Section 92 - Further information response

Please find below responses to the s92 requests.

1. ***Earthworks***

   (a) *There are differences between the Earthworks Cut/Fill Plan RC2 and the plans shown within the Earthworks Management Plan (EMP). Please provide a detailed Cut/Fill plan demonstrating the depths of the cut/fill contours, with particular reference to the vertical ground alteration limits described in the District Plan standards.*

   See the attached cut/fill plan and cross sections A – H provided by Roy Renwick.

   The Earthworks Management Plan has also been updated as a result of the below further information request from Waikato Regional Council.

   1. *Section 3.1 refers to cut fill plans for the proposed earthworks as being in Appendix 2 of the application. The cut fill plans are not entirely clear although the extent of cut and fill was discussed on site. It is understood from the site visit that lot 4 is not proposed to be earthworked as part of this application, however the ESCP shows a dirty water diversion bund through this lot above the RoW. The ESCP also shows a dirty water diversion bund below the two DEBs located on the lot platform. Please provide cut fill plans for the proposed earthworks, showing areas to be earthworked and areas to remain stabilized.*

      See attached an updated Earthworks Management Plan and cut plan showing earthworks required for just the building platform (SK02 shows fill required of gully outside of building platform). Appendix 4 – Contains:

      - SK -001 Rev 1 –ESC Plan – control layout showing locations of DEBs, Dirty water diversion bund, clean water diversion bund, cut off drain, and removable bund
      - SK - 02 Fill Layout – shows location of fill to extend lawn and fill gully.
      - SK – 03 Fill layout – cross section of extended land and filled gully.
      - SK -004 – Catchment Layout for DEBs

   2. *In conjunction with 1 above, please show contributing catchments to each DEB and show how DEBs and diversions are going to be managed to prevent short circuiting.*
      DEB catchments are shown on SK004 -

   3. *The site proposes a number of DEBs at a volume of 90 cubic meters. In conjunction with 2 above, is there a detailed design and dimension and RL levels for these DEBs to show that all runodd can be directed to the respective DEB;*
      SK -001 Rev 1 shows location of DEBs, size and RL levels

4. *An upper catchment diversion for the slope above the works area was also discussed during the site visit. If a clean water diversion is not proposed, please indicate the size of the DEB contributing catchments without CWDs.*
   The Clean Water diversion has been extended as shown on SK- 001

5. *There is no proposal for flocculation of the DEBs. Flocculation is now standard best practice for earthworks sites, please justify why there is no flocculation proposed for this site.*
   Section 2.3.3 – Flocculation Management Plan –added. Flocculation to be used if determined necessary.

