

Introduction

- 1.1 I would like to make some points of clarification to my s42A report and then will provide a more detailed response on what I consider to be the key matters discussed today in the evidence presented.

Section 42A Report - Clarifications

- 1.2 At point 2.4 of my s42A report I refer to the expert reports that I relied on for my assessment. I omitted to include the ecological report prepared for the application by Phoenix Ecology.
- 1.3 At Appendix I – Recommended Conditions, this Appendix is titled incorrectly as 'H' when it should be 'I'. On page 12 the numbering of the conditions of RM200118C is incorrect jumping from Condition 10 to 37, and numbering should sequentially follow Condition 10, through to 31.

Recommended Conditions

- 1.4 At Attachment A of Ms Hunts evidence are the recommended conditions with some minor amendments track changed. I accept the minor changes to the conditions although suggest that rather than new Condition 10 in relation to a bird nesting incidental discovery protocol, that this be a matter to be covered off as part of the Erosion and Sediment Control Plan (ECSP) at Condition 5. My suggested revision to Condition 5 is as follows:

The consent holder shall prepare an Erosion and Sediment Control Plan (ECSP) for each Stage, or group of Stages to be constructed at the same time and submit this to Taupō District Council's Development Engineer for approval prior to any site works commencing. The ECSP shall include, but not be limited to, the following:

- i. Timing and staging of the earthworks with consideration given to the season and area of earthworks. No bulk earthworks shall be carried out between 1 November and 31 January of any calendar year;*
- ii. Details of erosion and sediment control measures to be implemented during the earthworks and how they will be maintained;*
- iii. Mitigation measures proposed to prevent dust, vibration and noise nuisance during earthworks, demonstrating access to a reticulated water source and provision of onsite storage for dust suppression;*
- iv. Reinstatement by grassing or revegetation where appropriate;*
- v. The accidental discovery protocol under Condition 9;*
- vi. A bird nesting incidental discovery protocol ensuring that any nests found during peak breeding season (September to February) must be left in place, with a 10m exclusion zone set up between the nest and any works area, until such time as the chick has fledged or the nest is naturally abandoned; and*

vii. *Details of the contractor undertaking the works.*

- 1.5 This is because the wording of suggested Condition 10 is not appropriate for a subdivision consent and is more suitable to be part of the ESCP. Consequently, no changes to numbering of the conditions would be required.

Kinloch Community Structure Plan (KCSP)

- 1.6 In the early days of the structure planning process for the KCSP, it mainly came about as a response to the development pressures in Kinloch and the need to ensure infrastructure capacity into the future, however in my opinion the KCSP evolved into much more than that and addresses a number of matters of which infrastructure is only one.
- 1.7 The KCSP extract below discusses what a structure plan is, and that the KCSP is different to the typical structure plan as it covers additional matters such as the amenity and character of Kinloch. The KCSP was also developed with considerable consultation and involvement with landowners, developers and the community.

Structure plans are proactive tools utilised to outline the requirements for future infrastructure to provide for and compliment new subdivision and development within a distinct geographic location. The Kinloch Community Structure Plan differs from other structure plans in that it seeks to add an extra layer to the infrastructure component, by addressing the existing amenity and character of the Kinloch Settlement.

The purpose of the Structure Plan is to:

- Provide guidance for new subdivision and development within the Structure Plan area.
- Assist with the development of appropriate standards to adequately address the effects of new subdivision and development within the Structure Plan area.
- Apply low-impact urban design principles to guide future residential development within the Structure Plan area.
- Recognise the existence of the Kinloch settlement, and the requirements of the community.
- Recognise the importance of the areas of natural value, scenic reserves and the unique headlands within the Structure Plan area.
- Recognise and provide for the requirements of new infrastructure within the Structure Plan area.

- 1.8 In my view, the KSCP acknowledges that variances would (and should) occur with design of developments and that flexibility within developments and subdivision should be provided for. The KCSP language does allow for adaptability and best development outcomes and is not a 'bottom line' document to be strictly adhered to, but rather it is a guidance and direction document to developers and the community. This is represented under section 1.1.1 of the KCSP which states that the KCSP has a 20 year timeframe, but should be updated from time to time in conjunction with the Kinloch

community as if it were a living document; and it acknowledges that the character of the Whangamata valley as a whole will alter over time.

