

**Before an Independent Hearings Panel**

**The Proposed Waikato District Plan (Stage 1)**

**IN THE MATTER OF** the Resource Management Act 1991 (**RMA**)

**IN THE MATTER OF** hearing submissions and further submissions on the Proposed  
Waikato District Plan (Stage 1):  
**Topic 25 – Zone Extents**

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**PRIMARY EVIDENCE OF CHRISTOPHER JAMES SCRAFTON  
ON BEHALF OF TATA VALLEY LIMITED**

**19 February 2021**

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## 1. SUMMARY OF EVIDENCE

- 1.1 The vision of TaTa Valley Limited (TVL) is to develop the Site at 242 Bluff Road<sup>1</sup> and 35 Trig Road, Pokeno into the TaTa Valley Resort. The Tata Valley Resort comprises a Hotel and Farm Park with associated tourism, retail and recreation activities that showcases rural New Zealand. Key activities proposed as part of the Resort include a hotel with amenities such as a conference and event space, camping/glamping throughout the Site, a 'New Zealand Made Hub' (NZ Hub) to showcase rural New Zealand and other recreational activities.
- 1.2 In my view, and as discussed in more detail in Appendix B, a special purpose zone is a more efficient and effective method than the alternative of developing the Site than (for example) the Rural Zone given:
- (a) That while the proposal requires a rural environment to operate, the objectives and policies of the Rural Zone are necessarily broad and relate to the entire Rural Zone and do not sufficiently enable the development of the Site as proposed;
  - (b) Similarly, a number of activities proposed as part of the Resort Zone are not adequately provided for in the Rural Zone;
  - (c) The proposal is distinct and does not fit well with any traditional land use zoning. There are other examples of this scenario in the PWDP such as Hampton Downs Motorsport Park.
  - (d) There is a known proposal for the Site which has been assessed by a range of experts including through ongoing resource consent processes. The TVR Zone provisions have been developed on the basis of providing an appropriate consenting pathway having regard to the level of assessment undertaken to date;
  - (e) The TVR Zone provides certainty for the landowner and the community in terms of what activities are proposed for the site now and in the future;
  - (f) The TVR Zone and in particular the policy framework, provides greater certainty for the landowner in terms of potential future resource consents for complimentary activities and/or future upgrades of the Resort.

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<sup>1</sup> Also known as 42B Potter Road

1.3 A concept plan is included with the proposed Zone which shows the proposed parcels of land to be zoned 'TaTa Valley Resort' Zone, the Hotel Precinct, a paa site, and:

- (a) Significant Natural Areas (SNA) as identified in the Proposed Waikato District Plan (PWDP) as well as areas identified by TVL's Ecologist as meeting one or more criteria of Appendix 2 of the PWDP which contain significant indigenous biodiversity values;
- (b) The Significant Amenity Landscapes (SAL) overlay as it is proposed to apply to the Site as recommended in the s42A Report for Hearing 21B: Landscapes<sup>2</sup> (which TVL accepts).

1.4 The provisions proposed to enable development of the Site and to give effect to TVL's vision are:

- (a) Zone specific objectives and policies have been crafted to enable the development of the Resort's (under the definition of Visitor Accommodation) primary and accessory activities - recognising the Resort may result in a greater scale of development than typically found in the rural environment - whilst managing the adverse effects of the Resort including taking into account rural amenity and character and values of the Waikato River;
- (b) Within the rules there are specified activities that are permitted (subject to permitted standards), restricted discretionary or discretionary. Permitted activities are proposed where they align with policy direction and are deemed acceptable in the Zone and where the effects of an activity are understood - and if required, suitably controlled via standards.
- (c) Many of the proposed rules are based on the s42A Reporting Officer's final recommendations for the Rural zone<sup>3</sup> which is a deliberate approach to recognise the functional relationship between the proposed development of the site and the rural environment. This includes rules with respect to SALs and SNAs. Key differences in the rules proposed for the TVR Zone compared to the Rural Zone include:

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<sup>2</sup> Refer to Attachment 8 of the s42A Report: Landscapes 21B at [https://wcdsitetfinity.blob.core.windows.net/sitefinity-storage/docs/default-source/your-council/plans-policies-and-by-laws/plans/district-plan-review/hearings/hearing-21a/council-section-42a-reports/attachment-8---recomended-map-amendments.pdf?sfvrsn=78c8ac9\\_4](https://wcdsitetfinity.blob.core.windows.net/sitefinity-storage/docs/default-source/your-council/plans-policies-and-by-laws/plans/district-plan-review/hearings/hearing-21a/council-section-42a-reports/attachment-8---recomended-map-amendments.pdf?sfvrsn=78c8ac9_4)

<sup>3</sup> Refer to s42A Report Closing Statement: Hearing 18 Rural Zone Land use, 23 October 2020

- (i) The use of a Hotel Precinct to provide for a large scale hotel (as a restricted discretionary activity) and a more enabling approach to visitor accommodation outside the Precinct for smaller scale accommodation;
- (ii) New, specified activities – including helicopter take off/landings and special noise events – which provide for a limited number of events that exceed the Zone’s standard noise limits;
- (iii) A higher level of permitted building coverage whilst still retaining open space over a large extent of the Zone; and
- (iv) Unlimited temporary events as long as permitted standards are met.

1.5 A series of experts have provided evidence on the effects of the rezoning. Notably:

- (a) The proposal is expected to bring substantial economic and social benefits to the District;
- (b) Potential effects on infrastructure – such as WDC’s water and wastewater systems – has been considered and factored into district wide planning;
- (c) Having regard to the evidence of Mr Hills, I consider that it has been demonstrated that an appropriate level of access to the site can be provided to support the rezoning. In addition, with the construction of the new road connection as the primary access to the Site, and with the above provisions in place, that transport effects can be suitably mitigated.
- (d) To some extent the landscape visual effects are ‘naturally’ mitigated through the Site’s landform and vegetation patterns. Notwithstanding this, a resource consent is required to establish Visitor Accommodation in the Hotel Precinct with a number of design principles to consider as part of a resource consent process;
- (e) Noise rules are proposed so that the onsite activities will not give rise to any greater noise effects than the general operational noise effects authorised in the Rural Zone. Special noise events are limited (via standards) to maintain reasonable amenity levels outside the Zone;
- (f) With regard to ecology, Dr Martin notes that the Site contains areas of significant indigenous biodiversity values but that overall, a large proportion of the Site does not pose an ecological constraint to development;

1.6 Mr Edwards considers that from a geotechnical perspective, in his experience and based on the high level investigations undertaken that with appropriate engineering design (e.g. ground improvement or specific foundation design) that the site is suitable for development although there is a need for further intrusive investigations necessary to inform preliminary design.

1.7 I consider the proposal meets the 'tests' of ss74-75 of the Resource Management Act 1991 (RMA). In relation to the Waikato Regional Policy Statement (WRPS specifically I consider the TVR Zone to be well aligned with the WRPS in that:

- (a) Areas with significant indigenous biodiversity values, SNAs and SALs are included within the Zone and provisions proposed to manage their values appropriately including the 'adoption' of SNA and SAL rules from the recommended Rural Zone provisions;
- (b) The Zone allows for all activities on site to be planned and managed in an integrated way and the Resort will provide for positive outcomes by creating employment and recreational opportunities and showcasing the surrounding natural environment;
- (c) The current use of the site, being farming, is provided for under the TVR Zone provisions as a permitted activity. Furthermore, the aim of the Resort is to recognise and showcase the benefits of the industry (in particular the NZ Made Hub and farm showground).
- (d) The development of the Resort will enhance the ability of the public to access the Waikato River - primarily via the proposed river structures at Mercer (with a public boat ramp) and the jetty at the Pokeno Site.

1.8 In regard to the Vision and Strategy for the Waikato River, I consider that the proposed Zone and associated development is consistent with its objectives:

- (a) Development of the site has been, and will continue to be, undertaken in consultation with Waikato-Tainui and Waikato River iwi, with the proposal seeking to respond to concerns raised to date through (amongst others):
  - (i) Proposed policy in the Zone that references values of the Waikato River;
  - (ii) Provisions regarding identified indigenous biodiversity values, SAL's and building setback from the River which are proposed to mirror that of the Rural Zone (and discussions held as part of those hearings);

- (iii) Provisions with respect to the paa site (noted as a Maaori site of significance in the PWDP);
- (iv) A proposed stormwater design that will improve the quality of water discharged from the Site. This will enable the proposal to contribute to improving water quality in the Waikato River.

- 1.9 In relation to the '3 lens' assessment approach of the s42A Framework Report (January 2021), whilst I do not agree with the use of Lens 1 as an appropriate tool for assessing rezoning requests, I do conclude that TVL's proposed rezoning meets Lens 1.
- 1.10 Lens 2 requires an assessment of higher order documents. I support the assessment of rezoning requests against higher order documents and as previously noted I consider the proposal meets the tests of ss74-75 of the RMA.
- 1.11 Lens 3 requires an assessment against 'best practice planning guidance'. I generally support the guidance included in Lens 3, the criteria in which has been tested through previous processes for the Independent Hearings Panel for the Auckland Unitary Plan and consider the proposal is consistent with this guidance.

## **2. INTRODUCTION**

- 2.1 My name is Christopher James Scrafton. I am a Technical Director – Planning in the consultancy firm of Beca. I have over 20 years' experience in town planning.
- 2.2 I have previously set out my qualifications and experience of particular relevance in my planning evidence in relation to Topic 2 and as such, I do not repeat that information here.
- 2.3 I have been engaged by the submitter TaTa Valley Ltd (TVL) to prepare and present this planning evidence to the Hearings Panel in relation to Hearing 25: Zone Extents. TVL is submitter number 574 and further submitter number 1340. I also represented TVL in respect to Hearing 3: Strategic Objectives and Hearing 21A: Significant Natural Areas.
- 2.4 In preparing this evidence I have reviewed the Framework s42A Report and Appendices relating to Hearing 25: Rezoning (dated 19 January 2021).

## **3. CODE OF CONDUCT**

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

considered all material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.

### **Scope of evidence**

- 3.2 My evidence describes the proposed rezoning sought by TVL (which will deliver the special purpose TaTa Valley Resort Zone) and provides a planning assessment of the proposal against the relevant statutory provisions and planning documents.
- 3.3 My evidence relies on and should be read in conjunction with that of:
- (a) Mr Chris Edwards – Geotechnical;
  - (b) Mr Adam Thompson – Economics;
  - (c) Mr Leo Hills – Transport;
  - (d) Mr Rob Pryor – Landscape and Visual;
  - (e) Dr Tim Martin – Ecology;
  - (f) Mr Ryan Pitkethley – Civil Engineering.
- 3.4 In addition to the above, two technical notes addressing noise and archaeology are appended to this statement of evidence (as Appendix D).
- 3.5 My evidence addresses the following matters:
- (a) Site context and characteristics;
  - (b) Description of TaTa Valley Resort proposal;
  - (c) Engagement on the proposal;
  - (d) Proposed TaTa Valley Resort Zone provisions;
  - (e) Statutory framework;
  - (f) Assessment of environmental effects of the proposed rezoning;
  - (g) Statutory planning documents; and
  - (h) Section 32AA analysis.
- 3.6 The following appendices are included with my evidence:

- (a) Appendix A - Proposed TaTa Valley Resort provisions and Concept Plan;
- (b) Appendix B - S32AA report;
- (c) Appendix C – Statutory Assessment
- (d) Appendix D - Noise and Archaeological memos; and
- (e) Appendix E - List of reasons for consent

#### **4. SITE CONTEXT AND CHARACTERISTICS**

4.1 This evidence relates to the proposed rezoning of TVL's property at 242 Bluff Road<sup>4</sup> and 35 Trig Road (**Site**). The Site also has an access at 42B Potter Road.

4.2 I refer to the other statements of evidence prepared on behalf of TVL for a detailed description of the Site context and characteristics, including commentary on the Site's landscape and ecological values (Mr Pryor and Dr Martin respectively) and the geotechnical characteristics (Mr Edwards). From a land use planning perspective:

- (a) The Site is zoned Rural under the operative Waikato District Plan (Franklin Section) (WDP) and proposed to be zoned rural under the PWDP.
- (b) The WDP identifies two overlays over parts of the Site, being an identified Significant Natural Feature, an Outstanding Natural Feature and Site of Special Wildlife Interest, and is located within the Waikato River Catchment Management Area.
- (c) The PWDP identifies areas of Significant Amenity Landscapes (SAL), Significant Natural Landscapes (SNA) and a flood plain on the Site.
- (d) The southern boundary of the Site is provided by the Waikato River. The rural land to the east of the Site is also owned by the TVL<sup>5</sup>, while the area to the west of the Site is designated for a water supply and treatment facility owned and operated by Watercare Services Ltd.
- (e) Access to the Site is currently via Potter Road or Trig Road, but a resource consent application is being prepared to apply for a new road to access the Site via Pokeno (off Yashili Drive) – this is discussed further in my evidence below.

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<sup>4</sup> Also known as 42B Potter Road

<sup>5</sup> This land is subject to a rezoning request to change the zoning from Rural to Residential as part of the 'Havelock Village' submission.

- (f) The centre of the Site is flat with a large flood plain area<sup>6</sup> and is currently used for farming, while the northern, western and eastern boundaries of the Site are bounded by steep slopes up to Trig, Potter and Bluff Roads. A number of watercourses (both natural and man-made) run throughout the Site, as well as several large areas of indigenous and exotic forest and wetland vegetation.
- (g) The TVL Site is not classified as high class soils. Under the Waikato Regional Policy Statement, high class soils are defined 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”. The Waikato Planning Maps show that soils on the TVL Site have a LUC of 6, being non arable - and poorly drained.<sup>7</sup>

## 5. DESCRIPTION OF TATA VALLEY RESORT PROPOSAL

5.1 The evidence of Mr Karl Ye on behalf of TVL sets out TVL’s vision in detail and as such I do not repeat in full here except to note that the vision of TaTa Valley Limited (TVL) is to develop the Site at 242 Bluff Road<sup>8</sup> and 35 Trig Road, Pokeno into the TaTa Valley Resort. The Tata Valley Resort comprises a Hotel and Farm Park with associated tourism, retail and recreation activities that showcases rural New Zealand (the Resort). Key activities proposed as part of the Resort include a hotel with amenities such as a conference and event space, camping/glamping throughout the Site, a ‘New Zealand Made Hub’ (NZ Hub) to showcase rural New Zealand and other recreational activities.

5.2 To achieve this TVL proposes to develop the Site in the following ways:

- (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 the TVL also owns). To enable this,

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<sup>6</sup> The floodplain on 242 Bluff Road is noted on the Stage 2: PWDP planning maps.

<sup>7</sup> Refer to the *Soil Risk for FDE* map at

<https://waikatomap.waikatoregion.govt.nz/Viewer/?map=1aa9c952a38949a68cbe3ca7aed48270>.

<sup>8</sup> Also known as 42B Potter Road

boat ramps and jetties are proposed at both ends with a carpark facility at the Mercer site.

- (e) Provide opportunities for camping or glamping throughout the Site.

### 5.3 To enable the vision of the Resort:

- (a) A series of resource consent applications have been lodged with Waikato District Council (WDC) and Waikato Regional Council (WRC) to facilitate the development of the aforementioned activities (refer to Appendix E for a list of consents being sought). Overall, the activity status for this resource consent package is Non-Complying. At the time of writing this evidence, the applications had been placed on Section 92 hold pending further engagement with tāngata whenua;
- (b) Resource consents have been granted from WRC and WDC for bulk earthworks (including vegetation clearance and wetland removal) to prepare the hotel site (known as “RC1”)<sup>9</sup> in 2018. In 2019, resource consents were also granted from WDC and WRC to undertake earthworks in the NZ Hub area (known as “RC3”) for geotechnical preload testing<sup>10</sup>.
- (c) A concession is also being sought from the Department of Conservation (DoC) to locate the river structures at the Pokeno site within the marginal strip adjacent to the Waikato River (Crown land which is managed by DoC). This application is also on hold pending further engagement with tāngata whenua;
- (d) Resource consents will be required under the National Environmental Standards: Freshwater (NES: FW). Analysis of the required consents is underway and applications will be lodged in due course. I discuss the implications of the NES: FW on the proposed design of the Resort and provisions of the TaTa Valley Resort (TVR) Zone in more detail in section 8.1 below;
- (e) As previously mentioned, a new road connection is proposed, to be the primary access to the Site from Pokeno (through land owned by TVL or associated companies). The road connection requires resource consent from WDC and WRC before it can be constructed, and it is my understanding that these applications are due to be lodged shortly;

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<sup>9</sup> Resource consent reference numbers LUC0177/18 for WDC and AUTH139478.01.01 for WRC.

<sup>10</sup> Resource consent reference numbers LUC0327/19 for WDC and AUTH40495.01.01 for WRC.

- (f) A zone change is proposed to support the resource consent applications, provide an integrated planning framework for the Site and to enable future development onsite related to the resort, by rezoning the Site from Rural to a special purpose TVR zone. This is the subject of TVL's submission and this evidence.

## **6. ENGAGEMENT ON THE PROPOSAL**

6.1 Consultation for the Project (led by TVL representatives) has occurred since 2017 in relation to the TaTa Valley Project.

6.2 Engagement with Tāngata whenua with a number of iwi groups represented, being:

- (a) Te Taniwha o Waikato;
- (b) Te Puuaha;
- (c) Ngāti Tamaoho;
- (d) Huakina Development Trust;
- (e) Te Awamaarahi, Ngaati Aamaru;
- (f) Waikato-Tainui;
- (g) Ngāti Te Ata;
- (h) Ngāti Naho;
- (i) Ngā Muka Development Trust;
- (j) Te Riu o Waikato.

6.3 Cultural assessments were received from Ngāti Tamaoho, Ngāti Te Ata, Ngāti Naho, Huakina Development Trust and Waikato-Tainui.

6.4 Tāngata whenua consultation has been undertaken most recently via a series of Project Steering Group (PSG) hui during 2020 which focused on the resource consent applications lodged with WDC and WRC and the concession lodged with DoC. Tāngata whenua from the aforementioned iwi groups determined the membership of the PSG. An assessment of the Project in respect to the Vision and Strategy of the Waikato River and the Waikato-Tainui Environmental Plan was undertaken on behalf of the tāngata whenua members of the PSG and TVL to facilitate further consultation and

discussion. The assessment is a 'live' document, to be amended through further consultation and hui.

- 6.5 Tāngata whenua consultation is ongoing and may result in changes to the proposed provisions of the TVR Zone. Depending on timing of the receipt of any further feedback, I will provide a further update as part of my rebuttal evidence or Hearing presentation;
- 6.6 The purpose of engagement is to provide information about the proposal land to receive feedback on the proposed design and environmental management measures proposed.
- 6.7 Key outcomes of the engagement with tāngata whenua and consequential amendments to the proposed rezoning are:
- (a) Including a proposed policy that references values of the Waikato River;
  - (b) Adopting provisions regarding SNAs and SALs from the Rural Zone, including building setbacks from the Waikato River and rules regarding vegetation clearance within SNAs;
  - (c) Including provisions with respect to the paa site (noted as a Māori site of significance in the PWDP); and
  - (d) Choosing to adopt a number of Rural zone rules in acknowledgement of the Site's location within a rural environment (including but not limited to height limit of buildings, lighting, earthworks and building setbacks).
- 6.8 Key outcomes of the engagement with tāngata whenua and consequent amendments to the resource consent application are:
- (a) Amendment to design of three waters infrastructure, including additional enhancements to the stormwater treatment design (e.g. additional fore bays were added to the design of the proposed stormwater solution);
  - (b) Update to proposed roading layout to reduce the impact on kahikatea trees near the Waikato River (located within a SNA);
  - (c) Development of a Cultural Heritage Management Plan (currently being developed by a PSG representative);
  - (d) Design discussions in relation to the proposed jetty at Mercer (proposed to be available for public use);

- (e) Confirmation of ability to service the Site in respect to three waters infrastructure and power.

6.9 In addition to the above, engagement has also been undertaken with a number of stakeholders including WDC (including Watercare), WRC, and Waka Kotahi. Local community and community/business groups including regular updates at the Pokeno and Mercer Community meetings, Franklin Tourism Group, Mercer and Counties Manukau Rowing Clubs, Winstone Aggregates and local Pokeno industry.

6.10 There has also been targeted engagement with neighbouring landowners along Potter Road.

## **7. PROPOSED TATA VALLEY RESORT ZONE PROVISIONS**

7.1 The proposed TVR Zone is a special purpose zone and the previously abbreviated most recent version of the provisions is attached as Appendix A to this statement of evidence. To summarise:

- (a) The proposed provisions include a concept plan that shows:
  - (i) The Site – being 242 Bluff Road (also known as 42B Potter Road) and 35 Trig Road, Pokeno, to be zoned as TVR Zone;
  - (ii) The Hotel Precinct – being the location of the proposed Hotel. The purpose of the precinct is to identify the location of and enable (via subsequent consent processes) the development of a large scale Hotel and spa and associated activities.
  - (iii) A Maaori site of significance (paa site) on 242 Bluff Road<sup>11</sup>;
  - (iv) SNAs as identified in the PWDP;
  - (v) Areas onsite that have been identified by Dr Martin as meeting one or more criteria of Appendix 2 of the PWDP. These are identified as areas of significant indigenous biodiversity value;
  - (vi) The Significant Amenity Landscapes (SAL) overlay as it is proposed to apply to the Site. The extent of the SAL was discussed at Hearing 21B: Landscapes and TVL accepted the Reporting Officer's recommendation

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<sup>11</sup> Also known as 42B Potter Road

in the s42A Report<sup>12</sup> to reduce the extent of the SAL overlay on the TVL Site (which is what is shown on the concept plan) as originally proposed in TVL's submission. This is referred to in the evidence of Mr Pryor.

- (b) Objectives are proposed which seek to recognise the development of the Resort in a way that appropriately manages adverse effects.
- (c) A number of policies are proposed to give effect to the objectives. Essentially these policies seek to:
  - (i) Enable the development and operation of a number of primary activities that make up the Resort;
  - (ii) Establish compatible or accessory activities that support the primary activities;
  - (iii) Develop a large-scale hotel in the Hotel Precinct and lower density visitor accommodation and rural tourism activities elsewhere;
  - (iv) Manage adverse effects of the Resort including by taking into account character and values of the Waikato River and rural amenity and landscape; and
  - (v) Recognise that the Resort may result in a greater scale of development than what may typically be found in the rural environment.
- (d) Within the rules there are specified activities that are permitted (subject to permitted standards), restricted discretionary or discretionary. The rules also contain development standards (site-wide and activity-specific) and matters of discretion for certain activities. In respect to the activity status:
  - (i) Permitted activities have been proposed where they align with policy direction and are deemed appropriated in the Zone, and where the effects of an activity are understood and deemed acceptable and if required, suitably controlled via standards. If a permitted activity does not meet the standards, then a resource consent is required.
  - (ii) Where the effects of an activity are less understood or have a wider range of potential effects which cannot be efficiently defined using

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<sup>12</sup> Refer to Attachment 8 of the s42A Report: Landscapes 21B at [https://wcdsitefinity.blob.core.windows.net/sitefinity-storage/docs/default-source/your-council/plans-policies-and-by-laws/plans/district-plan-review/hearings/hearing-21a/council-section-42a-reports/attachment-8---recomended-map-amendments.pdf?sfvrsn=78c8ac9\\_4](https://wcdsitefinity.blob.core.windows.net/sitefinity-storage/docs/default-source/your-council/plans-policies-and-by-laws/plans/district-plan-review/hearings/hearing-21a/council-section-42a-reports/attachment-8---recomended-map-amendments.pdf?sfvrsn=78c8ac9_4).

(permitted) standards, a resource consent process is required to provide a suitable level of rigour and assessment.

- (iii) The assessment criteria proposed for restricted discretionary activities (where a permitted standard is infringed) focus on the effects of the infringement and proposed measures to manage these effects and the extent to which the infringement enables and supports the development of the Resort (for all consent applications). For some activities there are additional activity-specific criteria to also consider.
- (e) Where terms are defined in the NPStds: Definitions that are applicable to the TVR Zone, in accordance with the recommended approach by the Reporting Officer for Hearing 5: Definitions,<sup>13</sup> these terms have been used. A new definition proposed through the TVR Zone, and not discussed at earlier hearings, is Special Noise Event. I have touched in this term above and discuss the associated definition later in my evidence at paragraph 11.24.
- (f) The definitions of Entertainment Activity and Workers' Accommodation were discussed in Hearing 5: Definitions and deferred to this hearing. I discuss these in turn below.
- (g) With regards to "Entertainment Activity" I note that in response to Ms Fisher's evidence, the s42A Reporting Officer suggested an alternative definition for Entertainment Activity in rebuttal evidence for Hearing 5: Definitions taken from the Christchurch District Plan, being:

*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<sup>14</sup>*

I consider in respect to the TVR Zone and development aspirations of TVL that such a definition would include the NZ Hub farm shows. With this in mind I support the inclusion of this definition in the PWDP and 'Entertainment Activity' has been applied to the TVR Zone provisions in this context.

- (h) The definition of Workers Accommodation was discussed in Hearing 5: Definitions and I understand the 'final' recommendation of the s42A Reporting Officer in the section 42A Report: Addendum (30 April 2020) incorporated it into

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<sup>13</sup> Paragraph 32, Section 42A Hearing Report: Addendum to Chapter 13 Definitions, 30 April 2020s.

<sup>14</sup> Paragraph 208, Statement of Rebuttal Evidence (of Reporting Officer) for Hearing 5: Chapter 13 Definitions, 3 December 2019.

the overarching definition for Living Accommodation, but without its own definition, as follows (emphasis added):

*For the purposes of a residential activity, includes one or more residential units for:*

*(a) emergency and refuge accommodation,*

*(b) accommodation for supervision staff and residents, where residents are subject to care or supervision (e.g. homes for people with disabilities),*

*(c) home detention (as defined in the Criminal Justice Act 1985), but not prisons or other places where residents are subject to detention,*

*(d) workers accommodation.*

- (i) In order to limit 'living accommodation' within the TVR Zone to just workers accommodation, the TVR Zone provisions list 'workers accommodation' as a permitted activity (subject to standards).

7.2 Many of the proposed rules are based on the s42A Reporting Officer's final recommendations for the Rural zone<sup>15</sup> but modified to recognise the proposed development of the Site as a Resort. This is a deliberate approach to recognise the functional relationship between the proposed development of the Site and the rural environment. Where Rural zone provisions are adopted for the TVR zone they are highlighted green in Appendix A.

## **8. OVERVIEW OF CHANGES TO THE TATA VALLEY RESORT ZONE PROVISIONS**

8.1 As noted in the evidence of Mr Ye, TVL paused a number of its consent processing timeframes in late 2019 to allow for a tāngata whenua working group to be formed. During this time, the concept plan has continued to be progressed, with a number of changes to the plan being made in response to the new NES:FM.

8.2 Appendix A includes a number of amendments to the provisions for the TVR Zone compared to the version proposed in the TVL submission. The Section s32AA Report, provided as Appendix B to this statement of evidence, provides details of the amendments between the two versions but to summarise, amendments include:

- (a) Updates to the Concept Plan to simplify zone / precinct overlays and to better align to National Planning Standard methods and terminology;

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<sup>15</sup> Refer to s42A Report Closing Statement: Hearing 18 Rural Zone Land use, 23 October 2020.

- (b) Updates to mapping of, and approach to, the management of indigenous biodiversity on the Site based on the assessment of Dr Martin as a result of further ecological assessment and considering the implications of the National Policy Statement: Freshwater Management (**NPS:FM**). The previous version of the TVR Zone included a bespoke approach to the management of indigenous biodiversity. In light of implications of the NPS:FM and associated changes to Site design, it is now proposed to adopt the district-wide approach to SNAs and the management of identified indigenous biodiversity values.

## 9. RATIONALE FOR THE USE OF A SPECIAL PURPOSE ZONE

9.1 The s32AA Report (Appendix B to this statement of evidence) includes an assessment of the efficiency and effectiveness of establishing a special purpose zone instead of applying the existing PWDP zones (focusing on the Rural Zone) of the PWDP. This was undertaken in the 'original' s32AA report submitted with TVL's submission and is updated at Appendix B. I note that the Appendix B adopts the 'most recent' Rural zone provisions as recommended by the Reporting Officer(s) for Hearings 18 (Rural), 21A (SNA) and 21B (Landscapes) (whereas the 'original' s32AA report was based on the PWDP provisions as notified).

9.2 In my view, and as discussed in more detail in Appendix B, a special purpose zone is a more efficient and effective method than the alternative of developing the Site than (for example) the Rural Zone given:

- (a) Whilst the proposal requires a rural environment to operate, the objectives and policies of the Rural Zone are necessarily broad and relate to the entire Rural Zone and do not sufficiently enable the development of the Site as proposed;
- (b) Similarly, a number of activities proposed as part of the Resort Zone are not adequately provided for in the Rural Zone;
- (c) The proposed Resort is distinct and does not fit well with any traditional land use zoning. There are other examples of this scenario in the PWDP such as Hampton Downs Motorsport Park.
- (d) There is a known proposal for the Site which has been assessed by a range of experts including through ongoing resource consent processes. The TVR Zone provisions have been developed on the basis of providing an appropriate consenting pathway having regard to the level of assessment undertaken to date;

- (e) The TVR Zone provides certainty for the landowner and the community in terms of what activities are proposed for the site now and in the future;
- (f) The TVR Zone and in particular the policy framework, provides greater certainty for the landowner in terms of potential future resource consents for complimentary activities and/or future upgrades of the Resort.

9.3 There are some key differences in the methods proposed for the TVR Zone (compared to the Rural Zone) in light of the intended outcomes of the TVR Zone. Generally speaking, these include:

- (a) The use of a Precinct (Hotel Precinct) to enable the development of a hotel building complex including a conference spa and restaurant facilities. To facilitate this outcome but provide for the appropriate management and assessment of certain effects, Visitors' Accommodation within the Hotel Precinct requires a resource consent for a restricted discretionary activity, with associated matters of discretion;
- (b) Identifying recreation and tourist related activities (such as helicopter take off/landings and Temporary Events) and standards associated with these activities. Such activities are largely permitted or suitably controlled through associated development;
- (c) A more enabling approach to Visitor Accommodation than the Rural Zone outside of the Hotel Precinct to provide for camping, glamping and other types of accommodation for tourists on a smaller scale than a typical hotel;
- (d) A higher level of permitted site coverage is provided for in the TVR Zone (excluding the Hotel Precinct) to enable a larger scale of development than the Rural Zone whilst still retaining open space over a large extent of the Zone. The Hotel Precinct is not subject to this rule (i.e. there is no limit to site coverage within the Hotel Precinct);
- (e) To enable a range of activities such as weddings and conferences, temporary events are unlimited in number as long as the permitted standards are met (which includes a (people) capacity limit within the Hotel Precinct);
- (f) Providing for a limited number of "Special Noise Events" as a permitted activity subject to standards relating to noise generation and respite controls. Special Noise Events allow for louder noise generation than the permitted standards and have been developed to provide for activities such as concerts.

9.4 In summary I consider the use of a special purpose zone provides an appropriate planning framework that more appropriately guides and manages the principal activities proposed for the Site and reduces the uncertainty of whether the proposal meets the policy intent and tests for the Rural Zone). The provisions of the TVR Zone will provide an effective framework for Council to use in their decision making and provide greater certainty in terms of outcomes than if the Site was zoned rural.

9.5 In accordance with the NPStds Zone Framework Standard, a special purpose zone must only be created when the proposed land use activities or anticipated outcomes of the additional zone meet the three listed criteria.<sup>16</sup> These criteria are commented on in the s32AA Report in Appendix B and I conclude that the proposal meets the criteria on the following basis:

- (a) Based on the evidence of Mr Thompson,<sup>17</sup> I consider the proposal is significant to the district, if not the region (criteria 8.3(a));
- (b) As discussed above it would be impractical to manage the proposal through another zone (criteria 8.3(b)); and
- (c) It would be impractical to manage through a combination of spatial layers due to the bespoke nature of the proposal (criteria 8.3(c)).

## **10. STATUTORY FRAMEWORK**

10.1 I am familiar with the relevant legal tests and statutory framework for plan making and understand this will be outlined in the legal submissions to be presented on behalf of TaTa Valley.

10.2 In light of those tests I have structured the remainder of my evidence to address the following matters:

- (a) Effects on the environment of proposed rezoning;
- (b) Assessment against relevant statutory documents;
- (c) Section 32 analysis and conclusion.

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<sup>16</sup> Refer to the Mandatory Directions - Section 8.3 of the National Planning Standards at <https://www.mfe.govt.nz/sites/default/files/media/RMA/national-planning-standards-november-2019.pdf>.

<sup>17</sup> Discussed in greater detail in paragraph 11.2 of my evidence.

## 11. ASSESSMENT OF EFFECTS OF PROPOSED REZONING

11.1 I provide an assessment of effects of the rezoning below. Where I rely on the advice of other experts in reaching conclusions, I include reference to their opinions:

### Positive Effects

11.2 Mr Thompson considers that the Resort will have significant positive social and economic effects including:

(a) An estimated revenue (for a medium projection) of \$97.3 million in 2030 comprised of culture and recreation and food and beverage spend, and forecast to increase to \$218.3 million by 2050 (including a domestic spend of \$13 million in 2030, forecast to increase to \$23.8 million in 2050);<sup>18</sup>

(b) Creation of around 220 FTE jobs per year and 3,960FTE jobs over 20 years.<sup>19</sup>

11.3 Whilst acknowledging that the Resort will result in a minor economic cost associated with displacing an existing mid-size beef farm, Mr Thompson concludes that the proposal enabled by the proposed rezoning will result in substantial economic benefits relating to the provision of a high-quality agricultural tourism facility.<sup>20</sup>

11.4 In addition to Mr Thompson's points, I also note the Resort will provide additional social benefits for the community by providing a number of social, recreational and cultural facilities that can (amongst other things) provide for events such as weddings, conferences, markets and other functions. This not only increases the recreational opportunities available around Pokeno, but will provide a space and opportunities for people and the community to congregate.

