

BEFORE THE INDEPENDENT COMMISSIONERS

UNDER

the Resource Management Act 1991

IN THE MATTER

of Resource Consent Application for a proposed
Subdivision at 597 Horahora Road, Arapuni (RM240115)

**STATEMENT OF EVIDENCE OF MARK BULPITT CHRISP
ON BEHALF OF
PROFILE FARMS LIMITED AND THE LAXON FAMILY**

PLANNING

14 OCTOBER 2026

1. INTRODUCTION

- 1.1 My full name is Mark Bulpitt Chrisp.
- 1.2 I am a Partner and a Principal Environmental Planner in the Hamilton Office of Mitchell Daysh Limited, a company which commenced operations on 1 October 2016 following a merger of Mitchell Partnerships Limited and Environmental Management Services Limited (of which I was a founding Director when the company was established in 1994 and remained so until the merger in 2016).
- 1.3 In addition to my professional practice, I am an Honorary Lecturer in the Department of Geography, Tourism and Environmental Planning at the University of Waikato. I am also the Chairman of the Planning Advisory Board at the University of Waikato, which assists the Environmental Planning Programme in the Faculty of Arts and Social Sciences in understanding the educational, professional and research needs of planners.
- 1.4 I have a Master of Social Sciences degree in Resources and Environmental Planning from the University of Waikato (conferred in 1990) and have more than 36 years' experience as a Resource Management Planning Consultant.
- 1.5 I am a member of the New Zealand Planning Institute, the New Zealand Geothermal Association, and the Resource Management Law Association.
- 1.6 I am a Certified Commissioner under the Ministry for the Environment's 'Making Good Decisions' course.
- 1.7 I have appeared as an Expert Planning Witness in numerous Council and Environment Court hearings, as well as several Boards of Inquiry.
- 1.8 I have extensive experience working in the Waikato Region over the last 36 years, including the following projects in South Waikato District:
 - (a) I was the principal author of the first South Waikato District Plan prepared under the Resource Management Act 1991;

- (b) I was heavily involved in the consenting associated with the establishment and subsequent expansion of the Lichfield Dairy Manufacturing Site; and
 - (c) More recently, I have been assisting Southern Pastures Ltd secure Water Permits for irrigation purposes.
- 1.9 I have been engaged by Profile Farms Limited and the Laxon Family (collectively referred to as **"The Submitters"**) to present planning evidence in relation to the application for resource consent for a joint land use and subdivision consent made by Kevin and Lynn Tylee to the South Waikato District Council (**"SWDC"**) (**"The Application"**).
- 1.10 The SWDC reference for The Application is RM240115.
- 1.11 The Application seeks to subdivide the existing property at 597 Horahora Road, Arapuni (zoned Rural Lifestyle Zone) (**"The Site"**) to create 73 new rural lifestyle lots, a 10m esplanade strip along the Waikato River frontage; and two roads to vest. Land use consent is also being sought to enable the construction of one dwelling and one accessory building on each of the new lots. The activity status of The Application is a Discretionary Activity.
- 1.12 My statement of evidence will:
 - (a) Introduce the Submitters and their respective land holdings;
 - (b) Describe the existing (lawfully established) and proposed land use activities and development on the Submitters land;
 - (c) Set out the background to the Submitters involvement in The Application and reasons for their Submissions; and
 - (d) Respond to matters addressed in the section 42A Report.

Code of Conduct

- 1.13 I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023 and I agree to comply with it.

- 1.14 My qualifications as an expert are set out above. I confirm that the issues addressed in this brief of evidence are within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions I have expressed.

2. INTRODUCTION TO THE SUBMITTERS AND THEIR RESPECTIVE LAND HOLDINGS

Profile Farms Limited

- 2.1 Profile Farms Limited owns significant land holdings in close proximity to The Site, including the Takapoto Estate at Finlay Road, Maungatautari (“**Takapoto Estate**”) (on the opposite side of the Waikato River).
- 2.2 Takapoto Estate is within the jurisdiction of Waipa District Council (“**WDC**”) and is zoned Rural Zone under the Operative Waipa District Plan (“**WDP**”).
- 2.3 Takapoto Estate comprises two distinct areas described as follows:
- > Takapoto North comprises the land located at 43 and 81 Finlay Road, Maungatautari, Cambridge (also referred to as 37 Plantation Road) legally described as Lot 2 DPS 35212 and comprised in Record of Title SA440/890; and
 - > Takapoto South comprises the land located at 80 Finlay Road, Maungatautari, Cambridge legally described as Lot 2 DP 597929 and comprised in Record of Title Identifier 1158715.

