BEFORE THE SOUTH WAIKATO DISTRICT COUNCIL'S INDEPENDENT COMMISSIONERS

UNDER	the Resource Management Act 1991
AND	
IN THE MATTER	of resource consent application RM240115 for subdivision and associated land use at 597 Horahora Road, Arapuni

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STATEMENT OF EVIDENCE
OF ELOISE LONNBERG-SHAW, PROCESSING PLANNER

on behalf of SOUTH WAIKATO DISTRICT COUNCIL

Dated: 23 October 2026

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1 INTRODUCTION

1.1 My full name is Eloise Madeleine Lonnberg-Shaw. I am a principal planner and director of EnviroPlanning, being a bespoke planning consultancy based in Hamilton, which I started 5 years ago. I have extensive experience in resource management and consenting matters, having worked as firstly an environmental lawyer and Māori and civil litigation specialist for 10 years, followed by a career change to become an environmental planner in 2016. In that time, I have acted for or on behalf of most of the territorial authorities in the Waikato Region (as well as Waikato Regional Council), including South Waikato District Council.

1.2 I was engaged by South Waikato District Council in early 2025 to assist with processing the original application for subdivision and land use consent lodged by the Tylees (and prepared by Ms Steenstra). I have therefore been involved in this process from January 2025 and have been in regular contact with Ms Steenstra throughout.

1.3 I prepared both the notification report and the section 42A report for this application, as well as the preceding requests issued under sections 91 and 92. This statement records and clarifies the planning evidence I presented at the hearing on 22 October 2026, updates my assessment in response to the evidence heard, identifies outstanding matters and explains my proposed amendments to the recommended conditions. I do not repeat the description of the proposal or my assessment of matters already addressed in the evidence before the Commissioners.

1.4 Since receiving the evidence from the applicant and submitters, I have prepared an amended set of working conditions. I have also considered the Commissioners' questions and made further amendments in response. The conditions remain a work in progress and are not attached to this statement. An updated set will be circulated following the hearing adjournment.

2 UPDATES TO S42A REPORT – OUTSTANDING MATTERS

2.1 My recommendation was based on the premise of several outstanding matters being satisfactorily resolved either before consent is granted (if the Commissioners are of mind to do so), or through sufficiently certain conditions and legal instruments. For clarity, at the time of writing the s42A report, those matters were:

a) Ensuring that all sites are capable of providing suitable areas for wastewater disposal, as relied on by a number of the applicant's technical witnesses;

b) The ownership and ongoing maintenance of stormwater infrastructure;

c) Ongoing protection of the road, access and infrastructure requirements identified by Council's peer reviewers;

d) A finding of cultural effects, based on recent discussions between the applicant and iwi (and confirmed as part of this process); and

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e) Suitable conditions to ensure the implementation of the ecological and landscape management, as well as the legal protection mechanisms proposed for the same.

2.2 I address these matters in turn below, along with specific responses to submitter evidence received.

3 WASTEWATER SERVICING AND BUILDING AREAS

Wastewater disposal area

3.1 The GWE wastewater assessment provided with Mr Moule's evidence supplies further information about the ability of the proposed lots to accommodate on-site wastewater treatment and disposal. It adopts a five-bedroom dwelling, a design flow of 1,440 litres per day and, confirms that for drip irrigation, a combined primary and reserve disposal area of 540 m² will be required for each lot to appropriately treat wastewater[1]. Mr Moule relies on its conclusion and the plan prepared by Cogswell, that sufficient land is available on every residential lot.

3.2 The GWE report provides helpful guidance for how the new lots can accommodate the proposed dwellings and accessory buildings within the defined 800 m^2 building area relied on by several of the applicant's technical experts. However, there appears to be a discrepancy between the constraints described in the GWE assessment and the areas shown as available on its supporting plan.

3.3 GWE confirms that all wastewater-treatment and disposal areas should be located outside of the "25m Top of Bank Setback", the "30m Lake Edge Setback" and be setback 10 m from "the small stream onsite"[2], the latter being located within Stage 2 (north of Lot 63). However, that restriction does not appear to have been consistently applied when identifying the available areas on the plan, which on closer inspection appear to be based solely on the "30m Lake Edge Setback". In places, the Top of Bank Setback is further inland than the Lake Setback, which creates a discrepancy in available area. Consequently, the areas available for wastewater disposal appear to be overstated in the report and on the plan titled 'Available Effluent Disposal Areas'.