11.5 Finally, I note that the Resort will showcase the values of the rural environment and the Waikato River, providing opportunities to strengthen the local community's connection to the environment and in particular, the Waikato River.

11.6 In regard to the above, I consider the development and operation of the Resort that is enabled through the TVR Zone will result in positive economic and social effects.

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<sup>18</sup> Paragraph 10.19, Statement of Evidence of Mr Thompson.

<sup>19</sup> Paragraph 11.1, Statement of Evidence of Mr Thompson.

<sup>20</sup> Paragraph 1.8, Statement of Evidence of Mr Thompson.

## Landscape and Visual Effects

11.7 With regards to potential landscape and visual effects, Mr Pryor notes that:

- (a) The rezoning and future development enabled by the zoning will change the current character given the Site will change from an open, undeveloped state to one with some built characteristics;<sup>21</sup>
- (b) Whilst development will be visible from viewpoints in the surrounding catchment (in particular within the Hotel Precinct due to its elevated characteristics and wider visual catchment), other parts of the Site are screened or filtered due to natural landscape features such as ridgelines and landform;<sup>22</sup>
- (c) Overall the Site does not contain high aesthetic, heritage or rarity values and is typical of that found within the surrounding rural Waikato environment (with the exception of the Waikato River, SNA and SAL areas which contain high landscape and natural character values);<sup>23</sup>
- (d) Whilst built form is provided for Mr Pryor notes that large open spaces will remain onsite which will reinforce the Site's rural character.<sup>24</sup>

11.8 In regard to the above potential effects and with respect to the TVR Zone provisions, Mr Pryor's opinion is that:

- (a) The adoption of some of the Rural Zone provisions enables rural character and amenity values of the Site and rural area to be maintained;<sup>25</sup>
- (b) Where triggered, the resource consent process enables the effects to be further addressed at subsequent consenting phases<sup>26</sup> (including in relation to Visitor Accommodation within the Hotel Precinct); The permitted site coverage rule proposed for the TVR Zone – (whilst higher than the recommended corresponding Rural Zone rule) -is appropriate considering the vision and proposed use of the Site, the proportion of the Site subject to this coverage and the restricted visual catchment to the Site;<sup>27</sup>
- (c) The permitted standards for Visitor Accommodation outside the Hotel Precinct (which focus on height and building coverage limits) are appropriate for the

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<sup>21</sup> Paragraph 1.3, Statement of Evidence of Mr Pryor.

<sup>22</sup> Paragraphs 8.7, 8.24, 8.26, 8.28, 8.40, Statement of Evidence of Mr Pryor.

<sup>23</sup> Paragraph 1.6, 6.4, Statement of Evidence of Mr Pryor.

<sup>24</sup> Paragraph 1.8, Statement of Evidence of Mr Pryor.

<sup>25</sup> Paragraph 9.4, Statement of Evidence of Mr Pryor.

<sup>26</sup> Paragraphs 9.8, Statement of Evidence of Mr Pryor.

<sup>27</sup> Paragraph 9.6, Statement of Evidence of Mr Pryor.

same reasons outlined above, and will manage adverse effects regarding amenity and character values of the environment;<sup>28</sup>

- (d) In conclusion Mr Pryor considers the Site and surrounding landscape has the capacity to visually absorb any landscape and visual effects of the development<sup>29</sup> and the provisions of the TVR Zone will appropriately manage those potential effects.<sup>30</sup>

11.9 I make the following additional comments in relation to Mr Pryor's conclusions:

- (a) Outside of the Hotel Precinct, the TVR Zone built form provisions largely mirror those of the Rural Zone apart from building coverage which is proposed to be higher within the TVR Zone. This is proposed to reflect one of the key differences between the TVR Zone and the Rural Zone, that being a larger scale and coverage of development within the TVR Zone compared to the average Rural Zoned land holding. This difference is recognised in proposed policy 29.2 (P4) which is designed to recognise that the Resort may result in a scale of built form greater than is typically found in the rural environment. Mr Pryor has acknowledged this in his evidence and in his opinion, with the TVR Zone rules in place, this is appropriate, whilst managing adverse effects on rural character and amenity values.<sup>31</sup>
- (b) Where these standards are infringed, restricted discretionary resource consent is required with discretion restricted to effects associated with the infringement.
- (c) Within the Hotel Precinct, resource consent is required for Visitor Accommodation for a restricted discretionary activity with matters of discretion proposed including consideration of visual effects with regard to (in particular) character and amenity values.

11.10 For the reasons outlined above, I consider the potential landscape and visual effects can be suitably mitigated.

### **Transport Effects**

11.11 Mr Hills describes in his evidence the potential effects on the transport network as a result of the development of the Resort and notes the key effects relate to the operation of the new primary road connection (at the intersection with Yashili Drive), the two

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<sup>28</sup> Paragraph 9.7, Statement of Evidence of Mr Pryor.

<sup>29</sup> Paragraphs 1.3, 1.6, 7.6, 7.7, 8.32, 10.1, Statement of Evidence of Mr Pryor.

<sup>30</sup> Paragraph 9.9, Statement of Evidence of Mr Pryor.

<sup>31</sup> Refer to paragraph 11.8 of my evidence.

sections of one-lane road access and local network effects. Mr Hills makes the following key points:

- (a) The new road connection operates satisfactorily at a level of up to 400 vehicles per hour;<sup>32</sup>
- (b) Modelling results demonstrate that the local road network continues to operate satisfactorily taking into account the likely traffic generation of the Resort, using the new road connection.<sup>33</sup>

11.12 Having regard to the above, Mr Hills concludes that the proposed transport related provisions will enable appropriate levels of safety and efficiency on the road network<sup>34</sup>. These:

- (a) Set a capacity limit for temporary and special noise events as a permitted activity standard;
- (b) Require parking to be provided onsite for all visitors;
- (c) Require access to the resort to be via the new 'eastern' entrance (Mr Hills describes further in his evidence)<sup>35</sup> with the exception of farming activities;
- (d) Require a resource consent if proposed activities onsite do not comply with the above permitted standards, in order to undertake a further transport assessment at the time.

11.13 I concur with Mr Hills' conclusion and consider that it has been demonstrated that an appropriate level of access to the site can be provided to support the rezoning. In addition, with the construction of the new road connection as the primary access to the Site, and with the above provisions in place, that transport effects can be suitably mitigated.

### **Three Waters Effects**

11.14 The evidence of Mr Pitkethley discusses the potential effects of the development and operation of the Resort on three waters infrastructure. Mr Pitkethley considers the Site can be adequately serviced by three waters infrastructure,<sup>36</sup> noting:

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<sup>32</sup> Paragraph 6.19, Statement of Evidence of Mr Hills.

<sup>33</sup> Paragraph 6.20 – 6.35, Statement of Evidence of Mr Hills.

<sup>34</sup> Paragraph 8.1, Statement of Evidence of Mr Hills.

<sup>35</sup> Paragraph 5.3 – 5.6, Statement of Evidence of Mr Hills.

<sup>36</sup> Paragraph 11.1, Statement of Evidence of Mr Pitkethley.

- (a) Stormwater design will be undertaken in accordance with the Waikato Stormwater Management Guidelines and Waikato District Council requirements. In summary, stormwater is proposed to be treated onsite (via swales, raingardens and/or wetlands) to the required standard before being discharged to onsite water courses and to the Waikato River.<sup>37</sup>
- (b) TVL has consulted with WDC in respect to managing wastewater generated from the Site. Mr Pitkethley confirms in his evidence that future wastewater demands from the Site have been incorporated into WDC's wastewater planning for Pokeno.<sup>38</sup>
- (c) Potable water is to be supplied to the Site from the adjacent Watercare plant. Rainwater tanks are proposed as part of the development to reduce the demand for potable water for certain uses e.g. watering gardens. Storage tanks are proposed onsite for firefighting purposes. Again, TVL has consulted with WDC in respect to water demand for the Site and Mr Pitkethley confirms that the demands have been incorporated into WDC's potable water planning for Pokeno.<sup>39</sup>

11.15 I note the stormwater management design and proposed discharge is being assessed as part of the main resort resource consent applications currently lodged with WRC. However based on Mr Pitkethley's evidence I note that there is a feasible stormwater design which will result in stormwater discharges from the Site being improved compared to current discharges.

11.16 I note that provision of new infrastructure within the PWDP is managed on a district-wide basis in Chapter 14 (whilst also being subject to Waikato Regional Plan consent requirements such as bulk earthworks and stormwater discharge). On that basis I do not consider any site-specific provisions are necessary for the TVR Zone.

11.17 Having regard to Mr Pitkethley's evidence, I consider that the additional demands on the three waters as a result of the development have been adequately considered and will be appropriately managed.

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<sup>37</sup> Paragraphs 8.13 - 8.18 and Table 1, Statement of Evidence of Mr Pitkethley.

<sup>38</sup> Paragraphs 8.45 - 8.50, Statement of Evidence of Mr Pitkethley.

<sup>39</sup> Paragraph 8.73, Statement of Evidence of Mr Pitkethley.

## Earthworks Effects

11.18 Mr Pitkethley also describes the likely earthworks required on site to facilitate the development of the Resort as proposed in the resource consent applications. His evidence notes the following key points:

- (a) Such activity is guided by the WRC Erosion & Sediment Control (**ESC**) Guidelines for Soil Disturbing Activities (TR0902 Version 1.0, January 2009) (“TR2009/02”) which sets out ESC practices to minimise adverse effects of earthworks.<sup>40</sup>
- (b) Mr Pitkethley considers the provisions of the PWDP and Waikato Regional Plan are adequate and no further earthworks standards are necessary for the Site.<sup>41</sup>

11.19 I note the TVR Zone proposes to ‘adopt’ the recommended Rural Zone rules in respect to earthworks which is consistent with Mr Pitkethley’s recommendation. On this basis I consider effects of erosion and sedimentation will be suitably mitigated.

## Flooding Effects

11.20 Potential flooding effects are also discussed in the evidence of Mr Pitkethley, noting that part of the valley floor of the Site is subject to flooding in certain events and has been noted as a floodplain as part of the *Stage 2: Natural Hazards* plan change for the PWDP.<sup>42</sup>

11.21 Mr Pitkethley notes in evidence that the overall proposal includes raising and improving the existing stopbank, installing culvert flood gates to protect the valley from inundation by the Waikato River, and installing a pump and weir system as part of the wetland, culvert and stopbank restorations<sup>43</sup> (which requires a resource consent from WRC – this is currently lodged and on s92 hold). In addition, the roads have been designed above the maximum 1% AEP flood event level.

11.22 I adopt the conclusions reached by Mr Pitkethley, however I note that rules relating to works within floodplains are being managed as part of *Stage 2: Natural Hazards* which will apply to the Site (regardless of Zone). TVL is a submitter to Stage 2. As such I reserve further comment on such matters until the relevant Stage 2 Hearing where in my view any relevant provisions for the TVL can be considered.

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<sup>40</sup> Paragraph 6.5, Statement of Evidence of Mr Pitkethley.

<sup>41</sup> Paragraph 6.9, Statement of Evidence of Mr Pitkethley.

<sup>42</sup> Paragraph 8.23 - 8.24, Statement of Evidence of Mr Pitkethley.

<sup>43</sup> Paragraph 1.6, 9.1 - 9.4, Statement of Evidence of Mr Pitkethley.

## Noise Effects

11.23 TVL's Noise Expert Mr Styles has prepared noise assessments in support of resource consents lodged and has also prepared a memorandum (appended as Appendix D) commenting on the noise related provisions of the TVR Zone. In summary, Mr Styles notes that:

- (a) He was involved in the drafting of the provisions;
- (b) He considers the provisions to be typical or more conservative than similar provisions in other plans.

11.24 Developing and operating certain activities within the Resort has the potential to generate adverse noise effects on neighbouring properties. In response I note:

- (a) The general noise and construction noise provisions of the Rural Zone are proposed to be applied in the TVR Zone (with minor amendments to acknowledge the Site being TVR Zone and not Rural Zone);
- (b) Additional rules are proposed in respect to helicopter movements (frequency and noise levels);
- (c) A new activity called 'Special Noise Events' is introduced to the TVR Zone and a new definition introduced into the PWDP, being: *A temporary event that exceeds the permitted noise standards of the TaTa Valley Resort Zone in Rule 29.4.8 for all or part of the duration of a Temporary Event.* This provides for events such as a concert which may for a short duration be noisier than the standard noise rules. In acknowledging the potential noise effects for adjacent properties caused by a special event, the number of 'special events' per day, week, month and year and hours of operation (as a permitted activity) are proposed to be limited. In my view including such provisions will provide certainty and adequate 'respite' periods for neighbours whilst supporting the use of the Site as a recreation and tourism destination. The use of such an activity is similar to that of the ASB Showgrounds Precinct within the Auckland Unitary Plan (refer to Chapter I, I301.6.3) although he acknowledges that the TVL Site has much less intensively developed receiving environment.

11.25 If an activity does not comply with the permitted standards outlined above then a resource consent will be required, and further noise assessment to support the application will be necessary.

11.26 I consider potential noise effects have been adequately considered and mitigated through the proposed provisions.

### **Geotechnical Effects**

11.27 Potential geotechnical effects are discussed in the evidence of Mr Edwards. The following key points are noted in Mr Edwards' evidence:

- (a) Mr Edwards describes the considerations necessary when developing the Site, noting the variability of the site in geological terms and potential geotechnical constraints of the site being instability, compressible and/or cohesive soils, liquefaction and lateral spread.<sup>44</sup>
- (b) Mr Edwards considers in his experience and based on the investigations undertaken to date, there are practical engineering solutions or management approaches to appropriately address identified constraints (e.g. ground improvement or specific foundation design) at the time of resource or building consent, and the Site is suitable for rezoning.<sup>45</sup>

11.28 Mr Edwards supports the adoption of the recommended Rural Zone earthworks rules to be applied in the TVR Zone which provide for 'geotechnical stability' as a matter of discretion as part of a resource consent assessment for earthworks.<sup>46</sup> I note that, generally speaking, this applies to earthworks greater than [1000m<sup>3</sup> and an area of 2000m<sup>2</sup>, (with a smaller 500m<sup>3</sup> permitted standard for imported fill or cleanfill) and so would capture all significant development on Site;

11.29 Mr Edwards considers it is not necessary to require geotechnical information to be submitted for a resource consent application for a building because this requirement is triggered via the Building Act and building consent process.<sup>47</sup>

11.30 Based on Mr Edwards' evidence and the proposed provisions, I consider the potential geotechnical effects can be suitably mitigated.

### **Ecological Effects**

11.31 Dr Martin notes that the Site contains areas identified as containing significant indigenous biodiversity values, in accordance with section 11A of the Waikato Regional Policy Statement.<sup>48</sup>

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<sup>44</sup> Paragraphs 1.4 and 7.1, Statement of Evidence of Mr Edwards.

<sup>45</sup> Paragraphs 9.3 – 9.4, Statement of Evidence of Mr Edwards.

<sup>46</sup> Paragraph 8.5, Statement of Evidence of Mr Edwards.

<sup>47</sup> Paragraph 8.5, Statement of Evidence of Mr Edwards.

<sup>48</sup> Paragraph 1.8, 9.3, Statement of Evidence of Dr Martin.

11.32 Dr Martin also notes that the remaining (circa) 167ha of the Site do not meet the section 11A criteria of the WRPS and accordingly do not pose ecological constraints to development.<sup>49</sup>

11.33 With regards to the areas of significant indigenous biodiversity value, I note that a number of these are in addition to those already identified and notated as SNAs in the PWDP. In relation to these areas:

- (a) Whilst Dr Martin observes that one of these areas lies within the Hotel Precinct,<sup>50</sup> resource consent has been obtained to undertake earthworks to shape the (future) Hotel which will result in its removal and associated mitigation of the effects of its removal (refer to paragraph 6.2 of this statement of evidence).
- (b) Of the remaining identified areas only three are currently mapped as SNAs under the PWDP.<sup>51</sup> In response to this, those 49 'extra' identified areas have been mapped and identified on the Concept Plan in Appendix A<sup>52</sup> as areas with significant indigenous biodiversity values.
- (c) Dr Martin notes that the provisions of Chapter 3 of the PWDP recognise indigenous biodiversity values both within SNA and outside of SNAs which provides for the values of the wider landscape to be provided for.<sup>53</sup>

11.34 I concur with Dr Martin that including the 'extra' sites on the Concept Plan is appropriate and make the following additional comments:

- (a) In considering the (notified) definition of SNA<sup>54</sup> and how this would apply to the Site, given the 'extra' areas are not mapped they would not be subject to the SNA rules (even though they contain values that meet one or more criteria of Appendix 2). This means they would be subject to the indigenous vegetation rules of the PWDP for sites outside of SNAs;
- (b) Considering the most recent recommended indigenous vegetation clearance rules,<sup>55</sup> some of the permitted activity rules are the same for sites within and outside SNAs which therefore reduces the need to have the area mapped;

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<sup>49</sup> Paragraph 9.5, Statement of Evidence of Dr Martin.

<sup>50</sup> Paragraph 1.13, Statement of Evidence of Dr Martin.

<sup>51</sup> Paragraph 1.12, Statement of Evidence of Dr Martin.

<sup>52</sup> Appendix 1, Statement of Evidence of Dr Martin.

<sup>53</sup> Paragraph 9.6, Statement of Evidence of Dr Martin.

<sup>54</sup> The notified PWDP definition for Significant Natural Area is: *Means an area of significant indigenous biodiversity that is identified as a Significant Natural Area on the planning maps.*

<sup>55</sup> Refer to Appendix 2 of s42A Report Rebuttal Statement: Hearing 21A Natural Environments, November 2020.

- (c) However, an exception to this relates to the rules for indigenous vegetation clearance for the creation of a building platform and associated access, parking and manoeuvring where there is no practicable alternative. In terms of these rules, clearance of up to 500m<sup>2</sup> is provided for outside SNAs<sup>56</sup> but only 250m<sup>2</sup> within SNAs;<sup>57</sup>
- (d) Notwithstanding my concern about the ability for WDC to monitor compliance with these rules (it is unclear how Council can be satisfied that there is no practicable alternative to the vegetation clearance without requiring a resource consent process) and although the difference in permitted clearance is relatively small at 250m<sup>2</sup>, I consider the 'extra' areas on the Site should be subject to the same rules as the SNAs given they meet one or more of the criteria of Appendix 2. For that reason in my opinion WDC should consider adding these (ground truthed) areas to the SNA overlay.

11.35 Regardless of whether the areas are added as SNAs or not, I note that there are provisions in the PWDP to manage indigenous diversity district-wide and the TVR Zone proposes to adopt those rules of relevance from the Rural Zone.

11.36 Having regard to the recommendations of Dr Martin, I consider the management of ecological effects will be adequately provided for through the proposed provisions.

### **Cultural Effects**

11.37 I outlined the engagement TVL has undertaken with tāngata whenua in section 6 of this evidence. This process is ongoing, and at present primarily undertaken through the PSG.

11.38 As part of the resource consent process, TVL received CIAs from Ngāti Te Ata, Ngāti Tamaoho, and Ngāti Naho, and a response from Waikato-Tainui outlining their position on the proposal. These responses have helped to inform TVL on the position of the iwi groups and to inform the proposal and ongoing engagement.

11.39 Whilst I cannot reach any conclusion the level of cultural effects of the proposal (such a position to be determined by tāngata whenua), from a technical perspective I consider key concerns of tāngata whenua have been or are being addressed in the following ways:<sup>58</sup>

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<sup>56</sup> Rule 22.2.8(P1)(vii) of PWDP.

<sup>57</sup> Rule 22.2.7(P3). Of PWDP.

<sup>58</sup> I note some of these measures proposed are related to the resource consent process but for completeness I include these here.

- (a) TVL continue to engage with tāngata whenua via the PSG in relation to the design, construction and operation of the Resort;
- (b) A paa site has been identified on the Concept Plan and provisions proposed in the TVR Zone to manage the Site appropriately;
- (c) Whilst more related to the ongoing resource consent process, a Cultural Heritage Management Plan is being prepared to set out proposed measures to manage potential effects on cultural heritage.

## **12. SECTION 75(3) OF THE RMA**

12.1 As outlined above, in accordance with Section 75(3) of the RMA, a district plan must give effect to:

- (a) Any national policy statement;
- (b) Any New Zealand coastal policy statement; and
- (c) A national planning standard; and
- (d) Any regional policy statement.

12.2 I provide the following summary of my assessment in accordance with the requirements of Section 75(3). A more detailed assessment is provided at Appendix C. For the avoidance of doubt, I note the Site is not within the coastal environment and so is not subject to the NZCPS.

### **National Policy Statement for Freshwater Management 2020**

12.3 In my view the principal roles and responsibilities for freshwater management under the NPS:FM are directed towards regional councils and their obligations in terms of developing and administering regional plans and policy statements. However in accordance with Section 75(3) RMA, the PWDP must give effect to the NPS:FM to the extent relevant.

12.4 In my view, the key NPS:FM policy direction relevant to the TVR Zone seeks to:

- (a) Manage freshwater in a way that gives effect to Mana o te Wai;<sup>59</sup>

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<sup>59</sup> Policy 1, National Policy Statement for Freshwater Management 2020.

- (b) Manage freshwater in an integrated way that considers the effects of the use and development of land on a whole of catchment basis;<sup>60</sup>
- (c) Achieve no further loss of extent of natural inland wetlands and that their values are protected, and their restoration promoted.<sup>61</sup>

12.5 In my view, the proposed TVR Zone and the development it will enable is consistent with the NPS:FM for the following reasons:

- (a) As set out in the evidence of Mr Pitkethley,<sup>62</sup> the proposed stormwater solution for the development of the Site will result in an improvement in the quality of water discharged from the Site;
- (b) The TVR Concept Plan identifies a number of SNAs and areas that in the opinion of Dr Martin meet the appropriate criteria to be considered as having/being of SNA value.<sup>63</sup> I understand that these SNA areas correspond in part with wetland areas on the site. Notwithstanding this, I consider that any natural wetland areas will be appropriately managed via NES:FM.

#### **National Policy Statement: Urban Development 2020**

12.6 In my view, the role of the NPS:UD is to provide councils with direction in regard to planning for future growth and development. I note that the NPS: UD is specific to urban development.

12.7 I do not consider the TVR Zone land meets the definition of 'urban environment' (in regard to the definition in the *National Policy Statement: Urban Development 2020*) because the land is not intended to be predominantly urban in character nor is intended to be part of a housing or labour market for at least 10,000 people.

#### **National Planning Standards 2019**

12.8 In my view, the purpose of the NPStds is to improve consistency across planning documents in terms of structure and content (including definitions).

12.9 As previously noted, in my view the proposal meets the 'criteria' of the NPStds to justify the addition of a special purpose zone. In addition, relevant definitions of the NPStds have been applied to the provisions.

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<sup>60</sup> Policy 3, National Policy Statement for Freshwater Management 2020.

<sup>61</sup> Policy 6, National Policy Statement for Freshwater Management 2020.

<sup>62</sup> Paragraph 1.5, Statement of Evidence of Mr Pitkethley.

<sup>63</sup> Paragraph 10.5, Statement of Evidence of Mr Martin.

12.10 I understand that WDC is undertaking a separate but concurrent process to restructure the PWDP in line with the NPStds on a district-wide basis. I therefore assume that if TVL's rezoning proposal is accepted the provisions of Appendix A will also be restructured accordingly.

### **Waikato Regional Policy Statement**

12.11 The Waikato Regional Policy Statement (WRPS) identifies overarching resource management issues for the Waikato Region, and provides direction and policy on the integrated management of resources throughout the region over a 10 year period. Both District and Regional plans must give regard to the Regional Policy Statement.

12.12 Overall, I consider the TVR Zone to be well aligned with the WRPS. I provide a detailed assessment of the WRPS at Appendix C to my statement of evidence but summarise in the following paragraphs.

12.13 In terms of policy direction, I consider that, of relevance to the TVR Zone, the WRPS seeks:

- (a) The maintenance and enhancement of ecosystem services, the management of riparian areas, and the maintenance or enhancement of areas and features which are valued for their amenity.<sup>64</sup> As noted above, areas with significant indigenous biodiversity values, SNAs and SALs have been included in the mapping of the proposed Zone (as part of the Concept Plan in Appendix A), and provisions proposed to manage their values appropriately, including the 'adoption' of SNA and SAL rules from the recommended Rural Zone provisions.
- (b) The development of built environment in an integrated, sustainable way which enables positive environmental, social and cultural outcomes.<sup>65</sup> In my view, the creation of the special purpose zone allows for all activities on Site to be planned and managed in an integrated way (elaborated on further in section 9 above). Additionally the creation of the TaTa Valley Resort will provide for positive outcomes by creating employment and recreational opportunities and showcasing the surrounding natural environment (as discussed further in paragraphs 11.2 – 11.5 above).
- (c) Tāngata whenua to be provided opportunities to express their relationship with their rohe, and to recognise and protect their relationship with the

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<sup>64</sup> Objectives 3.8, 3.16, 3.19 and Policy 12.3. Waikato Regional Policy Statement.

<sup>65</sup> Objective 3.12.

environment.<sup>66</sup> I discuss engagement with tāngata whenua above at section 6 of my evidence noting that engagement is still ongoing.

- (d) The management of natural and physical resources throughout the region allows for the continued operation of primary production, and that the benefits of primary production to the region are recognised.<sup>67</sup> On this matter I note that the current use of the Site, being primary production, continues to be provided for under the TVR Zone provisions as a permitted activity. Furthermore, the aim of the Resort is to recognise and showcase the benefits of the industry (in particular the NZ Made Hub and farm showground).
- (e) Public access to water bodies to be maintained and enhanced.<sup>68</sup> In relation to this matter I note that the development of the Resort will enhance the ability of the public to access the Waikato River. This is primarily via the proposed river structures at Mercer (with a public boat ramp) and the jetty at the Pokeno Site which is proposed to 'land' on a DoC marginal strip.

12.14 In addition to the above the RPS sets out in section 6.1.8 information requirements that are to be provided in support of rezoning requests. These information requirements are addressed in the proposal and have been integrated into the development of the Site. I comment on these matters further at Appendix C.

12.15 In my view the proposing rezoning will give effect to the RPS and the national policy direction outlined above.

### **Vision and Strategy for the Waikato River**

12.16 The Vision and Strategy for the Waikato River (Vision and Strategy) aims to restore and protect the health of the Waikato River. As per section 12 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act, 2010, the Vision and Strategy:

- (a) Has been inserted into the Waikato Regional Policy Statement in accordance with Section 11(2)(a) of the Waikato-Taunui Raupatu Claims Waikato River) Settlement Act; and
- (b) Prevails over any inconsistent provision of (amongst other things) a national policy statement.<sup>69</sup>

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<sup>66</sup> Objective 3.9, Policy 4.3.

<sup>67</sup> Policy 4.4.

<sup>68</sup> Policy 12.4.

<sup>69</sup> Section 12(1)(a), Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act, 2010.

12.17 The Vision of the Vision and Strategy is for a future where a healthy Waikato River sustains abundant life and prosperous communities who, in turn, are all responsible for restoring and protecting the health and wellbeing of the Waikato River and all it embraces, for generations to come.

12.18 The vision is supported by a number of objectives. In my view, the objectives of relevance to the TVR Zone are:

- (a) The restoration and protection of the health and wellbeing of the Waikato River;
- (b) The restoration and protection of the relationship of Waikato-Tainui, Waikato iwi (according to their tikanga and kawa) and the Waikato region's communities with the Waikato River, including their economic social, cultural and spiritual relationship;
- (c) The promotion of improved access to the Waikato River to better enable sporting, recreational and cultural opportunities.

12.19 I consider that the proposed TVL Zone and associated development is consistent with the objectives of the Vision and Strategy, as set out in Appendix C, as summarised below:

- (a) Development of the Site has been, and will continue to be, undertaken in consultation with Waikato-Tainui and Waikato River iwi. It is noted that a number of concerns have been raised through engagement (primarily relating to regional consenting matters) and TVL continues to engage with tāngata whenua to address these concerns. To date the rezoning proposal seeks to respond to concerns raised through the following mechanisms:
- (b) Proposed policy in the TVR Zone that references values of the Waikato River;
- (c) Provisions regarding identified indigenous biodiversity values and Significant Amenity Landscape (SALs) are proposed to mirror those of the Rural Zone (and discussions held as part of those hearings) including building setbacks from the Waikato River and rules regarding vegetation clearance;
- (d) Provisions with respect to the paa site (noted as a Maaori site of significance in the PWDP);
- (e) Development of the Site will showcase the Waikato River and will enable greater access to the River itself, via the resort and the ferry service. This

access to the River will be a significant improvement from the current situation which is effectively a large private rural land holding;

- (f) The provisions of the TVR Zone have been developed with careful consideration given to what activities and development standards are appropriate for a 'permitted status'. Other activities, or those which do not comply with the permitted activity standards, will require resource consent; a "precautionary" approach which provides for activities to be managed either through the permitted activity standards or through a resource consent process.
- (g) The evidence of Mr Pitkethley is that there is an available and feasible stormwater design that will improve the quality of water discharged from the Site. This will enable the proposal to contribute to improving water quality in the Waikato River.

### **13. SECTION 74(2)(B) OF THE RMA**

- 13.1 Section 74(2)(b) directs a territorial authority to (when preparing and changing its district plan) have regard to (amongst other things) management plans and strategies prepared under other Acts. In relation to section 74(2)(b) of the RMA I consider the following documents to be relevant for consideration in relation to the proposal.

#### **Future Proof Growth Strategy 2017**

- 13.2 The Future Proof Growth Strategy (Future Proof) is a growth strategy developed to guide the future urban development of the Hamilton, Waipa and Waikato sub-region. In my view Future Proof primarily focusses on urban expansion of existing settlements and as such, I do not consider it to be particularly relevant to the TVR Zone. Notwithstanding this, I do note:

- (a) The development of the Resort will provide additional job opportunities which will support the communities within nearby growth areas, such as Pokeno and Tuakau;
- (b) TVL have consulted with WDC with respect to the infrastructure requirements necessary to service the Site (potable water, wastewater etc) in order for WDC to take these needs into account in planning for growth and associated infrastructure upgrades.

## **Waikato 2070**

- 13.3 Waikato 2070 is described as a "Growth and Economic Development Strategy" with the purpose to guide the growth in the district over the next 50 years. It is noted as being prepared using the Special Consultative Procedure of the Local Government Act, 2002. It was adopted by the WDC 19 May, 2020 (post-dating notification of the PWDP). As with the Future Proof, Waikato 2070 is primarily focused on urban growth in the Waikato region and is therefore of limited relevance to TVL's proposal.
- 13.4 However, I note that Waikato 2070 recognises (amongst other things):
- (a) The importance of growing tourism opportunities in the region;
  - (b) Promoting ecological restoration; and
  - (c) Promoting primary industries including agriculture and horticulture throughout the district.
- 13.5 In response to these implementations, I note that:
- (a) A key aspect of the proposal is to showcase New Zealand farming and food production, and the Resort will attract a range of local and overseas visitors to Pokeno and the surrounding area;
  - (b) As mentioned previously, maintenance of ecologically important areas is part of the proposal; these areas have been identified through ecological surveys and the adoption of provisions for management of identified indigenous biodiversity values.

## **Section 74(2A) of the RMA**

- 13.6 Section 74(2A) of the RMA states that a territorial authority must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district.
- 13.7 I consider the Waikato-Tainui Environmental Plan to be a relevant planning document in terms of the requirements of section 74(2A) of the RMA.
- 13.8 In my view, the objectives and policies of the Waikato-Tainui Environmental Plan of relevance to the TVR Zone seek:

- (a) The recognition and provision for the relationship of Waikato-Tainui with catchments in the Waikato-Tainui rohe;<sup>70</sup>
- (b) To ensure that rural development is well planned and the environmental, cultural, spiritual and social outcomes are positive;<sup>71</sup>
- (c) The management of the adverse effects of tourism and recreation to a level acceptable to Waikato-Tainui.<sup>72</sup>

13.9 I consider the TVL proposal to be consistent with the policy direction outlined above, as:

- (a) Waikato-Tainui have been consulted with throughout the development of the Site plan and will continue to be engaged with a view to:
  - (i) Achieving positive cultural, spiritual and social outcomes; and
  - (ii) To understand an acceptable level of adverse effects to Waikato-Tainui.

#### **14. SECTION 32 ANALYSIS AND CONCLUSION**

14.1 I have prepared a further section 32AA Report to evaluate changes and refinements to the proposal since the first section 32AA Report and TVR Zone provisions were prepared and lodged with the TVL submission in 2018. This further section 32AA Report is attached at Appendix B and contains a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.

14.2 The changes evaluated in the further section 32AA Report are in response to recommendations of Reporting Officers through the hearings process to date, specialist reports commissioned by TVL, and to take into account consultation undertaken and new national policy in force since TVL's original submission in 2018.

14.3 As set out in Appendix Band summarised here, I consider that the proposed TVR Zone objectives are the most appropriate way to achieve the purpose of the RMA for the following reasons:

- (a) The objectives of the TVR Zone seek to achieve the integrated management of the entire TVL Site and avoid a piecemeal approach to development which may

<sup>70</sup> Policy 21.3.4.3, Waikato-Tainui Environmental Plan.

<sup>71</sup> Policy 25.3.2.2 Waikato-Tainui Environmental Plan.

<sup>72</sup> Objective 29.3.1 Waikato-Tainui Environmental Plan.

occur through obtaining numerous resource consents for the proposed activities; and

- (b) The objectives of the TVR Zone seek to appropriately enable the resort and tourist activities whilst avoiding, remedying, or mitigating adverse effects of the Resort and associated activities on the environment.

14.4 In my view and as discussed in more detail in Appendix B, the special purpose TVR Zone is a more efficient and effective method than the alternative of developing the Site using (in particular) the Rural Zone and then resource consent process, given:

- (a) There is a known proposal for the Site which has been assessed by a range of experts. The TVR Zone provisions have been developed on the basis of providing an appropriate policy framework and consenting pathway having regard to the level of assessment undertaken to date;
- (b) Whilst the proposal requires a rural environment to operate, the objectives and policies of the Rural Zone are necessarily broad and relate to the entire Rural Zone and do not sufficiently enable or provide a policy framework to guide the development of the Site as proposed;
- (c) Similar to the above point, a number of activities proposed as part of the Resort Zone are not adequately provided for in the Rural Zone; and
- (d) The proposal is distinct and does not fit well with any traditional land use zoning. There are other examples of this scenario in the PWDP such as Hampton Downs Motorsport Park.

