

NOTIFICATION REPORT PURSUANT TO SECTIONS 95A-G OF THE RESOURCE MANAGEMENT ACT 1991 ('THE ACT')

SUBJECT: RM230066 & RM230067

For earthworks associated with the development of a large dwelling exceeding maximum cut and fill within and outside the building setbacks;

For a variation of consent notice in order to construct a new large dwelling exceeding the maximum building coverage of 5%; maximum height of 7.5m and with a gatehouse structure encroaching into the minimum building setback

APPLICANT: Bruce Bartley Family Trust

LOCATION: 30, 32 & 36 Locheagles Rise, Kinloch

1 CONSENT HISTORY / BACKGROUND

Land Use Consent RM030286

Land Use consent RM030286 was granted in January 2004 for the Locheagles residential development consisting of 184 dwellings, a commercial centre, reserves, walkways and associated infrastructure of roading, wastewater, a water reservoir and landscaping for the entire development. The Locheagles development has been completed to date in accordance with the original Land Use Consent RM030286.

The Development Plan shown at [Figure 1](#) was conceptual, with the identified building locations being indicative only. Earthworks for the development were also considered under the Land Use consent and there are conditions relating to control of sediment and construction management, which require a management plan to be submitted addressing earthworks for each Stage of development. Resource consent 109324 was obtained from Waikato Regional Council to undertake soil disturbance, roading, vegetation clearance and cut and fill activities in a high risk erosion area.

The Locheagles development is designed to progress in a staged manner over time, over five stages. This is demonstrated in the consented 'Indicative Staging Plan' at [Figure 2](#) below. Stage 1 was for 71 dwelling sites and a commercial node, Stage 2 was for 55 dwelling sites, Stage 3 was for 35 dwelling sites, and Stage 4 was to have 24 dwelling sites, along with associated roads, Rights of Way and reserves. Subdivision consents were to be obtained for each stage.

Bulk and Location Controls

For the established Lower LochEagles developments of Stages 1A and 1B, the consent notice imposed on these titles imposes the provisions of the District Plan that was operative at the time of the consent notice being imposed – which was 2004 and the Proposed District Plan was in place, applying the Residential Environment provisions (largely unchanged from the current provisions) but with specific lower height limits of 6m and 5.5m. The same is applied to Stages 2A and 2B, but with the height limit of 5.5m.

Condition 16 of the land use consent states that future development of all allotments will be '*subject to the building performance standards of the relevant District Plans in force within the District, unless*

otherwise amended by the design controls listed in Table 1 of the evidence provided at the hearing..'. Table 1 is included below and it is noted that for Stage 3 the maximum height limit is 5.5m (Mid and Upper LochEagles), although there is no specification for building coverage or setbacks.

Table 1

Issue	Neighbourhood	Extent of Control	Applicable
Building location	Lots 54-60 Lower LochEagles, Mid and Upper LochEagles	Range of location controls 15 x 25 metres 20 x 30 metres 25 x 40 metres	Lots 54-60 (Lower LochEagles) subject to 15 x 25 metre control. Balance stages subject to one of 3 controls listed, dependent on final allotment dimensions
Building height	Stage 1A and 1B Lots 3, 4, 7, 8, 11, 12, 15, 16, 19 and 65-71 Lots 61-64 (Kenrigg Urban), Lots 1, 2, 5, 6, 9, 10, 13, 14, 17 , 18, 21 and balance of Stage 1 Mid and Upper LochEagles	Existing Plan standards Max height 6 metres Max height 5.5 metres Max height 5.5 metres	All allotments as listed
Fencing	Lots 4, 7, 8, 11, 12, 15 Kenrigg Urban, Lots 54- 60 (Lower LochEagles) and Mid and Upper LochEagles	Open post and rail on boundary fencing, max 900 mm high	Fencing covenant on all allotments in LochEagles. Fencing control on Lots 4, 7, 8, 11, 12, 15 applicable to rear boundary only. Does not apply to Lot 72 (commercial/community land)
Accessory Buildings	Lots 54 – 60 (Lower LochEagles), Mid and Upper LochEagles	No accessory buildings positioned outside defined building platform	All allotments as listed
Colours/ Materials	Lots 54-60 Lower LochEagles, Mid and Upper LochEagles	Colour reflectivity palette (25% roof, 35% wall) Materials control	All allotments as listed
Vegetation Removal	All residential and balance allotments where amenity planting undertaken	Maintenance and retention. No subsequent earthworks within planted areas.	All allotments where vegetation planted as required part of approved landscape plan for staged subdivision approvals.
Subdivision and building restriction	Kenrigg Urban, Lower, Mid and Upper LochEagles	No further subdivision and one habitable dwelling/building per title	Not applicable to Lot 72