- 2.4 **Figure 1** (below) shows the location of Takapoto Estate (identified in solid yellow shading) relative to The Site (identified in solid red shading).

The Laxon Family

- 2.5 The Laxon Family own two separate properties in close proximity to The Site, at Finlay Road, Maungatautari (“**The Laxon land**”) (on the opposite side of the Waikato River).

2.6 The Laxon land is within the jurisdiction of WDC and is zoned Rural Zone under the WDP.

2.7 The two properties are described as follows:

- > 1/104 Finlay Road, Maungatautari, Cambridge legally described as Lot 1 DP 597929 and comprised in Record of Title Identifier 1158714 (owned by Roger Laxon); and
- > 104 Finlay Road, Maungatautari, Cambridge legally described as Lot 1 DP 427392 and comprised in Record of Title Identifier 508005 (owned by Craig and Ingrid Laxon).

2.8 **Figure 1** (below) shows the location of the Laxon land (identified in solid orange shading) relative to The Site (identified in solid red shading).

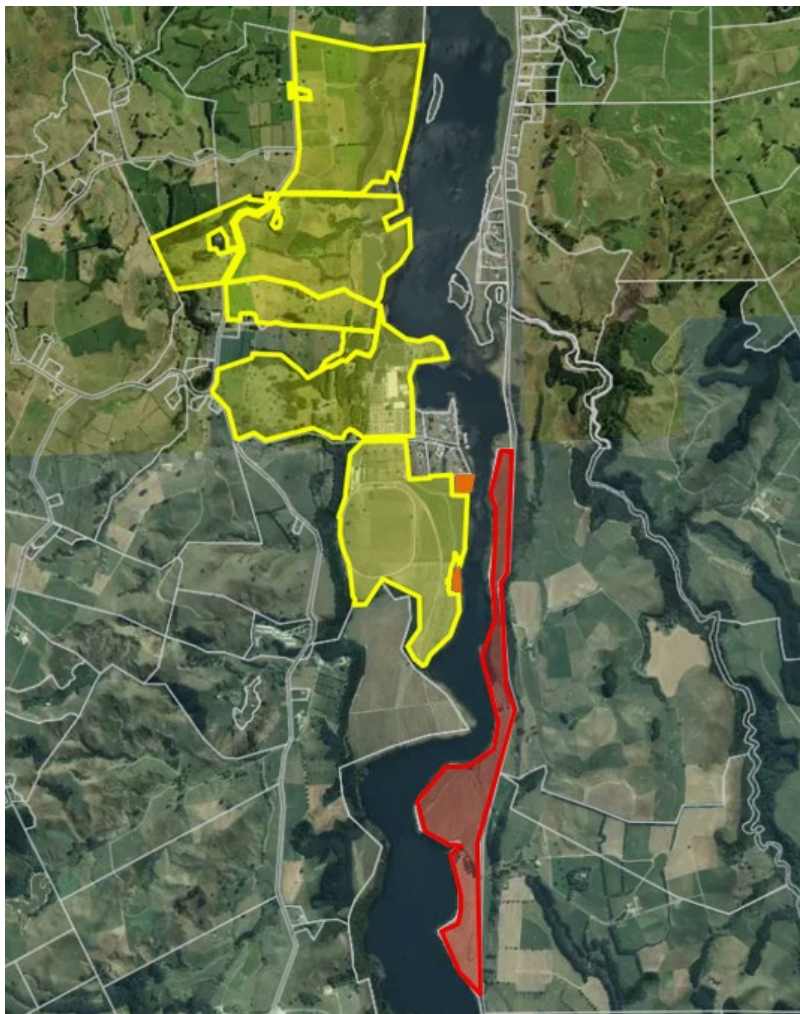


Figure 1 Location of The Application Site and The Submitters

3. EXISTING LAND USE ACTIVITIES AND DEVELOPMENT AT THE SUBMITTERS LAND

Profile Farms Limited

- 3.1 Takapoto Estate is an existing (lawfully established and consented) equestrian and function venue. A variety of land use activities and events occur at the site, including the annual Takapoto Classic showjumping event. Takapoto Estate is proposing to expand its existing operations to include (amongst other things) a cross-country course and polo grounds, and associated grandstands and spectator facilities.
- 3.2 Activities and events within the Takapoto Estate site have the potential to create noise, visual, amenity and traffic effects either of temporary or intermittent nature that extend beyond the boundary.
- 3.3 These activities include (but are not limited to) the following:
- > use of Public Announcement systems;
 - > use of amplified sound and/or music;
 - > use of helicopters, motor vehicles and machinery;
 - > use of flags and signage; and
 - > the use of spectator and hospitality facilities.
- 3.4 Takapoto Estate has the potential to be adversely impacted by the establishment of a 73 lot rural-residential subdivision at The Site, and the addition of a single dwelling and one accessory building on each of the new lots.
- 3.5 The addition of 73 new noise sensitive receivers at The Site has the potential to create reverse sensitivity issues and therefore adversely impact upon the equestrian and function activities at Takapoto Estate.

The Laxon Family

- 3.6 The Laxon land at 1/104 and 104 Finlay Road comprises two separate rural properties that are both utilised for private rural lifestyle activities. There are existing dwellings on both properties. The existing dwellings and outdoor

living areas have been positioned to maximise views overlooking the Waikato River (to the east) and the surrounding existing rural character and amenity values.