14.5 In conclusion, I consider the proposed objectives of the TVR Zone to be the most appropriate way to achieve the purpose of the RMA. Furthermore, it is my view that the proposed TVR Zone provisions are the most efficient and effective way to achieve the objectives. I consider the implementation of the proposed provisions will provide a range of positive economic, social, environmental and cultural outcomes.

## 15. FURTHER SUBMISSIONS IN RESPECT TO PROPOSED REZONING

### Further Submissions in Support

15.1 The following submitters have submitted in support of the proposing rezoning, being:

- (a) Havelock Village Ltd;<sup>73</sup>
- (b) Charlie Harris;<sup>74</sup>
- (c) NZ Health Food Park Ltd;<sup>75</sup> and
- (d) Perry International Trading Group Ltd.<sup>76</sup>

### Further Submissions in Opposition

15.2 Hynds Pump Systems Ltd HPSL<sup>77</sup> opposes the rezoning given that McDonald and Bluff Roads are not appropriate for residential use and seeks that the submission be disallowed unless the land can be serviced through alternative roading connections. In a similar vein, Waka Kotahi<sup>78</sup> opposes the provisions as the effects on the surrounding transport infrastructure have not been assessed. Regarding these points:

- (a) The proposed rezoning for the TVR Zone is to provide for tourism and recreation activities and not residential use as asserted by HPSL;
- (b) The proposed access to the Site is via a new road to be constructed through TV land (or land owned by other separate entities being within the same ownership as TVL) from Yashili Drive, which does use McDonald Road but not Bluff Road as asserted by HPSL;
- (c) Effects on the transport network have been considered by Mr Hills in his evidence and in summary, with the provisions of the TVR Zone in place, Mr Hills considers that transport effects can be mitigated.

15.3 Mercury NZ Ltd<sup>79</sup> opposes a number of submission points of TVL (including those points seeking to rezone the Site). From my reading of the further submission their opposition is largely related to the (lack of) natural hazards provisions in Stage 1 PWDP

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<sup>73</sup> Further submitter number 1377.

<sup>74</sup> Further submitter number 1303.

<sup>75</sup> Further submitter number 1301.

<sup>76</sup> Further submitter number 1348.

<sup>77</sup> Further Submitter number 1341.

<sup>78</sup> Further Submitter number 1202.

<sup>79</sup> Further Submitter number 1223.

and the impact this have on decisions regarding urban growth and land use intensification. In respect to this I note:

- (a) Onsite investigations and modelling have been undertaken to sufficiently understand the natural hazard constraints onsite in order to acknowledge these and provide for them as part of the development;
- (b) Mr Pitkethley and Mr Edwards describe these constraints further in their evidence (being the flood plain and geotechnical constraints) and potential design solution to address flood risk. I discuss how the provisions provide for the recommendations of Mr Pitkethley and Mr Edwards above;
- (c) There is a separate Stage 2 hearing process where natural hazards provisions will be considered;
- (d) Based on the information available for the TVL Site, I consider there is adequate information to proceed with rezoning and the “risk of acting” is acceptable.

15.4 Hynds Foundation<sup>80</sup> opposes the proposed rezoning as it provides for significant commercial development outside of urban growth areas and high levels of traffic on Bluff and Pioneer Roads. In respect to these points:

- (a) The purpose of the TVR Zone and indeed TVL’s aspirations for the TaTa Valley Resort is to establish and operate the Resort in a manner that celebrates rural New Zealand and its natural resources. Given this I consider the Site’s rural location is necessary to achieve this outcome and the proposal should not be required to locate within an urban growth area.
- (b) It is not proposed that the Site will be accessed via Bluff or Pioneer Roads.

15.5 Ngāti Tamaoho<sup>81</sup> oppose the rezoning on the basis that consent for a resort has not been granted and there are still environmental and cultural issues to be resolved. In respect to these points:

- (a) I do not consider it necessary for a consent to be granted in order to progress the rezoning. I note that the rezoning does not enable ‘carte-blanche’ development onsite – whilst a range of low effect/risk activities are proposed as permitted, in many instances a further resource consent process will still be required under the TVR Zone as detailed earlier in my evidence especially for the large scale visitor accommodation. In this respect, the rezoning of the Site

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<sup>80</sup> Further Submitter number 1306.

<sup>81</sup> Further Submitter number 1369.

will provide certainty to the community, WDC and TVL as to the intended outcome for the Site whilst providing appropriate 'checks and balances' in the provisions to manage environmental effects;

- (b) I acknowledge the environmental and cultural issues to be resolved and that engagement with tāngata whenua is ongoing to discuss such matters. Future consent processes will also provide for these opportunities.

15.6 Turangawaewae Trust Board<sup>82</sup> opposes a number of TVL's submission points (including to rezone the Site) because it is an 'inappropriate amendment' but does not elaborate further. In the absence of further reasoning I cannot respond to their points except to note that in my view I consider the proposed rezoning is appropriate for the reasons set out above in my evidence.

## 16. COMMENTS ON COUNCIL SECTION 42A FRAMEWORK REPORT

16.1 I have read the s42A Report: *Hearing 25 Zone Extents Framework* and the Peer Review of the Report and have responded to matters raised throughout this statement of evidence (above) where I have considered it relevant. In addition to my comments above, I also address the following points raised through the S42A Report.

### Use of three tier 'Lens' Assessment for Rezoning Requests

16.2 The Reporting Officer for the s42A Report sets out a three-tiered approach to assessing rezoning requests.<sup>83</sup>

16.3 Lens 1 requires an assessment of the rezoning proposal against relevant objectives and policies of the PWDP "as notified, unamended"<sup>84</sup> which are listed in Appendix 2 of the s42A Report.

16.4 With respect I do not agree with the use of Lens 1 as an appropriate tool for assessing rezoning requests for the following reasons:

- (a) In my opinion the provisions of the PWDP were not developed with this purpose in mind and as such they are not well suited to be applied to a rezoning process. The Reporting Officer acknowledges this deficiency in the PWDP.<sup>85</sup> In my view it is preferable to develop a new set of provisions designed for the purpose of assessing rezoning proposals (or to provide suitable cross references to higher

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<sup>82</sup> Further Submitter number 1139.

<sup>83</sup> Shown visually in Figure 1 of the s42A Report.

<sup>84</sup> Paragraph 20(i) of the s42A Report.

<sup>85</sup> Paragraph 51 of the s42A Report.

order policy documents) as opposed to attempting to 'shoehorn' the notified provisions into that purpose.

- (b) Given the status of the PWDP currently going through the hearings process, I consider the notified PWDP objectives and policies to have little statutory weighting. I also note that provisions are currently being tested through the Schedule 1 (RMA) Plan Change process, with the Hearings Panel yet to make decisions on the final wording of the provisions;
- (c) The Reporting Officer notes that some of the provisions included in Lens 1 are from Chapter 1.12.8(b) and being in the introduction section their 'purpose and role is uncertain (i.e., they are not expressed or located as a provision)'.<sup>86</sup> Notwithstanding this uncertainty, the Reporting Officer continues to refer to this section as containing 'Strategic Objectives'<sup>87</sup> and uses these in the Lens 1 assessment. I disagree with the use of this section for this purpose. I note this section was discussed at length at Hearing 3: Strategic Objectives<sup>88</sup> and in my evidence for Hearing 3, I commented on the ambiguity of this section and whether the provisions are 'directions' (as per the heading 'Strategic Directions') or are intended as 'objectives'. I concluded that this section of the PWDP required significant redrafting in order to be fit for purpose.<sup>89</sup> In addition to those comments I also reiterate that these provisions were clearly not designed to be used as criteria for considering rezoning proposals.
- (d) The Reporting Officer notes many of the provisions 'indicate places where land use, subdivision and development are undesirable and, by inference, these objectives and policies preclude rezoning that would enable those activities in those locations.'<sup>90</sup> In my view this may inappropriately preclude further consideration of some rezoning proposals on the basis of untested provisions (however I do acknowledge that the Peer Review to the s42A Report does note a judgement call is needed as to whether the request 'more likely than not' accords with the intention of the PWDP which suggests some flexibility in assessment).<sup>91</sup>

16.5 Lens 2 requires an assessment of higher order documents. I support the assessment of rezoning requests against the documents listed in the s42A Report in accordance

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<sup>86</sup> Paragraph 49 of the s42A Report..

<sup>87</sup> As an example, paragraph 81 of the s42A Report.

<sup>88</sup> I represented TVL as Planning Expert and provided evidence and presented this at Hearing 3.

<sup>89</sup> Paragraph 6.7, Evidence of Chris Scrafton for Hearing 3: Strategic Direction.

<sup>90</sup> Paragraph 52 of the s42A Report.

<sup>91</sup> Paragraph 17, Peer Review: Hearing 25 Zone Extents Framework Report.

with Sections 74 and 75 of the RMA. In this regard, I refer to my assessment above in Sections 12 and 13 of my evidence.

16.6 Lens 3 requires an assessment against ‘best practice planning guidance’. I generally support the guidance included in Lens 3, because the criteria have been tested through previous processes by the Independent Hearings Panel for the Auckland Unitary Plan.

### **Lens Assessment**

16.7 Whilst I consider the use of the Lens 1 assessment inappropriate for the reasons set out above, for completeness I have included an assessment against all three lenses below and in summary I consider TVL’s rezoning proposal to meet them.

### ***Lens 1 assessment***

16.8 In my view the proposal is consistent with the relevant objectives within Appendix 2 of the s42A Report for the reasons provided below although I note that due to the distinct nature of the TVL proposal a number of the identified objectives are not relevant:

<b>Row reference<sup>92</sup> and Obj no.</b>	<b>Objective</b>	<b>Commentary</b>	<b>Consistent with obj?</b>
2) 1.12.8(b)(vi)	<i>Protect and enhance green open space, outstanding landscapes, and areas of cultural, ecological, historic and environmental significance.</i>	Areas of cultural, ecological, historic and environmental significance have been identified through specialist inputs and engagement with tāngata whenua. These areas have been considered in the development of the zone plan and will be managed through the zone provisions; for example specific rules are proposed for earthworks in the vicinity of the paa site, as well as for areas with indigenous biodiversity values and SALs.	Yes
10) 4.5.3(a)(i)	<i>Business town centres are maintained as the primary retail, administration, commercial service and civic centre for each town.</i>	While the TVL Site proposes some commercial and retail activity, such activity is required to be ancillary to the main activities occurring in the zone (reflected in the provisions). This is a deliberate measure in recognition and acknowledgement of the need to support and maintain Pokeno in its role as a Business town centre and to avoid overlapping land use outcomes.	Yes
13) 4.1.3(a)	<i>Infrastructure can be efficiently and economically provided.</i>	Three waters infrastructure and roading has been planned and provided for in preparing the rezoning proposal. By creating a bespoke zone, land use	Yes

<sup>92</sup> This refers to table rows in Appendix 2 of the s42A report – Matrix of Relevant Objectives and Policies in the PWDP.

Row reference <sup>92</sup> and Obj no.	Objective	Commentary	Consistent with obj?
		can be planned for in an integrated and efficient manner.	
15) 5.1.1(A)(i)(ii)(iii); 5.3.8	<i>Subdivision, use and development within the rural environment where: (i) High class soils are protected for productive rural purposes; (ii) Productive rural activities are supported, while maintaining or enhancing the rural environment; (iii) urban subdivision use, and development in the rural environment is avoided.</i>	i) The TVL Site is not classified as high class soils. ii) Productive rural activities will still be enabled on site through the provisions (e.g. primary production is a permitted activity), and rural activities will be showcased as part of the NZ Made Hub and overall purpose of the resort. Rural activities on adjacent sites will not be affected. iii) N/A	Yes
16) 5.3.1(a), 5.3.4(a)(b)	<i>Rural character and amenity are maintained.</i>	The TVL development will maintain and showcase the character and amenity of the surrounding rural environment. This is reflected in the policies of the proposed zone and in the provisions, which have been developed in consideration of rural character and amenity outcomes (e.g. proposing maximum building footprint over the Site, 'adopting' some of the rural zone rules).	Yes
18) 5.3.8(b)	<i>Ensure development does not compromise the predominant open space, character and amenity of rural areas.</i>		Yes
20) 5.3.8(e)	<i>Subdivision, use and development opportunities ensure that rural character and amenity values are maintained.</i>		Yes
22)	<i>Meets district wide rules and any relevant overlays.</i>	Parts of the Site are subject to SNA and SAL overlays and rules for their management are included in the proposed provisions.	Yes

## **Lens 2 Assessment**

16.9 Lens 2 requires an assessment of the proposal's alignment with higher order policy documents. In Appendix A, I have provided assessment of the proposal in respect to these higher order documents and have also commented on these documents previously in section 12 of my evidence.

16.10 For the reasons outlined in these aforementioned sections I consider the proposal aligns with the relevant higher order policy documents and therefore 'meets' Lens 2.

### **Lens 3 Assessment**

16.11 The Lens 3 assessment requires an assessment of the proposal against best practice planning guidance. In paragraph 161 of the s42A report, the Reporting Officer provides a list of points to be considered. I provide commentary on these in the table below:

<b>S42A guidance</b>	<b>Commentary</b>
A. Economic costs and benefits are considered	Mr Thompson discusses the economic costs and benefits of the proposal in his evidence. The section 32AA report also outlines these costs and benefits. I conclude there are significant potential benefits that outweigh the costs.
B. Changes should take into account the issues debated in recent plan changes	There has been no previous proposal to rezone the land that I am aware of.
C. Changes to zone boundaries are consistent with the maps in the plan that show overlays or constraints	Zone boundaries proposed to follow land parcels. SNA and SAL overlays are proposed to remain where the relevant values have been identified.
D. Changes should take into account features of the site (e.g. where it is, what the land is like, what it is used for and what is already built there).	The activities provided for within the TVR Zone provisions will enable the continuation of primary production (the current land use) and acknowledge the values onsite (in the form of SNA, the paa and the SAL overlay and subsequent rules).
E. Zone boundary changes recognise the availability or lack of major infrastructure.	Requirements to service the Site with infrastructure have been planned concurrently with the proposal. The Site is included in WDC three waters planning for Pokeno.
F. There is adequate separation between incompatible land uses	Although the proposal is to change the zone to the special purpose TVR Zone the intention is that the Resort remains within a rural environment, showcasing rural activities. Additionally many of the TVR Zone provisions have been 'adopted' from the Rural Zone. As such, the TVR Zone is considered to be compatible with adjacent land which is zoned Rural.
G. Zone boundaries need to be clearly defensible	The zone boundary follows the property boundaries owned by TVL and for the express intention of developing the Resort.
H. Zone boundaries should follow property boundaries	
I. Generally, no "spot zoning" (i.e a single site zoned on its own)	Spot zoning is considered appropriate in this instance as the use of the Site is distinct, and a special purpose zone is necessary to allow for site specific provisions. This is discussed in section 9 above.

S42A guidance	Commentary
J. Zoning is not determined by existing resource consents and existing use rights, but these will be taken into account.	TVL has obtained resource consent for bulk earthworks to prepare the Hotel site and to undertake geotechnical load testing in the “NZ Hub” location.
K. Roads are not zoned.	N/A.

16.12 For the reasons outlined in the table above aforementioned sections I consider the proposal aligns with the relevant higher order policy documents and therefore ‘meets’ Lens 3. For the reasons outlined in the table above I consider the proposal aligns with the best practice planning guidance and therefore ‘meets’ Lens 3.

## 17. CONCLUSION

17.1 TVL is seeking to rezone their land at 242 Bluff Road<sup>93</sup> and 35 Trig Road from Rural Zone to a special purpose, TVR Zone. In my view a special purpose zone is justified in this instance and will be the most effective and efficient method to develop the site.

17.2 A set of provisions and supporting concept plan are proposed to manage activities onsite. In my view and based on the expert evidence of others, the provisions are appropriate and enable effects to be suitably mitigated.

17.3 I consider that the proposal meets the ‘tests’ of ss74-75 of the RMA as well as the ‘3 lens’ assessment set out in the s42A Framework Report and as such support the zoning of the Site to a Special Purpose Zone being the TVR Zone as appended to this statement of evidence.

**Christopher James Scrafton**

19 February 2021

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<sup>93</sup> Also known as 42B Potter Road

# A

## Appendix A – Proposed TaTa Valley Resort Zone Provisions and Concept Plan

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## Reasons for Consent – Land related activities

<b>Activity</b>	<b>Rule triggered</b>
<b>Waikato District Plan</b>	
Construction of hotel rooms	<i>Rule 23A.1.4(9) – Travellers Accommodation</i>
Ancillary buildings to support the Resort and accommodation – restaurant, event space, gift shop etc.	<i>Rule 23A.1.4(11) – Accessory Buildings and Ancillary Activities</i>
	<i>Rule 23A.1.3.1(d) – Development Standards, Development Setback</i>
Earthworks	<i>Rule 24.3 – Earthworks in the Wetland Conservation Zone</i>
	<i>Rule 15.5.2 – Earthworks</i>
Vegetation clearance	<i>Rule 24.3 – Clearing of Trees or Other Vegetation in the Wetland Conservation Zone</i>
	<i>Rule 15.6.3.2 – Removal of Indigenous Trees or Vegetation:</i>
Operation of café/restaurant	<i>Rule 23A.1.3(9) – Café/Restaurant on the same site and associated with farming or on site primary produce manufacturing</i>
Site access/parking	<i>Part 51 – Parking, Loading and Access</i>
<b>Proposed Waikato District Plan</b>	
Earthworks	<i>Rule 22.2.3.3 (RD1) – Earthworks in Significant Natural Areas:</i>
Vegetation clearance	<i>Rule 22.2.7 (D1) – Indigenous Vegetation Clearance Inside a Significant Natural Area:</i>
Buildings in proximity to Waikato River	<i>Rule 22.3.7.5 – Building Setback Water Bodies</i>
<b>Waikato Regional Plan</b>	
Water take	<i>Rule 3.3.4.23 Construction Watertake</i>
Discharges	<i>Rule 3.5.10.3 – Flood Pump (Discharge of pumped drainage water)</i>
	<i>Rule 3.5.11.8 – Stormwater Discharge</i>
Diversion of surface water	<i>Rule 3.6.4.13 – Diversion of Surface Water</i>
Upgrades to culverts	<i>Rule 4.2.9.3 – Culvert</i>
Works within stream beds	<i>Rule 4.3.4.4 – Bed Disturbance Activities</i>
Earthworks	<i>Rule 5.1.4.15 – Land Disturbance/ Earthworks/ Vegetation Removal</i>

## Reasons for Consent – River related activities

<b>Activity</b>	<b>Rule triggered</b>
<b>Waikato District Plan</b>	
Pontoon and ramps – construction and operation	<i>Rule 7.3.1 Buildings within 30 metres of the edge of a river</i>
	<i>Rule 24.4 structures on the surface of the Waikato River in the Wetland Conservation zone</i>
	<i>Rule 15.5.2.3 Earthworks in a Rural zone</i>
	<i>Rule 23A.1.5 structure within the Rural zone</i>
Construction of car park and vehicle crossings	<i>Rule 15.5.2 Earthworks</i>
	<i>Rule 51.1.5 Parking spaces - location on site</i>
<b>Waikato Regional Plan</b>	
Construction of new boat ramp and pontoon at Pokeno, and upgrade of existing boat ramp and construction of new pontoon at Mercer	<i>Rule 4.2.12.1 Boat Ramps and Jetties</i>
Construction of carpark and river structures	<i>Rule 5.1.4.14.2, 5.1.4.14.3, 5.1.4.15.2 Soil disturbance activities</i>
Vegetation clearance in proximity to Waikato River	<i>Rule 5.1.4.15.6 Riparian vegetation clearance within 5 metres of the banks of a perennial water body</i>

## **TaTa Valley Resort Zone Provisions**

### **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 whilst avoiding, remedying or mitigating adverse effects on the environment as far as practicable.

### **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 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 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 the TaTa Valley Resort zone in general accordance with the Concept Plan (attached as Appendix 1 to Chapter 29) including:

- a) Establishment of a large scale hotel in the concept plan area
- b) Establishment of lower density visitor accommodation, rural tourism and recreation activities outside of the concept plan area

**29.2 (P4)** Manage the adverse effects of the establishment and operation of the TaTa Valley Resort, having regard to the values of the Waikato River and the amenity and character values of the surrounding rural environment

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

**29.2(P6)** Buildings within 37m of the Waikato River shall demonstrate a functional or operational need to be located in proximity of the Waikato River

### 29.3 Rules - Activity Table

The activities below apply to both the Zone and the Hotel Precinct unless otherwise specified.

*Drafting Note: Where the rules propose to replicate recommended provisions of the Rural Zone (as per recommendations of the Reporting Officer in respect of Hearings 18, 21A and 21B), these are highlighted in green with the applicable Rural Zone rule footnoted. TVL are conscious that as per the Hearing Panel directions the plan will ultimately be reformatted to match National Planning Standards requirements, the provisions have been drafted in a manner to ease the hearing process:*

- *In some instances, the (Rural Zone) rule has been replicated in full for ease of use where it is likely that further discussion is required in respect to its application in the TVR Zone (e.g. built form rules).*
- *Other rules which are less likely to require discussion (e.g. earthworks, vegetation clearance) are simply cross referenced for conciseness.*
- *If elements of the Rural Zone rule are not applicable to the site (i.e. references to building setbacks to State Highways, which does not apply for the TVR Zone) these have not been replicated in the TVR Zone rules for simplicity and conciseness.*

The documents referenced are:

- *Appendix 1 of Closing Statement Hearing 18: Rural Zone – Land use 23/10/20*
- *Attachment 2 of Concluding Hearing Report – Hearing 21B Landscapes 22/10/20*
- *Appendix 2 of Rebuttal Evidence Hearing 21A: Natural Environments – Indigenous Vegetation and Habitats, November 2020.*

Zone specific definitions are included at the end of provisions for ease of reference.

	Activity <sup>1</sup>	Status
A1	Farming	P
A2	Produce Stall	P
A5	Equestrian Centre	P
A6	Free range pig or poultry farming	P
A7	Community facility	RD
A8	Horse Training Centre	P
A9	Rural industry	RD
A10	Conservation Activities	P
A11	Earthworks	P
A12	Earthworks for the maintenance of existing tracks, fences or drains within a Significant Amenity Landscape – Waikato River Margins and Lakes	P
A13	Vegetation clearance outside of a SNA	P
A14	Vegetation clearance inside a SNA	P
A15	Vegetation clearance inside a SNA not complying with the standards in 29.5.7	D

<sup>1</sup> Activities A1-A17 are replicated from the Rural Zone provisions, as set out in Appendix 1 of the Closing Statement Hearing 18: Rural Zone – Land Use

	Activity <sup>1</sup>	Status
A16	Storage of hazardous substances	P
A17	Storage of hazardous substances not complying with the permitted activity standards	D
A18	Signs	P
A19	Visitors accommodation within Hotel Precinct	RD
A20	Visitors accommodation outside the Hotel Precinct	P
A21	Permanent buildings for visitor accommodation outside of the Hotel Precinct that do not meet permitted standards but are no greater than: a) 10m in height; and/or b) 2,000m <sup>2</sup> building coverage	RD
A22	Workers accommodation	P
A23	Ancillary retail	P
A24	Ancillary commercial services	RD
A25	Ancillary offices	P
A26	Helicopter take offs and landings	P
A27	Informal recreation	P
A28	Entertainment activity	P
A29	Temporary events	P
A31	Special noise events	P
A32	Any permitted activity listed in Table 29.3 within a Māori site of Significance	RD
A33	Activities not complying with one relevant permitted activity standard in 29.4 or 29.5	RD
A34	Activities not complying with two or more relevant permitted activity standards in 29.4 and 29.5	D
A35	Activities not otherwise provided for	D

## **29.4 Standards - General**

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

### **29.4.1 Access**

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

### **29.4.2 Parking**

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

### 29.4.3 Building Height<sup>2</sup>

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

### 29.4.4 Building Setbacks – General<sup>3</sup>

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

### 29.4.5 Building setbacks from water bodies<sup>4</sup>

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

### 29.4.6 Building Coverage outside the Hotel precinct

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

### 29.4.7 Lighting<sup>5</sup>

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

### 29.4.8 Noise

- a) The noise rating level from activities in the TVR Zone must not exceed:
  - (i) 50dB (LAeq), 7am to 7pm every day;
  - (ii) 45dB (LAeq), 7pm to 10pm every day;

<sup>2</sup> as set out in Hearing 18, Chapter 5 Rural Environment 22.3.7.1(P3-P4)

<sup>3</sup> as set out in Hearing 18, Chapter 5 Rural Environment 22.3.7.1(P3-P4)

<sup>4</sup> As set out in Hearing 18, Chapter 5 Rural Environment, 22.3.7.5 (P1)

<sup>5</sup> As set out in Hearing 18, Chapter 5 Rural Environment 22.2.2(P1)

- (iii) 40dB (LAeq) and 65dB (LAm<sub>ax</sub>), 10pm to 7am the following day when measured at or within any Notional Boundary in the Rural Zone.
- b) No noise limits apply between sites in the Tata Valley Resort Zone.
- c) Noise levels must be measured in accordance with the requirements of New Zealand Standard NZS 6801:2008 “Acoustics – Measurement of Environmental Sound”.
- d) Noise levels must be assessed in accordance with the requirements of New Zealand Standard NZS 6802:2008 “Acoustic – Environmental noise”

#### **29.4.9 Daylight Admission<sup>6</sup>**

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

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

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

#### **29.4.11 New Infrastructure**

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

### **29.5 Activity Specific Standards**

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

#### **29.5.1 Earthworks**

- a) Provisions will be as per the provisions set out for the Rural Zone in Hearing 21a – Natural Environment s22.2.3.1(P1-P6)

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

- a) Provisions will be as per the provisions set out in Hearing 21b – Natural Environment 22.2.3.4 - Earthworks within Landscape or Natural Character Areas(P1-P2).

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

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

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

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

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<sup>6</sup> Hearing 18, Rural Environment s22.2.3

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

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

### **29.5.6 Signs**

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

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

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

### **29.5.8 Workers accommodation**

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

### **29.5.9 Ancillary retail**

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

### **29.5.10 Ancillary offices**

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

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

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

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

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

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

- a) The duration of the event is less than 72 hours
- b) Noise levels for temporary events shall comply with the limits specified in standard 29.4.8
- c) The maximum capacity of the event is 500 people in attendance
- d) The event occurs between the hours of 7:30am and 8:30pm Monday – Sunday.
- e) Temporary buildings must be
  - (i) no greater than 15m in height;
  - (ii) erected no more than 2 days before the event occurs;
  - (iii) removed no more than 3 days after the end of the event; and
  - (iv) The site is returned to its previous condition no more than 3 days after the end of the event.

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

- a) A Special Noise Event must not exceed a total cumulative duration of 8 hours on any day. A Special Noise Event that occurs over two days shall be considered to be two Special Noise Events
- b) There must not be more than one Special Noise Event on any day.
- c) There must not be more than two Special Noise Events in any seven day period.
- d) There must not be more than four Special Noise Events in any 30 day period.
- e) There must not be more than 12 Special Noise Events in any 12 month period.

- f) Special Noise Events may take place between 7.30am and 8:30pm on any day.
- g) The noise generated by any activity associated with the Special Event must not exceed 65dB  $L_{Aeq(5min)}$  when measured and assessed at any Notional Boundary on another site outside the Tata Valley Resort Zone.
- h) The noise level must comply with the stated limit for every 5 minute  $L_{Aeq}$  period. There shall be no adjustment for Duration or Special Audible Character in accordance with NZS6802:2008 when determining compliance with Rule 29.5.16(d). All other relevant adjustments and assessment requirements specified in NZS6802 apply;
- i) Noise levels must be measured in accordance with the requirements of New Zealand Standard NZS 6801:2008 "Acoustics – Measurement of Environmental Sound". Noise levels must be assessed in accordance with the requirements of New Zealand Standard NZS 6802:2008 "Acoustics – Environmental noise except as specified in (h) above.

### **29.5 Assessment – Restricted Discretionary Activities**

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

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

### **29.6 Activity Specific Matters of Discretion**

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

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

Council's discretion is restricted to the following matters:

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

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

Council's discretion is restricted to the following matters:

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

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

Council's discretion is restricted to the following matters:

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

#### **29.6.4 Building setbacks (General) not complying with standards in 29.4.4<sup>7</sup>**

Council's discretion is restricted to the following matters:

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

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

Council's discretion is restricted to the following matters:

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

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

Council's discretion is restricted to the following matters:

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

#### **29.6.7 Lighting not complying with standards in 29.4.7<sup>8</sup>**

Council's discretion is restricted to the following matters:

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

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<sup>7</sup> As set out in Hearing 18, Chapter 5 Rural Environment 22.3.7.1(RD1)

<sup>8</sup> As set out in Hearing 18, Chapter 5 Rural Environment, 22.2.2(RD1)

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

Council's discretion is restricted to the following matters:

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

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

Council's discretion is restricted to the following matters:

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

#### **29.6.10 Community facilities**

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

#### **29.6.11 Rural industry**

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

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

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

#### **29.6.13 Earthworks not complying with the standards in 29.5.3**

- a) Provisions will mirror those for the rural zone as currently set out in Hearing 21b – Natural Environment, s22.2.3.4(RD1)

#### **29.6.14 Vegetation clearance outside a SNA not complying with the standards in 29.5.5**

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

#### **29.6.15 Signs not complying with the standards in 29.5.7**

Council's discretion is restricted to the following matters:

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

#### **29.6.16 Visitors Accommodation (within the Hotel Precinct) and/or Visitors Accommodation not complying with the standards in 29.5.8**

Council's discretion is restricted to the following matters:

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

#### **29.6.17 Workers accommodation not complying with the standards in 29.5.10**

Council's discretion is restricted to the following matters:

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

#### **29.6.18 Ancillary retail not complying with the standards in 29.5.11**

Council's discretion is restricted to the following matters:

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

#### **29.6.19 Ancillary offices not complying with the standards in 29.5.12**

Council's discretion is restricted to the following matters:

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

#### **29.6.20 Helicopter take offs and landings not complying with the standards in 29.5.13**

Council's discretion is restricted to the following matters:

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

### **29.6.21 Temporary events not complying with standards in 29.5.14 or 29.5.15**

Council's discretion is restricted to the following matters:

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

### **29.6.22 Special events not complying with standards in 29.5.16**

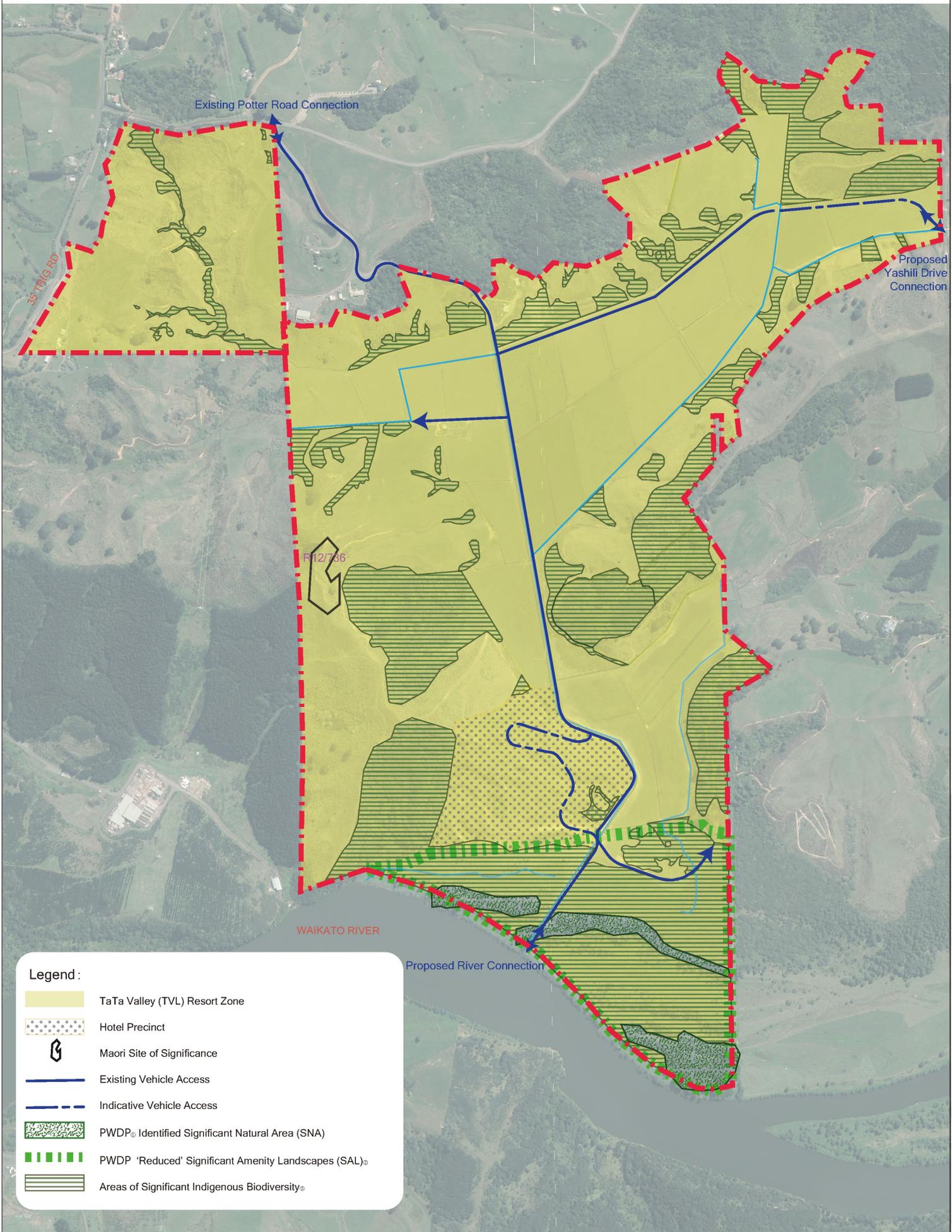
- a) The extent to which the proposed activity will give rise to adverse noise effects on the
- b) surrounding environment and adequacy of proposed measures to manage these effects.

