

**Before the Hearings Panel appointed by
Taupo District Council**

In the Matter of

the Resource Management Act 1991
(Act)

And

In the Matter of

An application for land use consent [RM240388], subdivision consent [RM240389] and variation to subdivision consent RM200118B for: 83 residential lots, 4 reserves, 5 road and over 6 stages; land use consent for earthworks and for additional building coverage, plot ratio and building setbacks; variation to Stage 9 of the previous subdivision stage.

Statement of Evidence of
Philip Wayne Rielly
for Seven Oaks Kinloch Limited
Dated: 12 August 2025

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INTRODUCTION

Qualifications and Experience

1. My name is Philip Wayne Rielly
2. I am a Chartered Professional Civil Engineer having specialised in Land Development for over 35 years. In the context of this Application, I represent the applicant Seven Oaks Kinloch Ltd (**Seven Oaks**), being both a shareholder and CEO of the company. Accordingly, I am not an expert witness but as noted below I have decades of experience working as a consultant engineer on multiple development projects.

SCOPE OF EVIDENCE

3. My evidence will address the following:
 - (a) My background and involvement with Seven Oaks.
 - (b) Seven Oaks origins, company structure, operational philosophy, objectives and goals, community involvement.
 - (c) Background to Kinloch Community Structure Plan with regard to development in Kinloch over the past 20 years.
 - (d) Seven Oaks' "Balance Land" subdivision application background and objectives.
 - (e) The reports from experts, Council officers, and the proposed Conditions of Consent.
 - (f) Conclusion.

MY BACKGROUND

4. For the past 35+ years I have been working as a specialised land development engineer. As a consultant engineer, I have worked on behalf of my clients to lead the creation of thousands of residential lots across

many subdivision developments throughout multiple regions of New Zealand, including Christchurch and wider Canterbury, the West Coast, Wellington, Hawkes Bay, and Taupo districts. For these projects I have led large teams of experts across multiple fields to address and deliver exceptional outcomes to the many challenges faced, whilst at the same time being actively involved in the engineering for each project including feasibility research and solutions identification, scheme layout design, consent procurement, detailed design, and construction management through to titling. In more recent years I have been the lead consultant on a few substantially sized developments, in the order of 300 – 1000 lots each.

5. I have been working in the Taupo region since 2003, during which time I was the lead consultant for early stages of the Brentwood subdivision, the entire Nga Roto, Huka Heights, and Locheagles developments, as well as several other smaller developments within the wider district. Most recently I was a Director of Cheal Consultants for 12 years before finishing in mid-2024 to focus solely on Seven Oaks projects.
6. The drive and enjoyment for my professional career has come from the satisfaction I get by creating exceptional communities for families to live, work, and play in, and to see them grow and thrive in those environments. I often personally re-visit developments I have been involved with to see and experience the community I helped to create, and to learn what worked well or what could be improved upon for the purpose of my next projects.
7. At times through some of the developments I have been involved with I experienced disappointment with some clients not being prepared to go the 'extra mile' to create the exceptional outcome that I saw was possible with just a little more effort and investment. Often this occurred with non-local clients who were more focussed on the financial outcome than the community outcome. As a local resident and business owner in Taupo, at times I was disappointed that the region missed out as a result, and I decided I wanted to achieve something better. That drive to achieve something better is the *modus operandi* for Seven Oaks.

SEVEN OAKS KINLOCH

8. In 2017 I approached a local respected Taupo developer and client (Mr Bruce Bartley) to explore the possibility of undertaking a development together. The projects that Bruce had completed in Taupo were consistently held in high regard, and I knew we shared similar objectives and philosophies.
9. Soon after that a block of land became available at Kinloch. At once we saw the exceptional nature and potential of the site to create something quite unique in the context of not only Kinloch but the Taupo District itself. The land was elevated above Kinloch, and Lake Taupo, and was almost surrounded by Scenic Reserve. We saw an opportunity to showcase the merging of residential and environmental objectives in a quality and sustainable development proposition.
10. Soon after securing the land, we recruited three other local and like-minded partners to form Seven Oaks and commenced development of the part of the site zoned (at that time) 'Kinloch Residential' (hereafter referred to as the 'Kinloch GRZ'). We have now completed the development of 134 residential lots at Seven Oaks within stages 1 – 7, and 25 residential lots at Seven Oaks Terraces stages 1 & 2.
11. The shareholders of Seven Oaks are all local Taupo landowners and/or business owners who want to ensure the long term success of the Taupo district. They are very experienced in relevant fields, and most importantly are committed to achieving legacy projects that benefit the community.
12. Seven Oaks is founded on the 'Triple Bottom Line' approach encompassing 'People, Planet, and Profit', and the company's Shareholders Agreement and operational philosophy requires it to:
 - (a) Produce a "beautiful and valuable new residential development in Kinloch" that enhances the Kinloch village and the surrounding

environment, and is something that all shareholders can be proud of;

