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Sent: Wed, 19 Aug 2026 15:57:25 +1200
To: "Planning Team" <planningteam@southwaikato.govt.nz>
Subject: (ECM:709588) Tylee Application for Subdivision Consent: Horahora Road
Attachments: Shannon Bray Horahora_RedesignConsiderations_26-10-11.pdf, Bates FT response to Tylee Application Addendum.pdf
Categories: ECM

Hi,

Please see attached the response to the Tylee application Addendum from Submitter: Bates Family Trust. This response is in addition to comments already made in the Trust's principal submission. The response also has an attachment comprising comments from the Trust's landscape expert.

Ta Joan

Dr Joan Forret

(she/her)

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11 August 2026

Dr Joan Forret

NZEnviro Law

By email: joan.forret@nzenviro.law

Dear Joan

RM240115, Tylee subdivision, 597 Horahora Road: landscape comments on amended proposal

Thank you for the opportunity to provide some brief comments on the amended proposal. I have focused these on the key landscape matters that I consider should be raised in response to the addendum, rather than providing a full assessment.

At the outset, I think it is important to positively acknowledge the work that has been done. The amendments are noticeable and represent a constructive change in direction. In particular, the reduction in earthworks is a positive outcome. As you know, I had questioned the extent of the earlier earthworks, both because of their landscape implications and because they appeared likely to be costly without any clear site-by-site analysis of whether the resulting cost and benefit for individual lots would be feasible. The revised approach responds to that concern to some extent, and that should be acknowledged.

However, in my opinion, the amendments still appear to have been developed largely on the premise of mitigating an existing subdivision layout, rather than stepping back to consider whether adverse effects on the Outstanding Natural Landscape values could be better avoided through a more fundamental design response. The Landscape Masterplan is extensive and there has clearly been considerable work done, but I consider the primary landscape response still appears to be planting. That creates two related issues: whether enough has been done to avoid effects in the first place; and whether reliance on extensive planting, much of which will ultimately sit with individual landowners, creates long-term compliance and maintenance risks.

My key concerns are as follows:

- ▶ I do not agree with Council's preliminary description of the proposal as a clustered rural-lifestyle form. In my opinion, the proposal was never truly clustered. I consider it remains a largely linear or ribbon form of development along the Horahora Road and Waikato River corridor, albeit delivered through three stages and partly served by internal roads and accessways. In my view, a clustered outcome would generally involve tighter groups of lots, likely with smaller building areas, separated by more meaningful open, undeveloped or restored spaces. I do not consider the current amendments sufficiently achieve that.
- ▶ Although the Rural Lifestyle zoning anticipates some form of development, I understand that the ONL was identified after that zoning. What this means is that the values that caused the landscape to be identified as outstanding must still be retained after development. Or, put more simply, the values that led to Council giving it ONL status must remain legible post-construction.
- ▶ Therefore, in my opinion, the proper starting point should be the ONL values themselves. While the Boffa Miskell report discusses the history of how the site came to be included in the ONL, including the suggestion that it may only just have met that threshold, the relevant point is that it is now recognised as part of the ONL and must be treated accordingly. I understand that the most important values in this location are associated with the Waikato River, the river terraces, the riparian margin, and the visual and experiential connection between Horahora Road, the landform, and the river.



