

## **Seven Oaks Kinloch Limited**

30 Okaia Drive, Kinloch

Application for Resource Consent for Subdivision and Land Use, and Change of Conditions

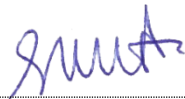
220225\_AP2  
7 February 2025

## Seven Oaks Kinloch Limited

30 Okaia Drive, Kinloch

Application for Resource Consent under Section 88 and Section 127 of Resource Management Act 1991 for Subdivision and Land Use, and Change of Conditions

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**Date:** 7 February 2025  
**Reference:** 220225\_AP2  
**Status:** Final

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## APPLICATION DETAILS

<b>Consent Authority:</b>	Taupō District Council
<b>The Applicant:</b>	Seven Oaks Kinloch Limited
<b>Address for Service:</b>	Cheal Consultants Limited, PO Box 165, Taupo 3351
<b>Address for Invoice:</b>	Phil.rielly@sevenoakskinloch.com

### Site Details:

Street Address	Legal Description	Record of Title	Area	Zoning
Otakeake Drive, Kinloch	Lot 202 DP 606472	1201870	14.71	Kinloch Residential (approx 2.81ha) and Kinloch Low Density Residential Environment (approx. 11.9 ha)
27 Kahikatea Drive, Kinloch	Lot 1 DP 514174	797345	1ha	Kinloch Low Density Residential Environment
25 Kahikatea Drive, Kinloch	Lot 2 DP 514174	7877571	1ha	Kinloch Low Density Residential Environment

### Activity for which Consent is sought:

Subdivision consent is sought to subdivide three parcels of land into 84 residential lots; 3 stormwater reserves to vest; 1 Local Purpose Reserve to vest and 7 road lots to vest. The subdivision is proposed to be completed in 5 Stages with the intention that more than one stage could be jointly completed, and in any logical sequence. The subdivision is considered a Non-Complying Activity under the Taupō District Plan by Rule 4a.4.5 as the residential allotments will be less than the minimum and average lot sizes for the Kinloch Low Density Zone.

The creation of new public road, water, stormwater or wastewater utility services is a restricted discretionary activity under the Taupō District Plan by Rule 4a.3.3. The creation of new roads is a restricted discretionary activity under Rule 4e.14.6. On the basis that the activities are “bundled”, and the most restricted activity status applies the subdivision will be classed as a **Non-Complying Activity**.

Land use consent is sought in relation to the proposed residential lots whereby the Kinloch Residential performance standards will apply to lots less than 1200m<sup>2</sup>, and bespoke bulk and location standards will apply to lots 1200m<sup>2</sup> or larger. These provisions infringe the development control performance standards for the Kinloch Low Density Zone (being 4a.1.1 – Maximum Building Coverage, 4a.1.2 Maximum Plot Ratio; 4a.1.4 – Minimum Building Setback – Front Boundary; and 4a.1.5 – Minimum Building Setback – all other boundaries). Performance standards 4a.1.13 and 4a.1.14 – Maximum Earthworks Inside and outside of Building Setback will be exceeded in relation to the earthworks required to contour the land to form the subdivision.

Accordingly, the land use consent is classed as a **Non-Complying Activity** in accordance with the Taupō District Plan by Rule 4a.2.13.

A 10-year lapse period is sought for both the subdivision and land use consents.

A change of conditions to RM200118A is required to remove Stage 9 and Okaia Drive from that consent.

# 1. INTRODUCTION

Subdivision consent is sought to subdivide three parcels of land ("Subject Site") into 84 residential lots; 3 stormwater reserves to vest; 1 local purpose reserve to vest and 7 road lots to vest. The subdivision is proposed to be completed in 5 Stages with the intention that more than one stage could be jointly completed (i.e., worked at the same time), and in any logical sequence. The subdivision is considered a Non-Complying Activity under the Taupō District Plan by Rule 4a.4.5 as the residential allotments will be less than the minimum and average lot sizes for the Kinloch Low Density Zone. There will be 68 more lots than enabled by the district plan.

The creation of new public road, water, stormwater, or wastewater utility services is a restricted discretionary activity under the Taupō District Plan by Rule 4a.3.3. The creation of new roads is a restricted discretionary activity under Rule 4e.14.6. On the basis that the activities are "bundled", and the most restricted activity status applies, the subdivision will be classed as a **Non- Complying Activity**.

Land use consent is sought in relation to the proposed residential lots whereby the Kinloch Residential performance standards will apply to lots less than 1200m<sup>2</sup>, and bespoke bulk and location standards will apply to lots 1200m<sup>2</sup> or larger. These provisions infringe the development control performance standards for the Kinloch Low Density Zone being 4a.1.1 – Maximum Building Coverage, 4a.1.2 Maximum Plot Ratio; 4a.1.4 – Minimum Building Setback – Front Boundary; and 4a.1.5 – Minimum Building Setback – all other boundaries.

Performance standards 4a.1.13 and 4a.1.14 – Maximum Earthworks Inside and Outside of Building Setback will be exceeded in relation to the earthworks required to contour the land to form the subdivision. Accordingly, the land use consent is classed as a **Non-Complying Activity** in accordance with the Taupō District Plan by Rule 4a.2.13.

In accordance with Section 88 and Schedule 4 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 and consideration of the relevant objectives and policies of the relevant Plans. Conditions of consent are discussed and lastly the proposal is assessed against Part 2 of the RMA.

Appended to this report are the scheme plans, transportation assessment report from CKL, Landscape and Character Assessment from Mansergh Graham, Archaeology Assessment by Ken Phillips, Ecological Report by Pheonix Ecology and Engineering Services Report by Cheal Consultants. The scheme plan was amended to reduce one lot and change some internal boundaries since the appended reports were produced, therefore the scheme plan in the appended reports is not exactly the same.

This application replaces RM230338 – RM230339, which will be withdrawn contemporaneously with the lodgement of this application. This new application is considered necessary rather than a variation to RM230338 – RM230339, due to the inclusion of Lot 1 and Lot 2 DP 514174 as part of the application site. These additional lots were not included in the previous application.



## 2. SITE DESCRIPTION

### 2.1. Site Description

The three sites subject to the proposal are located at the end of Okaia and Kahikatea Drives, Kinloch. The sites include 25 and 27 Kahikatea Drive, and the large parcel (Lot 202 DP 606472) does not have a street address. The sites are shown in the image below.



Image 1: Site Location

The total site area is 14.7ha. This is made up of 2.46ha of Stage 8 which is previously consented (RM200118). Therefore, the area subject to this consent is approximately 12.2ha.

The site generally slopes in a north to south direction with a vertical gradient of approximately 410m above sea level to 402m above sea level over a length of approximately 300m, an average gradient of 1 in 37. The site is undulating with humps and hollows typical of Taupō geomorphology.

The subject sites are currently open pasture (Image 1). Lot 2 DP 514174 contains a dwelling. The site was previously utilised for forestry pre 1970s and in the 1970s switched to pastoral land (from 'Retrolens' website). The site is surrounded on two boundaries by Department of Conservation estate to the east and west. Adjoining the northern boundary is farmland (which the applicant owns) which has been consented for 40 low density, and 15 residential lots (RM230207) being called the 'Seven Oaks Terraces' subdivision. Adjoining the southern boundary is residential development 'Stages 1, 2 and 8' of Seven Oaks Subdivision. Stages 1 to 7 of that development are constructed.

Subdivision consent RM170231 was granted February 2018 for a three-lot subdivision to create Lots 1 and 2 DP 514174 of 1ha each, with Lot 2 encompassing the existing dwelling and Lot 3 including the Subject Site (Image 2). The consent was given effect to pursuant to sections 223 and 224c in May 2018.

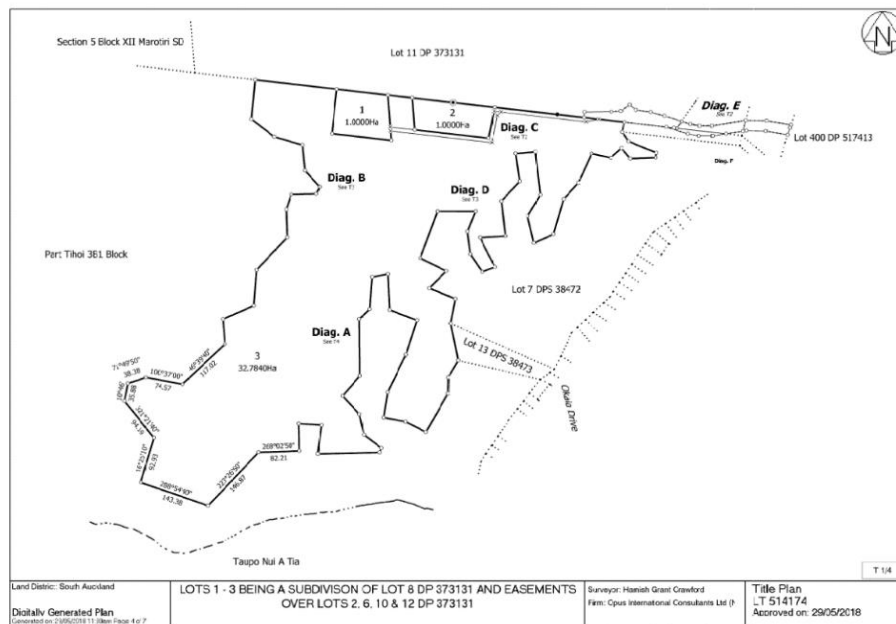


Image 2: Title Plan DP 514174

Subdivision and Land Use Consent RM180118 and RM180119 were granted 25 August 2019 permitting the subdivision of Stage 1 (29 residential lots) of the Seven Oaks development on a portion of Lot 3 DP 514174 (Image 3). The consents also authorised the construction of public roads and associated infrastructure. Stage 1 is complete, titles have issued, and dwellings are currently being constructed.

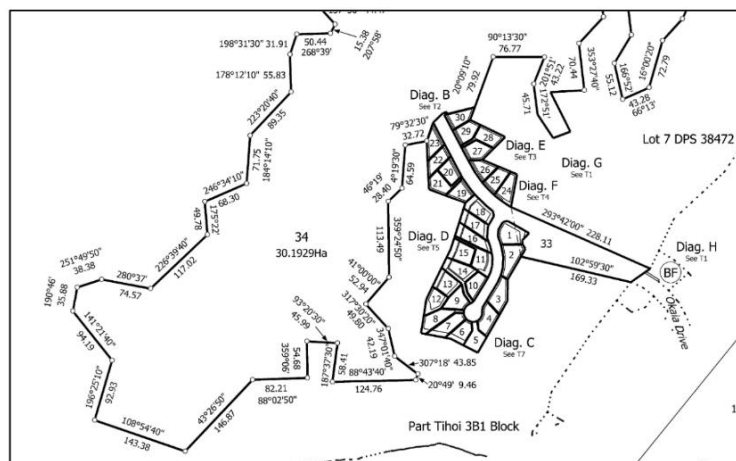


Image 3: Title Plan DP 546928

Land Use and Subdivision Consent RM200117 and RM200118 were granted on 24 September 2020 permitting the subdivision of Stages 2 to 9 (132 lots) of the Seven Oaks Development on a portion of Lot 34 DP 546928. The consents also authorised the construction of public roads and associated infrastructure, earthworks, and reduced front building setbacks, and building height exceedances. Stages 2 to 7 are complete with titles issued and dwellings are currently being constructed (Image 4).

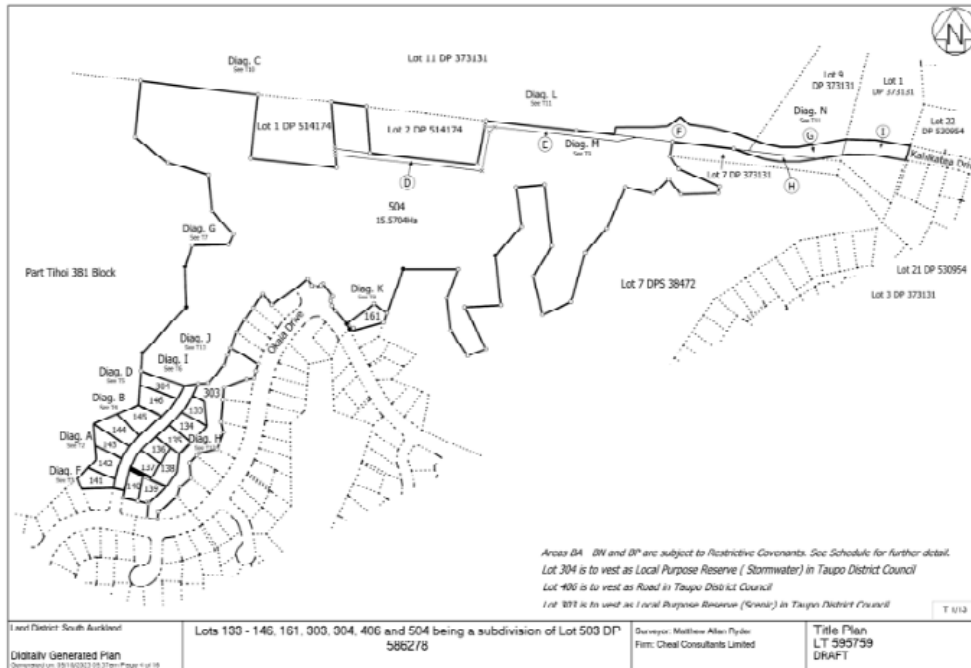
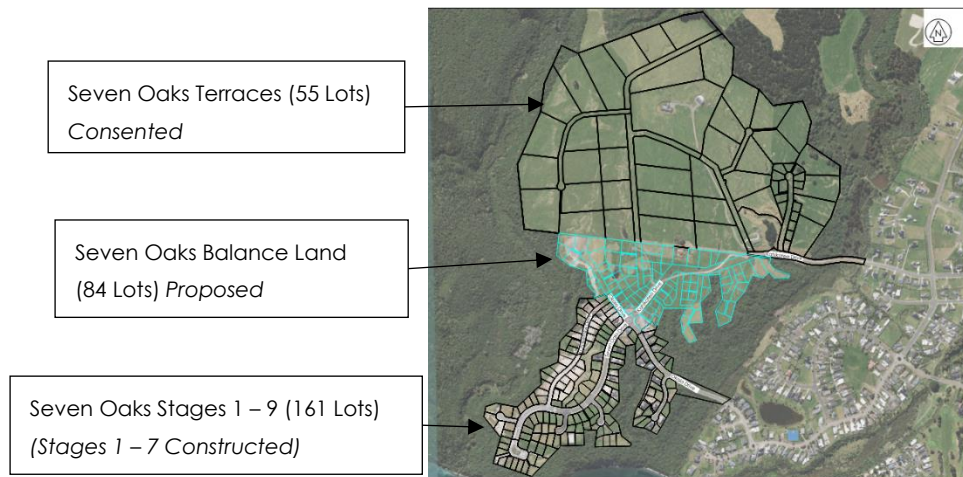


Image 4: Title Plan LT 595759

**Access**

A condition of the subdivision consent RM200118 was that at either Stage 8 or 9, whichever occurs earlier, prior to application for 224c approval, Kahikatea Drive is to be constructed and vested as a public collector road through the Subject Site to the northeast, to connect with the existing Kahikatea Drive road formation with Oakdale Downs. This condition will be complied with as part of the works for the first stage to be constructed on this proposal. The eastern half of Kahikatea Drive has been constructed and will vest as public road with Stage 1 of the Terraces. The remaining portion of Kahikatea Drive through the balance land to be constructed can only be done when there is certainty regarding the layout of the balance land. Present access to the site is from Okaia Drive and Kahikatea Drive.



**Image 5: Constructed, Consented and Proposed Seven Oaks Developments**

### Soil Type

The soil type for the general site area is Pumice (Orthic Pumice), which is typical for soil within the Taupō Volcanic Zone. Orthic Pumice is free draining. The soils within the site have Land Use Capability Class 4 and 8 soils. Class 4 is described as "Arable. Significant limitations for arable use or cultivation, very limited crop types, suitable for occasional cropping, pastoralism, tree crops and forestry. Some Class 4 is also suitable for viticulture and berry fruit." Class 8 is described as "Very severe to extreme limitations to all productive land uses, arable, pastoral, or commercial forestry. Suitable for erosion control, water management and conservation."

### Legal Description and Interests

The legal description of the parcels of land subject to this subdivision consent application are:

- Lot 202 DP 606472
- Lot 1 DP 514174
- Lot 2 DP 514174

There are no legal interests registered on the Record of Title such as consent notices or easements which restrict the proposal.

### Zoning

Within the Subject Sites, there is approximately 14ha of Kinloch Low Density Residential zoning, and 1.4ha of Kinloch Residential zoning. (Image 6).

## 2.2. Surrounding Environment

To the north of the Subject Site the land is zoned Kinloch Low Density Residential. This area is characterised by pastoral land (and owned by the applicant). Subdivision and Land Use Consent RM230206 – 207 was recently obtained for a 55-lot subdivision on this site, known as “The Terraces”. To the south and east of the Subject Site is residential zoned land. The Okaia Stream Scenic Reserve is on the eastern boundary, and to the south is the Seven Oaks residential development. There is also a small area of residential zoning to the north of the Subject Site off Kahikatea Drive. The Otaketake Stream Scenic Reserve is on the western boundary.

The Tongariro/Taupō Conservation Management Strategy indicates the scenic reserve supports five finger-kohuhu forest, bracken fernland, mixed podocarp-broadleaved species forest, kanuka forest and flax-toi toi tussock land. The Otaketake Stream is located approximately 65m at the closest point to the Subject Site. The Tongariro/Taupō Conservation Management Strategy indicates the Otaketake Stream has limited value trout spawning habitat and common indigenous fish present.

Lake Taupō is located approximately 520m south of the Subject Site, separated by the Seven Oaks residential development (Stages 2 – 8) and the Otaketake Stream Scenic Reserve. The Kawakawa Bay Track (part of the Great Lake Trail) dissects through the Otaketake Stream Scenic Reserve approximately 10m from Seven Oaks' southern boundary.

Immediately east of the development site is the Okaia Stream Scenic Reserve. This is steep and densely vegetated in native bush. Further southeast of the Okaia Stream Scenic Reserve, and approximately 28m below the Subject Site is the Lisland Subdivision. Within this area, the residential zoned lots range in size from 680m<sup>2</sup> to 2800m<sup>2</sup>.

Further northeast of the Okaia Stream Scenic Reserve is Oakdale Subdivision. Within this low-density residential zone lots range in size from 1200m<sup>2</sup> to 1ha. These are shown in Image 6 below.

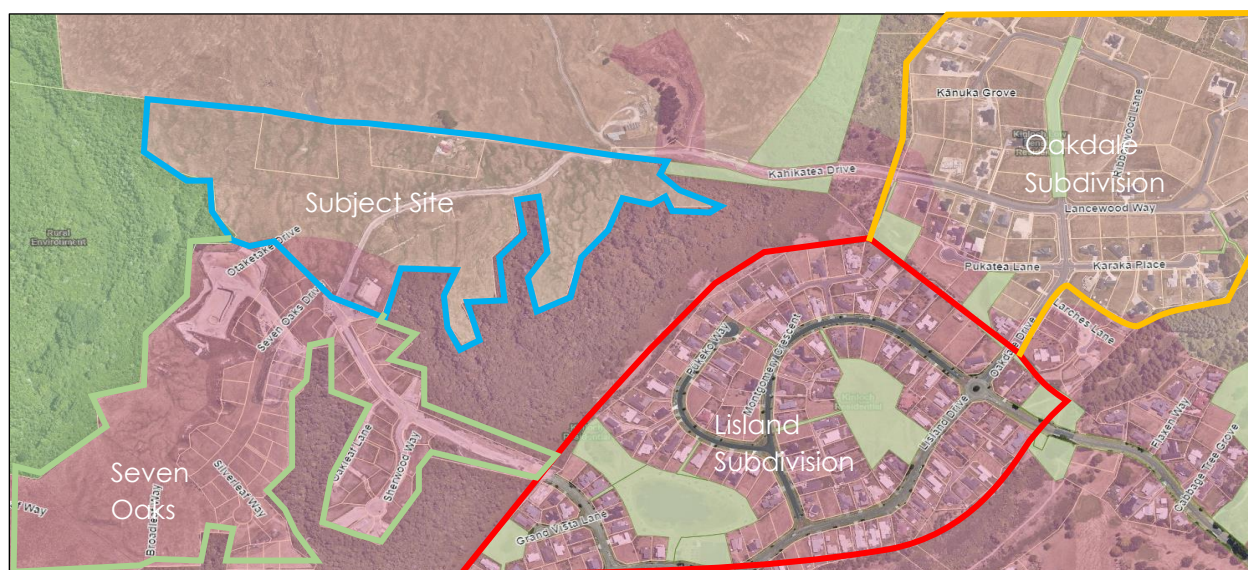


Image 6: Surrounding Area

Approximately 2.5km from the site by road is the existing Kinloch Store. It has been publicly stated that a new commercial centre is in the planning stages and is proposed to be established by the Hall Family Trust<sup>1</sup>. This would be approximately 2km from the site by road.