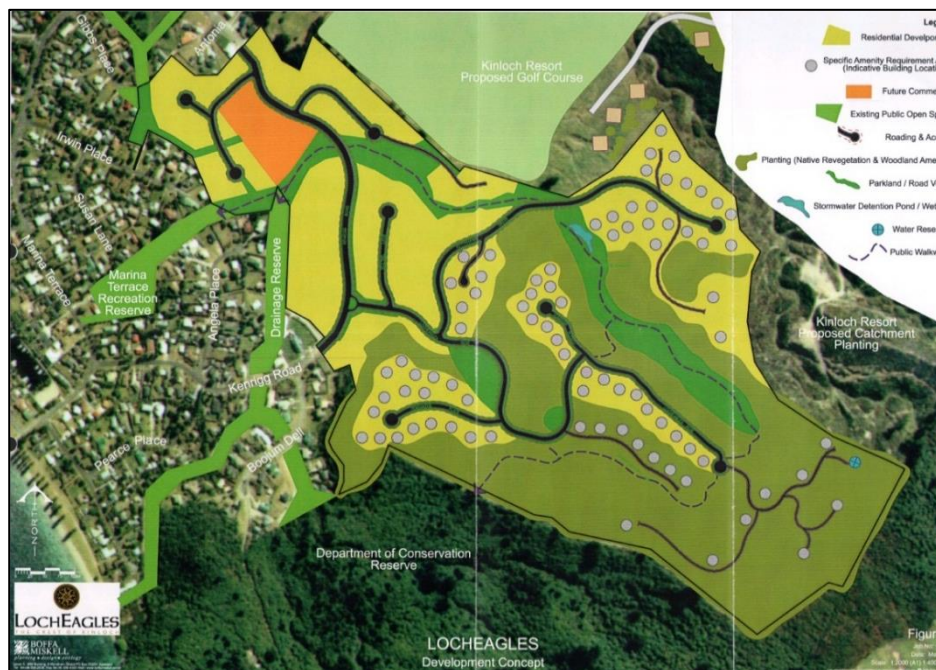


Figure 1: Development Concept Plan

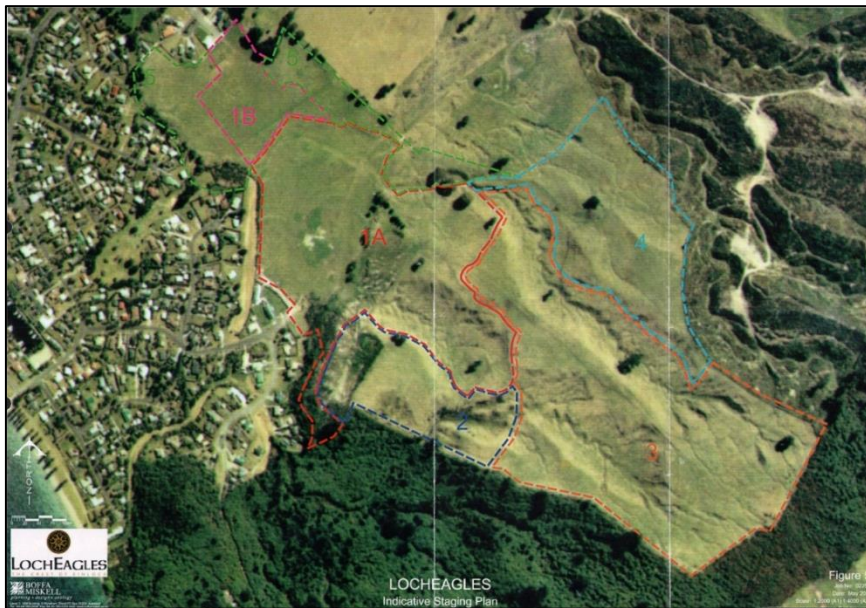


Figure 2: Indicative Staging Plan

Kinloch Community Structure Plan

The Kinloch Community Structure Plan (KCSP) was issued in September 2004 and was developed through community consultation with the purpose of providing guidance and direction to developers and the community regarding new subdivision development within the Kinloch area and to enable sustainable management of future growth. The KCSP recommends a radial density pattern of higher density to the south, medium density through the central band and low density to the north and east (as shown on the Density Plan at [Figure 3](#) below). The KCSP identified the LochEagles site as being high density on the lower, western area, medium density on the central area and low density on the upper, eastern area.

For new subdivision and development, minimum and average lot sizes are required which vary depending on which density area the development is within. These particular provisions derived from the KCSP were adopted into the District Plan which became operative in 2007. It is noted that this was some years after the LochEagles consents were authorised, being January 2004.

Application Site

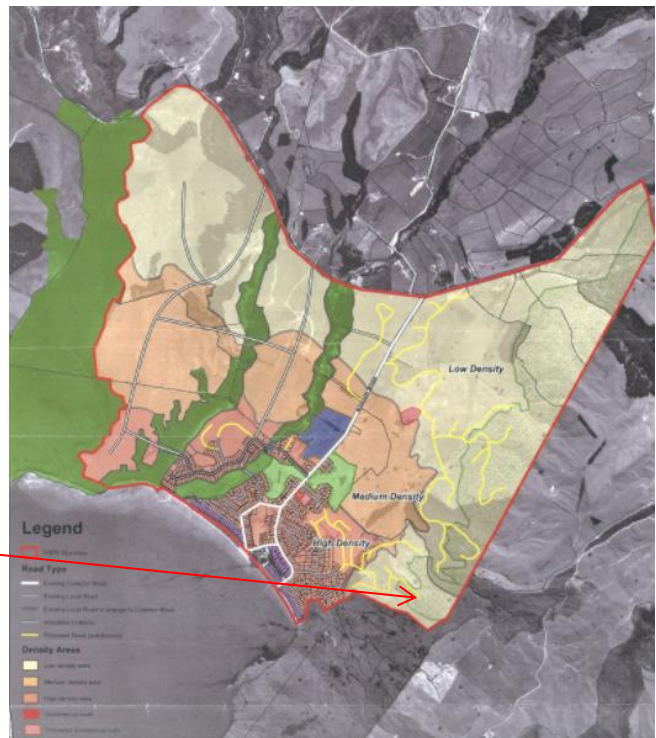


Figure 3: Kinloch Structure Plan Density Map

The KCSP provides direction for where more intensive densities of built development are proposed and requires that these are clustered and integrated into the landscape with a strong framework of tree and shrub planting.

The KCSP also provides strong direction towards the landscape context of Kinloch referring specifically to the headlands at either end of Kinloch bay, the lower hill slopes of the Kinloch valley, the skyline, the Whangamata, Okaia and Otaketake Stream scenic reserves and the Lake Taupō water front. These areas are to be protected from the effects of development.

