

SECTION 42A REPORT

Report on submissions and further submissions on the
Proposed Waikato District Plan

Hearing 25: Zone Extents

TaTa Valley Resort

Report prepared by: Jerome Wyeth

Date: 16 April 2021



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List of submitters and further submitters addressed in this report

Original Submitter	Submission number	Further Submitter	Submission number
TaTa Valley Limited	574.3	Charlie Harris	FS1303.45, FS1303.46, FS1303.47, FS1303.49, FS1303.60, FS1303.66
TaTa Valley Limited	574.4	Havelock Village Limited	FS1377.137, FS1377.138, FS1377.139
TaTa Valley Limited	574.5	Hynds Foundation	FS1306.18, FS1306.19, FS1306.21
TaTa Valley Limited	574.7	Hynds Pipe Systems Limited	FS1341.11, FS1341.12
TaTa Valley Limited	574.18	Jenny Forsyth	FS1090.11, FS1090.7
		Mercury NZ Limited	FS1223.96
		Mercury NZ Limited for Mercury	FS1388.819, FS1388.821, FS1388.822, FS1388.824,
		New Zealand Health Food Park Limited	FS1301.45, FS1301.46, FS1301.47, FS1301.49, FS1301.60, FS1301.66
		New Zealand Transport Agency	FS1202.115, FS1202.16, FS1202.14
		Ngati Tamaoho Trust	FS1369.10, FS1369.11
		Perry International Trading Group Limited	FS1348.11, FS1348.12, FS1348.13
		Pokeno Village Holdings Limited	FS1281.26, FS1281.27
		Stonehill Trustee Limited	FS1188.1, FS1188.2, FS1188.3, FS1188.4
		Te Whakakitenga o Waikato Incorporated (Waikato Tainui)	FS1108.82, FS1108.83, FS1108.84, FS1108.86, FS1108.94
		Turangawaewae Trust Board	FS1139.73, FS1139.74, FS1139.75, FS1139.77, FS1139.85,
		Waikato Regional Council	FS1277.37, FS1277.38

Please refer to Appendix I to see where each submission point is addressed within this report.

I Introduction

I.1 Qualifications and experience

1. My full name is Jerome Geoffrey Wyeth.
2. I am a Principal Planning and Policy Consultant at 4Sight Consulting where I have been employed since January 2012. I have over 15 years' experience in planning and resource management through various roles in central government, local government and as a planning consultant.
3. I hold the qualifications of Bachelor of Science (Geography) and Masters of Science (Geography), with First Class Honours. I am a full member of the New Zealand Planning Institute.
4. I have been based in Wellington for the majority of my planning career. My primary area of work is policy planning for local and central government. I have worked on a number of district and regional plans at various stages of the Resource Management Act 1991 (RMA) Schedule 1 process and have prepared planning evidence for local authority and Environment Court hearings on a range of resource management issues.
5. In recent years, I have been closely involved in the development and implementation of national direction under the RMA (national policy statements and national environmental standards), from the policy scoping stage through to policy decisions and drafting, the preparation of section 32 evaluation reports and implementation guidance.

I.2 Code of Conduct

6. I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014 and that I have complied with it when preparing this report. Other than when I state that I am relying on the advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.
7. I am authorised to give this evidence on the Council's behalf to the hearing commissioners.

I.3 Conflict of Interest

8. I have not had any prior involvement in the preparation of the Proposed Waikato District Plan (PWDP) or any prior involvement in the proposed TaTa Valley Resort (Resort). I confirm that I have no real or perceived conflict of interest in relation to the submissions addressed in this report.

I.4 Preparation of this report

9. The scope of this evidence is an evaluation of submissions and further submissions on the PWDP that relate to the proposed TaTa Valley Resort Zone ('proposed TVR Zone' or 'proposal') requested by TaTa Valley Limited (submitter 574).
10. The data, information, facts, and assumptions I have considered in forming my opinions are set out in my evidence. Where I have set out opinions in my evidence, I have given reasons for those opinions. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

2 Scope of Report

2.1 Matters addressed by this report

11. This report is prepared in accordance with section 42A of the RMA. It considers submissions and further submissions that were received by Waikato District Council (the Council) in relation to the proposed TVR Zone requested by TaTa Valley Limited (TVL).

2.2 Overview of the site

12. The proposed TVR Zone is located at properties owned by TVL at 242 Bluff Road¹ and 35 Trig Road (the Site) with a combined total land area of approximately 235 ha. The Site is approximately 2km southwest of Pokeno and approximately 5km east of Tuakau. The Waikato River is located along the southern boundary of the Site.
13. The Site is zoned rural in the PWDP with the following overlays identified on the Site:
- a. A Significant Amenity Landscape (SAL)
 - b. Three Significant Natural Areas (SNA)
 - c. A Māori site of significance²
 - d. A Flood Plain Management Area (identified in the Stage 2 PWDP planning maps).
14. The PWDP zoning for the Site is shown in Figure 1 below.

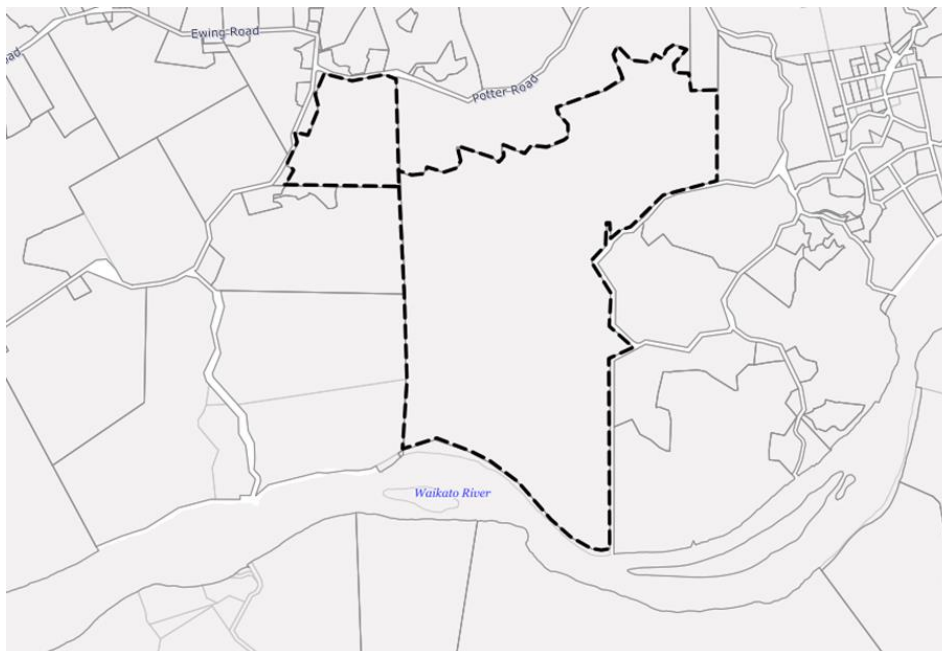


Figure 1: PWDP Zoning for the Site (Rural Zone), 35 Trig Road and part of 242 Bluff Road, Pokeno.

¹ 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 split zoning from TaTa Valley submission and Havelock Village Limited (the same landowner) and Lot 4 DP 202491 is subject to a submission from Havelock Village Limited (submitter 862).

² R12/736, Kaineratou Paa, 242 Bluff Road.

15. The centre of the Site is largely flat and low-lying with a Flood Plain Management Area overlay occupying a large part of the southern end of the 242 Bluff Road property. The Site is currently used for the farming of cattle and sheep and there are a number of farm buildings and tracks located within the Site.
16. The northern, eastern and western boundaries of the Site have steep slopes rising up to Potter Road in the north and Bluff Road to the east. A number of watercourses run through the site (natural and artificial) as well as several large areas of indigenous and exotic vegetation and a number of wetlands. The soils on the Site are largely classified as Land Use Classification 6 and are therefore not 'high class soils'³ as defined in the PWDP and Waikato Regional Policy Statement (WRPS).
17. The land to the east of the site is also owned by TVL and is subject to a request from Havelock Village Limited⁴ (submitter 862) to rezone the land from Rural Zone to Residential, Business, Industrial and Rural Lifestyle Zoning. The area to the west of the Site is designated⁵ for a water supply and treatment facility owned and operated by Watercare Services Limited.
18. Access to the property at 242 Bluff Road is from Potter Road at the northwest of the site. Access to the property at 35 Trig Road is from Trig Road in the west and Potter Road in the north. TVL have recently lodged resource consent applications with the Council and WRC for a new main accessway to the Site via Pokeno (off Yashilli Drive), which is discussed further in section 4.2.4 of my evidence.
19. The Site is currently un-serviced. There is no public water supply servicing the site and no public stormwater infrastructure.

2.3 Overview of submissions

2.3.1 Submissions

20. There are six submission points from TVL relating to the proposed TVR Zone. In summary, the original submissions from TVL seek to:
 - a. Rezone part of 242 Bluff Road (Lot 2 DP 401106) and 35 Trig Road (Lot 2 DP 518134) from a Rural Zone to a bespoke Resort Zone (the 'TaTa Valley Resort')
 - b. Add new provisions to the PWDP to provide for the proposed TVR Zone, which would enable a range of rural tourism and accommodation activities, including a proposed Hotel Precinct and a 'New Zealand Made Hub'
 - c. Amend the PWDP provisions where required to reflect the proposed TVR Zone
 - d. Retain the PWDP Rural Zone provisions that are included in the proposed TVR Zone
 - e. Add a new definition to the PWDP for 'recreation facility'.

³ 'High Class Soils' are defined in the PWDP and WRPS as "those soils in Land Use Capability Classes I and II (excluding peat soils) and soils in Land Use Capability Class IIIe1 and IIIe5, classified as Allophanic Soils, using the New Zealand Soil Classification".

⁴ Havelock Village Limited is seeking to rezone approximately 148 ha of land located at 5 Yashilli Drive, 88, 278 Bluff Road and part of 242 Bluff Road. The Havelock Village Limited submissions are being considered as part of the Pokeno Rezoning Hearing.

⁵ Designation #07, Watercare Services, Water intake, pumping and treatment station.

21. TVL are proposing a number of amendments to the TVR Zone provisions and Concept Plan compared to the version lodged as part of their submission. This is a result of further technical work, detailed design, new national direction, and the outcomes of engagement with tangata whenua⁶.

2.3.2 Further submissions

22. There were 53 further submissions on the six submission points from TVL both in support and opposition. Reasons the TVL submissions are supported in further submissions include:
- a. The proposal will improve tourism offerings in the area and showcase rural character.
 - b. The proposal will provide significant economic and social benefits to the region.
 - c. The special purpose zoning will enable the development to occur in an integrated, cohesive and sustainable manner and at a scale that achieves sustainable economic and environmental outcomes.
23. Reasons the TVL submissions are opposed in further submissions include:
- a. The 'spot-zoning' does not represent sound resource management practice.
 - b. The effects of the proposal on nearby properties and the wider environment need to be assessed in more detail through resource consent processes.
 - c. Decisions on the rezoning should be deferred until wider spatial planning exercises are undertaken.
 - d. There are outstanding cultural issues to resolve.
 - e. There are concerns about the traffic effects from the proposal.
 - f. Natural hazards have not been assessed.

2.4 Overview of the proposed TaTa Valley Resort

24. TVL is seeking to develop the Site into the TaTa Valley Resort (Resort). TVL's vision for the Resort is "to create a unique example of rural living where visitors can stay, relax, explore and be entertained with a variety of attractions, while showcasing NZ products"⁷. To achieve this vision, TVL proposes to develop the Site as follows⁸:
- a. Build a 200-room hotel with amenities such as pool and restaurant, events and conference spaces and an outdoor health spa
 - b. Build a showground and 'New Zealand Made Hub', showcasing local and regional farming and food production
 - c. Provide recreational activities, such as nature walks
 - d. Operate a ferry service transporting visitors to and from the Site along the Waikato River from a site in Mercer (which TVL also owns)
 - e. Provide opportunities for camping or glamping throughout the Site.

⁶ These changes are detailed in the planning evidence of Mr Scafton on behalf of TVL and the section 32AA evaluation prepared by Beca Limited (Appendix B of Mr Scafton's evidence).

⁷ Evidence of Mr Ye, Director of TVL, paragraph 1.5.

⁸ As summarised in the planning evidence of Mr Scafton, paragraph 5.2.

25. To progress its vision and the development of the Resort, TVL has prepared a master plan for the Site and is working towards development through various resource consent applications. This includes a series of resource consent applications with WRC and Council to enable the 'land' based elements of the Resort (including the proposed hotel and New Zealand Made Hub) and river structures, with an overall activity status of non-complying. I understand that these applications are currently on hold to allow TVL to undertake further engagement with tangata whenua.
26. TVL is also seeking to rezone the Site to a bespoke Resort Zone to provide for the development and ongoing operation of the Site. As noted in the evidence of Mr Ye, Director of TVL, the rezoning is intended to *"complement the Resort and tourist-related activities that we are seeking in our consent applications. The site-specific zone will give confidence to TVL for its ongoing operational requirements and provide visibility for the community as to how the Site is intended to operate, and the areas of environmental value on site that TVL plans to preserve as part of its development"*⁹.
27. The proposed TVR Zone provisions and Concept Plan are set out in Appendix A of Mr Scrafton's evidence. In summary, the proposed TVR Zone includes:
- a. A proposed Concept Plan to guide development of the Site which spatially identifies:
 - i. A Hotel Precinct – purpose of the precinct is to enable the development of a large-scale hotel and spa and associated activities
 - ii. A Maori site of significance (pa site) and three SNA as identified in the PWDP
 - iii. 50 additional 'areas of significant indigenous biodiversity value'
 - iv. A SAL overlay that is reduced from the size from the notified PWDP to that recommended by the reporting officer for Hearing 21B: Landscapes¹⁰.
 - b. Two proposed objectives that seek to enable the Resort to develop and operate as a *"regionally significant rural tourism and recreation facility"* while avoiding, remedying or mitigating adverse environmental effects *"as far as practicable"*
 - c. Six proposed policies which broadly seek to:
 - i. Enable the development of the Resort for visitor accommodation and rural tourism as 'primary activities'
 - ii. Enable the establishment of activities that are compatible with, or accessory to, the primary activities
 - iii. Develop the proposed TVR Zone in general accordance with the proposed Concept Plan
 - iv. Manage adverse effects of development and activities within the resort *"having regard to"* the values of the Waikato River and the amenity and character of the surrounding rural environment

⁹ Evidence of Mr Ye, paragraph 4.13.

¹⁰ Section 42A: Landscape, paragraph 572 to 581.

