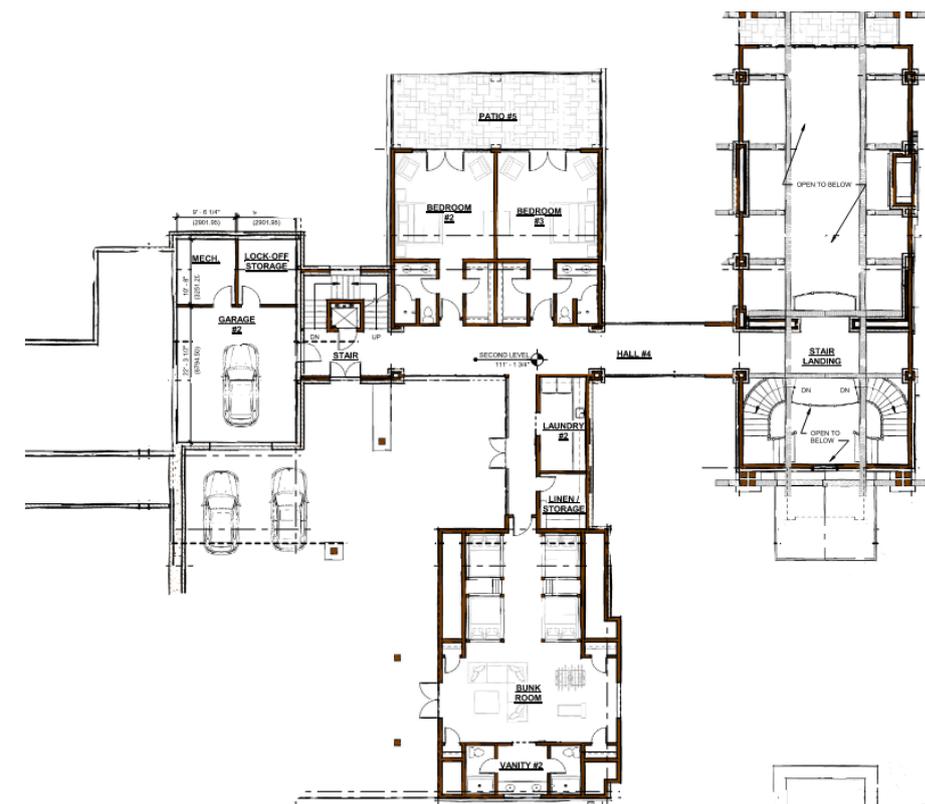


Image 16: Second Level Floor Plan

The third level (bothy) will have a floor area of 177m² and will consist of:

- Stairwell and elevator
- 2 bedrooms with ensuites
- Kitchen, Living, Dining

There are 2 patios at ground level located outside living areas. The ground level for the bothy will be about 524.5m above sea level.



Image 17: Third Level (Bothy) Floor Plan

The bothy is not considered a second or subsequent dwelling as even though it has a separate bathroom, kitchen and living area, it is connected internally to the main house by an internal elevator and stairwell, and all contained within one building. This is consistent with the definition of dwelling in the Taupō District Plan (underlined for emphasis):

Dwelling – A self-contained residential building to be used exclusively by one household unit and includes residential units within multi-unit and retirement village developments. It will have a bathroom and kitchen and toilet. The bathroom will include bathing facilities (shower or bath) and a sink. A kitchen will have a sink. If a residential extension includes all of these facilities but is attached to the house, it must be able to be accessed from inside the house (garage not included) for it not to be considered a second or subsequent dwelling.

The fourth level is above the stairwell that connects the second level and bothy and contains tower seating. This area is 21m².

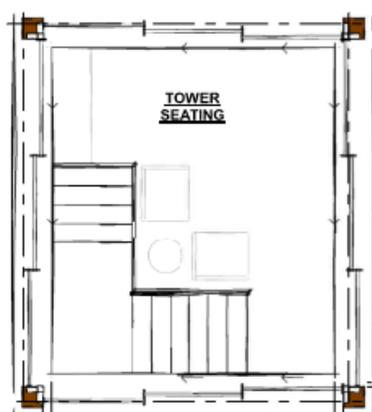


Image 18: Tower Floor Plan

The highest point of the building will be the tower which is 533.74m above sea level. Given the contour of the land, the tower is approximately 9.6m above the existing ground level and 2.1m above max 7.5m height limit. Both the bothy and the tower exceed the maximum RL level of 528.50m set by the consent notice. The bothy will exceed the RL limit by approximately 3.8m, and the tower will exceed the RL limit by 5.24m. The rest of the building complies with the maximum RL but the apex of the roofs, and chimneys exceed the 7.5m height limit by up to 2.6m.

Table 1: Building Height Exceedances

Building	RL Exceedance (RL = 528.50m)	DP Height Exceedance (DP Max Height 7.5m)
Tower (RL 533.74m)	5.24m	2.1m
Bothy (RL 532.3m)	3.8m	Complies
Rest of building	Complies	2.6m (apex of roofs and chimneys)

Substantial earthworks will be required to cut the proposed dwelling into the landscape and to landscape the site. Up to 7m of cut will be required outside of the building setback, and 4.9m of cut will be required within the building setback. Up to 6m of fill will be required within the building setback.

The earthworks will disturb up to 60% of the site at one time which is 50% more than the 10% allowed for by the consent notice. All earthworks will remain on site, with no need for carting fill to or from the site. Excess fill will be used to fill in the gully depression on 32 Locheagles Rise to a maximum depth of 6m and extend the flat lawn on 36 Locheagles Rise.

The dwelling will be connected to Council reticulated water, and wastewater. Stormwater will be disposed of on site.

3.1. Proposed Changes to Consent Notice

The proposed wording for proposed changes to the consent notice are shown underlined below.