Subdivision Consents RM030287 & RM040665

Concurrent to the Land Use consent, Subdivision consent RM030287 was granted for Stages 1A and 1B of the development consisting of 71 residential lots. These Stages are complete and consist of 71 residential lots around an extension to Kenrigg Road, Kestrel Lane and Kittyhawk Drive.

Stages 2A and 2B were granted subdivision consent RM040665 on 8 July 2005 for 55 residential lots around Peregrine Place and are also completed.

Subdivision Consent RM130119

Subdivision consent RM130119 was granted August 2013 for a 19 lot subdivision as Stage 3 of the Locheagles development. A variation to RM030286 variation 'B' was also granted to change the Staging within Stage 3 slightly, to increase the number of lots within Stage 3 and to alter the bulk and location requirements on some of the lots. The approved scheme plan is shown at Figure 4 below with the application site highlighted.

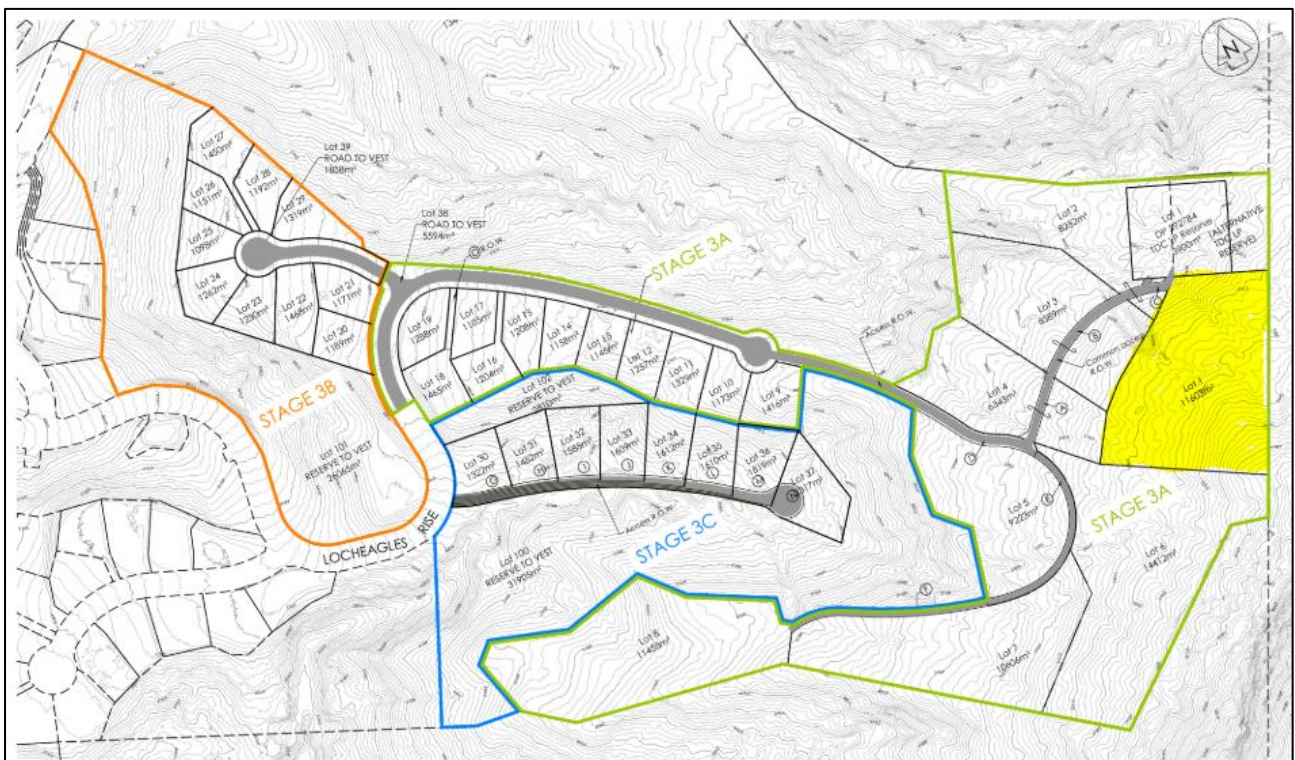


Figure 4: Approved Scheme Plan Stage 3

The subdivision consent also authorised buildings on the larger Lots 1 to 8 (at the eastern portion of Stage 3) to have a maximum height of 7.5m as opposed to 5.5m, and Lots 30 to 37 to have a maximum height of 6.5m. This is 2m and 1m greater height than consented under the original Locheagles land use consent RM030286. The remaining lots were left unchanged from the consented 5.5m height limit. Building coverage exceeding the maximum 2.5% within the Kinloch

Rural Residential Environment was authorised for up to 5% on Lots 1 to 8, and up to 30% on Lots 9 to 37.

As part of this subdivision, each lot was earthworked to create a building platform. For Lots 1 to 8 (including the application site Lot 1) this involved the creation of building pads of approximately 900m² in area representing approximately 15% of each lot with its location chosen to match the existing natural contours of each lot i.e. the natural terraces that existed. The final Reduced Level of the Lot 1 building platform following the earthworks is RL 518m.

A consent notice with the following conditions was imposed on the larger Stage 3A lots 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.

It is noted that the maximum RL of 528.5m is 10.5m above the building platform RL of 518m, and that the height limit is 7.5m or the RL 528.5m whichever is the most restrictive. Most of these lots within Stage 3 have been developed with dwellings apart from two allotments within the upper Stage 3A subdivision.

Subdivision Consent RM170127

Stage 4 was granted subdivision consent RM170127 July 2017 for 64 residential lots around upper Kittyhawk Drive and Blackhawk Close. A variation to RM030286 variation 'C' was also granted to increase the number of lots within Stage 4 and to alter the bulk and location requirements. This subdivision is completed and most allotments now have dwellings.

