



Kinloch Community Association

Submission on the Application by Seven Oaks Kinloch Limited for land use consent (RM240388), subdivision consent (RM240389) and variation to subdivision consent (RM200118B)

Wednesday 27 August 2025

Kinloch Community Association

Email: kinlochcommunity@gmail.com Website: www.kinlochcommunity.org.nz



**Submission Regarding
Seven Oaks Kinloch Ltd RM230338, RM240389 and RM200118B**

KCA Submission Summary

Introduction

Commissioner. My name is Ron McPhail. I am a resident of Kinloch and an executive member of the Kinloch Community Association (KCA) which represents and advocates on behalf of Kinloch residents and ratepayers.

We have 386 memberships, of which 323 are family memberships, so a significant proportion of the population. We have over 3,800 people engaging with our social media sites, predominantly Facebook, plus approximately 900 receiving our What's Up in Kinloch Mail Chimp Newsletter. So we are very representative of and engaged with the Kinloch Community.

A survey of residents and ratepayers conducted by the KCA three and a half years ago demonstrated that the community has strong opinions as to the importance of adhering to the Kinloch Community Structure Plan (KCSP) which was incorporated into the District Plan in 2007. We disagree with the applicant that the KCSP was primarily an infrastructure plan. If it was we would not have had the specific zoning that has been applied to the butterfly.

I intend to focus my comments as requested by you on why we disagree with the Section 42A Report author's recommendations. We have provided detailed comments but today I will present a summary of these.

Our main point is that the Application is a non - complying activity under the Taupo District Plan and must pass the tests of section 104D of the RMA. This requires demonstrating that either:

- *the adverse effects on the environment are no more than minor or*
- *the application is not contrary to the objectives and policies of the relevant plan.*



**Submission Regarding
Seven Oaks Kinloch Ltd RM230338, RM240389 and RM200118B**

Objectives and Policies

Firstly, let's look as to how it measures up against the Taupo District Plan

We have stated the Objectives and Policies of the District Plan that we consider are relevant to the Proposal. When we look at the Application it is clear that the allotment sizes, density and overall development are completely contrary to the Objectives and Policies of the District Plan.

The proposed 83 lots are more than 5 times the number of permitted lots as allowed for by the KCSP and have no characteristics that support low-density amenity and values for this site.

The applicant and landscape expert are relying on the existing reserves to mitigate any increased density but those reserves would have been considered in assessing the zoning of the site. This zoning was the result of a comprehensive change plan process that included significant community engagement around density and development as part of the KCSP.

The application also seeks to increase the building coverage from 5% to 30% and no restrictions on plot ratio. This would create an urban -like environment that is not supported by the objectives and policies.

Clearly the proposal does not conform to the objectives and policies and does not support the anticipated low-density character and amenity for this area. As such it is completely contrary to the Taupo District Plan and does not pass the second gateway test of section 104D.

Subdivision Objectives and Policies

SUB-01 To ensure that development in the Residential Zones takes into account the capacity of the supporting infrastructure.

SUB-P2 Subdivision, and resulting development, that creates lots which are smaller than the minimum lot size than specified in Table 4: Minimum and average lot sizes for density areas of this plan for DEV1-Kinloch, should be designed so that the resulting development is clustered and is



**Submission Regarding
Seven Oaks Kinloch Ltd RM230338, RM240389 and RM200118B**

integrated into the landscape, coupled with a strong framework of tree and vegetation planting.

Low Density Residential Objectives and Policies

LRZ-O4 To maintain and enhance the existing amenity and character of the Kinloch residential area and provide for appropriate residential development in the Kinloch Community Development Plan Area.

LRZ-P1 Maintain and enhance the character and amenity of the LRZ 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.

LRZ-P9 Enable and encourage development in the Kinloch Low Density Residential Areas to be carried out in a manner which reflects the intent of the Kinloch Community Development Plan Area.

Adverse Effects Assessment

Secondly our view on the actual and potential adverse effects.

