

Hearing Opening Statement

# Hearing 25: Zone Extents

## TaTa Valley Resort

Report prepared by: Jerome Wyeth

Date: 31 May 2021



# I Introduction

1. Good morning Chair and Commissioners. My full name is Jerome Geoffrey Wyeth. I am the reporting officer for the TaTa Valley Resort Rezoning topic. I am author of the section 42A report for the proposed TaTa Valley dated 16 April 2021 and rebuttal evidence dated 10 May 2021.
2. There are nine submission points on the proposed TaTa Valley Resort Zone and 65 further submissions on those original points. The original submissions points from TaTa Valley Limited seek to rezone approximately 235ha of land, located 2km southwest of Pokeno, from Rural to a bespoke special purpose zone – the TaTa Valley Resort Zone.
3. For the reasons outlined in my section 42A report and rebuttal evidence, I am recommending that the rezoning request is accepted, subject to some further refinement of the provisions, which are discussed in both my primary and rebuttal evidence. Since preparing my rebuttal evidence, I have also had further discussions with the planner acting on behalf of TaTa Valley Limited and recommend further refinements to two policies, which I will discuss further. The revised set of provisions are attached as Appendix I of this statement.
4. For succinctness, I do not intend go into the details of my recommendations or repeat the detail in my section 42A report and rebuttal evidence in this opening statement. Rather, this summary statement provides:
  - a. A brief overview of the proposed TaTa Valley Resort Zone
  - b. A summary of my recommendation in relation to the rezoning request and my recommended changes to the provisions
  - c. An overview of recommended refinements to two proposed policies following the preparation of rebuttal evidence
  - d. The remaining matter of contention between myself and TaTa Valley Limited, which I consider to be relatively minor in the context of the overall rezoning request.

## 2 Overview of proposed TaTa Valley Resort Zone

5. The proposed TaTa Valley Resort Zone is located at properties owned by TaTa Valley Limited at 242 Bluff Road<sup>1</sup> and 35 Trig Road, which I will refer to as the Site. The Site has a combined total land area of approximately 235 ha and is located approximately 2km southwest of Pokeno and approximately 5km east of Tuakau. The Waikato River is located along the southern boundary of the Site.
6. The Site is zoned Rural in the Proposed Plan and there are a number of overlays on the Site. They include a Significant Amenity Landscape, three Significant Natural Areas, a Maaori Site of Significance, and Flood Plain Management Area.
7. TaTa Valley Limited is seeking to develop the Site into the TaTa Valley Resort. The proposed Resort would include a Hotel and Farm Park with associated tourism, retail and recreational activities that aims to showcase rural New Zealand. TaTa Valley Limited has prepared a masterplan for the Resort and is actively working towards commencing development through various resource consent applications, some of which are currently on-hold to enable further engagement with tangata whenua to occur.

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<sup>1</sup> Also known as 42B Potter Road. 242 Bluff Road includes two allotments – Lot 2 DP 401106 being the larger parcel in the west and Lot 4 DP 202491 being the smaller parcel in the east. Lot 2 DP 401106 is subject to a request for split zoning from TaTa Valley Limited and Havelock Village Limited (the same landowner) and Lot 4 DP 202491 is subject to a submission seeking rezoning from Havelock Village Limited (submitter 862).

8. To provide for the development and operation of the Resort, TaTa Valley Limited is seeking to rezone the Site from Rural to a Special Purpose Zone – the proposed TaTa Valley Resort Zone. The proposed TaTa Valley Resort Zone includes:
  - a. A Concept Plan that spatially sets out the areas to be developed and managed within the overall Site.
  - b. A range of provisions that seek to provide for the development of the Site and activities anticipated at the Resort, while managing adverse effects.
  - c. A number of Rural Zone provisions in the Proposed Plan, as recommended by the reporting officer, in recognition of the fundamental relationship between the proposed Resort and the rural environment.

### 3 Recommendation on rezoning and recommended changes

9. As outlined in my section 42A report, I recommend that the rezoning request for the proposed TaTa Valley Resort Zone is accepted, subject to some refinements to the provisions. The recommended changes to the planning maps in the Proposed Plan are shown in Figure 1 below and Appendix 2 of my section 42A report.