- 2 *Maximum building height and minimum building setbacks shall be determined from the following schedule. Maximum building height is controlled by the more restrictive of the "Reduced Level of the Upper Limit of Building Envelope" or the "Maximum Building Height" described within the following schedule.*

Building Height Restrictions					
Purpose	Shown on DP 474891	Servient Tenement		Reduced Level of Upper Limit of Building Envelope	Maximum Building Height
Building Envelope	BA <u>with the exception of the dwelling approved under RM22XXXX</u>	Lot 1	Hereon	528.5m <u>with the exception of the dwelling approved under RM22XXXX</u>	7.5m <u>with the exception of the dwelling approved under RM22XXXX</u>
	BB	Lot 2	Hereon	503.0m	7.5m
	BC	Lot 3	Hereon	503.3m	7.5m
	BD	Lot 4	Hereon	502.7m	7.5m
	BE	Lot 5	Hereon	508.0m	7.5m
	BF	Lot 6	Hereon	527.5m	7.5m
	BG	Lot 7	Hereon	505.5m	7.5m
	BH	Lot 8	Hereon	482.5m	7.5m
	BI	Lot 9	Hereon	482.0m	5.5m
	BJ	Lot 10	Hereon	480.0m	5.5m
	BK	Lot 11	Hereon	477.7m	5.5m
	BL	Lot 12	Hereon	476.2m	5.5m
	BM	Lot 13	Hereon	474.5m	5.5m
	BN	Lot 14	Hereon	472.0m	5.5m
	BO	Lot 15	Hereon	468.5m	5.5m
	BP	Lot 16	Hereon	464.7m	5.5m
	BQ	Lot 17	Hereon	465.2m	5.5m
	BR	Lot 18	Hereon	463.0m	5.5m
	BS	Lot 19	Hereon	461.8m	5.5m

6. *Maximum building coverage of the allotment shall be 5%
With the exception of the infringements approved under variation to consent notice RM22XXXX for a new dwelling on Lot 1 DP 474891 that requires maximum building coverage of 18.6%.*
7. *Maximum earthworks disturbance of the allotment at any one time while redeveloping shall be 10%.
With the exception of the infringements approved under variation to consent notice RM22XXXX for a new dwelling on Lot 1 DP 474891 that requires maximum earthworks disturbance of 60%.*

4. STATUTORY CONSIDERATIONS

4.1. Resource Management Act 1991

Section 88 of the RMA allows any person to make a resource consent application, provided it is in the prescribed form and includes, in accordance with Schedule 4, an assessment of environmental effects in such detail as corresponds with the scale and significance of the effects that the activity may have on the environment.

Schedule 4 of the RMA lists those matters that should and must be included in an assessment of environmental effects, as well as those matters that should be considered. These matters are referenced throughout the body of this report confirming that the application meets all the requirements of Section 88.

In accordance with Section 104(1) and when considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2 of the RMA, have regard to:

- a) Any actual and potential effects on the environment of allowing the activity; and
- (ab) Any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and
- b) Any relevant provisions of:
 - i) A national environmental standard
 - ii) Other regulations
 - iii) A national policy statement
 - iv) A New Zealand coastal policy statement
 - v) A regional policy statement or proposed regional policy statement
 - vi) A plan or proposed plan; and
- c) Any other matter the consent authority considers relevant and reasonably necessary to determine the application.

Section 221 – Territorial Authority to Issue a Consent Notice:

- (1) *Where a subdivision consent is granted subject to a condition to be complied with on a continuing basis by the subdividing owner and subsequent owners after the deposit of a survey plan (not being a condition in respect of which a bond is required to be entered into by the subdividing owner or a completion certificate is capable of being or has been issued), the territorial authority shall, for the purposes of section 224, issue a consent notice specifying any such condition.*
- (2) *Every consent notice must be signed by a person authorised by the territorial authority to sign consent notices.*
- (3) *At any time after the deposit of the survey plan;*

- a. The owner may apply to a territorial authority to vary or cancel any condition specified in a consent notice.
 - b. The territorial authority may review any condition specified in a consent notice and vary or cancel the condition.
- (3A) Sections 88 to 121 and 127(4) to 132 apply, with all necessary modifications, in relation to an application made or review conducted under subsection (3).
- (4) Every consent notice shall be deemed:
- a. To be an instrument creating an interest in the land within the meaning of section 51 of the Land Transfer Act 201, and may be registered accordingly; and
 - b. To be a covenant running with the land when registered under the Land Transfer Act 2017 and shall, notwithstanding anything to the contrary in section 103 of the Land Transfer Act 2017, bind all subsequent owners of the land.
- (5) Where a consent notice has been registered under the Land Transfer Act 2017 and any condition in that notice has been varied or cancelled after an application or review under subsection (3) or has expired, the Registrar-General of Land shall, if he or she is satisfied that any condition in that notice has been so varied or cancelled or has expired, make an entry in the register and on any relevant instrument of title noting that the consent notice has been varied or cancelled or has expired, and the condition in the consent notice shall take effect as so varied or cease to have any effect, as the case may be.

Section 127 – Change or Cancellation of Consent Condition on Application by Consent Holder:

- 4) For the purposes of determining who is adversely affected by the change or cancellation, the consent authority must consider, in particular, every person who:
- a. Made a submission on the original application; and
 - b. May be affected by the change or cancellation.

Therefore, this application is made under Section 88 and Section 221 (3) and is subject to Sections 88 to 121 and 127(4) to 132. Only the effects of the change from the consent notice provisions are considered regarding building coverage, building height, building setbacks, and earthworks disturbance. In relation to affected parties, those who submitted originally and those affected by the change must be considered.

The earthworks land use is considered a discretionary activity. Section 104B of the RMA applies to discretionary activities and prescribes that consent may be granted or refused, if granted conditions may be imposed.

In terms of addressing the requirements of the RMA, an assessment of environmental effects is provided in Section 7 of this report. NPS & NESs are assessed in Section 4. The District Plan objectives and policies are discussed in Section 8 of this report.

4.2. National Policy Statements

There are currently six National Policy Statements being:

- National Policy Statement on Electricity Transmission.
- National Policy Statement for Renewable Electricity Generation.
- New Zealand Coastal Policy Statement.

- National Policy Statement for Freshwater Management 2020.
- National Policy Statement on Urban Development.
- National Policy Statement for Highly Productive Land.

None of the National Policy Statements above apply to this proposal.

4.3. National Environmental Standards

There are currently the following National Environmental Standards:

- National Environmental Standards for Air Quality
- National Environmental Standards for Sources of Drinking Water
- National Environmental Standards for Telecommunication Facilities
- National Environmental Standards Electricity Transmission Activities
- National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011
- National Environmental Standards for Plantation Forestry
- National Environmental Standards for Freshwater
- National Environmental Standard for Marine Aquaculture
- National Environmental Standard for Storing Tyres Outdoors 2021

Only the National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect the Human Health (NESCS) is considered relevant to this proposal. The proposal does involve disturbing soil. Soil disturbance is an activity under the NESCS, when it takes place on a piece of land described under Regulation 5(7).

Subdivision consent was granted in 2013. The NESCS was considered during the consideration of that consent. Since the subdivision of the site, no HAIL activity has been undertaken on it. A search of the property file in accordance with Section 6(2) of the NESCS was undertaken which showed no HAIL activity. The site is not identified by the Taupō District Plan as being 'contaminated'. Therefore, the land on which the proposed earthworks is to take place, is not a piece of land that is likely to have had a HAIL undertaken on it and is not covered by Regulation 5(7). For the above reason, it is considered that the NESCS does not apply to the consideration of this application.