We strongly disagree with the Councils' section 42A report which concludes that adverse effects will be less than minor.

Character and amenity effects.

The District Plan stipulates low density development with up to 16 lots on this site with coverages of 5% versus the proposed 83 lots and 30% coverages.

The proposed controls on built form are suitable for urban residential development and nothing like those applicable to the low density zone for this area that is intended to form a transition zone both visually and in terms of the character of the area.

The applicant offers no mitigation in terms of significant vegetation enhancement and relies heavily on the existing reserves.



**Submission Regarding
Seven Oaks Kinloch Ltd RM230338, RM240389 and RM200118B**

The landscape assessment cannot be used to justify further intensification as the reserves vegetation was already in place and would have been taken into account in the original zoning.

Other developments in Kinloch have required significant planting, clustering and vesting of reserves to offset higher density to maintain character and amenity. There will be a significant change in character and amenity with no appropriate mitigation so the adverse effects on character and amenity are more than minor.

Visual effects and outlook.

The site is partially surrounded by residential development, but these zones were zoned and supported for residential development with the intention of transitioning into low density development.

The LVA which has not been peer reviewed postulates an arbitrary line for the residential zoning but this disregards the communities aspirations through the KCSP as to where development will occur and at what densities

The LVA suggests the proposed development will be a transition zone for density but this is already supported by the zoning and the same argument could be used to extend the residential zone in other areas of Kinloch.

Site Suitability and Servicing

The 16 dwellings that the site has been zoned for would have limited impact on water, wastewater and traffic.

The Council has confirmed that capacity is available for 83 lots but this is only possible by reducing the number of infill lots from 96 as previously determined by Council to 24 as determined by the applicants engineer.

The capacity for infill might alter significantly with RMA changes and using infill capacity for this proposed development takes away the opportunity to develop more appropriate areas in close proximity to facilities.



**Submission Regarding
Seven Oaks Kinloch Ltd RM230338, RM240389 and RM200118B**

Social Effects

The submissions showed that the community wants the Council to support the KCSP so as not to disrupt the social fabric of the community.

More vehicle movements and more demand for limited foreshore reserve space and parking does not enhance the well-being of the community.

Summary of Adverse Effects

Overall, we consider that adverse effects from the proposed development of 83 dwellings on the site cannot be mitigated to a minor level so the proposal fails the first test of section 104D in that adverse effects are no more than minor.

Precedent effects.

We disagree with the conclusion in the Section 42A report that the site is so unique that it is unlikely to create a precedent.

Kinloch has other areas adjoining the residential area that are undeveloped and applications could be made to increase the density with the same LVA and transition zone arguments.

This has already occurred in Kinloch where consent was granted for a specific density and then later changed to allow for further intensification such as Locheagles.

Cumulative effects

The proposed development would contribute an additional 83 dwellings to the Village, and each new dwelling adds more demand to roading, water, wastewater, stormwater infrastructure as well as increased demand for reserve space that hasn't been provided by the developer in any meaningful quantity.



**Submission Regarding
Seven Oaks Kinloch Ltd RM230338, RM240389 and RM200118B**

We believe there are adverse cumulative effects as we have experienced the outcomes of increasing development in Kinloch and the additional dwellings as proposed would have a negative impact on the character and amenity of Kinloch.

Submissions

It is significant that of the 33 submissions received 28 were in opposition, 3 in support and 2 neutral. This shows how strong the opposition is in the community to the proposed development.

It makes a mockery of the planning process if resource consents such as the one being applied for do not consider the overall impact on the community. The section 42A report largely minimises the concerns of the community.

It is clear from the submitters that they expect the Council to uphold the integrity of the District Plan when there has been so much community engagement in the planning process.

Conclusions

The application is for a non-complying activity and the applicant and Council have failed to demonstrate the adverse effects will be no more than minor.

The proposal does not fit the objectives and policies of the Taupo District Plan. The proposed development will set a precedent as there is nothing unique about this site that would deter other developers to undertake similar projects within the butterfly.