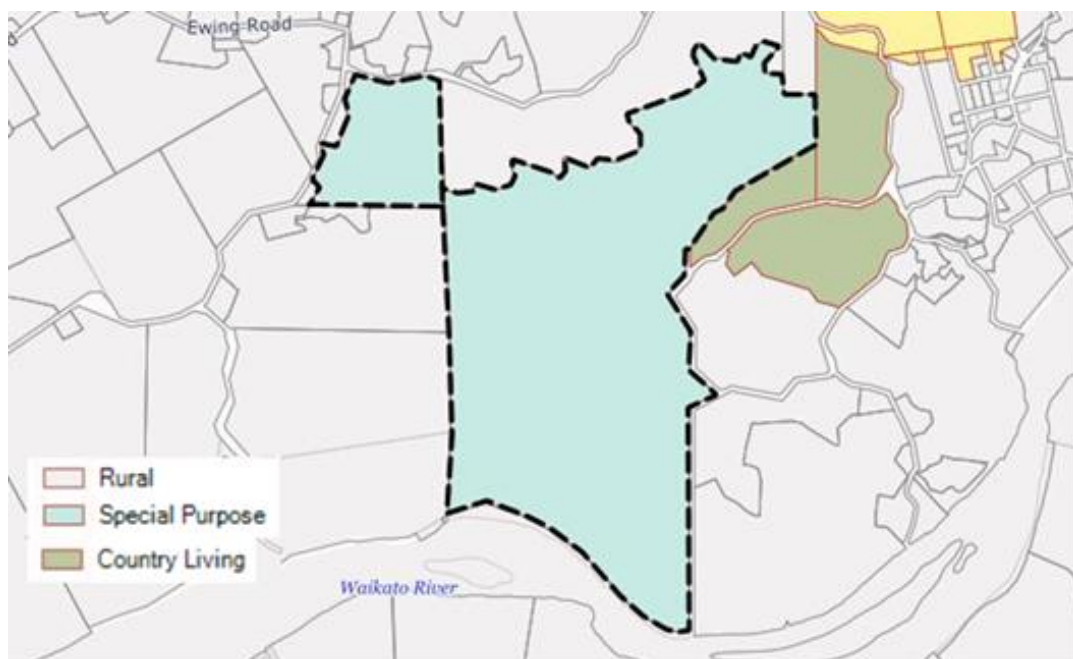


Figure 1: Recommended changes to PWDP planning maps at 35 Trig Road and part of 242 Bluff Road from Rural Zone to Special Purpose Zone (TaTa Valley Resort Zone).

10. The main reasons I recommend the rezoning request is accepted are:
  - a. Firstly, in my opinion, the proposal is consistent with the relevant statutory requirements and gives effect to the higher order planning instruments to the extent relevant.
  - b. Secondly, the proposed TaTa Valley Resort Zone and Concept Plan will enable the Site to be developed and managed in an integrated manner that delivers economic and employment benefits to the District while achieving good environment outcomes.
  - c. Lastly, the proposed TaTa Valley Resort Zone provides more certainty to the landowner, Council processing officers and the community about the future

development and management of the Site. In my opinion, this will also reduce the potential for inefficiencies and inconsistent outcomes as the Site is developed in stages through ongoing consenting processes under the Rural Zone provisions.

11. However, in my opinion, the objectives and policies for the proposed TVR Zone were overly focused on enabling the development and operation of the Site with insufficient weight given to the management of adverse effects and the protection, maintenance and enhancement of ecological, cultural and amenity values. As such, I recommend a number of changes to the objectives and policies for the proposed TVR Zone and some refinements to the matters of discretion for two proposed rules.
12. Key recommended changes to the proposed provisions, as outlined Appendix 2 of my rebuttal evidence, include:
  - a. Amendments to proposed Objective O2 to reference the character and amenity of the surrounding rural environment.
  - b. Amendments to proposed Policy 29.2(P3) to also refer to those areas to be protected and managed on Site in accordance with the Concept Plan (Significant Natural Areas, Significant Amenity Landscape, Site of Significance to Maaori).
  - c. Amendments to proposed Policy 29.2(P4) to strengthen the management of adverse effects through direction to:
    - i. Protect and restore the values of the Waikato River
    - ii. Manage adverse effects on the amenity and character of the surrounding rural environment
    - iii. Provide for the safe and efficient operation and functioning of the surrounding traffic network.
13. The overall intent of these recommended amendments is to highlight the key environmental effects to be considered to ensure better management of effects. In my opinion, this will help achieve a more appropriate balance that enables the Site to be developed in a way that contributes to social and economic well-being, while ensuring adverse environmental effects are adequately managed and positive environmental outcomes are achieved (e.g. protection of significant areas of indigenous biodiversity).

## 4 Recommended changes to policies following rebuttal evidence

14. Following the preparation my rebuttal evidence I have had further correspondence with Mr Scrafton, the planner acting on behalf TaTa Valley Limited, in relation to the provisions. As such result, I recommend some further refinements to two proposed policies - Policy 29.4(P3) and Policy 29.4(P5). These changes are shown below in Table I and in the revised set of proposed TVR Zone provisions attached as Appendix I to this statement.