- 1.9 This is further supported in the explanation at District Plan Section 4.1 Kinloch Development Plan Area of the District Plan also states (highlighter added):
There will be situations where it may be appropriate for subdivision to occur to densities which are characterised by smaller lot sizes than those identified below in Table 4: Minimum and average lot sizes for density areas. Such development needs to be designed in a way where any effects to the amenity or character of the area are suitably avoided remedied or mitigated. These more intensive areas for development should be offset by expansive areas of open space and/or planting to retain the lower density character of the Kinloch Community Development Plan Area. A strong framework of tree and vegetation planting should also be carried out so that the development is not out of character with the wider development plan area.
- 1.10 I note that the KCSP has never been updated in the 20 plus years since it was adopted and I assume this is because the parameters of the KCSP – being minimum lots sizes, zoning, bulk and location standards etc were adopted into the District Plan in 2007.
- 1.11 The three different density areas formulated by the KCSP and were eventually adopted as zones into the District Plan. In my opinion, I consider that that the positions of the boundaries between each density area appear arbitrary and the KCSP provides little to no information or explanation of why the zone lines were drawn in those positions.
- 1.12 Nevertheless, the KCSP parameters (including the residential, low density, rural-residential zones) were adopted into the District Plan as I said earlier. There are specific plan policies that refer to the KCSP that are to be considered for any subdivision and development consent applications in Kinloch. As such, the KCSP still has weight as it is embedded in the District Plan and requires consideration for any consent application within Kinloch SP area.
- 1.13 As stated in my s42A report a number of the submissions in opposition are against the proposal entirely because it contravenes the District Plan / KCSP. For any resource consent application, there is an infringement of the District Plan and any person has the right to apply for a resource consent. In the case of the proposal, indeed a higher density of development is proposed than specified by the District Plan, however as covered in my report, I consider there to be numerous reasons and suitable mitigation measures included in the proposal that will ensure the resulting development will be consistent with the character and amenity of Kinloch and is not contrary to the objectives and policies of the District Plan or parameters of the KCSP.

National Policy Statement Urban Development (NPS-UD)

- 1.14 The NPS is about provision of housing supply throughout NZ in particular in the cities which are Tier 1 and 2 authorities. Taupo is Tier 3 territorial authority and in terms of the settlements within the District Taupo is clearly the largest, with Kinloch second, then Turangi, Mangakino and the other lakeside settlements. I consider the NPS-UD to be of relevance and have had regard to it in my s42A report.

- 1.15 At point 112 on page 21 of Ms Hunts evidence, she discusses District Plan strategic direction policy Urban Form & Development UFD-P10(c) which states '*manage subdivision use and development of land to ensure that it will not... compromise development consistent with the intent and planned urban built form of the zone where it is located.*' and says that it is inconsistent with the higher order NPS-UD which promotes the provision of diverse housing supply in urban areas.
- 1.16 In my opinion, policy UFD-P10(c) is referring to subdivision and development in all of the District's zones (residential, rural, industrial etc) and seeks to ensure that development within each of the zones is consistent with the planned urban built form within those zones, as determined by bulk and location standards, lots sizes etc that apply within each zone. The NPS-UD is very much focused on increasing housing supply in all of New Zealand's urban areas. As such I consider there to be a difference in the goals of each policy framework and therefore the District Plan Urban Form and Development policy not to be inconsistent with the NPS-UD.
- 1.17 Overall, I consider the proposal to be consistent with the NPS-UD.

District Plan Strategic Direction Urban Form & Development (UFD-O2)

- 1.18 At point 120 on page 24 of Ms Hunts evidence, she refers to Strategic Direction - Urban Form and Development objective UFD-O2 which states '*Subdivision, use and development of land will protect the effective functioning of the Rural Zones, maximise the efficient use of zoned and serviced urban land and is coordinated with the provision of cost-effective infrastructure*' and that she considers this objective to have relevance to the application.
- 1.19 I did not consider this objective to be of relevance in my s42A report given that the application site and surrounding area is not within a rural zone and the proposal would not have any influence on the functioning of the rural zones.

Proposed National Environmental Standard – Granny Flats

- 1.20 This NES is still in the proposed phase and as discussed with a Policy team member Council did submit on the NES mentioning Kinloch and the District Plan rule that restricts a site to only one dwelling. The submission does not appear to have come through in the current version of the proposed NES, and it is likely that the NES will supersede the District Plan. This will require a lot of consideration not only within Kinloch / Taupo but across the country on infrastructure capacity for these extra dwellings and the demand generated. I did not discuss this proposed NES in my report as it is still in the development phase.
- 1.21 I also wanted to mention that within Kinloch (and the Taupo area) a lot of the subdivisions that have occurred have consent notice conditions on the title restricting development of the sites to only one dwelling and no further subdivision. This is the case for existing Seven Oaks development to the south, Seven Oaks Terraces to the north, and many other subdivisions within existing Kinloch. It is also one of the consent notice conditions recommended for the proposal: 'only one dwelling / residential unit per lot' (Condition 35(a)). **Consent notices being legal instruments on the title, would**

supersede the NES as they supersede any District Plan changes that occur after registration of the consent notice.

Remaining Consented Development in Kinloch

- 1.22 In response to your question about the number of consented lots / households yet to be implemented, the figure is 240 and that is referring to subdivision consents that still have remaining stages to go and those stages have not been given effect to as yet - section 223 survey plan approval has not yet been applied for. The 240 figure also includes 116 house sites within the Kinloch Golf master plan Land Use consent, that has been given effect to, but these house sites have not yet been developed. As per your instructions, I will follow up with some information on that Land Use consent masterplan.

Summary

- 1.23 In summary, I have considered the evidence presented by the applicant and submitters and the conclusions reached in my s42A report are unchanged with my recommendation still being that the application should be granted.



Louise Wood
Senior Resource Consent Planner Taupo District Council