BEFORE AN INDEPENDENT HEARINGS PANEL
APPOINTED BY THE SOUTH WAIKATO DISTRICT COUNCIL

UNDER	the Resource Management Act 1991
IN THE MATTER	of an application under s 88 of the Act
BY	**SUBDIVISION AT 597 HORAHORA RD**
PARTY	Bates Family Trust

VERBAL STATEMENT OF SHANNON BRAY

Dated: 21 October 2026

VERBAL STATEMENT OF SHANNON BRAY

Introduction

[1] Mōrena, ko Shannon Bray ahau. My name is Shannon Bray. I am a director and landscape architect at Wayfinder Landscape Planning & Strategy Ltd (Wayfinder) and I have provided evidence for Bates Family Trust.

Figure 1

[2] Before turning to my main statement, I would like to make two corrections to my evidence. The first correction concerns Figure 1, for which I provide a revised version.

[3] The purpose of Figure 1 was to strip away some of the detail and allow the underlying distribution of development to be more readily understood. In preparing the example clustered layout, I included indicative landscape greening to demonstrate the opportunity to create gaps in the development. On reflection, I consider that greening introduced an unnecessary visual bias into the comparison that is not reflected across the Applicant's layouts.

[4] I have therefore removed that greening. The revised figure is intended to show just the spatial difference between the proposed distribution of development and an example of a more deliberately clustered arrangement.

[5] As I made clear in my evidence, the example is schematic. It is not an alternative subdivision design and has not been tested against all of the site's planning, infrastructure or physical constraints. It is simply intended to illustrate the landscape principle I am describing.

[6] As a slight aside, I also note the discussion yesterday between the Panel and Ms Ryder about Stage 1, and whether more could be done to address the linearity of development in that area. My answer to that question is yes, although I acknowledge and agree with Ms Ryder that it is not straightforward given the shape and constraints of that part of the site.

[7] In preparing my original Figure 1, I admit to having been relatively conservative in Stage 1 and did not show substantial change in that area. However, in my March meeting with the Applicant I did present a simple pencil scheme that explored somewhat-triangular lots as one way of achieving greater clustering in

this area. That arrangement allowed groups of dwellings to be brought closer together while retaining the opportunity for individual lots to maintain views towards the river. This allowed greater clustering and more deliberate gaps between groups of the development. I have updated Figure 1 to demonstrate how this might be possible.

[8] I am not suggesting that particular arrangement is the answer. My point is that there are design options that could be explored across the whole development.

Slight Correction

[9] Secondly, I also wish to correct paragraph [101] of my primary evidence. I referred to the Lake Whakamaru Development Area as adjoining the ONL. My understanding is that it is *within* ONL 5.

[10] This provides a potentially relevant example of how rural lifestyle development within an ONL can be approached, although I am not suggesting that its provisions apply directly here. I note that ONL 5 and ONL 10 both address landform adjacent to the Waikato awa, but are located in different landscape contexts.

The key point of disagreement

[11] Moving to my main summary, having read Ms Ryder's rebuttal to my primary evidence, and heard the discussion yesterday, I think the principal difference between us has become quite clear.

[12] We agree that the physical distribution of dwellings is an important component of the subdivision pattern[1]. I have also acknowledged the positive measures incorporated into the revised proposal, including the substantial reduction in earthworks, greater retention of landform, ecological restoration and additional landscape controls.

[13] The principal disagreement is whether the proposal achieves a genuinely clustered pattern as required to by the Plan. Ms Ryder considers that the landscape strategy and built-form controls together achieve that outcome. In my

[1] Paragraph [3.5] of Ms Ryder's rebuttal: "*I concur with Mr Bray that the physical distribution of dwellings is an important component of the subdivision pattern."*

opinion, the underlying distribution of residential occupation remains substantially continuous (as illustrated by my Figure 1), and planting and other controls do not resolve that concern.

[14] That matters because this site forms part of the wider Waikato River ONL. Clustering needs to be considered in relation to that landscape framework, including the legibility and continuity of the terraces and the relationships between the site, the road and the river. This intent was installed when the zoning was introduced, and formed a basis through which an ONL overlay could be applied. It is not, in my opinion, simply a question of whether groups of dwellings can be visually separated by vegetation.

[15] For me, clustering begins by concentrating lots, dwellings and associated domestic activity so that meaningful landscape breaks remain between groups of development. Those breaks should allow the underlying landform and its relationship with the river to remain legible. Planting and building controls cannot substitute for that spatial arrangement.