## 2.3. Planning History/Background

RM230338, RM230339 and RM200118B were lodged on the 13<sup>th</sup> November 2023 to seek consent to subdivide Lot 504 DP 595759 into 100 residential lots, along with associated infrastructure, earthworks and bulk and location controls. The application was publicly notified. 25 submissions were received, 23 in opposition, and 2 neutral submissions. The matters raised in the submissions were considered, and this application addresses many of those concerns by having 14 fewer residential lots, and increased lot sizes (all above the 800m<sup>2</sup> minimum requirement for Kinloch Residential zoning), with lots greater than 2000m<sup>2</sup> along the northern boundary. To ensure an integrated approach to development of the Subject Site and bearing in mind matters relating to scope, Lot 1 and Lot 2 DP 514174 now form part of the proposal, hence the requirement for a new application.

## 3. DESCRIPTION OF PROPOSAL

### 3.1. Subdivision Details

The "proposal" involves the subdivision of the Subject Site into 84 Residential Lots; 3 stormwater reserves to vest; 1 Local Purpose Reserve to vest and 7 road lots to vest. The proposed layout is illustrated on the enclosed Scheme Plans referenced 220225-SC003 Rev A, and 220225-SC001 Rev M. Fourteen of the residential lots are greater than 2500m<sup>2</sup> and are considered low density in accordance with the TDC Development Contributions Policy 2024.

Stage 16 (being subdivision of Lot 2 DP 514174) will occur first, and Stage 9 (construction of Kahikatea Drive and stormwater reserves) will occur next. The balance land will continue to get smaller as each stage is subdivided. As Kahikatea Drive severs the balance land, the balance land parcels will be held in one title.

**Table 1: Stages and Lots**

Stage	Lot References
16 (Subdivision of Lot 2 DP 514174)  <b>NB: This stage will occur first, and then the resultant Lots 2 and 3 will amalgamate with Lot 202 DP 606472 and be subdivided as part of Stage 9 below. The amalgamation conditions will require cancelling at that point.</b>	<b>Residential (total 3)</b> Lots 1 – 3 (ranging in area from 1555m <sup>2</sup> to 5200m <sup>2</sup> )

<sup>1</sup> Message from Developer publicised on Kinloch Community Association Facebook Page.

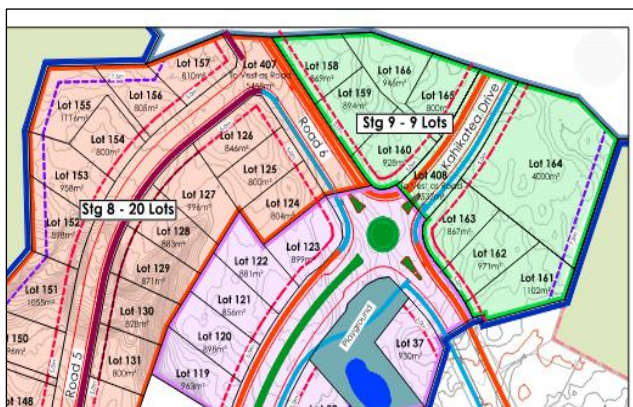
9	<p><b>Residential (total 32)</b> Lots 1 – 3, 14 – 17, 20, 21, 23, 25, 27, 36 – 43, 73 - 84 [ranging in area from 800m<sup>2</sup> to 2910m<sup>2</sup>]</p> <p><b>Public Road to vest</b> Lot 110 Lot 116 Lot 117</p> <p><b>Local Purpose (LP) Reserve</b> Lot 121 (Stormwater) Lot 122 (Stormwater) Lot 123 (Stormwater) Lot 124</p>
10	<p><b>Residential (total 13)</b> Lots 18, 19, 22, 24, 26, 28 - 35 [ranging in area from 824m<sup>2</sup> to 2548<sup>2</sup>]</p> <p><b>Public Road to vest</b> Lot 113</p>
11	<p><b>Residential (total 17)</b> Lots 44 - 60 [ranging in area from 801m<sup>2</sup> to 2618m<sup>2</sup>]</p> <p><b>Public Road to vest</b> Lot 112</p>
12	<p><b>Residential (total 12)</b> Lots 61 – 72 [ranging in area from 802m<sup>2</sup> to 1749m<sup>2</sup>]</p> <p><b>Public Road to vest</b> Lot 114</p>
13	<p><b>Residential (total 10)</b> Lots 4 – 13 [ranging in area from 868m<sup>2</sup> to 1892m<sup>2</sup>]</p> <p><b>Public Road to vest</b> Lot 115</p>

The Proposal will encompass Stages 9 to 13 of the Seven Oaks development. The Proposal is situated on mostly Low Density Residential zoned land within the Subject Site. 10 lots of Stage 9 are within the Residential Zone.

Condition 19 of RM200118 requires that *'the consent holder shall ensure that Kahikatea Drive is constructed and vested as a public collector road in accordance with the approved road construction plan (Condition 17) through the balance land to the northeast to connect with the existing Kahikatea Drive road formation within Oakdale Downs prior to the application for 224c approval from Stage 8 or 9, whichever is earlier.'*

To comply with this condition and provide additional access to the site, this road will be created through the Subject Site. This is shown as part of Stage 9 in Table 1 above. This condition has been partly met with the formation of Kahikatea Drive in Terraces Stage 1.

The previously granted subdivision consent RM200118 approved 9 lots within Stage 9 (Residential Zone) (Image 7), and Road 6 (Okaia Drive). However, the scheme plan configuration has changed since this was granted. Lot 161 (Kindergarten site) was vested with Stage 7 and reduced Stage 9 to 8 lots. As such, consent is now sought for 10 lots within the Residential Zone in Stage 9 (Image 8), and for Okaia Drive to be constructed as part of Stage 9 instead of Stage 8. This will require a s127 change to RM200118A to withdraw Stage 9 and Road 6 from that consent. This application seeks approval for this change.



**Image 7: RM200118 - Stage 9**



**Image 8: Proposed Lots in Residential Zone (Stage 9 and Stage 11)**

All other lots will be in the Kinloch Low Density Residential Zone. The lot sizes range from 800m<sup>2</sup> to 2910m<sup>2</sup>.

**Table 2: Average Lot Areas**

	Number of Lots	Total Area of Lots	Average Area of Lots
<b>This proposal: Stages 9 - 13</b>	<b>84</b>	<b>10.8ha</b>	<b>1284m<sup>2</sup></b>
Total of Seven Oaks (Stages 1 - 8 consented) + (Stages 9 -13 proposed)	237	25.8ha	1089m <sup>2</sup>
NB: These are residential lot areas only and exclude the approximately 9ha of road and reserves.			



Table 2 demonstrates the average lot sizes in the proposal, and within the whole Seven Oaks development. This application (Stages 9 - 13) includes the following:

- There are 84 residential lots with an average size of 1284m<sup>2</sup>, and all greater than 800m<sup>2</sup>.

Overall, including the proposed Stages 9 - 13, the residential lots in all stages of Seven Oaks Development (Stages 1 – 13) will have an average lot size of 1089m<sup>2</sup> and a minimum lot size of 800m<sup>2</sup>, which is consistent with the Kinloch Residential lot size standards in the District Plan. This also reflects the lot sizes in the surrounding environment.

### 3.2. Landscaping and Fencing

As per Stages 1 – 8 of Seven Oaks, the proposed development also includes continuous, open style fence (such as pool fencing) of a maximum height of 1.8m and black in colour erected along all boundaries of the residential lots with the adjoining Department of Conservation Okaia and Otaketake Scenic Reserves. The fencing will be erected prior to the application for section 224c approval for each stage. The fencing is to protect the reserve from public creating unauthorised access routes, and potentially causing damage to the vegetation and landscape. A consent condition is proposed which requires completion of this landscaping and fencing as was done with Stages 1 - 8.

The stormwater reserves within Stage 9 will be landscaped in accordance with an approved planting plan. A consent condition is proposed which requires a detailed planting plan to be approved.

### 3.3. Bulk and Location Provisions

It is proposed that all future buildings on the residential lots will, in most circumstances, comply with the Kinloch Residential performance standards. Lots 1200m<sup>2</sup> or greater will have slightly different bulk and location provisions to reflect the characteristics of the larger lot sizes. No plot ratio or total coverage provision is proposed. Within Stages 12 and 13 front boundary setbacks with access from Road 2 and 3 will be reduced to allow buildings to be constructed up to 3m from the road boundary, provided that the garage door is not facing the road. This will be implemented via conditions prescribing a 3m front boundary setback for the façade of the dwelling, and 5m for the garage door façade which is consistent with the consent granted for Stages 1 - 8.

The following table sets out the proposed divergence of the proposed development with the district plan standards.

	Kinloch Low Density Zone	Proposed Standards
4a.1.1 Building Coverage	5%	Lots less than 1200m <sup>2</sup> (4 - 6, 10 – 13, 20 – 31, 36 – 53, 61, 62, 65 – 84) 25% Lots 1200m <sup>2</sup> or greater (1 - 3, 7 - 9, 14 - 19, 32 - 35, 54 - 60, 63, 64) 300m <sup>2</sup> or 15% whichever is larger
4a.1.2 Plot Ratio	7.5%	N/A

4a.1.3 Total Coverage	N/A	N/A
4a.1.4 Minimum Building Setback – front boundary	10m	a. 5m b. 3m setback for dwelling façade, and 5m for garage door façade for Lots 4 – 8, 10 – 13, 61 – 63, 66 – 68, 70, 72 in Stage 12 and 13 with access from Road 2 and 3.
4a.1.5 Minimum Building Setback - all other boundaries	10m	Lots less than 1200m <sup>2</sup> (4 - 6, 10 – 13, 20 – 31, 36 – 53, 61, 62, 65 – 84) a. 1.5m b. 7.5m from Scenic Reserve  Odd shaped lots 1200m <sup>2</sup> or greater (Lots 1, 7, 8, 9, 63, 64) c. 1.5m d. 7.5m from scenic reserve  (Lots 2, 3, 14 - 19, 32 - 35, 54 - 60,) e. 5m f. 7.5m from Scenic Reserve
4a.1.7 Maximum Building Height	8m	a. 7.5m b. 4.5m within 50m of Scenic Reserve c. 4.5m for Lots 61 – 79 in Stage 9 & 12
4a.1.12 Maximum Earthworks Disturbance of the allotment at any one time while developing	10%	90%

#### Building Coverage

The Kinloch Low Density Residential zone allows 5% building coverage. It is proposed to allow 25% coverage as per the Kinloch Residential performance standards on lots less than 1200m<sup>2</sup> (Lots 4 - 6, 10 – 13, 20 – 31, 36 – 53, 61, 62, 65 – 84). This will exceed the 5% limit by an additional 20% but will not exceed the Kinloch Residential zone standards. It is proposed to allow 15% or 300m<sup>2</sup> whichever is larger, on lots 1200m<sup>2</sup> or larger (Lots 1 - 3, 7 - 9, 14 - 19, 32 - 35, 54 - 60, 63, 64). This will exceed the 5% limit by up to 20%. This would be implemented by a consent condition.

#### Plot Ratio

The Kinloch Low Density Residential zone allows 7.5% plot ratio. It is not proposed to have a plot ratio standard on the proposed lots given the majority of lots are restricted to single level, and plot ratio is proposed to be removed from the district plan.

### Total Coverage

There are no total coverage requirements in the Kinloch Low Density Environment. None are proposed.

### Minimum Building Setback – Front Boundary

The Kinloch Low Density Residential environment permits 10m building setbacks. For Lots 4 – 8, 10 – 13, 61 – 63, 66 – 68, 70, 72 in Stage 12 and 13 with access from Road 2 and 3 it is proposed to allow buildings to be built up to 3m from the road boundary, provided that the garage door is not facing the road. There will be a 3m front boundary setback for the façade of the dwelling, and 5m for the garage door façade. This is to enable dwellings to be built closer to the front boundary but maintaining the 5m distance for a vehicle to be safely parked in front of the garage door. For all other lots there is proposed to be a 5m front boundary setback. This would be implemented by a consent condition.

### Minimum Building Setback – Other Boundaries

The Kinloch Low Density Residential environment allows 10m building setbacks. It is proposed to allow 1.5m setbacks from side boundaries, and 7.5m setbacks from the Scenic Reserve as per the Kinloch Residential performance standards for the lots less than 1200m<sup>2</sup> (Lots 4 - 6, 10 – 13, 20 – 31, 36 – 53, 61, 62, 65 – 84), and odd shaped lots larger than 1200m<sup>2</sup> where a 10m setback is not practical (Lots 1, 7, 8, 9, 63, 64). This is 8.5m and 2.5m less than permitted. For lots 1200m<sup>2</sup> or greater (Lots 2, 3, 14 - 19, 32 - 35, 54 - 60) it is proposed to allow 5m setbacks from side boundaries, and 7.5m setbacks from the Scenic Reserve boundaries, this is 5m, and 2.5m less than permitted. This would be implemented by a consent condition.

### Building Height

The proposal will be more restrictive than the district plan. Currently buildings up to 8m are allowed in the Kinloch Low Density environment. It is proposed to limit this to 7.5m, and 4.5m within 50m of the Scenic Reserve and 4.5m within Lots 61 – 79 in Stage 9 and 12. This would be implemented by a consent notice.

### Maximum Earthworks Disturbance

The Kinloch Low Density Residential environment allows 10% of the allotment at any one time. It is proposed to allow 90% disturbance. This will exceed the 10% limit by an additional 80%. This would be implemented by a consent condition. Without this exceedance, every new build would trigger the need for a land use consent for earthworks.

### Maximum Earthworks Inside and Outside of Building Setback

The maximum earthworks inside and outside of the setback will relate to the proposed setbacks. This would be implemented by a consent notice.

All other Kinloch Low Density Residential performance standards in the district plan such as height to boundary, vehicle movements, and signage will apply to the future allotments.

### 3.4. Wastewater

All lots will be connected to Council reticulated Wastewater. As described in the engineering services report prepared by Cheal Consultants Ltd (Appendix 3) wastewater disposal for the Subject Site (i.e., proposed Stages 9 – 13) can be achieved primarily via gravity drainage. However, it is envisaged that 17 lots will require private pump stations, feeding into common rising mains as required and discharging into the gravity reticulation. The private pump stations will be provided and maintained by the eventual lot owner/developer when they build the dwelling. This approach has been utilised through previous stages as well.

The Lisland Drive pump station will need a storage upgrade to accommodate the additional flows. This will be implemented by a consent condition. The details will be determined as part of the detailed design and upgrades implemented in the initial stage of the Subject Site development. The applicant would pay for these upgrades. The engineering report also demonstrates there is sufficient capacity in the Kinloch Wastewater Treatment system. See the Engineering Services Report in Appendix 3 for more detail.

The dwelling on Lot 2 DP 514174 has an existing advanced wastewater system. A consent (APP147274) from Waikato Regional Council is granted to continue operating this system on 3245m<sup>2</sup>, until the site is able to be connected to reticulated wastewater as the stages are developed.

### 3.5. Stormwater

Stormwater runoff and disposal from dwelling and hardstanding areas on each lot will be via individual soakage chambers sized to cater for a 10-year, 1 hour storm event, designed and constructed with the dwellings, as per the Taupō District Council Code of Practice for Development of Land.

All privately owned rights of ways will collect stormwater via catchpits at regular intervals discharging to deep concrete lined soakholes under the right of way pavement for disposal to ground. The soakage chambers will be designed to contain a 10-year, 1 hour storm volume as per the requirements of the Taupō District Council Code of Practice for Development of Land.

The roads are split into suitable catchment areas, with runoff collected via either swales or catchpits and directed to suitably sized soakage/attenuation ponds. These ponds will be sized for the 10-year, 1 hour storm event as per the TDC Code of Practice and will meet the permitted activity rule standards in the WRC Regional Plan.

For storm events greater than the 10-year, 1 hour event, or should the primary system experience blockages, secondary flow paths and emergency spillways are required to safely allow for passage of these flows. These flow paths will be provided within the road corridors and then through the stormwater reserves towards the existing flows paths below the site. Discharge points have been selected to align with existing flow paths into the adjacent downstream land. The design of the primary disposal system will be conservative to ensure that actual storage of runoff exceeds the 10-year, 1 hour requirement and that only extreme events will discharge flows off site and only once significant treatment has occurred for initial flows through filtration and settlement within the ponds.

See the Engineering Services Report in Appendix 3 for more detail.

### 3.6. Water

The subdivision will be supplied with water from TDC's high pressure zone network. Water modelling completed by WSP (Consultant for Taupō District Council) for the previous stages of Seven Oaks considered various options for the servicing of Stages 1 – 8, as well as the Subject Site. More recent modelling specifically for this site has been completed resulting in high pressure main pipe sizes and confirmation that the site can be serviced by Council infrastructure.

This high pressure main will extend along the length of Kahikatea Drive connecting to the existing reticulation in Okaia and Seven Oaks Drive, and up the proposed Road 1 which provides access to the property to the north of the Subject Site. Lower pressure 100mm mains and 50mm rider mains will be utilised for the servicing of the individual lots. Cul-de-sacs will require 100mm mains to extend to the ends of the cul-de-sacs to allow for fire hydrants.

With regard to the overall capacity of the Kinloch water supply, the analysis completed and described in the water section of the Engineering Services Report (Appendix 3) addresses water supply (in addition to wastewater). In summary, the proposed number of additional lots, in addition to potential "in-fill" lots within the existing Kinloch community, are within the total number of lots already planned for as part of TDC's water supply infrastructure. Therefore, the current TDC infrastructure plan can accommodate the additional water supply requirements for the proposed Subject Site lots (Stages 9 - 13).

### 3.7. Power and Telephone

Power and Telecom designs have not yet been completed. However, both Unison Networks and Chorus have provided confirmation that service can be made available to all stages of development.

### 3.8. Access and Vehicle Crossings

All lots will have compliant access and vehicle crossings from a public road. The following right of way easements will be required:

Stage 9	<ul style="list-style-type: none"> <li>• Lots 40 and 42 (2 lots) will have reciprocal rights of way easements. This will have a legal access width of 4m.</li> <li>• Lots 77 and 78 (2 lots) will have reciprocal rights of way easements. This will have a legal access width of 4m.</li> </ul>
Stage 10	<ul style="list-style-type: none"> <li>• Lots 33 and 35 (2 lots) will have reciprocal rights of way easements. This will have a legal access width of 4m.</li> </ul>
Stage 11	<ul style="list-style-type: none"> <li>• Lots 44 and 47 (2 lots) will have reciprocal rights of way easements. This will have a legal access width of 4m.</li> <li>• Lots 57 and 58 (2 lots) will have reciprocal rights of way easements. This will have a legal access width of 4m.</li> </ul>
Stage 12	<ul style="list-style-type: none"> <li>• Lots 64 and 65 (2 lots) will have reciprocal rights of way easements. This will have a legal access width of 4m.</li> <li>• Lots 69 and 71 (2 lots) will have reciprocal rights of way easements. This will have a legal access width of 4m.</li> </ul>
Stage 13	No R's OW

The overall road reserve width of Kahikatea Drive will be 25m, with a centre median swale between 3m wide carriage ways. Parking bays (2m wide) will also be provided. A bike friendly dedicated 1.8m wide cycleway will be constructed on one berm, with a dedicated 1.4m pedestrian footpath on the other.