## **29.8 Assessment – Discretionary activities**

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

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

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.
Special event	A temporary event that exceeds the permitted noise standard of the Resort Zone.



**Legend :**

- TaTa Valley (TVL) Resort Zone
- Hotel Precinct
- Maori Site of Significance
- Existing Vehicle Access
- Indicative Vehicle Access
- PWDP® Identified Significant Natural Area (SNA)
- PWDP® 'Reduced' Significant Amenity Landscapes (SAL)®
- Areas of Significant Indigenous Biodiversity®

# B

## Appendix B – Section 32AA Report

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## Section 32AA - TaTa Valley Proposed Resort Zone

Prepared for TaTa Valley Ltd

Prepared by Beca Limited

17 February 2021



**make  
everyday  
better.**

## Revision History

Revision N°	Prepared By	Description	Date
1	Max Pocock / Kelly Bingham	Review for internal review	22/12/2020
2	Kelly Bingham	Review for external review	12/02/2021
3	Kelly Bingham	For submission to Waikato District Council	19/02/2021

## Document Acceptance

Action	Name	Signed	Date
Prepared by	Max Pocock / Kelly Bingham		19/02/2021
Reviewed by	Ailsa Fisher		19/02/2021
Approved by	Chris Scrafton		19/02/2021
on behalf of	Beca Limited		

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# 1 Introduction to s32AA Report

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This section 32AA Report has been prepared by Beca Ltd (Beca) on behalf of TaTa Valley Ltd (TVL) in support of the proposed rezoning of land at 242 Bluff Road and 36 Trig Road (the Site) from a Rural zone to the Tata Valley Resort zone. This report evaluates changes to the proposal since the first section 32AA Report dated 9 October 2018<sup>1</sup> which was supplied as part of the TVL submission.

The TVL submission sought to introduce a special purpose zone to the Plan, being the proposed TaTa Valley Resort Zone (TVR Zone), as well as seeking other relief to the Proposed Waikato District Plan (PWDP) as noted in the submission. The purpose of the proposed TVR Zone is to enable development of the site into a regionally significant tourist and recreation facility, known as the Tata Valley Resort (TVR).

## 1.1 Scope of this Report

Section 32AA of the Resource Management Act 1991 (RMA) requires a further evaluation report to be prepared when any changes are made to, or proposed for, a proposal since an original report was completed under s32 of the RMA. The scope of the report is limited to the changes that have been made to the proposal and should consider the matters set out in ss32(1)-(4) of the RMA<sup>2</sup>.

Section 32(1) provides that evaluation reports must:

- Examine the extent to which the objectives of the proposed changes are the most appropriate way to achieve the purpose of the RMA;
- Examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by identifying other reasonably practicable options for achieving the objectives, assessing the efficiency and effectiveness of the provisions in achieving the objectives, and summarising the reasons for deciding on the provisions; and
- Contain a level of detail that corresponds to the scale and significance of the environmental, economic, social and cultural effects that are anticipated from the implementation of the proposal.

In addition, s32(2) states that evaluation reports must, in their assessment of the proposal's provisions:

- Identify and assess the benefits and costs of the environmental, economic, social and cultural effects that are anticipated from the implementation of the provisions, including opportunities for economic growth and employment;
- If practicable, quantify these benefits and costs, and;
- Assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.

## 1.2 Summary of Request for Rezoning

Under the PWDP the site is located within the Rural Zone. The policy framework of the Rural Zone does not align with TVL's vision for the site. As such, there is a need to rezone the site with a special purpose TVR Zone that will:

- Enable the development of the TaTa Valley Resort in a holistic and integrated manner;
- Enable activities required for the effective functioning of the TaTa Valley Resort;

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<sup>1</sup> Section 32AA Report –Tata Valley Proposed Resort Zone, prepared by Beca Limited, dated 8 October 2018

<sup>2</sup> In this instance only ss32(1)-(2) are relevant as the proposed changes are not to an already proposed or existing standard, statement or plan as per ss32(3)-(4)

- Provide for the development and operation of the TaTa Valley Resort as a regionally significant tourist and recreation facility, while managing adverse effects on the surrounding land and high natural values; and
- Enable the development of the Tata Valley Resort in accordance with the TVR Zone provisions.

In summary, the key points of the original submission with respect to the rezoning<sup>3</sup> sought to:

- Re-zone an area of approximately 255ha from Rural to TVR Zone. This will be a special purpose zone to enable the vision for TaTa Valley Resort to be achieved;
- Include new objectives, policies and methods for the TVR Zone. Proposed rules within the TVR Zone include:
  - Rules providing for a range of activities associated with the operation of the Tata Valley Resort as permitted, controlled, restricted discretionary or discretionary activities;
  - A range of general activity standards and specific activity standards; and
  - Matters of discretion for Council to consider when assessing resource consent applications;
- Include a range of definitions in the PWDP for activities which are currently not listed or included in the PWDP.

## 2 Section 32AA Evaluation

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Section 32AA(1)(b) of the RMA states a s32AA report must be undertaken in accordance with section 32(1) to (4) (noting that in this instance only ss32(1)-(2) are relevant). The following subsections evaluate the changes to the proposal, since the first section 32AA report was prepared in 2018. In accordance with section 32(1)(c) the evaluation contains a level of detail that corresponds to the scale and significance of the environmental, economic, social and cultural effects anticipated from implementing the proposal.

### 2.1 Evaluation of changes to proposal since first section 32AA report

Table 1 outlines and evaluates the changes that have been made to the proposal since the first section 32AA report was prepared. Most changes to the provisions, mapping and rules of the proposed zone are refinements that have been made due to several years of specialist inputs, design progress, consultation with stakeholders and mana whenua, and the introduction of new national policy documents. Overall, it is considered that the changes have refined, improved and clarified the provisions of the proposed TVR Zone.

#### 2.1.1 Changes to Significant Natural Area approach

Of particular note and referred to a number of times in Table 1 below, are changes to the proposed approach to the management areas of significant indigenous biodiversity. In TVL's original submission to the PWDP, TVL opposed the approach proposed to manage indigenous biodiversity on the TVL site, and instead proposed a bespoke site-wide approach to manage indigenous biodiversity and Significant Natural Areas (SNAs) on the site. Under this approach, the removal of some areas of lower value indigenous biodiversity on site would be enabled to allow for the resort's development, but ecological mitigation, enhancement, offset, compensation and protection elsewhere on the site would occur to provide a net positive impact for the overall site. Since the release of the National Policy Statement for Freshwater Management, and associated changes to the management of indigenous biodiversity and wetlands, this approach is no longer considered appropriate and will not be pursued by TVL. The PWDP district-wide approach to managing indigenous biodiversity values (as per the recommended provisions of the Rural Zone) will be relied upon for

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<sup>3</sup> Note: TVL have submitted on a range of other matters with respect to the PWDP as submitter number 574 and further submitter number 1340

the site (rather than seeing a site-specific approach), and TVL's mapping has also been updated to identify additional areas that contain significant indigenous biodiversity values.

### 2.1.2 Changes to Significant Amenity Landscape approach

With regard to Significant Amenity Landscapes (SAL), the SAL mapping from the operative Waikato District Plan was initially rolled over, resulting in a large portion of the TVL site being subject to the SAL overlay. The extent of the SAL was discussed at Hearing 21B: Landscapes and TVL accepted the Reporting Officer's recommendation to reduce the extent of the SAL overlay on the TVL site as recommended in the s42A Report<sup>4</sup> (which is what is shown on the planning map). It is proposed to adopt the recommended SAL provisions for the Rural Zone in relation to the SAL on the Site.

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<sup>4</sup> Refer to Attachment 8 of the s42A Report: Landscapes 21B at [https://wdcsitefinity.blob.core.windows.net/sitefinity-storage/docs/default-source/your-council/plans-policies-and-bylaws/plans/district-plan-review/hearings/hearing-21a/council-section-42a-reports/attachment-8---recomended-map-amendments.pdf?sfvrsn=78c8ac9\\_4](https://wdcsitefinity.blob.core.windows.net/sitefinity-storage/docs/default-source/your-council/plans-policies-and-bylaws/plans/district-plan-review/hearings/hearing-21a/council-section-42a-reports/attachment-8---recomended-map-amendments.pdf?sfvrsn=78c8ac9_4)

Table 1. Comparison of changes to original proposal, and benefits and costs of changes.

Provision/report section	Change from original provisions	Benefits	Costs
TVR Zone objectives – Objective One	<p>Minor wording change:</p> <p><b>Original objective:</b> <i>The TaTa Valley Resort is developed to operate as a regionally significant tourist and recreation facility</i></p> <p><b>Amended objective:</b> <i>The TaTa Valley Resort is enabled to operate as a regionally significant tourism and recreation facility.</i></p>	The amended wording clarifies the intent of the objective and more clearly communicates the purpose of the zone.	Not applicable, minor change in wording.
TVR Zone objectives – Objective Two	<p>Minor wording change:</p> <p><b>Original objective:</b> <i>The development and operation of TaTa Valley Resort is undertaken in a way that appropriately manages adverse effects on the surrounding environment.</i></p> <p><b>Amended objective:</b> <i>The TaTa Valley Resort is developed and operated whilst avoiding, remedying and mitigating adverse effects on the environment as far as practicable.</i></p>	The amended wording more clearly communicates the intent of the objective, and sets out the mitigation hierarchy.	Not applicable, minor change in wording.
TVR Zone objectives – Objective Three	The original objective ( <i>The indigenous biodiversity values and indigenous ecosystems within Significant Natural Areas of the site as a whole are maintained or enhanced.</i> ) has now been deleted.	The original provisions proposed a bespoke site-wide approach to the management of SNAs. The inclusion of this objective is no longer needed as a bespoke approach to SNA management is no longer being pursued and the PWDP SNA rules will apply. The deletion of this rule brings the management of SNAs more in line with that of the PWDP and national policy direction as to management of these environments.	Not applicable. The district-wide approach and provisions for SNA's is now proposed rather than a bespoke approach.

Provision/report section	Change from original provisions	Benefits	Costs
Zone policy	<p>This policy has been deleted and a new policy added.</p> <p><b>Original policy:</b> <i>Policy 29.1.1.1 Enable the establishment and safe and efficient operation of the TaTa Valley Resort</i></p> <p><b>New policy:</b> <i>Enable the development and operation of the TaTa Valley Resort for all of the following primary activities:</i></p> <ul style="list-style-type: none"> <li>a) <i>Visitor accommodation; and</i></li> <li>b) <i>Rural tourism including recreation and entertainment activities.</i></li> </ul>	<p>These policies have been simplified to more clearly set out the primary and ancillary activities of the TVR Zone.</p>	<p>Not applicable, refinement in wording of the policy.</p>
Zone policy	<p>Minor changes:</p> <p><b>Original policy:</b> <i>Policy 29.1.1.2 Enable a range of activities that are compatible with the development and ongoing operation of the TaTa Valley Resort such as:</i></p> <ul style="list-style-type: none"> <li>a) <i>Travellers accommodation</i></li> <li>b) <i>Ancillary commercial and retail activities</i></li> <li>c) <i>Conference activities</i></li> <li>d) <i>Recreation and entertainment.</i></li> </ul> <p><b>New policy:</b> <i>Enable activities to establish onsite which are compatible with, or accessory to, the primary activities of the TaTa Valley Resort including:</i></p> <ul style="list-style-type: none"> <li>a) <i>Ancillary commercial and retail activities;</i></li> <li>b) <i>Conservation activities;</i></li> </ul>		

Provision/report section	Change from original provisions	Benefits	Costs
	<ul style="list-style-type: none"> <li>c) <i>Concerts, events and ancillary temporary buildings and structures;</i></li> <li>d) <i>Workers accommodation; and</i></li> <li>e) <i>Accessory buildings.</i></li> </ul>		
Zone policy	<p>This policy has been amended:</p> <p><b>Original policy:</b> <i>Policy 29.1.2.1 Develop the TaTa Valley zone in general accordance with the TaTa Valley Precinct Plan</i></p> <p><b>New policy:</b> <i>Develop the TaTa Valley Resort zone in general accordance with the Concept Plan (attached as Appendix 1 to Chapter 29) including:</i></p> <ul style="list-style-type: none"> <li>a) <i>Establishment of a large scale hotel in the concept plan area</i></li> <li>b) <i>Establishment of lower density visitor accommodation and rural tourism activities outside of the concept plan area.</i></li> </ul>	<p>The amended policy provides more detail and guidance around what the concept plan entails; this assists in understanding and applying the concept plan for activities proposed on site, as well as providing greater clarity around the sorts of activities that can be expected on the site.</p> <p>The implementation method of a “precinct” has been amended to refer to a “concept plan” in order to be consistent with the National Planning Standards, which includes specific guidance on the use of spatial layers such as precincts.</p>	Not applicable, refinement in wording of the policy.
Zone policy	<p>This policy has been amended:</p> <p><b>Original policy:</b> <i>Policy 29.1.2.2 Manage the adverse effects of the establishment and operation of the TaTa Valley Resort, having regard to the amenity of the surrounding environment.</i></p> <p><b>New policies:</b> <i>Manage the adverse effects of the establishment and operation of the TaTa Valley Resort, having regard to the values of the</i></p>	<p>The amended policy provides more detail and guidance around the management of effects on site, in particular potential effects on the Waikato River and its values. Additionally, the policy acknowledges the potential that development of the site may result in a greater scale of development than that typically found in the rural environment.</p>	Not applicable, refinement in wording of the policy.

Provision/report section	Change from original provisions	Benefits	Costs
	<p><i>Waikato River and the amenity and character values of the surrounding rural environment.</i></p> <p><i>Recognise that establishing and operating the TaTa Valley Resort may result in a greater scale of development than what may typically be found in the rural environment.</i></p>		
New policy	<p>New policy proposed:</p> <p><b>New policy:</b> <i>Buildings within 37m of the Waikato River shall demonstrate a functional or operational need to be located in proximity of the Waikato River.</i></p>	<p>The new policy provides guidance on what built form is acceptable within the 37m setback of the Waikato River.</p>	<p>Not applicable, refinement in policy guidance for the Zone. The policy reflects methods already applicable to the Site.</p>
Alternative approaches (status quo, bespoke Resort zone, use of another PWDP zone)	<p>No change from s32AA report dated 8 October 2018</p>		
Analysis of Existing Objectives (s2.2.3 of original S32 report)	<p>Two additional objectives (Significant Natural Areas and Significant Amenity Landscapes) have been considered as part of the amended proposal.</p>	<p>The new objectives relate to the district wide management of SNAs and SALs. This is in line with the PWDP, as a bespoke approach to their management is no longer being sought by TVL.</p> <p>This change brings the proposal more in line with the PWDP and NPS:FM and provides for the protection and enhancement of SNAs and SALs on the site.</p>	<p>Not applicable. The district-wide approach and provisions for SNA's is now proposed rather than a bespoke approach.</p>
Precinct Plan	<p>Three Precinct areas were originally proposed to cover the site; one precinct (and concept plan) is now proposed.</p>	<p>TVL's proposed Precinct Plan approach has been simplified by creating one concept plan area rather than three precincts.</p>	<p>Not applicable, refinement in use of Precincts.</p>

Provision/report section	Change from original provisions	Benefits	Costs
SNA Mapping	The amended SNA mapping includes only the PWDP SNA overlay and not the bespoke approach sought in the TVL submission. Additional areas with significant biodiversity values have been identified.	A bespoke approach to SNA management is no longer sought; the SNA mapping is therefore now aligned with the PWDP district-wide approach.	Not applicable. The district-wide approach and provisions for SNA's is now proposed rather than a bespoke approach.
Activity table	<p>The amended activity table is simplified due to the reduction in the number of proposed precincts.</p> <p>Changes have also been made to the development controls and activity specific conisations for a number of activities. Finally, rules around retail and commercial activities on site have been simplified.</p>	<p>As well as being simplified and easier to interpret, the activity table now includes standard development conditions for all buildings related to activities. Activities are generally permitted subject to activity specific controls, where the effects are well understood.</p> <p>This is a more comprehensive framework whereby permitted activities can be identified and managed, with clear activity specific conditions to guide their implementation and operation.</p>	Not applicable, refinements in activity table and use of precincts.
Changes to activity table – activities and standards.	Activity specific conditions for <b>visitor accommodation</b> have been further developed, given its status as a permitted activity.	The further refinement of the activity standards ensures that there are appropriate controls in place to manage this permitted activity.	Not applicable – refinement to permitted activity standards.
	Bespoke <b>SNA rules</b> have been amended to follow the approach included in the recommended Rural Zone provisions, rather than the site-specific approach previously proposed.	This change brings the SNA rules more closely in line with the PWDP and NPS:FM.	Not applicable – refinement in activity standards.
	<b>Helicopter take offs and landings</b> have changed from a Controlled to Permitted activity.	The refinement of this activity specific conditions means that the activity is not unnecessarily restricted but has appropriate controls in place to manage the activity.	Not applicable.

Provision/report section	Change from original provisions	Benefits	Costs
	The approach to <b>traffic management</b> is now site-based, rather than activity based.	Transport assessments for the site have progressed and a new road will now be servicing the site. As such, the capacity of the transport network has increased and it is more appropriate to take a site-based approach to managing traffic.	Not applicable.
	A maximum <b>building footprint</b> is now proposed.	Including a building footprint in the development standards is in line with discussions held at the PWDP Rural Zone hearings, and allows for landscape and visual effects to be managed.	Not applicable.
	<b>Matters of discretion</b> for various Restricted Discretionary activities have been amended.	<p>As the proposal has progressed and further specialist inputs have been sought, the matters of discretion have been refined.</p> <p>Where proposals do not comply with the activity specific conditions related to a permitted activity, the activity status generally defaults to a restricted discretionary activity. The matters of discretion have been rationalised to include a matter which requires consideration of the non-compliance with the activity specific condition.</p>	Not applicable.
	Hours of operation for <b>temporary events</b> have been extended for events occurring within the concept plan area. Temporary events will be subject to a permitted capacity cap based on <b>visitor numbers</b> .	It is acknowledged that the 'temporary events' held in the concept plan area will likely be held in and around the hotel itself (such as weddings). The change to the hours of operation enables the ability for such events to operate slightly later.	Not applicable.

Provision/report section	Change from original provisions	Benefits	Costs
		<p>A capacity 'cap' is proposed to enable smaller events to operate as permitted activities where (in particular) such numbers will not impact the transport system.</p> <p>Both of these changes allow for temporary events to be managed with appropriate controls in place and clear guidelines around their operation.</p>	
	<p>Rules, which already apply to the Rural Zone have been added to the TVR Zone for earthworks within <b>Significant Amenity Landscapes</b>.</p>	<p>This change brings the management of SALs in line with what is proposed in the Rural Zone and will allow for earthworks within SALs to be appropriately managed.</p>	<p>Not applicable.</p>

**2.1.3 Section 32(1)(a)**

Section 32(1)(a) requires an examination as to the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act (being section 5 of the RMA, to promote the sustainable management of natural and physical resources). The proposed objectives including minor changes set out in Table 1, and the extent to which they appropriately achieve the purpose of the RMA remain the same as evaluated in the first section 32AA Report and is not repeated here.

**2.1.4 Section 32(1)(b)**

Section 32(1)(b) requires an evaluation of the provisions in a proposal. The purpose of this is to assess if the proposal is the most appropriate way to achieve the objectives. This includes identifying other options to achieve the objectives, assessing the efficiency and effectiveness of the provisions in achieving the objectives, and summarising the reasons for deciding on the provisions. A summary of options are discussed in Table 2 below.

**Table 2: Options to achieve the objectives**

Option	Summary	Extent to which it is the most appropriate
<p><b>Option 1:</b> Status Quo (Do not re-zone)</p>	<p>Do not re-zone the subject site and continue to develop the Resort under a Rural zoning.</p>	<p>Many of the activities proposed as part of the TaTa Valley Resort, are not provided for in the Rural Zone, nor are the activities anticipated in the objectives and policies.</p> <p>A number of changes to the Rural Zone were recommended by the Reporting Officer for Chapter 22: Rural (from Hearing 18: Rural). These include:</p> <ul style="list-style-type: none"> <li>• New objectives and policies that provide for ‘rural commercial’ activities – with a subsequent definition including adventure and farm tourism – where there is a ‘functional or operational’ need for the rural location. One of the proposed policies seeks to manage activities to be in keeping with rural character and amenity and minimising reverse sensitivity effects;</li> <li>• Rural commercial activities to be restricted discretionary activities outside an urban expansion area;</li> <li>• Visitors Accommodation for over 5 people to be a discretionary activity.</li> <li>• Temporary events (up to 6 per year) to be a permitted activity (and discretionary if permitted standards are not met);</li> <li>• Building coverage must not exceed 5,000m2 as a permitted activity (otherwise is a discretionary activity).</li> </ul> <p>Whilst these changes will provide for some of the activities proposed as part of the Resort, the changes don’t provide for a holistic and integrated approach to the activities proposed by TVL and associated effects management, as efficiently and effectively as a special purpose zone would. Under this option, it is likely that the development of the Resort would be subject to ongoing resource consent application requirements as the development is staged. Also, such applications may not be consistent with the Rural Zone provisions. Retaining the site’s rural zoning would therefore not present the most efficient or effective way of achieving the objectives.</p> <p>It is proposed that a number of the TVR Zone provisions, such as earthworks and building height, will mirror those of the Rural</p>

Option	Summary	Extent to which it is the most appropriate
		<p>Zone. This is in recognition of the fact that the rural character of the site is still of importance to the site's operation and should be maintained where possible. The proposed TVR Zone provisions aim to strike a balance between acknowledging the rural environment in which the site will operate and recognising the unique nature of the site.</p>
<p><b>Option 2:</b> Include Special Purpose TVR Zone</p>	<p>Include new objectives, policies and rules which anticipate and provide for the proposal.</p>	<p>This option involves introducing a new special purpose TVR Zone and associated provisions in the PWDP. The purpose of the proposed zone is to provide an appropriate planning framework for the establishment, development and operation of the Tata Valley Resort. It is considered that the proposal is distinct in the Waikato District and justifies its own planning approach, similar to other large activities in the district, which provide region-wide benefits, such as Hampton Downs Motorsport Park.</p> <p>It is considered that this approach is more effective, as it enables the primary activity and reduces uncertainty about whether the proposal meets policy intent and tests for Rural Zone.</p> <p>The provisions of the TVR Zone will provide an effective framework for Council to use in their decision making and provide certainty for the submitter, Council and the community in indicating the future development for the site and any relevant controls that need to be met to facilitate this development. Given this, the zone will avoid a piecemeal approach to development onsite, which may occur through applying for numerous resource consents for each of the proposed activities.</p> <p>The policies and rules are considered to be the most appropriate, effective and efficient way to achieve the objectives.</p>
<p><b>Option 3:</b> Utilise another zone in the PWDP</p>	<p>Re-zone from Rural to the Business Zone.</p>	<p>Re-zoning the site to another existing zone was considered, and a Business Zone was considered to be the most relevant of the PWDP zones. However, the purpose of the Business Zone is to enable a wide range of commercial activities including large scale retail and commercial activities and is focused on urban environments. This is not in line with the vision for the Tata Valley Resort (which proposes ancillary retail and commercial activities that support the primary purpose of the Resort) and would not be an appropriate method to achieve the objectives.</p>

In conclusion, option 2 is considered to be the most appropriate method to achieve the objectives for the reasons set out in Table 2.

### 2.1.5 Section 32(2)(a) and (b) Costs and benefits

Section 32(2)(a) and (b) requires an assessment of the economic, environmental, social and cultural costs and benefits. This assessment remains the same as evaluated in the first section 32AA Report and is not repeated here.

### 2.1.6 Section 32(2)(c) Risk of acting or not acting if there is uncertain or insufficient information

Section 32(2)(c) requires an assessment of the risk of acting or not acting if there is uncertain or insufficient information about the plan change. A number of technical assessments have been prepared to inform the development of the proposed TVR Zone (and also to support resource consent applications for the site) and its provisions. These include transport, civil engineering, ecology, landscape / visual, and geotechnical assessments. Based on this, it is considered that sufficient information has been gathered to justify proceeding with the proposed zone and that the risk of acting on this information is less than not acting.

### 2.1.7 Section 32(3) Evaluation of existing objectives

Section 32(3)(b)(ii) requires an assessment of existing objectives to the extent that they are relevant and would remain if the amended proposal were to take effect. The objectives and policies relating to the Rural Zone are included in Chapter 5 of the PWDP and these are assessed below. The objectives of Chapter 3 of the PWDP (Natural Environment) are also relevant insofar as they relate to Significant Natural Areas (SNAs) and Significant Amenity Landscapes (SALs); relevant objectives are included below.

Existing Objective	Appropriateness of Objective
<p><b>5.1.1 Objective – The rural environment</b></p> <p>Objective 5.1.1 is the strategic objective for the rural environment and has primacy over all other objectives in Chapter 5.</p> <p>(a) Subdivision, use and development within the rural environment where:</p> <ul style="list-style-type: none"> <li>(i) high class soils are protected for productive rural activities;</li> <li>(ii) productive rural activities are supported, while maintaining or enhancing the rural environment;</li> <li>(iii) urban subdivision, use and development in the rural environment is avoided.</li> </ul>	<p>The vision for the site is to provide for a type of ‘urban’ development within a rural context and therefore the objective is not entirely appropriate or consistent with the proposal.</p>
<p><b>5.2.1 Objective - Rural resources</b></p> <p>(a) Maintain or enhance the:</p> <ul style="list-style-type: none"> <li>(i) Inherent life-supporting capacity and versatility of soils, in particular high class soils;</li> <li>(ii) The health and wellbeing of rural land and natural ecosystems;</li> <li>(iii) The quality of surface fresh water and ground water, including their catchments and connections;</li> <li>(iv) Life-supporting and intrinsic natural characteristics of water bodies and coastal waters and the catchments between them.</li> </ul>	<p>This objective is focused on rural resources and elements of this objective are appropriate to meet the proposal. However, the development intentions for the TVL site mean that the proposed TVL objectives are more appropriate as a method of balancing the rural resources of the site with development intentions.</p>
<p><b>5.3.1 Objective - Rural character and amenity</b></p> <p>Rural character and amenity are maintained.</p>	<p>Although the TVR Zone is located within a rural context the objective focuses on maintaining rural character and amenity and this is not entirely appropriate to be applied to the TVR Zone. Proposed objectives and provisions of the TVR Zone seek to achieve appropriate amenity levels in the context of the TVR Zone.</p>
<p><b>3.2.1 Objective – Significant Natural Areas</b></p>	<p>Protection and enhancement of SNAs is applicable to landscapes within the</p>

Existing Objective	Appropriateness of Objective
Indigenous biodiversity in Significant Natural Areas is protected and enhanced.	proposed TVR Zone area. This objective relates to the district wide management of SNA's including the subject site and will remain applicable if development is proposed within a SNA onsite (but with specific rules to be located within the TVR Zone).
<b>3.4.1 Objective – Significant Amenity Landscapes</b> The attributes of areas and features valued for their contribution to landscape values and visual amenity are maintained or enhanced.	Protection and enhancement of SALs is applicable to landscapes within the proposed TVR Zone area. This objective relates to the district wide management of SALs including the subject site and will remain applicable within the SAL onsite (but with specific rules to be located within the TVR Zone).

In summary it is considered that the objectives listed above (with the exception of the SNA and SAL objectives) are not entirely appropriate for the TVR Zone and as such the proposed TVR Zone objectives are more appropriate and relevant.

## 2.2 National Planning Standards

This proposal relates to the creation of a 'special purpose zone' being the TVR Zone. Under the National Planning Standards Zone Framework Standard, a special purpose zone must only be created when the proposed land use activities or anticipated outcomes of the additional zone meet the three listed criteria<sup>5</sup>.

It is considered that the proposal meets the aforementioned criteria as noted in the table below:

National Planning Standards Criteria	Comment
8.3(a) Are significant to the district, region, or country	The TVL site will create a district, if not regionally significant tourism hub which showcases the district's farming and food production and supports employment and economic growth in the district (as noted within the evidence of Mr Thompson).
8.3(b) Are impractical to be managed through another zone	The activities proposed for the TVL site are unique and cannot be appropriately managed through another zone such as the Rural Zone or the Business Zone; while the resort will be located in a rural environment, the outcomes sought from the development of the site differ from Rural and Business Zone outcomes.
8.3(c) Are impractical to be managed through a combination of spatial layers	The spatial layers proposed in the notified PWDP would not assist in enabling the land use activities or outcomes of the TVR Zone due to the special purpose nature of the proposal. As discussed above, the proposed Resort and associated activities are unlikely to be consistent with the objectives of the Rural Zone, and therefore a precinct or development area approach would require significant modification of the underlying zone provisions. A special purpose zone is considered more practical than the creation of new spatial layer(s).

<sup>5</sup> Refer to the Mandatory Directions - Section 8.3 of the National Planning Standards at

<https://www.mfe.govt.nz/sites/default/files/media/RMA/national-planning-standards-november-2019.pdf>

### 3 Conclusion

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The purpose of the submission to the PWDP is to rezone the submitter's land from Rural to a special purpose TVR Zone as detailed in Section 1 of this report.

Section 2 of this report evaluates the objectives and provisions of the special purpose TVR Zone in the context of section 32AA of the RMA. In summary the proposed objectives are considered the most appropriate way to achieve the purpose of the RMA. Furthermore, the proposed provisions are considered the most efficient and effective way to achieve the objectives. The implementation of the provisions will provide a range of positive economic, social, environmental and cultural outcomes.

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## Appendix C – Statutory Assessment

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## 1. Development of the built environment

Objective / Policy Number	Key Provisions	Give effect to / have regard to / take into account	Comments	Consistent / inconsistent / not relevant
Objective 3.12(c) – (k), Waikato Regional Policy Statement	<p>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:</p> <ul style="list-style-type: none"> <li>(c) integrating land use and infrastructure planning, including by ensuring that development of the built environment does not compromise the safe, efficient and effective operation of infrastructure corridors;</li> <li>(d) integrating land use and water planning, including to ensure that sufficient water is available to support future planned growth;</li> <li>(e) recognising and protecting the value and long-term benefits of regionally significant infrastructure;</li> <li>(f) protecting access to identified significant mineral resources;</li> <li>(g) minimising land use conflicts, including minimising potential for reverse sensitivity;</li> <li>(h) anticipating and responding to changing land use pressures outside the Waikato region which may impact on the built environment within the region;</li> <li>(i) providing for the development, operation, maintenance and upgrading of new and existing electricity transmission and renewable electricity generation activities including small and community scale generation;</li> <li>(j) promoting a viable and vibrant central business district in Hamilton city, with a supporting network of sub-regional and town centres; and</li> <li>(k) providing for a range of commercial development to support the social and economic wellbeing of the region.</li> </ul>	s75(3)(c) of the RMA: <b>give effect to</b> any regional policy statement	<p>By creating a bespoke special purpose TVR Zone for the site, land use across the site can be managed in an integrated, holistic and planned manner. The proposed TVR Zone provisions, for example on lighting and noise, will minimise adverse effects beyond the site boundary, minimising potential for reverse sensitivity.</p> <p>Infrastructure requirements for the TVR Zone (roads, electricity and the three waters) have been considered concurrently with the development of the TVR Zone provisions. We note that the WDC has included TaTa Valley in its planning for future infrastructure in Pokeno.</p> <p>A range of commercial activities are envisioned for the site, such as the NZ Made Hub, restaurant and hotel, all of which will support the social and economic wellbeing of the region by attracting visitors to Pokeno and providing local employment.</p>	Consistent.

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Policy 4.4, Waikato Regional Policy Statement	<p>The management of natural and physical resources provides for the continued operation and development of regionally significant industry and primary production activities by:</p> <ul style="list-style-type: none"> <li>(a) recognising the value and long term benefits of regionally significant industry to economic, social and cultural wellbeing;</li> <li>(b) recognising the value and long term benefits of primary production activities which support regionally significant industry;</li> <li>(c) ensuring the adverse effects of regionally significant industry and primary production are avoided, remedied or mitigated;</li> <li>(d) co-ordinating infrastructure and service provision at a scale appropriate to the activities likely to be undertaken;</li> <li>(e) maintaining and where appropriate enhancing access to natural and physical resources, while balancing the competing demand for these resources;</li> <li>(f) avoiding or minimising the potential for reverse sensitivity; and</li> <li>(g) promoting positive environmental outcomes.</li> </ul>	s75(3)(c) of the RMA: <b>give effect to</b> any regional policy statement	<p>Primary production will continue to be provided for on the site as a permitted activity. The Resort, in particular the NZ Made Hub, will recognise and showcase the benefits of primary production to the region.</p> <p>The TVR Zone provisions will effectively manage effects such as noise and lighting beyond the site boundary, thus addressing potential reverse sensitivity effects.</p> <p>Development of the Site can be coordinated with bulk water and wastewater infrastructure in Pokeno.</p>	Consistent.
Principle (a), 6A Development principles, Waikato Regional Policy Statement	support existing urban areas in preference to creating new ones;	s75(3)(c) of the RMA: <b>give effect to</b> any regional policy statement	Not applicable. The proposal does not create a new urban area.	Not relevant.
Principle (b), 6A Development principles, Waikato Regional Policy Statement	occur in a manner that provides clear delineation between urban areas and rural areas;	s75(3)(c) of the RMA: <b>give effect to</b> any regional policy statement	Not applicable. The proposal does not create a new urban area.	Not relevant.
Principle (c), 6A Development principles, Waikato Regional Policy Statement	make use of opportunities for urban intensification and redevelopment to minimise the need for urban development in greenfield areas;	s75(3)(c) of the RMA: <b>give effect to</b> any regional policy statement	Not applicable. The proposal does not create a new urban environment.	Not relevant.
Principle (d), 6A Development	not compromise the safe, efficient and effective operation and use of existing and planned	s75(3)(c) of the RMA: <b>give effect to</b> any	As Mr Pitkethley notes in his evidence, water and wastewater demands for the site have been	Consistent.

