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Reference: RM240115

Memo

Subject: RM240115 – Council response to post-notification amendments

To: Rebecca Steenstra, Cogswell (agent for applicant)

Copied to: All submitters

From: EnviroPlanning Limited, on behalf of SWDC

Date: 4 August 2026

1. Introduction

Resource consent application RM240115 seeks subdivision and associated land use consent for a rural-lifestyle development at 597 Horahora Road, Arapuni. The application was originally lodged for an 81-lot development and was publicly notified following completion of the further-information process.

Following notification, receipt of submissions and further consultation with a number of submitters and neighbouring landowners, the applicant revised the proposal. On 19 June 2026, Council received an addendum setting out those amendments and providing updated scheme plans and supporting technical information. The revised proposal reduces the number of residential lots from 81 to 73 and includes changes to the subdivision layout, earthworks, stormwater management, landscape mitigation, ecological restoration, public access and reserve arrangements. The applicant subsequently provided corrected plans and further supplementary material, including an assessment of relevant national direction and a natural-hazards assessment.

Council has reviewed the addendum and subsequent material, including the revised scheme plans, earthworks design, landscape and visual assessment, Landscape Masterplan, stormwater addendum and ecological information. Council's technical specialists have also reviewed the revised information.

This memorandum records Council's preliminary response to the amended proposal, identifies the respects in which the amendments improve the proposal compared with the notified scheme, and sets out the matters requiring further clarification or discussion. It does not constitute a decision and should be read alongside the original application, the notification report, the applicant's addendum and the subsequent supplementary material.

2. Principal changes to the notified proposal

The amended proposal remains a three-stage rural-lifestyle subdivision of the approximately 45.6-hectare site. The number of residential lots has reduced from 81 to 73, with consequential changes to the subdivision layout, lot boundaries and lot sizes. The most substantial changes occur within Stage 3, where the amended design retains more of the existing gully, natural terracing and landform and substantially reduces the associated earthworks. Consequential changes have also been made to the stormwater design, ecological restoration, landscape mitigation and reserve arrangements.

The principal amendments are:

- reduction in the number of residential lots from 81 to 73;

- reconfiguration of the subdivision layout, including an increased average lot size and compliance with the District Plan lot-averaging standard;
- substantial reduction in Stage 3 earthworks and greater retention of the existing gully and natural landform;
- revised Stage 3 stormwater arrangements, including changes to Swale 13 and a new culvert beneath Road 1;
- additional ecological protection, restoration planting and habitat enhancement;
- revised landscape mitigation, building setbacks and design controls;
- provision of a 10-metre esplanade strip along the Waikato River frontage; and
- revised access, road, reserve and land-vesting arrangements.

The overall approach to wastewater servicing remains unchanged, with individual secondary-treatment systems and disposal fields proposed for each residential lot.

3. Activity status and relevant rule changes

The notified proposal was assessed as a non-complying activity overall. This was principally because the proposal did not comply with the lot-averaging requirement in SUB-R5(4)(a)(iv), which triggered SUB-R4. The proposal also did not provide the esplanade strip required by PA-R2 and PA-R3.

Under the amended proposal, the number and distribution of lots have been revised so that the lot-averaging requirement is now met. A 10-metre-wide esplanade strip is also proposed along the Waikato River frontage. On the basis of the applicant's revised rule assessment, the non-complying activity trigger under SUB-R4 no longer applies and the subdivision is now assessed as a discretionary activity under SUB-R3(4), because the site adjoins the Waikato River and hydro-electric power operating easements.

The applicant has provided an updated rule assessment with tracked amendments. The relevant changes are summarised in the table below.

Provision	Notified proposal	Amended proposal	Consequence for Activity Status
Standard SUB-R5(4)(a)(iii) – Average lot size	Met – average lot size was approximately 5,096 m² , exceeding the required 5,000 m ² .	Met – average lot size is approximately 5,668 m² .	No change.
Standard SUB-R5(4)(a)(iv) – Lot averaging distribution	Not met – 28 lots were over 5,000 m ² and 53 were under 5,000 m ² .	Met – 37 lots are over 5,000 m ² and 36 are under 5,000 m ² .	The non-complying activity rule under SUB-R4 is no longer triggered.
Rule SUB-R4 – Non-complying activities	Triggered because the lot-averaging standard was not met.	Not triggered because the revised proposal meets the lot-averaging standard.	Removes the non-complying activity status arising from lot averaging.
Standard PA-R2(2) – Esplanade strip adjoining the Waikato River	Not met – no esplanade strip was proposed.	Met – a 10 m esplanade strip is shown on the revised scheme plans.	The amended proposal now shows a compliant 10-metre esplanade strip.