The cul-de-sacs within Stages 12 and 13 will be a 16m road reserve width with 7m pavement width and upright kerb on one side, and mountable kerb in the other. A 2.0m wide combined cycleway and footpath will be constructed on one of the 4.5m wide berms, with a vegetated stormwater swale on the opposite 4.5m wide berm.

Street lighting on all public roads will be continued in accordance with the style implemented in Seven Oaks subdivision (Stages 1 - 8), to Council and best practice lighting design requirements. The street lighting in the cul-de-sacs of Road 2 and Road 3 will be wildlife friendly.

All road design is consistent with previously constructed roads in Stages 1 – 8. See the Engineering Services Report in Appendix 3 for more detail.

### **3.9. Earthworks**

Earthworks are proposed over the subject site to generally shape the land and smooth out the various hummocks and hollows which feature over the area to minimise earthworks for the future lot owners. However, given the general contour of the area is not steep, formation of individual building platforms is not proposed, and some level of earthworks may be required for individual lots for which consent would need to be sought at that time.

The design philosophy seeks to minimise earthworks and create a near cut to fill balance to avoid any import or export of soil material. There will be approximately 4100m<sup>3</sup> net excess cut, which can easily be accommodated within the overall site by minor changes during detailed design and/or construction should that be necessary. No retaining walls are envisaged. However, this will be confirmed during detailed design; or individual lot owners may choose to construct retaining walls to maximise the flat area within their lot.

In the low-density zone, the building setback is 10m. Therefore, earthworks greater than 0.5m depth within the 10m setback will exceed the performance standard and be “non-compliant”. Earthworks greater than 1.5m depth will also be required outside of the setback to contour the land and will similarly be non-compliant. The maximum earthwork depths will be up to 3.5m cut, and 4m fill. Technically, there will be non-compliant areas around the southern perimeter of the site, and two locations along the northern boundary within the 10m setbacks.

However, as the proposal is for residential lots in the low-density zone, the proposal is to apply residential setback standards. These are 7.5m from the DoC boundary, 1.5m from other boundaries. Effort has been made to ensure maximum compliance with the residential setbacks. However, there are some instances where non-compliances within these setbacks will occur. The level of the land at the boundary of the DoC estate will not be altered.

As the development will be progressed in stages, only portions of the site will be earth worked at one time. All fill material will be sourced from within the overall Seven Oaks site, and no material will be transported on or off the site.

As described thoroughly in the Engineering Services Report, the few places where there will be an infringement within the 7.5m setback are where it is unavoidable. In these locations the earthworks are necessary to create suitable building platforms which will generally be lower than the adjoining reserve ground levels.

A preliminary earthworks design model has been prepared for Stages 9 – 13 of the proposed development. Detailed engineering plans will be provided to Council for approval prior to the construction of each stage.

Areas pink, and red on the cut/fill plan represent cut greater than 1.5m – and therefore are non-compliant. Areas dark green on the cut/fill plan represent fill greater than 1.5m – and therefore are non-compliant. Peach and light green are cut/fill less than 1.5m and are compliant outside of the building setbacks.

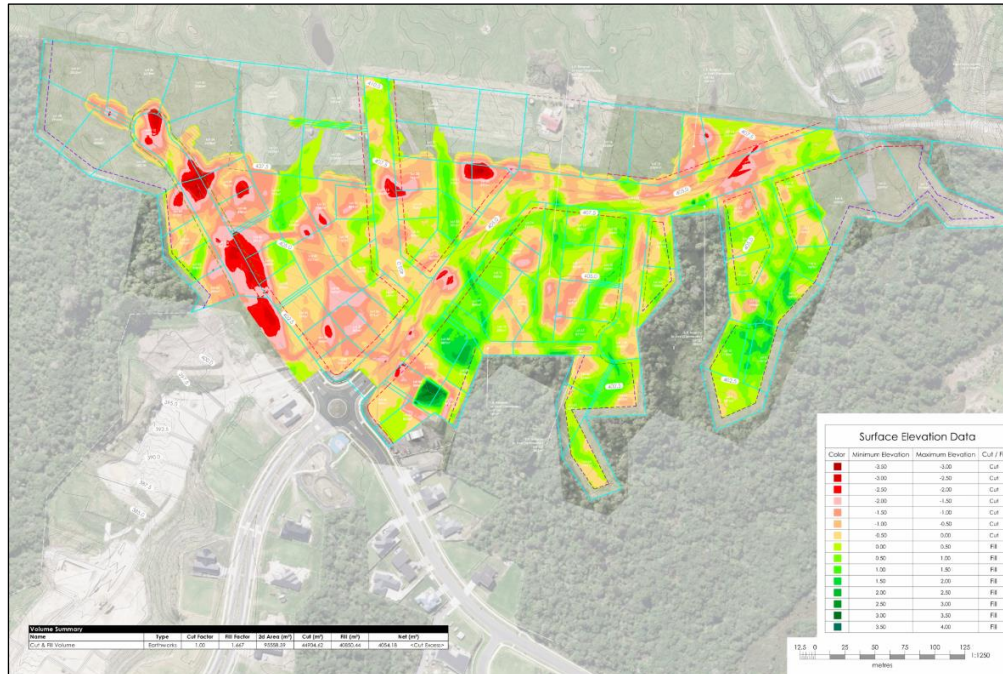


Image 9: Cut and Fill Areas

**Table 3: Table of non-compliant earthworks in 7.5m DoC boundary setback**

<b>Stage</b>	<b>Lot Number</b>	<b>Earthwork Exceedance in 7.5m DoC Boundary Setback</b>
Stage 9	50, 51, 122, 124,	1m cut, - 0.5m exceedance
	81, 83	1m cut, 1.5m fill – 1m exceedance
Stage 12	61, 62, 114, 63, 65, 66,	1m cut – 0.5m exceedance
Stage 13	10	1.5m cut – 1m exceedance
	115	2m cut – 1.5m exceedance
	11	1m cut – 0.5m exceedance

### 3.10. Lapse Date

A 10 year lapse period is sought for the subdivision and land use consent duration, instead of the default five year lapse period. The effect of this extended lapse period will be minimal and a longer lapse period is typical of subdivisions of this scale with multiple lots and stages. Furthermore, the earthworks / construction will be staged. As the application site is largely separated from any residential area (by surrounding reserves) which in turn ensures that any earthworks / construction effects are confined, the longer lapse / construction period will not affect any residential properties.

The land use consent should be considered given effect to once a code compliance certificate under the Building Act 2004 is issued for the first dwelling located within the low density area.



## 4. APPLICABLE REQUIREMENTS AND REGULATIONS

### 4.1. District Plan Considerations

The development site is subject to a split zoning between the Kinloch Residential Environment and Kinloch Low Density Residential Environment (see figure below). The site is not subject to any District Plan notations or overlays such as Outstanding Landscape Areas, Significant Natural Areas, or Fault Lines. There are no features or areas of historic or cultural significance identified on the site. The site has also been checked against the NZAA sites (via Archsite) and no waahi tapu or heritage sites are identified on the property.

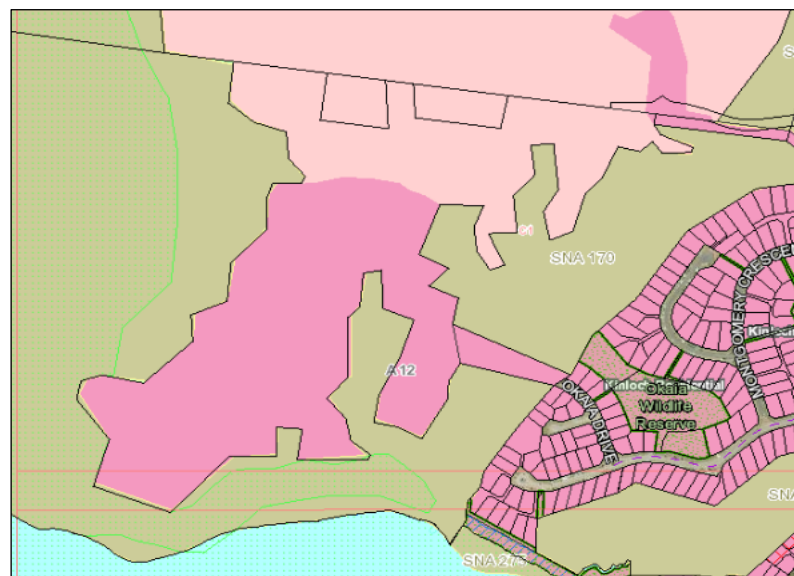


Image 10: District Planning Map (Source: Mapi)

The proposal is subject to the provisions contained in Section 4a (Residential Environment) and Section 6: Parking, Loading and Access of the Taupō District Plan.

The subdivision is a non-complying activity as the lots do not comply with the average and minimum lot sizes of 1.5ha and 1ha respectively required by Rule 4a.4.1 (Kinloch low density residential). As new roads and public infrastructure are required to be built, this is a restricted discretionary activity in accordance with Rule 4e.14.6 and 4a.3.3. Applying a bundling approach to the subdivision, new roads, and public infrastructure activities, the activity status is Non-Complying.

Performance Standard	Kinloch Low Density Residential	Compliance
Minimum Lot Size	1ha	Minimum lot size is 800m <sup>2</sup> and therefore unable to comply.
Average Lot Size	1.5ha	Average lot size is 1284m <sup>2</sup> and therefore unable to comply.

The land use is unable to comply with the Kinloch Low Density Residential Environment performance standards.

Performance Standard	Compliance	Comment
<b>4a.1.1 Building Coverage</b> 5%	<input checked="" type="checkbox"/>	It is proposed to allow 25% coverage as per the Kinloch Residential performance standards on lots less than 1200m <sup>2</sup> (Lots 4 -6, 10 – 13, 20 – 31, 36 – 53, 61, 62, 65 – 84). This will exceed the 5% limit by an additional 20%. It is proposed to allow 15% or 300m <sup>2</sup> whichever is larger, on lots 1200m <sup>2</sup> or larger (Lots 1-3 , 7 - 9, 14 - 19, 32 - 35, 54 - 60, 63, 64). This will exceed the 5% limit by up to 20%.
<b>4a.1.2 Plot Ratio</b> 7.5%	<input checked="" type="checkbox"/>	It is not proposed to have a plot ratio standard.
<b>4a.1.3 Total Coverage</b> N/A	<b>NA</b>	N/A
<b>4a.1.4 Minimum Building Setback – front boundary</b> 10m	<input checked="" type="checkbox"/>	For Lots 4 – 8, 10 – 13, 61 – 63, 66 - 68, 70, 72 in Stage 12 and 13 with access from Road 2 and 3 it is proposed to allow buildings to be built up to 3m from the road boundary, provided that the garage door is not facing the road. There will be a 3m front boundary setback for the façade of the dwelling, and 5m for the garage door façade.
<b>4a.1.5 Minimum Building Setback - all other boundaries</b> 10m	<input checked="" type="checkbox"/>	It is proposed to allow 1.5m setbacks from side boundaries, and 7.5m setbacks from the Scenic Reserve as per the Kinloch Residential performance standards for the lots less than 1200m <sup>2</sup> (Lots 4 - 6, 10 – 13, 20 – 31, 36 – 53, 61, 62, 65 – 84), and odd shaped lots greater than 1200m <sup>2</sup> (Lots 1, 7, 8, 9, 63, 64) . This is 8.5m and 2.5m less than permitted. For the other lots greater than 1200m <sup>2</sup> (Lots 2, 3, 14 - 19, 32 - 35, 54 - 60) it is proposed to allow 5m setbacks from side boundaries, and 7.5m setbacks from the Scenic Reserve boundaries, this is 5m, and 2.5m less than permitted.
<b>4a.1.7 Maximum Building Height</b> 8m	<input checked="" type="checkbox"/>	The maximum height will be less than permitted. 4.5m within 50m of Otaketake and Okaia Scenic Reserves and lots within Stage 12 and Lots 74 – 79 in Stage 9, and 7.5m for other dwellings.
<b>4a.1.12 Maximum Earthworks Disturbance of the allotment at any one time while developing</b> 10%	<input checked="" type="checkbox"/>	It is proposed to allow 90% of disturbance, an additional 80% more than permitted.

<p><b>4a.1.13 Maximum Earthworks</b> Outside of Building Setback. 1.5m vertical ground alteration outside the minimum building setback in a new face or cut and/or fill</p>	<input checked="" type="checkbox"/>	<p>Outside of the building setback there will be up to 4m cut/fill 2.5m more than permitted.</p>
<p><b>4a.1.14 Maximum Earthworks</b> Inside of Building Setback. 0.5m vertical ground alteration within the minimum building setback requirement</p>	<input checked="" type="checkbox"/>	<p>Inside of the building setback there will be up to 4m cut/fill 3.5m more than permitted.</p>

## 4.2. Regional Plan Considerations

The Waikato Regional Plan (WRP) contains the relevant rules, objectives and policies that relate to the earthworks.

The Applicant is aware that WRC's interpretation of "High Risk Erosion Area" conflicts with its own reading of the rule and the definition in the WRP. As such, the Applicant anticipates that the WRC may consider there to be a consent trigger pursuant to Rule 5.1.4.15 (the Applicant considers the earthworks to be permitted under the WRP). The relevant rule is set out below:

### **5.1.4.15 Discretionary Activity Rule – Soil Disturbance, Roading, Tracking, Vegetation Clearance, Riparian Vegetation Clearance in High Risk Erosion Areas**

*Except as restricted by Rule 5.1.4.16 the following activities, occurring in any continuous 12 month period and located in a high risk erosion area:*

1. *Roading and tracking activities exceeding 2,000 metres in length*
2. *Soil disturbance activities exceeding 1,000 cubic metres in volume (solid measure)*
3. *Soil disturbance activities exceeding two hectares in area*
4. *Soil disturbance activities resulting in a cut slope batter exceeding three metres in vertical height over a cumulative distance exceeding 120 metres in length*
5. *Vegetation clearance exceeding five hectares with the exclusion of planted production forests (except those restricted by Rule 5.1.4.16), and plant pests as specified in the Waikato Regional Council's Regional Pest Management Strategy*
6. *Riparian vegetation clearance which is within five metres on either side of the banks of a perennial water body which exceeds 100 metres in length per kilometre, with the exclusion of planted production forests, riparian enhancement programmes and plant pests as specified in the Waikato Regional Council's Regional Pest Management Strategy*
7. *Any riparian vegetation clearance within five metres of a Natural State water body as shown on the Water Management Class Maps except:*
  - i. *that which is required as part of the construction of a walking track no greater than two metres width, and*
  - ii. *the control of plant pests as specified in the Waikato Regional Council's Regional Pest Management Strategy*

8. Any activity specified in Rules 5.1.4.14 and 5.1.4.16, that does not comply with the conditions and standards and terms in Section 5.1.5; and any associated deposition of slash into or onto the beds of rivers and any subsequent discharge of contaminants into water or air are discretionary activities (requiring resource consent).

The proposal is therefore considered a discretionary activity in accordance with Rule 5.1.4.15 of the Regional Plan.

The earthworks will result in diversions of the natural flow patterns of the stormwater system. Therefore, a discretionary water permit is required under Rule 3.6.4.13.

### **3.6.4.13 Discretionary Activity Rule – Stopbanks, Diversions and any Associated Discharges of Water**

Where the diversion and subsequent discharge of water does not comply with Rules 3.6.4.6, 3.6.4.7, 3.6.4.8, 4.2.9.1, 4.2.9.2 or 4.2.9.3 any:

1. Damming or diversion of water by way of a stopbank, and
  2. Diversion of water, and
  3. The use, erection, reconstruction, placement, alteration or extension of any structure on or in the bed of a river or stream associated with the above activities that:
    - i. is undertaken after the date of notification of this Plan, or
    - ii. affects a Significant Geothermal Feature
    - iii. does not occur in a cave system;
- is a discretionary activity (requiring resource consent).

These consents have been sought.

## **4.3. Section 104 - National Environmental Standards (S104(1)(b)(i))**

There are currently the following National Environmental Standards:

- National Environmental Standards for Air Quality
- National Environmental Standards for Sources of Human 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
- National Environmental Standards for Plantation Forestry
- National Environmental Standards for Freshwater
- National Environmental Standard for Marine Aquaculture
- National Environmental Standard for Storing Tyres Outdoors
- National Environmental Standard for Greenhouse Gases from Industrial Process Heat

The National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect the Human Health (NESCS) are considered relevant to this proposal.

#### 4.3.1. National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect the Human Health (NESCS)

The NESCS controls the following activities:

1. Removing or replacing all or part of, a fuel storage system
2. Sampling the soil
3. Disturbing the soil
4. Subdividing the land
5. Changing the land use

This NESCS addresses the assessment and management of the actual and potential adverse effects of contaminants in soil on human health from particular activities. This proposal seeks to subdivide and disturb the subject site. Both activities are activities under the NESCS, when it takes place on a piece of land described under Regulation 5(7) which reads:

(7) *The piece of land is a piece of land that is described by 1 of the following:*

- (a) *An activity or industry described in the HAIL is being undertaken on it*
- (b) *An activity or industry described in the HAIL has been undertaken on it*
- (c) *It is more likely than not that an activity or industry described in the HAIL is being or has been undertaken on it*

The Subject Site is contained within the Kinloch Residential and Kinloch Low Density Residential Zones. In determining whether the Subject Site is a 'piece of land' under the NESCS, a search of the property file was undertaken in accordance with Section 6(2) of the NESCS and comment sought from both the Taupō District Council and Waikato Regional Council. Both Councils have advised there is no record of any NESCS activities having been undertaken on the site. The site is not identified by the Taupō District Plan as being 'contaminated'.

Given the above, it is considered that the site or any specific area is not considered a 'piece of land' under the NESCS and therefore the NESCS does not apply and further assessment or consent under the NESCS is not required. Furthermore, it is considered highly unlikely that there will be a risk to human health as a result of the proposed subdivision.

## 5. 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

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. The following consultation efforts were undertaken in relation to the original application:

- The landowners of Lots 1 and 2 DP 514174 (25 and 27 Kahikatea Drive)  
The applicant has engaged with the landowners of these sites. The sites now form part of this proposal.

Consultation is ongoing.

- Department of Conservation.  
The original proposal and scheme plan were emailed to the DoC in mid-April 2023. A site meeting was undertaken in early May, where DoC staff saw the constructed development and the location of the proposed development. DoC staff were unable to provide comment until iwi respond. No submission was received from DoC on the original publicly notified proposal.
- Representatives from Ngā Hapū O Te Hauauru  
The original proposal and scheme plan were emailed to Te Kōhātahitanga o Tūwharetoa, and the Chair of Nga Hapū O Te Hauauru in mid-April 2023. An email response was received from the Chair in April saying the Hapū would receive strategic policy advice, and hui. The Chair has been kept up to date with progress on the proposal.
- Representatives from Kinloch Community Association, and Kinloch Families Trust, and Kinloch Community in general.  
An open day was advertised through the Kinloch Community Association (2.6k followers), and Kinloch Families Trust (1.3k followers) Facebook pages, and physical adverts on site in June 2023. The open day was held on the Sunday of King's Birthday weekend to enable holiday homeowners to attend if they were in Kinloch for the long weekend. Community members unable to attend the open day were encouraged to email the applicant's consultant for information and to provide their feedback.

The scheme plan and FAQ sheets about the proposal were provided, and multiple methods were offered for receiving feedback, including a QR code to enable online feedback.

Smaller meetings were held with people that couldn't attend the open day. There have been numerous general questions asked of the applicant and a variety of responses received from the community to date. This includes:

- Comments on earthworks, and how they don't like building platforms that have been built up;
- How is the developer considering climate resilience, and civil defence?;
- Traffic on Kahikatea Drive will increase;
- How is stormwater being managed?;
- Is there a provision for a school and shops? Kinloch needs more shops.;
- We don't want shops.;
- This will result in a lot more people living in Kinloch.;
- Is there any open space / parks reserves?;
- When will construction start?;
- Developments look good.;
- The Marina and boat parking won't cope with additional demand.;
- There are not enough services to cater for additional people.;
- Kinloch will need more security cameras.;
- Kinloch will no longer have village feel.;
- Growth is good for the community.;
- When will the sections be ready, and how much will they sell for?;
- Requesting more native planting areas and for these to be covenanted.