4.4. Iwi Management Plans

The subject site is within the rōhe of Ngāti Tūwharetoa. Therefore, the Ngāti Tūwharetoa Environmental Iwi Management Plan 2003 is relevant.

The proposal is not on a culturally significant landscape feature, does not affect management of reserves, and does not result in soil contamination, therefore, the proposal is not inconsistent with the Papatuānuku Issues and Policies.

4.5. Other Matters - Kinloch Structure Plan

The Kinloch Community Structure Plan is relevant to the proposed consent notice variation and land use application given that the site is within the structure plan area. The KCSP has been adopted and specific provisions and zoning included into the operative Taupō District Plan. These provisions have been assessed and it is concluded that the proposed dwelling largely meets the intent of the KCSP. The proposed dwelling will maintain and enhance the urban environment, will not affect any ridgelines, and is within an existing consented residential subdivision. Large areas of the site will be landscaped and planted.

4.6. Notified Taupō District Plan Changes

The Notified Taupō District Plan Changes were publicly notified on 13 October 2022. The proposed changes do not affect the Kinloch Rural Residential zoning.

5. REGIONAL PLAN REQUIREMENTS

Land use consent for earthworks in a high-risk erosion area has been sought from Waikato Regional Council (WRC) as there will be soil disturbance activities exceeding 1,000m³ in volume (solid measure) in a high-risk erosion area (slopes greater than 25 degrees). This volume of earthworks triggers a discretionary consent under Rule 5.1.4.15 of the Waikato Regional Plan.

6. DISTRICT PLAN REQUIREMENTS

The subject site is contained within the Kinloch Rural Residential Environment. The consent notice specifies:

"At the time of this consent (August 2013) the lots are zoned Kinloch Rural Residential Environment under the Operative Taupō District Plan. The above controls will supersede the corresponding standards of the current Taupō District Plan and any subsequent standards as a result of any Plan Changes in future. All other District Plan standards of the Kinloch Rural Residential Environment (and any subsequent standards as a result of any Plan Changes in future) that are not specified above i.e. earthworks (inside /outside setbacks), vehicle movements, signage, parking, loading & access, noise, odour and stormwater, will apply with any infringements requiring separate land use consent and not a change to the consent notice. It is also noted that the District Plan standards for Maximum Earthworks inside and outside building setbacks shall relate to the building envelopes specified in the above schedule.

The proposal does not comply with the following consent notice and district plan standards:

Standard	Compliance	Comment
<p>Maximum Building Coverage</p> <p>The Consent notice on the title allows for 5% building coverage (570.6m²)</p>	☒	The proposal will result in 18.6% building coverage (2,130m ²) an infringement of 13.6% (1,559.4m ²). Of this approximately 670m ² are open structures/covered patios.
<p>Minimum Building Setback - all other boundaries</p> <p>The consent notice allows for a building platform specified by area BA on the Title Plan</p>	☒	A gatehouse will be constructed over the vehicle access 2m from the northern boundary outside of the building platform BA.
<p>Maximum Building Height</p> <p>The consent notice allows for the Max Building height being the more restrictive of 7.5m or the reduced level of upper limit of building envelope is 528.5m</p>	☒	The maximum height of the building will be the tower which is 2.15m higher than the 7.5m limit, and 5.24m higher than the RL of 528.5m.
<p>Maximum Earthworks (Disturbance of the allotment at any one time while redeveloping)</p> <p>The consent notice allows for 10%</p>	☒	There will be earthworks across approximately 60% of the site at one time (a 50% infringement).
<p>4a.1.13 Maximum Earthworks (Outside 10m Building Setback)</p> <p>1.5m, vertical ground alteration outside the minimum building setback in a new face or cut and/or fill.</p>	☒	The maximum cut will be 7.02m (5.5m more than permitted), and the maximum fill will be 1.5m within the building platform BA.
<p>4a.1.14 Maximum Earthworks (Inside 10m Building Setback)</p> <p>0.5m, vertical ground alteration within the minimum building setback requirement.</p>	☒	The maximum cut will be 4.29m (3.8m more than permitted), and the maximum fill will be 6m (5.5m more than permitted) outside of the building platform BA.

The site is subject to Kinloch Landscape Area overlay, and the Whakaroa Hills Amenity Landscape Area overlay. The site is not subject to any other District Plan notations or overlays. There are also no features or areas of historic or cultural significance identified on the site.

Section 221(3)(a) of the Act allows for the variation or cancellation of any conditions specified in a consent notice and that sections 88 to 121 and 127(4) to 132 of the Act apply as if the application were an application for resource consent and is a **discretionary activity**.

The land use consent for earthwork infringements is a **discretionary activity** in accordance with Rule 4a.2.9 of the Taupō District Plan.

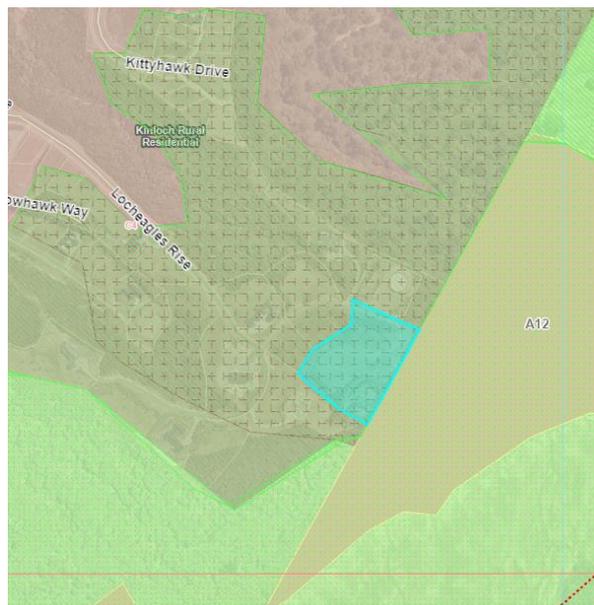


Image 19: District Plan Map (Source: Mapi)

7. CONSULTATION

In accordance with the RMA, an application for resource consent should:

1. Identify the persons affected by the proposal.
2. Comment on the consultation undertaken, and
3. Identify any response to the views of any person consulted.

To avoid doubt, while the applicant is not obliged to undertake consultation, nor is there any grounds for expecting the applicant to consult with any person, the applicant is obliged to report on who may be affected by the proposal. Consultation with the landowners of 30, 31, 32, and 33 Loch eagles Rise have been consulted and written approval provided. The applicant also owns 34 Loch eagles Rise, therefore approval from this property is inherent.