Standard PA-R3(2) – Width of esplanade strip	Not met – the required 10 m-wide strip was not proposed.	Met – a 10 m-wide esplanade strip is now proposed.	
Rule SUB-R3(4) – Subdivision adjoining the Waikato River or hydro-electric operating easements	Applied, but the proposal was elevated to non-complying under SUB-R4.	Applies because the site adjoins the Waikato River and hydro-electric operating easements.	Establishes the revised subdivision as a discretionary activity .
Overall subdivision activity status	Non-complying activity .	Discretionary activity	The amended subdivision is assessed as a discretionary activity under SUB-R3(4) .

This change in activity status does not determine the outcome of the application, but it changes the statutory framework within which the amended proposal will be assessed.

4. Technical and peer review

Council has reviewed the amended proposal with its relevant technical advisers and internal asset and infrastructure officers. This review has included consideration of the landscape, ecological, transport, stormwater, road-vesting, public-access and wastewater implications of the amendments.

4.1 Peer review findings

Landscape and visual effects

Council's landscape peer reviewer considers that the revised landscape assessment applies an appropriate methodology and provides an adequate basis for understanding the landscape, natural-character and visual effects of the amended proposal. The reviewer agrees that the amendments improve the proposal compared with the notified scheme, although the development will still permanently alter part of the Horahora Outstanding Natural Landscape and some visual-effect ratings may be understated.

The reviewer considers that the landscape effects could be appropriately managed provided the full mitigation package is secured through enforceable consent conditions, consent notices and a Landscape, Visual Amenity and Mitigation Planting Plan for each stage. Cultural landscape matters remain subject to mana whenua feedback.

Ecology

Council's ecological peer reviewer considers that the amended proposal provides improved ecological outcomes, principally because the reduced density enables additional indigenous planting and habitat restoration.

The reviewer has nevertheless identified amendments required to the Ecological Management Plan and scheme plans, including legal protection of restoration areas, expanded bat-habitat setbacks, clearer pest-control responsibilities and timeframes, strengthened lizard-management requirements, specific bat-box requirements, planting within the poplar areas, revised planting specifications and an increased canopy-closure performance standard.

4.2 Council technical review matters

Waikato River Trail

The amended proposal retains the Waikato River Trail along the Horahora Road frontage, where it would continue to intersect with proposed vehicle crossings and new road intersections. The addendum also proposes a 10-metre esplanade strip and additional pedestrian and cycle connections closer to the river, but does not assess relocating the existing trail into that strip.

Council's preference is for the applicant to investigate relocating the trail closer to the Waikato River and to address the timing of its construction so that the trail is not deferred until the final stage. The feasibility, design, bridge requirements and other infrastructure implications of that option require further discussion with the applicant.

Stormwater ownership and maintenance

The revised plans retain a stormwater system comprising on-lot devices, swales, gullies, culverts and overland flow paths. Some drainage easements are shown in gross in favour of Council, notwithstanding that the earlier stormwater approach contemplated private ownership and maintenance. The material does not clearly explain who would own, operate, maintain and hold any relevant consents for the shared stormwater infrastructure.

Council does not wish to own or maintain isolated rural stormwater assets outside the road reserve. The applicant therefore needs to clarify the proposed ownership, maintenance, enforcement and consenting arrangements, including whether consent notices, covenants or another private management mechanism are proposed.

Road design and ownership

The new internal roads remain proposed to vest in Council. Although the transport review has accepted that detailed matters can generally be addressed through Engineering Plan Approval, Council requires sufficient information to confirm that the roads will have an appropriate rural form and to understand the ownership and maintenance implications of the associated roadside stormwater infrastructure.

Vehicle-access locations should also be confirmed, particularly where access formation may require excavation or regrading of the roadside landform.