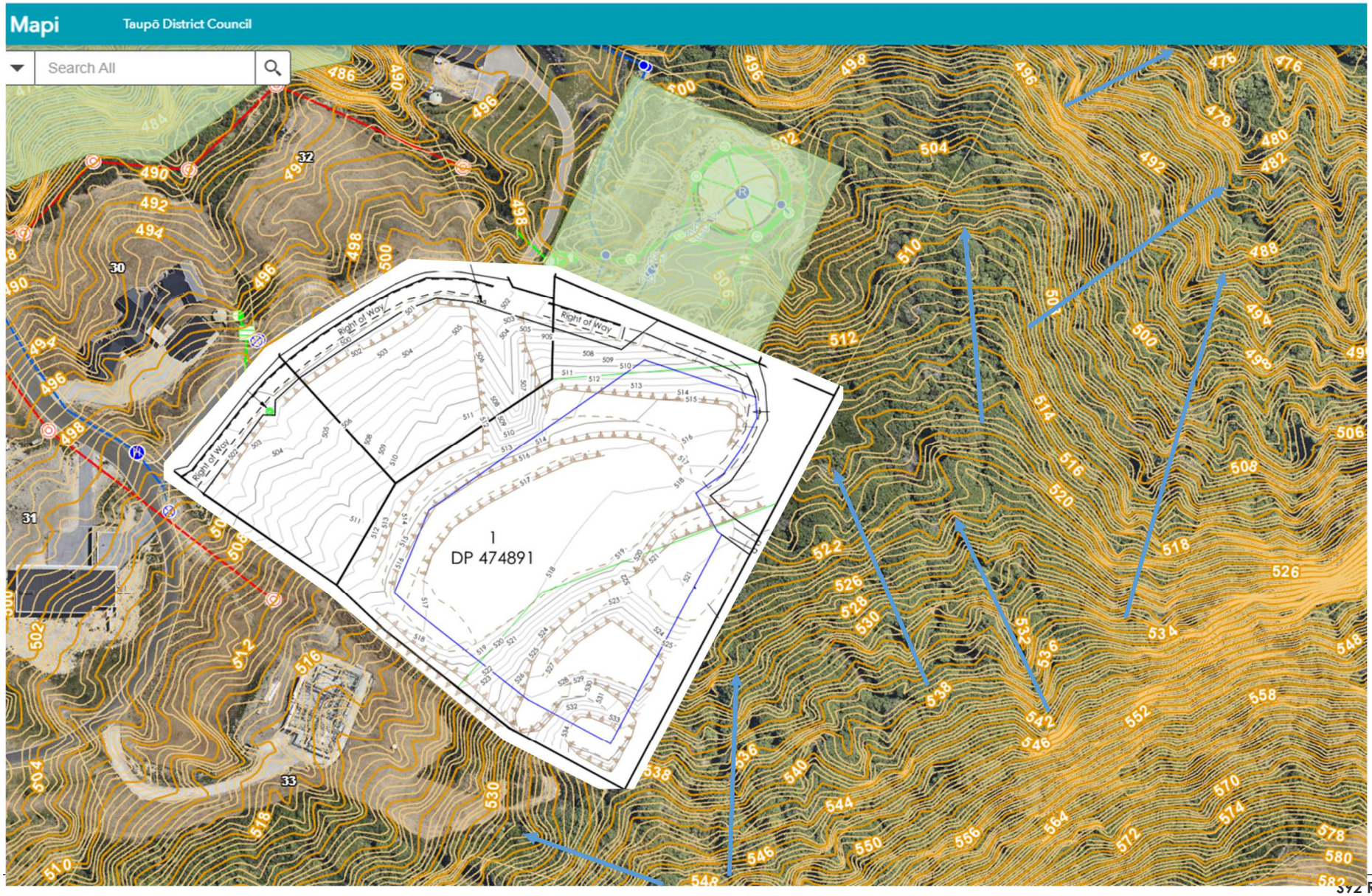
(b) *Earthworks filling of a gully to the north of the site within No 32 Locheagles Rise is proposed. Please provide details of the current and proposed overland flowpaths across the site and neighbouring sites from the steep catchment above and provide information on any potential downstream effects of filling the gully (along with the general earthworks proposed) in terms of overland flows. This should also show how the proposed dwelling will be protected from possible inundation and update the EMP plan to provide for diverting any clean water flows entering the earthworks site from the catchments above.*

The overland flow paths from the steep and bush covered catchment above already pass around 36 Locheagles Rise. Any overland flow from the steep and bush covered catchment above has a natural flow path which passes to the north-east of 36 Locheagles, and continues down to the northeast of the TDC water reservoir and then to the northeast of 34 Locheagles, before making its way into the bush covered gully to the north.

For overland flows generated on 36 Locheagles itself, the flows will be directed initially to on site soakage. Flow paths exist which pass to the south of the gully within 32 Locheagles and to a cesspit on the access road. The cesspit discharges to the gully between Lots 2 and 3 Locheagles Rise and eventually to the bush gully alongside and to the north of the Locheagles Rise road.

There is so much contour across the entire site, inundation is not possible.

Overland flow paths above the site



(c) *The application covers both the application site and No 32 Locheagles and No 32 should clearly be stated as being part of the proposed application site.*