2 DESCRIPTION OF PROPOSAL

The proposal involves the construction of a large dwelling on the site of No 36 Locheagles Rise. The applicants also have an agreement with the landowners of the properties below at Nos 30 and 32 Locheagles Rise to carry out earthworks and landscaping on the eastern embankment of these sites as part of this proposed development. The proposal is described under the following headings:

Proposed Dwelling

The proposed dwelling will be a large two storey dwelling split across different levels, benched into the existing site topography. The site plan is shown at [Figure 5](#) with the building footprints shown by the orange and roof areas shown by the green. The proposed dwelling will have total floor area of 1476m² over four different floor levels described below.

Main Floor

The main ground floor level will be 867m² and will consist of the main entry / foyer and stairs to second level, kitchen, dining, living, master bedroom and ensuite, two offices (one small office and one larger office including a boardroom), a bedroom, bathroom, chill room, lift / stairwell to up to second level, garage and mud room.

Second Floor

The second level floor will be 411.5m² and will consist of a stair landing from the main level below, hallway, two bedrooms, a bunk room, lounge, four bathrooms, lift / stairwell to down to main level and up to the bothy apartment, garage and mechanical / storage rooms.

Bothy / Apartment Floor

The bothy or apartment level floor will be 177m² and will consist of two bedrooms, two bathrooms and a living, dining, kitchen, and lift / stairwell down to second level and up to the tower.

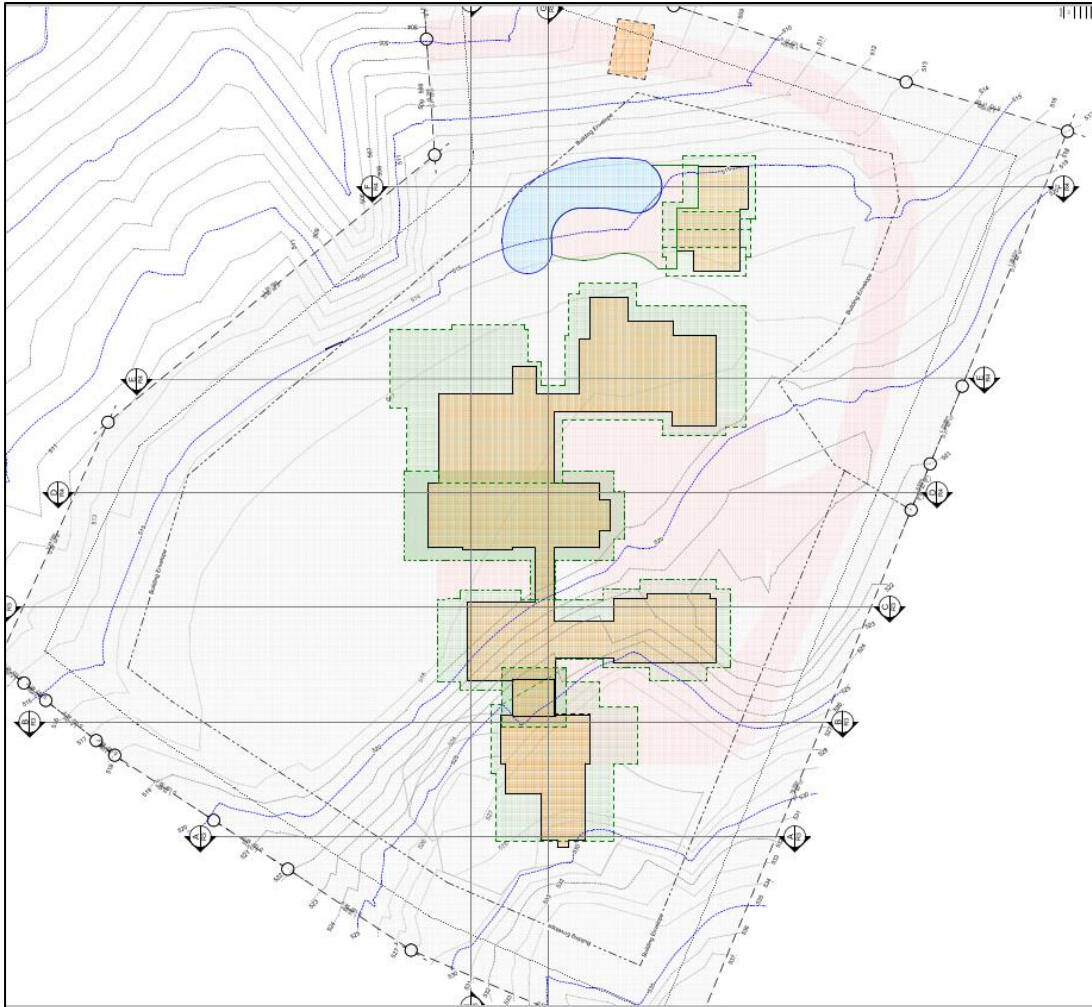


Figure 5: Site Plan

Tower Floor

The tower level floor is 21m² and is accessed from the stairwell at the bothy level. This floor contains seating.

Layout / Height

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

The proposed dwelling will be constructed mostly in cut with the highest point being the tower at RL 533.74m or 9.6m height above existing ground level. Both the bothy / apartment level and tower exceed the maximum RL level of 528.5m. The rest of the dwelling complies with the maximum RL

but the apex of some of the rooflines and the chimneys exceed the maximum 7.5m height by up to 2.6m. The infringements of the height limits are shown highlighted by the section at [Figure 6](#).



Figure 6: Section through Proposed Dwelling

Covered Areas

There are four patios, and an outdoor living space located beneath the eaves of the proposed dwelling building. The proposed dwelling, the covered areas and the two other detached buildings result in building coverage of 2130m². The total covered roof areas of the proposed buildings is shown by the green outlined area on the site plan at [Figure 5](#).