[16] Like the Panel, I also have difficulty understanding what conditions enforce the location of building platforms. They are not shown on the Cogswell Scheme Plans, and are only very lightly demonstrated as "indicative" on the LVAMPP[2]. Equally, the internal lot accessways are also not defined and therefore cannot be easily assessed in terms of clustering, or their effect on the ONL terracing.

[17] That leads to what I think is the fundamental difference between our approaches.

Avoid first

[18] Having heard Ms Ryder's explanation yesterday, I remain of the opinion that the Applicant places greater weight on managing and mitigating the effects of the development pattern once it is established. I place greater weight on avoiding those effects through the layout in the first place.

[19] When I met with the Applicant earlier in the year, its then planner, Ms Steenstra, raised concern about the scope available for further changes after lodgement and notification, including whether substantial redesign would require withdrawal and re-lodgement or renotification. Whilst I understand that concern, the consequence

[2] I note that this was my source data for Figure 1.

of the chosen approach to avoid consenting delays means that the proposal largely retains the original layout, with some concentrated changes in Stages 2 and 3, rather than reconsidering the design holistically as I had suggested.

[20] As I have noted, I acknowledge the improvements that have been made through the redesign. The Boffa Miskell LVAMPP is generally comprehensive and well considered – albeit with some issues I will return to.

[21] But, I think it important to point out that Boffa Miskell has been involved in the project throughout, including in the original landscape design as originally lodged. Whilst Ms Ryder explained yesterday how she has influenced the revised proposal, in my opinion the more fundamental opportunity for landscape input was at the outset, when the subdivision pattern itself was being designed. By the time the concerns I have identified were being addressed, the ability for Ms Ryder to make substantial changes to that pattern were constrained by the choice to continue on this consenting path.

[22] In my opinion, that doesn't make the proposal right, and it is an important distinction that underpins my evidence. The subsequent landscape work has improved the proposal, but has not resolved what I consider are underlying, fundamental flaws – those flaws which I presented to the applicant in March. My preference would have been for the landscape values of the ONL to shape that pattern from the outset.

Effectiveness of Mitigation

Long term decay

[23] In my experience, maintaining a landscape outcome for a subdivision development that is relied upon at the time of consent is challenging. Its effectiveness depends on both the vegetation itself and ongoing management by successive landowners.

[24] Planting evolves. Trees mature, some fail, owners make changes, and the original design intent can gradually be eroded.

[25] What I have often seen is that first-generation purchasers generally understand the landscape vision they are buying into, and they are required to implement the relevant on-lot planting as part of establishing their property. The proposed

conditions reflect this, requiring on-lot planting before occupation or Code Compliance, and requiring that planting to then be retained, maintained and replaced where it fails.

[26] But my experience is that the challenge becomes greater with subsequent owners. They have not necessarily participated in, or bought into, the original vision in the same way. Over time vegetation matures, individual trees fail, gardens change and owners make choices about views, sunlight, access and the use of their property. Individually those changes can appear relatively minor. Collectively, and over a sufficiently long period, they can materially alter the coherent landscape outcome that was originally intended.

[27] I have been involved in a number of developments once they are beyond the initial establishment period where precisely these issues arise. Conditions remain on the title, but the physical landscape has changed and questions arise around replacement planting, vegetation removal, maintenance and whether the landscape outcome originally relied upon is still being achieved. It is that longer-term period that concerns me here.

[28] The important point is therefore how the proposed landscape framework operates in practice. The conditions place substantial ongoing responsibility on individual landowners. I have not identified a single body corporate or other landscape management entity responsible for maintaining the overall landscape outcome across the development. My concern is how obligations will be coordinated across more than 70 separately owned residential properties and how non-compliance will be identified and remedied, including Council's monitoring and enforcement role.

[29] That is quite different from a development where the critical landscape framework is held within one or two ownerships, or managed collectively through a body corporate or similar entity. In those circumstances there is a clear party responsible for maintaining the landscape outcome as a whole, and a greater level of collective interest and influence in the outcomes.

[30] I also note that Ms Ryder's rebuttal at [4.3]–[4.4] relies on natural growth and avoiding trimming for views. Whilst proposed condition 76 prohibits removal or material reduction of mitigation planting, it would assist to clarify whether that

expressly prevents height reduction or trimming to maintain private views, and how that restriction is secured across all three stages and all private lots.