- 3.7 The Laxon Family have the potential to be adversely impacted by the establishment of a residential subdivision at The Site, and the addition of a single dwelling and one accessory building on each of the new lots.

4. BACKGROUND TO THE SUBMITTERS INVOLVEMENT IN THE APPLICATION AND REASONS FOR THE SUBMISSIONS

- 4.1 Since The Application was lodged with SWDC, The Submitters have consulted with the Applicant and their Agent; and have entered into signed agreements with the Applicant.

- 4.2 However, these agreements are still reliant (in part) upon input from SWDC with respect to the implementation of consent notices and covenants as conditions on the SWDC resource consent decisions as set out below.

Profile Farms Limited

- 4.3 Following discussions with Profile Farms Limited (and as agreed to as part of an agreement between the two parties), the Applicant has proffered to register covenants and consent notices on the Records of Title for the new lots created as part of The Application that:

- > prohibit the owners and any occupiers of the new lots from lodging or being party to any complaints in regard to any lawfully established activities or events at Takapoto Estate; and
- > prohibit the discharging of firearms and/or setting off fireworks on all land within the proposed subdivision.

- 4.4 Profile Farms Limited would support The Application being approved provided SWDC impose conditions requiring the covenants and consent notices already agreed to (and mutually acceptable to both parties) being registered on the records of title for all of the new lots.

The Laxon Family

4.5 Following discussions with The Laxon Family (and as agreed to as part of an agreement between the two parties), the Applicant has proffered to register covenants and consent notices on the Records of Title for the new riverside lots created as part of the proposed subdivision that:

- > Limit the colours of buildings, the building platform location and landscaping requirements over the long term in relation to riverside lots and as specified in the subdivision application.

4.6 The Laxon Family would support The Application being approved provided SWDC impose conditions requiring the covenants and consent notices already agreed to (and mutually acceptable to both parties) being registered on the records of title for all of the new riverside lots.

5. REASONS FOR THE SUBMISSIONS

5.1 The Site is located within the territorial boundaries of SWDC and The Submitters Land is located within the territorial boundaries of WDC.

5.2 The effects associated with The Application extend beyond The Site and into the territorial boundaries of WDC. It is therefore imperative that there are appropriate legal mechanisms in place to manage (and respond to) effects occurring across territorial boundaries.

5.3 Covenants and consent notices are proposed to implement the matters already agreed to between the Submitters and the Applicant (and mutually acceptable to both parties) as described above.