Of the 33 submissions 28 have stated strong opposition and expressed their concerns over the effects of the proposal on the amenity and character of this unique quiet lakeside settlement that at peak times is already over capacity in terms of traffic, parking infrastructure and reserve space.



**Submission Regarding
Seven Oaks Kinloch Ltd RM230338, RM240389 and RM200118B**

If the proposal went ahead the limited capacity of Council services in Kinloch Village will inhibit the development of existing infill land that would be more appropriate.

The site and zoning has been through a comprehensive planning process with significant community engagement resulting in the KCSP which Council incorporated into the District Plan. Council should uphold the values of the community and ensure the integrity of the District Plan.

The application does not pass the tests of section 104D of the RMA and should be declined in full.



**Submission Regarding
Seven Oaks Kinloch Ltd RM230338, RM240389 and RM200118B**

1.0 ASSESSMENT AGAINST THE TAUPO DISTRICT PLAN

1.1 The Application is a non-complying activity under The Taupo District Plan and must pass the tests of s104D of the RMA. This requires demonstrating that either:

- *the adverse effects on the environment are no more than minor, or*
- *that the application is not contrary to the objectives and policies of the relevant plan.*

1.2 The Site has been rezoned through a comprehensive plan change process that included significant community engagement around density and development of Kinloch as part of the Kinloch Community Structure Plan (KCSP).

1.3 It is considered the following Objectives and Policies are relevant to the Proposal:

Subdivision Objectives and Policies

- a. *SUB-01 To ensure that development in the Residential Zones takes into account the capacity of the supporting infrastructure.*
- b. *SUB-P2 Subdivision, and resulting development, that creates lots which are smaller than the minimum lot size than specified in Table 4: Minimum and average lot sizes for density areas of this plan for DEV1-Kinloch, should be designed so that the resulting development is clustered and is integrated into the landscape, coupled with a strong framework of tree and vegetation planting.*

Low Density Residential Objectives and Policies

- c. *LRZ-O4 To maintain and enhance the existing amenity and character of the Kinloch residential area and provide for appropriate residential development in the Kinloch Community Development Plan Area.*
- d. *LRZ-P1 Maintain and enhance the character and amenity of the LRZ 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.*
- e. *LRZ-P9 Enable and encourage development in the Kinloch Low Density Residential Areas to be carried out in a manner which reflects the intent of the Kinloch Community Development Plan Area.*



**Submission Regarding
Seven Oaks Kinloch Ltd RM230338, RM240389 and RM200118B**

- 1.4 The Taupo District Plan Objectives and Policies are strongly focussed on preserving the low-density character and amenity that the subject site is zoned.
- 1.5 There is a clear and strong connection between allotment sizes, density and overall development being proposed that is completely contrary to the Objectives and Policies and anticipated character.
- 1.6 The site has a permitted baseline for development of 16 lots, which provides a clear character of low-density development with large separation between built form set into the backdrop of the lower Kinloch Residential Area.
- 1.7 The proposed 83 lots are more than 5 times the number of permitted lots as anticipated by the Kinloch Community Structure Plan and have no characteristics that support low-density amenity and values anticipated for this site.
- 1.8 The objectives and policies anticipate where additional density is undertaken, the lots are clusters and integrated into the landscape with a strong framework of tree and vegetation planting. This has occurred on all other development in Kinloch including Locheagles, Poplars, Kinloch Golf Course, Te Kowhai and Oakdale developments.
- 1.9 Instead the applicant and landscape expert are relying on the existing reserve planting that does provide a vegetated area, but this is not part of any mitigation package offered by the applicant to offset density and there is no clustering proposed.
- 1.10 The development not only seeks to increase density of the lots but allows for an increase in building coverage from 5% to 30% and no restrictions on plot ratio. This results in not only increased density but significantly larger built form across the site, that has little to no mitigation and creates an urban like environment not supported by the objectives and policies.
- 1.11 It is clear that the proposal is not consistent with the objectives and policies and has little to no attributes that support the anticipated low-density character and amenity for this area and as such is completely contrary to the Taupo District Plan Objectives and Policies and cannot pass the second gateway test of s104D.