It was not considered necessary to consult with Department of Conservation (DoC) or Taupō District Council as the effects on these landowners are considered to be less than minor.

The scenic reserve is located at a higher elevation than the subject site. The earthworks along the scenic reserve boundary are cut and will have some separation of a few meters from the boundary. The cut will be stabilised by the building wall, therefore the risk of stability effects on Conservation land is considered to be negligible. There is no chance of discharge of sediment into the reserve given the topography, nor will any vegetation within the scenic reserve be harmed. Given the location, topography, lack of access and nature of the scenic reserve (being densely vegetated) the reserve is not frequented by people adjacent to the subject site and therefore unable to perceive any potential adverse effects from the proposed building. Vegetation will not be affected, and as such the natural values of the Significant Natural Area – Whakaipo Bay Scenic Reserve will be maintained. Therefore, there is not considered to be any adverse effect on the DoC estate.



Image 20: Written Approvals Obtained

Taupō District Council are not considered affected due to the land use on their property being a water reservoir, and that the driveway is already established on the subject site which provides some separation distance. The gatehouse is located outside of the specified building platform area on the south side of the shared boundary with the Council, therefore will have negligible shading effects. The nature of the gatehouse will not have any overlooking, visual dominance or privacy effects. Earthworks will be contained on site. The proposal will not have any adverse effect on Council's property.

No other consultation is considered necessary.

The original application for subdivision RM130119 was non notified as it was in accordance with the underlying land use master plan. Therefore, there are no submitters to consider as required by Section 127(4) of the Resource Management Act.

8. ASSESSMENT OF ENVIRONMENTAL EFFECTS

8.1. General Assessment

The proposal involves constructing a dwelling with a floor area of 1,456m² and associated earthworks. This proposal will require a consent notice variation for building coverage, building height, building in setback, and earthworks disturbance. A land use consent is also sought for earthworks that will exceed cut and fill depths both inside and outside of the building setbacks.

Given the context of the site at the top of the subdivision, with the bush clad Whakaroa Hills dominating over the site, surrounding topography preventing nearby allotments having direct views of the site, and adjoining residential neighbours providing written approval, it is considered that the proposal will have minimal effects on the environment.

The assessment criteria for building coverage, building height, building in setback, and earthworks disturbance are assessed in Section 8.2 – Consent Notice Variation, where it is concluded that the effects are minimal.

The assessment criteria for earthworks cut/fill within and outside of the building setback are assessed in Section 8.3 – Land Use Consent, where it is concluded that effects are minimal.

8.2. Consent Notice Variation

As a variation to consent notice, only the matters pertaining to the specific breaches of the consent notice have been assessed (i.e., building coverage, building height, building setback and earthworks disturbance).

Building Coverage

The consent notice allows 5% building coverage (570.6m²), the proposal will result in 18.6% building coverage (2,130m²) an infringement of 13.6% (1,559.4m²). The proposed building is much larger than anticipated by the district plan. The assessment criteria for building coverage are used to form part of this assessment:

- a. The extent to which the increased coverage will:**
- i. adversely affects the character and visual amenity of the area and the Residential Environment by enabling development which is not consistent with the scale of development in the surrounding environment.**

Hudson Associates Landscape Architects have undertaken a landscape assessment which concludes that *“overall, effects on landscape character are assessed as low at most and, as such, it is considered that the proposal is appropriate in relation to landscape character matters.”*

The key reasons for reaching this conclusion are:

- The existing modification of the area lessens potential effects (modified landscape, existing large dwellings, roading).

- The dwelling will blend in with the broader context due to its fragmented form, natural materials, modulated facades and its integration with the landscape and proposed planting.
- Landscape patterns will remain – it will not disrupt existing rural and ecological landscape patterns. The dwelling is on a large section and can be integrated into the landscape with extensive planting.
- The proposed dwelling is visible from a broader context, yet is below the vegetated background, and below the ridgeline and thus is integrated into the landscape.

I agree with this assessment and conclude that the proposal will not adversely affect the character and visual amenity of the area and the Residential Environment.



Image 21: Visual Simulation of proposed dwelling from Locheagles Rise

ii. *reduce the privacy and outlook of adjoining allotments by comparison with the effects of a complying activity.*

Due to the topography of the area, the building envelopes of the adjoining sites to the east are lower than that of the application site by at least 10m to 20m. As such the proposal is not considered to be visually dominant or to affect the privacy or outlook on any other adjoining site. The substantial separation from the proposed dwelling to other sites also provides mitigation. All other dwellings are orientated to west and south, to capture views and sun away from the proposed site. The adjoining residential neighbours have provided written approval, and therefore effects on them must be disregarded.

iii. *result in large scale buildings which will intrude into the outlook from nearby allotments by comparison with the effect of a complying activity.*

The proposal is a large-scale building, however, due to the topography, proposed landscaping and the location of the site at the highest point of the subdivision it will not intrude into the outlook from nearby allotments. The adjoining residential neighbours have provided written approval, therefore effects on them must be disregarded.

- iv. **result in a building or building(s) that is inconsistent with the character of the area due to long unbroken building facades along one or more boundaries.**
The building will not have long unbroken building facades along one or more boundaries. The facades will be modulated, breaking up the surfaces of the building, as well as being located over different levels. The building is located centrally within the site.
- v. **significantly shade useable outdoor living space on an adjacent allotment.**
The building will not shade useable outdoor living space on an adjacent allotment.
- b. **Proposed methods for avoiding, remedying or mitigation of potential adverse effects, and the degree to which they would be successful including:**
- i. **The design and location of the building(s) to avoid long unbroken building facades along one or more boundaries**
 - ii. **Design of buildings or groups of buildings which reflect the scale of the surrounding environment**
 - iii. **The ability to mitigate adverse effects through the imposition of conditions such as landscaping.**

The site location and topography are the main characteristics of the site that successfully mitigates potential adverse effects caused by the building coverage exceedance. No person nearby has a direct view of the property given it sits at a higher elevation, and to the rear of the adjoining neighbours. When viewed from a distance, it is not possible to perceive the scale of the building coverage infringements due to the wider viewing context, the height of the Whakaroa Hill behind the building, and not being able to perceive the location of the property boundaries. The surrounds will be extensively landscaped and will blend in with existing landscaping in the area.

Building Height

The consent notice specifies that Maximum Building Height is controlled by the more restrictive of the "Reduced Level of the Upper Limit of Building Envelope" being 528.5m or the "Maximum Building Height" being 7.5m. The highest point of the building will be the top of the tower which is 533.74m above sea level. This is 2.1m above max 7.5m height limit, and 5.24m above the maximum RL limit.

