

IN THE MATTER

of the Resource Management Act 1991 (the Act)

AND

IN THE MATTER

of a Resource Consent Application for Subdivision at
597 Horahora Road, Arapuni

K & L Tylee

Applicant

South Waikato District Council

Consent Authority

Statement of Evidence of Stephen Bates on behalf of The Bates Family Trust

Dated 19 October 2026.

NZEnviro ♦ Law

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Introduction

1. My name is Stephen Bates and I provide this evidence on behalf of the Bates Family Trust.
2. I am a trustee of the Trust together with Katherine Bates and independent trustee, Ron Lockwood I am authorised by my co-trustees to present this evidence in opposition to the subdivision proposal.
3. The Trust owns property at 735 Horahora Road (Rainbow Lea Farm) and is a submitter in these proceedings.
4. Katherine and I brought Rainbow Lea Farm about 35 years ago. We have both transitioned from other professions to farming; I from aviation and Katherine from banking and finance. We consider ourselves privileged to have the stewardship of the land and to be able to make it our home.
5. A major part of our decision to buy Rainbow Lea Farm was its beautiful location along the Horahora Road on old river terraces that form the valley that cradles the Waikato River under the immense presence of Sanctuary Mountain Maungatautari.
6. In our opinion, land within the valley was rightly awarded the status of an Outstanding Natural Landscape. We think that we have a duty to try and protect the essence of the valley from unsympathetic development so that future generations will be able to enjoy the valley's unique exquisiteness just as we have been privileged to enjoy it for over three decades. Our attendance at the hearing is to express our concerns about the applicants' plan.
7. Katherine and I are not technical experts and we appreciate the expert landscape input provided by Shannon Bray and rely on his advice.
8. Rainbow Lea Farm is a working dairy farm on Horahora Road and is now owned by our family trust. The farming operation supports five families and includes dairy farming, beef production, silage production, cropping and the application of farm effluent as part of normal farming practices. Our home is on the property and our entrance is opposite proposed Stage 3.
9. Katherine and I have been friends and neighbours with Kevin and Lynn for 35 years. It is very difficult for us to now be opposing their application in light of that longstanding personal relationship. However, we are committed to protecting the ONL values of the valley and cannot support changes that will permanently undermine those values or the rural aesthetics more broadly.
10. If this application was amended to truly reflect the ONL status of our beautiful valley then we would wholeheartedly support Kevin and Lynn in their development endeavours.

Tylee Proposal

11. The Trust became involved in this application because of the potential effects on the character of the Horahora Valley, the Waikato River environment and the future operation of established rural activities. We were dismayed to discover the extent of rural lifestyle zoning in the valley and had no idea of implications of the rezoned land until first approached about it by the Tylees in January 2020.
12. At that meeting in our home the Tylees undertook to provide us with a copy of the concept plan they then were working from so that we could provide input. Unfortunately the plan was not forthcoming.

13. The Trust is not opposed to rural lifestyle development as a matter of principle. We recognize that this type of development is attractive to many people who want to enjoy living in a rural environment without having to buy or operate a farming business.
14. Our concern is about the scale, layout and intensity of the proposed subdivision given that the land is located within ONL10. In our view the valley warrants its status as an outstanding natural landscape. It is one of the few remaining accessible valleys that borders the Waikato River and which is not semi urbanised and it should be protected.
15. It was a shock to discover the scale of subdivision proposal being promoted by the Tylees. Earlier discussions with Kevin and Lynn led us to believe that the land would be split into about 5 lifestyle blocks and sold for the benefit of their daughter to ensure equity within the family.
16. The notified proposal was to create 81 lots and involved massive earthworks to produce a uniformly sloped site. It appeared to us to be a desktop exercise to achieve the maximum possible yield. It certainly did not give any prominence to the ONL or overall landscape character of the site or the valley and was a real disappointment for us.
17. I have read the submissions from others along the valley and note that we were not alone in our dismay at the intensity of development proposed. Other submitters also had no knowledge of, or involvement in the process that created the rural lifestyle zoning on the Tylee land.

Revised Proposal

18. The Trust engaged Shannon Bray to independently review the proposal and provide expert landscape advice soon after the trustees became aware of the proposed development.
19. The Trustees and Dr Forret attended a meeting with the Tylees and their expert advisors on the 2nd of March 2026. We were shocked to discover that there had been no cost benefit assessment done of the proposed earthworks nor consideration of the financial and engineering implications for the lots to be created. At the meeting the Trust offered and encouraged the Tylees to arrange for Mr Bray to meet with their own planners and advisors in order to provide an alternative perspective. That meeting took place a few days later in Hamilton.
20. We acknowledge that amendments have been made to the proposal and that aspects of the design have improved. There has been an 8 lot reduction in total dwellings but that largely correlates with the reduction in earthworks and removal of inaccessible or unviable building platforms.
21. The overall proposal still results in ribbon development along Horahora Road and the Waikato River; with the visual impact to the valley being significant.
22. The Trust remains concerned that the overall pattern of development does not respond to the site's location within an Outstanding Natural Landscape and it is not an example of an outstanding development. In the trustees' view any urbanisation of the valley should be designed to mirror the outstanding qualities of the valley.