**Submission Regarding
Seven Oaks Kinloch Ltd RM230338, RM240389 and RM200118B**

2. ASSESSMENT OF ACTUAL AND POTENTIAL ADVERSE EFFECTS

2.1 The Council's s42A report provides a good summary of key relevant matters of actual and potential effects but concludes that adverse effects will be less than minor which we strongly disagree with.

2.2 We consider the effects are more than minor for the following matters:

a. Character and Amenity Effects

- i. Character and Amenity are concepts specific to individuals or groups and their perception of a place and these are further reinforced with the anticipated future development enabled by the District Plan.
- ii. In the case of the applicant's site, the community have had significant involvement in the development of the KCSP and therefore have a strong vested interest in the outcome of development and how that relates to anticipated character and amenity.
- iii. The character and amenity of the District Plan strongly directs low-density development and up to 16 lots on this site with low coverages of 5%, versus the proposed 83 lots and 30% coverages.
- iv. The proposed controls on future built form and overall building density are for full urban residential development with nothing akin to low-density residential development that is intended to form a transition zone, both visually but also in terms of the character of the area.
- v. This is a significant deviation from the District Plan and has significantly different character and amenity effects that cannot be mitigated.
- vi. The applicant offers little to no mitigation in terms of clustering of lots or significant vegetation enhancement and relies heavily on the existing vegetation in the reserve.
- vii. The landscape assessment fails to take into consideration that this vegetation was already in place when the land was zoned for low-density development and would have formed the basis of the original zoning and appropriateness of urban development patterns. In other words, it cannot be used to justify further intensification.



**Submission Regarding
Seven Oaks Kinloch Ltd RM230338, RM240389 and RM200118B**

- viii. All other development in Kinloch have required significant planting, clustering and vesting of reserves to offset higher density to maintain character and amenity and have generally complied with low density standards when assessed against the large parent block, such as the golf course where the average building coverage is restricted to 2%.
 - ix. There will be a significant change in the anticipated character and amenity with no ability to mitigate these changes and as such the adverse effects on character and amenity are more than minor.
- b. Visual Effects and Outlook
- i. The current visual amenity is open pastoral grazing land that forms a backdrop to the lower residential development of Seven Oaks and balances the higher urban development against the more rural backdrop.
 - ii. While it is agreed that the Site is partially surrounded by residential development, these areas were only zoned and supported for residential development with the intention of offsetting and a backdrop of low-density development.
 - iii. The visual amenity is changing significantly from that anticipated by the District Plan, with adverse effects that are more than minor as there is no ability to mitigate these effects when the additional development being proposed is so different to that anticipated by the District Plan.
 - iv. While the applicant has provided a LVA, unlike all other LVA's this has not been peer reviewed and so council is wholly relying on the applicant's evidence rather than having any independent review of the LVA.
 - v. It appears that there has been no internal audit of the LVA by any internal qualified council staff which calls into question the ability to critically analyse the LVA by an independent and qualified expert.
 - vi. The LVA discusses in depth an 'arbitrary' line for the residential zoning, and while this may be the case, this disregards the communities' aspirations through the KCSP on where development will occur and at what density is suitable and has been through a comprehensive public process.

**Submission Regarding
Seven Oaks Kinloch Ltd RM230338, RM240389 and RM200118B**

- vii. The LVA also supports a 'transition' zone for density, but this is already supported by the underlying zoning and there seems little to prevent this same argument being used to further extend the residential zone in other areas of Kinloch as shown in the figure below.



c. Site Suitability and Servicing

- i. The site has been zoned as low-density with an anticipated future development of 16 dwellings that would have limited impact on water, wastewater and traffic.
- ii. While the Council have confirmed that capacity is available for the additional development, this is only addressed by removing capacity from other residential areas that could be further developed in the future for infill development for example.