Table I: Recommended changes to provisions from rebuttal evidence shown in green ~~underline/strikeout~~.

Recommended change	Reasons
<p><b>Proposed Policy 29.4(P3)</b>            c. <u>Protection of:</u>                (i) <u>The values of identified Significant Natural Areas and Areas of</u></p>	<p>The proposed amendments are intended to align with the wording of the relevant district-wide policies as recommended by the reporting</p>

<p><u>Significant Indigenous Biodiversity; and</u></p> <p>(ii) <u>The attributes of the Significant Amenity Landscape, and</u></p> <p>(iii) <u>Maaori Site of Significance from the adverse effects of development or activities.</u></p>	<p>officer (i.e. Policies 3.2.3 and 3.4.3, in Chapter 3, and Policy 2.15.1(b) in Chapter 2).</p>
<p><b>Proposed Policy 29.4(P4)</b></p> <p>b. <u>Maintaining and the Minimising adverse effects on the</u> amenity and character values of the surrounding rural environment</p>	<p>It is accepted that ‘maintaining’ can be interpreted in a very absolute manner that allows for no change. In my opinion, ‘minimise’ is an appropriate alternative that allows for some discretion through consenting process while ensuring adverse effects on rural amenity and character are minimised.</p>

## 5 Remaining matter in dispute

15. There is only one outstanding matter in dispute between myself and TaTa Valley Limited, which I consider to be relatively minor in the context of the overall rezoning request. It relates to the identification of ‘areas of significant indigenous biodiversity’ within the Concept Plan and distinguishing between those that are ‘natural inland wetlands’ (which are to be managed by the Waikato Regional Council in accordance with the National Environmental Standards for Freshwater 2020) and those that are Significant Natural Areas (to be managed in accordance with the district-wide provisions relating to Significant Natural Areas in the Proposed Plan).
16. I accept the reasoning from TaTa Valley Limited as to why they have chosen not to map the natural inland wetlands within the proposed Concept Plan, including that management of natural inland wetlands is a regional council function under the National Policy Statement for Freshwater Management 2020 and that there is current uncertainty about what constitutes a natural inland wetland.
17. However, I retain the view that it would be beneficial to identify those ‘areas of significant indigenous biodiversity’ in the Concept Plan that are also natural inland wetlands to clarify the provisions that apply. This does not preclude a more site-specific assessment of wetland area and extent being undertaken through future resource consent processes – which is the process I expect TaTa Valley would undertake to comply with the National Environmental Standards for Freshwater 2020.

## 6 Conclusion

18. This concludes my opening statement on the TaTa Valley Resort rezoning topic. I welcome any questions that the Panel may have and look forward to hearing evidence presented on behalf of TaTa Valley Limited.

## Appendix 2: Recommended amendments

Recommended amendments in response to submissions from primary s42A report shown in ~~red underline/strike-out~~ and recommended amendments from rebuttal evidence shown in ~~blue underline/strike-out~~. Further amendments recommendations in this summary statement are shown in ~~green underline/strike-out~~.

***Note: it is proposed that number of provisions for the TaTa Valley Resort Zone will be the same as other PWDP Rural Zone provisions accepted by the Hearing Panel and district-wide provisions relating to infrastructure. These provisions have not been replicated in full here, but it is recommended these provisions are included in full in the final TaTa Valley Zone provisions rather than cross-referenced. These provisions have been highlighted green for ease of reference.***

### 29.1 Objectives

29.1(O1) The TaTa Valley Resort is enabled to operate as a regionally significant rural tourism and recreation facility.

29.1(O2) The TaTa Valley Resort is developed and operated while ~~ste~~ avoiding, remedying or mitigating adverse effects on the environment ~~as far as practicable, including on the character and amenity of the surrounding rural environment.~~

~~29.1(O3) The development and operation of the TaTa Valley Resort maintains the character and amenity of the surrounding rural environment.~~

### 29.2 Policies

**29.2 (P1)** Enable the development and operation of the TaTa Valley Resort for all of the following primary activities:

- a. Visitor accommodation; and
- b. Rural tourism ~~as a rural commercial activity, including recreation and entertainment activities.~~

**29.2 (P2)** Enable activities to establish onsite which are compatible with, or accessory to, the primary activities of the TaTa Valley Resort including:

- a. Ancillary ~~rural~~ commercial and retail activities;
- b. Conservation activities;
- c. Concerts, events and ancillary temporary buildings and structures;
- d. Workers accommodation; and
- e. Accessory buildings.