- v. Recognise that the development and operation of the Resort may result in greater scale of development than may typically be found in the rural environment
 - vi. Require that buildings within 37m of Waikato River demonstrate they have an operational or functional need to be located in proximity to the Waikato River.
- d. Proposed rules and development standards that seek to permit activities that are aligned with policy direction of the proposed TVR Zone and where the “*effects of an activity are understood and deemed acceptable*”¹¹. The proposed rules require resource consent where the effects of the activity are less understood or there a wider range of potential adverse effects to ‘*provide a suitable level of rigour and assessment*’¹². These activities are primarily to be managed as restricted discretionary activities with general and activity specific matters of discretion.
- e. Two proposed definitions:
- i. **Entertainment activity:** *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.*
 - ii. **Special event:** *A temporary event that exceeds the permitted noise standard of the Resort Zone*
28. The proposed TVR Zone also includes a number of proposed rules and standards from the PWDP Rural Zone provisions as recommended by the reporting officer for Hearing 18: Rural. This is a deliberate approach by TVL to “*recognise the fundamental relationship between the proposed Resort and the rural environment*”¹³.
- ## 2.5 Structure of this report
29. **Section 3** of this report outlines the statutory framework for the consideration of submissions.
30. **Section 4** of this report provides an analysis of submissions, including:
- a. An assessment of the proposed TVR Zone against the relevant statutory requirements for district plans and higher order planning instruments
 - b. An assessment of the actual and potential environmental effects from the proposed TVR Zone provisions
 - c. An assessment of the whether the proposed TVR Zone is necessary to achieve the objectives for the Site and the most appropriate option to achieve the purpose of the RMA (compared to PWDP Rural Environment and Rural Zone provisions).
 - d. Recommendations on submissions and recommended amendments to the PWDP.
31. **Section 5** provides an overall conclusion followed by the following appendices:
- a. **Appendix I** Table of submission points

¹¹ Evidence of Mr Scrafton, paragraph 7.1(d)(i).

¹² Evidence of Mr Scrafton, paragraph 7.1(d)(ii).

¹³ Evidence of Mr Scrafton, paragraph 1.4(c).

b. **Appendix 2:** Recommended amendments.

2.6 Procedural matters

2.6.1 Section 42A Framework Report

32. Council prepared a s42A Hearings 25 Zones Extent Framework Report (Framework Report) dated 19 January 2021 that included a 'Rezoning Assessment Framework' intended to help ensure consistency between s42A authors for rezoning topics. The Rezoning Assessment Framework was based on a '3-lens' assessment of rezoning proposals against 1) PWDP provisions; 2) higher-order planning instruments; and 3) best practice planning guidance.
33. Concerns were subsequently raised about Lens-I assessment which would require rezoning proposals to be assessed for consistency against the notified PWDP provisions. A pre-hearing meeting was subsequently held on 12 March 2021 and there was consensus that the 'Lens I' assessment should not be applied as a gateway test or the first step in assessing rezoning proposals. The Hearing Panel subsequently issued a minute and direction on 15 March 2021 to s42A authors that:
- a. The Framework Report is a guide only, not an inflexible rule book
 - b. Lens I is the incorrect legal test
 - c. Lens I should not be applied as a gateway or threshold test
 - d. Lens I is not a standalone test and, as such, should not be seen as the first step in the assessment. Elements of Lens I may be of assistance to section 42A report authors in their section 32AA evaluations, if one is required.

3 Statutory framework

34. The statutory considerations that are relevant to the content of this report are largely set out in the opening legal submissions by counsel for the Council (23 September 2019) and the opening planning submissions for the Council (23 September 2019, paragraphs 18-32). The opening planning submissions from the Council also detail the relevant iwi management plans (paragraphs 35-40) and other relevant plans and strategies (paragraphs 41-45).
35. I have considered relevant statutory requirements for district plans and relevant statutory and strategic planning documents. The following sections identify statutory and strategic planning documents of particular relevance to this report.

3.1 National Policy Statement for Urban Development 2020

36. The National Policy Statement for Urban Development 2020 (NPS-UD) was gazetted on 20 August 2020 after the PWDP was notified. The NPS-UD sets out objectives, policies and implementation requirements to achieve well-functioning urban environments and requires local authorities to provide at least sufficient development capacity to meet demand for housing and business land over the short, medium and long-term.
37. The NPS-UD applies to local authorities that have ‘urban environments’ in their district and to planning decisions (including decisions on proposed district plans) that affect ‘urban environments’¹⁴. Urban environment is defined in the NPS-UD as follows:

“any area of land (regardless of size, and irrespective of local authority or statistical boundaries) that:

(a) is, or intended to be, predominately urban in character; and

(b) is, or is intended to be, part of a housing and labour market of at least 10,000 people”.

38. In my opinion, the proposed TVR Zone does not meet the NPS-UD definition of urban environment. This is because the proposed TVR Zone is intended to be predominately ‘rural’ in character rather than ‘urban’ and therefore it does not meet the first limb of the definition. While there will be an increase in the scale of buildings and an increase in commercial activities in the proposed TVR Zone, the overall rural amenity and character of the Site is intended to be maintained. As such, I consider that the NPS-UD has limited relevance to consideration of submissions on the proposed TVR Zone as this is not, and does not form part of, a ‘urban environment’, nor is it intended to be.

3.2 National Policy Statement for Freshwater Management 2020

39. The National Policy Statement for Freshwater Management 2020 (NPS-FM) was gazetted on 3 August 2020 after the PWDP was notified. The objectives, policies and implementation requirements in the NPS-FM are primarily directed at regional councils and their statutory functions under section 30 of the RMA to manage freshwater quality and quantity. Nonetheless, the PWDP must give effect to the NPS-FM to the extent relevant.
40. The NPS-FM includes an overarching objective to manage natural and physical resources in a way that prioritises, first, the health and well-being of water bodies and freshwater ecosystem, second, the health needs of people, and third, the ability of people and communities to provide for their social, economic and cultural well-being. The NPS-FM 2020 policies of particular relevance to the proposed TVR Zone are as follows:

¹⁴ NPS-UD, Regulation 1.3.

- a. **Policy 1:** Freshwater is managed in a way that gives effect to Te Mana o te Wai
- b. **Policy 3:** Freshwater is managed in an integrated way that considers the effects of the use and development of land on a whole-of-catchment basis, including the effects on receiving environments
- c. **Policy 6:** There is no further loss of extent of natural inland wetlands, their values are protected, and their restoration is promoted
- d. **Policy 7:** The loss of river extent and values is avoided to the extent practicable.

3.3 National planning standards

- 41. The first set of National Planning Standards came into effect in November 2019 after the PWDP was notified. The Panel has indicated its intention to give effect to the National Planning Standards to the extent that is practicably achievable and within the scope of submissions¹⁵.
- 42. Of particular relevance to the proposed TVR Zone is Zone Framework Standard 8 in the National Planning Standards which outlines the zones that may be included within district plans. Zone Framework Standard 8 allows district plans to include 'special purpose zones' and outlines eight special purpose zones – none of which would apply to the proposed TVR Zone. Mandatory direction 8.3 of the National Planning Standards states that additional special purpose zones should only be created in a district plan when **all** of the following three criteria are met:

The land use activities or anticipated outcomes from the additional zone:

- a. *Are significant to the district, region or country; and*
- b. *Are impractical to be managed through another zone; and*
- c. *Are impractical to be managed through a combination of spatial layers.*

3.4 Waikato Regional Policy Statement

- 43. The Waikato Regional Policy Statement (WRPS) was made operative in May 2016. In accordance with section 59 of the RMA, the WRPS provides an overview of resource management issues of significance for the region and policies and methods to achieve the integrated management of natural and physical resources in the region.
- 44. The WRPS objectives of relevance to the TVR Zone broadly seek the following outcomes:
 - a. **Integrated management:** natural and physical resources are managed in an integrated manner that recognises the complex interactions between land and freshwater, the needs of current and future generations, the interrelationships between environmental, social, economic and cultural wellbeing, the interrelationship of natural resources with the built environment (Objective 3.1).
 - b. **Resource use and development:** recognise and provide the role of sustainable resource use and development to provide for the wellbeing of people and communities, while maintaining and enhancing access to resources to provide for primary production activities and the life supporting capacity of soils, water and ecosystems to support primary production activities (Objective 3.2)

¹⁵ PWDP Hearing Panel Minute and Directions issued on 20 February 2020.

- c. **Health and wellbeing of the Waikato River:** the health and wellbeing of the Waikato River is restored and protected, and the Vision and Strategy for the Waikato River is achieved (Objective 3.4)
 - d. **Ecosystem services:** the range of ecosystem services associated with natural resources are maintained or enhanced to enable their ongoing contribution to regional wellbeing (Objective 3.8)
 - e. **Tangata whenua:** the relationship of tangata whenua with the environment is recognised and provided for, including the role of tangata whenua as kaitiaki (Objective 3.9)
 - f. **Built environment:** development of the built environment (including transport and other infrastructure) and associated land use occurs in an integrated, sustainable and planned manner which enables positive environmental, social, cultural and economic outcomes, including by providing for commercial development to support economic and social well-being of the region (Objective 3.12)
 - g. **Riparian areas:** riparian areas and wetlands are managed to maintain and enhance their values, indigenous biodiversity, and wetland quality and extent (Objective 3.16)
 - h. **Historic and cultural heritage:** sites and places of historic and cultural heritage are protected, maintained or enhanced (Objective 3.18)
 - i. **Ecological integrity and indigenous biodiversity:** the full range of ecosystem types, their extent and the indigenous biodiversity that those ecosystems can support exist in a healthy and functional state (Objective 3.19).
 - j. **Amenity:** the qualities and characteristics of areas and features, valued for their contribution to amenity, are maintained or enhanced (Objective 3.21).
45. The WRPS includes a wide range of policies and methods to implement the above objectives. These are outlined in detail in Appendix C (Statutory Assessment) of the planning evidence of Mr Scrafton's on behalf of TVL and are not repeated here.
46. In my opinion, the WRPS provisions relating to 'urban development'¹⁶ and 'urban growth'¹⁷ have limited relevance to the proposed TVR Zone. I discuss this further in section 3.9 in the context of the PWDP provisions relating to the urban environment urban development.

3.5 Vision and Strategy for the Waikato River

47. The Vision and Strategy for the Waikato River (Vision and Strategy) was developed in 2008 by the Waikato River Authority. The Vision in Strategy has been inserted into the WRPS (section 2.5) and prevails over any inconsistent provision in a national policy statement, the New Zealand Coastal Policy Statement, and a national planning standard¹⁸. The Vision and Strategy applies to the full length of the Waikato River and to activities in catchments affecting the Waikato River¹⁹.
48. The Vision and Strategy aims to restore and protect the health and well-being of the Waikato River. In order to achieve this vision, the Vision and Strategy sets out a range of objectives and strategies. Objectives and strategies in the Vision and Strategy of relevance to proposed TVR Zone include:

¹⁶ For example, Policy 6.14 which direct new urban development within Future Proof urban limits.

¹⁷ For example, Implementation method 6.3.3 which relates to urban growth outside growth strategy areas.

¹⁸ Section 12 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010.

¹⁹ Map 2.1 in WRPS.

- a. Restore and protect the health and well-being of the Waikato River
- b. Restore and protect the relationship of Waikato River Iwi and the communities with the Waikato River
- c. Recognition and avoidance of adverse cumulative effects from activities within the catchment of the Waikato River
- d. Recognise and protect waahi tapu, sites of significance to Māori, and other sites of significance to the community
- e. Promotion of improved public access to the Waikato River while protecting and enhancing the health and wellbeing of the Waikato River.

3.6 Iwi management plans

49. The Waikato-Tainui Environmental Management Plan (Waikato-Tainui Plan) was published in 2013 and is a recognised iwi planning document that must be taken into account when preparing district plans (section 74(2A) of the RMA). The overarching purpose of the Waikato Tainui Plan is “to provide a map or pathway that will return the Waikato-Tainui rohe to the modern day equivalent of the environmental state that it was in when Kiingi Taawhiao composed his maimai aroha” (section 1.5). To achieve this purpose, the Waikato-Tainui Plan sets out Waikato-Tainui’s values, principles and objectives in relation to natural resources and the environment and a process that guides the ongoing and effective involvement of Waikato-Tainui in relation to resource use and activities affecting the environment.
50. Key objectives in the Waikato-Tainui Plan of particular relevance to the proposed TVR Zone include:
 - a. Objective 20.3.1 - Existing wetlands are protected and enhanced
 - b. Objective 25.3.2 - Urban and rural development is well planned and the environmental, cultural, spiritual, and social outcomes are positive
 - c. Objective 29.3.1 - Adverse environmental effects of tourism or recreation activities are managed to a level acceptable to Waikato-Tainui.

3.7 Future Proof 2017

51. The Future Proof Growth Strategy 2017 (Future Proof) is a growth strategy developed to guide urban growth in the Waikato, Hamilton and Waipa sub-region. Future Proof 2017 was consulted on in accordance with the Local Government Act 2002 and has been adopted by the Future Proof Councils. Parts of the earlier Future Proof Strategy 2009 are incorporated into the WRPS (policies 6.13 – 6.19).
52. Future Proof is focused on guiding the expansion of existing urban centres in the sub-region (and setting limits on urban expansion). As such, the growth targets and limits within Future Proof are not particularly relevant to the proposed TVR Zone. However, Future Proof does include some ‘guiding principles’ of relevance, including:
 - a. Diverse and Vibrant Metropolitan Centre linked to Thriving Town and Rural Communities and Place of Choice – Live, Work, Play, Invest and Visit
 - b. Protection of Natural Environments, Landscapes and Heritage and Healthy Waikato River as Heart of Region’s Identity
 - c. Affordable and Sustainable Infrastructure.

3.8 Waikato 2070

53. Waikato 2070 is a 'Growth and Economic Development Strategy' for the district that was adopted by the Council on 1 May 2020. The purpose of Waikato 2070 is to guide growth in the district over the next 50 years and achieve the Council's vision of creating liveable, thriving and connected communities.
54. Waikato 2070 is primarily focused on urban growth in the district but also seeks to guide and support the growth, development and well-being of rural communities in the district. Waikato 2070 includes a number of directions and implementation actions of relevance to the proposed TVR Zone, including the following implementation actions:
- Support primary industries which underpin the Waikato economy
 - Recognise and promote the role that agriculture, horticulture and primary industries have within the district
 - Support tourism development and work with tourism agencies and the community to promote the district's diverse history and culture
 - Promote ecological and environmental protection and restoration.

3.9 PWDP policy direction

55. The PWDP objectives and policies are broadly separated in those relating to the natural environment (Chapter 3), urban environment (Chapter 4) and the rural environment (Chapter 5). An important consideration in determining the relevant PWDP provisions that apply to the proposed TVR Zone is whether the proposed rezoning is 'urban', 'urban growth' or 'urban development'. This is particularly relevant when considering the alignment of the proposed TVR Zone with proposed Objective 5.1.1(a)(iii) in the PWDP, which states that "*urban subdivision, use and development in the rural environment is avoided.*"
56. The PWDP does not include a definition of 'urban', 'urban development', or 'urban growth'. The s42A Framework Report recognises the importance of this issue when considering rezoning proposals and seeks to ensure some consistency in interpretation through referring to the WRPS definition of "urban" and relevant case law where the Environment Court applied certain factors to determine the threshold for urban²⁰. I provide an assessment of the relevant factors in determining whether a rezoning proposal is urban in Table I below.