Exterior Colours / Materials

The proposed dwelling and two other detached buildings are to be constructed in recessive colours and materials including stone and timber.



Figure 7: Perspective of Dwelling from Northwest

Other Buildings

There are also two other detached buildings, being a covered pool area to the north of the proposed dwelling of 73m² and a gatehouse building over the driveway near the vehicle entrance of 50m².

Services

The proposed dwelling will be connected to Council's reticulated water and wastewater networks. Stormwater will be disposed of onsite.

Vehicle Access

A formed driveway will curve along the north and east portion of the site into a large parking courtyard in front of the entrance and garaging at the main floor level. A driveway will also extend from that level to the south and west up to the garage at the bothy / apartment floor level.

Earthworks

Substantial earthworks are required to cut the proposed dwelling into the site topography and to landscape the areas to the west of the dwelling within Nos 30 and 32 Locheagles Rise. Earthworks volumes are approximately 8700m³ of cut and 1100m³ of fill. The maximum depths of cut and fill are expected to be around a maximum of 7m cut and 1.5m fill for the building platform mainly around the southern portion of the proposed dwelling and site, and up to a maximum of 5m fill for the depression within No 32 Locheagles Rise. This requires a land use consent under the District Plan earthworks provisions.

An earthworks cut/fill plan for the application site and the proposed fill plan are shown below at [Figure 8](#). The cut/fill plan colours all represent cut with the greatest cuts being the various purple shades mainly occurring at the southeast portion of the site. The hatched orange area represents the paving or decking area.

Landscaping & Garden Features

A planting plan has been submitted and this is shown at [Figure 9](#) below. The proposed planting is mainly on the eastern embankment of Nos 30 and 32 Locheagles Rise below the proposed dwelling. Planting consists of mainly extensive lawn areas with some exotic species around the peripheries. No planting is included around the proposed dwelling. The garden around the dwelling will include a level lawn area to the west of the proposed dwelling, a swimming pool, a network of grassed walkways, garden ponds, and a firepit.



Figure 8: Earthworks Cut/Fill Plan & Fill Plan



Figure 9: Planting Plan

Consent Notice Variation

The proposed dwelling and earthworks site disturbance do not comply with the conditions of the consent notice and as such a variation is sought for the main application site of No 36 Locheagles Rise. A variation is also required in relation to the proposed earthworks on No 32 Locheagles Rise.

The proposed consent notice variations are described in the following tables:

36 LOCHEAGLES RISE – LOT 1 DP 474891				
Consent Notice Condition		Proposed Variation of Conditions		
<p>2. Maximum building height and minimum building setbacks shall be determined from the following schedule. Maximum building height is controlled by the more restricted of the 'Reduced Level of the Upper Limit of Building Envelope' or the Maximum Building Height' described in the following schedule:</p>		<p>2. Maximum building height and minimum building setbacks shall be determined from the following schedule. Maximum building height is controlled by the more restricted of the 'Reduced Level of the Upper Limit of Building Envelope' or the Maximum Building Height' described in the following schedule:</p>		
BUILDING HEIGHT RESTRICTIONS				
Purpose	Shown on DP 474891	Servient Tenement	Reduced Level of Upper Limit of Building Envelope	Maximum Building Height
Building Envelope	BA	Lot 1 hereon	528.5m	7.5m
		<p>BUILDING HEIGHT RESTRICTIONS</p> <p>Purpose Building Envelope</p> <p>Shown on DP 474891 BA with the exception of the gatehouse building authorised by RM220067</p> <p>Reduced Level of Upper Limit of Building Envelope 528.5m with the exception of the dwelling authorised by RM220067</p> <p>Maximum Building Height 7.5m with the exception of the dwelling authorised by RM220067</p>		
<p>6. Maximum building coverage of the allotment shall be 5%.</p>		<p>6. Maximum building coverage of the allotment shall be 5% with the exception of the dwelling and other buildings authorised by RM230067 with building coverage of 18.6%.</p>		

7. Maximum earthworks disturbance of the allotment at any one time while redeveloping shall be 10%.	7. Maximum earthworks disturbance of the allotment at any one time while redeveloping shall be 10% <u>with the exception of the earthworks authorised by RM230067 with earthworks disturbance of up to 60%.</u>
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32 LOCHEAGLES RISE – LOT 3 DP 474891	
Consent Notice Condition	Proposed Variation of Conditions
7. Maximum earthworks disturbance of the allotment at any one time while redeveloping shall be 10%.	7. Maximum earthworks disturbance of the allotment at any one time while redeveloping shall be 10% <u>with the exception of the earthworks authorised by RM230067 with earthworks disturbance of up to 30%.</u>

3 SITE DESCRIPTION

3.1 Subject Sites

The subject sites are located at 30, 32 and 36 Locheagles Rise, Kinloch. As noted above, the main proposed development of the dwelling and associated earthworks is to occur on No 36 Locheagles Rise, however some earthworks and landscaping of the embankment to the east of Nos 30 and 32 Locheagles Rise are also to be carried out. Hence those sites are also part of the proposal site. All three sites are shown on the aerial image below at Figure 10.

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

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



Figure 10: Aerial of Sites

The site was formed through subdivision consent RM130119 as part of Stage 3A of the three stage subdivision. A building envelope on the site was established as part of the subdivision implementation shown as 'BA' on the Title Plan. The envelope is set back approximately 5m from the northwest boundary, 10m from the southwest and southeast boundaries and 10-15m from the northeast boundary.

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

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

3.2 Surrounding Area

Further to the south is the Whakaroa Headland which is mainly in mature native vegetation. To the west is the Kinloch village and southwest is Lake Taupō. An aerial image of the application sites and wider area is shown at [Figure 11](#).