- (b) Create an exceptional place for people and families to call home and become 'locals' in Kinloch;
- (c) Develop the land only, not the buildings;
- (d) "Pro-actively seek opportunities to deliver social and environmental benefits" to the neighbouring community by forgoing some commercial profits and instead committing a specified percentage of all construction budgets to local sponsorship or community projects;
- (e) Always 'go the extra mile'.

13. By way of demonstrating the commitment of Seven Oaks to supporting the local Kinloch community, to date we have contributed to the following projects or events:

- Kinloch Kindergarten project (gifted a completed residential section);
- Kinstock (annual music festival in Kinloch), major sponsor for the past 5 years and ongoing;
- Kinloch Triathlon Festival – major sponsor since 2018 and committed until 2028;
- Kinloch Village Golf Club sponsor for the past 4 years and committed until 2027;
- The inaugural 2024 'Great Kinloch Trolley Derby' major sponsor and organiser;
- Kinloch Domain surface upgrades and cricket nets;
- Kinloch village security cameras;

- Whangamata stream and Okaia stream wetland upgrading;
- Financial supporter of the Kinloch Families Trust community group;
- Marotiri Primary School swimming pool fencing; and
- Supporter and organiser for various Kinloch school holiday activities, Easter games days, street party, and financial support to individual Kinloch teenagers sporting or schooling aspirations.

14. Therefore, the objective of Seven Oaks is to create an outstanding environment for people to live, work and play in harmony with the natural beauty and special nature of the Kinloch village, Lake Taupo bay, and the surrounding scenic reserves of bush, streams, and wildlife. At the same time, we are committed to making a positive impact on the Kinloch village as a whole. I firmly believe the development that we have already completed demonstrates our commitment to this outcome. Examples within the Seven Oaks development:

- The extensive landscape planting that has occurred throughout Seven Oaks and on the margins of the site;
- The investment made into the central playground and cycle 'pump' track constructed at the intersection of Okaia Drive and Seven Oaks Drive, which has become a destination playground for Kinloch and further afield. It is worth noting that this level of investment was significantly higher than the reserve contributions required with the initial development, nor was it a requirement of Taupo District Council (TDC). It was simply considered by the Seven Oaks' shareholders as an integral part of their vision to create a 'community' rather than just a 'development';
- The walking and cycling networks created through the site and connecting to the existing 'Great Lake K2K Trail' track through the scenic reserves (with approval from Department of Conservation),

which have become very well used by residents and others, as part of the network of trails around Kinloch (a key objective of the Kinloch Community Structure Plan);

- The generous foot and cycle paths on roads in the development, which are in excess in both number and width required by the Council's Code of Practice (CoP);
- The oversized stormwater conveyance, detention, and disposal to ground systems which significantly exceed the minimum required by both the CoP and the Waikato Regional Council (WRC) Stormwater Management Guidelines, but which were installed to ensure a high level of protection was afforded to the scenic reserves surrounding the site and Lake Taupo below. This has been recognised by WRC with their recent letter of support for the Balance Land application;
- A significantly oversized and innovative method of erosion and sediment control during construction involving a network of best practice control and treatment measures, followed by non-standard pumping systems to direct any runoff to a holding pond in the centre of the undeveloped site where discharge to ground via soakage eventually occurs. In this manner we have been able to complete all construction to date with consistently excellent monitoring scores from WRC, and no overland sediment discharge from the site even through extremely challenging weather events and construction in sensitive environmental zones (the construction of the Okaia and Kahikatea Drive road crossings of the Okaia stream are excellent examples).

15. There are many other small features of the development that all combine to create an exceptional community, and it is this level of attention and commitment that is often considered to be excessive and unnecessary by other developers.

16. Finally, it is worth mentioning how the 'Terraces' land fits into the overall Seven Oaks development. Initially Seven Oaks was only tasked with developing the land now known as 'Seven Oaks' and the 'Balance Land'. The 'Terraces' land was owned by others, and it was not part of our original development aspirations. However, the land came up for sale in 2022 and it became clear that several out-of-town developers were interested in purchasing it with intentions of undertaking a development of significantly higher density than the District Plan zoning provided for as 'Kinloch Low Density Residential' (hereafter referred to as the 'Kinloch LRZ'). We did not consider this would be a good outcome for Kinloch as a whole, as so whilst not in our original business plan the Seven Oaks' shareholders purchased the land in order to control its final development form and density. Therefore, the consented development of Seven Oaks Terraces is in full compliance with the density of development required by the Taupo District Plan, and we have completed two stages to date. What is left then is the land between the completed lots at Seven Oaks (within the Kinloch GRZ zone) and the approved Terraces development at Kinloch LRZ density – ie the "Balance Land", which is the subject of this application.