Table I: Assessment of whether proposed TVR Zone is "urban".

Criteria/factors	Assessment
<p>Waikato RPS definition: urban - a concentration of residential, commercial and/or industrial activities, having the nature of a city, town, suburb or a village which is predominately non-agricultural or non-rural in nature.</p>	<p>While there are some commercial activities anticipated and provided for in the proposed TVR Zone, these are limited to ancillary commercial activities.</p> <p>The intent is that the proposed TVR zone will remain predominately rural in nature, although there will be some loss of rural character through the proposed Hotel Precinct and increased scale of development within the wider zone.</p> <p>The proposed Hotel Precinct will provide for a concentration of activities and built infrastructure, but this will not have the nature of a city, town, suburb or village.</p> <p>Worker and visitor accommodation is provided for in the proposed provisions but general residential and industrial</p>

²⁰Section 42A Framework Report, paragraphs 61-67.

	activities are not.
<p>Oxford definition ‘urban’:</p> <p>Of, pertaining to, or constituting a city or town</p> <p>Occurring in a characteristic of a town or city</p> <p>Urbanise “<i>make or become urban in character or appearance; develop into an urban area; cause to lose rural character or quality</i>”</p>	<p>The proposed TVR Zone will not form part of, or constitute a town or city.</p> <p>The proposed Hotel Precinct will provide for a concentration of activities and built infrastructure, but this will not have the characteristic of a town or city.</p> <p>The proposed TVL Zone seeks to maintain the rural character and amenity of the Site. However, there will be some loss of rural character through the proposed Hotel Precinct and increased scale of development within the wider zone.</p>
<p>High Court – Ahuareka Trustees v Auckland Councils – factors to determine the threshold for urban</p> <p>(a) Intensity of activities across the site</p> <p>(b) Mix of uses</p> <p>(c) Mix of residential typologies</p> <p>(d) Total size of the proposal relative to other villages in the region</p> <p>(e) Urban/residential size of the lots</p> <p>(f) Average lot size</p> <p>(g) Visual character and appearance</p> <p>(h) The provision of infrastructure</p>	<p>(a) The proposed zoning will result in an increase in the scale and intensity of activities than typically found in rural zone, particularly in the proposed Hotel Precinct.</p> <p>(b) The proposed zoning will result in an increase in mix of uses and activities than typically found in the rural zone.</p> <p>(c) Residential typologies are limited to workers accommodation and no more than three buildings on site (otherwise consent is required as restricted discretionary activity).</p> <p>(d) The development provided for by the proposal is significantly smaller than other villages in the region.</p> <p>(e) The two lots within the overall Site are large (approx. 210 and 25 ha) and are not an urban/residential size.</p> <p>(f) The average lot size (approx. 117.5 ha) is much larger than typically found in an urban/residential environment.</p> <p>(g) The proposal will result in some loss of rural character and increase in built characteristics, particularly within the proposed Hotel Precinct. However, the landscape and visual evidence of Mr Pryor on behalf of TVL states that the development with zone can occur without affecting the character and visual values of the Site and surrounding rural environment²¹.</p> <p>(h) TVL is proposing to service the Site through a new proposed road. The infrastructure and engineering evidence of Mr Pitkethley on behalf of TVL is that the Site can be adequately serviced by bulk infrastructure and TVL will undertake extensions of this infrastructure to the Site²².</p>

57. Based on my assessment of the criteria and factors above, I consider that the proposed TVR Zone is not ‘urban’, ‘urban development’ or ‘urban growth’, and therefore the PWDP (and WRPS) objectives and policies that refer to urban are not relevant to this rezoning proposal.
58. The Site is zoned rural in the PWDP and the proposed objectives and policies in Chapter 5: Rural Environment and the proposed rules and standards in Chapter 22: Rural Zone apply to the Site. Broadly, the notified objectives and policies in PWDP Chapter 5: Rural Environment seek to:

²² Evidence of Mr Pitkethley, paragraph 10.1.

- a. Protect high class soils for productive rural activities
 - b. Avoid urban subdivision, use and development in the rural zone
 - c. Protect the versatility and health and well-being of rural land and resources
 - d. Maintain rural character and amenity, including by retaining open spaces, limiting industrial and commercial activities in the Rural Zone, managing non-rural activities
 - e. Manage reverse sensitivity effects within the Rural Zone.
59. The reporting officer for the Hearing 18: Rural has recommended a number of amendments to the notified PWDP Rural Environment and Rural Zone provisions in response to submissions. Recommendations of particular relevance to the proposed TVR Zone include:
- a. New and amended policies that:
 - i. Recognise that rural-related commercial activities contribute to rural character and amenity values (Policy 5.3.2).
 - ii. Provide for 'other anticipated areas in rural areas' that provide for rural community's social, cultural, recreational needs, which include community activities, recreation activities, and conservation activities (Policy 5.3.4).
 - iii. Provide for 'rural commercial activities' where they have functional or operational need to be located in a rural environment, while ensuring these maintain rural character and amenity and minimise reverse sensitivity effects (Policy 5.3.5).
 - iv. Provide for buildings and structures in the rural environment as necessary components of farming and rural related activities, including rural commercial activities, while managing the size and location of buildings and structures to maintain rural character and amenity (Policy 5.3.17).
 - b. New definition of 'rural commercial': "*Means commercial activities that have a direct functional or operational need to locate in the Rural Zone or that service productive rural activities. It includes veterinary practices, wineries and wedding venues, adventure tourism, farm tourism, and includes ancillary activities*".
 - c. New restricted discretionary rule (22.1.3 - RD4) for rural commercial activities outside urban expansion area. Matters of discretion focus on whether the activity needs to be in Rural Zone, effects on rural character and amenity with particular regard to the bulk and location of buildings, nuisance effects, traffic effects and reverse sensitivity effects.
 - d. New permitted activity rule for visitor accommodation (22.1.2 - PI4) in existing buildings where there are no more than five guests. Visitor accommodation for 6 or more people constructed after decisions on PWDP is a discretionary activity (22.1.4(D8)).
 - e. Amended permitted activity rule for temporary activities (22.1.3 P3) which allows 6 events per 12 months rather than 3.
 - f. Building height standards increased from 10m to 15m (23.3.4.1 - PI).
 - g. Building coverage increased from 2% to 4% of the site area for sites smaller than 10ha and from 500 to 5,000m² for sites larger than 10ha (22.3.6 – PI).

60. Overall, the amendments recommended by the reporting officer for the Hearing 18: Rural are more enabling of rural commercial activities in the Rural Zone and also enable a greater building site coverage. In my opinion, these recommended amendments would better provide for the activities proposed at the Resort compared to the notified PWDP provisions. However, I also acknowledge that the extent to which these recommendations will be accepted or rejected by the Panel is not certain.
61. There are also numerous PWDP 'district-wide' provisions of particular relevance to the proposed TVR Zone in Chapter 2: Tangata Whenua and Chapter 3: Natural Environment, particularly those relating to sites of significance to Māori, SNAs and SAL's. I discuss these district wide PWDP provisions, where relevant, in the analysis of submissions below.

4 Analysis of submissions

4.1 Overview of submissions

62. There are six submission points from TVL relating to the proposed TVR Zone and 53 further submissions on those submission points as outlined in Table 2 below.

Table 2: Overview of submissions and further submissions addressed in this report.

Submission point	Submitter	Decision requested
574.3	TaTa Valley Limited	Amend the zoning for parts of the land at 242 Bluff Road, Pokeno, from Rural Zone to Resort Zone (as outlined in the submission) and any consequential amendments and other relief to give effect to the matters raised in the submission.
FSI188.1	Stonehill Trustee Limited	Oppose
FSI090.11	Jenny Forsyth	Oppose
FSI108.82	Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)	Oppose
FSI139.73	Turangawaewae Trust Board	Oppose
FSI277.37	Waikato Regional Council	Oppose
FSI281.26	Pokeno Village Holdings Limited	Oppose
FSI301.45	New Zealand Health Food Park Limited	Support
FSI303.45	Charlie Harris	Support
FSI306.18	Hynds Foundation	Oppose
FSI341.11	Hynds Pipe Systems Limited	Oppose
FSI348.11	Perry International Trading Group Limited	Support
FSI369.10	Ngati Tamaoho Trust	Oppose
FSI202.115	New Zealand Transport Agency	Oppose
FSI377.137	Havelock Village Limited	Support
FSI388.819	Mercury NZ Limited for Mercury E	Oppose
574.4	TaTa Valley Limited	Amend the zoning for parts of the land at 35 Trig Road, Pokeno, from Rural Zone to Resort Zone and identify the property as part of Precinct 2 (as

		outlined in the submission) and any consequential amendments and other relief to give effect to the matters raised in the submission.
FSI188.2	Stonehill Trustee Limited	Oppose
FSI090.7	Jenny Forsyth	Oppose
FSI108.83	Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)	Oppose
FSI139.74	Turangawaewae Trust Board	Oppose
FSI277.38	Waikato Regional Council	Oppose
FSI281.27	Pokeno Village Holdings Limited	Oppose
FSI301.46	New Zealand Health Food Park Limited	Support
FSI303.46	Charlie Harris	Support
FSI306.19	Hynds Foundation	Oppose
FSI341.12	Hynds Pipe Systems Limited	Oppose
FSI348.12	Perry International Trading Group Limited	Support
FSI369.11	Ngati Tamaoho Trust	Oppose
FSI202.116	New Zealand Transport Agency	Oppose
FSI377.138	Havelock Village Limited	Support
FSI388.820	Mercury NZ Limited for Mercury E	Oppose
574.5	TaTa Valley Limited	Add new provisions to the Proposed District Plan for the Resort Zone (as a new Chapter 29), as outlined in the submission.
FSI188.3	Stonehill Trustee Limited	Oppose
FSI108.84	Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)	Oppose
FSI139.75	Turangawaewae Trust Board	Oppose
FSI301.47	New Zealand Health Food Park Limited	Support
FSI303.47	Charlie Harris	Support
FSI348.13	Perry International	Support

	<i>Trading Group Limited</i>	
<i>FSI202.14</i>	<i>New Zealand Transport Agency</i>	<i>Oppose</i>
<i>FSI377.139</i>	<i>Havelock Village Limited</i>	<i>Support</i>
<i>FSI388.821</i>	<i>Mercury NZ Limited for Mercury E</i>	<i>Oppose</i>
<i>574.7</i>	<i>TaTa Valley Limited</i>	<i>Amend the PWDP provisions where required to reflect the new Resort Zone for the TaTa Valley site.</i>
<i>FSI188.4</i>	<i>Stonehill Trustee Limited</i>	<i>Oppose</i>
<i>FSI108.86</i>	<i>Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)</i>	<i>Oppose</i>
<i>FSI139.77</i>	<i>Turangawaewae Trust Board</i>	<i>Oppose</i>
<i>FSI301.49</i>	<i>New Zealand Health Food Park Limited</i>	<i>Support</i>
<i>FSI303.49</i>	<i>Charlie Harris</i>	<i>Support</i>
<i>FSI388.822</i>	<i>Mercury NZ Limited for Mercury E</i>	<i>Oppose</i>
<i>574.18</i>	<i>TaTa Valley Limited</i>	<i>Retain the provisions in the Rural Zone that have been included in the new Resort Zone provisions as set out in Appendix A of the submission.</i>
<i>FSI108.94</i>	<i>Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)</i>	<i>Oppose</i>
<i>FSI139.85</i>	<i>Turangawaewae Trust Board</i>	<i>Oppose</i>
<i>FSI301.60</i>	<i>New Zealand Health Food Park Limited</i>	<i>Support</i>
<i>FSI303.60</i>	<i>Charlie Harris</i>	<i>Support</i>
<i>FSI388.824</i>	<i>Mercury NZ Limited for Mercury E</i>	<i>Oppose</i>
<i>574.24</i>	<i>TaTa Valley Limited</i>	<i>Add a definition to PWDP for "Recreation Facility", as "A facility where the primary purpose is to provide for outdoor recreation activities".</i>
<i>FSI301.66</i>	<i>New Zealand Health Food Park Limited</i>	<i>Support</i>
<i>FSI303.66</i>	<i>Charlie Harris</i>	<i>Support</i>
<i>FSI223.96</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
<i>FSI306.21</i>	<i>Hynds Foundation</i>	<i>Support</i>

4.2 Analysis

63. This section provides an analysis of submissions on the PWDP relating to the proposed TVR Zone. The six submissions points from TVL on the proposed TVR Zone identified above are all interrelated and collectively seek to provide for the proposed rezoning. As such, I have grouped these six submission points for the purpose of this analysis. I address the further submissions together with the primary submissions they relate to.
64. The analysis of submissions below is structured in accordance with statutory requirements for district plans in the RMA, as summarised in Appendix I of the opening legal submissions by counsel for Council²³. This broadly requires an assessment of whether the rezoning proposal:
- a. Gives effect to higher order policy instruments (section 75(3))
 - b. Has regard to strategies and plans prepared under other Acts (section 74(2)(2))
 - c. Takes into account relevant iwi planning documents (section 74(2A))
 - d. Has regard to the actual or potential environmental effects from the rules in the rezoning proposal (section 76(3))
 - e. Is in accordance with the functions of territorial authorities under section 31 of the RMA and Part 2 of the RMA (section 74(1)).

Section 75(3) of the RMA

65. This section provides an assessment of the proposed TVR Zone against higher order policy documents consistent with the 'Lens 2' assessment in the 'Rezoning Assessment Framework'.

4.2.1.1 *National Policy Statement for Freshwater Management 2020*

66. While regional councils are primarily responsible for implementing the NPS-FM, the PWDP must give effect to the NPS-FM to the extent relevant. In this respect, I note that:
- a. The proposed TVR Zone and Concept Plan will help provide for the integrated management of the Site in a manner that considers the effects of use and development of land on receiving environments, including the values of the Waikato River²⁴, which is consistent with Policy 3 and 7 of the NPS-FM.
 - b. The proposed Concept Plan identifies a number of 'areas of significant indigenous biodiversity', and I understand that many of these are also likely to meet the definition of 'natural inland wetlands' in NPS-FM. In my opinion, the proposed Concept Plan should identify and map the natural inland wetlands within the Site as this will help ensure these are protected in accordance with Policy 6 of the NPS-FM and the provisions of the National Environment Standards for Freshwater 2020 (NES-F) relating to natural inland wetlands. It would also be beneficial in my opinion to include an advice note (or similar) within the proposed TVR Zone provisions noting that the NES-F provisions relating to natural inland wetlands prevail over any inconsistent TVR Zone provision (e.g. earthworks or vegetation clearance within, or

²³ Updated and reordered on 19 March 2021 for rezoning hearings.