The bothy will exceed the RL limit by approximately 3.8m but will comply with the 7.5m height limit. The rest of the building complies with the maximum RL but the apex of the roofs, and chimneys exceed the 7.5m height limit by up to 2.6m.

Table 2: Building Height Exceedances

Building	RL Exceedance (RL = 528.50m)	DP Height Exceedance (DP Max Height 7.5m)
Tower (RL 533.74m)	5.24m	2.1m
Bothy (RL 532.3m)	3.8m	Complies
Rest of building	Complies	2.6m (apex of roofs and chimneys)

The assessment criteria for building height are used to form part of this assessment:

a. The extent to which the extra height will:

- i. adversely affect the character and visual amenity of the area and the Residential Environment by enabling development which is not consistent with the scale of development in the surrounding environment.**

The additional height will not adversely affect the character and visual amenity of the area and the Residential Environment even though the building height is significantly higher than the scale of development in the surrounding area. The dominant backdrop and extensive scale of the bush clad Whakaroa Hill mitigates the height exceedance, so the building is seen in the context of a vegetated slope, well away from any ridgeline. The hill remains the dominant feature. There will be no development further uphill from the subject site, or to the east so the proposal will not adversely affect any potential outlooks. The building is designed with sympathy for the natural slope across the site.

- ii. reduce the privacy of adjacent allotments by comparison with the effects of a complying activity.**

The height exceedance will not reduce the privacy of adjacent allotments by comparison with the effects of a complying activity. The large separation distances between dwellings and the proposed landscaping will help to mitigate any adverse effects. In addition, adjoining landowners have provided written approval, and therefore effects must be disregarded.

- iii. result in large scale buildings which will intrude into the outlook from nearby allotments by comparison with the effects of a complying activity.**

The location and topography of the site (being to the rear and higher) means that the building will not intrude into the outlook from nearby allotments by comparison with the effects of a complying activity. The small increase in residential lighting at a higher elevation will not be to an extent that would further affect the current levels of the natural darkness in the night sky or intrude into the outlook from nearby allotments.

- iv. have an overbearing effect on sites within the Residential Environment.**

Given the location and topography of the site, along with the proposed landscaping the height exceedance will not cause an overbearing effect on sites within the Residential Environment. Adjoining sites have provided written approval. The separation distance, and topography between other sites mitigates any overbearing effects the height exceedance may have.

b. Proposed methods for avoiding, remedying or mitigating any potential adverse effects, and the degree to which they would be successful including:

- i. the extent to which topography, alternative design, planting, or setbacks can mitigate the adverse effects of the extra height.**

The topography is a key component in mitigating any potential adverse effects caused by the height exceedance. The proposal is located at the top of the developable area, set below the extensive and vegetated Whakaroa Hill as a backdrop. The portions of the building that exceed the height limit are located centrally within the site. The building materials will be recessive colours including stone and timber and will blend

into surrounding environment. The building is large and extensive and may not be appropriate on many other residential sites, however it has specifically been designed for this site, and this setting with landscape planting, and is therefore considered appropriate in this context.

Building Setback

The building within the setback is limited to the gatehouse which is built outside of the identified building platform BA. The gatehouse is an open structure located over the vehicle access. The gatehouse will be approximately 48m² and located 2m from the northern boundary. Given the nature of the building it is considered the effect of this being located outside of the building platform is negligible. There will be no privacy effects, shading, overlooking, or visual dominance effects.

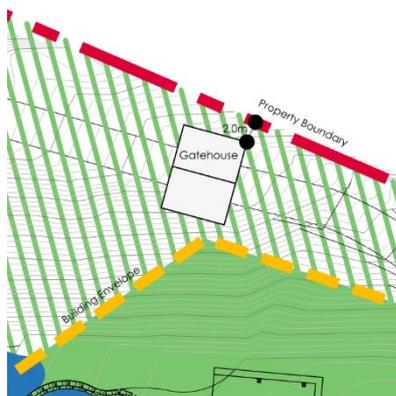


Image 22: Gatehouse location outside of building platform

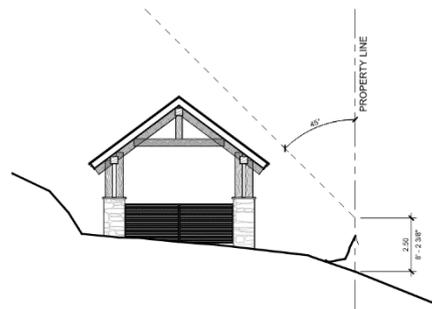


Image 23: Gatehouse height to boundary compliance



Image 24: Gatehouse artist impression

Earthworks Disturbance

The earthworks will disturb up to 60% of the site at one time which is 50% more than the 10% allowed for by the consent notice.

An earthworks management plan (Appendix 4) is provided which outlines how the earthworks will be managed to mitigate adverse effects. Further assessment of earthworks is provided in section 8.3 below.

8.3. Land Use - Earthworks

The site was significantly modified during the construction of Stage 3A of Locheagles subdivision. This proposal is to modify the site further to enable the construction of the proposed dwelling and landscaping.