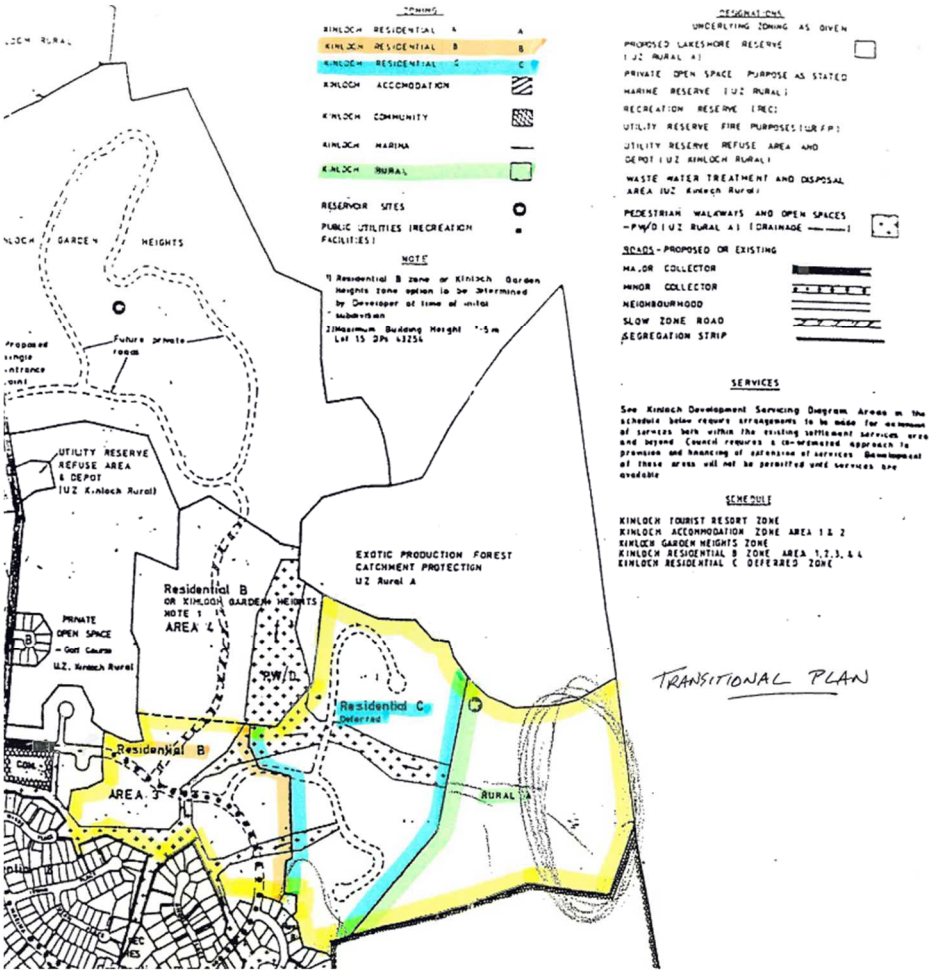
No 30 and 32 Locheagles Rise are part of the proposed application site.

2. ***Locheagles Subdivision***

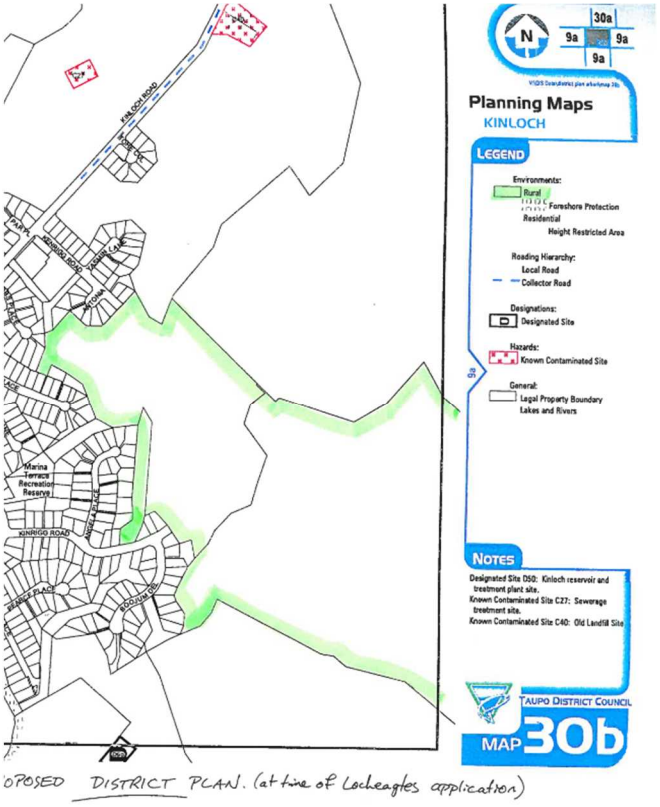
The application site was created as a Stage from the overall Locheagles masterplan consent, yet there is very little discussion on this within the application. Please provide some background to the original Locheagles masterplan Land Use consent that provided the overall direction and layout of the development, including the bulk and location provisions. It is noted that the application is for a variation of consent notice which is a discretionary activity yet the District Plan assessment criteria are stated in the AEE. It would be helpful to provide broader assessment of effects of the proposal discussing the background of the Locheagles masterplan.

The Master Plan Land Use consent was granted in 2003. At the time the Transitional District Plan and Proposed District Plan were in place.

The Transitional District Plan zoned the subject site as Residential C deferred and Rural. These zones provided for future growth of Kinloch. The zoning reflected the topography of the site and reduced density. Residential C identified a need for the steeper areas of the site to be planted.



The Proposed District Plan was not a forward planning document. It reflected the established land use being a deer farm and rural environment. The plan did have provision for logical extension or urban areas and infrastructure provision.



Locheagles in 2004. The subject site is at the top of the block, adjacent to the bush slopes above.