Figure 11: Aerial of Sites and Wider Area

4 CONSENT NOTICE REQUIREMENTS

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 of the Act apply as if the application were an application for resource consent as a discretionary activity.

5 TAUPŌ DISTRICT PLAN

5.1 Environment / Zoning

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

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

The adjoining Department of Conservation land to the east is zoned Rural Environment and has overlays Outstanding Landscape Area OLA65 – Whakaroa, and Significant Natural Area SNA309 – Whakaipo Bay Scenic Reserve.

Locheagles Rise where it provides access to the application site is a private Right of Way.



Figure 12: District Plan Map

5.2 District Plan Rules/Performance Standards

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

RESIDENTIAL ENVIRONMENT (Section 4a)		
Performance Standards & Development Controls (4a.1)		
Performance Standard	Requirement	Proposal
4a.1.13 Maximum Earthworks Outside Building Setback	1.5m vertical ground alteration outside the minimum building setback in a new face or cut and/or fill	<p><i>36 Locheagles Rise</i> The proposed development will involve earthworks cut of up to a maximum of 7m, exceeding the 1.5m ground alteration limit by an additional 5.5m.</p> <p><i>32 Locheagles Rise</i> The proposed development will involve earthworks fill of up to 4.8m depth exceeding the 1.5m ground alteration limit by an additional 3.3m fill.</p>
4a.1.14 Maximum Earthworks Inside Building Setback	0.5m vertical ground alteration within the minimum building setback requirement	<p><i>36 Locheagles Rise</i> The proposed development will involve earthworks cut of up to 4.29m within the southwest boundary setback and earthworks fill of up to 6m depth within the northwest boundary setback area, exceeding the 0.5m ground alteration limit by an additional 3.8m cut and 5.5m fill.</p>

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

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

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

6 NOTIFICATION ASSESSMENT

95A PUBLIC NOTIFICATION OF CONSENT APPLICATIONS		
Step 1	95A(3) Mandatory public notification in certain circumstances	
	<i>(a) The applicant has requested the application be publicly notified?</i>	No - The applicant does not request notification.
	<i>(b) Public Notification has been determined to be required under section 95C?</i>	No - Section 95C is not relevant as the further information requested and the commissioned report have been responded to in full.
	<i>(c) The application is an application to exchange recreation reserve land under s.15AA of the Reserves Act 1977?</i>	No - No exchange of reserve land is involved.
Process	The answer is no, go to Step 2	NO
Step 2	95A(5) Public notification precluded in certain circumstances	
	<i>(a) The application is for an activity that is subject to a rule or National Environmental Standard that precludes notification?</i>	No
	<i>(b)(i) The application is a controlled activity?</i>	No

	<i>(b)(iii) The application is a restricted discretionary, discretionary, or non-complying activity, <u>but only if the activity is a boundary activity.</u></i>	N/A
Process	95A(4)(a) if the answer is yes, go to step 4 (step 3 does not apply); and 95A(4)(b) if the answer is no, go to step 3.	NO
Step 3	95A(8) Public notification required in certain circumstances	
	<i>(a) The application is subject to a rule or National Environmental Standard that requires public notification?</i>	No
	<i>(b) The consent authority pursuant to s.95D has determined that the activity will have or is likely to have adverse effects on the environment that are more than minor.</i>	YES - In terms of section 95D, the assessment concludes that the adverse effects of the proposal will be more than minor.
Process	The answer is yes, public notification is required.	YES

95D EFFECTS ON THE ENVIRONMENT ASSESSMENT

A consent authority that is deciding, for the purpose of section 95A(8)(b), whether an activity will have or is likely to have adverse effects on the environment that are more than minor—

(a) must disregard any effects on persons who own or occupy—

(i) the land in, on, or over which the activity will occur; or

(ii) any land adjacent to that land; and

As a discretionary activity for both the proposed variation of consent notice and land use for earthworks, all actual and potential effects of the activity must be considered. The key effects of the proposal relate to:

- character and amenity
- landscape/visual impact
- privacy and outlook
- earthworks

Each of these key effects is discussed in turn below.

Character / Amenity Effects

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

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

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

This site plus the other seven larger lots sit on an elevation ranging from 490m to 535m, with No 35 being lower and to the south. Whakaroa Ridge rises to a total height of 780m, with ridge height immediately behind the application site being 660m. Therefore this part of the ridge is 303m above Lake Taupō and 135m above the upper area of the site. This landform, together with the native planting along this backdrop provides significant scale to these upper Locheagles sites.

As the topography lowers to the northwest there are clusters of residential lots of around 1000m² plus area that are separated by large tracts of vegetated gully reserve areas that extend down the slopes. This vegetation was also established as part of the Locheagles development and provides considerable amenity and separation between the residential lot clusters. Stage 4 of the subdivision to the north was authorised for smaller lot development at a greater density with these sites being around 500m² around Blackhawk Close and upper Kittyhawk Drive.

The Stage 3 subdivision consent authorised buildings on the larger Lots 1 to 8 (at the eastern portion of Stage 3) to have a maximum height of 7.5m as opposed to 5.5m, and Lots 30 to 37 to have a maximum height of 6.5m. This is 2m and 1m greater height than consented under the original Locheagles land use consent RM030286. There was also a maximum height RL 528.5m from the building platform level constructed at the time of the subdivision, being RL 518m. The eight larger low density sites range in area from 7168m² up to 1.45ha with the application site being 1.14ha in area.