Objective / Policy Number	Key Provisions	Give effect to / have regard to / take into account	Comments	Consistent / inconsistent / not relevant
principles, Waikato Regional Policy Statement	infrastructure, including transport infrastructure, and should allow for future infrastructure needs, including maintenance and upgrading, where these can be anticipated;	regional policy statement	incorporated into WDC's planning for Pokeno. The site will also connect with existing transport infrastructure, as discussed In Mr Hill's evidence.	
rinciple (e), 6A Development principles, Waikato Regional Policy Statement	connect well with existing and planned development and infrastructure;	s75(3)(c) of the RMA: <b>give effect to</b> any regional policy statement		Consistent.
Principle (f), 6A Development principles, Waikato Regional Policy Statement	identify water requirements necessary to support development and ensure the availability of the volumes required;	s75(3)(c) of the RMA: <b>give effect to</b> any regional policy statement	The site will be serviced by potable water and the evidence of Mr Pitkethley notes that WDC has included the TVL site in their planning for water supply.	Consistent.
Principle (g), 6A Development principles, Waikato Regional Policy Statement	be planned and designed to achieve the efficient use of water;	s75(3)(c) of the RMA: <b>give effect to</b> any regional policy statement		
Principle (h), 6A Development principles, Waikato Regional Policy Statement	be directed away from identified significant mineral resources and their access routes, natural hazard areas, energy and transmission corridors, locations identified as likely renewable energy generation sites and their associated energy resources, regionally significant industry, high class soils, and primary production activities on those high class soils;	s75(3)(c) of the RMA: <b>give effect to</b> any regional policy statement	Not applicable. No mineral resources, renewable energy sites, high class soils etc are located on the site.	Not relevant.
Principle (i), 6A Development principles, Waikato Regional Policy Statement	promote compact urban form, design and location to: (i) minimise energy and carbon use; (ii) minimise the need for private motor vehicle use; (iii) maximise opportunities to support and take advantage of public transport in particular by encouraging employment activities in locations that are or can (v) in the future be served efficiently by public transport; (vi) encourage walking, cycling and multi-modal transport connections; and	s75(3)(c) of the RMA: <b>give effect to</b> any regional policy statement	Not applicable. The proposal is not an urban environment.	Not relevant.

Objective / Policy Number	Key Provisions	Give effect to / have regard to / take into account	Comments	Consistent / inconsistent / not relevant
	(vii) maximise opportunities for people to live, work and play within their local area;			
Principle (m), 6A Development principles, Waikato Regional Policy Statement	avoid as far as practicable adverse effects on natural hydrological characteristics and processes (including aquifer recharge and flooding patterns), soil stability, water quality and aquatic ecosystems including through methods such as low impact urban design and development (LIUDD);	s75(3)(c) of the RMA: <b>give effect to</b> any regional policy statement	The TVR Zone provisions, such as the proposed setbacks from water bodies, will assist in avoiding adverse effects on hydrological characteristics. Stormwater discharges (which are subject to regional plan requirements) to the Waikato River will be of an improved quality when compared to the current discharge, thus an improvement in water quality will be achieved.	Consistent.
Principle (n), 6A Development principles, Waikato Regional Policy Statement	adopt sustainable design technologies, such as the incorporation of energy efficient (including passive solar) design, low-energy street lighting, rain gardens, renewable energy technologies, rainwater harvesting and grey water recycling techniques where appropriate;	s75(3)(c) of the RMA: <b>give effect to</b> any regional policy statement	As the evidence of Mr Pitkethley sets out, stormwater will be managed using low impact design methods onsite including rainwater gardens, swales and wetlands.	Consistent.
Principle (o), 6A Development principles, Waikato Regional Policy Statement	not result in incompatible adjacent land uses (including those that may result in reverse sensitivity effects), such as industry, rural activities and existing or planned infrastructure;	s75(3)(c) of the RMA: <b>give effect to</b> any regional policy statement	The creation of the bespoke zone will allow for land use across the site to be planned and managed in an integrated way. Zone provisions, such as those regarding noise and lighting effects, will appropriately manage effects beyond the boundary of the site. The TVR Zone is based on the district wide Rural Zone and anticipates rural activities will continue on-site.	Consistent.
Principle (p), 6A Development principles, Waikato Regional Policy Statement	be appropriate with respect to projected effects of climate change and be designed to allow adaptation to these changes;	s75(3)(c) of the RMA: <b>give effect to</b> any regional policy statement	We note that this principle is being considered as part of Stage 2 of the PWDP hearings. TVL have made a submission on Stage 2 with regards to the flood management area identified on the site and sought changes to the mapping and provisions.	Consistent.
Principle (s), 6A Development principles, Waikato Regional Policy Statement	encourage waste minimisation and efficient use of resources (such as through resource-efficient design and construction methods); and	s75(3)(c) of the RMA: <b>give effect to</b> any regional policy statement	Not applicable. Detailed design of the site has not yet been carried out, nor has a construction methodology been prepared.	Not relevant.
Guiding Principle, Future Proof 2017	Ensure development is directed away from potential and known hazard areas as well as areas suited to energy generation and transmission, and important mineral resources and access routes to these resources.	s74(2)(b)(i) of the RMA: <b>shall have regard to</b> management plans and strategies	A geotechnical assessment of the site has been carried out to inform the design and layout of the site. In addition the presence of the floodplain within the general 'valley' area of the site has been taken into account in design.	Consistent.

Objective / Policy Number	Key Provisions	Give effect to / have regard to / take into account	Comments	Consistent / inconsistent / not relevant
		prepared under other Acts;		
Implementation method 03.1(3), Waikato 2070	Integrate land-use and transport to make better use of infrastructure and transport connections, while interacting and protecting the environment.	s74(2)(b)(i) of the RMA: <b><u>shall have regard to</u></b> management plans and strategies prepared under other Acts;	The creation of the TVR Zone allows TVL to plan and construct the site and its activities in an integrated manner, including providing suitable transport infrastructure to enable vehicle movements to and from the site.	Consistent.
Implementation method 03.2(7), Waikato 2070	Recognise and promote the role that agriculture, horticulture and primary industries have within the district.	s74(2)(b)(i) of the RMA: <b><u>shall have regard to</u></b> management plans and strategies prepared under other Acts;	The vision of the Resort is to showcase New Zealand farming and food production techniques, promoting the role of the primary industries in the Waikato Region to visitors.	Consistent.

## 2. Effects on water quality

Objective / Policy Number	Key Provisions	Give effect to / have regard to / take into account	Comments	Consistent or Inconsistent
Objective A, Vision and Strategy for the Waikato River	The restoration and protection of the health and wellbeing of the Waikato River.	s75(3)(c) of the RMA: <b>give effect to</b> any regional policy statement	The proposal (via resource consent applications to WRC) has been designed to result in improved level of water quality discharge to the Waikato River compared to the existing situation. As part of this, an ecological mitigation package is proposed to improve habitat values of the Waikato River and tributaries.  In terms of this proposal, a building set back from waterbodies including the Waikato River is proposed in provisions. In addition, the values of the Waikato River are expressly acknowledged in a proposed policy.	Consistent.
Objective F, Vision and Strategy for the Waikato River	The adoption of a precautionary approach towards decisions that may result in significant adverse effects on the Waikato River, and in particular those effects that threaten serious or irreversible damage to the Waikato River.	s75(3)(c) of the RMA: <b>give effect to</b> any regional policy statement	The provisions of the TVR Zone have been carefully developed considering what activities and development standards are appropriate for a 'permitted' activity status, whilst other activities will require resource consent and will be subject to further assessment at the time, such as those which may have adverse effects on the Waikato River or those which may result in adverse cumulative effects.	Consistent.
Objective G, Vision and Strategy for the Waikato River	The recognition and avoidance of adverse cumulative effects, and potential cumulative effects, of activities undertaken both on the Waikato River and within its catchments on the health and wellbeing of the Waikato River.	s75(3)(c) of the RMA: <b>give effect to</b> any regional policy statement		Consistent.
Objective H, Vision and Strategy for the Waikato River	The recognition that the Waikato River is degraded and should not be required to absorb further degradation as a result of human activities.	s75(3)(c) of the RMA: <b>give effect to</b> any regional policy statement	TVL has undertaken extensive environmental assessment as part of the development of the TVR Zone and resource consent applications. The proposed development is considered to enhance the Waikato River and indigenous biodiversity values (e.g. through riparian planting, fencing and instream habitat enhancement).	Consistent.
Objective K, Vision and Strategy for the Waikato River	The restoration of water quality within the Waikato River so that it is safe for people to swim in and take food from over its entire length.	s75(3)(c) of the RMA: <b>give effect to</b> any regional policy statement	Whilst not specifically detailed in the TVR Zone (being predominantly a regional plan matter in terms of water quality), TVL has undertaken detailed stormwater design as part of the resource consent applications and a subsequent water quality assessment concludes that the quality of the water discharge to the river from the	Consistent.
Objective 2.1, National Policy Statement for	The objective of this National Policy Statement is to ensure that natural and physical resources are managed in a way that prioritises:	s75(3)(a) of the RMA: <b>give effect to</b> any national policy statement		Consistent.

Objective / Policy Number	Key Provisions	Give effect to / have regard to / take into account	Comments	Consistent or Inconsistent
Freshwater Management 2020	(a) first, the health and well-being of water bodies and freshwater ecosystems (b) second, the health needs of people (such as drinking water) (c) third, the ability of people and communities to provide for their social, economic, (d) and cultural well-being, now and in the future.		site will improve once the stormwater management is in place.	
Policy 1, National Policy Statement for Freshwater Management 2020	Policy 1: Freshwater is managed in a way that gives effect to Te Mana o te Wai.	s75(3)(a) of the RMA: <b>give effect to</b> any national policy statement		Consistent.
Policy 3, National Policy Statement for Freshwater Management 2020	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.	s75(3)(a) of the RMA: <b>give effect to</b> any national policy statement		Consistent.
Policy 8.3, Waikato Regional Policy Statement	Manage the effects of activities to maintain or enhance the identified values of fresh water bodies.	s75(3)(c) of the RMA: <b>give effect to</b> any regional policy statement		Consistent.
Objective 19.4.2, Waikato-Tainui Environmental Plan	Water quality is such that fresh waters within the rohe of Waikato-Tainui are drinkable, swimmable and fishable in all places (with water quality to the level that Kiingi Taawhiao could have expected in his time).	s74(2A) of the RMA: <b>must take into account</b> any relevant planning document recognised by an iwi authority and lodged with the territorial authority		Consistent.

### 3. Cultural effects

Objective / Policy Number	Key Provisions	Give effect to / have regard to / take into account	Comments	Consistent or Inconsistent
Objective B, Vision and Strategy for the Waikato River	The restoration and protection of the relationship of Waikato-Tainui with the Waikato River, including their economic, social, cultural and spiritual relationships.	s75(3)(c) of the RMA: <b>give effect to</b> any regional policy statement	The development of the site has been and will continue to be undertaken in consultation with Waikato-Tainui in acknowledgement of their relationship with the Waikato River.	Consistent.
Objective C, Vision and Strategy for the Waikato River	The restoration and protection of the relationships of Waikato River Iwi according to their tikanga and kawa with the Waikato River, including their economic, social, cultural and spiritual relationships.	s75(3)(c) of the RMA: <b>give effect to</b> any regional policy statement		Consistent.
Objective D, Vision and Strategy for the Waikato River	The restoration and protection of the relationship of the Waikato region's communities with the Waikato River including their economic, social, cultural and spiritual relationships.	s75(3)(c) of the RMA: <b>give effect to</b> any regional policy statement	The development of the site will enable greater access to the Waikato River via the resort or river itself (with the proposed ferry service and access to the marginal strip next to the resort).  Improvement of the water quality discharged to the Waikato River from the site will help to restore the Waikato River's health and therefore people's appreciation and use of the Waikato River.	Consistent.
Objective M, Vision and Strategy for the Waikato River	The application of both maatauranga Maaori and the latest available scientific methods.	s75(3)(c) of the RMA: <b>give effect to</b> any regional policy statement	Whilst not specifically detailed in the TVR Zone, TVL has been engaging with mana whenua with regard to introducing matauranga Maori measures into environmental monitoring as part of the regional resource consent process.	Consistent.
Policy 2, National Policy Statement for Freshwater Management 2020	Tangata whenua are actively involved in freshwater management (including decision making processes), and Māori freshwater values are identified and provided for.	s75(3)(a) of the RMA: <b>give effect to</b> any national policy statement		Consistent.
Objective 3.4, Waikato Regional Policy Statement	The health and wellbeing of the Waikato River is restored and protected and Te Ture Whaimana o Te Awa o Waikato (the Vision and Strategy for the Waikato River) is achieved.	s75(3)(c) of the RMA: <b>give effect to</b> any regional policy statement	As above.	Consistent.
Objective 3.14, Waikato Regional Policy Statement	Maintain or enhance the mauri and identified values of fresh water bodies including by: a) maintaining or enhancing the overall quality of freshwater within the region; b) safeguarding ecosystem processes and indigenous species habitats;	s75(3)(c) of the RMA: <b>give effect to</b> any regional policy statement	Whilst not specifically detailed in the TVR Zone (being predominantly a regional plan matter in terms of water quality), TVL has undertaken detailed stormwater design as part of the resource consent applications and a subsequent water quality assessment concludes that the quality of the water discharge to the river from the site will	Consistent.

Objective / Policy Number	Key Provisions	Give effect to / have regard to / take into account	Comments	Consistent or Inconsistent
	<ul style="list-style-type: none"> <li>c) safeguarding the outstanding values of identified outstanding freshwater bodies and the significant values of wetlands;</li> <li>d) safeguarding and improving the life supporting capacity of freshwater bodies where they have been degraded as a result of human activities, with demonstrable progress made by 2013;</li> <li>e) establishing objectives, limits and targets, for freshwater bodies that will determine how they be managed;</li> <li>f) enabling people to provide for their social, economic and cultural wellbeing and for their health and safety;</li> <li>g) recognising that there will be variable management responses required for different catchments of the region; and</li> <li>h) recognising the interrelationship between land use, water quality and water quantity.</li> </ul>		<p>improve once the stormwater management is in place.</p> <p>TVL has undertaken extensive environmental assessment as part of the development of the TVR Zone and resource consent applications. The proposed development is considered to enhance the Waikato River and indigenous biodiversity values (e.g. through riparian planting, fencing and instream habitat enhancement).</p>	
Objective 3.9, Waikato Regional Policy Statement	<p>The relationship of tāngata whenua with the environment is recognised and provided for, including:</p> <ul style="list-style-type: none"> <li>a) the use and enjoyment of natural and physical resources in accordance with tikanga Māori, including mātauranga Māori; and</li> <li>b) the role of tāngata whenua as kaitiaki.</li> </ul>	s75(3)(c) of the RMA: <b>give effect to</b> any regional policy statement	<p>Consultation for the Project (led by TVL representatives) has occurred since 2017 in relation to the TaTa Valley Project.</p> <p>Tāngata whenua consultation has been undertaken most recently via a series of Project Steering Group (PSG) hui during 2020 which focused on the resource consent applications lodged with WDC and WRC and the concession lodged with DoC. Tāngata whenua from the iwi groups that TVL had been consulting with determined the membership of the PSG. The purpose of the Project Steering Group is to assist TVL to understand how iwi values, principles, traditions, customs and aspirations may be taken into account during the development of TaTa Valley</p>	Consistent.
Policy 4.3, Waikato Regional Policy Statement	Tāngata whenua are provided appropriate opportunities to express, maintain and enhance the relationship with their rohe through resource management and other local authority processes.	s75(3)(c) of the RMA: <b>give effect to</b> any regional policy statement		Consistent.
Policy 10.2, Waikato Regional Policy Statement	Recognise and provide for the relationship of tāngata whenua and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga.	s75(3)(c) of the RMA: <b>give effect to</b> any regional policy statement		Consistent.
Objective 14.3.1, Waikato-Tainui Environmental Plan	Waikato-Tainui access to and ability to undertake customary activities and resource use, including along the margins of waterways, is protected and enhanced.	s74(2A) of the RMA: <b>must take into account</b> any relevant planning document recognised by an iwi	An assessment of the Project in respect to the Vision and Strategy of the Waikato River and the Waikato-Tainui Environmental Plan was	Consistent.

Objective / Policy Number	Key Provisions	Give effect to / have regard to / take into account	Comments	Consistent or Inconsistent
		authority and lodged with the territorial authority	undertaken on behalf of the tāngata whenua members of the PSG and TVL to facilitate further consultation and discussion. The assessment is a 'live' document, to be amended through further consultation and hui. Tāngata whenua consultation is ongoing and may result in changes to the proposed provisions of the TVR Zone.	
Objective 15.3.2, Waikato-Tainui Environmental Plan	Cultural, spiritual and ecological features of the Waikato landscape that are significant to Waikato – Tainui are protected and enhanced to improve the mauri of the land.	s74(2A) of the RMA: <b>must take into account</b> any relevant planning document recognised by an iwi authority and lodged with the territorial authority	Areas with significant indigenous biodiversity values and the SAL have been identified onsite and are protected by district-wide provisions. These are not proposed to be changed by the TVR provisions.	Consistent.
Objective 16.3.1, Waikato-Tainui Environmental Plan	Site management protocols exist to ensure a precautionary approach to site works to manage the potential for waahi tapu and taonga tuku iho discovery.	s74(2A) of the RMA: <b>must take into account</b> any relevant planning document recognised by an iwi authority and lodged with the territorial authority	TVL is aware of a paa on site; rules with respect to earthworks within the paa has been included in the TVR Zone and it is notated on the PWDP maps.	Consistent.
Objective 16.3.4, Waikato-Tainui Environmental Plan	Procedures are in place to manage the discovery of taonga and archaeological sites.	s74(2A) of the RMA: <b>must take into account</b> any relevant planning document recognised by an iwi authority and lodged with the territorial authority		Consistent.
Policy 19.4.1.1, Waikato-Tainui Environmental Plan	Ensure that Waikato – Tainui engage and participate in the highest level of decision making on matters that affect waters in the Waikato – Tainui rohe.	s74(2A) of the RMA: <b>must take into account</b> any relevant planning document recognised by an iwi authority and lodged with the territorial authority	Tāngata whenua, including Waikato – Tainui, have been engaged throughout the development of the proposal, and this relationship will continue.  Where concerns have been addressed by tāngata whenua, TVL is actively working towards addressing these.	Consistent.

Objective / Policy Number	Key Provisions	Give effect to / have regard to / take into account	Comments	Consistent or Inconsistent
Principle (q), 6A Development principles, Waikato Regional Policy Statement	Consider effects on the unique tāngata whenua relationships, values, aspirations, roles and responsibilities with respect to an area. Where appropriate, opportunities to visually recognise tāngata whenua connections within an area should be considered;	s75(3)(c) of the RMA: <b>give effect to</b> any regional policy statement	<p>Consultation for the Project (led by TVL representatives) has occurred since 2017 in relation to the TaTa Valley Project.</p> <p>Tāngata whenua consultation has been undertaken most recently via a series of Project Steering Group (PSG) hui during 2020 which focused on the resource consent applications lodged with WDC and WRC and the concession lodged with DoC. Tāngata whenua from the iwi groups that TVL had been consulting with determined the membership of the PSG. The purpose of the Project Steering Group is to assist TVL to understand how iwi values, principles, traditions, customs and aspirations may be taken into account during the development of TaTa Valley</p> <p>An assessment of the Project in respect to the Vision and Strategy of the Waikato River and the Waikato-Tainui Environmental Plan was undertaken on behalf of the tāngata whenua members of the PSG and TVL to facilitate further consultation and discussion. The assessment is a 'live' document, to be amended through further consultation and hui.</p> <p>Tāngata whenua consultation is ongoing and may result in changes to the proposed provisions of the TVR Zone.</p>	Consistent.
Principle (r), 6A Development principles, Waikato Regional Policy Statement	support the Vision and Strategy for the Waikato River in the Waikato River catchment;	s75(3)(c) of the RMA: <b>give effect to</b> any regional policy statement	As above	Consistent.
Guiding Principle, Future Proof 2017	Maintain and enhance the cultural and heritage values of the sub-region.	s74(2)(b)(i) of the RMA: <b>shall have regard to</b> management plans and strategies	The Resort will maintain and showcase the culture and heritage of the region, including through farming and food production demonstrations as part of the NZ Made Hub.	Consistent.

Objective / Policy Number	Key Provisions	Give effect to / have regard to / take into account	Comments	Consistent or Inconsistent
		prepared under other Acts;		
Guiding Principle, Future Proof 2017	Give effect to the Vision and Strategy for the Waikato River by restoring the health and wellbeing of the Waikato and Waipa Rivers, including adopting an integrated management approach.	s74(2)(b)(i) of the RMA: <b><u>shall have regard to</u></b> management plans and strategies prepared under other Acts;	As above.	Consistent.
Guiding Principle, Future Proof 2017	Reflect the unique relationship that tāngata whenua have with the whenua awa, moana, maunga, taiao katoa: the land, waterways, ocean, mountains, wider environment and other people in the sub-region. This includes, but is not limited to, the practice of kaitiakitanga.	s74(2)(b)(i) of the RMA: <b><u>shall have regard to</u></b> management plans and strategies prepared under other Acts;	<p>Consultation for the Project (led by TVL representatives) has occurred since 2017 in relation to the TaTa Valley Project.</p> <p>Tāngata whenua consultation has been undertaken most recently via a series of Project Steering Group (PSG) hui during 2020 which focused on the resource consent applications lodged with WDC and WRC and the concession lodged with DoC. Tāngata whenua from the iwi groups that TVL had been consulting with determined the membership of the PSG. The purpose of the Project Steering Group is to assist TVL to understand how iwi values, principles, traditions, customs and aspirations may be taken into account during the development of TaTa Valley</p> <p>An assessment of the Project in respect to the Vision and Strategy of the Waikato River and the Waikato-Tainui Environmental Plan was undertaken on behalf of the tāngata whenua members of the PSG and TVL to facilitate further consultation and discussion. The assessment is a 'live' document, to be amended through further consultation and hui.</p> <p>Tāngata whenua consultation is ongoing and may result in changes to the proposed provisions of the TVR Zone.</p>	Consistent.

#### 4. Natural character and amenity landscapes

Objective / Policy Number	Key Provisions	Give effect to / have regard to / take into account	Comments	Consistent or Inconsistent
Objective 3.12(b), Waikato Regional Policy Statement	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: (b) preserving and protecting natural character, and protecting outstanding natural features and landscapes from inappropriate subdivision, use, and development;	s75(3)(c) of the RMA: <b>give effect to</b> any regional policy statement	Areas of significant indigenous biodiversity and amenity have been mapped for the site; SNAs and SALs will be managed using the Rural Zone provisions to ensure that these areas are recognised and maintained. There are no mapped outstanding nature features on the site.	Consistent.
Objective 3.21 Waikato Regional Policy Statement	The qualities and characteristics of areas and features, valued for their contribution to amenity, are maintained or enhanced.	s75(3)(c) of the RMA: <b>give effect to</b> any regional policy statement	A number of the proposed TVR Zone provisions have been adopted from the recommended Rural Zone provisions in terms of Significant Amenity Landscapes (SAL). Additionally, the site will showcase the qualities of the surrounding environment and areas of particular amenity value.	Consistent.
Policy 12.2, Waikato Regional Policy Statement	Ensure that activities within the coastal environment, wetlands, and lakes and rivers and their margins are appropriate in relation to the level of natural character and: (a) where natural character is pristine or outstanding, activities should avoid adverse effects on natural character; (b) where natural elements/influences are dominant, activities should avoid significant adverse effects and avoid, remedy or mitigate other adverse effects on natural character; (c) where man-made elements/influences are dominant, it may be appropriate that activities result in further adverse effects on natural character, though opportunities to remedy or mitigate adverse effects should still be considered; (d) promote the enhancement, restoration, and rehabilitation of the natural character of the coastal environment, wetlands and lakes and rivers and their margins; and	s75(3)(c) of the RMA: <b>give effect to</b> any regional policy statement	Areas of significant indigenous biodiversity have been mapped for the site; SNAs and SALs will be managed by the same provisions set out in the Rural Zone to ensure that these areas are recognised and maintained.  Building setbacks from waterbodies are proposed in the TVR Zone provisions; this will minimise potential adverse effects of construction and operation of buildings on the Waikato River.  We note that development to support the ferry service has a functional need to be located on along the banks of the Waikato River.	Consistent.

Objective / Policy Number	Key Provisions	Give effect to / have regard to / take into account	Comments	Consistent or Inconsistent
	(e) regard is given to the functional necessity of activities being located in or near the coastal environment, wetlands, lakes, or rivers			
Policy 12.3, Waikato Regional Policy Statement	Areas of amenity value are identified, and those values are maintained and enhanced. These may include: (a) areas within the coastal environment and along inland water bodies; (b) scenic, scientific, recreational or historic areas; (c) areas of spiritual or cultural significance; (d) other landscapes or seascapes or natural features; and (e) areas adjacent to outstanding natural landscapes and features that are visible from a road or other public place.	s75(3)(c) of the RMA: <b>give effect to</b> any regional policy statement	Areas of significant indigenous biodiversity and amenity have been mapped for the site; SNAs and SALs will be managed using the Rural Zone provisions to ensure that these areas are maintained and enhanced.  The TVRZ provisions will allow further assessment of effects on amenity values from larger scale activities, including Visitor Accommodation. TVRZ policies require development to manage amenity values within the Hotel Precinct.	Consistent.
Principle (j), 6A Development principles, Waikato Regional Policy Statement	maintain or enhance landscape values and provide for the protection of historic and cultural heritage;	s75(3)(c) of the RMA: <b>give effect to</b> any regional policy statement	Areas of cultural, ecological, historic and environmental significance have been identified through specialist inputs and engagement with tāngata whenua. These areas have been considered in the development of the zone plan and will be managed through the zone provisions; for example specific rules are proposed for earthworks in the vicinity of the paa site, as well as for areas with indigenous biodiversity values and SALs	Consistent.

## 5. Recreation and public access

Objective / Policy Number	Key Provisions	Give effect to / have regard to / take into account	Comments	Consistent or Inconsistent
Objective K, Vision and Strategy for the Waikato River	The restoration of water quality within the Waikato River so that it is safe for people to swim in and take food from over its entire length	s75(3)(c) of the RMA: <b>give effect to</b> any regional policy statement	Stormwater will be treated onsite (via swales, raingardens and/or wetlands) to the required standard before being discharged to onsite water courses and to the Waikato River. As the evidence of Mr Pitkethley sets out, this will result in an improvement in the quality of water discharged from site and will contribute to the restoration of the water quality within the Waikato River.	Consistent.
Objective L, Vision and Strategy for the Waikato River	The promotion of improved access to the Waikato River to better enable sporting, recreational, and cultural opportunities	s75(3)(c) of the RMA: <b>give effect to</b> any regional policy statement	As part of the resource consent application, TVL has sought consent for river structures which will enable improved access to the Waikato River (at both the Pokeno site and Mercer).	Consistent.
Policy 12.4, Waikato Regional Policy Statement	Public access to and along the coastal marine area, lakes, and rivers will be maintained and enhanced by: (a) providing direction about where and when additional access should be established; (b) ensuring that subdivision, use and development do not constrain the ability of the land/water edge to adjust over time in response to natural processes, including the effects of climate change; and (c) ensuring subdivision, use and development do not result in inappropriate loss of existing public access	s75(3)(c) of the RMA: <b>give effect to</b> any regional policy statement		Consistent.
Objective 29.3.1, Waikato-Tainui Environmental Plan	Adverse effects of tourism or recreation activities are managed to a level acceptable to Waikato -Tainui.	s74(2A) of the RMA: <b>must take into account</b> any relevant planning document recognised by an iwi authority and lodged with the territorial authority	The provisions of the TVR Zone have been developed in considering the potential adverse effects of proposed activities and these have been assessed by technical experts as part of evidence preparation.  Tāngata whenua, including Waikato – Tainui, have been engaged throughout the development of the proposal, and this relationship will continue. Where concerns have been addressed by tāngata whenua, TVL is actively working towards addressing these.	Consistent.

Objective / Policy Number	Key Provisions	Give effect to / have regard to / take into account	Comments	Consistent or Inconsistent
Principle (I), 6A Development principles, Waikato Regional Policy Statement	maintain and enhance public access to and along the coastal marine area, lakes, and rivers;	s75(3)(c) of the RMA: <b>give effect to</b> any regional policy statement	Public access to the Waikato River will be enhanced both through the marginal strip along the river banks, and the provision of the proposed ferry service from Mercer.	Consistent.
Implementation method 03.2(4), Waikato 2070	Create economic and social opportunities that ensure our young people have access to employment and social activities that build a future in the district.	s74(2)(b)(i) of the RMA: <b>shall have regard to</b> management plans and strategies prepared under other Acts;	The construction and operation of the Resort will provide employment opportunities for people from the district.	Consistent.
Implementation method 03.3(3), Waikato 2070	Support tourism development and work with tourism agencies and the community to promote the district's diverse culture.	s74(2)(b)(i) of the RMA: <b>shall have regard to</b> management plans and strategies prepared under other Acts;	The development of Resort will improve the number and variety of tourism offerings in the district, will showcase the surrounding landscape and promote the culture of the district, including showcasing farming and food production. In planning the development, TVL has consulted with national and local tourism agencies.	Consistent.
Implementation method 03.3(4), Waikato 2070	Embrace the diversity of the cultures and history within the district through tourism opportunities.	s74(2)(b)(i) of the RMA: <b>shall have regard to</b> management plans and strategies prepared under other Acts;		Consistent.

## 6. Ecological effects

Objective / Policy Number	Key Provisions	Give effect to / have regard to / take into account	Comments	Consistent or Inconsistent
Objective I, Vision and Strategy for the Waikato River	The protection and enhancement of significant sites, fisheries, flora and fauna	s75(3)(c) of the RMA: <b>give effect to</b> any regional policy statement	Areas of cultural, ecological, historic and environmental significance have been identified through specialist inputs and engagement with tāngata whenua. These areas have been considered in the development of the proposed TVR Zone and will be appropriately protected through the TVR Zone provisions or district-wide provisions. For example specific rules are proposed for earthworks in the vicinity of the paa site, as well as for areas with indigenous biodiversity values (SNAs) and SALs.	Consistent.
Policy 6, National Policy Statement for Freshwater Management 2020	There is no further loss of extent of natural inland wetlands, their values are protected, and their restoration is promoted.	s75(3)(a) of the RMA: <b>give effect to</b> any national policy statement	Areas of indigenous biodiversity, including wetlands, have been mapped through the PWDP process and the proposed Rural Zone provisions for works within SNAs will apply to these.  It is noted that consents will be required under the National Environment Standard for Freshwater for the reduction in natural wetland extent.	Consistent.
Policy 7, National Policy Statement for Freshwater Management 2020	The loss of river extent and values is avoided to the extent practicable.	s75(3)(a) of the RMA: <b>give effect to</b> any national policy statement	The extent of the river will not be reduced. Building setbacks from water bodies are proposed as part of the zone provisions to further protect the Waikato River and the values of the River are acknowledged in the proposed policy framework	Consistent
Objective 3.8, Waikato Regional Policy Statement	The range of ecosystem services associated with natural resources are recognised and maintained or enhanced to enable their ongoing contribution to regional wellbeing	s75(3)(c) of the RMA: <b>give effect to</b> any regional policy statement	Areas of indigenous biodiversity, including wetlands, have been mapped through the PWDP process and the proposed Rural Zone provisions for works within SNAs will apply to these.	Consistent
Objective 3.16, Waikato Regional Policy Statement	Riparian areas (including coastal dunes) and wetlands are managed to: (a) maintain and enhance: (b) public access; and (c) ii) amenity values. (d) maintain or enhance: (i) water quality; (ii) indigenous biodiversity; (iii) natural hazard risk reduction;	s75(3)(c) of the RMA: <b>give effect to</b> any regional policy statement		Consistent

Objective / Policy Number	Key Provisions	Give effect to / have regard to / take into account	Comments	Consistent or Inconsistent
	(iv) cultural values; (v) riparian habitat quality and extent; and (e) wetland quality and extent.			
Policy 11.1, Waikato Regional Policy Statement	Promote positive indigenous biodiversity outcomes to maintain the full range of ecosystem types and maintain or enhance their spatial extent as necessary to achieve healthy ecological functioning of ecosystems	s75(3)(c) of the RMA: <b>give effect to</b> any regional policy statement		Consistent
Objective 3.19, Waikato Regional Policy Statement	The full range of ecosystem types, their extent and indigenous biodiversity that those ecosystems can support exist in a healthy and functional state.	s75(3)(c) of the RMA: <b>give effect to</b> any regional policy statement		Consistent
Policy 11.2, Waikato Regional Policy Statement	Significant indigenous vegetation and the significant habitats of indigenous fauna shall be protected by ensuring the characteristics that contribute to its significance are not adversely affected to the extent that the significance of the vegetation or habitat is reduced	s75(3)(c) of the RMA: <b>give effect to</b> any regional policy statement		Consistent
Objective 3.12(a), Waikato Regional Policy Statement	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: (a) promoting positive indigenous biodiversity outcomes;	s75(3)(c) of the RMA: <b>give effect to</b> any regional policy statement	By creating a bespoke special purpose zone for the site, land use and infrastructure development across the site can be managed in an integrated and holistic manner.  Areas of indigenous biodiversity, including wetlands, have been mapped through the PWDP process and the proposed Rural Zone provisions for works within SNAs will apply to these.	Consistent.
Principle (k), 6A Development principles, Waikato Regional Policy Statement	Promote positive indigenous biodiversity outcomes and protect significant indigenous vegetation and significant habitats of indigenous fauna. Development which can enhance ecological integrity, such as by improving the maintenance, enhancement or development of ecological corridors, should be encouraged;	s75(3)(c) of the RMA: <b>give effect to</b> any regional policy statement		Consistent.
Principle (t), 6A Development principles, Waikato Regional Policy Statement	recognise and maintain or enhance ecosystem services.	s75(3)(c) of the RMA: <b>give effect to</b> any regional policy statement	Areas of indigenous biodiversity, including wetlands, have been mapped through the PWDP process and the proposed Rural Zone provisions for works within SNAs will apply to these.	Consistent.