The application includes information and proposed conditions which addresses the substantive matters raised by the queries noted above. In that regard, a construction management plan will be required to be implemented which will manage construction effects such as dust, noise, vibration, and hours of operation. The construction effects are temporary, and the purpose of earthworks is to even out the topography of the site to create suitable building platforms.

A traffic assessment has been completed which concludes effects will be minor on the Kinloch and surrounding road network.

Stormwater will be managed and treated in accordance with TDC Code of Practice, and Waikato Regional Council guidelines. Adhering to the Code of Practice ensures that the development takes into account climate change in stormwater calculations and having multiple treatment methodologies before the water discharges off site.

Development contributions paid by the developer will contribute to the upgrade of local facilities which may face increased demand with additional population such as Kinloch Domain and lake front reserves.

The embankment along Kahikatea Drive has been planted in natives and covenanted.

Consultation is ongoing with the Kinloch Community.

- Taupō District Council

A pre application meeting was held with Taupō District Council planners and development engineer on 6th May 2022.

At the meeting matters to be considered in the application were discussed including:

- Public Notification
- Active Reserve Space
- Commercial Area
- Servicing
- Landscape and Visual Assessment, Traffic Assessment
- Consultation

See details of the consultation in Appendix 6.

As a result of the public notification process, and submissions on the original application, this application seeks to address some of those concerns raised. The number of lots has decreased from 100 to 84, and the minimum size of lots has increased from 492m<sup>2</sup> to 800m<sup>2</sup>. Larger lots are now included along the northern part of the site to achieve a better size transition from the 800m<sup>2</sup> lots in the south to the 1ha lots to the north, as per objectives of the KCSP. The subject site has also increased by 2ha, as the two adjoining neighbours have agreed to have their properties included in the proposal. An ecological survey was undertaken, and effects on significant indigenous flora and fauna considered.

## 6. ASSESSMENT OF ENVIRONMENTAL EFFECTS

### 6.1. General Assessment

The proposal will not generate adverse effects which will extend beyond the wider Kinloch Environments (Residential, Low Density or Rural Residential). While development standards of the Kinloch Low Density Zone will be breached or exceeded, the scale and character of the proposal is consistent with the surrounding developments within Kinloch Environments, and largely consistent with the Kinloch Residential Zone standards. The proposed landscaping and high-quality development controls proposed via conditions ensure that the effects of the development will be minimal and no more than minor, including in relation to the immediately adjoining low density residential properties to the north of the Subject Site. There will be negligible adverse effects on the existing environment.

Within the Subject Site, there is approximately 14ha of Kinloch Low Density Residential zoning, and 1.4ha of Kinloch Residential zoning.

The proposal involves subdividing the Subject Site into 84 residential lots; 3 stormwater reserves to vest; 1 Local purpose reserve to vest and 7 road lots to vest. The subdivision is proposed to be completed in 5 Stages with the intention that more than one stage could be jointly completed. The minimum lot size is 800m<sup>2</sup>, and the average lot size is 1284m<sup>2</sup>. As a consequence, the proposal breaches the minimum lot size and average lot size standards in the Kinloch Low Density Residential zone but meets the Kinloch Residential zone standards. The Kinloch Residential Environment bulk and location provisions are proposed for lots less than 1200m<sup>2</sup>, and bespoke bulk and location provisions are proposed for lots 1200m<sup>2</sup> or greater, which results in the Kinloch Low Density Residential standards being breached or exceeded. Due to the isolated nature of the subdivision, separated from existing



development in Kinloch by the Otaketake and Okaia Stream Scenic Reserves, and the continuation of the Seven Oaks subdivision using the same bulk and location controls, the effects of the non-compliances will effectively be internalised and will create a new character of development, and one which will enhance the overall quality and amenity of residential development within this area.

Because the proposed subdivision is to be assessed as a non-complying activity, all matters can be considered. The following assessment uses the matters for which Council has reserved control, and the matters for which Council has restricted its discretion in terms of new road and public infrastructure as a basis for the assessment. As a non-complying activity, the effects of the non-compliances with bulk and location and earthwork performance standards are assessed for the land use consent.

## 6.2. Subdivision

### 6.2.1. Subdivision Design

The subdivision assessment criteria in Rule 4a.4.2 of the Taupō District Plan have been used as a reference point for the following assessment as these matters address the range of potential effects of the proposal:

- a. *The design and layout of the subdivision to ensure safe and efficient access onto existing and/or proposed roads, suitable building platforms to accommodate future complying buildings and adequate management of stormwater.*

The subdivision is designed so the proposed roads are compliant with the Taupō District Council Code of Practice for the Development of Land. All right of ways will be compliant with required legal and formed widths. The site will be contoured for suitable building platforms to accommodate future complying buildings. Stormwater will be managed effectively, with each future building required to have onsite disposal, and stormwater from the roads and footpaths will be collected and treated as described in the Engineering Services Report.

The CKL Traffic Assessment (Appendix 5) concludes that the surrounding road network and intersections will accommodate the additional traffic generated by the proposed subdivision. The effects of the site related traffic at the intersections at either end of Control Gates bridge will be negligible, and are also mitigated by payment of Transport Development Contributions for each lot. The effects of the subdivision on the surrounding local road network will be less than minor.

- b. *The identification of any natural hazards or contaminated sites and how these may affect the stability of the land and suitability of any future building sites, including any information provided by a suitably qualified person whose investigations are supplied with the subdivision application.*

There are no identified natural hazards or contaminated sites within the Subject Site that may affect the stability of land, and suitability of any future building sites.

- c. *Whether the desired environmental outcome with a consistent and appropriate standard of infrastructure is achieved such as through compliance with the Council's Development Guidelines and Structure Plans.*

The standard of infrastructure is consistent with that in the previously constructed and consented Stages 1 – 8 of Seven Oaks Development. This exceeds that required by the Council's Development Guidelines. Cycleways and footpath links are continued, as are stormwater reserve connections and open space. Therefore, it is considered the subdivision achieves, and indeed will exceed, the desired environmental outcome.

- d. *The extent to which earthworks and vegetation removal is required to create vehicle tracks and building platforms.*

No vegetation removal is required – other than the existing pasture. Earthworks will be required over the whole site to contour the land, and to form the required infrastructure such as roads and stormwater systems. As the subdivision is staged, the earthworks will be undertaken stage by stage over time. It is anticipated that around 45,000m<sup>3</sup> of in situ cut will be required, and 41,000m<sup>3</sup> of in situ fill will be required throughout the entire development.

The earthworks will be designed to largely achieve a cut to fill balance within the site. All fill material will be sourced from within the overall Seven Oaks site, and no material will be transported on or off the site. Every effort will be made to avoid earthworks within the 7.5m setback from the DoC reserve boundary, and a condition of consent is proposed to that effect. There will be instances where due to the existing topography earthworks are greater than 0.5m within the 7.5m setbacks which results in a non-compliance. The existing ground level at the scenic reserve boundary will not be altered and will remain at the current level. Therefore, effects on the reserve caused by the earthworks will be less than minor.

Given the large area of open space, any earthworks greater than 1.5m depth outside of the 7.5m setback (i.e. internal to the site) will have less than minor effects. Normal practice erosion and sediment control will be in place to avoid any adverse effects off site and will be monitored by Waikato Regional Council as a condition of their consent.

- e. *Any actual or potential effects on areas or features of cultural, historic, landscape or natural value as identified in the plan.*

There are no areas or features of cultural, historic, landscape or natural value as identified in the plan within the site. The adjoining Otaketake Scenic Reserve is classified as a Significant Natural Area, and parts of this reserve are classified as an Outstanding Landscape Area. The proposal will have no adverse effects on the natural character values of the Otaketake Scenic Reserve (refer to Landscape and Character Assessment in Appendix 4). The subdivision meets all stormwater design criteria required by both Taupō District Council and the Waikato Regional Council. All reasonable steps and precautions will be taken, and a best practice approach will be implemented during construction to avoid any adverse effect on the scenic reserve including in relation to stormwater runoff, erosion control, and potential discharge of contaminants (for example sediment). The adverse effects on the scenic reserve caused by the earthworks will be avoided or otherwise mitigated and/or immediately remedied through the implementation of Earthworks/Construction Management Plans and good communication between authorities, the applicant, contractors and DoC. Erosion and Sediment Control plans will need to be approved by Taupō District Council prior to the start of construction and proposed conditions of consent require implementation of these plans.

Works of this nature are required when residential development occurs within residentially zoned land. The advantage of requiring Earthwork Management Plans and Erosion and Sediment Control Plans prior to construction means that more detailed design would have occurred by this stage, identifying the risks and methods to avoid, remedy or mitigate these risks. The contractor undertaking the work will also have been appointed and will have an ability to participate in the drafting of the construction management plan. The contractor will be the principal party responsible for controlling environmental effects such as noise, dust, and sediment runoff. Contractors will be informed of their obligations and duties in relation to implementing relevant management plans and compliance with conditions of consent. The earthworks will be monitored by Waikato Regional Council, and Erosion and Sediment Controls approved by them as per their consent conditions.

An archaeological site is located within the adjoining reserve 200m west of the Subject Site. Given the large separation distance to this archaeological site, there will be no adverse effects on the cultural or historical value of this archaeological site.

An archaeological assessment of the site was undertaken in 2020 as part of the consent application for Stages 2 – 9 which concluded “*there are no recorded archaeological sites within Lot 3 DP 514174 and no evidence of unrecorded archaeological sites were identified during the inspection of the property*”. The subject site (Stages 9 – 13) is located within the area that was investigated as part of this archaeological assessment. Therefore, there are not any known archaeological sites within the property. Nevertheless, if any unrecorded sites are encountered a general authority will need to be obtained from Heritage New Zealand so the sites can be investigated and recorded in accordance with the legal requirements of the New Zealand Pouhere Taonga Act 2014, and development to progress. Therefore, any actual or potential effects on the Scenic Reserve will be less than minor.

- f. *The imposition of conditions in accordance with Sections 108 and 220 of the Resource Management Act 1991.*

The imposition of conditions is expected. It is anticipated these will cover Construction Management, Earthworks, Landscaping/Planting, Lighting, Fencing, Engineering – services, stormwater, roading, Code of Practice, and Consent Notice requirements.

- g. *Any potential adverse effects from Natural Hazards, including flood inundation or erosion from the District's waterways and Lakes.*

There are no specific Natural Hazards identified within the Subject Site. There are no waterways, fault lines, erosion hazard areas, hot ground hazard areas, or land instability areas. Therefore, the potential adverse effects from Natural Hazards are less than minor.

- h. *The need for the creation of walking and cycle ways that provide or improve linkages to reserves and the roading network.*

Walking and cycle ways are a key feature in the design of this subdivision. The major roads within the subdivision have a separate designated cycle path and walking path. The minor roads have a combined footpath and cycleway. The subdivision creates multiple linkages and connections through the subdivision and to wider Kinloch. Indeed, these features represent a positive effect of the development. Kahikatea Drive is a key linkage that will provide a second access for the rest of the Seven Oaks Subdivision.

- i. *Any natural, ephemeral water course, drainage gullies and overland flow path through the subdivision and the effect that development may have on them and of the effects of any changes in the catchment flow characteristics on the downstream catchment and landowners.*

The subdivision will change the existing overland flow paths, and catchment flow characteristics as the site is contoured and hard surfaces replace pasture. However, all stormwater created by the subdivision will be collected, treated and discharged to ground on site in accordance with Waikato Regional Council and Taupō District Council guidelines. These changes are not considered to have any effect on the downstream catchment and landowners.

- j. *Whether or not the new allotments are to be connected to a centralised wastewater treatment plant.*

All residential lots will be connected to Kinloch's wastewater treatment plant.

### **6.2.2. Lot Density**

The proposal will result in an additional 68 lots compared to the 16 lots which are enabled by the district plan. The area available for residential lots is approximately 11ha. This includes approximately 10ha of low density zoned land, and 1ha of residential zoned land (that is the residential lot area only ie excludes the 3ha of road and reserve areas). Based on the underlying zoning (i.e., "split zone"), the complying density within the Subject Site is 6 low density lots (10ha / 1.5ha), and 10 residential lots (1ha/1000m<sup>2</sup>) – 16 lots in total.

The proposal is designed to provide a high quality, high amenity residential development which is consistent with the scale and character of nearby residential development and previous Stages 1 – 8 of Seven Oaks. In that regard, 11ha will be developed into 84 residential lots, and 3ha will form roads and reserves.

The Kinloch Structure Plan refers to Kinloch Residential Zone as High Density (being lots average 1000m<sup>2</sup>), Kinloch Low Density Residential Zone as Medium Density (being lots average 1.5ha), and Kinloch Rural Residential as Low Density (being lots average 2.5ha). High Density Residential is also used as Commercial Nodes.

There is a need for additional housing supply. Kinloch, and this land in particular, is already identified for residential development. The proposal will not compromise any infrastructure provision for Kinloch and will achieve a balance between providing residential development capacity and ensuring high amenity, high quality outcomes.

While the density of the proposal does not adhere to the density standards for the Low Density Zone, it does for the Residential Zone of the Kinloch Community Structure Plan. The proposal reflects the density *pattern* anticipated. As illustrated in the figure below (Image 11), the Kinloch Residential zoning extends up to 1200m from the lake front. The proposed subdivision in the Kinloch Low Density Residential Zone with a Kinloch Residential density would extend up to 980m from the lake front, which is less than the extent of the existing Kinloch Residential Zone. This maintains the radial density, and residential character as intended by the Kinloch Structure Plan.



**Image 11: Extent of Kinloch Residential Zoning (black), and proposed extent of development from lake front (blue)**

Indeed, there is no rationale for the boundary location between the two zones at this location. It does not follow a property boundary, contour line, or topographical feature. There are no natural hazards to avoid, nor any constraints on servicing, roading networks, or water quality. Such an arbitrary delineation is problematic from a development design perspective and the proposed subdivision design provides for a transition in lot size between the two zones as anticipated by the Structure Plan much better than an arbitrary change over the zone delineation line.

### 6.2.3. New Roads and Infrastructure (Rule 4a.3.3)

As a restricted discretionary activity for new roads, and public infrastructure the Council reserves discretion for the purposes of:

- a. The matters a – g above;
- b. The impact of the resulting development on the ability of the wastewater, storm water and drinking water infrastructure to service the new development;

Within the subdivision, new wastewater, stormwater and drinking water infrastructure will be required. The necessary wastewater and drinking water infrastructure will connect to existing infrastructure as outlined in the Engineering Services Report (Appendix 3). This infrastructure has sufficient capacity to service the new development.

- d. The impact of the resulting development on the ability of the roading networks to safely and sustainably operate and service the new development;

As demonstrated by the Traffic Impact Assessment (CKL, 2022) ("CKL Assessment"), the resulting development will have less than minor adverse effects on the road networks. The CKL Assessment concludes that the connection roads to the east, Okaia and Lisland Drives have more than sufficient capacity for the additional vehicles expected from the proposed development. In terms of the wider roading network of Whangamata Road and Poihipi Road through to Taupō township, traffic generation from the residential lots will have inconsequential impacts over and above the entire development potential of Kinloch (some 2000 Lots).

e. *Whether or not the lots will be adequately serviced for drinking water;*

All lots will be connected to Council reticulated water supply. The engineering services report demonstrates there is sufficient capacity in the community supply.

f. *The effect that the development will have on the storm water catchment.*

Stormwater management systems have been designed for each stormwater catchment within the site to cater for at least a 10 year, 1 hour storm rainfall depth in accordance with the Code. The design of the primary disposal system is conservative to ensure that actual storage of runoff exceeds the 10 year, 1 hour requirement and that only extreme events will discharge flows off site and only once significant treatment has occurred for initial flows through filtration and settlement within the ponds. Secondary overland flow paths and emergency spillways are provided for. The overland flow from the adjacent upstream property has been taken into account and provided for by designed overland flow paths. Therefore, it is considered the effect that the development will have on the stormwater catchment is considered to be less than minor.

#### **6.2.4. New Road (Rule 4e.14.6)**

For the purposes of Rule 4e.14.6 (New Road) the matters over which the Council reserves discretion are:

- *Noise*

The noise of the construction of the new roads will meet the requirements of New Zealand Standard NZS 6803:1999 Acoustics Construction Noise. Therefore, effects are negligible.

- *Ecological effects*

New roads will be constructed over existing pasture with low ecological value. Once the roads are constructed street trees will be planted, wildlife sensitive street lighting will be implemented and landscaping carried out. Stormwater from the roads will be collected, treated, and discharged to ground. Accordingly, the ecological effects of new roads will be less than minor.

- *Landscape/visual amenity.*

The construction of new roads will cause a change in the landscape from existing farmland to a residential subdivision. The location of the site is well screened by the Scenic Reserves. A change in the existing farmland is anticipated by the District Plan in any event. Accordingly, the effects of new roads on landscape/visual amenity will be less than minor.

#### **6.2.5. Traffic Assessment**

The proposed development will create 84 residential lots (68 residential lots (and dwellings) more than enabled by the Taupō District Plan). The additional lots may result in potential traffic effects from additional traffic volumes. However, future development on each lot will constitute a single dwelling which is expected to generate 6.9 trips per day. This is much lower than what the Taupō District Plan allows which is 24 evm per lot per day.

Considering the overall development, the proposed additional 68 residential lots will generate an extra 600 trips per day. This is a conservative estimate given that Kinloch is a very popular holiday home destination, and it is likely that at some times of the year vehicle movements will be much less than this.

CKL undertook a traffic impact assessment and concluded the transportation effects of the proposed development will be less than minor on the surrounding local road network. Intersection modelling showed that the intersections can facilitate the proposed development with other nearby committed developments without any significant adverse effect. The proposed development will have negligible effects on the existing congestion at Control Gates Bridge. Development Contributions from the development will contribute towards funding of a second bridge. This will offset the longer term traffic impacts of the development and its surrounds. Overall CKL conclude that *“the transportation effects of the proposed residential development will be less than minor on the surrounding local road network and that there is no traffic or transportation reason why resource consent cannot be granted”*.

I agree with this report and conclude that traffic effects as a result of the proposed subdivision will be less than minor.

## 6.3. Land Use Effects

### 6.3.1. Character and Amenity

The proposed development will generate some effects on the character and amenity of the area, given that there will be a change from the current undeveloped, open area that exists at present. The proposal to apply the Kinloch Residential standards (as opposed to the Kinloch Low Density Residential Standards) will also mean a change to the character and amenity anticipated by the District Plan. However, as explained below, it is considered that the proposal will not result in adverse effects on character and amenity beyond a minor level.

#### **Existing Site Character**

The character of the application site is 'undeveloped urban land'. The term urban is used due to the Kinloch Low Density Residential and Kinloch Residential zoning. In addition, the site is positioned adjoining and including the Kinloch Residential zone, will be fully serviced, will have streetlights, and footpaths. The site itself, subject to this application, contains one dwelling which will be subdivided off in the first stage, the rest of the site does not contain any buildings nor any vegetation of significance, it is mainly in grass. The site is bordered on the west and east by the Otaketake and Okaia Stream Scenic Reserves; to the north a 62ha farmed property which is consented to be developed into 40 lifestyle lots; and to the south Seven Oaks residential subdivision.

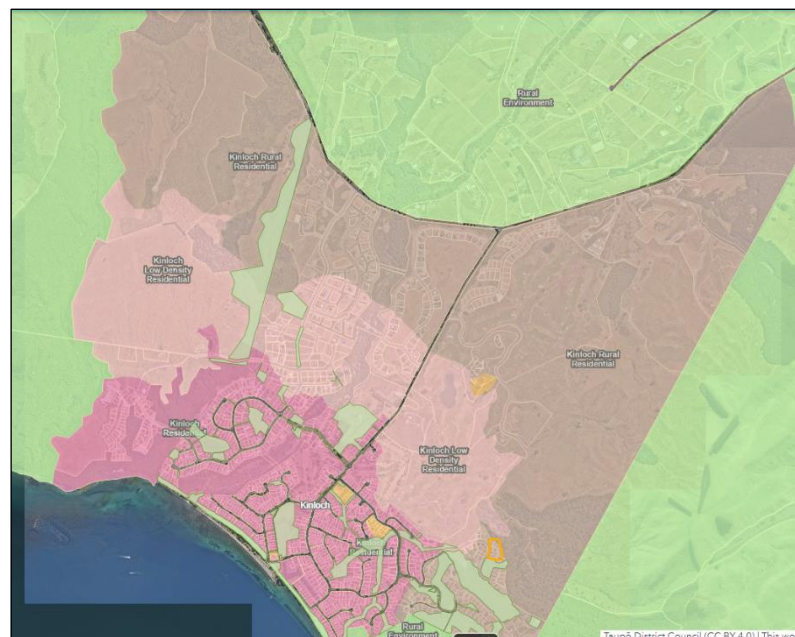
#### **Surrounding Character**

To the north of the subject site, is land also owned by the applicant. The applicant obtained subdivision and land use consents (RM230206 – 207) to develop 55 lots (40 Low density residential lots, and 15 residential lots). Stage 1 is completed and Stage 2 is under construction.