Building controls were applied through the Stage 3 subdivision consent that restricted building coverage to 5%, authorised height to 7.5m (from 5.5m) and setbacks of around 10m plus (varied depending on the building envelope). Six of the eight Stage 3 sites have been developed with dwellings with five of the sites have building coverage of between 2% up to 3.55%. On the remaining site, consent was obtained for building coverage of up to 6.15% or 413m² (on No 30 Locheagles Rise).

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

Whilst there have been a number of resource consents issued on specific site developments these have mainly been for earthworks due to the sloping topography and/or for buildings slightly outside building envelopes. Very few consents have been for minor additional building bulk (height or coverage).

The principle of a dwelling on the application site and its effects have already been dealt with through the original masterplan consent, including occupation and night light associated with future residential activity at the bulk and location levels specified of 5% building coverage and 7.5m maximum height. The proposal is to develop the site with a residential dwelling and

therefore the activity in of itself is consistent with the expectation of the Locheagles masterplan. However the proposed dwelling is significantly larger than any dwelling within Locheagles (or the wider Kinloch area) with building coverage of 2130m² or 18.6%.

The average building coverage of the other six upper Locheagles sites that have been developed is 3.9% which is well below the 5% building coverage limit of the consent notice. The proposed dwelling is over three times larger than the limit and over four times larger than the average building coverage within the upper Locheagles area. There are also elements of the proposed building that well exceed the height limit by up to a maximum of 9.6m (with an overall façade height of 15m after the earthworks cuts).

The application site is located at the easternmost point of the subdivision and KSCP area, and the western facing building form that will be prominently visible will extend over a length of 85m from the pool house at the northern end to the bothy at the southern end of the proposed dwelling.

A number of design elements have been incorporated into the proposed dwelling such as significant modulation and variation in its facades and roofline, and the utilisation of natural materials such as stone and timber. There is also a planting plan for the slopes on the adjoining site below the application site. The application states that the design elements and proposed planting will be sufficient to mitigate the effects of the larger scale of the proposed building.

Regardless of the design elements of the building or planting proposed, the proposed building significantly surpasses the size of any neighbouring dwellings below and the sites position at the top of the subdivision will exacerbate the buildings scale and prominence. As such, it is considered that the substantial scale of the proposed dwelling will be inconsistent with the established character of development in this area and as expected by the Locheagles masterplan.

In summary, whilst the proposal is for a residential activity which will maintain the residential amenity of the area, the substantial scale of the proposed building is well beyond the size and scale of other existing or anticipated buildings and effects of the proposal in terms of character are considered to be more than minor.

Landscape / Visual Effects

Given that the proposal is for a very large dwelling exceeding the building coverage limit of 5% (up to 18.6%), maximum height of 7.5m (up to 9.6m), and for earthworks cut and fill well exceeding the limits, there may be adverse visual and landscape effects. A Landscape Visual Assessment (LVA) was prepared by Hudson Associates and submitted with the application. Given the scale of the proposal, it was considered that a peer review of the LVA was necessary. This review was undertaken by Isthmus Ltd. This assessment on landscape and visual effects relies on the expert reports.

Both assessments conclude that the proposed dwelling will be visible from a considerable distance across Kinloch given the elevated nature of the site and substantial scale of the proposed buildings. The Hudson LVA concludes that there will be very low landscape character effects on the broader context for a number of reasons:

- the presence of existing modifications within the area (landcover modification, residential development, including some existing large dwellings)
- the application site has been subdivided and it is anticipated that a house would be built on this section
- the proposed materiality, and modulation of the building will assist with the proposed 'blending' in with the wider context

- the proposal will be aligned with the landscape patterns being residential and will not disrupt the wider rural or ecological landscape patterns
- the dwelling will be integrated with the 'extensive planting' proposed as part of the application and complement revegetation patterns that already occur within the wider area, particularly the vegetated backdrop of the site
- the dominant backdrop of Whakaroa Hill assists with mitigating the height of the proposal
- the proposed dwelling will result in a small increase in residential lighting in the broader context

The Isthmus review acknowledges that the above reasons will assist with the integration of the proposal within a broader context, however it also says it is important to note the nature and degree to which the proposal is inconsistent with that context. The proposed buildings will exceed the maximum building coverage and height as stipulated in the consent notice. Although the surrounding area includes larger residential buildings, the proposal is triple the footprint size of the neighbouring residential dwellings on Locheagles Drive.

As a result the proposed dwelling will be significantly larger and visually prominent / visible within the broader context. It will be visible from prominent locations like the Lake Taupō foreshore and broader Kinloch residential area. The elevated site position allows visibility from more distant areas, although the review acknowledged that the distance of those views somewhat reduces the level of effects.

The review goes on to say whilst there are architectural techniques used to mitigate the scale of the building, such as the multiple elements and use of materials, the resulting effect is that of 'a cluster of buildings resembling a small village'. The architectural style of the proposed dwelling does not align cohesively with the existing design context, creating 'visual discordance' and a 'lack of harmony' with the wider surroundings. Given its design and location within ALA66, Kinloch Landscape Policy Area and adjacent to an OLA, the proposed building will stand out prominently in views where the landscape context is recognised as an important hill and ridge back drop.

The Hudson report mentions multiple times that planting will be established that will assist to integrate the proposal into the landscape patterns and existing backdrop, and the visual simulations have been prepared showing planting at an indicative five-year growth. As part of further information requested additional information was sought on this planting. The only response on this matter was that planting would follow an English country garden style, featuring ornamental trees and shrubs. The view of the Isthmus review is that this style of planting is not in harmony with the wider landscape patterns and would not address any visual mitigation aspects of the proposal.

The Isthmus review goes on to say that planting plays a significant role in this proposal and has the potential to break down the perceived scale of the building and facilitate its integration into the surrounding environment mitigating adverse landscape and visual effects of the proposal. The original Locheagles development application also highlights the potential for the area to include low density housing thoughtfully integrated within a robust framework of trees and native vegetation.