Objective / Policy Number	Key Provisions	Give effect to / have regard to / take into account	Comments	Consistent or Inconsistent
Objective 20.3.1, Waikato-Tainui Environmental Plan	Existing wetlands are protected and enhanced .	s74(2A) of the RMA: <b><u>must take into account</u></b> any relevant planning document recognised by an iwi authority and lodged with the territorial authority		Consistent.
Policy 20.3.1.1, Waikato-Tainui Environmental Plan	To encourage improvement to local hydrology (where possible) to support healthy wetland function and restoration of locally appropriate wetland biodiversity within local planning and land management practice.	s74(2A) of the RMA: <b><u>must take into account</u></b> any relevant planning document recognised by an iwi authority and lodged with the territorial authority	Areas of indigenous biodiversity, including wetlands, have been mapped through the PWDP process and the proposed Rural Zone provisions for works within SNAs will apply to these.	Consistent.
Guiding Principle, Future Proof 2017	Maintain, enhance and create important ecological areas and corridors for the protection and enhancement of indigenous biodiversity.	s74(2)(b)(i) of the RMA: <b><u>shall have regard to</u></b> management plans and strategies prepared under other Acts;	Areas with significant indigenous biodiversity values and SALs have been identified and mapped on the TVL site and will be managed through zone provisions.	Consistent.
Implementation method 03.3(4), Waikato 2070	Promote ecological and environmental protection and restoration.	s74(2)(b)(i) of the RMA: <b><u>shall have regard to</u></b> management plans and strategies prepared under other Acts;	An ecological assessment has informed the design of the site. Areas with significant indigenous biodiversity values have been mapped for the site, and provisions are proposed to avoid, remedy and mitigate adverse effects on these. Ecological mitigation is proposed as part of the resource consent application process as well.	Consistent.

## 7. Information to support new urban development and subdivision

Information requirement	Key provisions	Give effect to / have regard to / take into account	Comments	Provided / not provided
Information requirement 6.1.8(a), Waikato Regional Policy Statement	District plan zoning for new urban development (and redevelopment where applicable), and subdivision and consent decisions for urban development, shall be supported by information which identifies, as appropriate to the scale and potential effects of development, the following: (a) the type and location of land uses (including residential, industrial, commercial and recreational land uses, and community facilities where these can be anticipated) that will be permitted or provided for, and the density, staging and trigger requirements	s75(3)(c) of the RMA: <b>give effect to</b> any regional policy statement	The TVR Zone provisions provide for a range of recreation and tourism related activities as permitted activities as well as typical rural land uses such as farming. These are set out in the proposed provisions.	Provided.
Information requirement 6.1.8(b), Waikato Regional Policy Statement	(b) the location, type, scale, funding and staging of infrastructure required to service the area;	s75(3)(c) of the RMA: <b>give effect to</b> any regional policy statement	The evidence of Mr Pitkethley provides a full assessment of the infrastructure required to service the Site.	Provided.
Information requirement 6.1.8(c), Waikato Regional Policy Statement	(c) multi-modal transport links and connectivity, both within the area of new urban development, and to neighbouring areas and existing transport infrastructure; and how the safe and efficient functioning of existing and planned transport and other regionally significant infrastructure will be protected and enhanced;	s75(3)(c) of the RMA: <b>give effect to</b> any regional policy statement	The evidence of Mr Leo Hills provides a full assessment of transport links and impact on existing and planned transport. The TVR Zone provisions include reference in matters of discretion to the management of traffic effects; for example a Traffic Management Plan will be required for events over a certain size.	Provided.
Information requirement 6.1.8(d), Waikato Regional Policy Statement	(d) how existing values, and valued features of the area (including amenity, landscape, natural character, ecological and heritage values, water bodies, high class soils and significant view catchments) will be managed;	s75(3)(c) of the RMA: <b>give effect to</b> any regional policy statement	The existing values of the site are acknowledged and will be managed through the TVR Zone provisions and the district-wide provisions; for example, specific provisions relating to earthworks around the identified paa site have been created. Refer in particular the evidence of Mr Pryor and Dr Martin.	Provided.
Information requirement 6.1.8(e), Waikato Regional Policy Statement	(e) potential natural hazards and how the related risks will be managed;	s75(3)(c) of the RMA: <b>give effect to</b> any regional policy statement	Erosion and flood risk have both been assessed for the site and this has been incorporated into the zone provisions. See the evidence of Mr Edwards and Mr Pitkethley. For example, matters of discretion for earthworks include the extent to which earthworks design has taken into account flood risk and stability of surrounding land, and	Provided.

Information requirement	Key provisions	Give effect to / have regard to / take into account	Comments	Provided / not provided
			whether appropriate mitigation is proposed to avoid, remedy or mitigate potential effects of erosion.	
Information requirement 6.1.8(f), Waikato Regional Policy Statement	(f) potential issues arising from the storage, use, disposal and transport of hazardous substances in the area and any contaminated sites and describes how related risks will be managed;	s75(3)(c) of the RMA: <b>give effect to</b> any regional policy statement	It is not proposed to store any hazardous materials on site. However, provisions for storage of hazardous substances have been proposed; these echo the hazardous substances provisions of the Rural Zone.	Provided.
Information requirement 6.1.8(g), Waikato Regional Policy Statement	(g) how stormwater will be managed having regard to a total catchment management approach and low impact design methods;	s75(3)(c) of the RMA: <b>give effect to</b> any regional policy statement	Mr Pitkethley's evidence address potential stormwater management. Stormwater will be managed using low impact design methods onsite including rainwater gardens, swales and wetlands.	Provided.
Information requirement 6.1.8(h), Waikato Regional Policy Statement	(h) any significant mineral resources (as identified through Method 6.8.1) in the area and any provisions (such as development staging) to allow their extraction where appropriate;	s75(3)(c) of the RMA: <b>give effect to</b> any regional policy statement	No mineral resources have been identified in the area.	Not provided / as this information requirement isn't relevant to the proposal.
Information requirement 6.1.8(i), Waikato Regional Policy Statement	(i) how the relationship of tāngata whenua and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga has been recognised and provided for	s75(3)(c) of the RMA: <b>give effect to</b> any regional policy statement	Tāngata whenua have been engaged with throughout the development of the site and will continue to be engaged. A paa site has been identified on the site and development will be located away from the paa; additionally, a resource consent requirement is triggered for any works in the paa site.	Provided.
Information requirement 6.1.8(j), Waikato Regional Policy Statement	(j) anticipated water requirements necessary to support development and ensure the availability of volumes required, which may include identifying the available sources of water for water supply	s75(3)(c) of the RMA: <b>give effect to</b> any regional policy statement	Mr Pitkethley's evidence addresses water supply and confirms potable water is available to supply the site as part of existing and future supply in Pokeno.	Provided.
Information requirement 6.1.8(k), Waikato Regional Policy Statement	(k) how the design will achieve the efficient use of water;	s75(3)(c) of the RMA: <b>give effect to</b> any regional policy statement	Rainwater collected from roofs is to be reused onsite and this will be confirmed through resource consent process.	Provided.
Information requirement 6.1.8(l), Waikato Regional Policy Statement	(l) how any locations identified as likely renewable energy generation sites will be managed;	s75(3)(c) of the RMA: <b>give effect to</b> any regional policy statement	Not applicable.	Not provided / as this information requirement

Information requirement	Key provisions	Give effect to / have regard to / take into account	Comments	Provided / not provided
				isn't relevant to the proposal.
Information requirement 6.1.8(m), Waikato Regional Policy Statement	(m) the location of existing and planned renewable energy generation and consider how these areas and existing and planned urban development will be managed in relation to one another; and	s75(3)(c) of the RMA: <b>give effect to</b> any regional policy statement	Not applicable.	Not provided / as this information requirement isn't relevant to the proposal.
Information requirement 6.1.8(n), Waikato Regional Policy Statement	(n) the location of any existing or planned electricity transmission network or national grid corridor and how development will be managed in relation to that network or	s75(3)(c) of the RMA: <b>give effect to</b> any regional policy statement	Not applicable.	Not provided / as this information requirement isn't relevant to the proposal.

# D

## Appendix D – Noise and Archaeological Memo and Archaeology Reports

16 February 2021

Chris Scrafton  
Beca

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Dear Chris,

### **TaTa Valley Resort Zone provisions**

As requested, I have reviewed the TaTa Valley Resort (**TVR**) Zone provisions and provided input to refine the noise related rules for the proposed TVR Zone. I have provided specific input into the provisions relating to:

- i. Maximum permitted noise levels for the TVR Zone generally;
- ii. Maximum permitted noise levels and associated controls for helicopter take offs and landings;
- iii. Maximum permitted noise levels for temporary events;
- iv. Maximum permitted noise levels and associated controls for Special Noise Events.

Overall, my recommendations to the TVR provisions seek to give effect to the objectives and policies that enable the use and development of the TVR Zone for tourism and recreational activities, while managing noise effects on noise sensitive receivers beyond the TVR Zone.

### Maximum permitted noise levels for general operational activities

Proposed standard 29.4.8 *Noise* requires noise generated from within the TVR Zone to meet the noise limits of the Rural Zone when measured and assessed at any notional boundary beyond the TVR Zone. The standard duplicates the proposed noise limits for the Rural Zone<sup>1</sup>. These noise limits<sup>2</sup> will provide a good level of protection to the Rural Zone receivers during the day, evening and night time periods. No noise limits apply between sites in the TVR on the basis that the landholdings within the TVR will collectively be developed for activities that are compatible or accessory to the primary TVR purposes.

### Helicopter take offs and landings

Under the Noise and Vibration Metrics National Planning Standard, any District Plan rule relating to helicopter noise is required to adopt the noise measurement methods and metrics specified in New Zealand Standard 6807:1994 – *Noise Management and Land Use Planning for*

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<sup>1</sup> As set out in Hearing 18, Chapter 5 Rural Environment, 22.2.1.1(P2).

<sup>2</sup> 50dB (L<sub>Aeq</sub>), 7am to 7pm every day; (45dB (L<sub>Aeq</sub>), 7pm to 10pm every day and 40dB (L<sub>Aeq</sub>) and 65dB (L<sub>Amax</sub>), 10pm to 7am the following day.

*Helicopter Landing Areas*, with the exception of Section 4.3 *Averaging*. This means that the District Plan controlling helicopter noise must adopt NZS6807:1994 as a reference document. However, is not required to adopt the averaging provisions (which enable noise levels to be averaged over a period of up to 7 days) or the Standard's guidance on noise limits. This ensures that District Plans are able to establish appropriate noise limits and assessment methods to manage helicopter noise based on the amenity objectives for any particular zone.

Proposed standard 29.5.13 anticipates and provides for helicopter take offs and landings within the TVR Zone, while controlling the frequency of potential flight movements to and from the TVR. The proposed standard restricts helicopter movements to 5 landings and 5 take offs on any day, and to no more than 40 landings and 40 take-offs in any 30 day period. In addition, the noise levels of landing and take offs must not exceed  $L_{dn}$  50dB and 85dB  $L_{AFmax}$ <sup>3</sup> on any single day (measured at or within any Notional Boundary within the Rural Zone). For context, NZS6807 recommends that a noise limit of  $L_{dn}$  50dB, averaged over seven days to provide the minimum acceptable degree of protection of for public health and amenity for rural and residential areas.

For measurement and assessment purposes, I have recommended that noise shall be measured in accordance with NZS 6801:2008 "*Acoustics – Measurement of Environmental Sound*" and assessed in accordance with NZS6807:1994 *Noise management and land use planning for helicopter landing areas*". The proposed provision requires that any averaging of noise levels under NZS6807:1994 shall be one day, where a period of up to seven days is permitted in the standard. A one day averaging period will provide a greater level of amenity protection to noise sensitive receivers beyond the TVR Zone, and will avoid the aggregation of flights into a period of two or three days (say over a long weekend) and no or minimal flights during the remaining period of averaging. The provisions I have recommended permit a lower level of effect than the recommendations of NZS6807:1994.

In summary, the proposed provisions will control noise effects arising from 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.

#### Temporary events

Temporary events within the TVR Zone are subject to the day-to-day noise limits in standard 29.4.8 *Noise*. As such, the noise from temporary events within the TVR will not give rise to any greater noise effects than the general operational noise effects authorised in the Rural Zone.

#### Special noise events

A special noise event is defined as any temporary event or part thereof that exceeds the general permitted noise standard for the TVR Zone. I have recommended controls relating to

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<sup>3</sup> These noise limits are consistent with Auckland Unitary Plan standard **E25.6.32 Noise levels for helicopters take-off or landing**, and also consistent with the standard limit of 50dB  $L_{dn}$  recommended by NZS6807:1994 for rural and residential receivers.

the frequency, duration and timing of special noise events to allow for events to be held. These will ensure that the noise levels remain reasonable for noise sensitive receivers in adjoining zones, and provide adequate respite between noise events.

Specifically, the proposed standard requires that:

- i. A Special Event must not exceed a total cumulative duration of 8 hours on any day and must occur between the hours of 7.30am and 8:30pm.
- ii. There must not be more than one Special Event on any day;
- iii. There must not be more than two Special Events in any seven day period;
- iv. There must not be more than four Special Events in any 30 day period;
- v. There must not be more than 12 Special Events in any 12 month period.

Noise levels from special events must not exceed 65dB  $L_{Aeq(5min)}$  when measured and assessed at any Notional Boundary on another site outside the TVR. The noise limit is specified as a 5-minute  $L_{Aeq}$  level where every 5 minute sample must comply with the stated limit. This avoids the need for the entire event to be monitored to calculate a rating level (for comparison with the limit in accordance with NZS6802) and also provides a clearer, certain and more enforceable limit for the Council and event organiser to administer and comply with.

I have also suggested a provision that removes the need to apply a 'penalty' or adjustment of -5dB for event noise that contains special audible character in accordance with NZS6802. Again, this simplifies the requirements and avoids the need for any interpretations of acoustical standards and further rating level adjustments during field measurements. The net effect of shortening the measurement duration, removing the duration adjustment and removing the special audible character adjustment is effectively no or little change to the overall level of noise permitted compared to a limit of the same numerical value requiring full assessment in terms of NZS6802.

I have recommended that the Special Noise Event provisions adopt an 8:30pm curfew to maintain amenity levels during the evening and to avoid any sleep disturbance effects on receivers beyond the TVR Zone.

Most District Plans would specify a limit of between 70dB and 80dB  $L_{Aeq}$  for temporary events. The proposed noise limit of 65dB  $L_{Aeq(5min)}$  for the TVR zone is generally 10dB lower than what the majority of District Plans would specify for typical temporary events. A difference of 10dB is subjectively half as loud. Therefore, the noise levels generated by Special Noise Events as received at the houses closest to the TVR would be subjectively half as loud as the noise received from temporary events in other districts.

## Conclusion

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In summary, 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.

I have made recommendations that:

- 1) Set maximum permitted noise levels for standard operational activities in the TVR Zone that will ensure that 'every-day' activities generate noise levels that are reasonable beyond the zone, and provide for a good level of acoustic amenity for receivers;
- 2) Set a range of controls on noise limits and flight limits of helicopter movements to ensure that the noise effects outside the TVR zone are reasonable. The controls are more stringent than the standard recommendations from NZS6807:1994;
- 3) Require Temporary Activities to comply with the standard operational noise limits;
- 4) Provide for Special Noise Events to be held as part of any Temporary Event, where the noise is limited to 65dB  $L_{Aeq(5min)}$ . The duration of any Special Noise Event is limited to eight hours per day and I have recommended limits on the number of Special Noise Events per day, week, month and year to manage the effects. The controls are generally more stringent than most other District Plan provisions that I have been involved with.

The provisions that I have recommended comply with the requirements of the National Planning Standard for Noise and Vibration Metrics.

Based on the controls set out in this advice, I consider that the noise levels received outside the TVR Zone will be reasonable.

Please contact me if you require any further information.

Yours sincerely,



Jon Styles, MASNZ  
Director and Principal

# PROPOSED TATA VALLEY TOURISM SITE, POKENO: ARCHAEOLOGICAL ASSESSMENT

Prepared for Tata Valley Ltd

April 2018



By  
Ellen Cameron (MSc)  
Rod Clough (PhD)

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## **INTRODUCTION**

### **Project Background**

Tata Valley Limited propose to develop a major tourism destination on a 252 hectare site located between Pokeno and Tuakau, to be referred to as the Project Area in this report and with location shown in Figure 1. The tourism destination will include accommodation facilities with attractions such as hot pools, stage and amphitheatre, culture centre, river boating, demonstration farms, vineyard, bee keeping, outdoor recreational activities and more. The physical address for the site is 42b Potter Road, Tuakau. It is made up of three neighbouring land parcels: Lot 2 DP 401106, Lot 1 DP 165370 and Lot 4 DP 202491.

### **Purpose of this Report**

The project is currently at the conceptual planning stage with the locations and design of the facilities described above yet to be finalised, apart from two areas, RC 1 and RC 2 (shown in Figure 2). The facilities proposed for RC 1 include a convention centre, restaurant, resort, culture centre, hot pools, a seating amphitheatre and associated infrastructure such as car parks and road access. RC2 will be developed as a stormwater wetland, which will include site formation and planting works. A performance stage (to be used in association with the amphitheatre in RC 1) is also proposed in this area.

An archaeological assessment was commissioned by Tata Valley Ltd to establish whether the proposed project is likely to impact on archaeological or other historic heritage values. This report will provide a broad assessment of the overall Project Area, which includes identification of existing archaeological and other historic heritage values, as well as any potential effects (positive and adverse) on those values. It also includes a more detailed assessment of RC 1 and RC 2. Detailed assessments for future proposed developments in other parts of the Project Area will be provided as required. This report has been prepared in accordance with the required assessment of effects under the Resource Management Act 1991 (RMA) and to identify any requirements under the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA). Recommendations are made in accordance with statutory requirements.

### **Methodology**

The New Zealand Archaeological Association's (NZAA) site record database (ArchSite), Waikato District Plan (Franklin Section) Schedule 8A and the Heritage New Zealand Pouhere Taonga (Heritage NZ) New Zealand Heritage List/Rāangi Kōrero were searched to determine whether any archaeological sites or other historic heritage sites had been recorded on or in the immediate vicinity of the property. Literature and archaeological reports relevant to the area were consulted (see Bibliography). Early survey plans and historical aerial photographs were checked for information relating to past use of the property.

A visual inspection of the property was conducted on 15 March 2018. The ground surface was examined for evidence of former occupation (in the form of shell midden, depressions, terracing or other unusual formations within the landscape, or indications of 19th century European settlement remains). Exposed and disturbed soils were examined where encountered for evidence of earlier modification, and an understanding of the local stratigraphy. Subsurface testing with a probe was carried out in areas along spur and ridge

lines (topographical features where archaeological sites are often found to be located) to determine whether buried archaeological deposits could be identified or establish the nature of possible archaeological features. Sites were photographed and GPS readings taken. Field sketches were made as required and site record forms written or updated.



**Figure 1. Regional location of the Project Area with inset showing the property details (source: Google Earth (main) and Waikato District Council Intramaps (inset))**

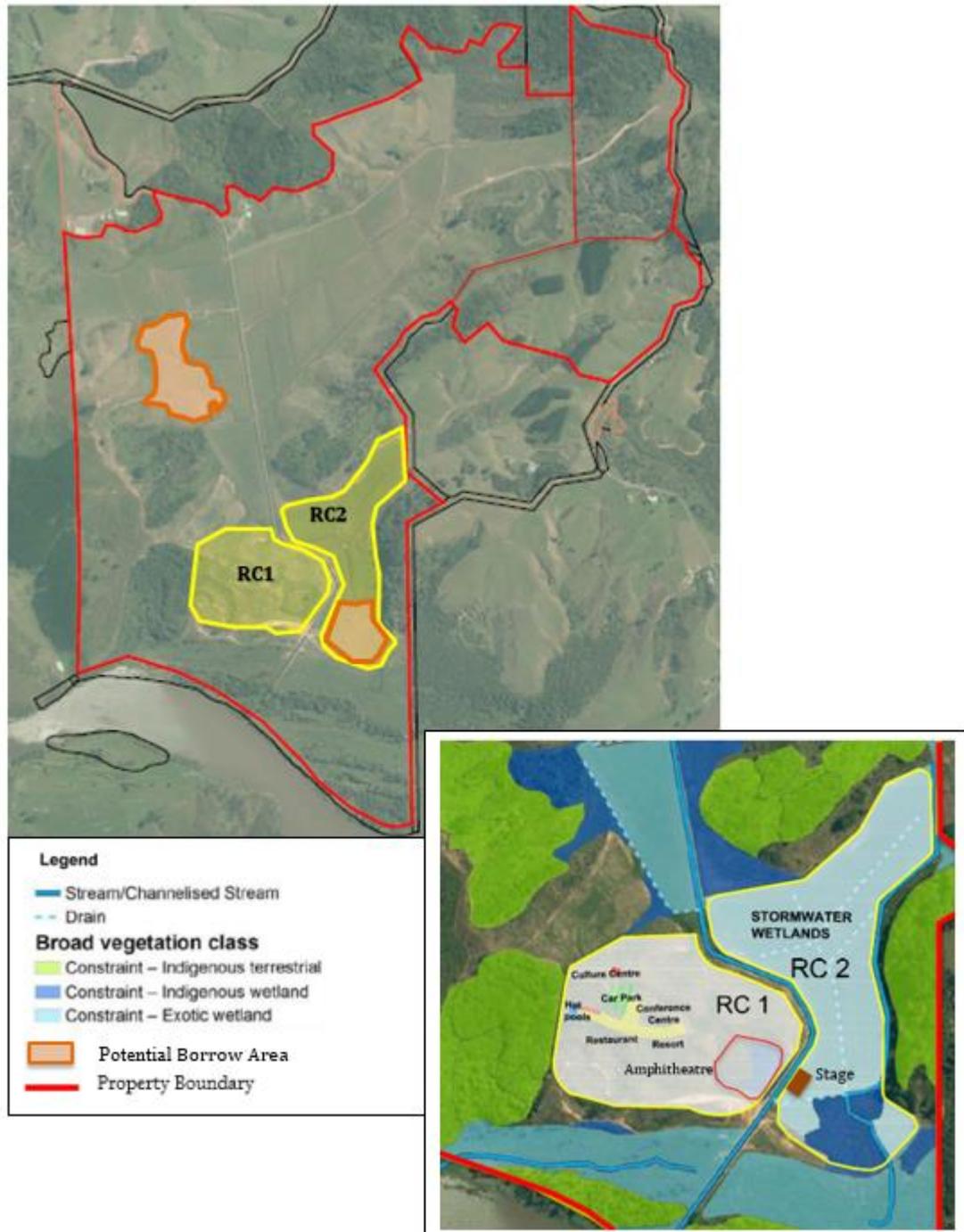


Figure 2. Project Area in main plan showing the RC1, RC2 and potential borrow areas with details of RC 1 and RC 2 in inset (source: Tata Valley Ltd)

## **HISTORICAL BACKGROUND**

### **Maori Settlement**

In oral tradition the Tainui canoe, captained by chief Hoturoa, made its final landfall at Kawhia some 800 years ago. The canoe had travelled around various parts of the central North Island, including the Bay of Plenty, the Coromandel, the Manukau Heads and the Hauraki Gulf, with some people leaving the voyage and settling in these areas (TeAra Website).

Hoturoa is said to have made his base at Kawhia and over the years the Tainui people expanded inland from here. This included movement into the Waikato and caused the displacement, either through warfare or assimilation, of the people who occupied the Waikato region prior to the 16th century (Parker 1986:33 4). Maori settlements spread throughout the region, with many concentrated along the coast to exploit the rich resources available there. Further inland, settlements were made along navigable waterways, such as the Waikato and Waipa Rivers and their tributaries, with numerous pa sites identified as well as gardening and food storage sites. Intertribal conflicts occurred periodically as a result of alliances, disputes and competition for resources. In the late 18th century there was a major encounter near Ohaupo, referred to as the battle of Hingakaka, which saw the defeat of Ngati Toa by the Waikato tribes (Sole 2005: 137).

In the area containing the Project Area, the wide range of resources provided by the Waikato and Mangatawhiri Rivers and wetlands made this area attractive to Maori for settlement and gardening activities and natural resource procurement, which included mullet, freshwater crayfish, whitebait, eel, flounder, shellfish, wild vegetables and waterfowl. The river was also an important transportation route for interregional communication and trade and many kainga (villages) were established along the lower Waikato River, at places such as Tuakau, Pukekohe, Whatapaka, Patumahoe, Te Aparangi and Te Karaka (Murdoch 1988:101).

### **Early European Settlement and the New Zealand Wars**

Following the establishment of New Zealand's capital at Auckland in 1840, European settlers sought cheaper agricultural land in areas both north and south of the capital due to high prices of land in Auckland itself. Land in the Franklin area was sold during the 1840s including blocks at Pukekohe (1843), Waiiau (1844), Ramarama (1846) and Tirikohua in 1853 (Murdoch 1988:103-104). By the 1850s the supply of land available to be sold was greatly reduced and tensions began to grow as a result of the ever-increasing demand for more land by the European settlers. Many of the Maori in the area were growing crops for supply to Auckland, including vegetables, wheat and peach trees and were not willing to give up any more of their land for sale to the Europeans (Lennard 1986: 22). European farming communities were, however, also being established at this time with the main centres being in Pukekohe East, Waiuku and Drury.

Although during the early years of European settlement to the south of Auckland the European settlers and local Maori got along amicably for the most part, as European influence increased so did the level of conflicts between Maori and the colonial government over the European demand for land. Tensions between Maori and the government continued to worsen over time and in 1858 resulted in the founding of the King Movement (Kingitanga) in the Waikato. This movement aimed to unite Maori under a single leader to

strengthen their ability to oppose the loss of their land from the growing demands from the ever-increasing number of European settlers arriving in New Zealand (Belich 1986).

The Waikato, with its proximity to Auckland and now as the seat of the King movement, became a serious concern to the government and on 11 July 1863, the governor of New Zealand, Sir George Grey, issued an ultimatum to the chiefs of the Waikato, ordering that they pledge allegiance to Queen Victoria or face the consequences. Without providing adequate time for the Maori leaders to respond, on 12 July, British forces marched into the territory of the Maori King crossing the boundary (aukati) between the Pakeha and Maori lands and marking the beginning of the Invasion of the Waikato (Belich 1986).

As part of the military movement into the Waikato, the construction of a southwards extension of the Great South Road from Drury to the Waikato River was undertaken and by 1862 the works were well under way. The road had reached Austen's Farm, which was just to the north of the Maori kainga at Pokeno, by June 1862 and had proceeded as far as the Mangatawhiri River by 1863 (Lennard 1986:18; Hamilton 1993:3). In order to protect this military supply route from Maori attack, a line of fortifications, redoubts and stockades were built from Papakura to Koheroa Redoubt, north of Mercer. These were located at Drury, Shepherd's Bush, Martyn's Farm, Williamson's Clearing, Razorback and Rhodes' Farm. Other redoubts (Alexandra, Surry, Esk and Miranda) were established later on the frontier line between Waikato Heads and the Hauraki Gulf (Lennard 1986: Spring-Rice 1984:9). General Cameron chose the site for the Queen's Redoubt at Pokeno in May 1862 and supervised its construction in June of the same year. This fortification had the capacity to hold about 450 troops and was one of the biggest British Army Redoubts of the New Zealand campaigns (Hamilton 1993:2; Prickett 1994:82). Initially its purpose was to protect the road builders; however, it is historically important to New Zealand for its function as the main base of the invasion of the Waikato (Prickett 1994:86).

Thousands of troops passed through Queen's Redoubt (immediately south of Pokeno and to the east of the Great South Road) as they moved south to battle in the region of Te Awamutu. The fighting was not only focused in this more southerly region, as the Great South Road and associated redoubts were also in the front line, with attacks occurring in July, August and September 1863. A photograph of the redoubt and surrounding landscape is shown in Figure 3.

After the cessation of hostilities in the Waikato in April 1864, the planned confiscation of Maori land by the Crown was well under way. The Maori in the Franklin Region had around 146,000 acres confiscated, leaving only about 6000 acres of land near Waiuku and the Hauraki Coast (Morris 1965).

The government's newly gained land in south Auckland, including the Franklin District, was now settled through a combination of government land sales by auction and under what was known as the Waikato Immigration Scheme, which brought settlers by ship from South Africa, England, Scotland, Wales and Ireland. The land was surveyed and divided into standard quarter acre town lots while farms were five to ten acres and located at Tuhimata, Maketu, Pukekohe, Pokeno, Patumahoe, Tuakau and Bombay. The first settlers under the scheme to arrive in Pokeno disembarked the ship Helenslee in December 1864 and the first group of 10 to 12 families arrived in January 1865. The town allotments were a quarter acre in size and the farm sections 10 acres. The settlers were required to improve and work their land for two years, after which a they would be given ownership through a Crown grant (Pokeno Community Website).



**Figure 3. Photograph from 1864 of Queen's Redoubt and surrounding landscape (source: Sir George Grey Special Collections, Auckland Libraries, 4-1174')**

## ARCHAEOLOGICAL BACKGROUND

Figure 4 shows the archaeological sites recorded in the vicinity of the Project Area, and a summary description of each is provided in Table 1.

There is one recorded archaeological site in the Project Area, R12/736, a pa site located on a high ridge c.30m x10m in area with a pair of transverse ditch features and banks. The northern boundary consists of a rocky bluff and it is bonded on the east and west by steep slopes. There are also the remains of what may have been a terrace and the western side of the site has been damaged by construction of a farm track (a sketch of the site is provided in Figure 5). No other archaeological features or deposits were identified in the vicinity (as noted on the NZAA site record from the 1995 survey – see Appendix A). A later site visit in 2009 noted that further damage to the site had resulted from recent bulldozing in the area, and the site was noted as being in poor condition during another site visit in 2011 (NZAA site record, Appendix A).

Two archaeological sites have also been recorded on the adjacent property to the west. These are R12/735 (stone mounds) and R12/752 (post holes). The former was originally identified in 1995 and the location was described as a sheltered north-facing slope above a stream. The site consists of 12 sub-circular stone piles, roughly 3m in diameter, and was described as the remains from clearance of a small area of stonefield, either from Maori gardening or early European agricultural activities (NZAA site record). A later investigation of the archaeological site failed to identify any of the archaeological characteristics normally associated with Maori stone piles and concluded that the piles were the result of modern field clearance (Clough and Prince 2001).

Archaeological site R12/752 was first identified in 1995 and further investigated during archaeological monitoring of topsoil stripping for the construction of a water intake facility at the end of Hayward Road, Tuakau in 2000 (located just to the west of the Project Area). A total of 17 postholes were identified in three main alignments, interpreted as the remains of a structure associated with river transportation in the early days of European settlement. No other archaeological features or deposits were identified (NZAA site record).

In addition, as part of the assessment for the water intake facility mentioned above, Huakina Development Trust indicated that preparation of koiwi tangata occurred in the vicinity of the intake site, but there was no indication that this was within the boundaries of the current Project Area (Bioresarches 1995).

In the broader area, there are two archaeological sites further to the west of the Project Area, with the descriptions below taken from the NZAA site records. The first is R12/740, noted as being c.400m to the west of R12/735. This site is described as possible pit (measuring 7m x 5m and c.0.5m deep) on a ridgeline and a terrace located c.30m northeast of the pit on a small spur leading down from the ridge. The second site is R12/917, a stand of Karaka trees on a headland ending in cliffs down to the river. No associated archaeological deposits or features were observed, although it has been suggested that a pa site may be present on the headland.

To the east of the Project Area four sites have been recorded within c.1000m. The first, R12/140, is a pa site on a horseshoe-shaped bluff. Evidence of two areas of occupation were identified, one being a higher undefended settlement with terraces, midden and oven deposits with a levelled area (c.12m x 25m) on the hilltop, with indications of two rectangular storage pits. Lower down on the southern part of the bluff was an area with a

bank defence (with midden exposed in areas damaged from stock movements). House platforms were identified above the bank and on a terrace below (NZAA site record).

The second site, R12/949, is the site of an old public landing at the end of the first Great South Road. No evidence remains and the original site has probably been eroded away by the river. The third site, R12/969, is another pa site, located immediately south of the Bluff Stockade on a headland with a massive defensive scarp. It is a terraced pa and was recorded by a surveyor in 1863, showing a summit platform and two broad semi-circular terraces on the curved side and steep slopes down to the river. The final site is R12/915, another pa site believed to pre-date R12/969, the latter being located on a headland just to the north. The pa consists of a summit platform with four irregular-shaped terraces which are separated by well-eroded scarps. There are also ditch features, but the original layout is difficult to interpret due to erosion and it is suggested that the pa may have originally extended much further to the east.