²⁴ Proposed Policy 29.2(P4), although I consider this policy should be strengthened to be more consistent with higher order policy instruments.

within a setback to, a natural inland wetland), consistent with section 44A of the RMA²⁵.

- c. The proposed TVR Zone would 'adopt' the PWDP Rural Zone provisions relating to setbacks to waterbodies for buildings (29.4.5), earthworks (29.5.1 and 29.5.2) and vegetation clearance (29.5.3 and 29.5.4).
- d. Mr Pitkethley has provided infrastructure and engineering evidence on behalf of TVL, which includes consideration of the effects of the development enabled under the proposed TVR Zone on freshwater. While not directly relevant to the proposed TVR Zone, Mr Pitkethley's opinion is that the proposed stormwater solution for the Site will improve the quality of water discharged from the Site, with treatment reducing contaminants from 25-82% of pre-development loads²⁶. My expectation is the effectiveness of the proposed stormwater solution and associated effects on freshwater will be subject to a robust assessment from WRC through regional consenting processes.

67. On this basis, I am satisfied that the proposed TVR Zone gives effect to the NPS-FM to the extent relevant as it will help to provide for integrated management of the Site and the proposed Concept Plan will help protect natural inland wetlands, subject to the identification and mapping of natural inland wetlands as discussed above. The proposed TVR Zone also incorporates provisions to manage the effect of land-use activities on water quality (while acknowledging that many of these are the same as PWDP Rural Zone provisions). However, in my opinion, the proposed TVR Zone policies need to be strengthened to better give effect to Policy 6 and 7 of the NPS-FM as discussed further in section 4.5 below.

4.2.1.2 National Planning Standards

68. Mandatory direction 8.3 of the National Planning Standards is of particular relevance to the proposed TVR Zone. This states that additional special purpose zones should only be created in a district plan when three criteria are all met, which are assessed in Table 3 below.

Table 3: Assessment of Mandatory Direction 8.3 of National Planning Standards.

Criteria	Assessment
The activities and outcomes from the zone are significant to the district, region or country	<p>The economic significance of the Resort is discussed in the economic evidence of Mr Thompson on behalf of TVL. Mr Thompson assesses the potential economic effects of Resort against a range of different scenarios of tourism numbers and concludes there will be significant economic net benefits under all scenarios²⁷. More specifically, Mr Thompson estimates that the Resort would achieve:</p> <ul style="list-style-type: none"> • Total revenue of \$97.3m by 2030 and \$218.3m by 2050 under the medium scenario • Around 22 FTE jobs per annum and 3,960 FTE jobs over a 20-year period. <p>On this basis, I am satisfied that the proposed TVL Zone meets this criterion as the activities provided for under the zoning will deliver economic and employment benefits that are significant to the district.</p>
The activities and outcomes from the	. The planning evidence of Mr Scrafton on behalf of TVL discusses the rationale for a special purpose zone. Mr Scrafton's opinion is that it is

²⁵ TVL have acknowledged that resource consents will be required under the NES-F and this analysis is underway.

²⁶ Ibid, paragraph 1.5.

²⁷ Evidence of Mr Thompson, paragraph 1.7.

<p>zone are impractical to be managed through another zone</p>	<p>impracticable to manage the proposal through the PWDP Rural Zone provisions as:</p> <ul style="list-style-type: none"> • The objectives and policies for the Rural Zone do not sufficiently enable the development of the Site and a number of proposed activities are not adequately provided for • The proposed Resort is unique and does not fit well in any traditional land-use zone²⁸. <p>In my opinion, it is certainly possible to manage the anticipated Resort activities through the PWDP Rural Environment and Rural Zone provisions. This is evident by the fact that TVL are already in the process of obtaining relevant resource consents to develop the Resort. However, I do agree with Mr Scrafton that the PWDP Rural Environment and Rural Zone provisions are more uncertain and inefficient for the development and ongoing operation of the Site and can be considered 'impractical' in this sense. I discuss this further in the overall evaluation of whether the proposed TVR Zone is necessary in section 4.3.</p>
<p>The activities and outcomes from the zone are impractical to be managed through a combination of spatial layers</p>	<p>Spatial layers in district plans may include zones, overlays, precincts, specific controls, development areas, designations, heritage orders.²⁹</p> <p>The function of an overlay (as defined in the National Planning Standards) is “an overlay spatially identifies distinctive values, risks or other factors which require management in a different manner from underlying zone provisions”. The overlays in the PWDP are primarily focused on managing areas with particular values, areas subject to hazards or some other constraint, such as the SNA, SAL and Flood Plain Management Area overlays. As such, I consider that it is impractical to manage the activities proposed for the Resort through overlays in the PWDP.</p> <p>The functions of a precinct (as defined in National Planning Standards) is “a precinct spatially identifies and manages an area where additional place-based provisions apply to modify or refine aspects of the policy approach or outcomes anticipated in the underlying zone(s).” The function of the proposed TVR Zone is therefore very similar to the function of a Precinct as it aims to retain some of the outcomes (and provisions) in the PWDP Rural Zone and modify these to better provide for the outcomes sought for the Resort. However, in my opinion, it would be impractical to manage the Resort as a precinct as this spatial layer is better suited to providing 'additional placed-based provisions' rather than modifying the PWDP Rural Zone provisions to the level sought through the proposed TVR provisions.</p>

69. On this basis, I consider that the proposed TVR Zone meets criteria a) and c) of Mandatory Direction 8.3 of the National Planning Standards. I discuss criteria b) further in the overall evaluation of the proposed TVR Zone in section 4.3 below.

4.2.1.3 Waikato Regional Policy Statement

70. There are a range of provisions in the WRPS relevant to the proposed TVR Zone. In my opinion, the proposed TVL Zone is consistent with the broad policy direction in the WRPS. In particular:

²⁸ Evidence of Mr Scrafton, paragraph 9.2.

²⁹ Mandatory Direction 12 of National Planning Standards.

- a. **Integrated management**³⁰: the proposed TVR Zone and Concept Plan will provide for the integrated management of the Site, including recognising the relationship between physical and natural resources on the site (e.g. the development of the Hotel Precinct and protection of ‘areas of significant indigenous biodiversity’). The proposal also seeks to recognise the value and long-term benefits of primary production through showcasing the farming industry and primary production products through the proposed ‘NZ Made Hub’.
- b. **Built environment**³¹: the proposed TVR Zone and Concept Plan will enable integrated, planned and coordinated development of the Site in a manner that promotes positive indigenous biodiversity outcomes and provides for a unique commercial development to support the economic and social well-being of the region.
- c. **The health and well-being of Waikato River and freshwater**³²: the development of the Site has been undertaken in consultation with the Waikato River Iwi and this engagement is ongoing. It is my understanding that the health and wellbeing of the Waikato River has been, and will continue to be, a key focus of this engagement. Engagement with tangata whenua to date has resulted in some amendments to the proposed TVL provisions rezoning³³. This includes referencing the values of the Waikato River in proposed Policy 29.2 (P4), which I recommend is strengthened to give better effect to the direction to ‘restore and protect’ the Waikato River in WRPS (as outlined in section 4.5 below).. Further, the engineering and infrastructure evidence of Mr Pitkethley on behalf of TVL states that the development of Site has been, and will continue to be, designed in a manner that effectively manages effects on freshwater and the stormwater design for the Site will result in an improvement in the quality of discharges from the Site³⁴. It is my expectation that the stormwater design for the Site will be subject to a robust assessment through WRC consenting processes.
- d. **Riparian margins and wetlands**³⁵: the proposed Concept Plan has identified a number of ‘areas of significant indigenous biodiversity’ which I understand will also meet the definition of ‘natural inland wetlands’ in the NPS-FM. As discussed above, I recommend that these natural inland wetlands are mapped within the proposed Concept Plan to clarify when the NES-F provisions apply to activities within the Site (including earthworks and vegetation clearance within, and within setbacks to, natural inland wetlands) and to ensure the natural inland wetlands and their values are protected.
- e. **Tangata whenua**³⁶: as outlined above, TVL has been engaging within Waikato River Iwi in the development of the Site and this engagement is ongoing. This engagement has included the formation of a Project Steering Group with tangata whenua determined membership³⁷. While I cannot reach a conclusion on the outcomes of this engagement, I expect that this will help ensure the relationship of tangata whenua with the environment and their kaitiaki role is recognised and provided for.

³⁰ Objective 3.1, Policy 4.1 and Policy 4.4.

³¹ Objective 3.12 and Policy 6.1.

³² Objective 3.4 and 3.14, Policy 8.3 and Policy 8.5.

³³ Evidence of Mr Scrafton, paragraph 6.7-6.8.

³⁴ Evidence of Mr Pitkethley, paragraph 8.22.

³⁵ Objective 3.16 and Policy 8.2.

³⁶ Objective 3.9 and Policy 4.3.

³⁷ Evidence of Mr Scrafton, paragraph 6.4.

- f. **Heritage**³⁸: the proposed TVR Zone and Concept Plan includes a site of significance to Mori (paa site) as included in the PWDP. Proposed Rule A32 is a restricted discretionary rule for any 'permitted activity listed in Table 29.3 within a Site of Significance'. I understand this rule is intended the paa site is protect and any adverse cultural effects are appropriately managed. As outlined below, I recommend this rule is amended to apply to 'any activity listed in Table A3' within the Maori Site of Significance to ensure restricted discretionary activities (e.g. rural industry) are still subject to proposed Rule A32. While not directly relevant to the proposed TVR provisions, TVL has also indicated that it is preparing a Cultural Heritage Management Plan with tangata whenua to set out measures to manage potential effects on cultural heritage in the development and operation of the Site³⁹.
- g. **Indigenous biodiversity**⁴⁰: the proposed Concept Plan identifies three SNAs (as mapped in PWDP) and 50 additional 'areas of additional significant indigenous biodiversity'. As discussed in section 4.2.4 below, I recommend that the PWDP district-wide provisions relating to SNAs also apply to the 'areas of additional significant indigenous biodiversity'. In my opinion, this approach would give effect to the WRPS provisions to maintain indigenous biodiversity and protect SNAs.
- h. **Landscape, natural character and amenity**⁴¹: the Site includes a SAL and there are district-wide provisions in the PWDP to maintain and enhance the attributes of identified SAL that will apply to the Site. There are also some references to effects on amenity values in the proposed TVL provisions (proposed Policy 29.2(P4)) and the matters of discretion for visitor accommodation (29.6.16).

71. Overall, I consider that the proposed TVR Zone gives effect to the WRPS to the extent relevant, subject to my recommendations discussed above and outlined in section 4.5.

4.2.1.4 *Vision and Strategy for the Waikato River*

72. I discuss how the proposed TVR Zone gives effect to the Vision and Strategy in relation to the corresponding provisions in the WRPS and the same conclusions apply here. In particular, there have been some refinements to the provisions to have regard to the values of the Waikato River. However, as discussed above, I recommend the relevant policy (proposed Policy 29.2(P4)) is strengthened to protect and restore the values of Waikato River to give effect the Vision and Strategy (and the NPS-FM).
73. I also understand that engagement with tangata whenua and the formation of the Project Steering Group has led to an assessment of the overall TVR project against the Vision and Strategy to facilitate further engagement and discussion⁴². TVL has indicated that this may lead to further refinements of the proposed TVR Zone provisions which may presented to be the Panel through rebuttal evidence or through hearing presentation⁴³.
74. On this basis, I am satisfied that there are processes in place to ensure the development of the Site, and proposed TVR Zone proposed gives effect to the Vision and Strategy to the extent relevant, subject to my recommendation discussed above and outlined in section 4.5.

³⁸ Objective 3.18, Policy 10.1, 10.2 and 10.3.

³⁹ Evidence of Mr Scrafton, paragraph 6.8 and 11.39.

⁴⁰ Objective 3.19, Policy 11.1 and 11.2.

⁴¹ Objective 3.21 and Policy 12.3.

⁴² Evidence of Mr Scrafton, paragraph 6.4.

⁴³ Evidence of Mr Scrafton, paragraph 6.5.

4.2.2 Section 74(2A)

75. As discussed in section 3.6, the Waikato-Tainui Environmental Management Plan (Waikato-Tainui Plan) is a relevant recognised iwi planning document that must be taken into account and this includes a number of objectives of relevance to the proposed TVR Zone..
76. I understand that TVL has been engaging with Waikato Tainui in relation to the development of the Site and have indicated a commitment to continue to engage with Waikato-Tanui with a view to “*achieving positive cultural, spiritual, and social outcomes*” and “*understand an acceptable level of effects to Waikato Tainui*”⁴⁴. I also understand that this engagement has led to an assessment of the overall TVR project against the Waikato-Tainui Plan to facilitate further engagement and discussion⁴⁵. As discussed above, TVL has indicated that this ongoing engagement may result in further changes to the proposed TVR Zone provisions which may be presented to the Panel through rebuttal evidence or through hearing presentation⁴⁶. I am therefore satisfied that there are processes in place to ensure the Waikato-Tainui Plan is appropriately taken into account through the development of the Site
77. In my opinion, the objectives for the Site and proposed TVR Zone is also broadly consistent with the directions in the Waikato-Tainui Plan to protect and restore wetlands, to ensure rural development achieves positive environmental, cultural, spiritual, and social outcomes, and to manage effects of tourism and recreation to a level acceptable to Waikato-Tainui. I am therefore satisfied that the Waikato-Tainui Plan has been taken into account in the proposed TVR Zone provisions.

4.2.3 Section 74(2)(b)

78. Relevant strategies and plans to have regard to under section 74(2)(b) of the RMA include the Future Proof Growth Strategy and Waikato 2070.

4.2.3.1 Future Proof Growth Strategy

79. As discussed in section 3.7, Future Proof includes a number of ‘guiding principles’ that are relevant to the proposed TVR Zone.
80. I consider that the proposed TVR Zone is consistent with the relevant Future Proof guiding principles as it will provide employment opportunities that benefit the nearby settlements of Pokeno and Tuakau (and other communities in the District) and will provide tourism and recreational opportunities for urban and rural communities. The proposed TVR Zone includes provisions to protect a number of SNAs and a SAL on the Site and the wider Resort proposal also aims to improve public access and connection to the Waikato River.

4.2.3.2 Waikato 2070

81. Waikato 2070 includes a number of directions and implementation actions of relevance to the proposed TVR Zone as outlined in section 3.8. In my opinion, the proposed TVR Zone is consistent with relevant directions and implementation actions in Waikato 2070 as it seeks to recognise the role of primary industries in the district. It aims to support farm tourism through the proposed ‘New Zealand Made Hub’ that will showcase primary industries and food production. The proposed TVR Zone will also protect a number of SNAs and additional ‘areas of significant indigenous biodiversity’ as discussed further below in section 4.2.4.