Wastewater servicing

The amended proposal retains the notified wastewater-servicing approach, with each residential lot proposed to rely on an individual secondary-treatment wastewater system and land-disposal field. Discharges from those systems are anticipated to be permitted activities under the Waikato Regional Plan, provided the applicable rule conditions are met.

Council's assessment is therefore focused on whether each proposed lot can physically accommodate an appropriate wastewater treatment and disposal system, including all required disposal areas, setbacks and other servicing constraints. The applicant should ensure that the final scheme plans and supporting information demonstrate that sufficient suitable land is available on every residential lot, particularly those affected by the setback from the Waikato River.

Subject to that confirmation, Council does not consider that a separate assessment of the cumulative discharge effects of the individual wastewater systems is required for the district consent. Compliance with the relevant regional permitted-activity standards, or obtaining any regional consent required where those standards cannot be met, remains the responsibility of the lot owner and is administered by Waikato Regional Council.

5. Changes in effects arising from the amended proposal

This section considers the changes in environmental effects arising from the amended proposal compared with the proposal that was publicly notified. It does not reassess the effects of the subdivision as a whole, except where necessary to understand the implications of the amendments.

5.1 Subdivision layout and density

The reduction from 81 to 73 residential lots, together with the reconfiguration of Stage 3, reduces the overall intensity of development and increases the average lot size. The amended layout also provides additional space for ecological restoration, landscape planting and retention of the existing landform.

The proposal continues to provide a clustered rural-lifestyle form served primarily by internal roads and accessways, rather than creating a linear pattern of individual lots and accesses along Horahora Road.

Council considers that the reduced density and revised layout represent an improvement over the notified proposal. However, the subdivision will still result in a substantial and permanent change from open rural land to rural-lifestyle development within the Horahora ONL.

5.2 Earthworks and landform

The amended earthworks design substantially reduces the extent and volume of earthworks, particularly within Stage 3. The revised design retains more of the existing gully, natural terraces and surrounding landform, and each stage is intended to be earthworks self-sufficient, with no fill imported to the site or transferred between stages.

These changes reduce both the temporary construction effects and the permanent modification of the landform compared with the notified proposal. In particular, they reduce the likely duration and intensity of truck movements, stockpiling, exposed earth, dust, noise and sediment risk.

Detailed erosion and sediment controls, construction management measures and final landform design will remain subject to the regional consents, engineering approvals and conditions applying to the development.

5.3 Landscape, natural character and visual effects

The reduced lot yield, lower earthworks volumes, increased retention of the existing landform and additional planting will reduce landscape, natural-character and visual effects compared with the notified proposal. However, the subdivision will still permanently alter the character and appearance of part of the Horahora ONL.

Subject to the mitigation identified by Council's landscape peer reviewer being appropriately secured and implemented, Council considers that the amendments result in an improved landscape outcome.

Cultural landscape effects remain subject to mana whenua feedback and the wider planning assessment.

5.4 Ecological effects

The amended proposal provides improved ecological outcomes through additional indigenous planting, greater protection of the existing gully and improved habitat connectivity. These benefits depend on the Ecological Management Plan and scheme plans being amended to address the matters identified by Council's ecological peer reviewer and on the proposed restoration areas being legally protected and maintained.

5.5 Stormwater effects and infrastructure implications

The Stage 3 stormwater design has been revised to reflect the amended layout, reduced earthworks and greater retention of the existing gully and natural landform. The revised design includes changes to Swale 13 and provision of a new culvert beneath Road 1.

The information provided indicates that the amended stormwater system can accommodate the relevant design events and that the changes do not materially increase stormwater effects compared with the notified proposal.

However, the proposed ownership, operation and long-term maintenance arrangements remain unclear. The revised scheme plans show drainage easements in gross in favour of Council over a number of private lots, while the earlier stormwater material contemplated private ownership and maintenance. These arrangements must be resolved before Council can confirm that the stormwater infrastructure is appropriately managed over the life of the subdivision.

5.6 Public access and the Waikato River Trail

The inclusion of a 10-metre esplanade strip along the Waikato River frontage is an improvement over the notified proposal and provides a mechanism for securing future public access along the river margin.