[31] My concern here is not that the proposed conditions lack maintenance requirements. They clearly contain them. My concern is whether those requirements provide sufficient practical assurance that the landscape outcome relied upon today will still exist in 10, 20 or 30 years. Based on my experience of developments at later stages, I consider there is a real risk of gradual decay through numerous individual decisions and failures over time.

[32] That matters particularly because Ms Ryder asserts that the proposal relies on the LVAMPP to provide cohesion across private lot boundaries, and that monitoring is intended to ensure those outcomes continue to be delivered. If the mitigation framework progressively weakens and the underlying subdivision pattern does not change, the effects of the proposal will become greater with time.

[33] That is why I place weight on achieving an appropriate landscape structure through the layout itself, rather than relying so heavily on a landscape framework that will require active management and compliance across many individual properties for generations.

Integration across the three stages

[34] My understanding is that three sets of conditions are being considered, with each stage intended to be self-contained. I understand the practical purpose of that approach. However, as several experts noted yesterday, the ONL forms part of the wider Waikato River landscape. Its values and relationships do not stop at stage boundaries, and the landscape outcome needs to remain coherent across all three stages and within that wider river setting.

[35] Based on my experience, this structure could allow each stage to be sold as a development package, potentially resulting in three different consent holders. I am not suggesting that will necessarily occur, but the conditions need to remain effective if it does. Each set would need to make responsibility for planting, maintenance, replacement and monitoring clear, including where the landscape outcome depends on work in another stage. Separate delivery should not leave gaps in responsibility or undermine the coherence of the landscape framework.

Planting reinforces the pattern

[36] There is a further issue with relying on planting to create the cohesion Ms Ryder discussed yesterday. In my opinion, the planting pattern shown on the LVAMPP does not disguise the underlying subdivision pattern. Rather, I consider it reinforces it, because the vegetation itself will express the pattern of individual allotments.

[37] A useful real-world illustration is the Christchurch Red Zone. I appreciate that is a suburban example and the circumstances are entirely different, but the landscape principle is relevant. Houses and fences have been removed and formal property boundaries are no longer present. Yet the inherited vegetation pattern still reveals the former pattern of occupation. The landscape retains a ghost of the subdivision that was there.

[38] My concern is that a similar principle applies here. Planting associated with individual lots, combined with the gardens, lawns, accessways, fencing and other domestic elements that will inevitably develop within them, will reinforce the pattern of separate residential occupation rather than necessarily dissolve it into a coherent landscape.

[39] That brings me back to why I favour greater variation in lot size. Smaller lots can bring dwellings and domestic activity together into more clearly defined clusters. Larger intervening lots can provide meaningful landscape breaks where their dwellings, domestic activity and planting are located and managed to retain the openness and legibility of the river terraces and their relationship with the Waikato River.

[40] In my opinion, that is a more enduring way of achieving clustering than distributing development relatively continuously and then relying on planting to create the perception of separation.

Visibility

[41] There is also a tension in the role being asked of the planting.

[42] Ms Ryder places weight on vegetation screening and reducing the prominence of development. However, in questioning yesterday she also identified areas where planting is deliberately kept low to maintain sightlines.

[43] Those objectives cannot always be achieved together. Where vegetation is kept low or views are maintained, it cannot also be assumed to screen development behind it.

[44] I do not see that as a flaw in the landscape plan. It simply illustrates the limits of what planting can achieve, and why I remain cautious about the weight placed on it as mitigation.

Outcomes

[45] I agree with Ms Ryder that there is an opportunity for rural lifestyle development on this site. I also agree there is potential to set an important precedent for how further rural lifestyle development might occur along the river, perhaps in combination with the approaches used for *Whakamaru*.

[46] However, I disagree that the current proposal achieves the appropriate outcome.

[47] In my opinion, the starting point for development within this ONL should be the values that make the landscape outstanding, considered as part of the wider Waikato River system. That requires attention not only to individual features within the site, but also to the continuity of the river terraces and the relationships between the landform, gullies, road and river.

[48] I would start with a clean slate and allow those values and relationships to shape the development pattern, rather than starting with a subdivision layout and then seeking to address its effects. In my opinion, that is the appropriate methodology for considering development of a landscape that is identified as having national importance.

[49] That approach does not mean sacrificing rural lifestyle development or necessarily requiring a substantially lower yield. It means distributing that development differently. Smaller lots could concentrate dwellings and domestic activity into clearly defined clusters, while larger intervening lots provide meaningful landscape breaks.