**29.2 (P3)** Develop ~~and manage~~ the TaTa Valley Resort zone in general accordance with the Concept Plan (attached as Appendix I to Chapter 29) including:

- d. Establishment of a large-scale hotel in the ~~Hotel Precinct concept plan area~~
- e. Establishment of lower density visitor accommodation, rural tourism and recreation activities outside of the Concept Plan area
- f. **Protection of:**
  - (iv) ~~The values of identified Significant Natural Areas and Areas of Significant Indigenous Biodiversity; and~~

- (v) The attributes of the Significant Amenity Landscape, and
  - (vi) Maori Site of Significance from the adverse effects of development or activities.
- g. Avoiding subdivision within the TaTa Valley Resort zone.

**29.2 (P4)** Manage the adverse effects of the establishment and operation of the TaTa Valley Resort by ~~to:~~

- c. Protecting and restoring the ~~having regard to~~ values of the Waikato River
- d. Maintaining and the Minimising adverse effects on the amenity and character values of the surrounding rural environment
- e. Providing for ~~Ensure the safe and efficient operation and functioning of the surrounding traffic network~~
- f. Recognising and providing for cultural values.

**29.2 (P5)** Recognise that establishing and operating the TaTa Valley Resort may result in a greater scale of development than what may typically be found in the rural environment.

**29.2(P6)** Buildings within 37m of the Waikato River ~~shall demonstrate~~ must have a functional or operational need to be located in proximity of the Waikato River (for example, river access structures and ancillary buildings such as waiting areas).

### 29.3 Rules - Activity Table

	Activity <sup>2</sup>	Status
A1	Farming	P
A2	Produce Stall	P
A3	Equestrian Centre	P
A4	Free range pig or poultry farming	P
A5	Community facility	RD
A6	Horse Training Centre	P
A7	Rural industry	RD
A8	Conservation Activities	P
A9	Earthworks	P
A10	Earthworks for the maintenance of existing tracks, fences or drains within a Significant Amenity Landscape – Waikato River Margins and Lakes	P
A11	Vegetation clearance outside of a SNA	P
A12	Vegetation clearance inside a SNA	P
A13	Vegetation clearance inside a SNA not complying with the standards in 29.5.7	D

<sup>2</sup> The provisions for activities A1-A15 and A30 will be the same as the PWDP Rural Zone provisions.

	<b>Activity<sup>2</sup></b>	<b>Status</b>
A14	Storage of hazardous substances	P
A15	Storage of hazardous substances not complying with the permitted activity standards	D
A16	Signs	P
A17	Visitors accommodation within Hotel Precinct	RD
A18	Visitors accommodation outside the Hotel Precinct	P
A19	Permanent buildings for visitor accommodation outside of the Hotel Precinct that do not meet permitted standards but are no greater than: <ul style="list-style-type: none"> <li>a) 10m in height; and/or</li> <li>b) 2,000m<sup>2</sup> building coverage</li> </ul>	RD
A20	Workers accommodation	P
A21	Ancillary retail	P
A22	Ancillary commercial services	RD
A23	Ancillary offices	P
A24	Helicopter take offs and landings	P
A25	Informal recreation	P
A26	Entertainment activity	P
A27	Temporary events	P
A28	Special noise events	P
A29	Any <del>permitted</del> activity listed in Table 29.3 within a Māori site of Significance	RD
A30	Subdivision	RD
A31	Activities not complying with one relevant permitted activity standard in 29.4 or 29.5	RD
A32	Activities not complying with two or more relevant permitted activity standards in 29.4 and 29.5	D
A33	Activities not otherwise provided for	D

#### **29.4 Standards - General**

All permitted activities listed in Table 29.3 must comply the following standards unless otherwise specified including within the Activity Specific Standards below. For the avoidance of doubt the Activity Specific Standards take precedence over the general standards.



#### 29.4.1 Access

- a) Access and egress to and from the Zone for all activities except for farming must be via an eastern entrance to the resort as shown on the Concept Plan as *Proposed Yashili Road Connection*.

#### 29.4.2 Parking

- a) All parking associated with activities occurring within the TVR Zone must be accommodated within the TVR Zone.

#### 29.4.3 Building Height

- a) The maximum height of any building or structure must not exceed 15m, except:
  - (i) The maximum height is 10m where located within 50m of a road or internal boundary;
  - (ii) In a Significant Amenity Landscape the maximum height of any building must not exceed 10m, except where the building has a reflectivity of more than 40% the maximum height must not exceed 7.5m

#### 29.4.4 Building Setbacks – General

- a) A habitable building located on a Record of Title 1.6ha or more must be set back a minimum of:
  - (i) 12m from the road boundary;
  - (ii) 25m from every boundary other than a road boundary
- b) A non-habitable building located on a Record of Title 1.6ha or more must be set back a minimum of:
  - (i) 12m from the road boundary; (ii) 22m from the centre line of an indicative road;
  - (ii) 12m from every boundary other than a road boundary.