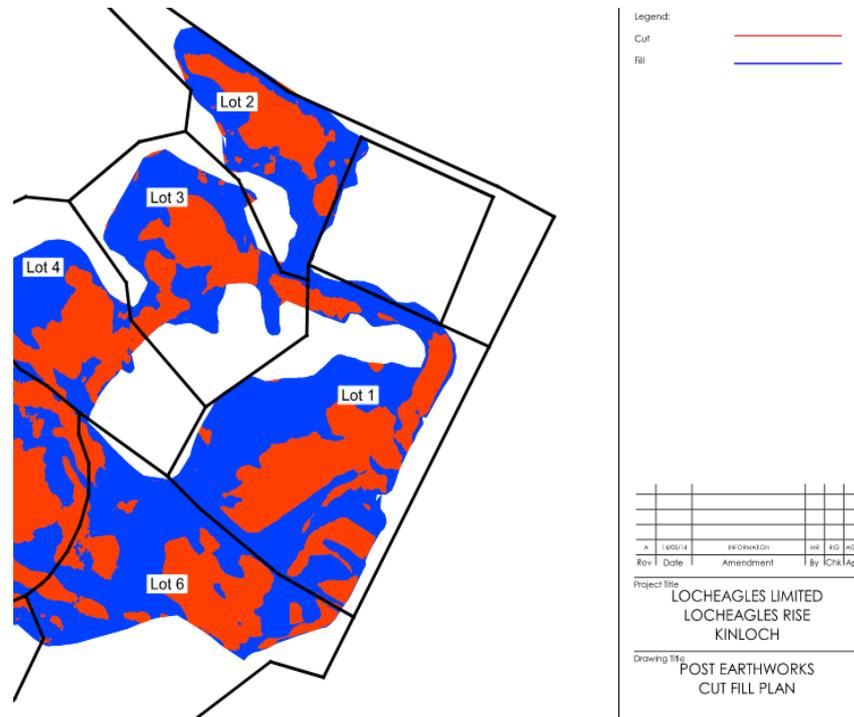


Image 25: Previous cut /fill on the site

Up to 7m of cut will be required outside of the building setback, and 4.9m of cut will be required within the building setback. Up to 6m of fill will be required within the building setback. The southern corner of the site will be the location of maximum cut as shown in Image 26. This is to enable the bothy, garage, and tower to be constructed set down into the landscape. Fill will be used to extend the front lawn area and fill in the depression within 32 Locheagles Rise so all earthworks will be contained on site.



Image 26: Location of Cut

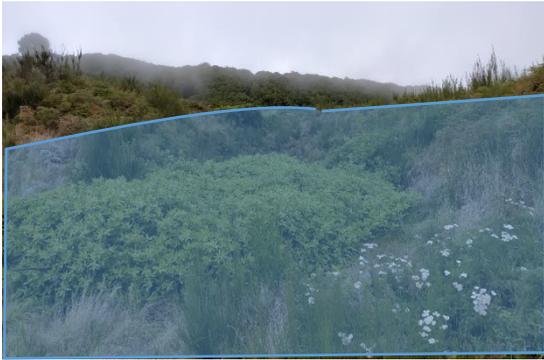


Image 27: Looking up at Depression to be filled



Image 28: Looking down at Depression to be filled



Image 29: Front lawn to be filled

The assessment criteria for earthworks are used to form part of this assessment:

a. The extent to which the earthworks will change the ground level of the site, including the relationship of the site to adjacent reserves, and foreshore protection areas, and adjacent sites.

The earthworks will result in the cutting of the hillside to enable the dwelling to be constructed into the landscape. The relationship with the DoC reserve will not change, as the site has already been cut and sits below the DoC reserve, and this will be maintained. The relationship of the subject site with adjacent sites will not change. The fill will fill in the depression to make a consistent contour along the slope below the building platform. This is consistent with previous depressions having been filled as evident on the cut/fill plan in Image 25.

b. The degree to which the finished ground levels reflect the contour of adjoining the sites, and any potential impacts on stability of neighbouring properties and existing stormwater flow patterns.

The finished ground levels will reflect the contour of adjoining sites. The earthworks will not impact on stability of neighbouring properties, nor scenic reserve as the cut faces will be retained by engineer designed walls which form part of the building. The stormwater flow patterns will be maintained as generally stormwater flows in a northerly direction and this will be maintained.

c. The degree to which the earthworks will enable building façades to be extended below natural ground level and result in buildings that are more visually dominant off-site and inconsistent with the character of the Environment.

The earthworks will result the tower building façade in particular to extend below natural ground level to create a façade 15m high. Given the location of the site, and topography of surrounding sites this façade will not easily be able to be seen.

d. Detraction from the amenity of adjoining allotments in terms of such matters as noise and dust occurring as a result of the earthworks, and the resulting impact on the use of these allotments.

There will be temporary effects caused by the earthworks, however all earthworks will be kept on site. The adjoining residential neighbours have provided written approval. An Earthworks Management Plan is provided to ensure adverse effects are minimised.

e. Potential for the creation of a nuisance effect for residents within the area, including vehicle movements, hours of operation, dust and vibration.

There is potential for nuisance effects, however adjoining residential neighbours have provided written approval. Dust will be constantly monitored and a water cart available to suppress dust. After hours and during holidays an appointed person will be on call. Earthworks management plans will provide direction to clean water diversions, dirty water diversions, and sediment controls to manage the site in the event of larger scale rain events.

The build will take approximately 3 years. There will be builders and contractors driving to site each working day, and delivery of materials as required. This will comply with 24 equivalent vehicle movements. Hours of operation will be 7am to 7pm Weekdays, and 7.30am to 3pm Saturdays.

f. The degree to which an Earthworks Management Plan prevents adverse effects arising, in particular sediment discharges and dust nuisance.

An Earthworks Management Plan (EMP) is provided with this application. When implemented correctly by the contractor, it can be very effective in preventing adverse effects arising. The same EMPs will be provided to WRC for the regional consent.

g. The extent of any vegetation removal and the time period for which soil will be exposed.

The established grass, and scrub on the site will be removed where necessary. It is expected that all bulk earthworks will be completed within 4 to 6 weeks weather depending. The soil will be mulched, or grass sown as soon as earthworks are completed.

h. Proposed methods and timing for the avoidance, remedying or mitigation of potential adverse effects and the degree to which they would be successful including:**i. planned rehabilitation, re-contouring and re-vegetation or the retention of existing vegetation**

The site will be earthworked, and top soil removed. As soon as earthworks are completed mulch will be applied, or grass sown to stabilise the site. The site will be landscaped, and plants established while the building is being constructed.

i. Whether there are any Archaeological sites, and the potential effect of the earthworks on these sites.

There are no archaeological sites.

j. The location and scope of earthworks, including its movement to, from and on the site

No earthworks will be removed from the site. There will be a cut/fill balance on the site.

8.4. Summary

It is considered that the proposed dwelling and earthworks will have less than minor effects on the character and amenity of the Residential Environment. The dwelling exceeds building coverage, building height, and the gatehouse is located in the building setback. Given the context of the site at the top of the subdivision dominated by the Whakaroa Hill and bush background, the design of the building and types of materials used, as well as proposed landscaping around the site it is considered the proposed dwelling will have less than minor effects.

The earthworks will further modify the already modified site. An Earthworks Management Plan and Erosion and Sediment Control Plan are provided which when correctly implemented will mitigate adverse effects.

Adjoining residential neighbours have provided written approval.

9. RELEVANT POLICIES AND OBJECTIVES

The Objectives and Policies contained in Sections 3a, and 3h of the District Plan are considered relevant to the proposal. An assessment of these Objectives and Policies is provided below.