Other than the scenic reserves which dominate the surrounding character of the proposed subdivision, further afield Kinloch township is characterised by mostly residential forms of development of differing densities that form unique neighbourhoods which are described as follows. A key characteristic of Kinloch is cul-de-sac layout. Within Lisland subdivision (Kinloch Residential Zone) the lots range from 680m<sup>2</sup> to 2800m<sup>2</sup> with the majority being around 1000m<sup>2</sup>. Lots in Oakdale subdivision to the south of Kahikatea Drive (Kinloch Residential and Kinloch Low Density Zones) are between 1200m<sup>2</sup> and 3500m<sup>2</sup> with the average size being around 1600m<sup>2</sup>. Dwellings have been constructed upon most lots with landscaping of the lots developing. Development on these lots is

controlled by consent notices. The area has developed with mostly large dwellings both single storey and two storeys.

Within the original Kinloch village development consists of residential and three areas of high-density residential zoning. Most lots are around 800m<sup>2</sup> with traditional, smaller scale dwellings. However, the character is slowly changing as a number of consents have been granted to redevelop or extend buildings resulting in greater building coverage. In Kenrigg Road, in the high-density residential zoning there is no minimum lot size and 50% building coverage. On the eastern fringes of Kinloch Village is Locheagles subdivision within the Kinloch Rural Residential Zone. Within Locheagles there is development which has average lot sizes of 528m<sup>2</sup> and 40% building coverage which results in dwelling sizes of around 211m<sup>2</sup>.



**Image 12: Locations of zoned and consented high density (ie lots about 600m<sup>2</sup> or less) marked orange**

As mentioned earlier, much of the established development in Kinloch does not reflect the intent of the Kinloch Structure Plan, nor the current District Plan as the development was consented before the Kinloch Structure Plan came into effect. The intent of the structure plan was to create a radial density to have an average of 1000m<sup>2</sup> lots in the Residential Zone closest to the lake, an average 1.5ha lots in the Kinloch Low Density Residential Zone (a band in the centre of the valley), and an average of 2.5ha in the Rural Residential Zone to allow for the development of a peri-urban amenity and character, before the rural zoning at Whangamata Road.

Overall, Kinloch consists of standard, established residential development interspersed with vegetated and open reserves and pockets of higher coverage housing. The density of development tends to decrease the further the distance away from Lake Taupō

### **Plan Enabled Character**

The site is zoned to be residential. In the Kinloch Residential Zone lot sizes are permitted to be a minimum of 800m<sup>2</sup> and an average of 1000m<sup>2</sup>. In the Kinloch Low Density Residential zone lot sizes are permitted to be a minimum of 1ha and an average of 1.5ha. Within the Subject Site there is approximately 10ha of Low-Density Residential zoning, and 1ha of Residential zoning (that is



developable into residential lots ie excluding road and reserve areas), therefore as a controlled activity there can be 6 lots in the low density zone, and 10 lots in the residential zone (a total of 16 lots). Over the 16 lots there is permitted to be 9250m<sup>2</sup><sup>2</sup> of building coverage.

Within the Low-Density zone buildings are permitted to be 8m high, with 10m building setbacks, and 5% building coverage.

Within the Kinloch Residential zone buildings are permitted to be 7.5m high, or 4.5m high within 50m of the scenic reserve, with 7.5m building setbacks from scenic reserve, and 1.5m from other boundaries. Building coverage is permitted to be 25%. The District Plan expects this area to be of residential character.

### **Character and Amenity Assessment**

In addition to the lot density which has been discussed earlier, applying the Kinloch Residential Rules, which allows 25% building coverage on lots less than 1200m<sup>2</sup>, and the proposed 300m<sup>2</sup> or 15% (whichever is greater) on lots 1200m<sup>2</sup> or greater the built form will increase from the anticipated 7.5% building coverage in the Kinloch Low Density Residential zone. However, when subdividing smaller lots, it is impractical to maintain the 7.5% building coverage (60m<sup>2</sup> to 75m<sup>2</sup> building). 25% building coverage on a lot that is 800m<sup>2</sup> to 1200m<sup>2</sup> results in a 200m<sup>2</sup> to 300m<sup>2</sup> building. The greater of 15% or 300m<sup>2</sup> building coverage on a 1200m<sup>2</sup> to 3451m<sup>2</sup> lot results in a 300m<sup>2</sup> to 517m<sup>2</sup> building coverage.

The proposed lots will have a 5m building setback from the main roads within the subdivision and 3m from minor cul-de-sac roads. These setback distances maintain an open corridor/spacious feeling through the main corridors of the subdivision, and a more intimate feeling within the cul-de-sac enclaves. Pedestrian and road safety is still maintained in the cul-de-sacs as proposed garage façade is still required to be 5m from the front boundary.

It is proposed to allow 1.5m setbacks from side boundaries, and 7.5m setbacks from the Scenic Reserve as per the Kinloch Residential performance standards for the lots less than 1200m<sup>2</sup> (Lots 4 - 6, 10 - 13, 20 - 31, 36 - 53, 61, 62, 65 - 84), and odd shaped lots greater than 1200m<sup>2</sup> (Lots 1, 7, 8, 9, 63, 64) . This is 8.5m and 2.5m less than permitted. For the other lots greater than 1200m<sup>2</sup> (Lots 2, 3, 14 - 19, 32 - 35, 54 - 60) it is proposed to allow 5m setbacks from side boundaries, and 7.5m setbacks from the Scenic Reserve boundaries, this is 5m, and 2.5m less than permitted. These setbacks will create a character and amenity consistent with the Kinloch Residential environment.

No plot ratio standard is proposed given the majority of the lots can only build single storey, and the Taupō District Council is proposing to remove plot ratio from the residential rules in the near future.

The KCSP provides direction for a 'strong framework of tree and vegetation planting' where subdivision is proposing a higher density than allowed for by the District Plan. Within Stage 9 there are stormwater reserves which will be landscaped, and Kahikatea Drive, and a cul-de-sac which provides a sense of open space. In addition, the east of the subdivision is surrounded by fingers of the Okaia Stream Scenic Reserve, and the west is surrounded by the Otaketake Stream Scenic Reserve which contains dense vegetation and provides a strong framework of trees and vegetation. This also provides significant amenity value to the subdivision.

<sup>2</sup> Low Density = 6 lots x 1.5ha x 7.5% coverage + Residential Density 10 lots x 1000m<sup>2</sup> x 25% coverage = 9250m<sup>2</sup>

A 1.8m black fence that is non-climbable, transparent and tamperproof will be erected along the western and eastern boundaries of the subdivision where it adjoins the Otaketake and Okaia Stream Scenic Reserves as already implemented in Stages 1 - 8. This fence will protect the Scenic Reserve from potential damage and protect the existing character and amenity, as people will be forced to use the official access tracks. In addition, the developer will impose a covenant which restricts access from a privately owned lot into the scenic reserve and prevents owners from undertaking any non-essential clearance, trimming or otherwise alter the existing vegetation within the Scenic Reserve or Taupō District Council Reserves.

Height limits will be reduced. The Kinloch Low Density Zone allows for 8m heights. It is proposed to limit this to 7.5m, and 4.5m within 50m of the scenic reserves or within Stage 12 and Lots 73 – 79 in Stage 9 as per the Kinloch Residential performance standards. This height limit reduction will contribute to the maintenance of the Residential character and amenity. Other residential standards relating to building coverage, height to boundary, rear and side setbacks will be applied which will ensure that the resulting development is of an acceptable scale and layout.

When viewed externally, most of the lots cannot be seen or are framed by the significant vegetation with DoC reserve sitting in the foreground and/or background. This vegetation will significantly soften any view of the future dwellings in this location. These factors are considered to have minimal adverse effects on character and amenity.

### **Conclusion**

The proposed building coverage, setbacks, and earthworks exceedances will change the character and amenity of the existing undeveloped environment; however, the character and amenity effects are considered to be less than minor.

### **6.3.2. Landscape / Visual Impact**

The 14ha application site is presently an open undeveloped site in grass. Therefore, the proposed residential development of 84 residential lots / dwellings will result in a visual change within the immediate environment and potential adverse landscape / visual effects from:

- The built form;
- The reduced amount of open space;
- Building bulk dominance.

A change to the landscape in the immediate environment is expected for this location as enabled by the Kinloch Residential and Kinloch Low Density Residential Zones. While the proposal will result in a higher density of development within the LDRZ, it will nevertheless have a minimal (less than minor) effect on the overall landscape and will have minimal visual impact. The following assessment addresses the visual effect from the proposed changes to the current zoning, not from its current appearance.

### **Assessment**

Michael Graham of Mansergh Graham Landscape Architects undertook a Landscape and Visual Assessment which is appended to this application. The report describes the surrounding landscape and visual features in relation to the Subject Site:

"When viewed from publicly accessible surrounding locations, the application site is characterised by the rounded ridgeline on which it sits, and the bush clad Otaketake and Okaia Stream Scenic Reserves which separate the elevated land within the application site from Kinloch Village on the valley floor and the adjacent land to the west. From some locations the vegetation within the reserves screens the application site and the pasture that interweaves with the Otaketake and Okaia Stream Scenic Reserves. While the application site is largely obscured by the vegetation when viewed at proximity and from lower elevations, when viewed at a distance and from higher elevations, views of the site are more readily available. As a consequence, both glimpsed and wider views of the site and the previously consented stages of the Seven Oaks development can be discerned from view locations below the application site".



**Image 13: Looking West from Locheagles towards site (Source: Mansergh Graham Seven Oaks Landscape Assessment 2024)**

The proposal, which would provide for a density of development consistent with the Kinloch Residential Zone (as described above), will result in minimal effects on landscape and character of the surrounding environment. This is because the subdivision is located on an elevated landform with significant extent of surrounding vegetation. The subdivision will not result in the visual obstruction of any significant features behind it, nor will it appear out of character within the surrounding context.

The Landscape and Visual assessment make the point that:

*From a landscape character perspective, the variation in the density transition location results in an imbalance in the distribution and extent of the Kinloch Residential Area density within the western portion when Kinloch is viewed as a whole. This variance reduces the overall legibility of Kinloch as it alters the general density transition location and extent of the Kinloch Residential Area density. The application of the Kinloch Residential Area density within the area of the proposed development remedies this discrepancy. While it is acknowledged that cadastral lines of this nature may themselves be arbitrary, applying a degree of consistency in the broad location of the transition between densities enhances the overall legibility of the town and improves its coherence and aesthetic appeal through balancing the level of development within the broad valley.*

This supports the conclusion that the proposal will result in a development which provides a transition in density of development which will enhance the overall legibility of Kinloch, including its aesthetic appeal. Furthermore, due to the unique location located on a slope and surrounded by dense vegetation only parts of the site may be visible from Kinloch Township. Broad views of the development may be visible from Lake Taupō however this is only visible at some distance. As one moves closer to the shoreline, the recession plane steepens and foreground elements become more dominant within the view, obscuring the development's visibility.

The earthworks will not change the ground level of the site in relation to the adjacent reserves. The purpose of the earthworks is to contour the site to create suitable building platforms on future lots, and to create the infrastructure. The finished ground levels will reflect the contour of adjoining sites. The earthworks greater than 0.5m within the 10m setback have been minimised as much as possible. The Landscape and Visual Assessment concludes that overall, adverse effects of the proposed subdivision on the existing landscape character and visual amenity values range between Low and Very Low. I concur with this assessment and agree that the overall development is considered to result in less than minor effects on the landscape and amenity of the receiving environment.

### **Conclusion**

Whilst there will be a change from an undeveloped paddock to a residential subdivision, change is anticipated by the District Plan Zone and the Proposal will have an effect on the existing environment that is less than minor. The key issue is the potential effects of the increased density (additional 68 lots) within the KLDZR. Overall, it is considered the effects of the increased density, and applying the Kinloch Residential Zone performance standards to the Kinloch Low Density Residential Zone will have less than minor landscape / visual effects on the Scenic Reserves and the wider Kinloch Environment. The unique characteristics of the site such as topography, existing vegetation screening, the consented residential development adjoining the site and separation from the developed Kinloch contribute to the mitigation of adverse visual and landscape effects to a less than minor extent.

### **6.3.3. Privacy and Outlook**

Applying the Kinloch Residential Zone performance standards to the Kinloch Low Density Residential Zone will result in built form similar to the establishing character of the residential development in Kinloch. The existing adjoining residential landowners (Lots 1 and 2 DP 514174) have agreed with the applicant to have their properties included in the application. Therefore, their approval is inherent in the application.

Within Stage 12 and Lots 73 – 79 in Stage 9 the building heights will be reduced to 4.5m to improve the outlook for the existing dwelling located on Lot 2 DP 514174. Many of the future dwellings will be orientated to take advantage of Lake and Mountain views to the south, and therefore will not directly look towards the dwelling. Lots greater than 1200m<sup>2</sup> that share a boundary with the lot with the dwelling will maintain a 5m building setback, to ensure privacy and outlook effects will be minor.

Within the scenic reserves adjoining the proposed subdivision there are no formed walking / biking tracks (other than trap lines). Therefore, the privacy and outlook effects on the DOC reserves are considered negligible.

Other properties within Kinloch further to the east are unaffected in terms of privacy and outlook given the substantial separation and tall vegetation within the reserves.

There are not considered to be privacy or outlook effects internal to the subdivision, as the subdivision is new, and all new dwellings will be constructed knowing the proposed performance standards.

### **Conclusion**

For the above reasons, it is considered that the effects on privacy and outlook will be minor.

#### **6.3.4. Earthworks**

The cut/fill non compliances within and outside of the 10m setback are considered to be less than minor. The nature of the hilly topography means that cut/fill is required to form suitable building platforms. The earthworks are also required to contour the site to enable suitable grade for the infrastructure, and stormwater. The finished ground levels will reflect the contour of adjoining sites as much as possible. There will be no disturbance within the adjoining reserves.

The additional site disturbance for future development of the residential lots is not considered to have adverse effects given that the additional disturbance area is to accommodate the additional building coverage proposed and because the sites will be largely constructed to have level platforms through the subdivision works.

Construction and soil and erosion management plans will be governed by Waikato Regional Council consent and will be monitored by them. This will assist in managing the construction effects of the earthworks. It is suggested that the following earthworks conditions are imposed:

- A condition of the land use consent to require an Earthworks Management Plan for each stage of subdivision to ensure the effects of the earthworks are controlled.
- A condition is recommended that a finished ground level plan for the residential lots is required so that building height can be determined.
- A condition is recommended that confirmation is provided that the residential lots will be suitable for light timber frame building construction and where there are design requirements that these be incorporated into consent notices.
- A condition is recommended that requires a bund to be formed on each residential lot to detain stormwater and that the bund remain in place until such time as the site is developed.

The effects relating to the proposed earthworks will be minor.

#### **6.3.5. Ecological Values**

Hannah Mueller of Phoenix Ecology undertook an ecological assessment of the site which is appended to this application. The report provides an introduction to the site from an ecological perspective, outlines the methodology of assessment, presents the results, assesses ecological values and ecological effects, and provides recommendations.

The ecological assessment states *"The development site has conservatively been assessed to be of moderate ecological value at present, with low value biodiversity and no indigenous vegetation values. However, the site, even though it is intensively grazed pastureland, may provide habitat for the nationally 'Threatened' long tail bat, At Risk short-tailed bat and NZ pipit.*

Phoenix Ecology identify the following potential ecological effects and their magnitude.

- Direct disturbance of fauna species is a potential effect, and when management protocols are in place the magnitude of effect is expected to be low.
- Habitat loss is likely to be minimal, and with proposed restoration planting the magnitude of effect on bat and bird habitat is expected to be low.
- Lighting and noise have the potential to disturb fauna in the adjoining reserves, and creates a cumulative effect with other recent developments in the area.

With implemented recommendations to avoid and minimise effects, the proposed development is expected to have an overall low effect on ecological values.

The recommendations include:

- Fauna management protocol where required to avoid direct effects;
- Sediment control and stormwater management
- Buffering of lighting and noise effects on adjacent reserve areas through setbacks and buffer planting
- Wildlife-sensitive lighting design of outdoor lighting to minimise lighting effects
- Restoration planting plan for reserve areas
- Planting and pest control.

I concur with this assessment and agree that the overall development is considered to result in low magnitude of effect on ecological values that is, less than minor effects on ecological values.

#### **6.3.6. Positive Effects**

As described above, the layout of the subdivision with a cul-de-sac layout and connecting walkways provides a sense of neighbourhood with greater security and encourages more positive social interaction. Connectivity to existing walking/biking infrastructure encourages healthy communities and provides for leisure activities. A variation in lot sizes provides for a variety of building types and price ranges, to meet the needs of different households. The increased density will apply a degree of consistency in the broad location of the transition between densities and enhances the overall legibility of the town and improves its coherence and aesthetic appeal through balancing the level of development within the broad valley. Furthermore, there will be positive economic effects generated by the subdivision construction and subsequent construction of dwellings which will create employment opportunities for local tradespeople and related services. Positive economic benefits will result from the value of the constructed dwellings and developed properties. The increase in lots will also make a future commercial centre in Kinloch more viable, by enabling a greater population.

#### **6.3.7. Cumulative Effects**

The built form may cause cumulative effects, in that there will be increased density in the proposed subdivision compared with what is anticipated by the District Plan. As explained earlier these visual effects are mitigated by the location of the subdivision, where there will be a seamless transition between the already consented Stages 1 – 8 of Seven Oaks subdivision and the proposed subdivision. Cumulative adverse effects on ecological values will be minimised by restoration planting, and wildlife sensitive light design. In terms of wider cumulative effects on the Kinloch

community such as increased vehicle movements, and more demand on servicing, the supporting traffic and engineering reports demonstrate the capacity in the existing networks is adequate to absorb the increased density, without having adverse effects. As such the cumulative effects are minor. In addition, the Applicant will pay more than \$45,000 in development contributions per lot (total of \$4m+). This funding can be used by Taupō District Council to upgrade and improve services in Kinloch to mitigate the cumulative effect of an increased population. In summary, any potential cumulative effects of the proposal will be minimal (no more than minor).

## 6.4. S127 Change of Conditions

The proposed change of conditions to RM200118A to withdraw Stage 9 and Okaia Drive from the consent will have no adverse effects. This is purely an administrative change to avoid a duplication between RM200118A, and the proposed consent as they consent a different lot layout over the same area.

## 6.5. Summary

Mitigation is proposed as follows:

- Open style fencing around the boundary with the Scenic Reserve, which forces people to use official tracks into the Scenic Reserve and prevents tampering and antisocial behaviour.
- Covenants which prevent people from accessing the Scenic Reserve from private property and prevents people from cutting / trimming vegetation within a scenic or council reserve.
- Implementation of Sediment and Erosion Control Plans for the proposed earthworks will ensure that the earthworks will not adversely affect environments external to the Subject Site.
- Landscaping plan to be provided to Council for approval at each stage of construction.
- Wildlife sensitive lighting design

For the subdivision the matters of control, and restricted discretion have been assessed as a basis of the Assessment of Environmental Effects. It is considered the effects of the subdivision, new roads and infrastructure are less than minor.

The following effects resulting from the proposed performance standards (building coverage, total coverage, building setbacks, earthworks exceedances) being:

- Character and Amenity
- Landscape / Visual Impact
- Privacy and Outlook
- Cumulative Effects
- Ecological Effects

Are overall considered to be less than minor.