BACKGROUND TO THE KINLOCH COMMUNITY STRUCTURE PLAN

17. Given I was practising as a land development consultant in Taupo when the Kinloch Community Structure Plan (KCSP) was produced, I thought it might be useful to provide some background from my perspective to the creation of the document. This is intended to correct some statements made by submitters on this application and others as to its origins, purpose, and intended use.
18. In the early 2000's Kinloch was experiencing significant development pressure, with a number of landowners undertaking or planning sizeable residential developments in the valley. At the time I was acting as lead consultant for Bruce Bartley who was in the early stages of the Locheagles subdivision. All the developments that were happening required

connection to Council water and wastewater services, which at the time were unable to cope with the proposed demand.

19. TDC therefore needed to determine upgrading requirements and allocate costs to the developments in a fair and equitable manner. Of course, in order to determine the extent of upgrading required, Council first had to predict the total number of dwellings that might eventually be connected – hence the need to create a ‘structure plan’ for residential growth within Kinloch. As a result, the KCSP was largely the outcome of a need to determine infrastructure capacity, rather than as an urban design or environmentally led master planning document. The structure and infrastructure plans were developed contemporaneously by Opus and Harrison Grierson respectively, and were based on best attempts and predictions at the time, the Infrastructure Plan being completed in June 2005.
20. All the major developers operating within Kinloch at that time collectively employed me as consultant to review the plans and work with Council and its consultants to determine the predicted development and infrastructure needs and costs of the village. We reached a sensible and fair outcome, and the developments proceeded with the structure and infrastructure plans as guiding documents. Hence my in-depth knowledge of the origins and intended purposes of both documents.
21. In my opinion, many submitters have placed excessive reliance on the KCSP, believing it to be an over-arching urban development plan, a sort of ‘foundation document’ that is infallible and should be complied with in all respects at the risk of some catastrophic result occurring if it is not. This is not the case. Rather, as outlined above the structure plan primarily came out of a need to determine water and wastewater requirements rather than lot sizes or development areas. The rate of development and the lot sizes in each area were of secondary importance, and the infrastructure plan and associated structure plan was not intended to fix these in a rigid manner.

22. This can also be clearly evidenced from the lack of any reserves master planning for Kinloch. A core part of a true urban Structure Plan is always the need to consider reserves locations, scale, and purpose – often as a founding requirement that guides the form of development thereafter. If the KCSP was intended as true structure plan then reserves would have been at the forefront of consideration, but rather it is largely silent on this aspect.
23. The original structure plan always expected that some variances would (and should) occur to ensure Kinloch was completed in the best possible manner. This is supported by the statement in the Council Section 42A report, Appendix C “Kinloch Background” clause 1.7, where it states that the KCSP background information states that “It will allow for development proposals to work within the implementation recommendations to achieve certain outcomes while still providing flexibility within the design of developments and subdivision.”
24. It is this difference which has led to the misunderstandings that are troubling us today, some 20 years later.
25. At a later date the KCSP was incorporated into the Taupo District Plan, and in so doing assumed a greater role in guiding the growth of Kinloch, while at the same time setting some of the guiding principles of the KCSP in place as ‘rules’ which must be complied with under the District Plan and the RMA, effectively removing the ability to easily adapt development to suit changes which would inevitably occur with time. In that regard it can be seen that the rules in the District Plan relating to Kinloch have largely come from a document not created or intended for that purpose, and whilst the District Plan has since grown beyond that initial document it should be accepted that there could often be alternative ways to achieve better outcomes, which is why this application has been made.
26. Finally, it is worth noting that the services upgrading determined as necessary by that 20-year-old infrastructure report are still yet to be fully

completed by Council. Hence when submitters raise concern about “services unable to cope with existing and proposed development” I believe their opinions are not informed opinions and they are based on infrastructure that isn’t fully complete to support development as intended by the original infrastructure and structure plans. However, largely funded by previous and current developers, I understand that the Council is very close to completing the necessary upgrades so servicing will no longer be a constraint, as outlined by our experts and confirmed by Council's Engineers.