The masterplan called for a major change from short grass to a more vegetated "bush" environment. New houses were envisaged on the hillside, surrounded by bush. This landscape change has been faithfully created by the Locheagles developers (one of whom was the applicant Bruce Bartley) starting in 2004, and today people are surprised to discover that the bush surrounds are only 19 years old. These bush surrounds extend right down to the valley floor. The landscape change has been successful, and the upper slopes of Locheagles above the gate now blend very well visually with the wider and higher bush slopes above.

The planting was all carried out in 2004 and given that the majority of the plants were native plants, they were initially slow to grow but then accelerated after about 3 years.

Locheagles 2020, extensive replanting established

The visual effects of large houses being built on these larger lots are much less now than before the new bush was established.

The masterplan delivered conventional 1,000 m^2 to 1,500m^2 lots up to the top of Locheagles Rise, and then 8 larger lots (0.6ha – 1.4ha) above the gate served by a private road.

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 for Stage 3 the maximum height limit is 5.5m (Mid and Upper LochEagles), although there was 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), Lots1,2,5,6,9,10,13,14,17 ,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

Subdivision Consent RM130119 and RM030286B were approved in August 2013. RM030286B approved a height increase on proposed Lots 1 to 8 to have a maximum height of 7.5m as opposed to 5.5m. Consent RM 130119 is the subdivision consent for Stage 3A, 3B and 3C. This subdivision consent specified building platforms and heights that were secured via consent notices.

Bulk & Location

The proposal is for the following bulk and location controls to apply to the proposed lots:

a. All buildings on Lots 1, 3 to 8:
- **Maximum building height 7.5m**
- **Maximum building coverage - 5%**
- **Minimum building setbacks - 10m from all boundaries**

Below is a snip of the decision for RM130119 re bulk and location changes.

Bulk & Location Changes

The proposal is for an increase in maximum building height from 5.5m to 7.5m for Lots 1 to 8, and 6.5m for Lots 30 to 37. It is also proposed that Lots 1 to 8 have 5% building coverage along with 10m setbacks, and the remaining Lots 9 to 37 have 30% building coverage with the standard Residential Environment setbacks.

Proposed Lots 1 to 8 are on the most elevated eastern portion of the site. These lots are also the larger sized lots within the development ranging in size from 6964m^2 up to 1.37ha. As such, these lot sizes are comparative to that found within the Low Density Environment (Residential and Kinloch). These lots sit on an elevation ranging from 490m to 535m, with Lot 8 being lower at 452m to 480m. Whakaroa Ridge rises to a total height of 780m, with the total height of part of the ridge immediately behind the subject 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 the proposed 7.5m height buildings and 5% coverage.

There are a combination of factors that ensure that the additional building height and coverage will not have significant adverse effects. These are setting of buildings on these lots at a 'mid slope' level, the vegetated backdrop, the positioning of buildings within the natural platforms of each lot and the recessing of buildings from the main slope. Furthermore, the main public viewpoint of this area is either from Lake Taupō or from Holyoaks and at these distances the additional height of buildings will be negligible against the Whakaroa Ridge.

The principle of the buildings on these sites and their effects was dealt with at the time of land use consent. Therefore eight dwellings are permitted to be constructed in this location. The effects of these eight dwellings including occupation, night light have already been assessed and approved. It is considered that the proposed height and coverage will have negligible effects over and above what was assessed as part of the land use consent. Furthermore, it is noted that the permitted height in the Kinloch Rural Residential Environment is 7.5m regardless of the Kinloch Landscape Policy Area and there will also be a consent notice requiring exterior materials to have limited reflectivity and in natural colours (as applies to the earlier stages).

In summary the additional height and proposed coverage are considered to have less than minor effects over and above the consented level of development (5.5m height). As such, the proposed building controls are considered to be appropriate within this landscape.

It is considered these same arguments apply to this application. Whakaroa Ridge landform, together with the native planting along this backdrop, provides significant scale to the proposed 9.6m maximum height of the building. The setting of the buildings at a mid slope

level, the vegetated backdrop, the positioning of buildings within the natural platforms of the lot, and the recessing of buildings from the main slope, and the distance the additional height of buildings will be viewed from ensures the proposal will not have significant adverse effects.