⁴⁴ Evidence of Mr Scafton, paragraph 13.9.

⁴⁵ Evidence of Mr Scafton, paragraph 6.4.

⁴⁶ Evidence of Mr Scafton, paragraph 6.5.

4.2.4 Assessment of the effects of the proposed TVR Zone

82. Section 76(3) of the RMA requires that territorial authorities have regard to the actual or potential effects of including a rule in a district plan and, in particular, any adverse effect. To assess the likely effects of the proposed TVR Zone, it is important to understand the key differences with the PWDP Rural Environment and Rural Zone provisions which are summarised in the planning evidence of Mr Scafton on behalf of TVL⁴⁷.
83. At a general level, the proposed TVL Zone would enable a greater range of activities and scale of development than that anticipated under the PWDP provisions. This is primarily in relation to the hotel and associated activities within the proposed Hotel Precinct. However, the proposed TVR Zone provisions would also enable a greater range of activities and scale of development outside of the Hotel Precinct (including additional visitor accommodation facilities), provide for a much higher level of permitted building site coverage (50,000m² compared to 10,000m²), The proposed TVR Zone provisions are also more enabling of entertainment, temporary and 'special noise events' to provide for activities such as concerts and conference within the Resort. The proposed TVR Zone will therefore enable activities and development with a different scale, character and intensity of environmental effects.
84. A range of technical experts have provided evidence of behalf of TVL to assess the actual and potential effects from the proposed rezoning. The sections below provide an assessment of the effects of the proposed TVR Zone with reference to this evidence and proposed TVR Zone provisions. Where I rely on the advice of other experts in reaching a conclusion, I make reference to the relevant sections of their evidence.

4.2.4.1 Ecological effects

85. TVL has changed its proposed approach to management of indigenous biodiversity and SNAs on the Site compared to that set out in its original submission. This "*bespoke approach to the management of indigenous biodiversity and SNAs on the TaTa Valley Resort Site*" would result in the removal of some areas of indigenous biodiversity to develop the Resort but "*overall biodiversity across the site would be maintained through a combination of ecological mitigation, enhancement, offset, compensation and protection*"⁴⁸.
86. However, TVL no longer consider this bespoke approach to be appropriate in the context of new national direction and are proposing to adopt the district-wide approach to managing SNAs in the PWDP. This a necessary and important change in approach in my opinion, which I support on the basis it is more aligned with the intent of the PWDP and the WRPS, NPS-FM and NES-F. In my opinion, it would also be inappropriate to adopt a different approach to manage indigenous biodiversity within the proposed TVR Zone compared to the wider district.
87. Also of particular importance, it that TVL's updated Concept Plan has identified 50 additional 'areas of significant indigenous biodiversity' within the Site based on the ecological evidence of Mr Martin on behalf of TVL. Key points from Mr Martin's evidence include:
- a. There are 53 areas within the Site that meet the criteria for ecological significance of indigenous biodiversity in Schedule 11A of the WRPS. Three of these areas are mapped as SNAs in the PWDP⁴⁹ and an additional 50 'areas of significant indigenous biodiversity' have been identified by ecological surveys using the WRPS criteria.

⁴⁷ Evidence of Mr Scafton, paragraph 9.3.

⁴⁸ TVL submission on the PWDP, submission point 8, pg.6.

⁴⁹ I understand that resource consent has been granted for the removal of one SNA within the Hotel Precinct.

- b. The 53 areas of ecological significance within the Site cover approximately 67.7 hectares in total (28.6% of the total land area). Habitats that do not meet the criteria as significant indigenous biodiversity (i.e., pasture, gorse scrub, and some smaller exotic wetlands) cover the remaining 71.4% of the Site (approx. 167 hectares) and do not pose an ecological constraint to development⁵⁰.
- c. The mapping of habitats within the Site that meet the criteria of an SNA is an appropriate step for the proposed TVR Zone and will facilitate appropriate management of ecological effects. In Mr Martin's opinion, "...the areas of significant biodiversity value within the site should be recognised and afforded appropriate protection. Subsequent development of the Site will then be firmly guided by the ecological constraints posed by these areas"⁵¹.
- d. The Site provides considerable opportunities for the enhancement of ecological values, such as fencing of forests and wetlands to exclude livestock, and pest plant and pest animal control. These opportunities can be further explored through resource consent processes as the Site is developed⁵².
88. I support the identification of additional 'areas of significant indigenous biodiversity' within the proposed Concept Plan. I also consider that the mapping of these areas is the most effective and certain method to ensure these areas are given appropriate protection in accordance with the district-wide provisions to protect SNAs in the PWDP. I note that evidence of WRC as a further submitter on submission 574.3 supports the inclusion on additional areas of SNA within the proposed TVR Zone⁵³.
89. However, there is some potential uncertainty on whether the district-wide rules relating to SNAs would apply to these additional areas of significant indigenous biodiversity, which was noted in the planning evidence of Mr Scafton on behalf of TVL⁵⁴. The amended definition of 'Significant Natural Area'⁵⁵ recommended by the reporting officer for Hearing 21A: Significant Natural Area may help address this uncertainty to some degree (if accepted by the Hearing Panel). However, to avoid any potential uncertainty and ensure these additional 'areas of significant indigenous biodiversity value' are given an appropriate level of protection, I recommend that these areas are added to the SNA overlay in the PWDP.
90. As discussed above, I understand that many of the additional 'areas of significant indigenous biodiversity' identified by Mr Martin are also natural inland wetlands⁵⁶ as defined in the NPS-FM, and therefore the NPS-FM and NES-F provisions relating to natural inland wetlands would apply to these areas. I recommend the natural inland wetlands are identified and mapped within the proposed Concept Plan to provide added certainty on the relevant provisions PWDP and NES-F provisions that apply and which provisions prevail for certain activities (e.g. for earthworks and vegetation clearance with, or within a setback to, a natural inland wetland).
91. Overall, I consider that the proposed TVR Zone in combination with the PWDP district-wide provisions relating to SNAs and relevant national direction will adequately manage

⁵⁰ Evidence of Mr Martin, paragraph 1.8 and 1.12.

⁵¹ Evidence of Mr Martin, paragraph 1.14-1.15.

⁵² Evidence of Mr Martin, paragraph 1.16.

⁵³ Evidence of Ms Foley, section 27.

⁵⁴ Evidence of Mr Scafton, paragraph 11.34.

⁵⁵ Recommended amendment to the Significant Natural Area definition "*means an area of significant indigenous biodiversity that is identified as a Significant Natural Area on the planning maps or that meets one or more of the criteria in Appendix 2 Criteria for Determining Significance of Indigenous Biodiversity.*"

⁵⁶ Evidence of Mr Martin, paragraph 5.6-5.16.

effects on indigenous biodiversity within the Site, subject to my recommendations discussed above and detailed below.

4.2.4.2 *Landscape and visual*

92. The increased scale of development enabled under the proposed TVR Zone will have landscape and visual effects on the surrounding environment, particularly the development within the proposed Hotel Precinct. Mr Pryor has prepared a detailed landscape and visual evidence of the proposed rezoning on behalf of TVL. Key points from Mr Pryor's evidence include:
- a. The proposed rezoning will visually result in a degree of change from current open and undeveloped rural landscape to a landscape with more built characteristics, and this change will be most noticeable in respect of the proposed hotel due to its elevated characteristics and wider visual catchment⁵⁷. Development outside the Hotel Precinct will be less visible as many parts of the Site have more restricted visibility due to the intervening landform and vegetation pattern⁵⁸.
 - b. There will be a change to the localised rural character due to future built environment and associated infrastructure. However, the rural character will be reinforced through retaining large open pasture areas and retention of indigenous bush, existing SNA and the SAL within the Site⁵⁹.
 - c. The Site includes a number ONF, SNAs and SAL that are high in landscape and natural character values. However, development enabled by the rezoning will be located away from these areas and the majority of the Site does not have high aesthetic, heritage or rarity values and is typical of that found within the surrounding rural environment⁶⁰.
93. Overall, Mr Pryor concludes that development enabled by the rezoning can be visually accommodated within the landscape without adversely affecting the character, aesthetic value and integrity of the Site and surrounding rural environment, and any adverse landscape and visual effects will be acceptable within the surrounding landscape context⁶¹.
94. Mr Pryor's evidence also considers the effectiveness of the proposed TVR Zone provisions to manage adverse landscape and visual effects, concluding that "*these provisions and expected outcomes will provide an appropriate framework which any adverse landscape and visual effects can be effectively managed*"⁶². Similarly, Mr Scrafton considers that potential landscape and visual effects can be suitably mitigated through the proposed TVR Zone provisions⁶³.
95. In response to this evidence, I note that proposed TVR Zone provisions include some consideration of landscape and visual effects in proposed Policy 29.2(P4) and the activity specific matters of discretion. However, in my opinion, the proposed objectives and policies are overly focused on enabling the development of the Site and have insufficient focus on managing adverse visual and landscape effects from the development and the operation of the Site. In particular and as discussed above, in my opinion the wording of proposed Policy 29.2(P6) to manage adverse effects "having regard to" the "rural amenity and character values of the surrounding rural environment" is relatively weak and may not provide the

⁵⁷ Evidence of Mr Pryor, paragraph 1.3-1.4.

⁵⁸ Evidence of Mr Pryor, paragraph 1.3.

⁵⁹ Evidence of Mr Pryor, paragraph 1.7.

⁶⁰ Evidence of Mr Pryor, paragraph 1.6.

⁶¹ Evidence of Mr Pryor, paragraph 10.3.

⁶² Evidence of Mr Pryor, paragraph 9.9.

⁶³ Evidence of Mr Scrafton, paragraph 11.10.

Council with sufficient direction to manage these effects. I note, for comparison, that Hampton Downs Motor Sport and Recreation Zone (another bespoke zone) include a more directive objective “rural character and amenity are maintained”⁶⁴ and a more specific policy (9.1.1.3) to manage a range of adverse effects. As such, I recommend that the proposed TVR Zone policies are refined and strengthened to enable the Council to effectively manage adverse landscape and visual effects from the development and operation of the Resort. These recommendations are outlined in section 4.5 below.

96. In terms of the SAL identified on the Site, I note that TVL opposed the extent of the SAL on the Site in their original submission [574.6]. The extent of the SAL on the Site was subsequently discussed at Hearing 21B: Landscapes and the reporting officer adopted the recommendations from Boffa Miskell to reduce the extent of the SAL and accept submission point 574.6 in part⁶⁵. The potential adverse effects on this SAL from development at the Site will then be managed in accordance with the PWDP district-wide and Rural Zone provisions relating to SAL’s⁶⁶.

4.2.4.3 *Transport effects*

97. The proposed Resort will generate increased traffic movements through increased visitors to the Site, especially during temporary event and ‘special noise events’ anticipated at the Resort (e.g. conferences, concerts). This increase in traffic movements has potential to generate adverse effects on the local roading network and potential amenity effects on the surrounding properties.
98. The proposed Concept Plan shows a new main accessway to the Site through adjacent land (owned by TVL or associated companies) to connect with Yashilli Drive in Pokeno in the northeast. This new main accessway will require resource consent from the Council and WRC which have recently been lodged⁶⁷. It is proposed that all access to the Resort will be through this new main accessway, except for farming activities⁶⁸.
99. Mr Hills has provided transport evidence on the proposed TVR Zone on behalf of TVL. In relation to the proposed new main accessway, Mr Hill’s opinion is that:
- a. The construction of the new main accessway to Yashilli Drive is important to ensure safe and efficient access to the Site and support the provisions in the proposed TVR Zone to achieve this outcome.
 - b. The proposed accessway can operate safely and efficiently (including two one-lane sections) with a capacity of up to 400 vehicles per hour⁶⁹.
 - c. The capacity of the proposed accessway is generally sufficient for traffic estimated for special events (based on estimated total event capacity of 548 people). Any events over 500-person capacity should require detailed assessment of peak traffic movements and how these will be managed on site⁷⁰.
100. In relation to the effects on the local roading network, Mr Hill’s opinion is that:

⁶⁴ As recommended by the reporting officer for Hearing 13: Hampton Downs.

⁶⁵ Section 42A Report: Landscapes, paragraph 572 to 581.

⁶⁶ This includes objectives and policies in section 3.4 of the PWDP aimed at maintaining and enhancing the attributes of SAL and additional controls on building height in 22.3.4.1 (P2).

⁶⁷ Evidence of Mr Scrafton, paragraph 5.3(e).

⁶⁸ Proposed standard 29.4.1.

⁶⁹ Evidence of Mr Hills, paragraph 6.19.

⁷⁰ Evidence of Mr Hills, paragraph 7.1-7.5.

- a. The local road network continues to operate safely and efficiently taking into account the likely traffic generation of the Resort⁷¹.
 - b. No discernible changes to the operation of key local intersections will be experienced as a result of the proposal and adjoining Havelock Village Limited proposal⁷².
101. On this basis, Mr Hills concludes that there is “no traffic engineering or transport planning reason to preclude acceptance of the rezoning proposal”⁷³. Similarly, the planning evidence of Mr Scrafton discusses the traffic-related provisions in the proposed TVL Zone and the proposed new main accessway and concludes that transport effects are suitably mitigated⁷⁴.
102. Beca Limited has undertaken a traffic specialist review of Mr Hills traffic evidence⁷⁵. This draft review concludes that the findings and conclusions reached by Mr Hills in his evidence appear to be appropriate, while noting that the full Traffic Assessment needs to be reviewed before final observations can be made. The reviewer also states that it would be helpful to include more details on what traffic assessments need to include for events of over 500 people.
103. The proposed TVR Zone provisions to manage traffic effects include permitted activity standards relating to access (29.4.2), on-site parking requirements (29.4.2), and capacity limits (500 people) for temporary events (29.5.12, 29.5.13). A restricted discretionary activity resource consent is required when these standards are not complied with, and the effects on the local road network (and surrounding environment) included as a matter of discretion. Traffic effects and proposed measures to manage these effects is also included as a matter of discretion for visitor accommodation (29.9.16).
104. I generally agree that the proposed TVR Zone provisions should be sufficient to manage transport related effects. However, I note that:
- a. There is no reference to traffic effects in the proposed policies. By comparison, I note that the Hampton Downs Motor Port and Recreation Zone includes a policy to mitigate adverse effects including by “*The adverse traffic safety effects to ensure the safe and efficient operation and functioning of the adjacent transport network and efficient access to surrounding facilities is maintained at all times*”⁷⁶. In my opinion, the proposed TVR Zone should include a comparable policy to ensure traffic effects from the operation of the Resort and events are adequately managed through future consent processes.
 - b. Where resource consent is required for temporary events, the matters of discretion relating to traffic effects include “*WDC approval of a temporary traffic management plan to be submitted as part of the application*” ((29.6.21(a)(i)). This is consistent with the recommendation of Mr Hills for detailed assessment and management of traffic for any event with a capacity of over 500 people but provides limited details on what should be included in the assessment as noted in the Beca review.
 - c. It is unclear whether ‘special noise events’ (i.e. temporary events not complying with the noise standards) are subject to the capacity limits specified for temporary events

⁷¹ Evidence of Mr Hills, paragraph 8.1.