**Submission Regarding
Seven Oaks Kinloch Ltd RM230338, RM240389 and RM200118B**

- iii. The Council has confirmed that capacity is available for 83 lots, but this is only possible by reducing the number of infill lots from 96, as previously determined by Council, to 24 as determined by the applicants engineer.
- iv. The original growth models and development contributions policy and infrastructure design was based on allowing for future infill development capacity.
- v. While the current District Plan is restrictive on infill development, this could change significantly with RMA changes, and by enabling the capacity to be utilised by out of zone residential development, takes away the opportunity to develop more appropriate areas in close proximity to shops and existing reserve networks on the lower and more appropriate areas of Kinloch.

d. Social Effects

- i. The submissions have shown that the existing community is not supportive of additional growth beyond that supported by the KCSP.
- ii. The community enjoy the tranquillity of the existing small and compact Village and therefore the potential social effects could be negative on the existing social fabric.
- iii. This includes more vehicle movements, more demand for already limited foreshore reserve space and parking that all change the social fabric of a community.

2.3 Overall, it is considered there are more than minor adverse effects from the proposed development of 83 dwellings on the Site.

2.4 As the adverse effects cannot be mitigated to a minor level, the proposal fails the first test of s104D.

3.0 PRECEDENT EFFECTS

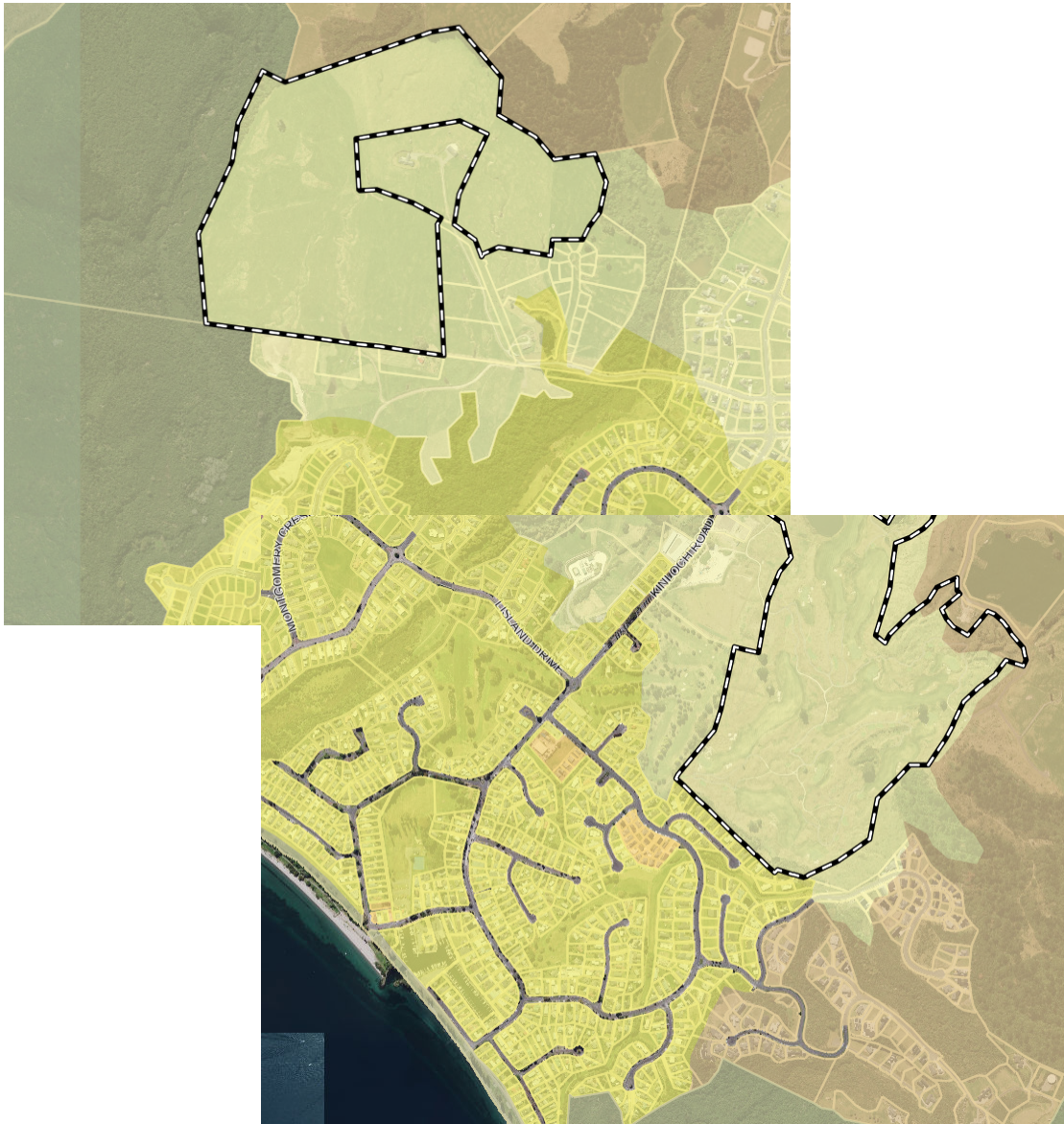
3.1 The Council's s42A report explains that precedent effects will be less than minor, as the site is so unique that it is unlikely that precedent will be created by approving the Proposal.