The review recommends that a comprehensive mitigation planting plan be prepared to effectively mitigate the anticipated level of effects and such a plan should incorporate:

- vegetation that serves to visually soften and blend the retaining structures into the landscape,
- includes trees that reduce scale and mass of the building, and

- has comprehensive planting around the building to integrate it into the broader landscape patterns.

The review goes on to say that without such planting measures there are likely to be a range of landscape visual effects that will be more than minor.

To respond to this, and proffer mitigation of adverse landscape visual effects to a minor level in accordance with the Isthmus recommendations, Hudson Associates submitted a planting plan. This plan includes a manicured, formal garden design utilising exotic species with substantial lawn areas with mostly low growing shrubs and occasional smaller exotic trees. The majority of planting is below the application site on the upper slopes of the two adjoining sites below (30 & 32 Locheagles Rise). There is very little planting around the proposed building.

As such, the planting proposed is not considered to be in harmony with the wider landscape pattern, fails to achieve any of the stated objectives in the Isthmus review, particularly in terms of 'seamlessly integrating with the neighbouring OLA and landscape', or providing mitigation breaking up the building's scale and mass.

On that basis, the landscape visual effects of the proposal are considered to be more than minor.

Outlook / Privacy Effects

Whilst the proposed dwelling will be visually prominent at the top of the Locheagles subdivision due to its substantial scale, the topography of the area means that the building envelopes of the other sites within the Locheagles development to the west are lower than that of the application site by at least 10m-20m. There is also substantial separation between the application site building envelope and the building envelopes on the other sites with around 30m separation to the nearest dwelling and much greater separation to all other nearby sites.

Furthermore all of the sites and the dwellings constructed on them are orientated to the west-southwest such that the outlook from the area below the application site is all generally in the opposite direction to where the application site is located to take advantage of the views to Lake Taupō and the mountains to the southwest. As such, the proposed dwelling is not considered to have any adverse impacts on the privacy or outlook currently enjoyed by other sites in this area.

In summary, it is considered that the privacy and outlook effects of the proposal will be no more than minor.

Earthworks Effects

The proposed development requires extensive earthworks cut and fill and will disturb up to 60% of the site, well exceeding the 1.5m and 0.5m cut fill limits of the District Plan both within and outside the setbacks, as well as the 10% site disturbance limit of the consent notice.

The application site was significantly modified to create the existing building platform area during the construction of Stage 3A of the Locheagles subdivision and this has formed the 'original' ground level due to these works being carried out at the time of subdivision. The building platform earthworks were authorised at the time of subdivision for Stage 3 and created large building platforms of some 900m² envisaging that this area would be more than sufficient for future buildings on these large Upper Locheagles lots.

The southern corner of the site will be the location of maximum cut as shown in the image below. This is to enable the bothy, garage and tower to be constructed in cut into the landscape. Fill will

be used to extend the front lawn area and fill in the depression within 32 Locheagles Rise below the application site.

The ground levels at the eastern boundary and the site's relationship with the adjoining DOC reserve will be unchanged as the proposed earthworks are mainly confined to the southwest and northwest areas of the site. In terms of the other adjoining sites, the ground levels will be largely unchanged apart from within the two sites to the northwest (30 and 32 Locheagles Rise) where filling will occur particularly within No 32 to make a consistent contour along the slope below the building platform.

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

The proposed earthworks are mostly in cut to enable the southern portion of the substantial scale proposed dwelling to be set into the existing slope. The proposed earthworks cut is significant at a maximum of 7m (5.5m more than permitted) and will result in the building façade being extended below natural ground level by the same amount. Given the large scale of the proposed dwelling the resulting façade will be a maximum of 15m in height (the tower façade) from the resulting ground level after the cut. This is considered to result in a building that will be more visually dominant off site and is inconsistent with the character of the surrounding area.

In terms of earthworks management, an Earthworks Management Plan has been submitted with the application and this demonstrates the methodology for managing erosion and sediment during the earthworks phase of the development. These methods include having dirty and clean water bunds, stabilising the entrance, all boundaries with the Right of Way bunded and/or silt fencing installed, clean water bunds along southwest boundary, decanting earth bunds etc. Adherence to these methods is considered to ensure that any nuisance effects that could result from the earthworks will be minimised to a minor level.

In summary, the effects of the proposed earthworks in relation to visual dominance effects resulting from the large cuts required for the large scale dwelling are considered to be more than minor.

Conclusion

In conclusion, when considering the overall effects of the proposed activity on the environment, it is considered that the effects will be more than minor.

(b) may disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect; and

This section allows discretion for the application of what is commonly referred to as the 'permitted baseline test', so allowing recognition that activities may have similar or greater effects than a proposed activity.

The permitted baseline test has not been applied in this instance.

(c) in the case of a restricted discretionary activity, must disregard an adverse effect of the activity that does not relate to a matter for which a rule or national environmental standard restricts discretion; and

The proposal not for a restricted discretionary activity.
<i>(d) must disregard trade competition and the effects of trade competition; and</i>
Trade competition and the effects of trade competition have been disregarded.
<i>(e) must disregard any effect on a person who has given written approval to the relevant application.</i>
Written approval has been received from the landowners of Nos 30, 31, 32, 33 Locheagles Rise, therefore the effects on those persons must be disregarded.
Section 95D conclusion:
The effects on the environment are more than minor.
NOTIFICATION DECISION
The application requires public notification in accordance with section 95A of the Act.

Report prepared by Louise Wood, Senior Resource Consents Planner.

Report reviewed by Rachel Helme, Senior Resource Consents Planner.

Report reviewed, approved and recommendation adopted by Heather Williams, Resource Consents Manager, under delegated authority pursuant to Section 34 of the Resource Management Act 1991.