3.4 District Plan building setbacks are also relevant where wastewater-treatment structures extend above ground. However, given that wastewater tanks are ordinarily installed below ground, my concern does not depend on those building setbacks applying. Rather, the applicant needs to reconcile the supporting plan with the constraints identified in the GWE assessment itself, particularly the 25 m Top of Bank setback, and confirm the resulting usable areas on each lot.

3.5 I also wish to correct my response to a question during the hearing about whether Council's Land Development Engineer (LDE) had reviewed the GWE assessment. I stated that he had not, as he was away. I have since confirmed that the assessment had been

[1] Section 7.2 confirms that "*those [Lots] with less [area] will require either a higher level of treatment or a site-specific assessment to use a less conservative loading rate*."
[2] GEW report, section 5, table 4

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reviewed by another LDE. The only queries raised concerned the same feasibility matters identified in my evidence, including demonstrating that the required wastewater disposal areas can be accommodated alongside the proposed development and applicable site constraints.

Building / site coverage free of restrictions

3.6 The proposed 800 m² building areas have been relied on throughout the application, but their spatial extent was first demonstrated on a plan available to me through the GWE assessment and 'Available Effluent Disposal Areas' plan provided with Mr Moule's evidence. Although GWE states that each residential lot has an 800 m² platform, the plan shows only 635 m² on Lot 83. The applicant should clarify whether the full area can be accommodated.

3.7 The applicant seeks building coverage of up to 500 m² per residential lot, including lots where this exceeds the 10% limit, with all buildings contained within the approved 800 m² building area. I am not concerned with that increased coverage in principle, provided it can be accommodated alongside the other requirements applying to each lot.

3.8 GWE's adopted drip-irrigation design requires 540 m² for wastewater disposal: 360 m² primary and 180 m² reserve. Its assessment excludes the building platform when calculating available disposal land, therefore allowing for separate allocations totalling 1,340 m². This is not necessarily a minimum for every wastewater design. If disposal within the unbuilt portion of the building platform is proposed, GWE should confirm its feasibility and any resulting restrictions on building location.

3.9 The building areas must also be reconciled with the applicable top-of-bank, slope-related geotechnical, lake-edge, hydroelectric operating-easement and riparian restrictions; the esplanade strip; ecological protection areas; the 25 m bat-habitat setback from the river edge; the 5 m setback from new planting areas; and any other identified natural-hazard restrictions. Their different measurement points and spatial extent should be clearly shown on coordinated plans.

3.10 Buildings must also remain outside approved primary and reserve wastewater disposal areas and must not obstruct overland flow paths, compromise stormwater devices or prevent reasonable inspection access. Mr Male's evidence identified a further requirement to keep buildings outside ponding areas. Those extents are not shown on the plans presently relied on and need to be identified for the proposed finished landform.

3.11 The applicant should therefore provide coordinated plans demonstrating that each lot can accommodate the full 800 m² building area and the building coverage sought, together with wastewater disposal, access and stormwater requirements, while meeting the applicable restrictions. Any overlap should be identified and explained. My concern is demonstrated feasibility, rather than an engineering assessment of the proposed systems. These matters require resolution before determination; subsequent verification conditions do not replace that assessment.

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3.12 The updated working conditions to be circulated following the hearing adjournment will seek to address these restrictions and the relevant requirements arising from the hearing evidence. The associated plans and proposed consent notices will need to make their spatial extent and continuing obligations clear to future owners, without requiring access to the full set of consent conditions.

4 STORMWATER ASSET OWNERSHIP AND MAINTENANCE

4.1 At the time of drafting my section 42A report, the applicant and Council had not yet reached agreement on the future stormwater asset ownership structure and whether easements in gross were appropriate mechanisms for long-term stormwater management. Council's concern was that future owners might understand an easement in gross to mean that Council would maintain the assets, which is not consistent with Council's usual approach in rural and rural lifestyle areas. Council's preference was therefore for stormwater assets outside the road corridors being vested in Council to remain privately owned, with responsibility resting with the relevant landowners.