**Submission Regarding
Seven Oaks Kinloch Ltd RM230338, RM240389 and RM200118B**

- 3.2 We disagree with this conclusion given Kinloch Village is a well-defined residential area that has a number of similar allotments that are undeveloped that adjoin the residential area.
- 3.3 The Terraces site to the north, also owned by Seven Oaks, is consented for a low-density residential development, but much of the land has not yet been developed and an application could easily be applied for to increase the density with the same LVA and transition zone arguments.
- 3.4 This has been the case in many other developments in Kinloch where an overall 'masterplan' consent was approved for a specific density and then later changed to allow for additional development rights, such as Locheagles.
- 3.4 The Kinloch Golf Course adjoins a large area of residentially zoned land that is also vacant and could be further developed for residential development with very similar arguments around transition zones and minor impact on landscape values.
- 3.5 The planning map shown below demonstrates these areas and shows clearly that there are other transition areas that could be expanded to enable additional residential development on the edge of existing residential zones.
- 3.6 It is considered that precedent effects from the Proposal would encourage other landowners to also undertake similar subdivisions, which would have a significant impact on the character and amenity of this small community.

**Submission Regarding
Seven Oaks Kinloch Ltd RM230338, RM240389 and RM200118B**



4.0 CUMULATIVE EFFECTS

- 4.1 Cumulative effects are considered relevant as the new proposed development will contribute an additional 83 dwellings to the Village, and while not large in comparison to the overall Village, there have already been continually increasing density in Kinloch with Locheagles and other similar developments well in excess of the KCSP.



**Submission Regarding
Seven Oaks Kinloch Ltd RM230338, RM240389 and RM200118B**

- 4.2 Each new dwelling adds more demand to roading, water, wastewater, stormwater infrastructure as well as increased demand for reserve space that hasn't been provided by the developer in any meaningful quantum.
- 4.3 It is considered that there are adverse cumulative effects and each additional dwelling in the Village is another continuation of increasing demand on a limited resource of recreation land, council infrastructure and overall character and amenity to this unique area.