- ▶ In this regard, I acknowledge the planting proposed to enhance the riparian margins, and consider this is a positive part of the amended proposal. However, in my opinion, there needs to be greater clarity about how planting and open-space areas that sit outside individual private lots will be owned, managed, funded, monitored and maintained over time. If the proposal relies on boundary interface planting, site-wide mitigation planting, ecological restoration areas, reserve planting or esplanade-margin planting to achieve an acceptable landscape outcome, then the enduring management mechanism should be clear. At present, I do not understand whether this is intended to occur through Council reserve management, consent notices, covenants, a residents' society, a private management company, or some other common land management structure.
- ▶ Further, I consider that the proposal should better protect the way the ONL is experienced from Horahora Road. In places, the road has a direct visual and physical relationship with the landform, the river terraces, the riparian margin and the Waikato River beyond, particularly where the topography narrows or drops into gullies. In my opinion, these moments are important because they allow the ONL values to be understood from the public road corridor, rather than being internalised within the subdivision. They should therefore be used more deliberately as open or undeveloped breaks within the subdivision pattern.
- ▶ I also agree with Council that further consideration should be given to relocating the Waikato River Trail closer to the river edge. In my opinion, this would help avoid the river margin becoming effectively privatised by the subdivision pattern and would strengthen public opportunities to experience and connect with the Waikato River and the ONL. This is particularly important where the proposal relies on the river corridor, riparian margin and associated landscape values as part of its overall landscape response.
- ▶ I accept that the amended roading layout is more aligned with the terrace contours, which I consider positive. However, in my opinion, there is not yet sufficient consideration of how future driveway connections between roads and individual lots may cut across or erode the terrace pattern over time. I consider this important because the terrace landform is one of the more legible ways in which the river landscape is experienced from the site and road corridor.
- ▶ I have concerns about staging, transition and construction effects. The proposal identifies stages, but I consider there should be clearer controls on when Stage 2 and Stage 3 can proceed, so that the site does not become a long, drawn-out corridor of earthworks and partially completed development. In my opinion, this is particularly important if sales and construction occur unevenly across stages. For example, if part of Stage 1 is completed while only small parts of Stages 2 and 3 are taken up, the result could be a very extended period of landscape transition.
- ▶ I also consider any potential stockpiling needs tighter controls, including where material may be held, for how long, and how it will be managed visually and environmentally.
- ▶ In my opinion, the controls on building platforms need to be clear about whether they apply only to principal dwellings, or also to secondary dwellings, accessory buildings and other structures. If the landscape assessment relies on limits to built form, I consider those limits need to capture the whole built outcome that could occur on each lot. Perhaps the controls need to consider what is not permitted on the remainder of private land?



- ▶ I consider the proposed design review process requires further certainty. There is good thinking in the Landscape Masterplan and proposed design guidelines, but my understanding is that the review process is intended to be managed by the developer. In my opinion, that creates some uncertainty over time, particularly if the current owner were to sell a large superlot, a stage, or the whole development to another party. If the design controls are important to the landscape outcome, then the approval process needs to be enduring, independent enough, and clearly enforceable beyond the current ownership structure.
- ▶ I consider there needs to be greater clarity about planting before s224. In my opinion, the plans are not yet clear enough about what is on-lot planting, what is boundary interface planting, what is native or site-wide mitigation planting, and which components must be completed before titles issue. That distinction matters because the enforceability and timing of the mitigation package is central to the landscape outcome. I also am not certain how the pattern of planting might establish on the site over time if some of it is to be provided by the developer, and others only provided by future landowners.
- ▶ Finally, I consider the long-term protection mechanism for mitigation planting and landscape controls needs careful attention. I understand the proposal is being considered under the current legal framework, and ultimately the law will apply as it stands from time to time. However, if landscape mitigation is necessary to support the grant of consent now, then in my opinion the conditions and legal mechanisms should be robust enough to ensure that mitigation is retained and maintained into the future. I am not yet satisfied that consent notices alone have been fully tested as the best or only mechanism for that purpose.

