

Introduction

Kinloch is a small lakeside community, characterised by green spaces, lake edges, bush, friendly village atmosphere, walking, biking and boating, quiet safe streets and free ranging kids.

Because of these desirable and unique characteristics, Kinloch has experienced significant growth.

In order to protect this unique environment in the face of growth pressure, the Kinloch Community Structure Plan (KCSP) was developed and integrated within the Taupo District Plan.

The proposed subdivision is a significant departure from the KCSP and far exceeds what the community should reasonably anticipate for development in Kinloch.

Approving the proposed subdivision would be such a departure from the KCSP that it would undermine the integrity of the Taupo District Plan.

The application for subdivision should therefore be declined.

I expand on these matters under the following headings.

Kinloch Community Structure Plan

The KCSP notes:

The need for a holistic approach to managing growth in Kinloch was driven by community concerns and a strong desire to protect the unique environment of the Kinloch settlement and its environs. Taupo District Council has responded to these concerns by issuing a brief requiring the preparation of a community structure plan to:

- *Recognise community values and aspirations*
- *Provide for the foreseeable needs of future development through an integrated approach to infrastructure planning*
- *Provide a more detailed level of managing growth and development than the Proposed Taupo District Plan or the Transitional District Plan.*
- *Put in place a strong policy framework to recognise the values that give Kinloch its unique environment, and provide for future infrastructure requirements.*

The KCSP provides the foundation for protecting the unique qualities of Kinloch. Developed by the Council through a participatory process with the community, it defines what the community should reasonably expect from future development. It is the primary means through which Kinloch can retain those qualities and values that make it special, while accommodating growth in a sustainable way.

The proposal essentially ignores the KCSP and has made no obvious attempts to achieve any consistency with it. This is evidenced through multiple failures to meet performance standards developed through the KCSP and confirmed in the Taupo District Plan as discussed further below.

Granting a proposal that is so contrary to KCSP brings into question the validity and merits of community structure planning efforts.

Density

The proposed residential subdivision fails to meet a number of the performance standards and development controls for the Kinloch Low Density and Kinloch Residential Zones. The proposal would

result in 100 residential lots on an area of land where Kinloch residents could expect 14 were the KCSP to be followed.

The reference to BRANZ definitions for low, medium and high density in the application documents for the proposal seems entirely irrelevant. The community and Council have defended, through the KCSP, the density provisions that make sense specifically to Kinloch, considering what makes Kinloch unique and special as a satellite community of Taupō. The BRANZ definitions have no bearing.

The KCSP clearly sets out the density splits considered appropriate for Kinloch, highlighting that 'high density' in Kinloch provides for average lots of 1,000m².

When considered against the high-density provisions for Kinloch, and the minimum lot sizes provided for through previous subdivision consents in Kinloch, the proposal still represents a significant departure from what could be anticipated in this context.

Setbacks

The subdivision consent decision for the Oakdale development highlighted the importance of protecting reserve land in Kinloch, and as a result, restrictions were placed to ensure that houses bordering the Okaia Scenic Reserve would be limited to 4.5m height for the entirety of the building that is within 50m of the Okaia Scenic Reserve, and buildings must have a 15m setback from the reserve. These measures were put in place to protect the natural amenity and sightlines of Kinloch.

It is good to see that the developer proposes a similar height restriction for residential development within 50m of Otaketake and Okaia Scenic Reserves, however, the proposed minimum building setback for all lots of 7.5m from the Scenic Reserve is inconsistent with previous development decisions in Kinloch.

The reduction in building setbacks for all other boundaries from 10m to 1.5m is a significant departure from the KCSP provisions.

Non-Complying Activity Status

The proposal is a non-complying activity under the Taupō District Plan.

Non-complying activity status is a way for councils to signal that activities will be subject to a greater degree of scrutiny and indicates to the community areas where some activities are unlikely to be appropriate. TDC and the community, through the KCSP making process, have already decided that this type of development does not belong in this area.

A resource consent can be granted for a non-complying activity, but first the applicant must establish that the adverse effects of the activity on the environment will be minor or that the activity will not be contrary to the objectives of the relevant plan or proposed plan.

If the threshold test is met, the consent authority can exercise full discretion as to whether or not to grant consent and as to what conditions to impose on the consent if granted.

The Applicant concedes that the proposal fails to meet one half of the RMA section 104D gateway test, as the proposed development is contrary to the objectives and policies of the District Plan.

Careful consideration should be given to whether the adverse environmental effects, including cumulative effects, will be minor given the significant non-compliance with the minimum lot size, bulk and location, and earthworks provisions of the Plan.

District Plan Integrity and Precedent

Granting consent for the subdivision of land and residential development that far exceeds the density of housing anticipated and would allow a departure from a number of the bulk and location requirements of the District Plan sets a precedent for future development in Kinloch. Accepting such small lot sizes regardless of the direction set out in the objectives and policies of the District Plan will likely result in future applications being placed before Council seeking a similar relief and cumulatively resulting in a degraded residential environment over time.

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