9.1. 3a – Residential Environment

Objective 3a.2.1

Objective 3a.2.1 and its associated policies seek to *maintain and enhance the character and amenity of the Residential Environment by controlling the bulk, location and nature of activities, to ensure activities are consistent with a residential scale of development, including an appropriate density and level of environmental effects. Also, policy ix is to avoid, remedy or mitigate adverse effects of subdivision, use and development in the residential areas on cultural, historic, landscape and natural values, as identified through the provision of this Plan.*

The proposal is for a very large dwelling that is not consistent with the typical residential scale of development in Kinloch. However, due to:

- the location of the relatively large site at the top of the subdivision;
- the dwelling's design;
- the types and colour of building materials;
- the surrounding topography which means no adjoining residential neighbours have a direct view of the site, and;
- the site is dominated by the Whakaroa Hill and Scenic Reserve above it.

it is considered that the level of environmental effects caused by the proposal is appropriate. The building provides for sufficient daylight and privacy, outlooks are not dominated by bulky buildings, the residential streetscape and open space is maintained, and vehicles can safely access and manoeuvre onsite. These factors ensure the character and amenity values of the Residential Environment, and landscape values are not adversely affected, and the proposal is consistent with this objective and associated policies.

Objective 3a.2.3

Also considered relevant to the proposal is Objective 3a.2.3 and the accompanying policies that seek to maintain and enhance the existing amenity and character of the Kinloch residential area and provide for appropriate residential development in the Kinloch Community Structure Plan Area.

It is considered that the proposal will enhance the existing amenity and character of Kinloch residential area. This is a high-quality build, that along with significant landscaping will enhance the Locheagles subdivision. The building will be integrated into the landscape, with a strong framework of tree and vegetation planting. The building will complement the character of the area rather than detract from it. The earthworks will not adversely affect the character of the area. The building will be constructed into the cut areas, and the fill areas will be planted, to reflect the existing character of the area. The earthworks, landscaping and building design enable the building to be integrated into the site so that the built form is not dominant.

For the reasons above, the proposal is considered to be consistent with Objective 3a.2.3 and accompanying policies.

9.2. 3h – Landscape Values

Objective 3h.2.2 and its associated policies seek to maintain the Landscape Attributes of Amenity Landscape Areas. The subject site is overlaid by the Kinloch Landscape Policy Area overlay and Amenity Landscape Area (ALA66 – Whakaroa Hills). Whakaroa Hills provide an important hill and ridge backdrop to Kinloch township. The proposed dwelling will be constructed within the specified building platform (with the exception of the gate house) with a substantial area of existing native bush above the site, and planting proposed below the dwelling. There is considered to be minimal effects on the landscape attributes of ALA66 or the Kinloch Landscape Policy Area. Furthermore, this site is permitted to have development, and the backdrop of the Whakaroa Hills as viewed from Kinloch township, will be unchanged. Therefore, the proposal is considered to be consistent with these objectives and policies.

9.3. Summary

The proposal is considered to be consistent with the Residential Environment and Landscape Values Objectives and Policies. The proposal will enhance the residential character of the area and maintain the Landscape Attributes of Amenity Landscape Areas.

10. NOTIFICATION ASSESSMENT

10.1. 95A Public Notification of Consent Applications

STEP 1	95A(3) Mandatory public notification in certain circumstances.	
	a) The applicant has requested the application be public notified?	NO
	b) Public Notification has been determined to be required under section 95C?	NO
	c) The application is an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977?	NO
Process	The answer is no, go to STEP 2	Go to Step 2
STEP 2	95A(5) Public notification precluded in certain circumstances.	
	The application is for an activity that is subject to a rule or National Environmental Standard that precludes notification?	NO
	a) The application is a controlled activity?	NO
	b) The application is a boundary activity?	NO
Process	95A(4)(a) if the answer is yes, go to STEP 4 (STEP 3 does not apply) <u>OR</u> 95A(4)(b) if the answer is no, go to STEP 3	Go to Step 3

STEP 3	95A(8) If not precluded by Step 2, public notification required in certain circumstances.	
	a) The application is for a resource consent for 1 or more activities and any of those activities is subject to a rule or national environmental standard that requires public notification.	NO
	b) The consent authority decides in accordance with section 95D that the activity will have or is likely to have adverse effects on the environment that are more than minor.	NO
Process	95A(7)(a) if the answer is yes, Publicly Notify <u>OR</u> 95A(7)(b) if the answer is no, go to STEP 4	Go to Step 4

STEP 4	95A(9) Public notification in special circumstances.	
	Do special circumstances exist in relation to the application that warrant public notification? Special circumstances are those that are: <ul style="list-style-type: none"> • Exceptional, abnormal or unusual, but something less than extraordinary or unique; • Outside of the common run of applications of this nature; or • Circumstances which make notification desirable, notwithstanding the conclusion that the adverse effects will be no more than minor. 	NO
Process	If the answer is no, public notification is not required.	Public Notification is not required.

10.2. 95B Limited Notification of Consent Applications

STEP 1	95B(2) & (3) Certain affected groups and affected persons must be notified.	
	a) Are there any affected protected customary rights groups?	NO
	b) Are there any affected customary marine title groups?	
	a) Is the proposed activity on or adjacent to or may affect land that is subject to a statutory acknowledgement (Schedule 11)?	NO
	b) Is the person to whom a statutory acknowledgement made, an affected person under section 95E?	NO
Process	There are no affected groups or persons under section 95B(2) & (3).	NO

STEP 2	95B(6) Limited notification precluded in certain circumstances	
	a) The application is for a resource consent for one or more activities and each activity is subject to a rule or national environmental standard that precludes limited notification?	NO
	b) The application is for a controlled activity (but no other activities) that requires a resource consent under a district plan (other than a subdivision of land)	NO
Process	If the answer is yes, go to Step 4 (Step 3 does not apply) ; and if the answer is no, go to STEP 3	Go to Step 3

STEP 3	95B(7), (8) & (9) Certain other affected persons must be notified.	
	7) There is an affected person under section 95E for a boundary activity?	NO
	8) There is an affected person under section 95E?	NO
Process	Notify each affected person identified under subsections 7) and 8) of the application.	There are no affected persons

STEP 4	95B(10) Further notification in special circumstances.	
	Do special circumstances exist in relation to the application that warrant notification of the application to any other persons not already determined to be eligible for limited notification (excluding persons assessed under section 95E as not being affected persons)?	NO
Process	If the answer is yes, notify those persons; and if the answer is no, do not notify anyone else.	

It is considered that the proposed dwelling and earthworks will have less than minor effects on the character and amenity of the Residential Environment. The dwelling exceeds building coverage, building height, and the gatehouse is located in the building setback. Given the context of the site at the top of the subdivision dominated by the Whakarua Hill and bush background, the design of the building and types of materials used, as well as proposed landscaping around the site it is considered the proposed dwelling will have less than minor effects.