The amended proposal nevertheless retains the Waikato River Trail beside Horahora Road, where it will continue to intersect with proposed vehicle crossings and new road intersections. The addendum does not assess relocating the trail into the proposed esplanade strip.

Relocating the trail closer to the river could improve safety and public-access outcomes by separating trail users from vehicle movements. However, the feasibility, alignment, timing, bridge requirements and other infrastructure implications of that option have not yet been assessed or discussed with the applicant. These matters require further consideration.

5.7 Wastewater servicing

The proposed wastewater servicing method is unchanged. Provided every lot can accommodate a compliant primary and reserve disposal area outside all applicable setbacks and constrained areas, Council considers that the amended proposal does not materially alter the wastewater effects previously assessed.

5.8 Overall change in effects

Overall, the amended proposal reduces a number of adverse effects compared with the proposal that was publicly notified. In particular, the reduction in lot yield and earthworks, greater retention of the existing Stage 3 landform, increased ecological restoration and provision of an esplanade strip improve the proposal in several important respects.

The amendments do not remove all adverse effects. The subdivision will still result in substantial and permanent rural-lifestyle development within the Horahora ONL, and the effectiveness of the proposed mitigation will depend on appropriate legal protection, enforceable consent conditions, management plans and long-term maintenance arrangements.

Some infrastructure and implementation matters also remain unresolved, including the alignment and timing of the Waikato River Trail, ownership and maintenance of shared stormwater infrastructure, the final form of the roads to vest, and confirmation that all residential lots can be appropriately serviced for wastewater.

Subject to those matters being resolved, Council considers that the amended proposal will result in a lower overall level of adverse effects than the proposal that was publicly notified.

6. Outstanding matters requiring response

a. Waikato River Trail

Confirm whether the applicant will assess and provide for relocation of the Waikato River Trail within the proposed esplanade strip. If not, provide reasons why that option is not practicable and identify any alternative measures to improve trail safety, continuity and staging.

b. Stormwater ownership and maintenance

Confirm who will own and maintain the infrastructure, how those obligations will be enforced, and who will hold any necessary consents (if any). The response should also explain whether the drainage easements in gross in favour of Council are still proposed.

c. Road design and associated infrastructure

Provide sufficient information to confirm the intended rural road form, the relationship between the roads to vest and the stormwater infrastructure, and the proposed vehicle-access locations where formation may require excavation or regrading.

d. Wastewater servicing

Confirm that every residential lot can accommodate a compliant primary and reserve wastewater disposal area outside all applicable setbacks and other constrained areas. This could be demonstrated through updated scheme plans or a concise servicing statement rather than a separate cumulative-effects assessment.

e. 800 m² building

Update the scheme plans to show the proposed 800 m² building referred to in the Landscape and Visual Assessment and rule assessment, or otherwise clarify its status.

f. Ecological documentation

Provide amended scheme plans and an updated Ecological Management Plan addressing the matters identified by Council's ecological peer reviewer.

g. Landscape mitigation

Confirm acceptance of the landscape reviewer's recommended mitigation framework, including the preparation and implementation of a Landscape, Visual Amenity and Mitigation Planting Plan for each stage and the proposed legal mechanisms for securing that mitigation.

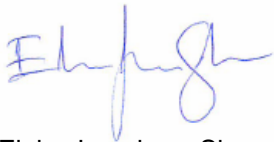
7. Conclusion

Council considers that the amended proposal represents an improvement over the proposal that was publicly notified. The reduction in lot yield and earthworks, greater retention of the existing Stage 3 landform, additional ecological restoration and provision of a 10-metre esplanade strip reduce a number of the adverse effects identified in relation to the notified proposal.

The amendments do not remove all adverse effects, particularly in relation to the permanent change to the Horahora Outstanding Natural Landscape. The effectiveness of the proposed mitigation will also depend on appropriate legal protection, enforceable consent conditions, management plans and long-term maintenance arrangements.

The matters identified in Section 6 require further response and, in some cases, revised plans or supporting documentation. Once those matters have been addressed, Council will be in a position to complete its assessment of the amended proposal and determine the appropriate next steps in the processing of the application.

Recommended



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Consultant Planner

Date: 4/08/2026

Approved



Marnie Rydon
Resource Consents Manager

Date: 4/08/2026