

Submission to Seven Oaks Kinloch Resource Consent Application

This submission is presented by the Te Kowhai Residence Association. Te Kowhai Ridge is a sub-division made up of 31 Lots that lies between the Whangamata Stream to the east and Oakdale Drive to the west. It is within the Kinloch Low Density Environment.

This submission is primarily based on these official documents. The Kinloch Community Structure Plan (KCSP), The National Policy Statement on Urban Development (NPS-UD), The Waikato Regional Policy Statement (RPS) and the Taupo District Plan (TDP).

Kinloch Community Structure Plan.

The TDP OBJECTIVE 3a.2.3

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.

The KCSP was developed in response to a community consultation and plan development process. It identifies that the Kinloch Residential Area has a character and amenity that is unique to this area and new subdivision and development should be consistent with the Structure Plan. The proposal is contrary to the density provisions and hence impacts on the integrity of this plan and the urban form it advocates, with lower density to the north of Kinloch. The policies of the Kinloch Community Structure Plan Area encourage development within the Kinloch Residential Area to be carried out in a manner consistent with the amenity and character of the existing settlement and reflects the intent of the Kinloch Community Structure Plan.

The KCSP sets out a plan for the development of Kinloch and has a radial development around the bay with increasing Lot sizes as you move away from the lake front. It was developed because of the recognised special characteristics of Kinloch.

It references the desire to “*retain the rural outlook*” and when outlining the current built environment with reference to Lot sizes and coverage it says, “*This unique built environment is one component that makes up the character and amenity of the existing Kinloch development*”.

The policies also enable development in the Kinloch Low Density Residential and Rural Residential Areas to be carried out in a manner which reflects the intent of the Kinloch Community Structure Plan and Kinloch Landscape Policy area in particular:

v. Subdivision design should make use of existing landform and landscape features to ensure that the built form complements the character of the area and does not detract from it.

vi. Buildings should be located to minimise earthworks that may adversely affect the character of the area.

vii. Buildings should be integrated into the site so that the built form is not dominant.

The ridgeline area is providing a green backdrop to the Kinloch residential area and the development cannot occur without compromising the intent of the Kinloch Landscape Policy Area.

We submit that intensification in the area defined by the Kinloch Community Structure Plan is contrary to Policy v and will detract from the character of the area. Further, there is little evidence that the buildings can be integrated into the site, such that the built form is not dominant to those viewing from Locheagles, the lake, The Kawakawa Bay cycle track and other high point surrounding. The nighttime lighting of the subdivision will also alter and dominate the surrounding landform.

We do not believe that allowing high density development within an area designated as low density is within the intention of the KCSP so on this basis we oppose the application.

National Policy Statement on Urban Development.

The NPS-UD sets out guidelines for urban development. It **must be complied with** by territorial authorities, including the Taupo District Council (TDC).

Policy 1-c of the document states “*planning decisions have good accessibility for all people between housing, jobs, community services including by way of public or active transport*”

Surely, nowadays, Taupo District Council should encourage high-density housing close to people's work, schooling, medical centers, retail, hospitality and recreational facilities. People should be encouraged to live where they can walk, bike and e-travel to these amenities, have access to public transport and keep driving to a minimum.

The proposed sub-division is 22 km away from any meaningful amenity other than the recreational opportunities around the lake and walkways. It has no public transport services. Every time people want to access work, the doctor, school, the pub or significant shopping, they must travel by private vehicle. Our experience is that this usually ends up as a 50 km round trip.

We do not believe that Kinloch village is the right place to encourage high density housing outside of what is already provided in the KCSP, so on this basis we oppose the application.

Taupo District Plan

The application for subdivision and land use are non-complying activities under Rules 4a.4.5 and 4a.2.13 of the Taupō District Plan; with various infringement to performance standards for the low-density zone.

Assessment of Environmental Effects Statutory Assessment (AEE)

Section 7.3.2 has considered the objectives and policies of the Waikato Regional Policy Statement (RPS) and the Taupō District Plan (TDP) holistically. This is not the correct approach to the statutory assessment, rather a thorough assessment of the proposal in relation to each relevant objective and policy is warranted for a non-complying activity of such scale.

As outlined in Section 104D of the RMA the application can only be granted if either the adverse effects are minor, or the activity is not contrary to the objectives and policies of the plan.

Relevant objectives and policies and areas where we find the application is contrary to those objectives and policies individually as well as in their entirety are outlined below.

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.

v. Any relevant Structure Plans, strategies or guidelines should be taken into account in the design of any development within the residential environment.

Vii. Maintain Specific Requirement Areas through protecting the established character of these areas in locations where the resulting amenity is valued.

viii. 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.

ix. 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.

We consider the proposal is contrary to Residential Environment Policy i as the density is not appropriate and does not reflect that which was considered appropriate during TDC Plan development and the Kinloch Structure Plan, in order to maintain and enhance character and amenity.

Policy v and vii The Kinloch Structure Plan has not been adequately taken into account and the proposal is clearly inconsistent with the intent of that Structure Plan, which was in part a response to the intensification of Kinloch and its amenity value.

Policy viii: the proposal does not Protect the river margin and is visually obstructive from both several land and water viewpoints.

Policy ix: Mitigation is not specifically outlined for the effect of lighting on the night sky of this ridgeline development and seems to have been overlooked in both the Landscape and Visual Assessment and the AEE. There, is no assessment of the effects of street lighting at this elevation and on a ridge line. The AEE says the Proposal will meet best practice lighting, but there is still a need to assess visual impact on those who will observe the additional lighting and on the night sky. The applicant should consider no lighting or sensor and down lights to protect the dark skies.