## 7. NOTIFICATION ASSESSMENT

### 7.1. 95A Public Notification of Consent Applications

STEP 1	<b>95A(3) Mandatory public notification in certain circumstances.</b>	
	a) The applicant has requested the application be public notified?	<b>YES</b>
	b) Public Notification has been determined to be required under section 95C?	<b>NO</b>
	c) The application is an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977?	<b>NO</b>
<b>Process</b>	<b>The answer is no, go to STEP 2</b>	<b>YES</b>

Public Notification is requested.

## 8. STATUTORY CONSIDERATIONS

### 8.1. Te Kaupapa Kaitiaki - Taupō Catchment Plan

The Ngāti Tūwharetoa Claims Settlement Act 2018 received Royal Assent in December 2018. Te Kaupapa Kaitiaki is a key requirement under this Act. Te Kaupapa Kaitiaki is a high-level plan for the Taupō catchment. Its purpose is to identify the significant issues, values, vision, objectives and outcomes. It is a strategic document and must not include rules or methods. It is underpinned by Ngāti Tūwharetoa perspectives in the form of two principal kaupapa referred to as Ngā Pou e Toru and Te Kapua Whakapipi. Both kaupapa were endorsed during the claims settlement process. They represent the aspirations, vision, and outcomes of Ngāti Tūwharetoa for settlement and present and future development. The values for the health and wellbeing of the Taupō catchment are derived from these Kaupapa.

Until Taupō District Council has complied with its obligations under Section 181 of the Settlement Act in relation to RMA planning documents, the local authority **must have particular regard to** Te Kaupapa Kaitiaki when processing an application for a resource consent.

The below relevant objectives to this consent application have been given particular regard in this assessment.



Objective	Comment
<b>Te whanake – Sustainable Development</b>	
Resource management decisions represent sustainable development so that natural and physical resources are protected and used sustainably to protect the mauri of te taiao and to meet the needs of people and communities.	The land is zoned for residential use and will continue to be used for residential purposes to meet the needs of people and communities.
<b>Kaitiakitanga – Intergenerational sustainable guardianship</b>	
Hapū connection and relationships to their taonga tuku iho and cultural sites are strong and vibrant.	The proposal is allowing public access onto land that has previously been private by the creation of public roads and reserves.
Taonga tuku iho and cultural sites are protected, and cultural activities are maintained.	There are no identified cultural sites within the Subject Site.
<b>Te oranga me ngā hua o te taiao   Health and benefits of the environment</b>	
The health and wellbeing of the environment is nurtured and sustained	The residential subdivision uses low impact design, indigenous biodiversity is encouraged in the subdivision.
<b>Taurima   To treat with care, to tend, to foster</b>	
The decline in indigenous biodiversity within the Taupō catchment is reversed while recognising Māori landowner's need to use their land	The proposal encourages indigenous biodiversity, as the land use changes from pastoral farming to residential development where people establish gardens and undertake pest control.
<b>Te waiora me ngā mahinga kai   Life-giving waters and customary food gathering</b>	
Water and water bodies in the Taupō catchment are managed in accordance with the principles and hierarchy of obligations of Te Mana o te Wai, as set out in the National Policy Statement for Freshwater Management 2020: - To protect the mauri and values so that the water is safe for use for traditional medicinal purposes, safe for drinking, safe for taking kai and safe for swimming. - To provide for traditional rituals and spiritual sustenance. - To protect freshwater ecosystems, indigenous species, and trout fisheries. - To reflect the vision ngā hapū o Tūwharetoa has and remains consistent with Te Mana o te Wai.	The change in land use from pastoral farming to residential will reduce nitrogen levels in the catchment as the N discharge reduces from 27kgN/Ha to 3kgN/ha.
<b>Kia whakarite   Arrange, adjust, organise, balance, fulfil, perform</b>	
Catchment and development is resilient to natural hazards (fire, flooding and inundation, erosion, land subsidence, volcanic hazards, and river breakouts), and the impact of climate change.	The location of the proposed site is elevated and away from water courses which significantly reduces risk of flooding, inundation, erosion, and land subsidence.
Management of the catchment moves toward a low-carbon future.	The subdivision is designed with bike paths and footpaths, making connections with existing linkages to encourage reduced use of vehicles.

Te oranga o te tangata   Community health and wellbeing	
Policy and planning that provide more opportunities for social development and economic prosperity.	The creation of residential lots in a residential area provides for improved social and economic indicators as it creates opportunities for housing, and employment. This increases social development and economic prosperity.
Catchment and development is resilient to natural hazards (fire, flooding and inundation, erosion, land subsidence, volcanic hazards, and river breakouts), and the impact of climate change.	The location of the proposed site is elevated and away from water courses which significantly reduces risk of flooding, inundation, erosion, and land subsidence.

## 8.2. 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.

### 8.2.1. Section 104

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.

### 8.2.2. Section 104D

As identified, the proposal is considered a non-complying activity and therefore Section 104D is relevant. In accordance with Section 104D of the RMA, a consent authority may only grant an application for a non-complying activity if either:

1. It is satisfied that the effects on the environment will be minor.
2. The activity will not be contrary to the objectives and policies of any plan or proposed plan in respect of that activity.

Only one of these pathways need apply for the application to be considered under Section 104 and to be granted under Section 104B. Based on the assessments in Sections 6 and 8 of this report, it is submitted that both the above aspects of the Section 104D gateway test are satisfied. Therefore, the proposal can be considered under section 104.

### 8.2.3. Section 127

In accordance with section 127(3) of the RMA, sections 88 to 121 apply as if the application were an application for a Discretionary Activity. In accordance with section 127(3)(b), however, it is only the change in effects that may be taken into account in the Assessment of Environmental Effects and to which any conditions imposed may relate.

## 8.3. Section 104D Considerations

As identified, the proposal is considered a non-complying activity and therefore Section 104D is relevant. In accordance with Section 104D of the RMA, a consent authority may only grant an application for a non-complying activity if either:

- a) It is satisfied that the effects on the environment will be minor.
- b) The activity will not be contrary to the objectives and policies of any plan or proposed plan in respect of that activity.

Only one of these pathways need apply for the application to be considered under Section 104 and to be granted under Section 104B.

### 8.3.1. Adverse Effects no more than Minor (S104(1)(a))

- The effects of the Proposal will be no more than minor (and primarily less than minor) as explained above. To summarise, considering the limited visibility of the site from the surrounding area due to the elevated topography of the site, and surrounding reserve planting, the proposal would have a less than minor effects on the landscape character and amenity of the receiving environment. The LVA concludes that overall, the adverse effect of the proposed subdivision on the existing landscape character and visual amenity values range between Low and Very Low. The overall development is considered to result in less than minor effects on the landscape character and amenity of the receiving environment.

- Erosion and sediment control measures will be governed by Waikato Regional Council consent conditions and monitored to ensure they are implemented on site during construction in accordance with the TDC Code of Practice, the WRC Erosion and Sediment Control – 'Guidelines for Soil Disturbing Activities'. Monitoring will also ensure implementation of a Construction Management Plan, such that any adverse effects associated with the earthworks and construction phase of the development will be minor.
- Increased stormwater runoff from the proposed development's roads, roof and hardstand areas is not considered significant in terms of the capacity of the receiving environment. Any adverse effects are likely to be negligible. The collection and disposal solutions are in keeping with best practice and the characteristics of the site will control runoff to pre-development levels and have a no more than minor effect on the environment.
- The engineering report has demonstrated there is sufficient capacity in Taupō District Council's water and wastewater services to service the proposed subdivision.
- Given the site is pasture covered with minimal vegetation, there are low terrestrial ecological values on the site. The implementation of a planting plan, and wildlife sensitive lighting design will ensure the overall effect on ecological values will be low.
- The proposed development will not adversely impact any known cultural values associated with the site or surrounding area.
- Any geotechnical effects are appropriately mitigated through a proposed consent condition requiring a geotechnical completion report for lots with more than 0.3m fill to be provided to Taupō District Council with section 224c application. If the geotechnical report has any construction conditions for building development on the lots, these will be incorporated into a consent notice on the title.

### **8.3.2. Activity not contrary to policy framework (S104(1)(b))**

The relevant objectives and policies of the Waikato Regional Policy Statement (RPS) and the Taupō District Plan (TDP) are considered holistically.

It is acknowledged that as a non-complying activity the proposal does not find direct support from all objectives and policies. However, given the site location with a split zoning it means any residential lots that have a segment of low density zoning will result in a non-complying subdivision. Apart from the objectives and policies relating to density, the proposal is largely consistent with balance of objectives and policies such as land development, traffic and transport, Tangata Whenua Cultural Values, and network utilities.

## 8.4. Section 104 – National Policy Statements (S104(1)(b)(iii))

There are currently eight 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
- National Policy Statement for Indigenous Biodiversity
- National Policy Statement for Greenhouse Gas emissions from industrial process heat

The National Policy Statement on Electricity Transmission, Renewable Electricity Generation, NZ Coastal Policy Statement, Greenhouse Gas emissions from industrial process heat and Highly Productive Land are not relevant to this application.

The National Policy Statement on Highly Productive Land is not relevant as the site is already zoned Low Density Residential, and the land is classed as LUC Class 4 and 8.

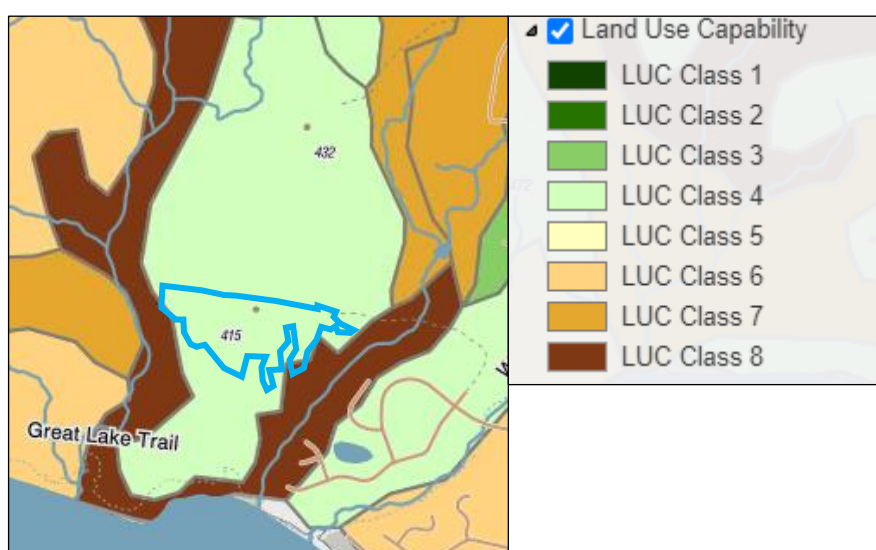


Image 14: LUC Map, Source: Manaki Whenua Landcare Research

### 8.4.1. National Policy Statement - Urban Development

Taupō District Council is a Tier 3 local authority. All local authorities with jurisdiction over an urban environment must comply with the NPS – UD.

The NPS-UD requires all territorial authorities to consider the following in all planning decision making:

The following objectives and policies are considered relevant to this proposal.

**Objective 1:** *New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.*

**Objective 2:** *Planning decisions improve housing affordability by supporting competitive land and development markets.*

**Objective 4:** *New Zealand's urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations.*

**Objective 6:** *Local authority decisions on urban development that affect urban environments are: integrated with infrastructure planning and funding decisions; and strategic over the medium term and long term; and responsive, particularly in relation to proposals that would supply significant development capacity.*

**Policy 1:** *Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:*

- (a) *have or enable a variety of homes that:
 
  - (i) *Meet the needs, in terms of type, price, and location, of different households; and*
  - (ii) *Enable Māori to express their cultural traditions and norms; and**
- (b) *have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and*
- (c) *have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and*
- (d) *support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets; and*
- (e) *support reductions in greenhouse gas emissions; and*
- (f) *are resilient to the likely current and future effects of climate change.*

**Policy 6:** *When making planning decisions that affect urban environments, decision-makers have particular regard to the following matters:*

- (a) *the planned urban built form anticipated by those RMA planning documents that have given effect to this National Policy Statement*
- (b) *that the planned urban built form in those RMA planning documents may involve significant changes to an area, and those changes:
 
  - i. *may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types; and*
  - ii. *are not, of themselves, an adverse effect**
- (c) *the benefits of urban development that are consistent with well-functioning urban environments (as described in Policy 1)*
- (d) *any relevant contribution that will be made to meeting the requirements of this National Policy Statement to provide or realise development capacity*
- (e) *the likely current and future effects of climate change.*

The proposal is consistent with the NPS- UD. It provides for a well-functioning urban environment. It increases the opportunity for increased supply of housing, which will improve affordability, and provide opportunity for increased and varied housing density and types. The amenity values will change over time to reflect the needs of the current community and future generations. The subdivision provides good accessibility to natural spaces, open spaces, and active transport.

The location of the subdivision is resilient to the likely current and future effects of climate change ie very low flood risk, and land instability risk.

#### **8.4.2. The National Policy Statement on Freshwater Management 2020 (NPSFW)**

The NPSFW is applicable to this proposal as the site is in the catchment of Okaia and Otaketake Streams which feed Lake Taupō.

The NPSFW applies the fundamental concept of Te Mana o te Wai which refers to the fundamental importance of water and recognises that protecting the health of freshwater protects the health and well-being of the wider environment. Te Mana o te Wai is about restoring and preserving the balance between the water, the wider environment, and the community. The NPSFW directs Regional Councils on how they should manage freshwater under the Resource Management Act.

The proposal avoids any further loss or degradation of streams through using erosion and sediment controls to avoid any sediment from entering the streams, and urban stormwater treatment via filtration through vegetated swales, settlement in retention ponds, and filtration through ground soakage.

### **8.5. Section 104 - Iwi Management Plans (S104(1)(c))**

The site is located within the areas of interest for Ngāti Tūwharetoa and Raukawa.

#### **8.5.1. Ngāti Tūwharetoa Iwi Management Plan**

The Ngāti Tūwharetoa Environmental Iwi Management Plan provides a background to and identifies key resource based issues for Ngāti Tūwharetoa. The vision of the management plan is for Ngāti Tūwharetoa to 'assert their custodial and customary right of tino rangatiratanga over their respective taonga, and Tūwharetoa collectively, will sustain and protect the life force of all tribal and inherited taonga.'

As the site is within an existing zoned residential area, with no waterbodies, no identified waahi tapu, waahi taonga sites, in terms of the relevant chapters *Papatuānuku*, and *Ngā Wāhi Tapu*, it is considered that the proposal is not inconsistent with those policies and the subdivision is consistent with this iwi management plan.

#### **8.5.2. Raukawa Environmental Management Plan 2015**

Te Rautaki Taiao a Raukawa is a statement of Raukawa issues, aspirations, and priorities in relation to the environment.

The proposal is consistent with Land – Whenua chapter in that the land use is suitable for the soil type, the nitrogen discharge from the property will decrease with the removal of farmed animals, and the future landscaping on the lots will improve the biodiversity of the property. The large lots enable self-sufficiency in terms of vegetable gardening, and alternative energy sources eg solar. The proposed road linkages provide connection to existing roads to the north, east and south.

Generally, the proposal is consistent with the relevant objectives.

## 8.6. Section 104 - Waikato Regional Policy Statement (S104(1)(b)(v))

The Waikato Regional Policy Statement (RPS) is a high-level, broad-based document containing objectives and policies the purpose of which is to provide an overview of the resource management issues of the region and to achieve integrated management of the natural and physical resources of the Region.

WRPS Plan Change 1 was notified on 18 October 2022. Submissions closed on 16 December 2022. The hearing was held on 8 and 9 May 2023, and was adjourned until 23 May 2023. Decisions were publicly notified on 15 November 2023. Three appeal processes are currently underway. This plan change incorporates the requirements of the National Policy Statement on Urban Development 2020 (NPS-UD). The plan change deletes the specific provisions relating to growth strategies prepared by territorial authorities outside of the Future Proof subregion (ie Taupō 2050). These have been replaced with generic provisions to guide preparation of, and give weight to, growth strategies.

More weighting has been applied to the proposed plan change than the operative RPS because it has proceeded through to the decisions stage of the statutory process, and the operative RPS is out of date with the current statutory requirements.

### 8.6.1. Issues

Key issues that relate to this proposal are the state of resources (Issue 1), managing the built environment (Issue 4), relationship of tangata whenua within the environment (Issue 5).

### 8.6.2. Objectives

There are a number of overlapping objectives under each of these relevant to this proposal. These are:

#### IM-O1 Integrated Management

Natural and physical resources are managed in a way that recognises:

1. *the inter-relationships within and values of water body catchments, riparian areas and wetlands, the coastal environment, the Hauraki Gulf and the Waikato River;*
2. *natural processes that inherently occur without human management or interference;*
3. *the complex interactions between air, water, land and all living things;*
4. *the needs of current and future generations;*
5. *the relationships between environmental, social, economic and cultural wellbeing;*
6. *the need to work with agencies, landowners, resource users and communities; and*
7. *the interrelationship of natural resources with the built environment.*

#### IM-O2 – Resource Use and Development

Recognise and provide for the role of sustainable resource use and development and its benefits in enabling people and communities to provide for their economic, social and cultural wellbeing, including by maintaining and where appropriate enhancing:

1. *access to natural and physical resources to provide for regionally significant industry and primary production activities that support such industry;*
2. *the life supporting capacity of soils, water and ecosystems to support primary production activities;*



3. *the availability of energy resources for electricity generation and for electricity generation activities to locate where the energy resource exists;*
4. *access to the significant mineral resources of the region; and*
5. *the availability of water for municipal and domestic supply to people and communities*

#### **IM – O5 – Climate Change**

*Land use is managed to:*

- 1) *Avoid the potential adverse effects of climate change induced weather variability and sea level rise on:*
  - a. *Amenity;*
  - b. *The built environment, including infrastructure;*
  - c. *Indigenous biodiversity;*
  - d. *Natural character;*
  - e. *Public health and safety; and*
  - f. *Public access*
- 2) *Support reductions in greenhouse gas emissions within urban environments and ensure urban environments are resilient to the current and future effects of climate change.*

#### **IM-O6 – Ecosystem services**

*The range of ecosystem services associated with natural resources are recognised and maintained or enhanced to enable their ongoing contribution to regional wellbeing.*

#### **IM-O7 – Relationship of Tangata Whenua with the Environment**

*The relationship of tangata whenua with the environment is recognised and provided for, including:*

1. *the use and enjoyment of natural and physical resources in accordance with tikanga Māori, including mātauranga Māori; and*
2. *the role of tangata whenua as kaitiaki.*

#### **IM-O9 – Amenity**

1. *The qualities and characteristics of areas and features, valued for their contribution to amenity, are maintained or enhanced; and*
2. *Where intensification occurs in urban environments, built development results in attractive, healthy, safe and high quality urban form which responds positively to local context whilst recognising that amenity values change over time in response to the changing needs of people, communities and future generations, and such changes are not of themselves an adverse effect.*

#### **ECO-O1 – Ecological integrity and indigenous biodiversity**

*The full range of ecosystem types, their extent and the indigenous biodiversity that those ecosystems can support exist in a healthy and functional state.*

#### **UFD-O1 – Built environment**

*Development of the built environment (including transport and other infrastructure) and associated land use occurs in an integrated, sustainable and planned manner which enables positive environmental, social, cultural and economic outcomes, including by:*

1. *promoting positive indigenous biodiversity outcomes;*
2. *preserving and protecting natural character, and protecting outstanding natural features and landscapes from inappropriate subdivision, use, and development;*
3. *integrating land use and infrastructure planning, including by ensuring that development of the built environment does not compromise the safe, efficient and effective operation of infrastructure corridors;*
4. *integrating land use and water planning, including to ensure that sufficient water is available to support future planned growth;*
5. *recognising and protecting the value and long-term benefits of regionally significant infrastructure;*
6. *protecting access to identified significant mineral resources;*
7. *minimising land use conflicts, including minimising potential for reverse sensitivity;*
8. *anticipating and responding to changing land use pressures outside the Waikato region which may impact on the built environment within the region;*
9. *providing for the development, operation, maintenance and upgrading of new and existing electricity transmission and renewable electricity generation activities including small and community scale generation;*
10. *promoting a viable and vibrant central business district in Hamilton city, with a supporting network of sub-regional and town centres; and*
11. *providing for a range of commercial development to support the social and economic wellbeing of the region.*
12. *strategically planning for growth and development to create responsive and well-functioning urban environments, that:*
  - a. *support reductions in green house gas emissions and are resilient to the current and future effect of climate change;*
  - b. *improve housing choice, quality, and affordability;*
  - c. *enable a variety of homes than enable Māori to express their cultural traditions and norms;*
  - d. *ensure sufficient development capacity, supported by integrated infrastructure provision, for identified housing and business needs in the short, medium and long term;*
  - e. *improves connectivity within urban areas, particularly by active transport and public transport;*
  - f. *take into account the values and aspirations of hapū and iwi for urban development.*

### **8.6.3. Policies**

The key objectives are achieved through a range of policies in the RPS. Those of most relevance to this particular application have been listed below:

#### **ECO-P1 – Maintain or enhance indigenous biodiversity**

*Promote positive indigenous biodiversity outcomes to maintain the full range of ecosystem types and maintain or enhance their spatial extent as necessary to achieve healthy ecological functioning of ecosystems, with a particular focus on:*

- *working towards achieving no net loss of indigenous biodiversity at a regional scale;*
- *the continued functioning of ecological processes;*
- *the re-creation and restoration of habitats and connectivity between habitats;*
- *supporting (buffering and/or linking) ecosystems, habitats and areas identified as significant indigenous vegetation and significant habitats of indigenous fauna;*
- *providing ecosystem services;*

- the health and wellbeing of the Waikato River and its catchment;
- contribution to natural character and amenity values;
- tangata whenua relationships with indigenous biodiversity including their holistic view of ecosystems and the environment;
- managing the density, range and viability of indigenous flora and fauna; and
- the consideration and application of biodiversity offsets.