[50] Importantly, those larger areas could also carry the more significant landscape vegetation and restoration. Rather than distributing mitigation planting across more than 70 individual properties, with the long-term management and compliance issues I have described, planting could be more deliberately targeted

to reinforce the gullies, terraces, river margins and the larger open breaks between clusters, and across far fewer landowners. This makes success and compliance much more likely.

[51] In my opinion, such an approach would achieve a bolder and more enduring landscape outcome and would be more appropriate in the ONL context. The purpose of the vegetation would be to strengthen the underlying landscape structure and its connections with the wider river system, rather than principally screening or softening residential development. Concentrating that planting into fewer, more coherent areas could simplify long-term management, provided responsibility for those areas is clearly secured and coordinated across the three stages.

Public Access

[52] I agree with the Panel's questioning about the practical usability of the proposed esplanade strip. As I outlined in my primary evidence, setting aside land for public access along the river is important to avoid privatisation of the awa. Ensuring that an esplanade can actually be used is fundamental to achieving that benefit.

[53] In my opinion, the feasibility and continuity of a practicable route, including through the steeper areas and gullies, should be demonstrated rather than left unresolved.

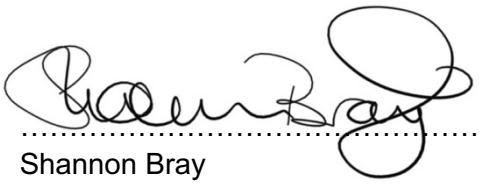
Conclusion

[54] The principal basis for my conclusion is broader than clustering alone. From a landscape perspective, I consider the proposal does not adequately respond to the site as part of the wider Waikato River ONL. The underlying subdivision pattern remains substantially continuous, spreads residential occupation and long-term domestic management across the river terraces, and does not retain sufficient meaningful open areas for the landform and its relationship with the awa to remain coherent and legible. While the reduced earthworks, restoration planting, esplanade strip and built-form controls are significant improvements, in my opinion they mitigate the effects of that pattern rather than resolve them. Taken together, I do not consider the proposal appropriately reconciles the rural lifestyle development anticipated for the site with the protection of the landscape values for which it forms part of the ONL.

[55] The concern is therefore not with any single aspect of the proposal in isolation, but with the resulting landscape outcome as a whole. In my opinion, the proposal would materially change the coherence, legibility and long-term character of the river terrace landscape, rather than allowing the values and identity of the ONL to endure.

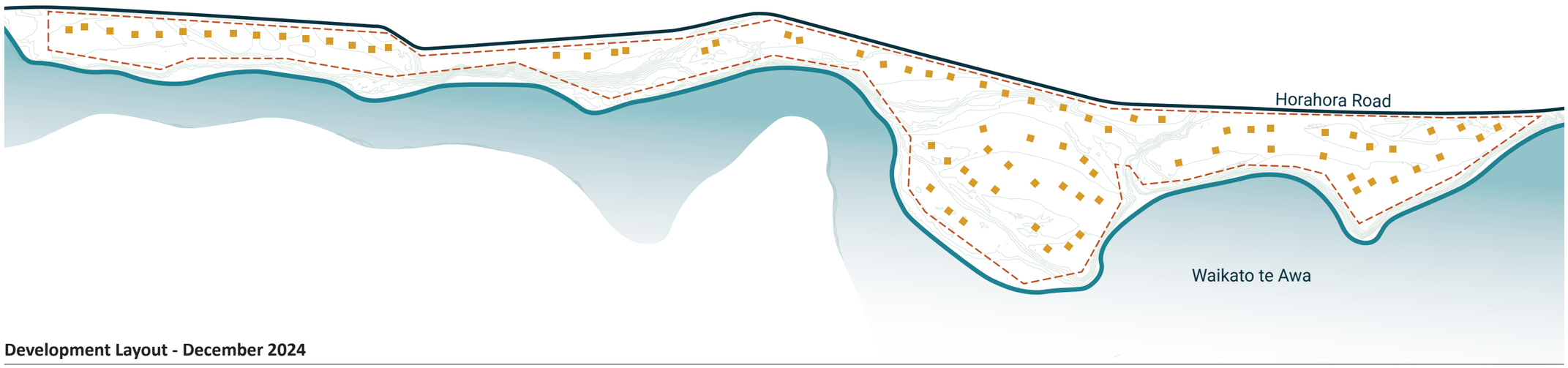
[56] I do not consider those effects to be an unavoidable consequence of rural lifestyle development on this site. A more landscape-led arrangement, with development concentrated into clearer clusters, meaningful open areas associated with the terraces and landform, and more coherent long-term management, could provide for rural lifestyle development while better protecting the ONL values. That outcome would need to work coherently across all three stages and respond to the site's place within the wider Waikato River landscape.