3f Traffic and Transport

3f.2.1 The safe and efficient operation of the roading network, and movement of traffic, including cyclists and pedestrians within the District.

POLICIES

- i. *Ensure activities avoid, remedy or mitigate any adverse effects on the operation and function of the roading network, including the movement of traffic cyclists and pedestrians, as accordance with the Roding Hierarchy.*
- ii. *Encourage activities, including the design and location of new vehicle crossings, to provide for the safe and efficient movement of traffic, including cyclists and pedestrians.*
- iii. *Encourage the use of alternative modes of transport such as cycling and public transport.*

In relation to Policy i, there is no mitigation for the adverse effects from additional traffic and associated operational road noise generated by the increased traffic on Oakdale Drive and Whangamata Road. Additionally, the proposal is contrary to use of alternative modes of transport into Taupo center as it increases density without provision for public transport or cycling to Taupo.

District Plan Changes 38-43

Strategic Direction 3 – Urban Form and Development, requires an efficient and effective urban form, which will develop in a manner that is appropriately serviced by infrastructure, and reflects the important values and communities within the district.

We disagree with the assertion that the Proposal reflects the values and communities within the district as it is contrary to the Kinloch Structure Plan, which is the policy framework established to represent those values. Residential density should be focused on Taupo's main center for sustainable urban development rather than contributing to additional transport, noise, and climate change impacts. Additionally, and most importantly, the Proposal if granted would establish a precedent for further changes to intensity provisions of the Kinloch Structure Plan which was developed in response to sustained growth of this nature.

Strategic Direction 4 – Climate Change – effects on climate change. The Proposal encourages intensification away from the urban center of Taupo and hence the need to commute for work and services, and therefore exacerbates the adverse effect of vehicle emissions on climate change.

AEE finding Effects are less than Minor

Section 6.6 of the AEE concludes all effects are less than minor with the mitigation proposed. However, we find that not all effects are adequately integrated in the proposal and that there is no mitigation for cumulative effects as required by *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.*

In particular, the communicative effects of road traffic noise on Whangamata and Oakdale drive (in particular Whangamata Road given its current surfacing) and lighting have not been considered.

The traffic report finds that traffic capacity in the existing network is adequate to absorb the increased density without having adverse effects, but there is no assessment of operational noise effects. There needs to be acknowledgement that Whangamata Road and Oakdale Drive are increasingly operating as residential arterial routes with the already increasing Kinloch population.

If this application was sadly consented, we seek a condition for low noise road surfacing of dense asphalt such as Stone Mastic Asphalt (SMA), or porous asphalt such as LN3 or LN5 on Whangamata Road and Oakdale Drive.

Additionally, we seek low lighting or sensor activated and confined downward lighting to avoid impacts on the dark night sky. We seek a condition in that regard.

Other points we would like to raise.

- s92 letter control gate bridge impact. This letter from CKL to the developers' consultant outlines the likely impact on morning rush hour travel times. It discusses flows at control gate bridge and at the traffic lights at Norman Smith – Wairakei Drive intersection. Surprisingly, it makes no mention of the Poihipi Road – Wairakei Drive intersection. We believe that anyone traveling to Taupo in the morning will find

that this is the pinch point, not the other two areas. We believe that the effects on increased travel time based on waits at this intersection needs to be explored/explained.

- Commercial zoning within the development. In June 2023 the developers ran a drop-in session for the local community. It strongly suggested that there would be Lots allocated to commercial development, which would seem sensible with such an increase in resident numbers. An email labelled Seven Oaks s92 response clearly says there is **no** commercial zoning in this application. Our view is that this application is for more residents, but not genuinely allowing for the opportunity of shops, work or hospitality within walking/biking distance.
- The application outlines in a table (6.2.2) the difference in definition of housing density between KCSP, Taupo District Plan and BRANZ. We believe this is irrelevant as the application is within the KCSP area and what BRANZ suggest in large urban areas has no place in Kinloch.
- The application states that “*A consent condition is proposed which requires a detailed planting plan to be approved*”. Our experience with two developers during the development of Te Kowhai Ridge, is that these plans are not followed and Taupo District Council, in the past, has not ensured that they were followed. We are therefore dubious as to how well this would be done and maintained.
- The application and supporting documents make no mention of the effects of the extra housing on the Kinloch amenities. In the busy summer weeks at around 8 am the queue for the boat ramp regularly reaches onto Marina Terrace, halting normal traffic flow. Is allowing extra high-density development really sensible?

Considering the above, we cannot see any benefit to the development of Kinloch by allowing extra high-density housing.

There are no benefits to the environment, just the detrimental effects of encouraging extra travel to and from Taupo town.

There are no benefits to local employers by having extra residents as there is no truly local employment.

There is no benefit to the current local amenities. How will the lake front, boat ramp, walking tracks benefit from “extra” residents over and above what the KCSP already allows for.

In conclusion, we consider that the application is contrary to the relevant objectives and policies, particularly the Kinloch Community Structure Plan.

It's granting will set a precedent whereby the integrity of the TDP objectives, policies and structure plans are undermined, and there is inadequate mitigation for adverse visual, operational traffic effects. If granted we seek conditions for road noise and lighting as outlined above.

On the grounds of there being no benefit, only negative impacts, we strongly oppose this application.

We wish to be heard in support of this submission.