In terms of possible refinements, I consider there is still an opportunity to move the proposal further toward a genuinely clustered outcome, while also better retaining the legibility of the ONL values from Horahora Road and the wider river corridor. In particular:

- ▶ In my opinion, greater controls or restrictions could be considered around Lot 16 to retain views and connection to the river across the northern part of that lot, and/or more of this lot could be transferred to commonly held open space. This would help establish a clearer open break in the subdivision pattern and allow the ONL values to remain more legible from Horahora Road.
- ▶ I consider a more meaningful open break could be explored around Lots 22 to 24, again to retain visual and physical connection toward the river. In my opinion, this would assist in moving the layout away from a continuous ribbon form and toward a more genuinely clustered outcome, with identifiable spaces between built areas.
- ▶ In my opinion, a further break should be considered around Lot 58, particularly if that area contributes to retaining the relationship between Horahora Road, the terrace landform and the river corridor. Such a break would provide another opportunity to reinforce ONL values and reduce the perception of continuous development.
- ▶ Lots 48 and 58 appear constrained by topography and relatively removed from the river, while sitting closer to the road. In my opinion, there may be merit in reconsidering whether these lots, or similar lower-value constrained areas, should be amalgamated into larger lots or otherwise reduced in development intensity, particularly if doing so would help create clearer clustering and stronger open-space structure.
- ▶ I consider there is an opportunity to treat the relocation of the Waikato River Trail to the riparian area as part of the wider clustering and ONL response.



- More generally, I consider larger lots, or shared open-space areas in some locations may provide a more practical rural lifestyle outcome than a series of 5,000m² lots that are neither clearly clustered nor especially useful as working rural lifestyle land. Examples might include Lots 24-28, Lots 48/58, Lots 67/69/71/73/75/77, and Lots 82/83. In my opinion, this would better align the subdivision form with the ONL context by allowing built development to sit within more defined clusters, rather than extending as a near-continuous sequence of lots along the road and river corridor.

Overall, in my opinion, the amended proposal is an improvement and should be acknowledged as such. However, my remaining concern is that the redesign still appears to work forward from an existing layout and then seek to mitigate that layout, rather than starting with the ONL values and asking where development should be pulled back, avoided or consolidated.

Having said this, I do not consider that means the proposal is incapable of being further refined into a workable outcome. In my view, there remains scope for targeted changes that would better express a clustered structure, retain stronger open breaks, and improve the legibility of the ONL from Horahora Road and the river corridor. Importantly, many of those changes appear capable of being focused on areas likely to have comparatively lower amenity or desirability, where larger lots, superlots, shared open space or reduced development intensity could strengthen the landscape outcome without necessarily undermining the overall feasibility of the development.

Yours sincerely

Shannon Bray

Registered Fellow Landscape Architect

19 August 2026

Email:
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Client Reference: Bates FT-24-001

South Waikato District Council Planning Team

RM240115 – Response of Bates Family Trust to Tylee Addendum Document

1. Thank you for the opportunity to provide further comments in light of changes made by the Applicant since original notification.
2. The comments in this response are made on behalf of the Bates Family Trust, which owns Rainbow Lea Farm at 735 Horahora Road.
3. The Trust acknowledges the changes made to the application, including the reduction in overall density, introduction of an esplanade reserve and increased planting/landscape design input.
4. The Trust remains opposed to the development because of its inconsistency with the ONL and with the values that support that ONL.
5. Specifically, the Trust notes that the ONL was introduced over the Horahora Road valley after the Rural Lifestyle Zoning was obtained over the Tylee/Applicant's land. That rezoning was achieved without any apparent public process and certainly without input from the adjacent landowners, and according to its submission, from the Raukawa Charitable Trust.
6. The ONL gives the land to which it applies, status as a landscape that is protected as a matter of national importance under s 6 RMA. That status means that it is insufficient for an Applicant just to demonstrate that a subdivision and development application meets the requirements for its given zone. To accept that level of development is to essentially ignore the status of the ONL. Instead, any application to subdivide and develop within the Rural Lifestyle Zone on the Tylee land must demonstrate that the outcome can sit easily within an outstanding landscape and will be consistent with the values that support that ONL.
7. We note the comments in the Mansergh Graham landscape peer review undertaken for Council. Mr Mansergh also recognises the tension between an ONL that protects landscape values of a rural valley and a rural lifestyle zoning that anticipates a level of residential development. That tension can only be resolved through careful and appropriate development design that accommodates and protects the values underpinning the ONL.
8. In the Trust's view, the application should have been redesigned to address the ONL values including the landform, the river terraces and the riparian margin. Instead, there has been some tinkering to reduce unacceptable lot density and introduce an esplanade reserve, which was always an expectation of subdivision within the Rural Lifestyle Zone.
9. The Trust has received landscape advice from an independent expert and his **attached** review expands on the comments made in this response.