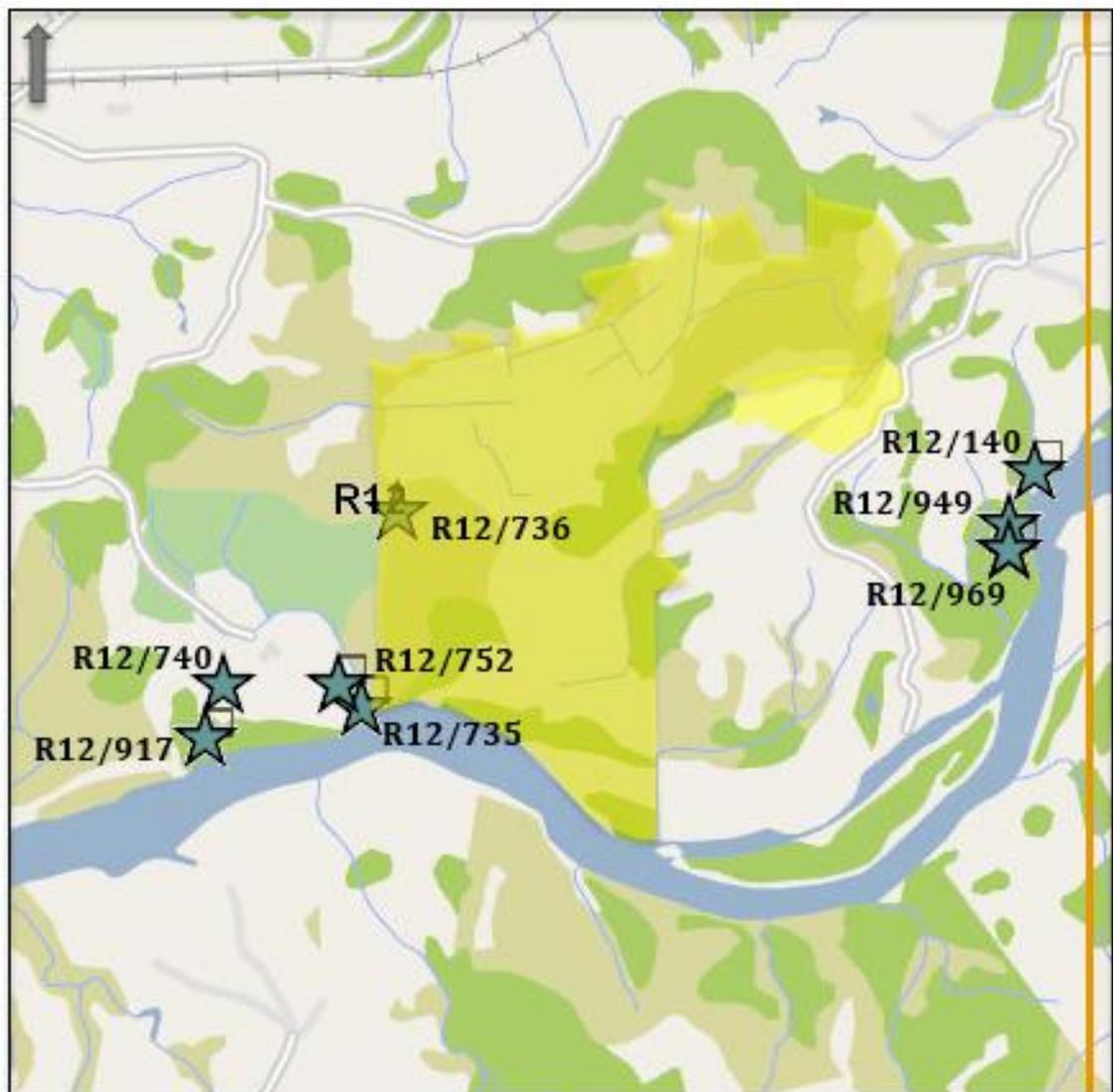


Figure 4. Map showing the locations of archaeological sites on and in the vicinity of the Project Area (which is shaded in yellow) (source: Quickmap and NZAA ArchSite)

**Table 1. Summary descriptions of the previously recorded archaeological sites on and in the vicinity of the Project Area (site within the Project Area shaded)**

NZAA Ref	Site Type	Description	NZTM Easting	NZTM Northing
R12/736	Pa site	Located on a high ridge. 30x10m enclosed by a pair of transverse ditch and bank features. Damaged by construction of a farm track	1777076	5872796
R12/735	Stone Mounds	A series of stone piles from field clearance/ origin is likely to be from modern activities	1776857	5872140
R12/572	Postholes	17 postholes identified during archaeological monitoring	1776937	5872060
R12/740	Pit and Terrace	Possible pit and terrace on a ridgeline to the west of the Project Area	1776421	5872140
R12/917	Karaka Trees	A stand of karaka trees, with a suggestion that a pa may be present on headland/ not visited, only observed from river.	1776357	5871939
R12/140	Pa site	Located on a horseshoe-shaped bluff on the north side of the Waikato River and separated from inland area by swamp. Two areas with archaeological evidence, one higher up with four terraces, midden, oven and storage pits; with terrace, living areas and midden lower down.	1779456	587945
R12/949	Landing	A public landing on the Waikato River at the end of the first Great South Road.	1779356	5872745
R12/969	Pa site	'Te La' the pa was defended by a massive scarp and capped by an inner bank. Located on a headland immediately south of the Bluff Stockade.	1779365	587645
R12/915	Pa site	Located on the headland to the north of R12/969. Evidence points to it being the older of these two pa sites. It has irregular shaped terraces and midden associated.	1779356	5872645

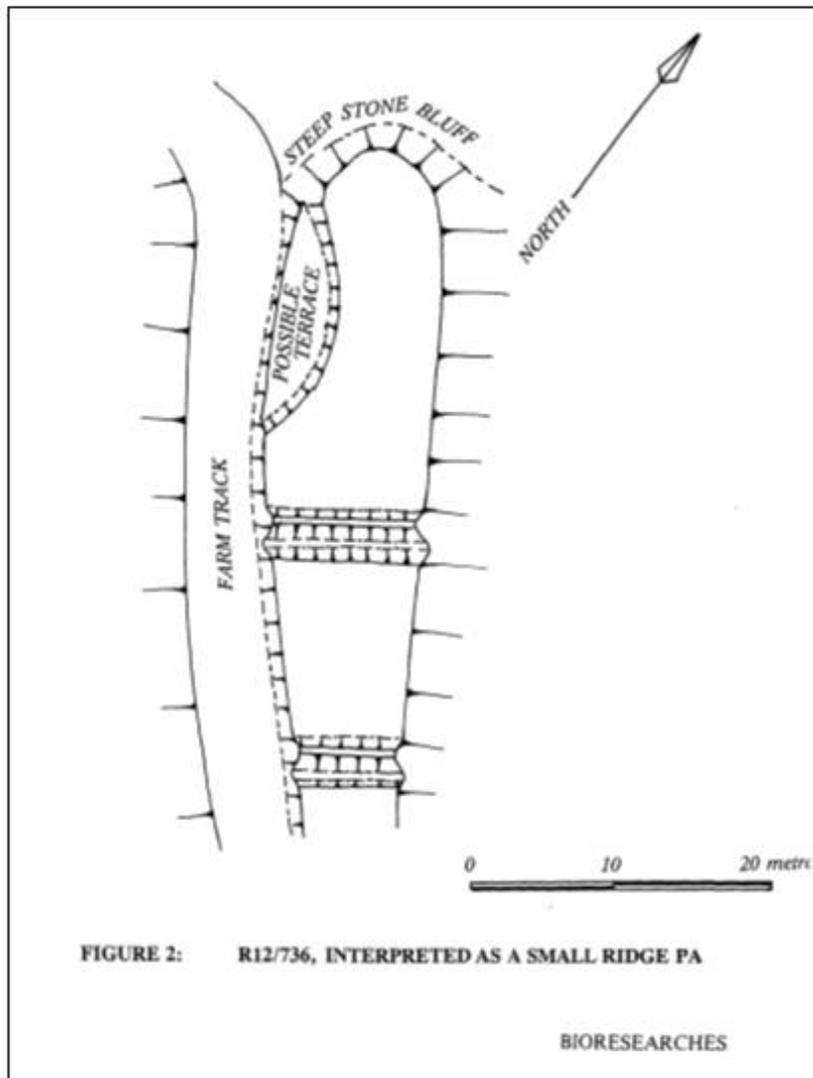


Figure 5. Sketch of R12/736 drawn in 1995 (source: Bioresearches 1995)

## HISTORICAL SURVEY

### Information from Early Maps and Plans

Early plans of the area were reviewed to provide additional information on the history of and land use in the Project Area. The earliest plan found showing the Project Area (Figure 6) dates to the 1850s (possibly 1856, but the date cannot be clearly seen on the plan). The plan does not show any lots marked out in the Project Area but has a survey line which runs from the southwestern corner. The location of the survey line was determined through review of later plans which show the area after the land was confiscated by the Crown and divided into lots 65, 66 and 67, as shown in Figure 7. It is interesting to note that the plan in Figure 7, has 'Pah in ruins' and 'Kaineratou' written on what is today the western side of the Project Area (in what is currently Lot 2 DP 401106) and which is around the location of archaeological site R12/736. This would indicate that the pa had been abandoned for some time before the survey was conducted in the 1850s.

The plan in Figure 8 shows lots 65 and 66 as well as the other allotments included in the Project Area (i.e. 67, 68, 69, 58 and part of 59) that were surveyed in the 1860s. Although this plan does not have an official date visible, 'surveyed in 1865' has been written in pencil on the plan. With respect to the lots making up the Project Area, lot 65 has the name 'Hall' marked in pencil and lots 66 and 69 have the name 'T. Craig' also marked in pencil. Lots 67 and 68 have been annotated as 'Site for Public Buildings or for other purposes of the General Government Gaz 1869 Page 25'. Lots 58 and 59 do not have any indications of ownership or potential usage. It is also noted that a reserve '100 links wide' is marked along the riverside in lot 65.

The plan in Figure 9 dated 1886 shows the parts of the Project Area situated in what were formerly lots 65 to 69 as a large area of swamp with stands of native bush and bordered by hills. One of the stands of bush in the north has 'Kahikatea' written on it. Kahikatea (or white pine) was once a prominent feature of swampy lowland forests and the berries which they produced in the autumn attracted a large number of forest birds and were also exploited as a seasonal food source by Maori. In addition, other parts of the tree were utilised for their medicinal properties, to make tattoo pigment and manufacture of weapons and canoes (Symms 1982: 12; Wassilieff 2007: 3).

Later plans showing lot layout and subdivisions include the Manukau County Map dated 1907, which shows the lots as described above (Figure 10). Limited information was gathered on later subdivisions, with Lot 1 DP 165370 being subdivided in 1994 (Figure 11) and 2000 (Figure 12).

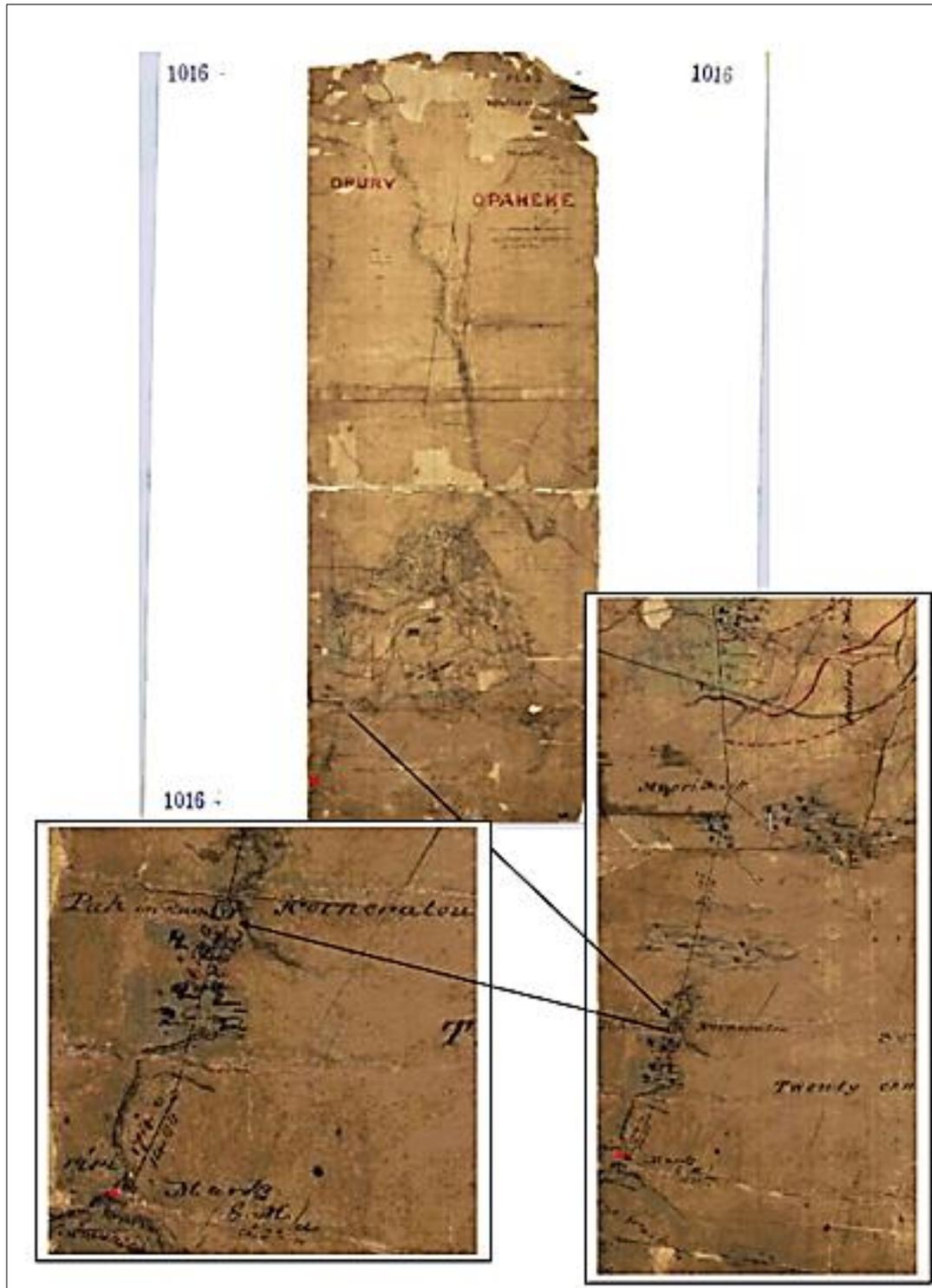


Figure 6. AKC SO 1016 (dated 1850s) with lower insets showing the ‘Pah in Ruins’ and ‘Kaineratou’ area in more detail, and southwestern corner of the Project Area marked by red dot (source: Quickmap)

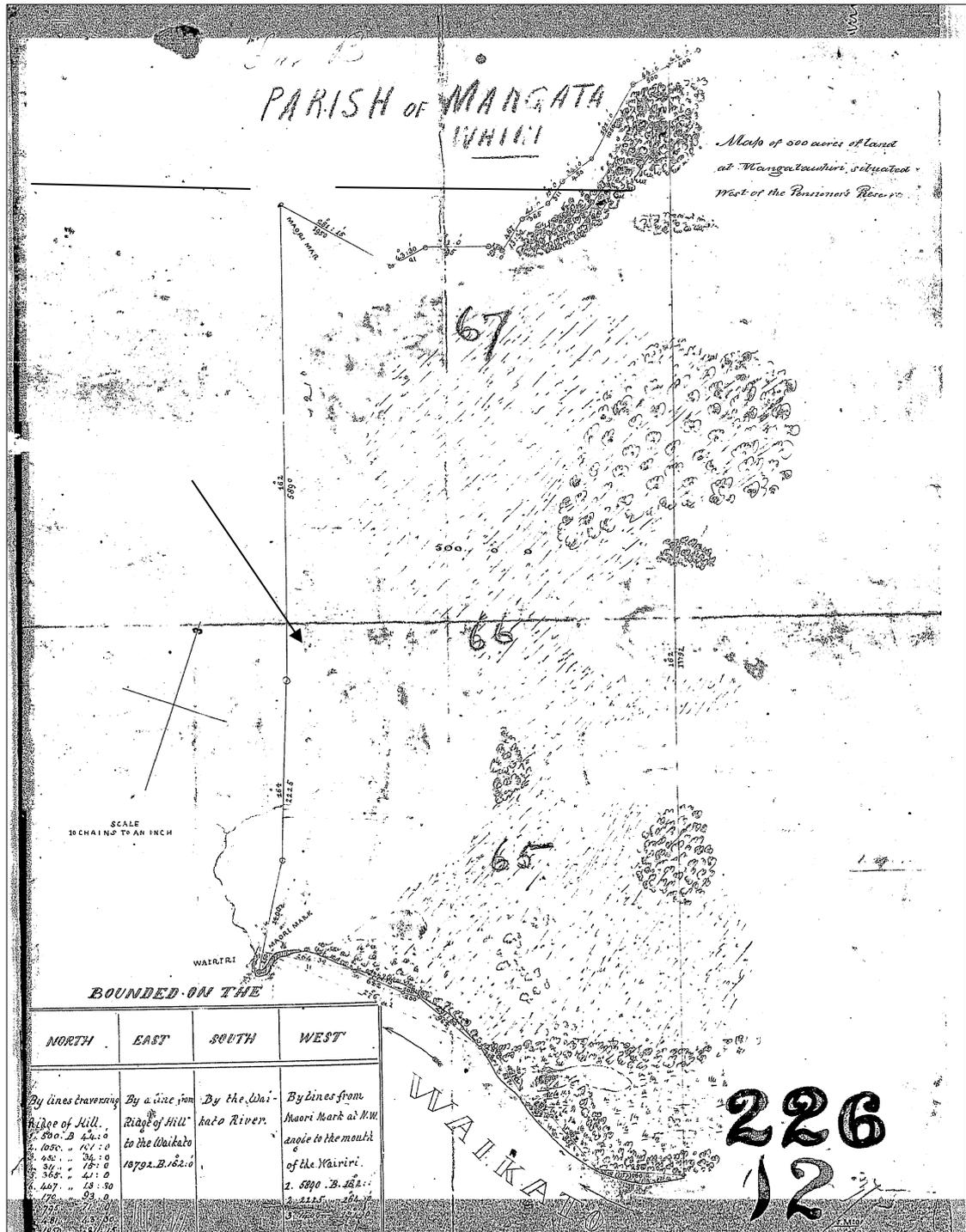


Figure 7. AK SO 226I 1 (undated) with lots 65, 66 and 67 indicated and arrow marking estimated location of pah in ruins (source: Quickmap)

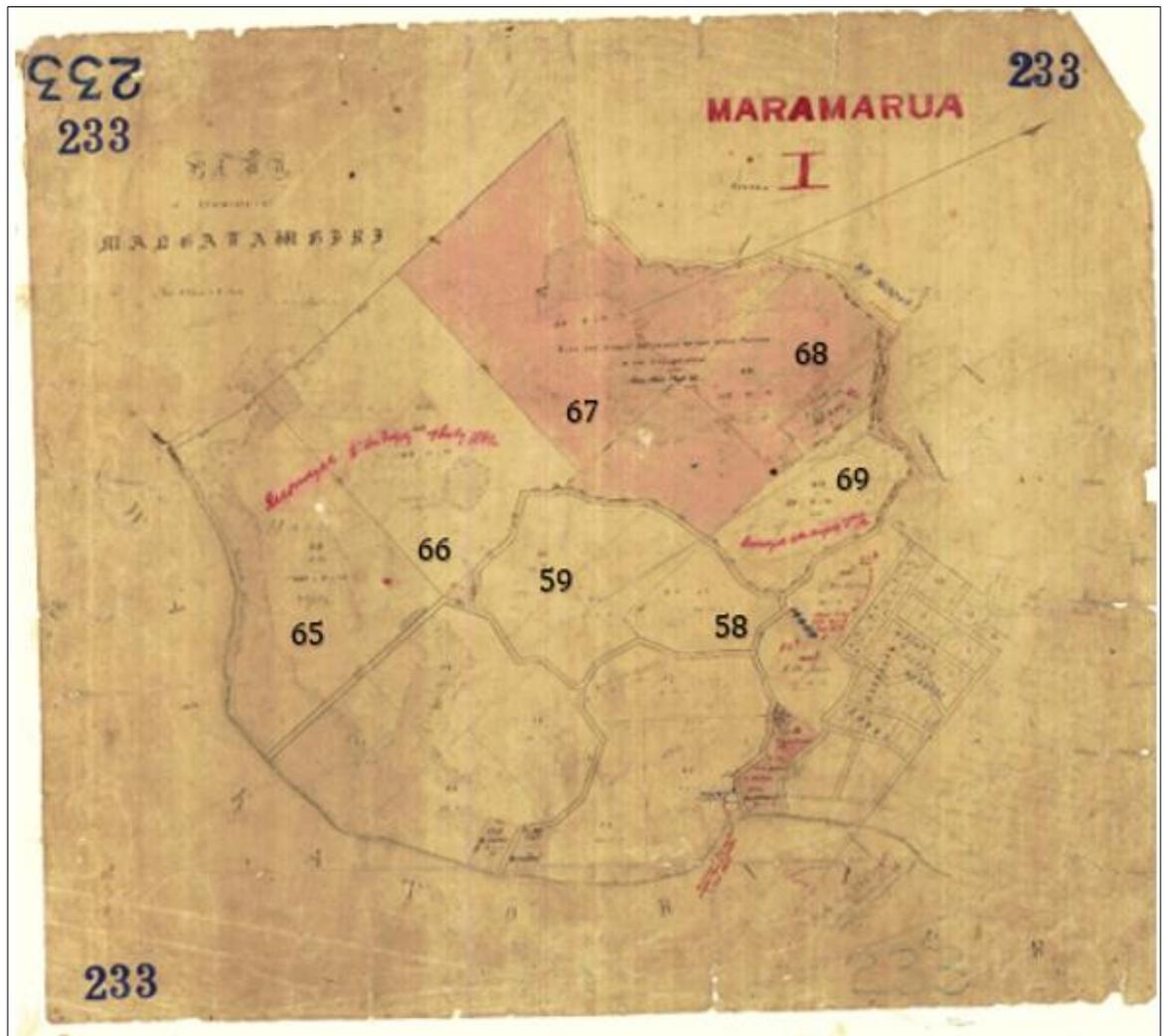


Figure 8. AKC SO 233 entitled 'Plan of Allotments at Mangatawhiri' (undated but with 'surveyed 1865' marked in pencil), with the lots containing the Project Area numbered; the pink shaded area is annotated with 'Site for Public Buildings or for other Purposes of the General Government' (source: Quickmap)



Figure 9. AKC SO 4089 I 1 Plan of Blocks 65 to 69 dated 1886, with the Project Area shaded in yellow, showing a mixture of swamp land, native bush (Kahikatea circled in red) and hill country (source: Quickmap)



Figure 10. Detail from Index Map of Manukau County (dated 1907) with the Project Area outlined in red (source: Sir George Grey Special Collections, Auckland Libraries, NZ Map 4789)

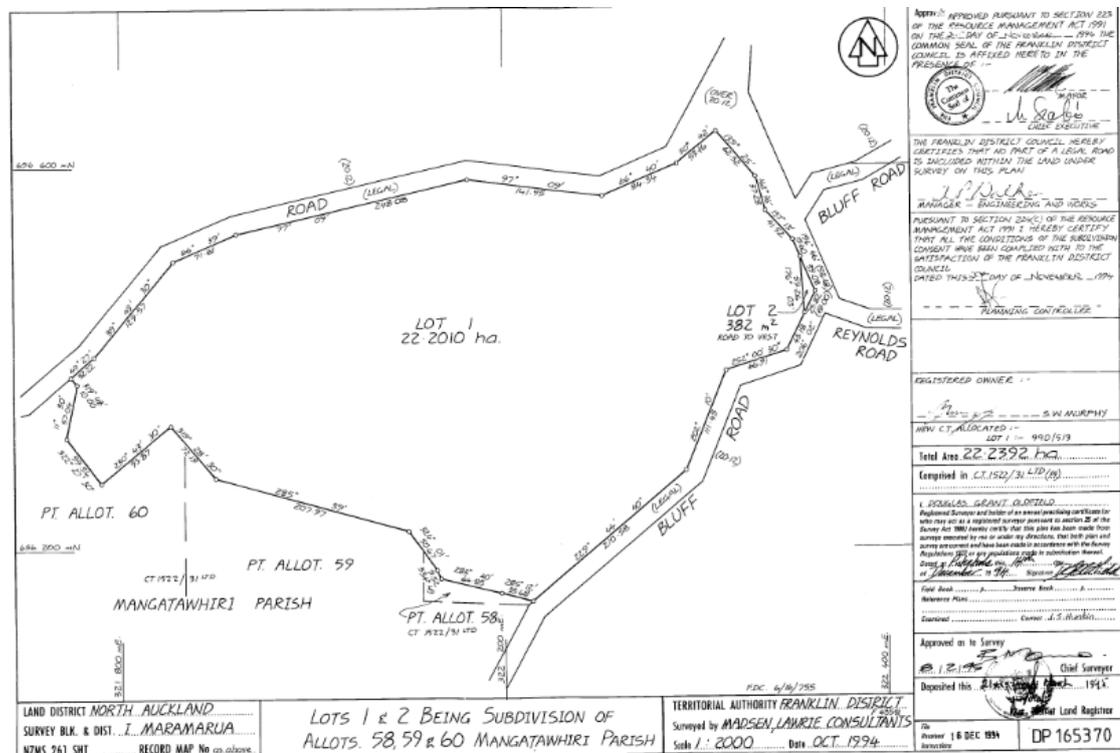
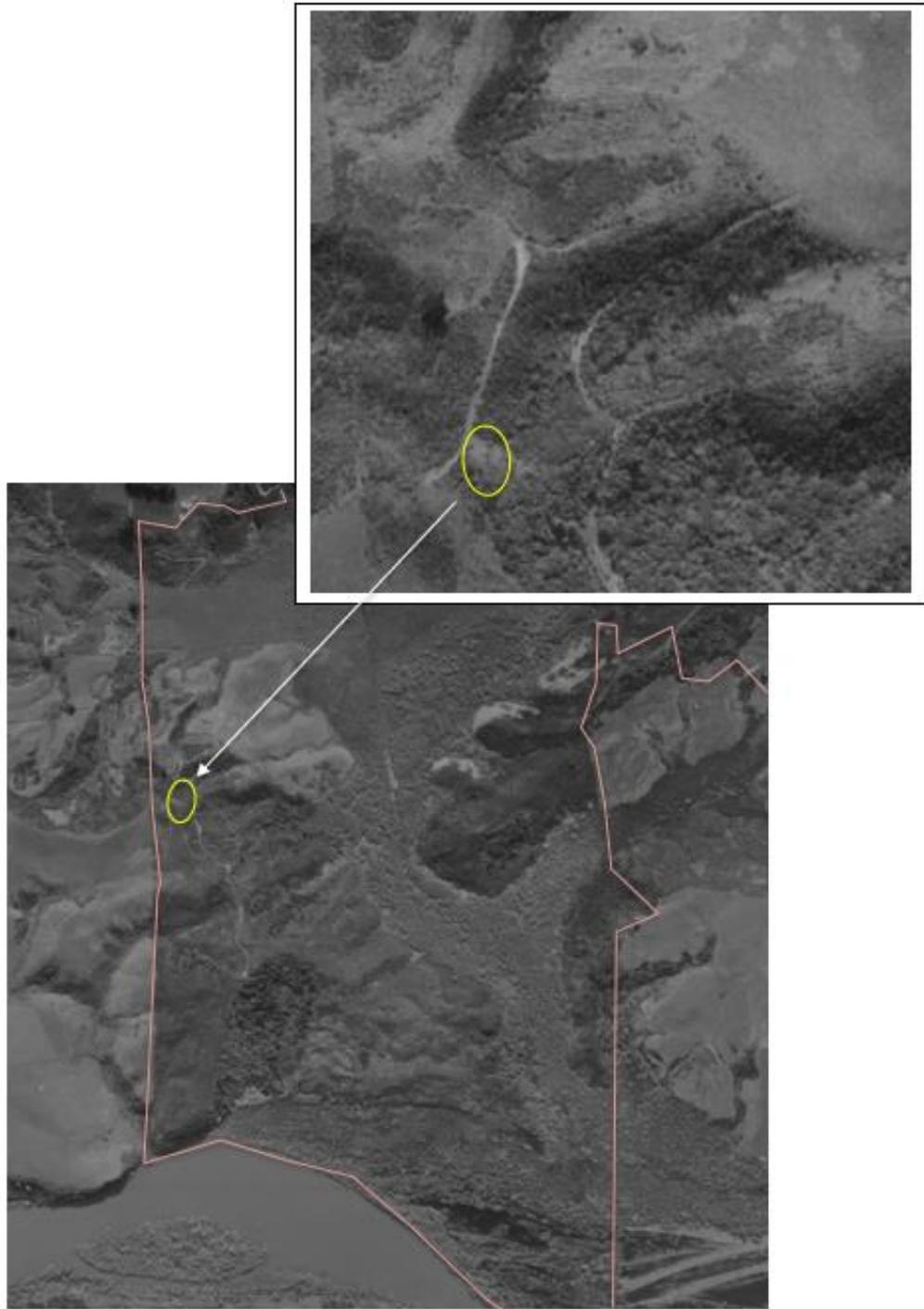


Figure 11. AK DP 165370 (dated 1994) showing the subdivision of Lot 1 DP 165370 (source: Quickmap)





**Figure 13. Aerial Photograph (Crown 1397 3253 21) from 1963 with general location of recorded archaeological site R12/736 indicated by the yellow oval (sourced from <http://retrolens.nz> and licensed by LINZ CC-BY 3.0)**



**Figure 14. Aerial photograph from 2012 with yellow oval indicating the location of recorded archaeological site R12/736 in main photograph and detail inset (source: Waikato District Council Intramaps)**



**Figure 15. Aerial photographs from 2017 (upper) and 1957 (lower), showing area of possible pa site on ridgeline in the southwestern corner of the Project Area circled in red with depressions in the ground visible in the earlier aerial (source: upper – Google Earth and Lower – Crown 1031 C6 sourced from <http://retrolens.nz> and licensed by LINZ CC-BY 3.0)**

## PHYSICAL ENVIRONMENT

### *Topography, Vegetation and Land use*

The Project Area lies along the northern banks of the Waikato River and consists of cleared land for stock grazing and native and exotic wooded areas (Figure 16). The section bordering the river is for the most part flat and lies just above the river level apart from a bluff in the southwestern corner. The bluff lies at the southern point of a generally north-south trending ridgeline that lies within an area of steep hills along the western side of Lot 2 DP 401106. There are also two hilly areas extending into this lot from the properties to the west. The more northerly of the two also continues into the northeast part of the project area, which consists of Lot 4 DP 202491 and Lot 1 DP 165370, both of which are characterised by steep hills and ridges. The northern part of the Project Area in Lot 2 DP 401106 is flat and low-lying and is currently in use as farm paddocks for livestock grazing. This area is linked to the southern part of the lot by a relatively narrow band of flat land situated between the hill country on the east and west sides of the lot. Part of this area remains as wetland, with the remainder having had drainage channels cut and streams channelised to turn the former swamp land to agricultural uses. The contour plan in Figure 17 shows the terrain of the Project Area.

There are also several areas of native bush with large stands of Kahikatea along the Waikato River. The hilly areas also have stands of mixed species native bush, both on the eastern and western sides of Lot 2 DP 401106 and at the far northeast corner of the Project Area (i.e. the northern part of Lot 4 DP 202491), with these areas shown on Figure 18. The remainder of the hill country has undergone vegetation clearance over the years and has been used for stock grazing, with a number of farm tracks cut across the area.