#### 29.4.5 Building setbacks from water bodies

- a) Any building must be set back a minimum of:
  - (i) 32m from the margin of any wetland;
  - (ii) 23m from the bank of any river with an average width of 3m or more (other than the Waikato River);
  - (iii) 37m from the banks of the Waikato River; and
  - (iv) 12 m from the bank of any river with an average width of 3m or less

#### 29.4.6 Building Coverage outside the Hotel precinct

- a) The total building coverage throughout the TVR Zone (excluding the Hotel Precinct) must not exceed 50,000m<sup>2</sup>.

#### 29.4.7 Lighting

- a) Illumination from glare and artificial light spill shall not exceed 10 lux measured horizontally and vertically at the notional boundary on any other site in the Rural Zone; at any road boundary or within any other site in the Residential, Village or Country Living Zones;
- b) Rule (a) does not apply to vehicles used in farming activities and agricultural equipment.

#### **29.4.8 Noise**

- a) The noise rating level from activities in the TVR Zone must not exceed:
  - (i) 50dB (LAeq), 7am to 7pm every day;
  - (ii) 45dB (LAeq), 7pm to 10pm every day;
  - (iii) 40dB (LAeq) and 65dB (LAmax), 10pm to 7am the following day when measured at or within any Notional Boundary in the Rural Zone.
- b) No noise limits apply between sites in the Tata Valley Resort Zone.
- c) Noise levels must be measured in accordance with the requirements of New Zealand Standard NZS 6801:2008 “Acoustics – Measurement of Environmental Sound”.
- d) Noise levels must be assessed in accordance with the requirements of New Zealand Standard NZS 6802:2008 “Acoustic – Environmental noise”

#### **29.4.9 Daylight Admission**

- a) A building or structure must not protrude through the height in relation to boundary a height control plane rising at an angle of 45 degrees commencing at an elevation of 2.5m above ground level at every point of the site boundary.

#### **29.4.10 Internal Road Circulation**

- a) Internal roading within the Zone is to be developed in general accordance with the indicative road network in the Concept Plan.

#### **29.4.11 New Infrastructure**

- a) Relevant Provisions will mirror those of Chapter 14: Infrastructure as set out in Hearing 22

### **29.5 Activity Specific Standards**

Activities and buildings containing activities listed in the activity table must comply with the relevant standards set out below:

#### **29.5.1 Earthworks**

- a) Provisions will be as per the provisions set out for the Rural Zone in Hearing 21a – Natural Environment s22.2.3.1(PI-P6)

#### **29.5.2 Earthworks for the maintenance of existing tracks, fences or drains within a Significant Amenity Landscape – Waikato River Margins and Lakes**

- a) Provisions will be as per the provisions set out in Hearing 21b – Natural Environment 22.2.3.4 - Earthworks within Landscape or Natural Character Areas(PI-P2).

#### **29.5.3 Vegetation clearance outside a SNA**

- a) Provisions will be as per the Rural Zone provisions set out in Hearing 21a – Natural Environment 22.2.8 Vegetation Clearance outside a SNA (in a Rural Zone)

#### **29.5.4 Vegetation clearance inside a SNA**

- a) Provisions will be as per the Rural Zone provisions set out in Hearing 21a – Natural Environment 22.2.7 Vegetation Clearance inside a SNA (in a Rural Zone)

#### **29.5.5 Storage of Hazardous substances**

- a) Provisions will be as per the Rural Zone provisions set out in the PWDP – Hearing 8a Chapter 10 Hazardous Substances s10.3.1

#### **29.5.6 Signs**

- a) The following signs are permitted and are not subject to (b) below:
  - (i) A public information sign erected by a government agency or an official sign
  - (ii) Signs that are located within a building or that are not visible from a road or adjoining site
- b) A sign must comply with the following conditions:
  - (i) It is the only sign on the site
  - (ii) The sign is wholly contained on the site
  - (iii) The sign does not exceed 5m<sup>2</sup>
  - (iv) The sign height does not exceed 3m
  - (v) If illuminated, the sign meets the lighting standards of rule 29.4.7
  - (vi) The sign does not contain any moving parts, fluorescent, flashing or revolving lights or reflective materials
  - (vii) The sign is for the purpose of identification and interpretation of a Māori site of significance listed in Schedule 30.3
  - (viii) The sign relates to goods or services available on the site, or a property name.