⁷² Evidence of Mr Hills, paragraph 1.6.

⁷³ Evidence of Mr Hills, paragraph 8.3.

⁷⁴ Evidence of Mr Scrafton, paragraph 11.13.

⁷⁵ Memo from Skip Fourie, Beca Ltd to Carolyn Wratt, ‘Technical Specialist Review, Transport – TaTa Valley Limited, Pokeno, 9 April 2021.

⁷⁶ Policy 9.1.1.3(ii).

(500 people) and the requirement to prepare a traffic management plan when these are exceeded.

105. In my opinion, these limitations should be addressed and clarified through some minor amendments to the proposed TVR Zone provisions, which I outline further in section 4.5 below.
106. A number of further submissions raised concerns with the traffic effects from the proposed rezoning, including Stonehill Trustee Limited (1188), Hynds Foundation (1306), Hynds Pipe Systems Limited (1341), and New Zealand Transport Agency/Waka Kotahi (1202). Central to these concerns was the lack of evidence and assessment of traffic effects, which may be addressed to some extent through the traffic evidence of Mr Hills. In this respect, I note that Waka Kotahi has provided evidence in support of its further submissions on the proposed TVR Zone (FS1202.14, FS1202.115, FS1202.116). Waka Kotahi's planning and traffic experts have subsequently reviewed the evidence of Mr Hills and the Traffic Impact Assessment attached to his evidence and have advised that they are satisfied that the proposal is unlikely to have a detrimental impact on State Highway 1. On this basis, Waka Kotahi does not oppose the submission and have a neutral position on the rezoning⁷⁷.

4.2.4.4 Noise effects

107. An increase in potential and actual noise effects is anticipated from the proposed TVR Zone through enabling a larger number and wider range of temporary events (e.g. conferences, concerts), and 'special noise events' (temporary events that exceed the general noise standards).
108. Mr Styles has prepared a memorandum on the noise provisions in the proposed TVL Zone on behalf of TVL⁷⁸. Key points from Mr Styles memorandum include:
- a. **General noise standards (29.4.8)** – the standards require noise generated from within the TVR Zone (including temporary events) to meet the general noise limits of the PWDP Rural Zone. It is Mr Style's opinion that these noise limits will provide a good level of protection to the Rural Zone receivers during the day, evening and night-time periods.
 - b. **Helicopter take off and landings (29.5.11)** - the standards control noise effects arising from helicopter landing and take-offs by managing flight numbers, the time of day, and by imposing noise limits to ensure the noise levels will be reasonable. It is Mr Styles opinion that these provisions effectively permit a lower level of noise effects than NZS6807:1994 *Noise management and land use planning for helicopter landing areas* and will ensure noise levels are reasonable.
 - c. **Special noise events (29.5.14)** – Mr Styles recommends controls on frequency, duration, and timing of special noise events to “ensure that the noise levels remain reasonable for noise sensitive receivers in adjoining zones, and provide adequate respite between noise events.” Mr Style's also notes that the proposed requirement for noise levels from special events to not exceed 65dB LAeq (5min) is 10 dB lower than most district plans specify for temporary events and this is subjectively half as loud.
109. In summary, Mr Styles concludes that “the noise management framework for the proposed TVR Zone promotes an appropriate balance between enabling activities within the TVR Zone and ensuring that noise effects generated beyond the zone boundaries are reasonable”.

⁷⁷ Evidence of Mr Woods,

⁷⁸ Appendix D to Mr Scrafton's evidence (Noise and Archaeological Memo and Archaeology Report).

110. On the basis of this advice from My Styles and the relatively close comparability between the proposed TVR Zone and PWRP Rural Zone noise provisions, I am satisfied that the noise effects can be suitably managed through the proposed provisions.

4.2.4.5 *Three waters infrastructure*

111. Mr Pitkethley has provided engineering and infrastructure evidence on the proposed TVR Zone on behalf of TVL. In terms of three water infrastructure, Mr Pitkethley's opinion is that:
- a. **Water supply and wastewater** - there is sufficient provision for the growth proposed by TVL to be accommodated into existing and planned wastewater and water supply infrastructure and the developer (i.e. TVL) is to undertake extensions of this infrastructure to the Site⁷⁹.
 - b. **Stormwater** – the proposed stormwater design for the development of the Site is in accordance with relevant guidelines and the Council requirements and is expected to improve the overall quality of discharges from the Site⁸⁰.
112. On this basis, Mr Pitkethley concludes that there is no infrastructure or engineering reason not to rezone the Site⁸¹. On this basis I am satisfied that the Site can be adequately serviced by three waters infrastructure subject to TVL funding the extension of bulk water supply and wastewater infrastructure to the Site. As discussed above, I also expect that the effectiveness proposed stormwater design will be subject to a robust assessment by WRC through regional consenting processes.

4.2.4.6 *Cultural effects*

113. As discussed above, TVL has been undertaken engagement with tangata whenua to understand and manage effects on cultural values from the development and operation of the Site and this engagement is ongoing⁸². I understand that much of this engagement has focused on the resource consent applications lodged with WRC and Council, but this has also led to some refinement of the proposed TVR Zone provisions (discussed above).
114. In relation to cultural effects, I agree with Mr Scrafton that the level of cultural effects from the proposed TVR Zone needs to be determined by tangata whenua. In this respect, I note that TVL has processes in place to ensure tangata whenua views and values are considered in the development of the Site, including the formation of Project Steering Group with membership determined by tangata whenua.
115. In terms of the effectiveness of the proposed TVR Zone provisions to consider and manage the effects of development on cultural values, there is no specific reference to effects on cultural values in the proposed policies. Further the effects of activities and development within the Site on cultural values is only listed as a specific matter of discretion for buildings not complying with waterbody setback standards (29.6.5(d)) and visitor accommodation (29.6.19(vi)), and there no specific matters of discretion for when resource consent is required for activities undertaken within the Maori site of significance (29.3(A2)). Therefore, in my opinion, the proposed TVR Zone policies should be strengthened to more explicitly consider and manage the effects of the development and operation of the Site on cultural values. My recommendations to achieve this through the proposed TVR Zone policies are outlined in section 4.5 below.

⁷⁹ Evidence of Mr Pitkethley, paragraph 8.69 and 8.87.

⁸⁰ Evidence of Mr Pitkethley, paragraph 1.4 and 1.5.

⁸¹ Evidence of Mr Pitkethley, paragraph 11.2.

⁸² As discussed in more detail in the evidence of Mr Scrafton, paragraph 11.37-11.39 and 6.2-6.8.

116. Ngati Tamaoho Trust (1369), Te Whakakitenga o Waikato Incorporated (Waikato-Tainui) (1108), and Turangawaewae Trust Board (further submitter 1139) made further submitters in opposition of the proposed TVR Zone. One of the key concerns raised was that there are cultural issues still to be resolved. As discussed above, TVL is engaging with tangata whenua to help understand and address these concerns and this engagement is ongoing.

4.2.5 Section 74(1) of the RMA

117. Section 74(1)(a) and (b) of the RMA require that district plans are prepared in accordance with the functions of territorial functions under section 31 of the RMA and the provisions in Part 2 of the RMA. I provide an assessment of whether the objectives of the proposed TVR Zone are the most appropriate to achieve the purpose of the RMA in the section 32AA evaluation below.
118. In relation to the functions of territorial authorities under section 31 of the RMA, the proposed TVR Zone provisions and Concept Plan are intended to provide for the integrated management of land use and development of the Site through identifying the areas within the Site to be developed and those areas within the Site that are to be protected. The proposed TVR Zone would also 'adopt' a number of PWDP Rural Zone provisions focused on managing the effects of land use and development. As such, I am satisfied that the proposed TVR Zone has been prepared in accordance with the functions of territorial authorities under section 31 of the RMA.

4.2.6 Rezoning Framework Assessment - Lens 3 analysis

119. The third lens recommended in the Framework Report is an assessment of whether the rezoning submission is consistent with good practice planning, drawing on guidance for rezoning by the Independent Hearing Panel for the Proposed Unitary Plan (now operative in part)⁸³.
120. The guidance of particular relevance in the proposed TVR Zone is item i) "*generally, no "spot zoning" (i.e. a single site zoned on its own)*". Appendix 2, paragraphs 54-61 in the s42A Framework Report provides some general guidance on why spot zoning should generally be avoided. This guidance still anticipates that 'spot zoning' may be appropriate in certain circumstances, including larger complex sites in the Rural Zone provided that adverse effects have been assessed and where 'spot zoning' is found to be the most appropriate means to achieve plan objectives (compared to resource consent processes, for example).
121. In relation to this guidance, I make the following comments:
- a. The Resort is intended to be a unique regionally significant tourism and recreational facility. As such, I consider that it falls within the scope of exclusions anticipated and can be considered to be a unique 'spot' facility in the Rural Environment in this sense.
 - b. The effects of the proposed TVR Zone have been assessed by a number of technical experts on behalf of TVL and are discussed in section 4.2.5 above. The proposed TVR provisions have been developed on the basis of this evidence and previous assessments undertaken for the Site and are intended to ensure adverse effects on surrounding properties and the wider environment are appropriately managed.
 - c. The effectiveness and efficiency of the proposed TVR 'spot-zone' compared to the alternative of managing the development and operation of the Resort through resource consent processes is discussed in the following section.

⁸³ Refer: ihp016017080081changestorubrezoningprecincts.pdf (aucklandcouncil.govt.nz)

4.3 Effectiveness and efficiency of the proposed TVR Zone

122. Overall, I conclude from the analysis above that the proposed TVR Zone is consistent with relevant statutory requirements for district plans and gives effect to higher order planning documents to the extent relevant. I also consider that the proposed TVR Zone provisions are generally adequate to manage the effects of the activities and development enabled under the proposed provisions, subject to the refinements and amendments I have discussed in the analysis above and as detailed further below.
123. In my opinion, the key question for the overall evaluation of submissions on the proposed TVR Zone then becomes whether the rezoning is indeed necessary to achieve the objectives for the Site and, more so, whether the proposed rezoning is the most appropriate way to achieve the purpose of the RMA compared to alternative options (i.e. the PWDP Rural Environment and Rural Zone provisions). In this respect, I note that:
- a. Consenting processes are well underway to provide for the development of the Site. TVL has obtained a number of resource consents from the Council and WRC and has lodged consent applications with the Council for the key land-based aspects of the proposal, including the proposed hotel and New Zealand Made hub (overall activity status – non-complying). These applications are currently on-hold to undertake further engagement with tangata whenua. WRC have also requested in its evidence in support of its further submissions that the rezoning request is deferred until the outcomes of these resource consent applications has been determined⁸⁴.
 - b. The reporting officer for Hearing 18: Rural has recommended a number of amendments to the PWDP Rural Environment and Rural Zone provisions. In my opinion, these amendments would better provide for the activities anticipated at the Resort, particularly through the more enabling consent pathway for ‘rural commercial activities’ which is defined as including (among other things) farm tourism. However, I acknowledge that the Panel has yet to make its decision on these recommendations and the extent to which these will be accepted or rejected is not certain.
 - c. The proposed TVL Zone ‘adopts’ a number of PWDP Rural Zone provisions and is intended to maintain the overall rural character and amenity of the Site and surrounding rural environment.
124. In this respect, it can be argued that the proposed TVR Zone is unnecessary as the development and ongoing operation of the Site can be managed through resource consent processes under the PWRP Rural Environment and Rural Zone provisions. However, this approach also has some limitations:
- a. There would be no Concept Plan to guide the integrated management of the Site by identifying the areas within the Site to be developed and those areas within the Site that are to be protected. This provides less certainty to TVL, adjacent properties and the wider community about the future development and operation of the Site, and the management and protection of ecological areas within the Site.
 - b. The absence of the proposed Concept Plan from within the proposed TVR Zone could reduce the protection afforded to the 50 additional ‘areas of significant indigenous biodiversity’ identified in the Concept Plan as these mapped areas would not be incorporated into the PWDP. As noted in the ecological evidence of Mr Martin, the mapping of these areas is an important step that will facilitate

⁸⁴ Evidence of Ms Foley, section 27.

appropriate management of ecological effects within the Site and ensure these areas are afforded appropriate protection⁸⁵. Further, and as discussed above, a number of the ‘areas of significant indigenous biodiversity’ are ‘natural inland wetlands’ (as defined in the NPS-FM) and mapping the natural inland wetlands within the Concept Plan will help give effect to the NPS-FM⁸⁶ and NES-F.

- c. The PWDP Rural Environment objectives and policies and Rural Zone rules and standards are necessarily broad and do not anticipate the full range and scale of development proposed by TVL at the Site. This is likely to result in uncertainty through consenting processes both for TVL and the Council processing officers in terms of whether proposals are consistent with the policy intent and tests for the Rural Zone. This has potential to result in efficiencies through consenting processes and inconsistent outcomes for the Site. In my opinion, it would be helpful for TVL to address this issue in more detail in rebuttal evidence and hearing presentation.
125. While finely balanced, in my opinion, the proposed TVR Zone is the most effective and efficient way to achieve the objectives for the Site. The proposed TVR Zone will help enable the Site to be developed and managed in a manner that delivers substantial economic and employment benefits to the District while also achieving positive environmental outcomes.
126. However, in my opinion, the proposed TVR Zone objectives and policies are overly focused on enabling the development and operation of the Site with insufficient weight given to management of adverse effects and the protection, maintenance and enhancement of ecological, cultural and amenity values. As such, I recommend a number of amendments to the proposed objectives and policies as outlined in section 4.5 below. Overall, these recommended amendments are intended to achieve a more appropriate balance that enables the Site to be developed in a way that contributes to social, cultural and economic well-being, while ensuring adverse environmental effects are adequately managed and positive environmental outcomes are achieved.
127. As such, I recommend that submission points 574.3 and 574.4 from TVL to rezone the Site to the TaTa Valley Resort Zone and submission point 574.5 to include the proposed TVR provisions in the PWDP are accepted in part.
128. I do consider that any amendments to district wide PWDP provisions are necessary to provide for the proposed TVR Zone. Accordingly, I recommend that submission point 574.7 from TVL is rejected.
129. Submission point 574.24 from TVL seeks to add a new definition to the PWDP for ‘recreation facility’ as means “A *facility where the primary purpose is to provide for outdoor recreation activities*”. In my opinion, this new definition is unnecessary as the term is only used in proposed Objective 29.1(O1) and there are no corresponding rules. In my opinion, the proposed definition also adds limited additional meaning to the term and including such a definition in the PWDP could have unintended implications for other recreational facilities in the District. As such, I recommend that submission point 574.24 is rejected.
130. I also consider that the proposed definition for entertainment activities is unnecessary and potentially problematic given the types of activities anticipated under this definition, the lack of specific activity standards for the proposed permitted activity rule (29.3(A29)) and overlap with rules for temporary events and ‘special noise events’. In my opinion, TVL should consider the need for this definition and associated rule further in rebuttal evidence and

⁸⁵ Evidence of Mr Martin, paragraph 1.14-1.15.