4.2 This has now been resolved, as it has been agreed that planted areas outside Lot 37 and outside the vested road corridors, will be held in private ownership with no easements in gross.

4.3 Mr Male's evidence identified matters to be addressed through the Stormwater Management Plan, including locating swales outside the Waikato River Trail, using non-contaminating building materials, and keeping buildings outside ponding areas. I address the building-location implications in section 3 above.

4.4 The final conditions and associated legal instruments should record the agreed asset ownership and responsibilities for inspection, maintenance, repair and replacement, including access rights and shared obligations where infrastructure serves more than one lot. Subject to those arrangements being secured, I consider the ownership and maintenance matter resolved.

5 ONGOING PROTECTION OF ROAD, ACCESS AND INFRASTRUCTURE REQUIREMENTS

5.1 We heard from Ms Makinson that she and Ms Parsons, Council's traffic peer reviewer, have reached agreement on the outstanding road and access matters concerning the conditions. I have discussed this with Ms Parsons. My updated set of conditions will incorporate the agreed requirements, which in my view address the outstanding matters. As a result, I consider this matter resolved.

5.2 The Outdoor Access Commission's submission raised concerns about the safety of retaining the Waikato River Trail within the road corridor, rather than relocating it into the esplanade strip. It also raised concerns about construction effects on trail users, including whether those effects would discourage use of the trail during that period.

5.3 Although Ms Parsons was not present at the hearing, I consider that her assessment, together with the evidence of Ms Makinson and the agreed road and access conditions,

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sufficiently addresses the safety implications of retaining the trail within the road corridor and managing effects on trail users during construction. Relying on that technical input, I do not consider that further evidence on those matters is required. I nevertheless acknowledge that construction may temporarily affect the attractiveness and use of the trail, and the updated working conditions will address its protection and the management of construction-related disruption.

6 CULTURAL EFFECTS

6.1 At the time of writing my s42A report, I noted concerns around the lack of available and reliable evidence with regards to cultural and spiritual effects. While acknowledging the ongoing attempts of the applicant to engage with iwi, the lack of tangible assessment of the same meant that I could not reach a finding on the ultimate level of effect on mana whenua. As a result, I noted that this remained an adverse effect to be weighed in the overall assessment under s104.[3]

6.2 As confirmed in evidence, an MOU has been entered into between the applicant, Ngāti Hauā and Ngāti Koroki Kahukura. Together with Mr Wilson's verbal confirmation that Ngāti Koroki Kahukura will formally withdraw its submission, this gives me confidence that these iwi groups have reached a sufficient level of comfort with the proposal, subject to implementation of the agreed measures. This addresses, in part, the outstanding matters underpinning my qualified finding in the section 42A report concerning the cultural and spiritual relationships identified in the submissions.

6.3 If and when the relevant submissions are formally withdrawn, I would no longer characterise the concerns raised in them as matters of continuing opposition by those submitters. My remaining consideration would concern cultural effects relevant to the assessment under section 104, based on the evidence available, rather than the resolution of withdrawn submissions. In undertaking that assessment, I do not purport to speak for mana whenua or substitute my own assessment of cultural values for theirs.

6.4 It was also confirmed during the hearing that Raukawa, although not a party to the MOU provided with Mr Moule's rebuttal evidence, intends to enter into a separate MOU with the applicant and withdraw its submission. This indicates progress towards resolving the concerns raised by Raukawa, although I understand that these steps have yet to be completed.

6.5 On the evidence presently available, I consider that the MOU with Ngāti Hauā and Ngāti Koroki Kahukura provides a basis for concluding that their concerns have been sufficiently addressed, subject to implementation of the agreed measures. If Raukawa confirms that its concerns have likewise been addressed through its separate agreement with the applicant and confirms withdrawal of its submission, I would regard the outstanding cultural-effects matters identified in my section 42A report as resolved. Until that confirmation is received, my conclusion in respect of Raukawa remains qualified.

[3] Paras [192]-[196] and [212]-[213]

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7 ECOLOGICAL AND LANDSCAPE IMPLEMENTATION AND PROTECTION

7.1 Ecological and landscape implementation and protection have been matters of considerable discussion during the hearing, with particular attention from the Commissioners. We heard evidence on these matters from Ms Budd, Mr Kessels, Ms Ryder, Mr Mansergh and Mr Bray.