#### **29.5.7 Visitors accommodation outside the Hotel precinct**

- a) The maximum height of the building is 5m.
- b) The maximum building footprint for Visitor Accommodation over the Zone (but outside the Hotel Precinct) must not exceed 1,000m<sup>2</sup>.

#### **29.5.8 Workers accommodation**

- a) There are no more than 3 workers accommodation buildings onsite.
- b) Each workers accommodation building shall have a floor area equal to or less than 120m<sup>2</sup> excluding decks and garaging.
- c) Each building must comply with all the relevant yards setback and height requirements as set out in section 29.4.

#### **29.5.9 Ancillary retail**

- a) There are no more than 5 ancillary retail premises within the entire TaTa Valley Resort Zone.
- b) The maximum floor area for each of the ancillary retail premises is 200m<sup>2</sup>.

#### **29.5.10 Ancillary offices**

- a) Offices must be ancillary to other activities onsite and be included in the calculations for building height building coverage and building setbacks for those activities.

#### **29.5.11 Helicopter take offs and landings**

- a) Daily flight movements are limited to 5 landings and 5 take offs on any day.
- b) Flight movements are limited to 40 landings and 40 take-offs in any 30 day period.
- c) Flights may only be undertaken between 30 minutes before sunrise and 30 minutes before sunset on the same day.
- d) The noise level arising from helicopter movements on any site must not exceed L<sub>dn</sub> 50dB and 85dB LAF<sub>max</sub> on any single day measured at or within any Notional Boundary on another site outside the TVR Zone. This does not apply to helicopter movements required for emergency services.
- e) All helicopter noise measurements shall be undertaken in accordance with NZS 6801:2008 “Acoustics – Measurement of Environmental Sound” and all assessments shall be undertaken in accordance with and NZS6807:1994 Noise management and land use planning for helicopter landing areas. Where NZS6807:1994 is applied, the period for averaging of L<sub>DN</sub> levels shall be 1 day.

#### **29.5.12 Temporary events within the hotel precinct**

- a) The duration of the event is less than 72 hours
- b) Noise levels for temporary events shall comply with the limits specified in standard 29.4.8
- c) The maximum capacity of the event is 500 people in attendance
- d) Temporary buildings must be
  - (i) no greater than 15m in height;
  - (ii) erected no more than 2 days before the event occurs;
  - (iii) removed no more than 3 days after the end of the event; and
  - (iv) The site is returned to its previous condition no more than 3 days after the end of the event.

#### **29.5.13 Temporary events outside the hotel precinct**

- a) The duration of the event is less than 72 hours
- b) Noise levels for temporary events shall comply with the limits specified in standard 29.4.8
- c) The maximum capacity of the event is 500 people in attendance
- d) The event occurs between the hours of 7:30am and 8:30pm Monday – Sunday.
- e) Temporary buildings must be

- (i) no greater than 15m in height;
- (ii) erected no more than 2 days before the event occurs;
- (iii) removed no more than 3 days after the end of the event; and
- (iv) The site is returned to its previous condition no more than 3 days after the end of the event.

#### **29.5.14 Special noise events**

- a) A Special Noise Event must not exceed a total cumulative duration of 8 hours on any day. A Special Noise Event that occurs over two days shall be considered to be two Special Noise Events
- b) There must not be more than one Special Noise Event on any day.
- c) There must not be more than two Special Noise Events in any seven day period.
- d) There must not be more than four Special Noise Events in any 30 day period.
- e) There must not be more than 12 Special Noise Events in any 12 month period.
- f) Special Noise Events may take place between 7.30am and 8:30pm on any day.
- g) The noise generated by any activity associated with the Special Event must not exceed 65dB  $L_{Aeq(5min)}$  when measured and assessed at any Notional Boundary on another site outside the Tata Valley Resort Zone.
- h) The noise level must comply with the stated limit for every 5 minute  $L_{Aeq}$  period. There shall be no adjustment for Duration or Special Audible Character in accordance with NZS6802:2008 when determining compliance with Rule 29.5.16(d). All other relevant adjustments and assessment requirements specified in NZS6802 apply;
- i) Noise levels must be measured in accordance with the requirements of New Zealand Standard NZS 6801:2008 “Acoustics – Measurement of Environmental Sound”. Noise levels must be assessed in accordance with the requirements of New Zealand Standard NZS 6802:2008 “Acoustics – Environmental noise except as specified in (h) above.
- j) Shall have a maximum capacity limit of 500 people

#### **29.6 Assessment – Restricted Discretionary Activities**

For all restricted discretionary activities, Council’s discretion will be restricted to:

- a) The extent to which the proposed activity (and the proposed infringement) supports the efficient and effective development and operation of the Zone’s primary and supporting activities.
- b) The extent to which the proposed activity is consistent with the Concept Plan.
- c) Any relevant activity specific matters of discretion outlined in section 29.7 below.