#### **UFD-P1 – Planned and co-ordinated subdivision, use and development**

Subdivision, use and development of the built environment, including transport, occurs in a planned and co-ordinated manner which:

1. has regard to the principles in APP11;
2. recognises and addresses potential cumulative effects of subdivision, use and development;
3. is based on sufficient information to allow assessment of the potential long-term effects of subdivision, use and development; and
4. has regard to the existing built environment.

#### **UFD-P2 – Co-ordinating growth and infrastructure**

Management of the built environment ensures:

1. the nature, timing and sequencing of new development is co-ordinated with the development, funding, implementation and operation of transport and other infrastructure, in order to:
  - a. optimise the efficient and affordable provision of both the development and the infrastructure;
  - b. maintain or enhance the operational effectiveness, viability and safety of existing and planned infrastructure;
  - c. protect investment in existing infrastructure; and
  - d. ensure new development does not occur until provision for appropriate infrastructure necessary to service the development is in place;
2. the spatial pattern of land use development, as it is likely to develop over at least a 30-year period, is understood sufficiently to inform reviews of the Regional Land Transport Plan. As a minimum, this will require the development and maintenance of growth strategies where strong population growth is anticipated or as required for tier 3 local authorities as set out in UFD-P18 and its associated methods;
3. the efficient and effective functioning of infrastructure, including transport corridors, is maintained, and the ability to maintain and upgrade that infrastructure is retained; and
4. a co-ordinated and integrated approach across regional and district boundaries and between agencies; and
5. that where new infrastructure is provided by the private sector, it does not compromise the function of existing, or the planned provision of, infrastructure provided by central, regional and local government agencies.

#### **UFD-P18– Tier 3 local authority areas outside the Future Proof Strategy**

New urban development in tier 3 local authority areas shall be managed in a way that:

1. recognises and provides for the intended urban development pattern as set out in any agreed council-approved growth strategy or equivalent council-approved strategies and plans;
2. contributes towards sufficient development capacity required to meet expected demand for housing and for business land over the short term, medium term, and long term as set out in the National Policy Statement on Urban Development;
3. focuses new urban development in and around existing settlements;

4. *prevents a dispersed pattern of settlement and the resulting inefficiencies in managing resources that would arise from urban and rural residential development being located in the rural environment outside of identified urban growth areas;*
5. *avoids the cumulative effect that subdivision and consequent fragmented land ownership can have on the role of identified urban growth areas in providing a supply of land for urban development;*
6. *ensures that any development is efficient, consistent with, and supported by, appropriate infrastructure necessary to service the area;*
7. *has particular regard to the principles in APP11;*
8. *recognises environmental attributes or constraints to development and addresses how they will be avoided or managed including those specifically identified in UFD-M8, high class soils as identified in LF-M41, and planning in the coastal environment as set out in CE-M1;*
9. *in relation to urban environments:*
  - a) *concentrates urban development through enabling heights and density in those areas of an urban environment with accessibility by active or public transport to a range of commercial activities, housing and community services, and where there is demand for housing and business use;*
  - b) *provides for high-quality urban design which responds positively to local context whilst recognising and allowing for amenity values of the urban and built form in areas planned for intensification to develop and change over time, and such change is not, in and of itself, an adverse effect;*
  - c) *enables a diverse range of dwelling types and sizes to meet the housing needs of people and communities, including for:*
    - i. *households on low to moderate incomes; and*
    - ii. *Māori to express cultural traditions and norms;*
  - d) *enables a variety of site sizes and locations in urban environments suitable for different business sectors;*
  - e) *supports reductions in greenhouse gas emissions including through providing for an increasingly compact urban form that supports less carbon intensive transport modes such as active and public transport.*

#### **UFD-P19– Being responsive to significant unintended and out-of-sequence growth within tier 3 local environments**

*Where alternative urban land release patterns are promoted through district plan and structure plan processes, either out-of-sequence or unanticipated by a council-approved growth strategy or equivalent council strategies and plans, justification shall be provided to demonstrate consistency with the principles in APP11, and particular regard shall be had to the proposed development capacity only where the local authority determines that the urban development proposal is significant, by assessing the proposal for consistency with the criteria in APP14.*

The key issues, and supporting objectives and policies, have been assessed holistically and it is considered that overall, the proposal is **generally consistent with the relevant objectives and policies of the RPS** for the following reasons:

- Indigenous biodiversity will be protected. The proposed buildings will be setback at least 7.5m from the DoC reserve, and earthworks greater than 0.5m will be restricted within this setback also (with a few of exceptions where the topography requires infringements into this setback).

A covenant will be registered on the titles ensuring owners know they cannot cut the DoC indigenous vegetation within the reserve. Consent notices will require wildlife-sensitive lighting design of outdoor lighting.

- The subdivision is within an existing urban zoned area, with sufficient infrastructure capacity and enables a variety of lot sizes, next to existing residential development.
- Reductions in greenhouse gas emissions are supported by active transport modes, street trees and reserve planting, and providing opportunity for more population to support local shops to develop in Kinloch.
- There are already more than 1,100 people living in Kinloch. Kinloch is considered a growth suburb of Taupō. By increasing the population of Kinloch, it makes public transport, and services more viable, minimising energy and carbon use, minimising the need for private motor vehicle use, and maximising opportunities for people to live, work and play within their local area.
- The development would be staged, with Kahikatea Drive constructed first. There is sufficient servicing capacity within Kinloch to cater for the additional 68 lots.
- The Density pattern complies with the pattern anticipated by the Kinloch Structure Plan, and Taupō District Plan.
- No lots are within a hazard area.
- The site is not on high class soils.
- The proposal provides for high-quality urban design which responds positively to the local context within a site already zoned for residential development.

## 8.7. Section 104 - Waikato Regional Plan (S104(1)(b)(vi))

As noted in Section 4, the relevant rules to this application providing the activity status is:

### **Earthworks**

The earthworks will exceed the volumes permitted in a High Risk Erosion Area and require a consent under the following rule:

*5.1.4.15 Discretionary Activity Rule – Soil Disturbance, Roding, Tracking, Vegetation Clearance, Riparian Vegetation Clearance in High Risk Erosion Areas*

### **Diversions**

The earthworks will result in a change in natural stormwater systems, and require a consent under the following rule:

*3.6.4.13 Discretionary Activity Rule – Stopbanks, Diversions and any Associated Discharges of Water*

### **Stormwater**

The stormwater discharge to land will meet the requirements of the WRC Permitted Activity Rule 3.5.11.5 of the Regional Plan. This is demonstrated in section 5.5 of the Engineering Services Report in Appendix 3.

**Lake Taupō Catchment**

The property is located within the Lake Taupō Catchment and subject to Chapter 3.10 of the Waikato Regional Plan which main objectives are to improve the water quality of Lake Taupō. The Subject Site currently has a consent (APP145663) for nitrogen leaching farming activities to discharge 27kgN/ha. With the construction of the subdivision, the nitrogen leaching on the site will reduce to 3kgN/ha. This will contribute to an improvement of Lake Taupō water quality. All wastewater will be connected to Taupō District Council's wastewater system and will be discharged in accordance with their discharge consent.

**8.8. Section 104 - Operative Taupō District Plan (S104(1)(b)(vi))**

The Objectives and Policies contained in Sections 2, 3a, 3e, 3f, 3g and 3n of the District Plan are considered relevant to the proposal with specific reference to the Kinloch Objectives and Policies (3a.2.3). An assessment of these Objectives and Policies is provided below.

**8.8.1. 2 – Strategic Directions**

The Strategic Directions are high level, district wide resource management matters that are to be considered for resource consent applications, being: 1 - Tangata Whenua, 2 - Fresh Water Quality, 3 - Urban Form and Development, 4 - Climate Change, 5 – Nationally and Regionally Significant Infrastructure and 6 - Natural Values and Landscapes.

For this proposal Strategic Direction 2 – Freshwater Quality / Te Mana O Te Wai is considered relevant. The objectives and policies seek to manage subdivision and land in a way that promotes the positive effects, while avoiding, remedying, or mitigating adverse effects (including cumulative effects) of that development, on the mauri, health and well-being of waterbodies to benefit freshwater ecosystems, the wider environment, and the community. The proposal will result in all residential lots being connected to the reticulated wastewater system, and a reduction in nitrogen as a result of the removal of farming from the site. Earthworks will be managed so there will be no discharge off site. Stormwater will be treated on site and discharged to ground in accordance with best practice requirements. The proposal is considered to be consistent with this objective and associated policies.

For this proposal Strategic Direction 3 - Urban Form and Development is considered relevant and the objectives and policies seek to ensure that the District develops in a cohesive way that protects the productive capacity and effective functioning of rural land; to maximise the use of zoned urban land. The proposal is for a residential development within a low-density residential zone. This proposal maximises the use of zoned urban land and does not affect effective functioning of rural land. The proposal is a cohesive development that has been designed to blend with the existing Seven Oaks subdivision, and The Terraces subdivision to the north. The proposal is considered to be consistent with the Urban Form and Development objectives and policies.

For this proposal Strategic Direction 4 – Climate Change is considered relevant, and the objectives and policies seek to ensure subdivision, use and development of land will result in positive climate change outcomes, and be resilient to current and future effects of climate change. The location of the proposal is resilient to the effects of climate change such as natural hazards. Reducing greenhouse gas emissions and decarbonisation is supported and encouraged within the development of the subdivision by encouraging walking and cycling, encouraging and protecting

native vegetation, and creating an opportunity for population to support a local shopping centre, and public transport options.

For this proposal Strategic Direction 6 – Natural Values is considered relevant and the objectives and policies seek to protect areas of significant indigenous vegetation and significant habitats of indigenous fauna from the adverse effects of inappropriate development. The site is surrounded by significant indigenous vegetation, and close to Lake Taupō an outstanding natural waterbody. This application has demonstrated the subdivision will have a low magnitude of effect on the natural value of these areas.

### 8.8.2. 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.

The relevant policies are:

- i. *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.*
- ii. *To enable a range of small scale home based employment opportunities, and local community facilities and services to establish in Residential Environments, subject to:*
  1. *compatibility with Residential Environment amenity and character;*
  2. *avoidance of adverse effects on the function and amenity of the Taupō Town Centre, and the adjoining road network; and*
  3. *a consistent scale of non residential buildings and activities that maintain residential coherence and amenity.*
- iii. *Any relevant Structure Plans, strategies or guidelines should be taken into account in the design of any development within the residential environment.*
- iv. *Encourage a wide range of appropriate activities and development within the Residential Environment while ensuring any adverse effects are avoided, remedied or mitigated.*
- v. *Protect the character of the District's lake and river margins from buildings which are visually obtrusive and/or result in the loss of amenity of the foreshore area, by controlling the scale and location of structures.*
- vi. *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.*
- vii. *Recognise the important role of reserves and their existing infrastructure and services (including those provided by commercial operators) in providing recreational opportunities for the community.*

The majority zoning of the application site is Kinloch Low Density Residential (10ha) which expects minimum allotment sizes of 1ha, and average lot sizes of 1.5ha. The rest of the site (1ha) is zoned Kinloch Residential which expects minimum allotment sizes of 800m<sup>2</sup> and average lot sizes of 1000m<sup>2</sup>. Most of Kinloch has been developed by consents (Locheagles, Kinloch Club, Oakdale, Lisland, Te Kowhai Ridge) which were granted prior to the Kinloch Structure Plan zoning came into effect and

these consents have determined a much higher density of development and resulting character that is quite different to that anticipated by District Plan current zoning.

The anticipated number of lots in the subject site is 16, 10 within the Kinloch Residential Zone, and 6 within the Kinloch Low Density Residential Zone. Whilst the proposed development includes an additional 68 lots over what is anticipated, the character and amenity of the area will be maintained. This is because the proposal is for a residential form of development adjoining an existing residential development. The lots are interspersed with large areas of reserve and topography that maintains substantial areas of open space and offsets the greater density proposed. The character and amenity are maintained, as the density proposed is consistent with other established subdivision undertaken in the Kinloch Residential Zone. As such the proposal is consistent with Policy 3a.2.1.i.

As the application site is within Kinloch, the KCSP has relevance to the proposal. As described above the KCSP directives for development density and scale were adopted into the District Plan and include minimum and average lot sizes, bulk and location controls and so on. The KCSP has been considered in the design of the proposed development by developing within an identified High and Medium Density Area in the KCSP. The KCSP provides for more intensive densities of built development within a strong framework of tree and shrub planting. Given the existing densely vegetated scenic reserve, and the proposed stormwater reserves which will be landscaped, it is considered that the development is sited sufficiently within a strong framework of trees and shrubs. Open space is provided within the proposal through the cul-de-sac design, reserves and 75% to 85% open space on each lot. Future roading networks are provided for with a proposed road connecting to the northern boundary in anticipation of future development on the adjoining property.

To the west and east of the site are the Otaketake Stream Scenic Reserve and Okaia Stream Scenic Reserve which are densely vegetated. Both reserves are identified as Significant Natural Areas. The proposal will not adversely affect the natural values of these SNA areas given there will be no works undertaken within the reserve, earthworks have been minimised on the common boundary where possible, and all buildings will be setback 7.5m from the boundary. Buffer planning, and wildlife sensitive lighting design will minimise effects on indigenous fauna. Covenants are also proposed which restrict entrance to the reserve from private property and prevent trimming of vegetation located within the scenic reserve. The overall effect of the proposed works on ecological values is expected to be low.

No works will occur near the Otaketake Stream therefore it and its margins will be unaffected by the proposal. The proposal incorporates bulk and location controls to ensure buildings on lots adjoining the reserves are set back 7.5m from the boundaries with the reserve and buildings within 50m of the reserve will be limited to single storey (4.5m) to ensure that the amenity provided by the reserve is maintained. Heights across the site will be reduced from the permitted 8m to 7.5m and 4.5m within 50m of the reserve and within Stage 12. There is no active public use of the scenic reserve adjoining the Subject Site therefore no privacy effects are considered to occur to the reserve.

There is an identified rock art site which has cultural value located on the western side of the Otaketake Stream approximately 200m from the site boundary. There are no other areas of cultural, historic, or landscape value on or nearby the application site.

The proposed new roads and infrastructure will require earthworks, however extensive earthwork controls will be in place to mitigate effects on the surrounding reserves. Conditions will ensure that Erosion and Sediment Control Plans are approved by Council prior to construction.



For the reasons given above it is considered that the proposal is consistent with Objective 3a.2.1 and the relevant policies.

### **Objective 3a.2.2**

Also considered relevant to the proposal is Objective 3a.2.2 and the accompanying policies that seek to ensure that development in the Residential Environment takes into account the capacity of the supporting infrastructure.

The CKL traffic impact assessment demonstrates the roading networks are suitable for the proposed subdivision. The Cheal Engineering report demonstrates there is sufficient capacity within the Taupō District Council drinking water and wastewater networks for the proposed subdivision.

Therefore, the proposal is consistent with Objective 3a.2.2.

### **Objective 3a.2.3**

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.

As stated above it is considered that the proposal will result in residential activity on the lots which is an anticipated form of development on this site. The existing character and amenity of the existing Kinloch will be unaffected as the Subject Site is separated and screened from the wider Kinloch Area by the densely vegetated Okaia Stream Reserve, and Otaketake Stream Reserve. The proposal is considered to reflect the intent of the KCSP particularly in relation to the radial pattern of increased density towards the Lake, the use of cul-de-sacs, and a network of walking and cycling tracks. The proposed density is not consistent with anticipated density in the Taupō District Plan or KCSP.

The proposed lots will be connected to the community wastewater network within the KCSP.

For the reasons given above it is considered that the proposal is not contrary with Objective 3a.2.3

### **8.8.3. 3e – Land Development**

Objective 3e.2.3 and its associated policies ensure the maintenance of an appropriate and sufficient level of community infrastructure within existing serviced areas.

The proposed lots will be fully serviced with connections to Council's reticulated water and wastewater services. The stormwater resulting from the proposed development can be adequately disposed of via soakage ponds to CoP standard and treated via stormwater swales in accordance with current best practice and Waikato Regional Council requirements. Therefore, stormwater management and disposal will have negligible adverse effects.

The application site adjoins the Otaketake and Okaia Scenic Reserve. The bulk and location controls on lots adjoining the reserve will ensure the amenity of these reserve areas is maintained.

The design of the proposed road extensions requires earthworks. The earthworks proposed will reflect the existing land contour as much as possible and avoids disturbance of the adjoining reserves.

The proposal includes vesting of stormwater reserves which will have planting and open space. There will also be street trees, swale planting, bike paths and foot paths that will all contribute to providing considerable amenity with the development.

The proposed roads and the traffic that will feed from these roads onto existing roads of Kahikatea Drive will not adversely affect the existing surrounding roading network as there is sufficient capacity for the additional traffic from the proposed development through Kinloch and the wider roading network.

Therefore, it is considered that the proposal is consistent with Objective 3e.2.3 and its associated policies.

Objective 3e.2.4 seeks to avoid degradation of the districts lakes, waterways and aquifers from effluent and wastewater resulting from land development.

The proposed residential lots will be connected to Council's reticulated wastewater system thereby avoiding any adverse effects on Taupō District's lakes, waterways and aquifers. Additionally, stormwater will be treated via swales and ponds to a level additional to that occurring elsewhere in Kinloch. The nitrogen leaching from the site will reduce as the land use is converted from farming to residential. Erosion and Sediment controls will be in place during construction to protect the waterways.

The proposal is therefore consistent with Objective 3e.2.4.

Objective 3e.2.5 and the associated policies seek to ensure that land development does not detract from the amenity value or qualities of the local environment.

The proposed subdivision will alter the character of the development site by the resulting change from an open, undeveloped site to a residential development. A mix of low density and residential development is anticipated for by the zoning of the land. The subdivision has been designed to ensure the development does not detract from the amenity of the local environment. Future buildings will be largely screened from the wider Kinloch area by the existing densely vegetated Scenic Reserves that border the proposed development on three sides. The subdivision has been designed in consideration of the surrounding character and the landform and existing land use.

Therefore, it is considered that the proposed development will not detract from the amenity values of the local environment and the proposal is consistent with Objective 3e.2.5 and the associated policy.

#### **8.8.4. 3f - Traffic and Transport**

Objectives 3f.2.1 identifies that development needs to account for the safe and efficient operation of the roading network, and movement of traffic, including cyclists and pedestrians within the District. Policy 3f.2.1.i seeks to "Avoid, remedy or mitigate any adverse effects on the operation and function of the roading network...".