7.2 I agree that the proposed pest control and the nature and style of planting require further detail. Ms Budd also identified remaining concerns about the mechanism for ongoing management and the information supporting the applicant's conclusion that the proposal would achieve a net ecological gain. As I understand her evidence, that conclusion appears to rely, at least in part, on planting and restoration outside the proposed lot boundaries, which I understood from Mr Kessels' evidence would no longer occur. I share Ms Budd's concern that the applicant needs to clarify the extent of the works now proposed and demonstrate whether the net gain conclusion remains supported.

7.3 I also considered the discussion about individual landowner management compared with collective management. Council does not favour taking ownership and maintenance responsibility for additional landscape areas, given its funding and resourcing constraints. In my opinion, private ownership and management can be appropriate for this subdivision, provided the obligations are sufficiently clear and enforceable. I acknowledge the risks associated with coordinating pest control and maintenance across multiple owners. These reinforce the need to identify who must undertake each task, when it must occur, and how continuing obligations will be communicated to future owners.

7.4 In my view, the ecological and landscape measures ultimately relied on in the assessment need to be secured through conditions requiring certification and implementation of the relevant management plans, ongoing maintenance, and appropriate legal protection. Those conditions must clearly identify the obligations applying to each stage, including the timing of planting, pest control and other mitigation, and secure continuing obligations for future owners. I consider those implementation and protection requirements capable of resolution through the final conditions and associated legal instruments, but this does not remove the need for the further information and clarification identified by Ms Budd.

8 CONDITIONS

8.1 As noted, I have prepared an updated set of working conditions taking into account the applicant's suggested amendments, the technical and submitter evidence, and matters discussed during the hearing. I will circulate an updated set following the hearing adjournment, with tracked changes and comments explaining the proposed amendments, to the applicant and all submitters for review.

8.2 I do however want to make a few points about the amended conditions proposed by the applicant through Mr Moule.

8.3 Mr Moule has reorganised the conditions into separate stage-specific sets, which was discussed at length at the hearing. I acknowledge that this is a commonly used approach;

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however, Council's preference remains to retain a consolidated set, with common requirements applied clearly to each stage through the staging condition and express exceptions for requirements applying to the subdivision as a whole or to particular stages. I have, however, separated the land use consent conditions into a distinct section, to distinguish those obligations from the subdivision requirements relevant to section 224(c) certification.

8.4 In response to a question from the Commissioners, I will also consider whether particular requirements would be more clearly expressed through specific stage-related conditions. I had not fully considered that point at the hearing and will do so before circulating the next set of working conditions to the applicant and submitters.

8.5 Mr Moule proposes a range of amendments to the conditions, most without accompanying reasons and some without being tracked. I have reviewed those amendments and recorded my response in the updated set of 'working conditions', accepting changes where appropriate and explaining the principal areas of disagreement.

8.6 The updated set of conditions also incorporate amendments and additional requirements arising from the technical evidence and recommendations of technical experts, Council officers and the applicant's planner. Given that I did not have access to a Word-version of Mr Moule's amended conditions, my updated set has relied on developing the first draft attached to my section 42A report (but with comments identifying each change proposed by Mr Moule).

8.7 Mr Moule proposes removing several express references to section 224(c) certification. I have retained those references where they identify the milestone by which works must be completed, information or certification provided, or ongoing obligations secured. In my opinion, these requirements provide clarity for the consent holder and Council when implementing and assessing compliance with each stage.

8.8 More generally, I do not support removing substantive safeguards through separate conditions solely because the same subjects will be addressed in future management plans. In my opinion, specifying the required management plan content, requiring certification of that plan, and retaining conditions securing particular outcomes do not, of themselves, duplicate responsibilities. These provisions perform related functions and provide clarity for those preparing and certifying the plans, as well as Council's monitoring and compliance officers.

8.9 Retaining substantive requirements in the conditions also helps ensure that the measures relied on in assessing effects are carried through into the certified management plans and remain clear during any subsequent amendments to those plans or applications to vary the consent conditions. This is particularly important for this proposal, where, as discussed throughout the hearing, the management plans materially influence the level of effects assessed. For those reasons, I do not agree with a number of Mr Moule's proposed deletions of provisions he appears to regard as duplication.