#### **29.7 Activity Specific Matters of Discretion**

In addition to the general matters of discretion outlined in 29.6, the following matters of discretion will be considered for specific activities:

#### **29.7.1 Access not complying with standards in 29.4.1**

Council's discretion is restricted to the following matters:

- a) The extent of traffic effects on the local road network and surrounding community and the adequacy of proposed measures to manage these effects.

#### **29.7.2 Parking not complying with standards in 29.4.2**

Council's discretion is restricted to the following matters:

- a) The extent of traffic effects on the local road network and surrounding community and the adequacy of proposed measures to manage these effects.

#### **29.7.3 Building Height not complying with standards in 29.4.3**

Council's discretion is restricted to the following matters:

- a) Whether the design of the building will result in adverse visual effects outside of the Resort Zone and the adequacy of proposed measures to manage these effects

#### **29.67.4 Building setbacks (General) not complying with standards in 29.4.4<sup>3</sup>**

Council's discretion is restricted to the following matters:

- a) amenity values;
- b) effects on traffic, transport network safety and efficiency;
- c) reverse sensitivity;
- d) where the road boundary is with an unformed paper road the likelihood of the road being formed or readily utilised by the public.

#### **29.7.5 Building setbacks from water bodies not complying with standards in 29.4.5**

Council's discretion is restricted to the following matters:

- a) The size of the adjacent water body and the landscape, ecological, cultural and recreational values associated with it;
- b) Erosion and sediment control measures;
- c) The functional or operational need for the building to be located close to the water body;
- d) Effects on cultural values;
- e) Effects on public access to the water body;
- f) The ability to retain an open and spacious rural character and amenity

#### **29.7.6 Building coverage not complying with standards in 29.4.6**

Council's discretion is restricted to the following matters:

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<sup>3</sup> As set out in Hearing 18, Chapter 5 Rural Environment 22.3.7.1(RD1)

- a) The extent to which the building bulk, design and external appearance manages adverse effects having regard to the amenity values and character of the surrounding area.
- b) The extent of traffic effects on the local road network and surrounding community and the adequacy of proposed measures to manage these effects.

#### **29.7.7 Lighting not complying with standards in 29.4.7<sup>4</sup>**

Council's discretion is restricted to the following matters:

- a) effects on amenity values;
- b) light spill levels on other sites;
- c) road safety;
- d) duration and frequency;
- e) location and orientation of the light source;
- f) mitigation measures;
- g) location and orientation of the light source.

#### **29.7.8 Noise not complying with standards in 29.4.8**

Council's discretion is restricted to the following matters:

- a) The extent to which proposed hours of operation and/or duration (of the activity causing the noise infringement) will give rise to adverse noise effects on the surrounding environment and adequacy of proposed measures to manage these effects.

#### **29.7.9 Daylight admission not complying with standards in 29.4.9**

Council's discretion is restricted to the following matters:

- a) Height of the building;
- b) Design and location of the building;
- c) Admission of daylight and sunlight to the site and other site;
- d) Privacy on any other site;
- e) Amenity values of the locality.

#### **29.7.10 Community facilities**

- a) Provisions will mirror those of the Rural Zone set out in Hearing 18, s22.1.3(RD3)

#### **29.7.11 Rural industry**

- a) Provisions will mirror those of the Rural Zone set out in Hearing 18, s22.1.3(RD2)

#### **29.7.12 Earthworks not complying with the standards in 29.5.1**

- a) Provisions will mirror those for the rural zone as currently set out in Hearing 21a – Natural Environment s22.23.1(RD1 or RD2)

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<sup>4</sup> As set out in Hearing 18, Chapter 5 Rural Environment, 22.2.2(RD1)

### **29.7.13 Earthworks not complying with the standards in 29.5.2**

- a) Provisions will mirror those for the rural zone as currently set out in Hearing 21b – Natural Environment, s22.2.3.4(RDI)

### **29.7.14 Vegetation clearance outside a SNA not complying with the standards in 29.5.3**

- a) Provisions will mirror those for the rural zone as set out in Hearing 21a – Natural Environment 22.2.8 Vegetation Clearance outside a SNA (in a Rural Zone)

### **29.7.15 Signs not complying with the standards in 29.5.6**

Council's discretion is restricted to the following matters:

- a) The extent to which adverse effects on the surrounding area are avoided, remedied or mitigated having regard to the amenity and character of the surrounding area;
- b) Where a sign does not comply with illumination standards, the extent to which the lighting will give rise to adverse visual amenity effects on the surrounding environment;
- c) If the sign is visible from a public road, the extent to which the sign may have adverse traffic safety effects.