⁸⁶ Including assisting WRC implement Clause 3.23 of the NPS-FM to identify and map natural inland wetlands in the region greater than 0.05ha.

hearing presentations, particularly in light of the recommendations relating to 'rural commercial activities' by the reporting officer for PWDP Hearing 18: Rural.

131. In addition, I note that the proposed TVR Zone provisions do not include any rules or associated provisions relating to subdivision. My understanding is that there is no intent to subdivide the Site and the two parcels are intended to be managed in an integrated manner in accordance with the proposed Concept Plan. However, this should be clarified in the provisions to provide certainty about the future development and operation of the Site – which is a key outcome sought from the proposed rezoning. Accordingly, I have recommended amendments to proposed Policy 29.3(P3) to state that subdivision of the Site is avoided. Again, I invite TVL to consider this matter further in rebuttal evidence.

4.4 Recommendations

132. For the reasons above I recommend that the Hearings Panel:
- (a) **Accept in part** the request from TaTa Valley Limited [574.3, 574.4] to rezone the Site as the TaTa Valley Resort Zone
 - (b) **Accept in part** the request from TaTa Valley Limited [574.5] to add new provisions to the PWDP for the proposed TaTa Valley Resort Zone
 - (c) **Reject** the request from TaTa Valley Limited [574.7] to amend the PWDP provisions where required to reflect the proposed TaTa Valley Resort Zone
 - (d) **Accept in part** the request from TaTa Valley Limited [574.7] to retain PWDP Rural Zone provisions that are included in proposed TaTa Valley Resort Zone
 - (e) **Reject** the request from TaTa Valley Limited [574.24] to add a new definition to the PWDP for recreational facility.

4.5 Recommended amendments

4.5.1 PWDP planning maps

133. I recommend the PWDP maps are amended as shown below. The first map shows the PWDP planning maps for the Site as notified and the second map shows the PWDP planning maps for the Site with my rezoning recommendations. The second map also shows some s42A rezoning recommendations in response to the Havelock Village Limited submissions which are to be considered in the Pokeno Rezoning hearing.

Recommendation: Rezone 35 Trig Road and part of 242 Bluff Road from Rural Zone to a Special Purpose Zone (TaTa Valley Resort Zone)

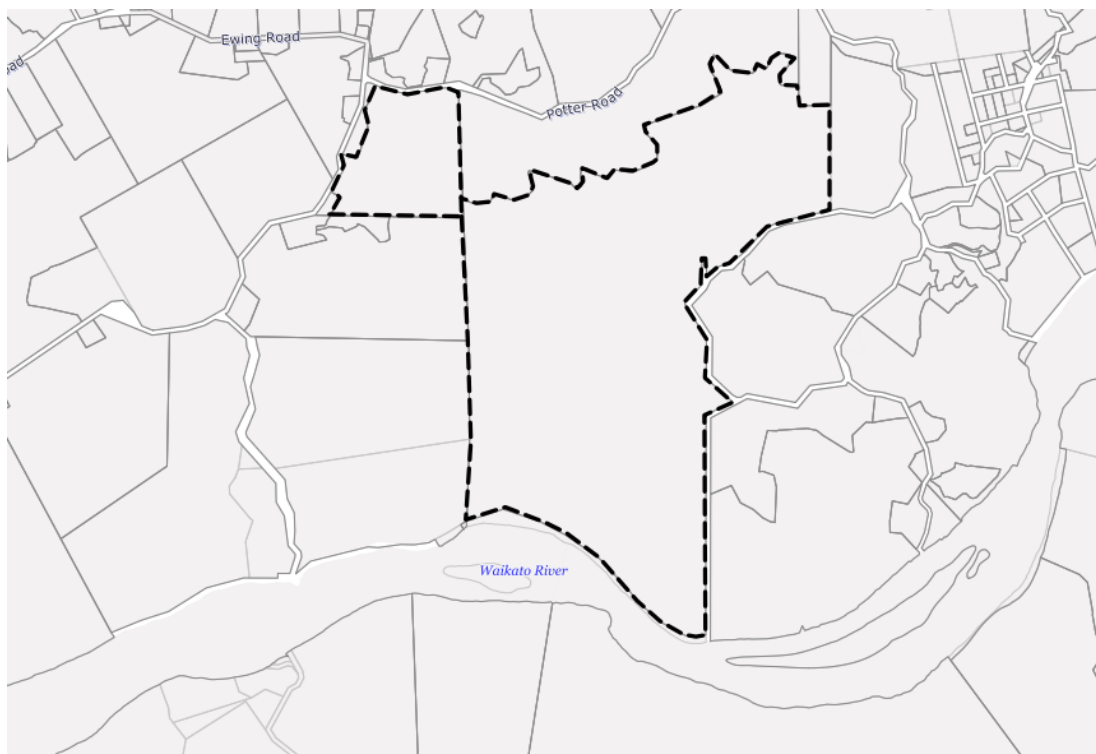


Figure 2: Notified PWDP Zoning for Site (Rural Zone).

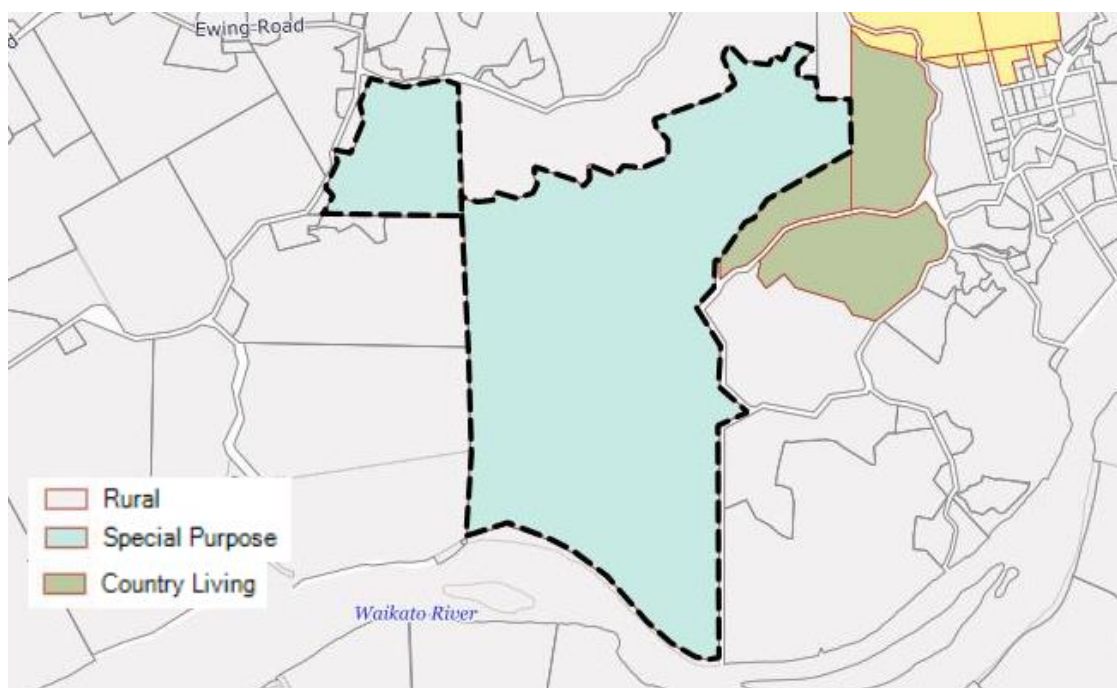


Figure 3: Recommended Rezoning (including split zoning of Lot 2 DP 401106).

4.5.2 Proposed TVR Zone provisions

134. The proposed TVR Zone provisions are included as Appendix A of Mr Scafton's planning evidence on behalf of TVL. Below are my recommended amendments to the proposed objectives and policies for the proposed TVR Zone.

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(02) The TaTa Valley Resort is developed and operated while ~~ste~~ avoiding, remedying or mitigating adverse effects on the environment ~~as far as practicable~~.

29.1(03) 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:

- a. Establishment of a large-scale hotel in the Hotel Precinct concept plan area
- b. Establishment of lower density visitor accommodation, rural tourism and recreation activities outside of the Concept Plan area
- c. Protection of identified Significant Natural Areas, Areas of Significant Indigenous Biodiversity, Significant Amenity Landscape, and Māori Site of Significance
- d. 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 to:

- a. Protect and restore the having regard to values of the Waikato River
- b. Maintain the and the amenity and character values of the surrounding rural environment
- c. Ensure the safe and efficient operation and functioning of the surrounding traffic network
- d. Recognise and provide for cultural values.

135. I also recommend:

- a. Proposed Rule A32 is amended to refer to “any activity listed in Table 29.3” and activity specific matters of discretion are included in the Zone provisions that focus on effects of cultural values and proposed measures to manage these effects.

- b. Proposed standard 29.5.14 (special noise events) is amended to include a maximum capacity limit of 500 people consistent with proposed standard 29.5.13 (temporary events).
- c. Proposed matter of discretion 29.6.21 is amended to:
 - i. Apply to special events that do not comply with the permitted activity standards
 - ii. Require the Temporary Traffic Management Plan to 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.
- d. The proposed Concept Plan is amended to identify the natural inland wetlands (as defined in the NPS-FM) and included as a Schedule to the PWDP.

136. I invite TVL to provide an updated version of the proposed TVR Zone provisions and Concept Plan through rebuttal evidence and hearing presentations.

4.6 Section 32AA evaluation

137. A further evaluation of the proposal is required under section 32AA of the RMA for changes to the proposal since the original evaluation report was prepared (i.e. the section 32 evaluation reports prepared for the PWDP). Section 32AA(1)(b) states that further evaluations must be prepared in accordance with section 32(1)-(4) of the RMA.

4.6.1 Evaluation of objectives

138. The first step of section 32 evaluation reports is to examine the extent to which the objectives are the most appropriate to achieve the purpose of the RMA. Beca Limited (Beca) has undertaken an assessment of the objectives of the proposed TVR Zone in the section 32AA evaluation report attached to its original submission (Appendix B). An updated section 32AA evaluation has also been taken by Beca to evaluate changes made to the proposed TVL Zone since the original submission (Appendix B of Mr Scrafton's evidence).

139. I generally agree with the assessment of the proposed Objective 1 for the TVR Zone in Beca's further evaluation, noting that this drafting appears to be based off the corresponding objective for the (bespoke) Hampton Downs Motorsport Park⁸⁷. In particular, I agree that proposed Objective 1 will enable the natural and physical resources on the Site to be developed in a way that provides for the economic, social and cultural well-being of people and communities. As discussed in economic evidence of Mr Thompson on behalf of TVL, the development and operation of the Site has the potential to generate significant economic and employment benefits for the district (estimated net present value of the proposal to be between \$163-\$383 million)⁸⁸.

140. Proposed Objective 2 for the TVR Zone is focused on the management of the adverse environment effects from the development and operation of the Site. TVL is proposing some minor amendments to the objective to state that adverse effects on the environment shall be avoided, remedied or mitigated "as far as practicable" (rather than adverse effects being appropriately managed). In my opinion, the addition of the qualifier "as far as practicable" opens up the objective to interpretation and debate and is likely to reduce the effectiveness of this objective. This proposed wording is also not consistent with corresponding

⁸⁷ Objective 9.1.1(a) which is to "(a) *To continue to use and develop* the Hampton Downs Motorsport Park *develops* ~~into~~ *as* a regionally-significant motor sport and recreation facility."

⁸⁸ Evidence of Mt Thompson, paragraph 1.7.

provisions in Part 2, including section 5(2)(1)(c) of the RMA which does not include such a qualifier. As such, I recommend that Objective 2 is amended to remove the words “as far as practicable” as outlined above.

141. I note that proposed Objective 3 from TVL’s original submission has now been deleted on the basis that the bespoke approach to managing SNA’s within the Site is no longer proposed. I support the deletion for the reasons set out in section 4.2.4. I recommend this objective is replaced with an objective focused on maintaining the character and amenity of the rural environment consistent with the direction in proposed Policy 29.2(P4).

4.6.2 Evaluation of provisions

142. Section 32(1)(b)(i) of the RMA requires an assessment of whether the provisions in the proposal are the most appropriate to achieve the objectives by (i) identifying reasonably practicable options for achieving the objectives; (ii) assessing the efficiency and effectiveness of the provisions to achieve the objectives; and (iii) summarising the reasons for deciding on the provisions.

4.6.2.1 Reasonably practicable options for achieving the objectives

143. The section 32AA evaluation prepared by TVL identifies three options to achieve the objectives: Option 1 (Rural Zone provisions); Option 2 (Proposed TVR Zone); and Option 3 (utilise another zone in the PWDP). I generally agree with this assessment and, for the reasons outlined in section 4.3 above, I consider the proposed TVR Zone to be the most effective and efficient option to achieve the objectives to develop and operate the Site as regionally significant tourism and recreation facility.
144. However, in my opinion the proposed TVR Zone policies are overly focused on the development and operation of the Site with insufficient focus on managing adverse effects. As such, I recommend a number of amendments to the proposed policies as outlined above.
145. Collectively, my recommended amendments are intended to ensure the TVR Zone provisions allow Council to effectively manage adverse environment effects from the development and operation of the Site while also ensuring the Site can be developed as a regional significant rural tourism facility that delivers substantial economic and employment benefits for the District.

4.6.2.2 Effectiveness and efficiency

146. Section 32(1)(b)(ii) of the RMA requires an assessment of the effectiveness and efficiency of the provisions on achieving the provisions, which includes an assessment of the environmental, economic, social and cultural benefits and costs from the provisions (section 32(2)(a) of the RMA). The section 32AA reports prepared by Beca identifies the benefits and costs associated with the provisions and is not repeated here. Overall, I am satisfied that the provisions in the TVR Zone are the most effective and efficient to achieve the objectives, subject to my recommended amendments outlined above.

4.6.2.3 Risk of acting or not acting

147. Section 32(2)(c) of the RMA requires an assessment of the risk of acting or not acting if there is uncertain or insufficient information on a proposal. As outlined in this report, TVL has undertaken detailed technical assessments to inform the development of the Site and the proposed TVL Zone provisions. Based on this information and technical evidence, I am satisfied that there is sufficient information on the proposal to act through the rezoning.

4.6.2.4 Decision about most appropriate option

148. For the reasons above, I consider the proposed TVR Zone, with my recommended amendments, is the most appropriate option to achieve the objectives for the Site and the purpose of the RMA.