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9 SUBMITTERS

9.1 I have considered the evidence of Mr Shannon Bray for the Bates Family Trust. My response to Mr Bray is confined to planning matters. I rely on the landscape specialists (and Mr Mansergh in particular) for their assessment of landscape effects.

Rural Lifestyle Zoning and Outstanding Natural Landscape Overlay

9.2 The Rural Lifestyle zoning and Outstanding Natural Landscape provisions, and the tension between the two, have been a topic of much discussion in legal submissions, evidence and during the hearing. I agree that there is an inherent tension between these provisions. This has been at the forefront of my consideration since the application came before me in January 2025 and has been evident throughout the evidence heard during the hearing. In my opinion, these provisions must be considered together.

9.3 As highlighted in my s42A report, the zoning anticipates rural lifestyle development, but does not establish that any particular layout or yield is appropriate.[4] This is further supported by Mr Moule's evidence.[5] The ONL provisions are substantive considerations, alongside the direction in Policy RLZ-P5 concerning clustering, avoidance of lineal lot patterns, landform, landscape and biodiversity values.

9.4 Mr Bray's evidence raises concerns about the proposed subdivision layout and advocates an alternative approach. I agree that those concerns are relevant to assessing the application, irrespective of whether an alternative layout has been fully developed. However, the question for my assessment is whether the proposal put forward is acceptable when assessed against the relevant planning provisions, including the ONL provisions and Policy RLZ-P5, alongside all other relevant provisions of the applicable planning instruments.

9.5 As mentioned during the hearing, since I became involved in processing this application in January 2025, the proposal has been substantially revised on more than one occasion. The applicant has provided several versions of the scheme plan in response to Council feedback. In my view, this demonstrates a willingness to consider feedback and amend the layout, which is an appropriate part of the consenting process. My experience of those revisions does not support the suggestion, made by some submitter witnesses, that the applicant has been rigid in its approach to the layout.

9.6 In my view, the proposal now before the Commissioners represents a significant improvement and responds more effectively to the landscape values identified. That improvement does not, of itself, establish that the proposal is appropriate within the ONL; my assessment is of the revised proposal on its merits.

9.7 Policy RLZ-P5 was discussed extensively during the hearing. I agree with Mr Bray that the policy should be considered holistically. Where my opinion differs is in its application to the

[4] S42A report, paras [111]-[112], [126]-[129], [242], [245]-[246] and [248]
[5] Moule, SoE, 7 October 2026, paras [7.22] and [7.29]-[7.30], [7.43]-[7.45] and Moule, Rebuttal, 16 October 2026, para [17]

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proposal before the Commissioners. In my assessment, the proposed development, viewed overall, achieves Policy RLZ-P5, notwithstanding the tension between paragraph (a) and the lineal arrangement of lots alongside the road in Stage 1, particularly in relation to the direction concerning clustering and avoidance of lineal lot patterns.

9.8 I acknowledge that alternative subdivision designs may have responded more cohesively to all elements of the policy. However, the availability of alternative designs does not, of itself, establish that the proposed design is unacceptable. Nor do I consider that the identified tension concerning the Stage 1 layout necessarily means that the proposal is inconsistent with Policy RLZ-P5 overall or that the subdivision is therefore inappropriate. My conclusion reflects my assessment of the proposed development as a whole against the policy read in its entirety.

Landscape values and Policy NFL-P4

9.9 There was extensive discussion during the hearing about the landscape values of the site. I rely on Mr Mansergh's evidence concerning the original 2012 landscape assessment and the values underpinning the identification of ONL10. I do not dispute that openness, sightlines and the legibility of the river terraces are among the relevant values.

9.10 However, recognising those values does not mean that the District Plan prevents every change that could affect them. As I noted during the hearing, my understanding is that the landowners could undertake extensive indigenous planting across the property as a permitted activity, subject to any applicable requirements. Such planting could have environmental benefits and be encouraged, while also progressively screening views, reducing openness and obscuring the legibility of the river terraces. I am not suggesting that the landowners propose, or would otherwise undertake, that planting. The example illustrates that activities permitted by the planning framework can also change the visibility and expression of the identified landscape values.