5. SUBMISSIONS

- 5.1 The application was publicly notified and received 33 submissions.
- 5.2 Of the 33 submissions received, 28 were in opposition, 3 in support and 2 neutral.
- 5.3 This shows strong support to decline the application given such comprehensive opposition from the community.
- 5.4 There is a clear theme from the multiple submitters around the values they hold in terms of the existing character and amenity and the expectation of Council upholding the integrity of their District Plan when there has been so much community engagement in the historic planning process.
- 5.5 District Plan integrity is significant to the Kinloch community, given the community are so invested in the KCSP and hold high value in the robust process the structure plan went through to create a Village that could develop in a logical and well thought out manner.
- 5.6 By allowing continued ad hoc development through individual resource consents, makes a mockery of the planning process to undertake a robust structure plan and spatial planning process, that is then undermined through individual consents that do not consider the overall impact on the community.
- 5.7 The s42a planning report largely minimises these concerns of the community that are legitimate matters related to character and amenity and visual effects that if approved enable another consent to proceed that continues to erode the value of the District Plan and KCSP.



**Submission Regarding
Seven Oaks Kinloch Ltd RM230338, RM240389 and RM200118B**

- 5.8 There are only 2 submissions in support of the application out of the 33 submissions, which shows little support overall to diverge so far from the District Plan and only relate to development being 'good' for the community and 'inevitable' to address increased demand, neither of which are considered to have any merit in supporting ad hoc development.
- 5.9 The submissions are clear from the community that the majority want to see council uphold their own planning documents that have been through robust planning assessment and community engagement and in effect draw a line on additional development not consistent with the KCSP.

6. KINLOCH COMMUNITY STRUCTURE PLAN (KCSP)

- 6.1 The applicants evidence states that the KCSP is largely an infrastructure plan and therefore does not hold any weight in assessing the character and amenity of the Kinloch Village.
- 6.2 If this was the case, the KCSP would not have resulted in a specific zoning and precinct in the District Plan that has very different rules and standards to any other Residential Zone in the District.
- 6.3 The standards for Kinloch have come from the KCSP that anticipates lower overall density (large sections) and lower coverages than say the Taupo Residential Zones.
- 6.4 The reduced density and lower coverages were intended to create a distinctive environment that matched the existing character and amenity of a smaller, quiet lakeside village and the KCSP and subsequent District Plan changes were always intended to maintain this character and amenity.
- 6.5 To state that the KCSP is just a tool for infrastructure planning is misinformed and fails to realise the community input that drove the KCSP in the first place to address what the community continually saw as ad-hoc process and individual resource consents that failed to consider the communities aspirations.
- 6.6 Approving a further ad-hoc consent, rather than going through a more comprehensive and inclusive plan change process, fails to take into account the value the community hold in robust planning processes and being engaged in those processes.



**Submission Regarding
Seven Oaks Kinloch Ltd RM230338, RM240389 and RM200118B**

- 6.7 It is considered that a full plan change process would have been more appropriate to the Seven Oaks development and would have avoided the ad-hoc approach that is concerning the community through continually approved resource consents that continue to erode the intent of the KCSP.

7. SUMMARY

- 7.1 The application is for a non-complying activity, and the applicant and Council have failed to demonstrate that adverse effects will be no more than minor or will be consistent with the Objectives and Policies under s104D of the RMA.
- 7.2 The proposed development will have precedent effects given there are other similar lots that are similarly zoned in the Village with similar characteristics.
- 7.3 Of the 33 submissions, 28 have responded with strong opposition and clearly demonstrates concerns on amenity and character on this unique quiet lakeside settlement that at peak times is already well over capacity in terms of traffic, parking, infrastructure and reserve space.
- 7.4 The proposed development will consume the remaining limited capacity for Council services in Kinloch Village, making further development of existing infill residential land unfeasible in locations that are considered more appropriate.
- 7.5 The Site and zoning has been through a comprehensive planning process with significant community engagement and support for a robust spatial plan known as the KCSP and council should uphold the values of the community and ensure the integrity of the District Plan.
- 7.6 There is nothing special or unique about this Site that would prevent precedent effects and encourage other landowners in the Village to undertake similar development.
- 7.7 The application for resource consent to create 83 new lots should be declined in full.