Concerns

10. The Trust's main concerns with the proposal as amended are:

Ribbon Development

11. The application is still largely for a ribbon development along Horahora Road. In particular stages 1 and 2 will look very little different from the original proposal when viewed from the road and there is nothing to signify the development is located on land with ONL status.
12. There is an opportunity to increase the clustering of development and to introduce larger lots that will go some way to retaining a rural feel to the development. In particular, Stage 1 could be improved by introducing controls over 16 to retain visual connection to the river and riparian margin. Alternatively Lot 16 could be transferred into public ownership to create a connection through to the new esplanade reserve.
13. Lots 22 to 24 could also provide a break in development and therefore increase the clustered feel of Stage 3 at that point.
14. Lots 48 and 58 will be marginal development lots because of the location (alongside the Horahora Road and the access) and because of the terrain. Amalgamating those lots and having them planted out would provide a less developed aspect to Stage 3.
15. There could also be improvements to Stage 2 perhaps with inclusion of some super lots that enable larger open spaces to be retained. Such lots could be attractive to landowners wanting horses or stock and the opportunity for a dwelling with views over the river. Lots 67, 69, 71, 73, 75, 77 and Lots 82, 83 provide such redesign opportunities.

Landscape Planting

16. It is not easy to determine what areas of planting shown in the revised Landscape Plan will be boundary planting and therefore the responsible of the Applicant and subject to ongoing consent notices or covenants and which areas are onsite planting that become the owners' responsibility. In particular, the planting along Horahora Road is unclear as to whether it must be completed before s 224 certification.
17. There needs to be more certainty in the consent conditions regarding which planting is to be done before s 224, which is the responsibility of the Applicant and how required planting is to be secured in perpetuity.
18. There is a lack of clarity regarding the responsibility for establishing and maintaining planting and some easement areas.
19. There should be a mechanism to ensure that all buildings are within the designated building platform and that those building platforms are located to respond to the ONL values.

Waikato River Trail

20. The Trust fully supports the need to relocate the WRT from along Horahora Road to a location on or adjacent to the new esplanade reserve. Such relocation will avoid the potential for collisions between cyclists and vehicles crossing to and from private land across Horahora Road.
21. Relocation of WRT will also improve public access to and along the esplanade reserve, consistent with the District Plan's policy framework.
22. The revised application has limited opportunities for the public to access the new esplanade reserve without the connection to the WRT.
23. The relocation of WRT should be completed before work commences on any Stage so that there is an acceptable safety environment for cyclists during construction.

Staging

24. At present it is unclear how the staging will work. What are the controls to ensure that there will not be development happening over various of the stages before any one stage is fully developed. There could be construction of housing and of the subdivision itself happening for the length of the development over a long continuous period given that Stages 1 and 2 bookend the land.

25. There is no clarity around the impact on development timing from the reduction in earthworks on Stage 3. Will that actually mean less disruption to the valley for a shorter period and if so how is that reduction to be ensured?
26. What additional controls are proposed over the look and feel of the Horahora Road interface to demonstrate the development's status within an ONL?
27. What additional controls are proposed to ensure that topsoil mounds and development machinery and infrastructure do not intrude into the ONL during the lengthy period of development and before landscape planting has become effective?
28. The reduction in number of lots has effectively removed a significant cost burden from the Applicants due to the revised earthworks and access design. That saving should be transferred to improved design options that produce a development that will be consistent with the ONL values.

Yours sincerely,



DR JOAN FORRET

Barrister and Solicitor

Attached:

Wayfinder (Shannon Bray) "Landscape comments on amended proposal" 11 August 2026.