Dated: 22 October 2026

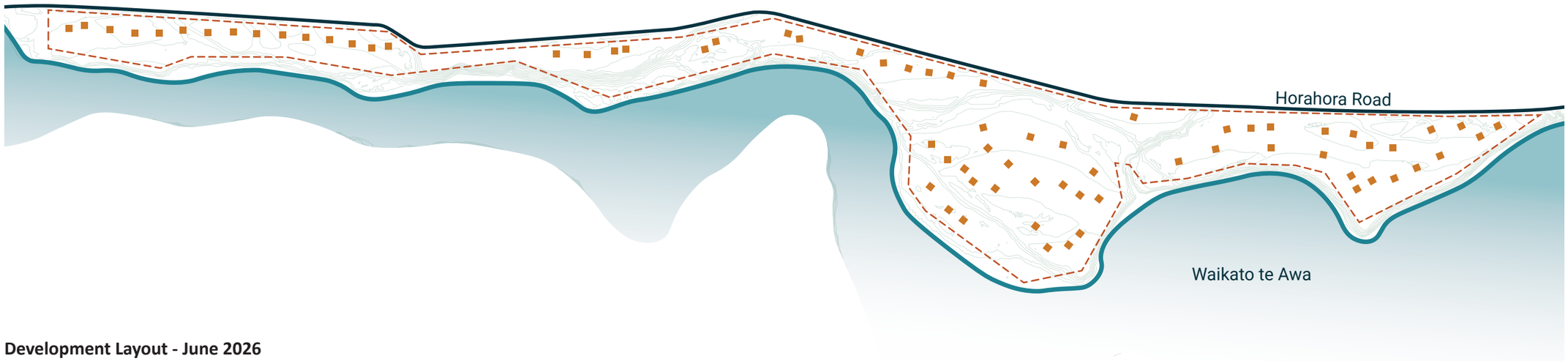


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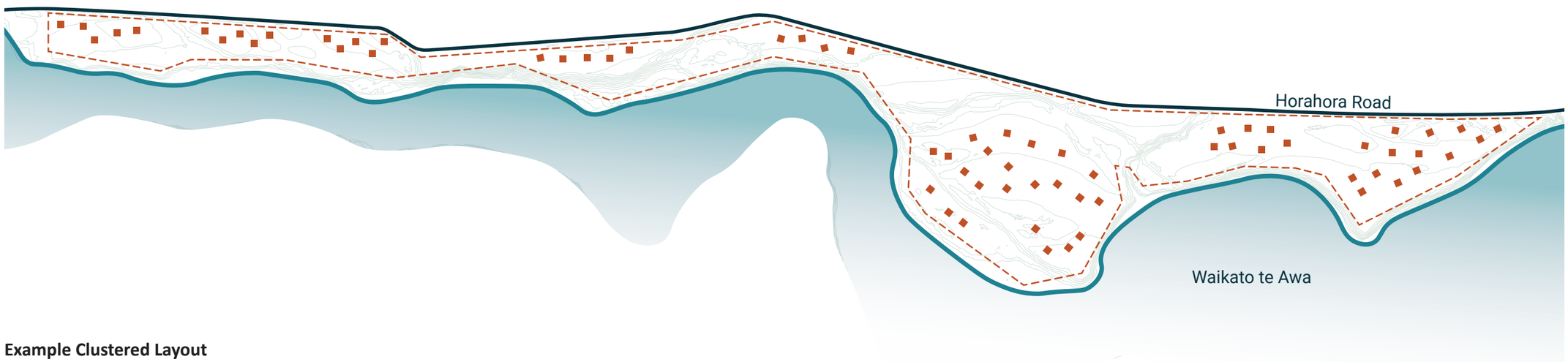
Shannon Bray



Development Layout - December 2024



Development Layout - June 2026



Example Clustered Layout

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Legend

- Indicative dwellings (2024 layout)
- Indicative dwellings (2026 layout)
- Indicative dwellings (clustered)
- Vegetation
- Views to Awa
- Contours
- Proposal boundary
- Horahora Road
- Waikato te Awa

Note: These drawings are schematic only for the purpose of demonstrating development patterns.

Development Layout Schematics

2607 Horahora Road

Prepared For:

Bates Family Trust

For Information Only

13/10/26 Drawn: LB

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1:10,000

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