### **29.7.16 Visitors Accommodation (within the Hotel Precinct) and/or Visitors Accommodation not complying with the standards in 29.5.7**

Council's discretion is restricted to the following matters:

- a) The extent to which the building design and external appearance manages adverse effects having regard to the amenity values and character of the surrounding area. Matters to consider include:
  - (i) Articulation of the overall mass of the building. Consideration should be given to (amongst other things) breaking the elevation of the Hotel horizontally and vertically at key points.
  - (ii) The utilization of dynamic and innovative building forms to downplay the overall scale, visual bulk and perceived dominance of the built form.
  - (iii) The use of varied textures on the building's façade to emulate natural textures and diffuse naturally reflected light
  - (iv) The use of colour and materials in the lower built form
  - (v) How the uniformity of the roofline at the upper level can be broken up to provide a varied silhouette reminiscent of natural formations of land and clouds.
  - (vi) The extent of any cultural effects particularly on the values of the Waikato River
- b) The extent of traffic effects on the local road network and the adequacy of proposed measures to manage these effects.
- c) The extent to which the proposed activity supports the outcomes of the Concept Plan as identified in policy 29.2 (P3).

### **29.7.17 Workers accommodation not complying with the standards in 29.5.8**

Council's discretion is restricted to the following matters:



- a) The extent to which the building design and external appearance manages adverse effects having regard to the amenity values and character of the surrounding area.

#### **29.7.18 Ancillary retail not complying with the standards in 29.5.9**

Council's discretion is restricted to the following matters:

- a) The extent of traffic effects on the local road network and the adequacy of proposed measures to manage these effects.

#### **29.7.19 Ancillary offices not complying with the standards in 29.5.10**

Council's discretion is restricted to the following matters:

- a) The extent of traffic effects on the local road network and the adequacy of proposed measures to manage these effects.

#### **29.7.20 Helicopter take offs and landings not complying with the standards in 29.5.11**

Council's discretion is restricted to the following matters:

- a) Whether the noise generated from the proposed flight path on surrounding properties gives rise to unreasonable noise effects.

#### **29.7.21 Temporary and special events not complying with standards in 29.5.12 or 29.5.13**

Council's discretion is restricted to the following matters:

- a) The extent of traffic effects on the local road network and the adequacy of proposed measures to manage these effects, including but not limited to:
  - (i) WDC approval of a Temporary Traffic Management Plan to be submitted as part of the application. The Temporary Traffic Management Plan shall include a detailed assessment of peak traffic movements and volumes during the event, associated effects on traffic network and surrounding properties, and proposed mitigation measures.
- b) The extent to which the temporary building's design and external appearance manages adverse effects having regard to the amenity values and character of the surrounding area.
- c) The extent to which the proposed activity gives rise to adverse effects on the amenity of surrounding properties.

#### **29.7.22 Special events not complying with standards in 29.5.14**

- a) The extent to which the proposed activity will give rise to adverse noise effects on the surrounding environment and adequacy of proposed measures to manage these effects.

#### **29.7.23 Any activity within a Maaori site of significance**

- a) The extent of any cultural effects of undertaking the activity within the Maaori site of significance and the adequacy of proposed measures to manage these effects.

#### **29.7.24 Subdivision**

Provisions will mirror those as currently set out for the Rural Zone in Hearing 18: Rural Zone Subdivision Provisions), s22.4.1.2(RD1) plus the following assessment criterion:

- a) [The extent that subdivision is consistent with the efficient operation of the Tata Valley Resort.](#)

### **29.8 Assessment – Discretionary activities**

Activities that do not comply with two or more permitted standards are discretionary activities. In undertaking an assessment of the resource consent application, Council will consider the relevant assessment criteria for restricted discretionary activities in section 29.6 – 29.7.

### **29.9 New definitions proposed relevant to the TaTa Valley Resort Zone**

Entertainment activity	<del>Means the use of land and/or buildings principally for leisure and amusement activities other than sports, regardless of whether a charge is made for admission or not. It includes public performances, exhibitions, movie and live theatres, and ancillary workshops, storage, offices and retail activity.</del>
Special <u>noise</u> event	A temporary event that exceeds the permitted noise standard of the <a href="#">TaTa Valley</a> Resort Zone.