9.11 The Chair also asked about Policy NFL-P4, in the context of Dr Forrett's submissions for the Bates Family Trust, and whether its references to avoiding, remedying or mitigating adverse effects establish a hierarchy. My reading is that the policy addresses adverse effects on the identified landscape values, rather than change to the site in itself. Its wording does not appear to expressly require avoidance to be exhausted before remediation or mitigation can be considered.

9.12 In my experience, design changes can avoid particular adverse effects by removing or relocating the elements that would cause them. Other adverse effects may remain and require remediation or mitigation. I accept that not all adverse effects of this subdivision can be avoided. However, relying on the landscape evidence and subject to securing the measures discussed in my evidence, I consider that the revised design and proposed mitigation respond appropriately to those effects and that Policy NFL-P4 is therefore met. That conclusion forms part of my assessment against the wider planning framework.

9.13 In my opinion, the relevant landscape values have been identified and assessed through the application and the landscape evidence. The evidence of Ms Ryder and Mr Mansergh

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explains how the revised design responds to those values through the subdivision layout, treatment of the landform and proposed mitigation. Relying on that evidence, I consider that the revised proposal responds to the landscape context and provides for adverse effects on those values to be largely mitigated.

Waikato River Trail and esplanade strip

9.14 From a planning perspective, I support clear requirements securing landscape implementation, maintenance and protection within each stage, together with controls on future buildings and associated development. The updated conditions address those matters. They retain the esplanade strip and requirements to protect and reinstate the existing Waikato River Trail.

9.15 Having considered Ms Cook's evidence for the Outdoor Access Commission, I agree that the updated working conditions should safeguard the ability to relocate the trail into the esplanade strip in future, with that opportunity secured through the relevant registrable legal instrument.

9.16 I acknowledge the preference expressed repeatedly by submitters for the trail to be located within the esplanade strip. That option was also discussed between the applicant and Council before the hearing. As it stands, Council's preference for retaining the trail within the road corridor reflects its ongoing funding and asset-management responsibilities. In particular, a route within the esplanade strip would require structures to be built (such as boardwalks and/or bridges) with associated maintenance and replacement costs for which Council does not currently have funding available. Council's preference is therefore to retain the trail within the road corridor, while safeguarding the opportunity for future relocation.

9.17 During the hearing, the Chair requested the applicant to prepare an updated plan demonstrating that the proposed esplanade strip would provide usable public access, having regard to the steep topography along parts of the river margin. I support that request. I share the concern that topography may constrain accessibility and would welcome a plan demonstrating how a practicable public access route along the riverfront can be accommodated within the proposed strip.

9.18 I acknowledge Dr Forrett's comments concerning section 6(d) of the RMA and the maintenance and enhancement of public access to and along lakes and rivers. I note that Chapter 10.4 of the District Plan also addresses this matter. In particular, PA-R3(4) provides for esplanade strips for public access to be dispensed with in specified circumstances, including where topography makes access unworkable, provided Council is satisfied that the objectives of the Vision and Strategy for the Waikato River will still be met.

9.19 Notwithstanding that provision, I consider the proposed esplanade strip an important benefit that should be retained. In my assessment, it forms an integral part of the proposal and the overall assessment of effects. The further plan requested by the Chair would assist in demonstrating that the public access benefit relied on can be realised in practice.

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9.20 As a final point on the river trail and in response to Mr Chrisp's evidence, I also clarified the distinction between the proposed esplanade strip, which will remain within privately owned lots, and Lot 37, which is proposed to vest in Council as a reserve. The conditions and associated legal instruments should make clear how the agreed protections for neighbouring activities apply to the relevant private lots, including the land within the esplanade strip. Those arrangements should be distinguished from the provisions governing the vested reserve.

Residential intensity and detached minor residential units

9.21 In response to the Chair's question concerning the ability of future lot owners to establish detached minor residential units as permitted activities, I refer to the notification report and paragraphs 107 and 184 of my section 42A report. The interaction between the NES-DMRU and the District Plan requirements applying to this site was specifically considered during processing, with legal advice obtained. The position adopted in those reports was that future minor residential units would require resource consent rather than being permitted as of right. The present application does not seek to authorise additional dwellings, and my assessment proceeds on the basis of 73 potential dwellings, with one dwelling and one accessory building on each residential lot. My response at the hearing reflected that position. To secure the development intensity and landscape outcomes relied on in that assessment, I recommend that the conditions and associated legal instruments expressly confirm that the restriction to one residential unit per residential lot includes any DMRU.