5 Conclusion

149. TVL is seeking to rezone approximately 235 ha of land located 2km south of Pokeno from Rural Zone to a bespoke Special Purpose Zone – the TaTa Valley Resort Zone. The proposed rezoning would enable the Site to be developed and operated as large Resort with a range of rural tourism, recreation and accommodation activities, including a proposed Hotel Precinct and a ‘New Zealand Made Hub’.
150. My evaluation of submissions and evidence provided by TVL concludes that the proposed TVR Zone is generally consistent with relevant statutory requirements for district plans and gives effect to higher order planning documents to the extent relevant. My evaluation also concludes that the proposed TVR Zone provisions are generally adequate to manage the effects of the activities and development enabled under the provisions.
151. In my opinion, the key question for the evaluation of submissions then becomes whether the rezoning is indeed necessary to achieve the objectives for the Site and, more so, whether the proposed rezoning is the most appropriate way to achieve the purpose of the RMA. While finely balanced, I conclude that the proposed TVR Zone is the most effective and efficient way to achieve the objectives for the Site. The proposed TVR Zone will help enable the Site to be developed and managed in an integrated manner that delivers substantial economic and employment benefits to the District while also achieving positive environmental outcomes. Accordingly, I recommend that the Site is rezoned from Rural Zone to a Special Purpose Zone (TaTa Valley Resort Zone) as shown in Figure 3 above.
152. However, in my opinion, the proposed TVR Zone objectives and policies are overly focused on enabling the development and operation of the Site with insufficient weight given to management of adverse effects. As such, I recommend a number of amendments to the proposed objectives and policies for the TVR Zone. Overall, these recommended amendments are intended to achieve a more appropriate balance that enables the Site to be developed in a way that contributes to social, cultural and economic well-being, while ensuring adverse environmental effects are adequately managed and positive environmental outcomes are achieved. I also recommend some minor amendments to the proposed rules, standards and matters of discretion within the TRZ Zone,
153. Overall, I recommend that the submissions and further submissions relating to the proposed TVR Zone are accepted, accepted in part or rejected as set out in **Appendix I** for the reasons set out above.
154. **Appendix 2** contains recommended amendments to the PWDP maps and my recommended amendments to the proposed TVR Zone provisions.

Appendix I: Table of submission points

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
574.3	TaTa Valley Limited	Oppose	Amend the zoning for parts of the land at 242 Bluff Road, Pokeno, from Rural Zone to Resort Zone (refer to the submission for maps showing the proposed areas - TaTa Valley Precinct Plan - Appendix A of the submission). AND Any consequential amendments and other relief to give effect to the matters raised in the submission.	Accept in part	Section 4
FS1188.1	Stonehill Trustee Limited	Oppose	Oppose submission point 574.3.	Accept in part	Section 4
FS1090.11	Jenny Foryst	Oppose	I oppose the change of zone from rural to 'resort'. From the information given in the submission there has been no investigation into the effect this newly created 'resort' zone would have on neighboring rural properties, particularly in terms of road access and general rural lifestyle. The proposed zone appears to enable an ambitious, highly commercial enterprise which would have far reaching effects on an area designated rural that contains environmentally sensitive land.	Accept in part	Section 4
FS108.82	Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)	Oppose	Inappropriate amendment.	Accept in part	Section 4
FS1139.73	Turangawaewae Trust Board	Oppose	Inappropriate amendment.	Accept in part	Section 4
FS1277.37	Waikato Regional	Oppose	Retain zoning as notified.	Accept in part	Section 4

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
	Council				
FS1281.26	Pokeno Village Holdings Limited	Oppose	Oppose.	Accept in part	Section 4
FS1301.45	New Zealand Health Food Park Limited	Support	Support the submission in its entirety.	Accept in part	Section 4
FS1303.45	Charlie Harris	Support	I also support the original submission by Ta Ta Valley Limited in its entirety.	Accept in part	Section 4
FS1306.18	Hynds Foundation	Oppose	Oppose.	Accept in part	Section 4
FS1341.11	Hynds Pipe Systems Limited	Oppose	Disallow the submission point.	Accept in part	Section 4
FS1348.11	Perry International Trading Group Limited	Support	N/A	Accept in part	Section 4
FS1369.10	Ngati Tamaoho Trust	Oppose	N/A	Accept in part	Section 4
FS1202.115	New Zealand Transport Agency	Oppose	Oppose submission point 574.3.	Accept in part	Section 4
FS1377.137	Havelock Village Limited	Support	Support.	Accept in part	Section 4
FS1388.819	Mercury Limited NZ for Mercury E	Oppose	N/A	Accept in part	Section 4

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
574.4	TaTa Valley Limited	Oppose	Amend the zoning for parts of the land at 35 Trig Road, Pokeno, from Rural Zone to Resort Zone AND Identify the property as part of Precinct 2. (Refer to the submission for maps showing the proposed rezoning and Precinct areas - TaTa Valley Precinct Plan - Appendix A of original submission). AND	Accept in part	Section 4
FSI188.2	Stonehill Trustee Limited	Oppose	Oppose submission point 574.4.	Accept in part	Section 4
FSI090.7	Jenny Forsyth	Oppose	I oppose the change of zone from rural to 'resort'. From the information given in the submission there has been no investigation into the effect this newly created 'resort' zone would have on neighboring rural properties, particularly in terms of road access and general rural lifestyle. This proposed zone appears to enable an ambitious, highly commercial enterprise, which would have far reaching effects on an area designated rural that contains environmentally sensitive land.	Accept in part	Section 4
FSI108.83	Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)	Oppose	Inappropriate amendment.	Accept in part	Section 4
FSI139.74	Turangawaewae Trust Board	Oppose	Inappropriate amendment.	Accept in part	Section 4
FSI277.38	Waikato Regional	Oppose	Retain zoning as notified.	Accept in part	Section 4

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
	Council				
FS1281.27	Pokeno Village Holdings Limited	Oppose	Oppose.	Accept in part	Section 4
FS1301.46	New Zealand Health Food Park Limited	Support	Support the submission in its entirety.	Accept in part	Section 4
FS1303.46	Charlie Harris	Support	I also support the original submission by Ta Ta Valley Limited in its entirety.	Accept in part	Section 4
FS1306.19	Hynds Foundation	Oppose	Oppose.	Accept in part	Section 4
FS1341.12	Hynds Pipe Systems Limited	Oppose	Disallow the submission point.	Accept in part	Section 4
FS1348.12	Perry International Trading Group Limited	Support	N/A	Accept in part	Section 4
FS1369.11	Ngati Tamaoho Trust	Oppose	N/A	Accept in part	Section 4
FS1202.116	New Zealand Transport Agency	Oppose	Oppose submission point 574.4	Accept in part	Section 4
FS1377.138	Havelock Village Limited	Support	Support.	Accept in part	Section 4
FS1388.820	Mercury Limited NZ for	Oppose	N/A	Accept in part	Section 4

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
	Mercury E				
574.5	TaTa Valley Limited	Oppose	Add new provisions to the Proposed District Plan for the Resort Zone (as a new Chapter 29), as outlined in the submission.	Accept in part	Section 4
FSI 188.3	Stonehill Trustee Limited	Oppose	Oppose submission point 574.5.	Accept in part	Section 4
FSI 108.84	Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)	Oppose	Inappropriate amendment.	Accept in part	Section 4
FSI 139.75	Turangawaewae Trust Board	Oppose	Inappropriate amendment.	Accept in part	Section 4
FSI 301.47	New Zealand Health Food Park Limited	Support	Support the submission in its entirety.	Accept in part	Section 4
FSI 303.47	Charlie Harris	Support	I also support the original submission by Ta Ta Valley Limited in its entirety.	Accept in part	Section 4
FSI 348.13	Perry International Trading Group Limited	Support	N/A	Accept in part	Section 4
FSI 202.14	New Zealand Transport Agency	Oppose	Oppose submission point 574.5.	Accept in part	Section 4
FSI 377.139	Havelock Village Limited	Support	Support.	Accept in part	Section 4

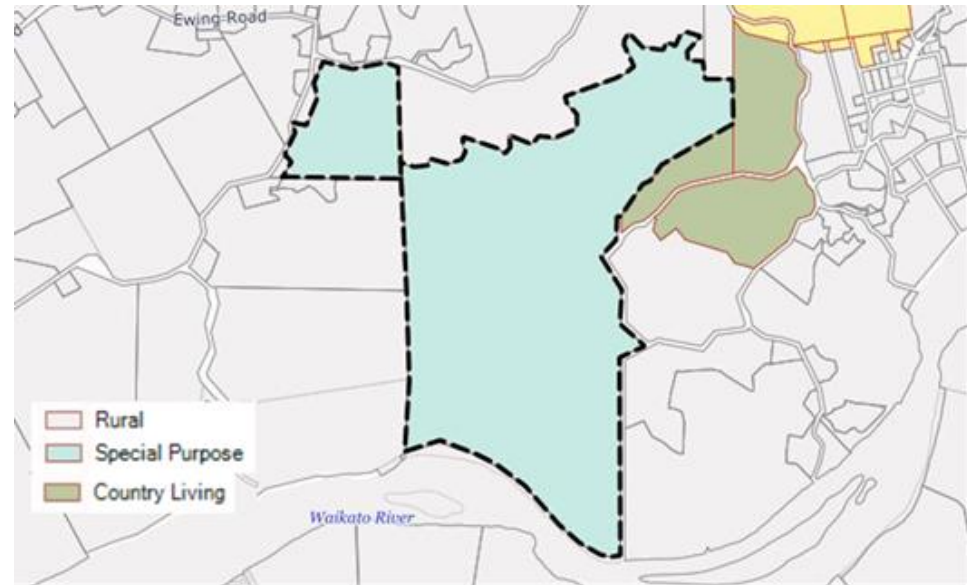
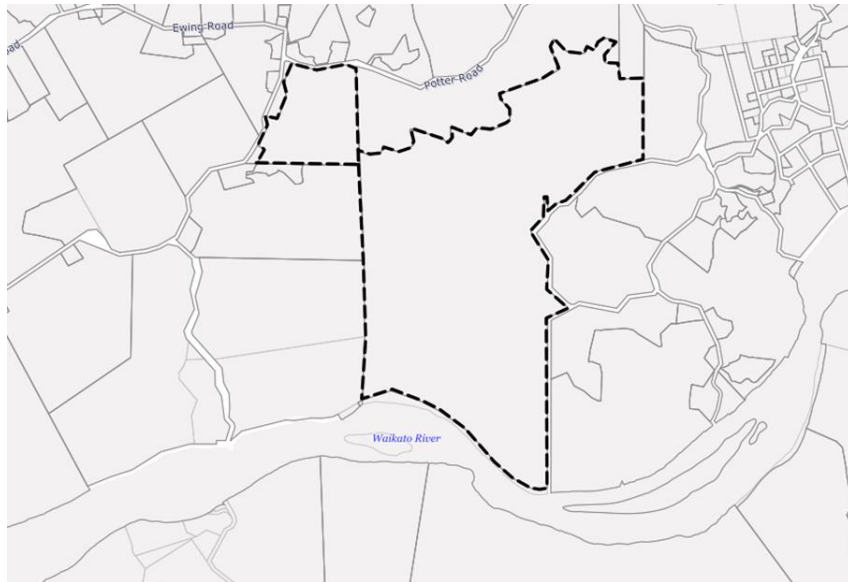
Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
FSI 388.821	Mercury Limited NZ for Mercury E	Oppose	N/A	Accept in part	Section 4
574.7	TaTa Valley Limited		Amend the PWDP provisions where required to reflect the new Resort Zone for the TaTa Valley site.	Reject	Section 4
FSI 188.4	Stonehill Trustee Limited	Oppose	Oppose submission point 574.7.	Accept	Section 4
FSI 108.86	Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)	Oppose	Inappropriate amendment.	Accept	Section 4
FSI 139.77	Turangawaewae Trust Board	Oppose	Inappropriate amendment.	Accept	Section 4
FSI 301.49	New Zealand Health Food Park Limited	Support	Support the submission in its entirety.	Reject	Section 4
FSI 303.49	Charlie Harris	Support	I also support the original submission by Ta Ta Valley Limited in its entirety.	Reject	Section 4
FSI 388.822	Mercury Limited NZ for Mercury E	Oppose	N/A	Accept	Section 4
574.18	TaTa Valley Limited	Oppose	Retain the provisions in the Rural Zone that have been included in the new Resort Zone provisions as set out in Appendix A of the submission.	Accept in part	Section 4

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
FSI108.94	Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)	Oppose	Inappropriate amendment.	Accept in part	Section 4
FSI139.85	Turangawaewae Trust Board	Oppose	Inappropriate amendment.	Accept in part	Section 4
FSI301.60	New Zealand Health Food Park Limited	Support	Support the submission in its entirety.	Accept in part	Section 4
FSI303.60	Charlie Harris	Support	I also support the original submission by Ta Ta Valley Limited in its entirety.	Accept in part	Section 4
FSI388.824	Mercury Limited NZ for Mercury E	Oppose	N/A	Accept in part	Section 4
574.24	TaTa Valley Limited	Oppose	Add a definition to PWDP for "Recreation Facility", as "A facility where the primary purpose is to provide for outdoor recreation activities".	Reject	Section 4
FSI301.66	New Zealand Health Food Park Limited	Support	Support the submission in its entirety.	Reject	Section 4
FSI303.66	Charlie Harris	Support	I also support the original submission by Ta Ta Valley Limited in its entirety.	Reject	Section 4
FSI223.96	Mercury Limited NZ	Oppose	N/A	Accept	Section 4

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
FS1306.21	Hynds Foundation	Support	Support.	Rject	Section 4

Appendix 2: Recommended amendments

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



Recommended amendments to proposed TVR Zone provisions

Below are my recommended amendments to the proposed objectives and policies for the TVR Zone. I invite TVL to provide an updated version of the proposed TVR Zone provisions and Concept Plan through rebuttal evidence and hearing presentations.

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~~.

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:

- f. Ancillary rural commercial and retail activities;
- g. Conservation activities;
- h. Concerts, events and ancillary temporary buildings and structures;
- i. Workers accommodation; and
- j. 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:

- e. Establishment of a large-scale hotel in the Hotel Precinct ~~concept plan area~~
- f. Establishment of lower density visitor accommodation, rural tourism and recreation activities outside of the Concept Plan area
- g. Protection of identified Significant Natural Areas, Areas of Significant Indigenous Biodiversity, Significant Amenity Landscape, and Māori Site of Significance
- h. 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 to:

- e. Protect and restore the ~~having regard to~~ values of the Waikato River
- f. Maintain the ~~nd the~~ amenity and character values of the surrounding rural environment
- g. Ensure the safe and efficient operation and functioning of the surrounding traffic network
- h. Recognise and provide for cultural values.