BALANCE LAND SUBDIVISION APPLICATION

27. In my opinion the boundaries between the different development density zones in the KCSP were originally quite ‘broad brush’, and as such were never intended to be hard and fast forevermore. In fact, mistakes in the location of the zones have been found over time which required adjustment through Resource Consent processes to correct them (the Kinloch GRZ location in the Terraces land is a good example), which clearly demonstrates the zones were always quite vague and not produced with a lot of detailed thought in the first place.
28. A case-in-point is the location of the boundary between the Kinloch GRZ and Kinloch LRZ zones which runs across the Seven Oaks land. The location of the line appears to be completely arbitrary. It does not relate to any physical feature on site, is not at a specific or constant contour height, does not relate to any existing legal boundary, and is an unusual shape across a narrow portion of the site. It cannot be identified except with the use of a surveyor, identifying a notional line across an otherwise featureless paddock.
29. It is also at a significantly closer distance to the lake foreshore than its location within the rest of Kinloch, for no apparent reason. Indeed, the elevated nature of the Seven Oaks land means that it is less visible from the surface of the lake than lower parts of Kinloch. I have not been able to find nor have I been provided with any explanation of the rationale for the

location of the zone change line at Seven Oaks, which highlights the lack of analysis in its identification and supports my proposition that it is “broad brush”.

30. Initially Seven Oaks proposed to extend development typically at the Kinloch GRZ density to the common legal boundary with the Terraces block (not owned by us at that time) as a more logical location, although it was still somewhat compromised by the two privately owned 1ha properties that jutted into our land. When submissions were received on the initial application, whilst there were few, they were consistent that the density proposed was considered too high, so Seven Oaks reflected on that feedback to determine whether changes were appropriate.
31. Around the same time the two owners of the 1ha plots agreed to join the project which provided a better chance of designing a more comprehensive and logical development layout. As noted elsewhere, because the area of land covered by the application increased as a result meant a completely new application was required. However, this application should still be seen largely as a response to submissions and a logical progression of the initial application, with an associated reduction in the number of lots and overall density proposed. In fact, the current application now only involves 83 lots all in excess of 800m² in size, and with an average lot size of 1,300m². This is a generously large average section size in the context of Kinloch and the wider Taupo residential environments. It is not ‘high’ density as suggested by some submitters.
32. By this time, we also had gained ownership of the Terraces block and had certainty over its form of development along the common boundary as ‘Low Density’, which provided an opportunity to step back and consider using the Balance Land area as a transition to merge the two zones. It became clear that this would produce a much better urban design outcome than an abrupt 15 times decrease in density over an arbitrary line on the ground, regardless of its location. Relevantly, a similar approach was taken by other

developments in Kinloch when faced with the same issue – e.g. the Oakdale development.

33. After many iterations the current scheme plan has been confirmed as the best way to achieve a sensible transition between the two zone densities, and is based on good urban design and minimising effect of the development on the surrounding land, rather than the coarse, blunt approach required by the District Plan (aka the KCSP) zoning.
34. To adopt this new form of development is not a complete violation of the KCSP as some submitters have suggested, rather it is only a minor adjustment to achieve a much better outcome which was not even considered over 20 years ago when the Structure Plan was developed out of a need to predict infrastructure demand. In my opinion, it better achieves one of the objectives of the KCSP which is to have gradually reducing density as you move further away from the lake – something which a strict adherence to the zones does not.
35. It is also worthwhile noting that Seven Oaks has the advantage of being one of the last undeveloped or unconsented areas of land within the Kinloch valley covered by the KCSP. The development as proposed will deliver a comfortable fit and seamless integration into the structure plan framework and surrounding existing neighbourhoods, and has been comprehensively well designed, considering all potential effects.

REPORTS FROM EXPERTS, COUNCIL, AND PROPOSED CONDITIONS OF CONSENT

36. I have read the reports from the experts commenting and providing advice on the application, along with the Section 42A Council Planners report and associated attachments. I confirm that Seven Oaks accepts the recommendations made by the experts, as well as the suggested conditions of consent proposed by Council.

CONCLUSION

37. It is my view, based not only as the applicant but also as a land development specialist with over 35 years of experience, that the proposed form of development creates a much better outcome for joining the two zones than blindly complying with the requirements of the District Plan would.
38. All parties, including TDC, WRC, submitters, and local residents alike can be assured that Seven Oaks will continue to create the same high quality of housing opportunities as we have in all of our previous stages. The expert witnesses for Seven Oaks and the Council's section 42A author agree the effect of the proposed development will be less than minor, or even positive in some instances. Accordingly, I respectfully request the application be approved.



Philip Wayne Rielly

12 August 2025