3. **Landscape Visual – Peer Review**

(a) *The Hudson Associates Landscape Visual Assessment (LVA) has been initially reviewed by Boffa Miskell. The application has relied upon extensive vegetation and planting on the site to 'integrate the dwelling into the landscape' / wider context, for ecological purposes and subsequently to reduce the potential effects of the proposal. We understand this planting is to include mixed species (including trees and other plantings) however there is no detail provided in this regard. Please provide a planting plan (and schedule) to address this. This needs to include location, species and grades at time of planting. This is requested to understand how this planting will function, and how long it will take to achieve the outcomes as indicated in the landscape assessment (and AEE).*

The application includes planting on the site to help integrate the dwelling into the landscape but does not rely on this planting.
See below the comment from John Hudson which concludes planting was not a main factor in the landscape rating and in his view it is unnecessary to require its implementation or its retention as part of any consent.

Hi Sarah

This has taken some time hasn't it. I think the delay is caused by the international nature of many of the locals and the accompanying difficulty in tracing them and chasing them up.

I can understand the difficulty you now face.

I went back and looked at the original assessment. While planting is mentioned as helping mitigate effects, the assessment does not rely on planting in reaching its conclusions. The final conclusion at para 190 states:

The proposal includes several mitigation measures to reduce potential effects. These have been considered as part of the assessment of effects in this report and include:

- *Modulated building facades.*
- *Proposed planting.*
- *The use of recessive materials and colours (including stone and timber).*
- *Siting of the dwelling sympathetically into the topography of the land.*

It goes on to conclude that the landscape character effects will be very low in the broader context and low in the localised context.
It is my understanding that the applicant intended to carry out planning anyway, and had already done some. I did not consider this necessary, but considered it part of the existing environment and understood that they intended to carry out more because of their interest in it.
In my opinion, the main factors contributing to the low effects on landscape character are the house design, colour, materials and its backdropped location, which are included in the list above. The planting was not a main factor in this rating and in my view it is unnecessary to require it implementation or its retention as part of any consent.

Thanks
John Hudson FNZILA (Registered)
Hudson Associates Landscape Architects

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Hawke's Bay 4157

The Bartley family are living in the house at 34 Locheagles Rise, immediately adjacent to the subject lot. Images below show the property immediately after that house was built, and images from the same location taken 5 years later. These demonstrate the capability of the planting and of the applicant. The Larch trees are a common tree within the Kinloch environs, and are well suited to the local climate and soil type.

Raewyn Bartley has no formal landscaping qualifications, but she has built and maintained many gardens and is a very keen gardener. Raewyn has gardened for 42 yrs, and worked in the reserves office for several years at Napier City Council, where there are many well tended community gardens. She has a keen interest in gardens, and has studied English country estates, both virtually and in person when travelling.

She provided the following notes:

The landscaping will include:

- A perimeter planted with griselinias, larches and ornamental trees and shrubs.
- Gardens will be on terraces on the slopes, with herbaceous borders and perennial planting.
- High density of shrubs, and mixed planting of deciduous and evergreen trees, eg Larches, cedars, spruce.
- An English country garden in style
- Grassed Pathways and hidden garden rooms.

Example plantings on 34 Locheagles Rise

Left hand image April 2018

Right hand image, same location, April 2023

Left hand image April 2018.

Right hand image, same location, April 2023

Note that the Larch trees which now completely obscure the house from this viewpoint, were planted in 2019, and are showing 4 years of growth.

The visual simulations are unclear, small and of low resolution. Please provide the simulations at higher resolution and provide further information on the methodology as to how this was prepared (e.g. viewing distance, reading distance, what year growth the vegetation is shown at in the simulation etc.) It would be helpful to have the simulations at one year post planting and then at five years post planting.

Photo: June 2014, before houses & entrance gate. This was Stage 3 of Locheagles.

Photo: Top of Locheagles Rise, 9 March 2022. Balloons used to register the CAD model on the photo montage are visible

Visual Simulation - Top of Locheagles Rise, 9 March 2022. The vegetation surrounding the house is estimated at 5 years growth

The applicant took the photo from opposite 21 Locheagles Rise. Large helium balloons were used to replicate the height and location points of the dwelling. These points were used by the American Architects to reference the CAD model against the photo.

(b) *If the proposed planting is providing much of the mitigation please give details on the timing of the planting i.e. which locations and when in relation to the building of the dwelling, and proffer some consent conditions around this planting.*

The future planting around the dwelling is not trying to hide the house, nor is the application relying on planting alone to provide mitigation. The visual impacts are mitigated by the recessive building colours and the distributed form of several different pavilions. Most of the pavilions are completely out of sight from any public viewpoint, as they are screened by the westernmost pavilions. The additional plantings will further soften any views of the building from any public viewpoints and serve as a "bonus" mitigation.

The earthworks and planting are set to start in the winter of 2023, while the building project is set to start in September 2024.

John Hudson suggests consent conditions requiring planting are not required, as the proposed planting is not providing much of the mitigation.