The earthworks will further modify the already modified site. An Earthworks Management Plan and Erosion and Sediment Control Plan are provided which when correctly implemented will mitigate adverse effects.

10.3. Affected Persons

As described in Section 7 – Consultation, the adjoining residential neighbours 30, 31, 32, and 33 Locheagles Rise have been consulted and written approval provided. The applicant also owns 34 Locheagles Rise, therefore approval from this property is inherent.

The nature of the proposal is considered to have negligible adverse effects on the Scenic Reserve and Taupō District Council Reserve, therefore the Department of Conservation and Taupō District Council Reserves are not considered to be affected persons.

11. RMA PART II

Part 2 of the RMA contains Sections 5, 6, 7 and 8. The assessments contained in Sections 7 and 8 of this report are subject to the matters contained in Part 2 of the RMA.

Section 5 sets out the purpose of the RMA, which is to promote the sustainable management of natural and physical resources and is supported by sections 6, 7 and 8. Sections 6 and 7 contain the "matters of national importance" and "other matters" respectively and Section 8 provides for the principles of the Treaty of Waitangi. These sections are hierarchical and provide for a different level of consideration to be given to each.

There are no matters of national importance, as identified by Section 6, that are relevant to the application.

Other matters identified in Sections 7(c), and 7(f) are relevant to the application. These are:

(c) The maintenance and enhancement of amenity values

(f) Maintenance and enhancement of the quality of the environment

The proposed dwelling has been designed in such a way as to maintain and enhance the amenity values of the site and the surrounding area. This will ensure that the quality of the environment is maintained.

The proposal will not affect the ability to achieve the principles of the Treaty of Waitangi.

It is therefore considered that the proposal is consistent with the principles of Part II of the RMA.

12. RECOMMENDED CONDITIONS OF CONSENT

Recommended conditions of consent include:

General Conditions

1. The activity shall be undertaken in accordance with:
 - a. The application prepared by Cheal Consultants Limited and received by Taupō District Council on X 2022.
 - b. The plans prepared by Vertical Arts Architecture

Consent Notice Condition

2. Consent notice conditions 2, 6, and 7 shall be altered as shown underlined below:

2. Maximum building height and minimum building setbacks shall be determined from the following schedule. Maximum building height is controlled by the more restrictive of the "Reduced Level of the Upper Limit of Building Envelope" or the "Maximum Building Height" described within the following schedule.

Building Height Restrictions				
Purpose	Shown on DP 474891	Servient Tenement	Reduced Level of Upper Limit of Building Envelope	Maximum Building Height
Building Envelope	BA <u>with the exception of the dwelling approved under RM22XXXX</u>	Lot 1 Hereon	528.5m <u>with the exception of the dwelling approved under RM22XXXX</u>	7.5m <u>with the exception of the dwelling approved under RM22XXXX</u>
	BB	Lot 2 Hereon	503.0m	7.5m
	BC	Lot 3 Hereon	503.3m	7.5m
	BD	Lot 4 Hereon	502.7m	7.5m
	BE	Lot 5 Hereon	508.0m	7.5m
	BF	Lot 6 Hereon	527.5m	7.5m
	BG	Lot 7 Hereon	505.5m	7.5m
	BH	Lot 8 Hereon	482.5m	7.5m
	BI	Lot 9 Hereon	482.0m	5.5m
	BJ	Lot 10 Hereon	480.0m	5.5m
	BK	Lot 11 Hereon	477.7m	5.5m
	BL	Lot 12 Hereon	476.2m	5.5m
	BM	Lot 13 Hereon	474.5m	5.5m
	BN	Lot 14 Hereon	472.0m	5.5m
	BO	Lot 15 Hereon	468.5m	5.5m
	BP	Lot 16 Hereon	464.7m	5.5m
	BQ	Lot 17 Hereon	465.2m	5.5m
	BR	Lot 18 Hereon	463.0m	5.5m
	BS	Lot 19 Hereon	461.8m	5.5m

6. Maximum building coverage of the allotment shall be 5% With the exception of the infringements approved under variation to consent notice RM23XXXX for a new dwelling on Lot 1 DP 474891 that requires maximum building coverage of 18.6%.

7. Maximum earthworks disturbance of the allotment at any one time while redeveloping shall be 10%.
With the exception of the infringements approved under variation to consent notice RM23XXXX for a new dwelling on Lot 1 DP 474891 that requires maximum earthworks disturbance of 60%.
3. An updated copy of Record of Title 653268 shall be provided to Taupō District Council's Consents and Regulatory Manager **within 12 months** of the issue of Code Compliance Certificate demonstrating that the variation of the consent notice has been registered pursuant to section 221(5) of the Resource Management Act and prior to the issue of the Code of Compliance Certificate under the Building Act.

Earthworks Conditions

4. No later than five working days prior to the earthworks commencing on the site, the consent holder shall advise Taupō District Council's Resource Consents Monitoring Officer in writing, of the commencement date for the earthworks and the details of the contractor undertaking the works.
5. The consent holder shall ensure that the earthworks are managed in accordance with the approved Earthworks Management Plan and carried out so that all sediment, stormwater runoff, debris and dust is contained on-site so that no nuisance is created beyond the site boundaries. This will require the installation and on-going maintenance of appropriate erosion and sediment controls throughout the duration of the project and until such time as the area is fully stabilised.
6. 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.

13. CONCLUSION

A Consent Notice Variation, and Land Use Consent is sought to construct a new dwelling and associated earthworks. The dwelling will not comply with the specified building coverage, building height, building setback, and earthworks disturbance on the consent notice. Land Use Consent is sought for the earthworks cut and fill depths within and outside of the building setbacks.

Overall, it is considered that the dwelling is a suitable use of a physical resource where adverse effects are able to be mitigated. The proposal is not contrary to the relevant objectives and policies of the District Plan.

All affected parties have provided written approval and the application can be processed on a non-notified basis.

We certify that the information contained herein is in accordance with the requirements of the Resource Management Act 1991 and that the Applicant has a legal obligation to comply with any Conditions imposed should the Application be approved.

Once the RM number is issued the lodgement fee of \$1,500 for a Non-Notified Land Use Consent and Variation of Consent Notice will be paid by the applicant and it is understood that a final account will be sent to the applicant when the processing of the Application is complete.

CHEAL CONSULTANTS LIMITED

13 March 2023

Appendix 1

Record of Title and
Consent Notice

Appendix 2

Building Plans

Appendix 3

Earthworks Management
Plan

Appendix 4

Landscape and Visual
Assessment

Appendix 5

District Plan Assessment

Appendix 6

Written Approval
Documents