9.22 This is important to my assessment of development intensity, which was raised by numerous submitters. The proposal has been assessed on the basis of 73 dwellings. An additional residential unit on every residential lot could potentially double that number, materially changing the intensity of development and the basis of the effects assessment. The proposed consent notice limiting each residential lot to one dwelling is therefore a substantive safeguard.

9.23 Mr Moule has proposed qualifying that restriction by adding wording allowing further dwellings "where authorised by resource consent". I do not support that addition. I acknowledge that retaining the condition would not prevent a future application to change or cancel it under section 127, where legally available, or an application for a different development proposal. However, the condition should clearly secure the development intensity relied on in assessing this application.

9.24 My concern is the potential cumulative increase in intensity through successive applications affecting individual lots. Additional dwellings on one or a small number of lots may have different implications from additional dwellings across all 73 residential lots. In my opinion, adding a stipulated exception in the consent notice for development "authorised by resource consent" would weaken the clarity of the safeguard. My recommendation is therefore to retain the unqualified one-dwelling restriction in the updated working conditions, with an advice note explaining the reasons for it.

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Precedent

9.25 Several submitters expressed concern that granting consent would set a precedent for other subdivisions. I acknowledge that concern. Granting this consent would not, however, establish an entitlement for other landowners to obtain consent for comparable development. Each future application would require assessment on its own merits, having regard to its particular circumstances, effects and the applicable planning provisions.

9.26 Reference was made during the hearing to the Whakamaru Plan Change and its similarities to, or differences from, this proposal. I have not reviewed that plan change or its proposed layout and have not relied on it in assessing this application. My assessment has been of the proposal before the Commissioners on its own merits.

9.27 While acknowledging that precedent and plan integrity can be relevant considerations, I do not consider that granting consent to this proposal, subject to the safeguards discussed in my evidence, would create a material precedent concern for subdivision elsewhere in the Rural Lifestyle Zone, including land subject to an Outstanding Natural Landscape overlay. Any such proposal would still need to demonstrate its acceptability against the provisions applying to that site, including the relevant landscape protections.

10 CORRECTIONS TO s42A REPORT AND CONDITIONS

10.1 My updated set of working conditions no longer refers to the obsolete access provision referring to Lot 104 serving Lots 43 and 47, which had been removed from the revised layout.

10.2 I have also corrected the timing requirements for legal instruments. The revised conditions distinguish between submitting instruments in registrable form with the section 224(c) application and subsequently registering them through the subdivision dealing. This corrects the sequencing in my earlier draft without changing the substantive obligations.

11 OUTSTANDING MATTERS

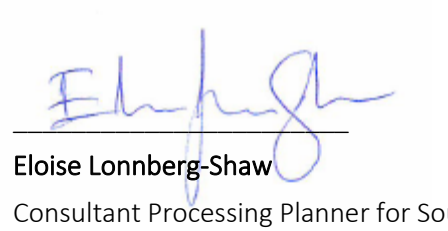
11.1 As I noted during the hearing, my understanding from the MOU and Commissioner Manukau's comments is that the purpose of the Lot 16 restriction is to maintain sightlines from Horahora Road towards the Waikato River and Maungatautari. A restriction on buildings alone would not necessarily achieve that purpose, as planting or other vegetation could also obstruct those views. If maintaining those sightlines is the intended outcome, I encourage the parties to consider whether the agreed restriction should also address the location and height of planting and the ongoing management of vegetation. The scope of their agreement is a matter for those parties; I raise this point to highlight the potential difference between the intended outcome and what a building restriction alone would secure.

11.2 The wastewater and building-area feasibility questions require resolution before the application is determined. The detailed maintenance responsibilities of future owners and the ecological clarification identified in section 7 also remain outstanding. My

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recommendation to grant consent remains subject to resolution of those matters and the other qualifications identified in this statement, together with finalisation of appropriate conditions.

Dated: 23 October 2026



Eloise Lonnberg-Shaw

Consultant Processing Planner for South Waikato District Council

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