The roading network proposed will involve an extension of public road (Kahikatea Drive) along with formation of some Rights of Way, and local roads to provide access to the proposed lots, and future roading connections. As such the proposal is considered to be consistent with this objective and policy. The additional 68 residential lots will have negligible impacts on the roading network over

and above the 16 lots anticipated by the Taupō District Plan. The proposal will continue to meet the safe and efficient operation of the roading network. Accordingly, the proposal is consistent with Objective 3f.2.1.

#### **8.8.5. 3g – Tangata Whenua Cultural Values**

3g.1 refers the section 6, 7 and 8 of the Resource Management Act which will be assessed in the Part Two assessment below.

Objective 3g.2.1 seeks to recognise and provide for the cultural and spiritual values of tangata whenua in managing the effects of activities within the district. This includes taking into account the principles of the Treaty of Waitangi in the management of the natural and physical resources of the district. Regard for the cultural values of tangata whenua to ultimately ensure that activities on or near Sites of Significance to tangata whenua are undertaken in a manner which provides for the cultural and spiritual value and significance of the site.

There are no known sites of significance within or near the property. The proposal is providing public access into the site, which currently has no public access. Wastewater will be connected to Council services, and the site will be enhanced with indigenous biodiversity.

It is considered the proposal is consistent with this objective and policy.

#### **8.8.6. 3n - Network Utilities**

Objectives 3n.2.1 and 3n.2.2 and their associated policies seek to enable the operation, maintenance and upgrading of existing Network Utilities and the provision of new Network Utilities and seek to ensure Network Utilities are designed and located to avoid, remedy or mitigate adverse effects on the environment and protect the health and safety of the community.

Without the construction of new roads, water and wastewater reticulation to service the proposed lots, the subdivision will not be viable, therefore the community infrastructure is a necessity. The new roads will not adversely affect the health and safety of the community, the water will provide safe drinking water, and the reticulated wastewater will ensure the health of the residents.

The roads will be designed in accordance with the Taupō District Council's Code of Development and provide for adequate cycling and walking networks within the road corridors. The adverse effects of the road construction of the environment are considered to be mitigated by further plantings, and erosion and sediment control plans. In addition, the location of the roads is not in an area identified as an outstanding landscape nor a significant natural area.

Therefore, it is considered that the proposed development will be consistent with Objectives 3n.2.1 and 3n.2.2 and their associated policies.

## 8.9. Section 104 - Proposed Taupō District Plan Changes (S104(1)(b)(vi))

Plan Changes 42 and 43 were publicly notified on 14 October 2022. Decisions were notified on 14 June 2024 and have legal effect and are now subject to appeal.

- Plan Change 42 (General Rural and Rural Lifestyle Environments) - Full review of the rural chapters and removal of the Mapara Valley Structure Plan.
- Plan Change 43 (Taupō Industrial Environments) - Zones additional land for Taupō Industrial Environment.

Plan Changes 42 and 43 do not relate to the Kinloch Residential or Kinloch Low Density Residential Zones, and therefore are not relevant to the proposal.

## 8.10. Other Matters (S104(1)(c))

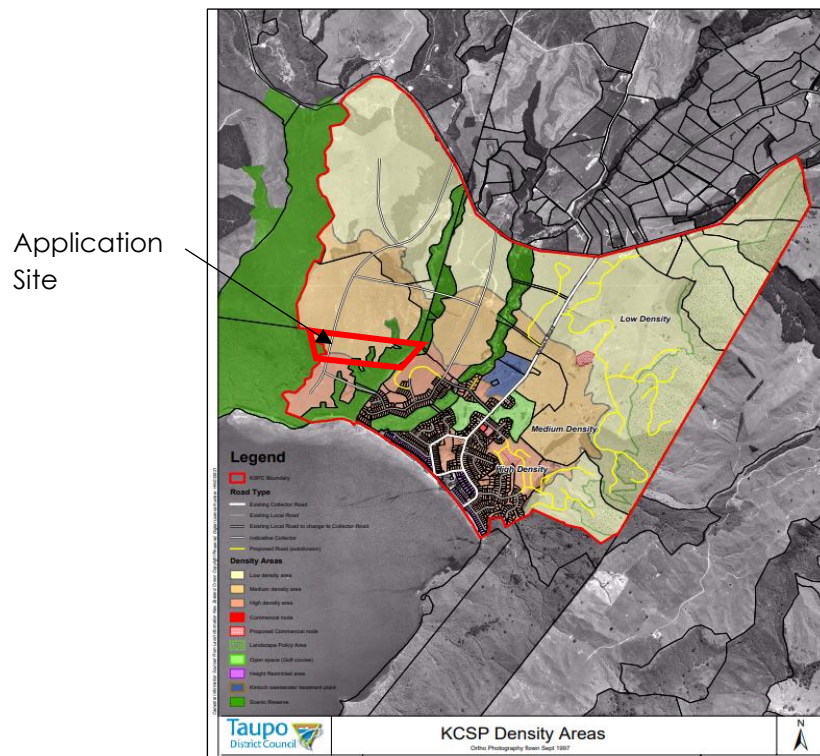
### 8.10.1. Kinloch Community Structure Plan (KCSP)

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 below). The proposal complies with the radial density pattern.

For new subdivision and development, minimum and average lot sizes are required which vary depending on which density area the development is within. Additionally, specific coverages for Kinloch were recommended to reflect the historical built form. These particular provisions derived from the KCSP were adopted into the District Plan which became operative in 2007. The proposal is for residential lot sizes, and residential bulk and location provisions within the low density zone which does not comply the KCSP.

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 waterfront. These areas are to be protected from the effects of development. The Okaia and Otaketake Stream scenic reserves will be protected which is consistent with the KCSP.

The KCSP also shows indicative roading links through the KCSP area as shown on the plan below and that where new development occurs, consideration to be given to establishing these road linkages to provide for traffic volumes from new development. The indicative road through the application site off Kahikatea Drive to the north is shown. The proposal provides connector roads to the north, south and west which is consistent with the KCSP.



**Image 15: Kinloch Community Structure Plan Map**

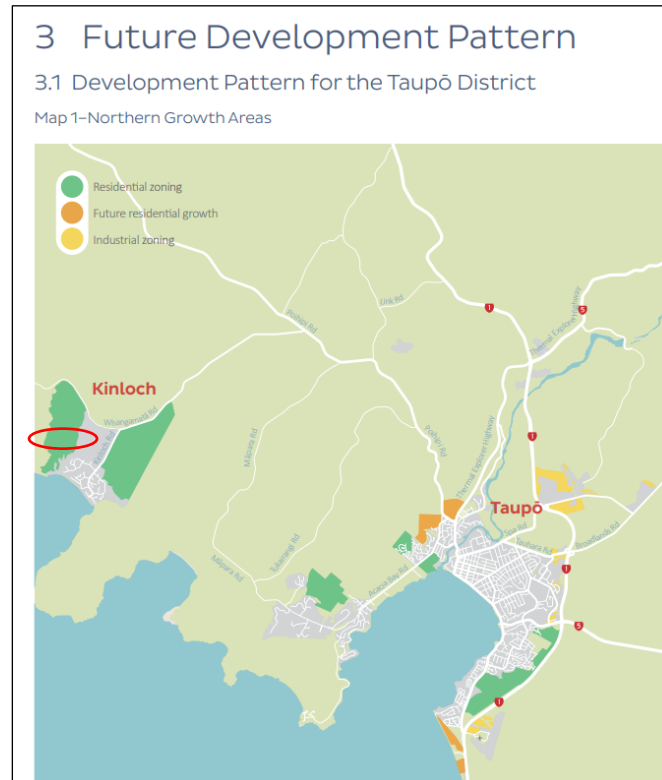
The inconsistency with the KCSP relates to the average and minimum lot sizes within the Kinloch Low Density Zone. To a large extent the proposal is consistent with the KCSP objectives and policies relating to the density pattern, protection of landscape character, roading connections, and clustered intensive development.

### 8.10.2. Taupō District 2050 – District Growth Management Strategy

Taupō District 2050 provides a policy framework to guide where and how future growth should occur. Council's Vision and Values are translated into seven strategic directions related to the ongoing management of growth.

1. Plan for a district characterised by contained communities, bordered by a productive, functioning rural environment
2. Design and plan compact, walkable and adaptable urban areas
3. Create vibrant diverse places and spaces where people love to live, work, plan and invest.
4. Recognise tangata whenua cultural identity and build strong, collaborative relationships.
5. Provide the platform for a sustainable economy.
6. Integrate sustainable infrastructure provision, land use and funding
7. Manage development to enhance and protect the natural environment.

The Taupō District 2050 – District Growth Management Strategy is embedded within the District Plan. The site is identified as a Northern Growth Area and has residential zoning. The subdivision is designed to be walkable, and well connected to the rest of Kinloch. The proposed lot sizes are consistent with the average and minimum requirements in the Kinloch Residential Zone. The increase in population will make public transport, and services in Kinloch more viable.



**Image 16: TDC 2050 Growth Management Strategy**

### 8.10.3. Taupō District Council Housing Strategy

Taupō District Council have developed a housing strategy which identifies the key housing issues and opportunities in the Taupō District, provides a framework to address them, and sets out what Council's role should be.

The housing strategy contains 4 goals:

- 1) More availability and choice of housing.
- 2) Homes are warm, healthy, sustainable, and resilient.
- 3) Our homes meet the diverse needs of our communities.
- 4) Housing connects and integrates communities.

This proposal contributes to achieving these goals in the number of ways. The proposal enables more availability of housing by creating more lots, and varying lot sizes provides for a choice of housing. New homes are warm, healthy, sustainable and resilient. Future homes on varying lot sizes can meet the diverse needs of communities. The proposal provides road and walk/cycle path connections and improves the coherence and aesthetic appeal of the area which connects and integrates communities between Seven Oaks and The Terraces.

Accordingly, the proposal is considered to be consistent with this Strategy.

### 8.10.4. Taupō District Council Transport Strategy

Taupō District Council have developed a transport strategy which sets out the vision for transport in the district, how the vision will be delivered, and how the vision will be measured and reported on.

The proposal provides for safe transport within the subdivision (ie separate walking and cycling paths,) and the CKL Traffic Assessment demonstrates the proposal does not affect the safety or reliability of the roading network. The proposal is walking and cycling friendly. The proposed increase in population will make public transport, and local services more viable which creates a more inclusive community.

#### **8.10.5. Integrity of the District Plan**

Given the unique site-specific circumstances of adjoining a residential zoned area, demonstrating sufficient servicing capacity, and applying a degree of consistency in the broad location of the transition between densities, it is considered that the granting of this application would not set a precedent. Similarly, granting consent will not undermine the integrity of the District Plan.

### **8.11. Section 104(2) Permitted Baseline**

The permitted baseline is not being relied on for the purposes of this assessment, as subdivision is not a permitted activity. However, the following commentary provides a comparison of the number of lots enabled by the District Plan, and the characteristics of permitted land use.

The proposal will result in an additional 68 lots compared to the 16 lots which are enabled by the District Plan. The site area is approximately 14ha. This includes approximately 10ha of low density zoned land, and 1ha of residential zoned land (that is developable ie excluding road and reserve areas). Based on the underlying zoning (i.e., "split zone"), the complying density within the Subject Site is 6 low density lots (10ha / 1.5ha), and 10 residential lots (1ha/1000m<sup>2</sup>) – 16 lots in total.

The Low Density lots are permitted to have 5% building coverage, 7.5% plot ratio, 8m height limit, and 10m building setbacks.

The Residential lots are permitted to have 25% building coverage, 30% plot ratio, 7.5m height limit, 4.5m within 50m of Okaia and Otaketake Scenic Reserves. The permitted setbacks are 5m from front boundary, 1.5m from side boundary, and 7.5m from boundary with Okaia and Otaketake Scenic Reserves.

### **8.12. Section 106 Assessment**

The Subject Sites are not identified in the District Plan to be located within an Erosion Hazard Area, Flood Hazard Area, Hot Ground Hazard Area or Landslide Hazard Area and are not characterised by a fault line. Therefore, it can be considered unlikely to be subject to a significant risk from natural hazards as per section 106(1)(a) of the RMA.

In terms of section 106(1)(b), physical and legal access is provided to the proposed lots from Okaia Drive, Kahikatea Drive, and new proposed public roads. As such, there is no reason for the Council to refuse this subdivision consent on any of the grounds expressed in section 106 of the RMA.

## 8.13. Conclusion on Statutory Considerations

The proposal passes both “gateways” under s104D. The relevant objectives and policies of the Waikato Regional Policy Statement and the Taupō District Plan are considered holistically or “in the round”.

As a non-complying activity, the proposal is not entirely consistent with every relevant objective and policy of the Taupō District Plan and the WRPS. However, when considered in the round, the proposal is not contrary to the TDP objectives and policies and, indeed, is consistent with the NPS-UD and the change 1 to the WRPS.

The proposal is for a residential density to be located within a low density residential zone. However, on balance the proposal finds favour and is not contrary to the balance of objectives and policies in the WRPS and the Taupō District Plan for the following reasons:

- The subdivision is on urban zoned land, with sufficient infrastructure and is therefore consistent with Objective IM- O2 – Resource Use and development, Policy UFD – P18 Tier 3 local authority areas outside of the Future Proof Strategy of the WRPS, and Objectives 3a.2.2, 3e.2.1 and 3e.2.3 of the Taupō District Plan.
- Potential adverse effects of climate change are avoided, and reductions of greenhouse gas emissions are supported and therefore is consistent with Objective IM-O5 Climate Change of the WRPS.
- The proposal will result in an attractive, healthy, safe and high quality urban form and therefore is consistent with Objective IM-O9 Amenity of the WRPS.
- The proposal promotes indigenous biodiversity outcomes, integrates land use and infrastructure planning, improves connectivity and is therefore consistent with Objective UFD-O1 – Built Environment, and Policy Eco – P1 Maintain or enhance indigenous biodiversity, and Policy UFD-P2 Coordinating growth and infrastructure of the WRPS.
- The proposal reflects the intent of the KCSP, complying with a radial density, with lots smaller than minimum lot size clustered and integrated into the landscape with a strong framework of trees and vegetation and is therefore consistent with Objective 3a.2.3 of the Taupō District Plan.
- The proposal will increase public access by creating new public roads, with footpaths and cycle paths encouraging active modes of transport consistent with Objective 3f.2.1 of the Taupō District Plan.
- The proposal is consistent with the strategic directions of the Taupō District Plan.
- The proposal is located within a site zoned for residential development in TDC's Growth Management Strategy 2050.



## 9. RMA PART II

Part 2 of the RMA contains Sections 5, 6, 7 and 8. The assessments contained in Sections 6 and 7 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.

The Court of Appeal Decision in *RJ Davidson* (the Davidson decision) has established the appropriate framework in which to assess resource consent applications. In summary, recourse to Part 2 is appropriate where there are deficiencies in the relevant planning instruments and/or their alignment with Part 2.

Given the changes to the Taupō District Plan (discussed above) and the WRPS, together with the NPS-UD directives, there is some degree of incompleteness and uncertainty in respect of the objectives and policies of the Taupō District Plan and whether these give effect to those documents and achieve the purpose of the Act as set out in Part 2. Accordingly, for completeness, an assessment against Part 2 is provided as follows:

The s6 “Matters of National Importance” considered potentially relevant to this proposal that are recognised and provided for are:

- (a) *The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use and development.*
- (b) *The protection of outstanding natural features and landscapes from inappropriate subdivision, use and development*
- (c) *The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.*
- (e) *The relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wahi tapu and other taonga.*

The natural character of Lake Taupō will be protected as the subdivision is within an area already zoned for urban purposes, with Seven Oaks subdivision already being constructed between the subject site and Lake Taupō.

The Okaia and Otaketake Stream Scenic Reserves are protected by setbacks from the boundary for earthworks and buildings, and covenants imposed on the titles reminding future landowners that trimming of vegetation in the reserve is not permitted.

The relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wahi tapu and other taonga has been recognised and provide for through protecting the water quality, encouraging indigenous biodiversity within the site, and providing public access onto the site.

The s7 "Other Matters" considered potentially relevant to this proposal that have had particular regard to are:

- (a) *Kaitiakitanga*
- (aa) *The ethic of stewardship*
- (b) *The efficient use and development of natural and physical resources*
- (c) *The maintenance and enhancement of amenity values*
- (d) *Intrinsic values of ecosystems*
- (f) *Maintenance and enhancement of the quality of the environment*
- (i) *The effects of climate change*

The site is zoned for urban development and can be adequately serviced. A high quality subdivision incorporating low impact urban design principles, encouraging active modes of transport and a higher density surrounded by a framework of vegetation is an efficient use of the land, and will maintain and enhance amenity values, and the quality of the environment. The effects of climate change are recognised and provided for in the design of the subdivision.

S8 "Principles of the Treaty of Waitangi" have been taken into account. Tangata whenua cultural value issues were considered during the zoning of the land and the preparation of the Taupō District Plan, and the planning stages of this proposal with consultation being undertaken, and which is ongoing. Through consultation for previous subdivision applications on the subject site no sites of significance have been identified by tangata whenua and as such it is anticipated that there would be no potential effects of the activity on the cultural values of the site. Indigenous biodiversity is encouraged within the site. Low impact design, erosion and sediment control measures, and sufficient infrastructure capacity will protect the water quality. As such it is considered that the proposal is consistent with the principles of the Treaty of Waitangi (Te Tiriti o Waitangi), in particular the principles of partnership, participation and protection.

Therefore this proposal achieves the purpose of the Act, because as assessed above the relevant matters set out in Section 6 are recognised and provided for, particular regard is given to the relevant matters in Section 7 and the principles of Te Tiriti of Waitangi are taken into account as require by Section 8.

## 10. CONCLUSION

The proposal is a residential development within the Kinloch Low Density and Kinloch Residential Environments, with all required infrastructure being provided. Subdivision consent is sought to subdivide an existing parcel of land into 84 residential lots; 3 stormwater reserves to vest; 1 Local Purpose Reserve to vest and 7 road lots to vest. The subdivision is proposed to be completed in 5 Stages with the intention that more than one stage could be jointly completed and in any logical sequence. The subdivision is considered a Non-Complying Activity under the Taupō District Plan by Rule 4a.4.5 as the residential allotments will be less than the minimum and average lot sizes for the Kinloch Low Density Zone.

The creation of new public road, water, stormwater or wastewater utility services is a restricted discretionary activity under the Taupō District Plan by Rule 4a.3.3. The creation of new roads is a restricted discretionary activity under Rule 4e.14.6. Therefore, as the most restricted activity status applies when bundling activities, the subdivision will be a **Non-Complying** Activity.

Land use consent is sought for specific bulk and location provisions on the new residential lots. These provisions infringe the development control performance standards for the Kinloch Low Density Zone being 4a.1.1 – Maximum Building Coverage, 4a.1.2 Maximum Plot Ratio; 4a.1.4 – Minimum Building Setback – Front Boundary; 4a.1.5 – Minimum Building Setback – all other boundaries and 4a.1.14 – Maximum Earthworks Inside Building Setback. The land use consent is considered a **Non-Complying** Activity in accordance with the Taupō District Plan by Rule 4a.2.13.

While the proposed density of development is more intensive than the underlying zone provisions, in the context of the existing environment the Proposal will have minimal adverse effects. This conclusion is supported by the technical reports which form part of the Application. Overall, it is considered that the proposed subdivision is an appropriate and suitable use of a physical resource and any adverse effects are able to be mitigated to a level which is acceptable. The Proposal is not contrary to the objectives and policies of the Taupō District Plan. Indeed, when considered in the round it is generally consistent with the relevant objectives and policies of the Taupō District Plan, as well as the WRPS. In summary, the Proposal is an appropriate use of resources and will achieve the purpose of the Act.

Given the sensitivity of the Kinloch Community expressed through efforts to consult, the Applicant requests Public Notification despite the conclusions of this Assessment.

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 \$12,500 for a Publicly Notified Subdivision and Land Use Consent 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**

**7 February 2025**

# Appendix 1

Record of Title

## **Appendix 2**

Scheme Plan

## **Appendix 3**

Engineering Services  
Report

## **Appendix 4**

### Landscape and Character Assessment

## **Appendix 5**

Traffic Assessment



## **Appendix 6**

Archaeology Report

## **Appendix 7**

Ecological Assessment

## **Appendix 8**

Record of Consultation