5.4 While the proposed covenants can be entered into by landowners as a matter of course, consent notices need to be imposed by SWDC and included as conditions of consent on any resource consent decision(s) granted by SWDC.

5.5 This is to ensure that the matters set out in the proposed covenants and consent notices are, if necessary, able to be enforced by SWDC.

5.6 Specifically:

- > Covenants are legal obligations registered on the title that restrict certain activities or require specific actions, affecting how a property may be used. In subdivisions, developers commonly register the same set of covenants across multiple lots to help maintain a consistent standard of housing and landscaping and preserve the overall character of the development. However, the ongoing enforcement of a land covenant can be problematic, particularly where a development has been completed and the developer has ‘moved on’. A council would also generally only enforce a council imposed covenant, and would not get involved with the enforcement of private covenants; and
- > Consent notices are a form of covenant between the council and the land owner and can only be imposed through a subdivision consent. They relate to conditions that must be complied with on a continuing basis by the owner and subsequent owners. Because a consent notice is an agreement between the council and the land owner, the council would enforce any non-compliance.

6. SECTION 42A REPORT

6.1 I have reviewed the s.42A Report prepared by Eloise Lonnberg-Shaw. In my opinion, it is a very well written report, and I agree with the recommendations in the report subject to amendments to three of the consent conditions. Specifically, amendments are proposed to Conditions 106, 107 and 113 as follows:

6.2 Condition 106 reads:

“106. Condition 104 applies to the following residential lots shown on the approved Cogswell Surveys Limited Scheme Plan, reference 5237, Revision I, dated 18 June 2026:

- a. Lots 1-36;*
- b. Lot 38; and*
- c. Lots 44-83.”*

6.3 Condition 106 needs amending to correspond with the Lot numbers shown on the Cogswell Surveys Limited Scheme Plan (not all of the Lot numbers referred to in Condition 106 are correct).

6.4 Condition 107 needs to be amended as follows:

*“107. Each consent notice must include the requirements of conditions ~~115~~109-137 that are applicable to the lot concerned, together with:
...”*

6.5 Conditions 109 – 114 relate to the Laxon Family Land and Takapoto Estate and include reference to covenants and consent notices including matters that must be specified in the consent notices. On that basis, Condition 107 needs to include reference to Conditions 109 – 114.

6.6 Condition 113 needs amending to correctly identify the Takapoto South Site as Lot 2 DP 597929, comprised in Record of Title Identifier 1158715. Specifically, Condition 113b needs to be amended as follows:

“113b. “identify the relevant Takapoto Estate land, including:

- i. Takapoto North at 43 and 81 Finlay Road, Maungatautari, also referred to as 37 Plantation Road, legally described as Lot 2 DPS 35212, Record of Title SA440/890; and*
- ii. Takapoto South at 80 Finlay Road, Maungatautari, legally described as Lot 2 DP 597929, Record of Title ~~868472~~ 1158715;*

7. APPLICANTS EVIDENCE (PLANNING)

7.1 I have reviewed the Statement of Evidence (Planning) prepared by Dave Moule, including the amended conditions of consent attached as Appendix C.

7.2 I note that there have been substantial changes suggested to the draft conditions of consent – including those conditions that are relevant to the matters raised in my Clients’ submissions (specifically Conditions 104- 114 in the s.42A Report).

- 7.3 In my view, the Applicant's amended set of draft conditions of consent do not include the necessary detail required in response to our submissions and the matters agreed to between the parties. The wording proposed within the s.42A Report is preferred (with the amendments set out in my evidence above) which provides greater clarity in terms of intended outcomes and is therefore preferred.

8. CONCLUSION

- 8.1 The Submitters support The Application to subdivide the property at 597 Horahora Road, Arapuni to create 73 new rural lifestyle lots, a 10m esplanade strip along the Waikato River frontage; and two roads to vest; and grant land use consent to enable the construction of one dwelling and one accessory building on each of the new lots subject to conditions requiring the covenants and consent notices already agreed to (and mutually acceptable to both parties) being registered on the new titles as part of The Application.
- 8.2 I support the recommendations in the s.42A Report, subject to the minor (but important) amendments outlined above.



Mark Chrisp

14 October 2026