Expectations of Future Development

23. One of the Trust's concerns is the wider implication of this application for future development within ONL10 and within other Outstanding Natural Landscapes across the region.

24. We are aware there has been new planning legislation and that there will be new planning documents for districts and regions. We are also aware that consideration of ONLs is done on a district wide basis.¹ In light of that, we assume that any new planning documents to guide development within an ONL will take into account the criteria that apply within other similar landscapes.
25. We appreciate that every application must be considered on its own merits however the planning context is surely relevant. Development occurring within an Outstanding Natural Landscape should reflect the significance of that designation and protect the status of the landscape. This proposal could be the benchmark for development in an ONL and it most certainly falls short at present.
26. The Trust notes the Lake Whakamaru Development Area planning process that was undertaken last year. The rezoning to rural lifestyle involved detailed consideration given to managing development affecting land within ONL5. There are a number of specific rules and guidelines that apply to development within the Lake Whakamaru rural lifestyle zone and there is nothing equivalent here.
27. The Trust considers that Lake Whakamaru framework reflects an acceptance that development within an Outstanding Natural Landscape requires a particularly careful and integrated design response. In our view, development within an Outstanding Natural Landscape should demonstrate a high standard of landscape integration, open space retention and protection of the characteristics that contribute to the landscape's identified values.
28. The Trust accepts that design guidelines, planting requirements and landscape management plans can make an important contribution to landscape outcomes.
29. However, those measures are most effective when they support a subdivision layout that is fundamentally responsive to landscape values in the first place. It is not sufficient to hide ribbon development and pretend that achieves the outcomes consistent with an outstanding landscape.
30. In our view, landscape outcomes should be achieved primarily through subdivision design, lot layout, clustering of development and the retention of meaningful areas of open space, rather than relying principally on mitigation after development has been established.
31. We support outcomes that provide greater open space retention, stronger clustering of residential development and greater protection of the landscape values associated with the Waikato River corridor.
32. The Trust considers that these outcomes would better recognize the site's location within ONL10 and better maintain the distinction between rural lifestyle development and the protection of outstanding landscape values.
33. We note references in both the s 42A report² and in Mr Moule's draft conditions³ to a reverse sensitivity consent notice. We support the inclusion of a consent notice to protect existing farming activities. Even if the Tylee proposal is redesigned to accommodate fewer lifestyle allotments, this will mean the addition of many new families into an existing rural environment and a consent notice will hopefully provide a reminder that rural production activities can create various effects that are not

¹ Isthmus Landscape Report August 2012, page 8.

² Section 42A report at condition 138.

³ Evidence of D Moule, draft condition 223.

common in urban environments. In our view those consent notices should be on all new lots.

Waikato River Trail

34. We feel strongly that the Waikato River Trail should be relocated onto the esplanade strip as part of the Tylee project. It's called the Waikato River Trail, not the Horahora Road Trail.
35. We understand that neither the Council nor the River Trail Trust is likely to have the funds for that relocation and consider it should be part of the Tylee development project.
36. The Tylees have so far only allowed the establishment of the WRT on very small portions of their land, when you consider the length of road and river frontage involved. In return for those small allowances, the WRT is restricted from opposing future development and from attempting to have the trail relocated as part of this process.⁴
37. In addition, trail users must travel close to the road and would, (if consent is granted) encounter numerous driveways between the start of the trail and the Little Waipa Reserve.
38. We cannot accept that there is any real reason why the trail could not be established along the esplanade strip. That would enable genuine public access, both cycling and walking, along and within the ONL. Having the trail beside the river recognises the significant value of the Waikato River to the status of ONL 10.
39. We have read evidence about the geology of the esplanade strip land being unsuitable for the cycle trail. It is hard to believe that the geology and terrain on the Tylee land is so different to that which exists on land only a short distance south at Little Waipa Reserve, from where the trail does pass beside the river before climbing up to Arapuni village.

Conclusion

40. The Trust accepts that some development is likely to occur on the application site. However, because the site is located within an Outstanding Natural Landscape, we believe there should be a high expectation that subdivision design, open space, landscape protection and long-term management collectively demonstrate protection of those values.
41. Development within ONL10 should, in the Trust's view, reflect a particularly high standard of landscape integration and design, with outcomes achieved primarily through subdivision layout, clustering and open space retention rather than reliance on mitigation measures alone.
42. We indicated in the Trust's response to the application Addendum document the types of outcome that would go some way towards achieving an outcome that could be acceptable⁵.
43. At present, the layout does not respond to the landscape and hiding it with vegetation does not achieve an outstanding development as this valley deserves.

⁴ Evidence of Kevin and Lynn Tylee: Appendix B

⁵ Bates Family Trust Response to Tylee Addendum Document, 19 August 2026.

44. For the reasons outlined above, and for the reasons set out in the evidence of Shannon Bray, the Trust respectfully requests that the Panel declines the application presently before it.

Stephen Bates
Trustee