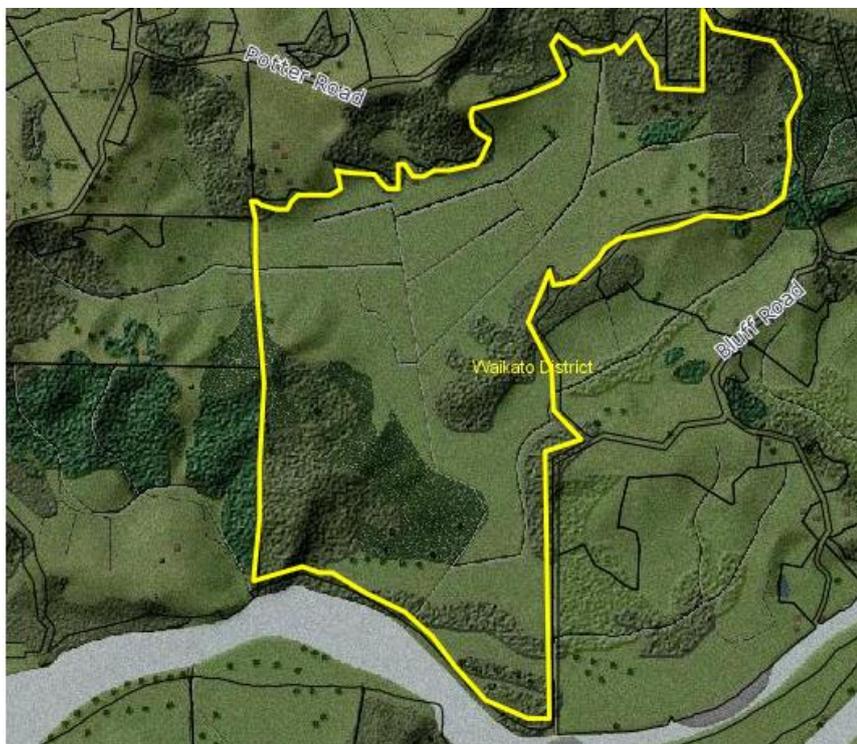
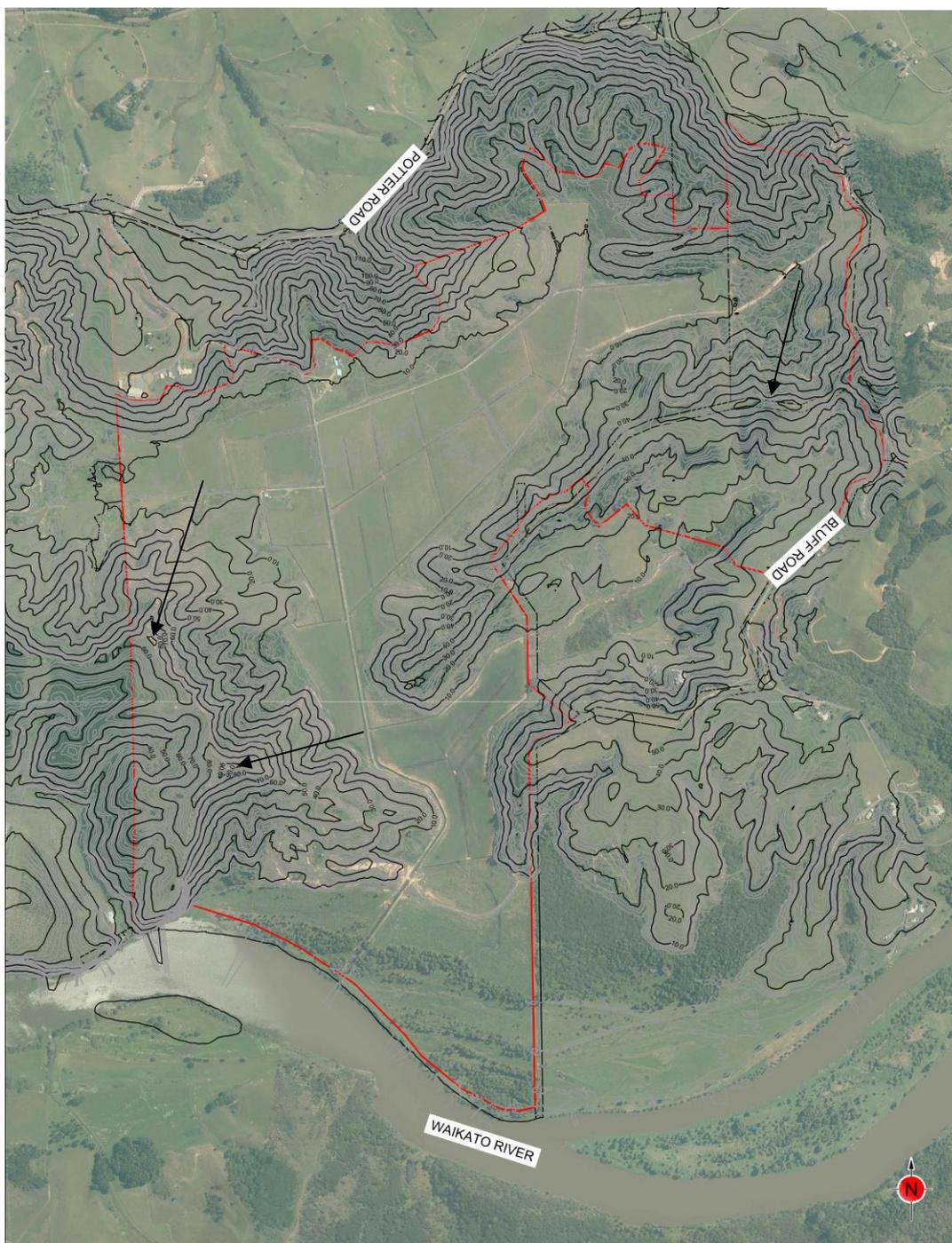


Figure 16. Map showing the vegetation cover in Project Area (yellow outline) with wooded areas shaded darker green and cleared areas light green (source: Waikato District Council Intramaps)



**Figure 17. Aerial photograph with contours of the Project Area (marked by red dashed line) and high points on the property indicated by arrows (source: Opus Ltd)**

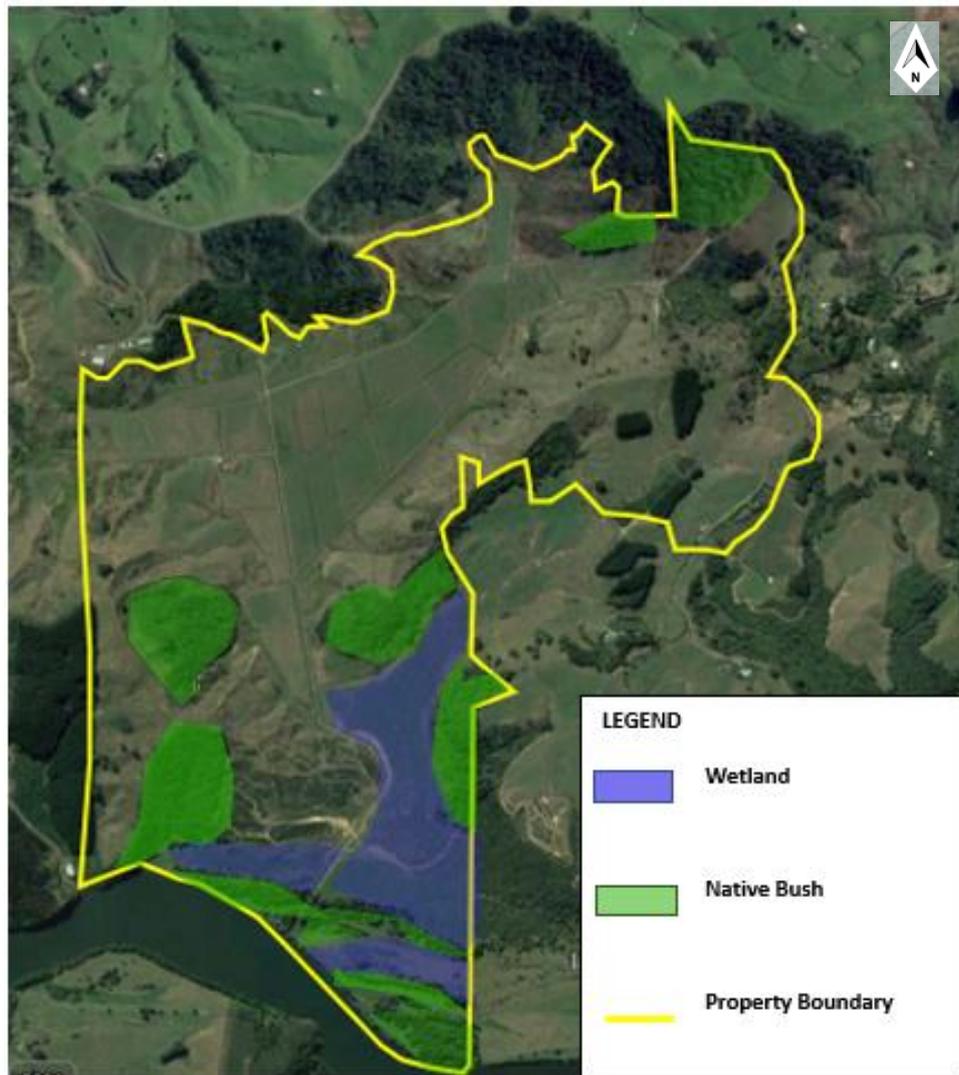
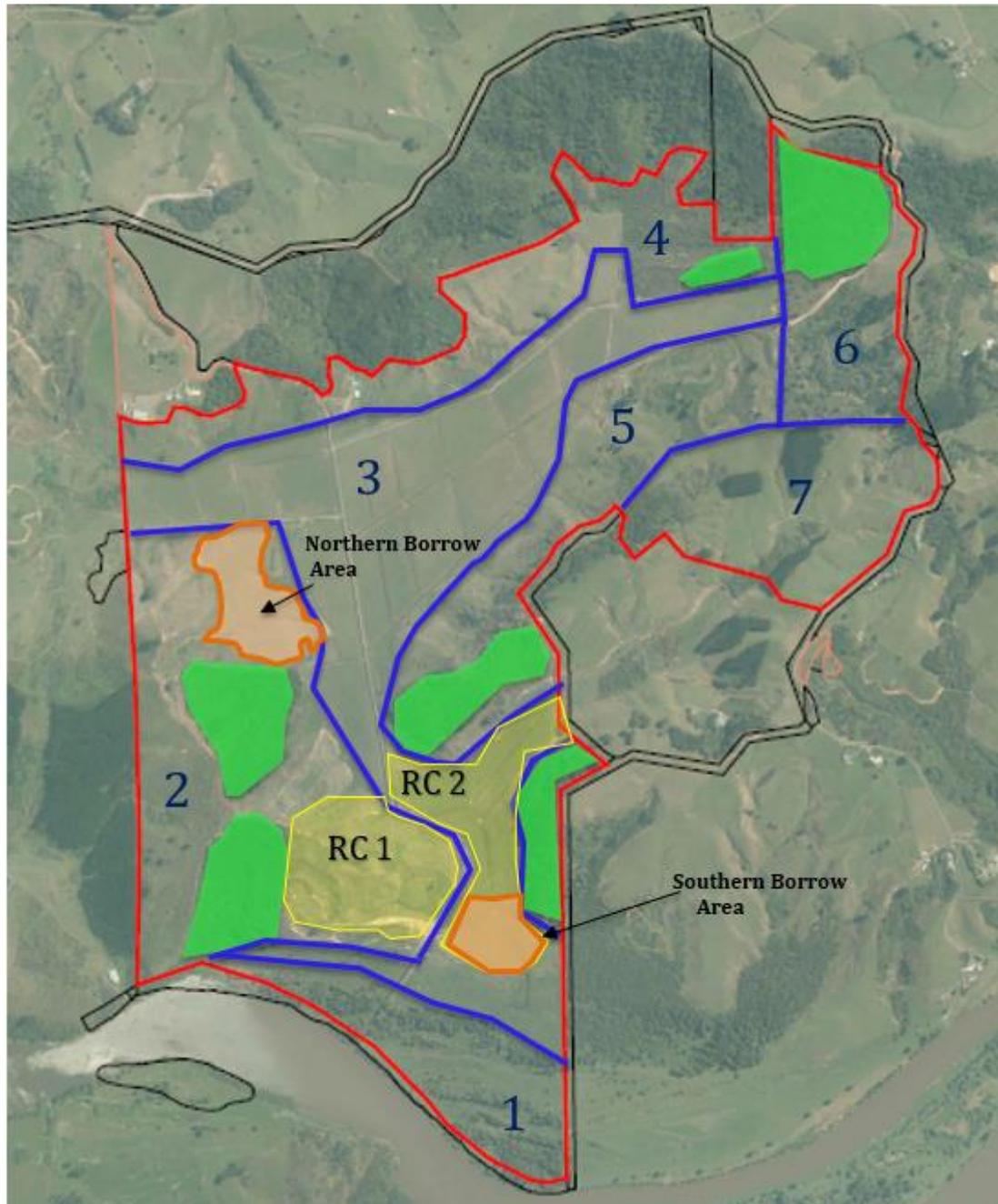


Figure 18. Aerial photograph from 2017 showing the general locations of native bush and wetlands in the Project Area (source: Google Earth)

## FIELD ASSESSMENT

### Field Survey Results

A field survey was conducted on 6 March 2018. As the survey covered a large area and various terrains, the Project Area has been divided into sections (1 to 7) for presentation of the survey results. Areas 1-5 are located in the largest lot in the Project Area (Lot 2 DP 401106) and Area 6 (Lot 4 DP 202491) and Area 7 (Lot 1 DP 165370) make up the north-eastern end of the Project Area (shown in Figure 19).



**Figure 19. Project Area (red outline) divided into 7 areas for presentation of the survey results and with RC1, RC 2 and potential borrow areas highlighted. The areas shaded green are native bush and were not included in the survey (source: Tata Valley Ltd)**

### Area 1 (Southern Wetland Bordering the Waikato River)

This area contains stands of Kahikatea with mostly swampy ground, although there is a drier slightly raised strip along the river (Figure 20, Figure 21). A small stretch of gently sloping sandy riverbank was found near the southwestern edge of the Project Area, suitable as a landing site for watercraft, which would have been important in the past for access into the interior of the Project Area. The area along the river was visually scanned on the drier ground along the river from a grassed access track leading from the central part of the site, but as development plans have not been confirmed for this area, detailed survey of the riverbank was not undertaken at this stage. No archaeological deposits or features were identified during the survey, although it is considered that there is potential for features such as shell middens or ovens to be present.



Figure 20. Photographs showing the part of the Project Area which borders the Waikato River with Kahikatea visible (looking northwest)



Figure 21. Left photograph showing a small sandy stretch by the river edge suitable for a boat/canoe landing and right photograph showing the slightly raised land just inland from the left photograph (looking southwest)

## **Area 2 (Hilly Area along the Western Side of Lot 2 DP 401106, including RC 1 and Northern Borrow Area)**

This area consists of steep-sided hills (mostly cleared of vegetation and showing signs of erosion) which extend into the Project Area from the west and run down to the low-lying wetlands that make up the central and southern part of the Project Area. There are two stands of native bush in this Area 2, which will be maintained within the proposed development and were not included in the survey. General photographs of Area 2 are shown in Figure 22 and Figure 23.

One archaeological site has been previously recorded in this area: R12/736, a ridge pa site. The site is located on a north-north-westerly trending ridge and is one of two high points in the Project Area, situated at 80m asl. The other high point is connected by a ridge line and is located to the south; it is slightly higher at 90m asl. A farm track has been constructed leading to the ridge containing the pa site from both the north and the south and the site was easily accessible. Earlier accounts noted that damage to the site from construction of the farm track and bulldozing activities in the area had occurred in the past and that the site was in poor condition. This was confirmed during the current site visit. The two ditches described in the earlier site visits were still visible and a scarp and possible terrace were noted on the western side, although these features may have been the result of recent earthworks and not associated with the archaeological site. Photographs of the site are shown in Figure 25 and Figure 26.

The higher point to the south of the archaeological site was also visited and a view looking up to the area is shown in Figure 27. It was covered with scrubby vegetation with a grassed farm track leading down towards the bluff located at the southwest corner of the Project Area. The review of aerial photographs of this area showed the presence of depressions in the ground which were interpreted as possibly being archaeological features. During the site visit, depressions were identified, although they could not be confirmed as archaeological in nature. The area was relatively flat and a transverse ditch was identified to the northwest of the depressions, suggesting the possibility of a pa site. The location of the ditch was recorded by handheld GPS (E 1777120 N 5872179 +/- 5m). No terracing or any other archaeological features could be positively identified during the survey. Although the presence of an archaeological site could not be confirmed, it is considered possible that a pa may have been situated in this area, although removal of topsoil would be required to confirm if an archaeological site is present. A plan of the location and photographs of the potential pa site are shown in Figure 28

### **RC 1**

RC 1 consists of flat-topped foothills in the south-eastern part of Area 2 with the low-lying wetland of Area 1 to the south. Past impacts to RC 1 included recent vegetation clearance and farming activities, such as construction of tracks and possible levelling of the hilltops (as the natural contours of some areas appeared to have been altered). As RC 1 leads down from the pa site (R12/736) into an area of wetland adjacent to the Waikato River, it is an area where archaeological sites may be present. However, during the survey, no evidence of archaeological deposits or features was able to be identified. It should be noted that the past activities described above are likely to have obscured any surface evidence, thus making it difficult or impossible to identify archaeological features from visual inspection and it is considered possible that subsurface remains may still be present at deeper levels. Photographs are shown in Figure 29, Figure 30 and Figure 31.

**Northern Borrow Area**

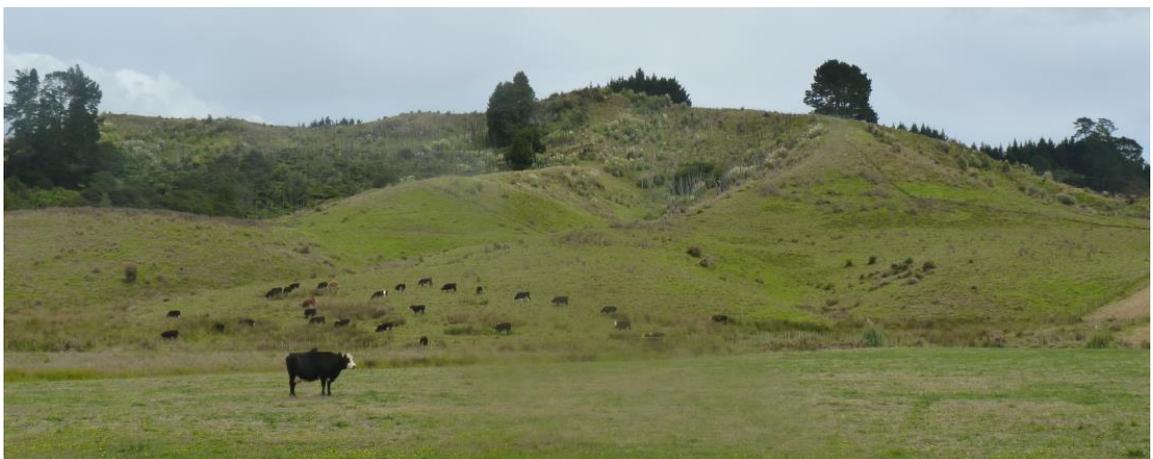
This area lies in the north-eastern corner of Area 2 and consists of hill slopes and gullies running down to the central wetland. The land has been cleared and was in use for grazing cattle at the time of the survey. The area is shown in photograph in Figure 24.



**Figure 22. Photographs showing hillsides along the western boundary of Area 2 after recent vegetation clearance (both looking north)**



**Figure 23. General view of the northern part of Area 2 with area of native bush indicated by arrow; the line of trees in the background marks the western edge of the Project Area (looking west)**



**Figure 24. Photograph showing the hillsides in the Northern Borrow Area currently being used for stock grazing (looking southwest)**



**Figure 25. Photograph showing the southwestern end of R12/736 with possible filled-in ditch feature indicated by arrow (looking southwest)**



**Figure 26. View from the northern end of R12/736 (looking north)**



Figure 27. looking up towards the high point in Area 2; erosion of the slope indicated by arrow (looking west)



Figure 28. Aerial showing the location of the area of possible pa site in the southwestern corner of Area 2 (source: Tata Valley Ltd) with photographs of the area (upper looking southwest and lower looking west)



**Figure 29. Upper photograph showing a general view of the eastern part of RC 1 with grassed or cleared hilltops, which may have been impacted by past earthmoving activities (looking southeast); lower photograph showing close-up view of area indicated by arrow**



**Figure 30. View of the southwestern part of RC 1 with vegetation removal underway; stand of native bush is visible on the left side of the photograph and swampland in the foreground (looking north)**



**Figure 31. Photograph showing a view of the eastern part of RC 1 (looking west)**

### Area 3 (Central Flats, including RC 2 and Southern Borrow Area)

As noted earlier, much of the central part of the Project Area was low-lying swamp before farm-associated drainage activities were undertaken. In the north, the former swamp had been divided into farm fields, most of which have drainage ditches running along their perimeters. These fields extend down to the northern point of RC 2, which was observed to be swampy at the time of the survey, although drainage ditches were present. The swampy land in RC 2 was observed as running directly to the base of hills to the east and north and bounded by a metalled farm track on the west. The southern boundary of RC 2 was observed to be marked by a raised earthen bund with a dirt farm track constructed along the top. The area proposed as a borrow area is located in the southern part of Area 3 and was wetland at the time of the survey.

The land to the south of RC 2 is also wetland, which continues down to the stands of Kahikatea and eventually the Waikato River as described in Area 1. The swampy areas were observed from their perimeters, but not walked over. As former and current swamp land they would not be expected to contain any archaeological features or deposits with the possible exception of isolated artefact finds. Views of this area are shown in Figure 32, Figure 33 and Figure 34.



**Figure 32. Upper photograph showing the flat former swamp in the north-eastern part of the project Area and lower photograph showing the same in the north-western part**



Figure 33. Photograph showing the northern and central part of RC 2 (looking east)



Figure 34. Upper photograph showing the southern part of RC 2 with southern borrow Area outlined and shaded in light brown (looking southeast); and lower showing ground level view of shaded area with the proposed performance stage location shown by yellow bracket (looking southeast)

**Area 4 (Northern Part of Lot 2 DP 401106)**

The strip of land along the northern boundary of the project Area consists of steep hillsides (some wooded and some grassed/ shrubby) running down from higher points in the north. The hillsides were observed to run down to the former swampland (now agricultural fields). The hillsides were visually scanned, but no archaeological features or deposits were identified. Photographs are provided in Figure 35.



**Figure 35. Upper photograph showing the hills along the northwest boundary of Lot DP 401106 and lower photograph showing the hills along the northeast boundary of the lot (the former swamp, now agricultural fields can be seen in the foreground of each photograph)**

**Area 5 (Hills in the Northeast Part of Lot 2 DP 401106)**

This area consisted of a high ridge with hillslopes running down to the central flats. The land slopes down to the north and some parts were in use for cattle grazing at the time of the survey. The area was for the most part steep hillsides running directly down to the low-lying former swamp land. The area was visually scanned with special attention paid to the ridgeline, but no evidence of any archaeological features or deposits was identified. Photographs are shown in Figure 36 and Figure 37.



**Figure 36. View of the ridge (indicated by arrow) and hillsides in Area 5, with stand of native bush visible in the right foreground (looking east)**



**Figure 37. Upper photograph showing the ridgeline in Area 5 and lower photograph showing the hillsides in the northern part of Area 5 (both looking northeast)**

**Area 6 (Lot 4 DP 202491)**

The northernmost part of this area consists of steep hillsides covered by native bush and there are no plans for development of this area. As such it was not visited as part of the survey. A track runs from the west into this lot just below the native bush and this is the only part of the lot that is situated on relatively flat land. Some of this area has been cleared and was grassed at the time of the survey. The southern half of this lot consists of steep hillsides running up to the ridge that runs between this lot and the lot to the south. The ground cover consists of scrubby vegetation and the area was difficult to access apart from very rough tracks that had been cut through the landscape. No archaeological features or deposits were identified in this area and the steep terrain and lack of flat or level land in this area would make the likelihood of archaeological material being present unlikely. A photograph of the typical landscape in this lot is shown in Figure 38.



**Figure 38. Photograph taken at the southern boundary of Lot 4 DP 202491 looking back towards the native bush in the northern part of the lot (indicated by arrow) and steep hillsides with scrubby vegetation in the foreground (looking north)**

### Area 7 (Lot 1 DP 165370)

This lot lies to the south of Lot 4 DP 202491 and the westernmost part of Lot 2 DP 401106 and is bordered on the east by Bluff Road. The landscape of this lot is hill terrain with an east-west aligned ridgeline running along the northern boundary, with steep drops down to the north and less steep, but still substantial, slopes to the south and east. Two high points of the ridge are located near the eastern side along the northern boundary and three rectangular depressions were identified at this location. The depressions measured c.1m x 1.2m. There were tree stumps and throws in the area, but the regular layout of the three pits indicated that they were likely to have been storage pits and the location was taken by handheld GPS at coordinates E1778728 N5873382 +-3m. The site has now been recorded as an archaeological site in the NZAA ArchSite database as R12/1119 (see site record form in Appendix A). The location of the site in the project Area is shown in Figure 39 and photographs are provided in Figure 40 and Figure 41. No other archaeological features or deposits were identified in this lot.



Figure 39. Location of archaeological site R12/1119 within the Project Area (source: Aerial photograph with boundary provided by Tata Valley Ltd)



**Figure 40. View of the north-eastern part of Lot 1 DP 165370 with location of archaeological site R12/1119 indicated by arrow (looking west from Bluff Road)**



**Figure 41. View of the area of archaeological site R12/1119 located in the area indicated by the white bracket (looking east)**

## DISCUSSION AND CONCLUSIONS

### Summary of Results

The Project Area contains two archaeological sites: R12/736, a ridge pa first recorded in 1995; and R12/1119, three pits recorded during the survey for this assessment. No archaeological sites have been identified in the currently proposed development areas of RC 1 or RC 2. However, impacts from farming activities and vegetation clearance in RC 1 would have obscured any surface evidence of archaeological sites in this area and the possibility of archaeological remains still surviving at deeper levels cannot be discounted. As RC 2 (including the Southern Borrow Area) consists of low-lying wetlands, any archaeological sites would most likely be in the form of isolated artefact finds and archaeological deposits and features would not be expected. The Northern Borrow Area is located on hillsides and gullies and although archaeological site R12/736 lies approximately 100m to the west, based on the terrain in the borrow area it is considered unlikely that it would contain archaeological sites. Finally, one area of high ground in the southwestern corner of the property with features suggesting the possible presence of a pa site was identified but could not be confirmed as an archaeological site during the survey.

### Maori Cultural Values

This is an assessment of effects on archaeological values and does not include an assessment of effects on Maori cultural values. Such assessments should only be made by the tangata whenua. Maori cultural concerns may encompass a wider range of values than those associated with archaeological sites.

The historical association of the general area with the tangata whenua is evident from the recorded sites, traditional histories and known Maori place names. Consultation with Ngaati Te Ata, Ngaati Tamaoho, Ngaati Naho, Huakina Development Trust and Te Taniwha o Waikato is under way and a Cultural Impact Assessment will be prepared. It is noted that the Huakina Development Trust has suggested the presence of sites associated with the preparation of koiwi tangata in the vicinity of the Project Area. Information from previous projects has been provided to the cultural consultant for this project as requested and the issue will be addressed in the Cultural Impact Assessment, as it is outside the scope of this report.

### Survey Limitations

It should be noted that archaeological survey techniques (based on visual inspection and minor sub-surface testing) cannot necessarily identify all sub-surface archaeological features or detect wahi tapu and other sites of traditional significance to Maori, especially where these have no physical remains.

### Archaeological Value and Significance

The Waikato Regional Policy Statement (RPS) identifies several criteria for evaluating the significance of historic heritage places. In addition, Heritage NZ has provided guidelines setting out criteria that are specific to archaeological sites (condition, rarity, contextual value, information potential, amenity value and cultural associations) (Heritage NZ 2006: 9-10). Both sets of criteria have been used to evaluate the value and significance of the archaeological sites R12/736 and R12/1119 (see Table 2 to Table 5).

Overall, site R12/736 is considered to have moderate archaeological value based on the criteria discussed. Although the site has been partially destroyed, thus reducing its ability to contribute to/ increase the body of existing knowledge of Maori settlement in the area, the contextual value of the site as part of the broader archaeological landscape (and the site type) increase the overall value of the site. Overall, site R12/1119 is also considered to have moderate archaeological value based on the information/ knowledge potential and contextual setting, as part of the broader archaeological landscape.

**Table 2. Assessment of the historic heritage values of site R12/736 based on the Waikato Regional Policy Statement criteria (Section 10A table 10.1)**

<b>Archaeological Qualities</b>	
<b>Information</b>	The site is partially destroyed and may not contain any archaeological deposits or features that would make a significant contribution to the existing knowledge of Maori settlement in the area.
<b>Research</b>	If the site does contain any intact features, including material that could be used for radiocarbon dating, this could be used to provide information on patterns of past Maori settlement in the area.
<b>Recognition or Protection</b>	The site is recorded in the NZAA Site Recording Scheme and is a protected archaeological site as defined in the HNZPT Act 2014.
<b>Architectural Qualities</b>	
Not applicable to this site.	
<b>Cultural Qualities</b>	
<b>Sentiment</b>	The site is not currently important as a focus of spiritual, political, national or other cultural sentiment. Its cultural value to Maori should be determined by tangata whenua.
<b>Identity</b>	The site is not currently a context for community identity or sense of place and does not provide evidence of cultural or historical continuity.
<b>Amenity or Education</b>	Limited, as the site is situated on private land.
<b>Historic Qualities</b>	
<b>Associative Value</b>	The site does not have any known direct association with, or relationship to, a person, group, institution, event or activity that is of historical significance to Waikato or the nation.
<b>Historical Pattern</b>	As it may be the same pa that was marked as abandoned on a plan from the 1850s, dating information from the site could be used to provide information on patterns of Maori settlement in the area.
<b>Scientific Qualities</b>	
<b>Information</b>	The site does not have any particular potential to contribute information about an historic figure, event, phase or activity.
<b>Potential Scientific Research</b>	The research potential of the site is of an archaeological nature and is addressed under the first heading.
<b>Technological Qualities</b>	
<b>Technical Achievement</b>	There is no evidence that the site shows a high degree of creative or technical achievement or is associated with scientific or technical innovations or achievements.

**Table 3. Assessment of the historic heritage values of site R12/1119 based on Waikato regional Policy Statement (Section 10A table 10.1)**

<b>Archaeological Qualities</b>	
<b>Information</b>	This site has some potential to provide information on settlement and horticultural activities in the area.
<b>Research</b>	The site has limited research potential.
<b>Recognition or Protection</b>	The site is recorded in the NZAA Site Recording Scheme and is a protected archaeological site as defined in the HNZPT Act 2014.
<b>Architectural Qualities</b>	
Not applicable to this site.	
<b>Cultural Qualities</b>	
<b>Sentiment</b>	The site is not currently important as a focus of spiritual, political, national or other cultural sentiment. Its Maori cultural value should be determined by tangata whenua.
<b>Identity</b>	The site is not currently a context for community identity or sense of place and does not provide evidence of cultural or historical continuity.
<b>Amenity or Education</b>	Limited, as the site is situated on private land.
<b>Historic Qualities</b>	
<b>Associative Value</b>	The site does not have any known direct association with, or relationship to, a person, group, institution, event or activity that is of historical significance to Waikato or the nation.
<b>Historical Pattern</b>	If appropriate material is present for dating purposes it could be used to provide information on patterns of Maori settlement in the area
<b>Scientific Qualities</b>	
<b>Information</b>	The site does not have any particular potential to contribute information about an historic figure, event, phase or activity.
<b>Potential Scientific Research</b>	The research potential of the site is of an archaeological nature and is addressed under the first heading.
<b>Technological Qualities</b>	
<b>Technical Achievement</b>	There is no evidence that the site shows a high degree of creative or technical achievement or is associated with scientific or technical innovations or achievements.

**Table 4. Assessment of the archaeological values of site R12/736 based on Heritage NZ criteria (Heritage NZ 2006: 9-10)**

Value	Assessment
Condition	The site has been damaged by stock grazing, construction of a farm track and erosion and is in poor condition (partially destroyed)
Rarity	There are a number of pa sites in the area. It is not a rare site type.
Contextual value	The site should not be considered in isolation, as it is part of a wider archaeological landscape of sites associated with settlement around the Waikato River, a highly desirable area for Maori settlement in the past. Its contextual value lies in its contribution to the wider archaeological landscape of the area.
Information potential	This depends on both the ability of a site to provide information relating to the history of New Zealand through archaeological investigation, and on the research questions to which it could contribute. This site has suffered considerable damage from farming activities and has been partially destroyed and the information to be gained from scientific investigation will be limited by the loss of features and elements of the site. It should be noted, however, that any intact features that have survived would contribute to knowledge of Maori settlement of the area.
Amenity value	The site is on private land and currently has limited amenity value.
Cultural associations	The site has Maori cultural association. Its cultural significance is for tangata whenua to determine.
Other	No other values were identified.

**Table 5. Assessment of the archaeological values of site R12/1119 based on Heritage NZ criteria (Heritage NZ 2006: 9-10)**

Value	Assessment
Condition	The site is in good condition. There is no obvious evidence of any serious damage from past activities, such as stock grazing.
Rarity	The site type is not rare.
Contextual value	The site should not be considered in isolation, as it is part of a wider archaeological landscape of sites associated with settlement around the Waikato River, a highly desirable area for Maori settlement in the past. Its contextual value lies in its contribution to the wider archaeological landscape of the area.
Information potential	This depends on both the ability of a site to provide information relating to the history of New Zealand through archaeological investigation, and on the research questions to which it could contribute. This site has some potential to provide information on settlement and horticultural activities in the area through archaeological investigation. This would contribute to both local and regional histories.
Amenity value	The site is on private land and has limited amenity value.
Cultural associations	The site has Maori cultural association. Its cultural significance is for tangata whenua to determine.
Other	No other values were identified.

## Effects of the Proposal

Two archaeological sites have been identified within the Project Area, a pa site recorded previously (R12/736), and a site consisting of three storage pits (R12/1119), identified during the survey for this assessment. In addition, an area that may contain a pa site (though this could not be confirmed) has also been identified in the southwest corner of the Project Area. The archaeological sites and suspected pa site are not located in or in proximity to RC 1, RC 2 or the potential borrow areas and are not expected to be adversely affected by the development works proposed in these areas. The location of the two confirmed archaeological sites within the Project Area and in relation to RC 1, RC 2 and the potential borrow areas is shown in Figure 42. However, they may be affected by future works associated with the proposed development. Archaeological sites should be avoided wherever possible and it is recommended that design and layout plans take into account the locations of the two sites and avoid them. It should also be noted that landscaping activities and tree planting can also affect archaeological sites, and this should also be taken into account as part of the detailed design of the project.

The features identified at the possible pa site in the southwest corner of the Project Area included depressions in the ground and a possible transverse ditch, but they could not be confirmed as archaeological features and the area would require surface stripping before a positive identification could be made. As the presence of archaeological deposits and features could not be confirmed, effects from future development cannot be determined at present. Avoidance of the area could be considered, but if this area is included in future development plans, it is recommended that an exploratory investigation of the area shown in Figure 42 be conducted to determine if an archaeological site is present and, if a site is identified, to determine the nature and extent of the site. This would require an Authority granted by Heritage New Zealand.

With respect to the currently proposed development areas (RC 1, RC 2 and potential borrow areas), in any area where archaeological sites have been recorded in the general vicinity it is possible that unrecorded subsurface remains may be exposed during development. It is considered possible that subsurface remains may be present in RC 1 that could not be detected during the survey, as surface remains may have been affected by farming activities and vegetation clearance. The areas of archaeological interest in RC 1 are the hilltop ridges and flat areas overlooking the wetlands to the east and south. If unidentified archaeological remains are exposed during development in these areas, they are unlikely to be extensive due to damage from previous activities. The potential adverse effects are therefore considered to be minor and could be appropriately mitigated through archaeological monitoring and the recovery of archaeological information relating to the history of the area. As can be seen in Figure 43, the cut works in RC 1 will be between 2m and 10m in depth. The works would destroy any archaeological deposits or features present. It should also be noted that site preparation works in the fill areas will include topsoil stripping.

The detailed layout in RC 2 has not been finalised, but the works within the potential borrow area may include cut depths to 2 m and landscaping proposed for the remainder of RC 2 will include lake formation works with dam and water pumping equipment to control floodwater inflow and outflow, planting of native wetland species, walking trails and boardwalk and a performance stage. Cross sections for the works for the lake are shown in Figure 44. As noted earlier RC 2 was former swamp and, if any archaeological remains are present here, they would be in the form of isolated finds, which could be encountered in any part of RC 2.

The earthworks proposed in the Northern Borrow Area would also destroy any archaeological features present. The earthworks are shown in Figure 45 and cut depths will be between 4m and 10m. The area is characterised by hillsides and gullies and it is considered unlikely that the area would contain archaeological remains.

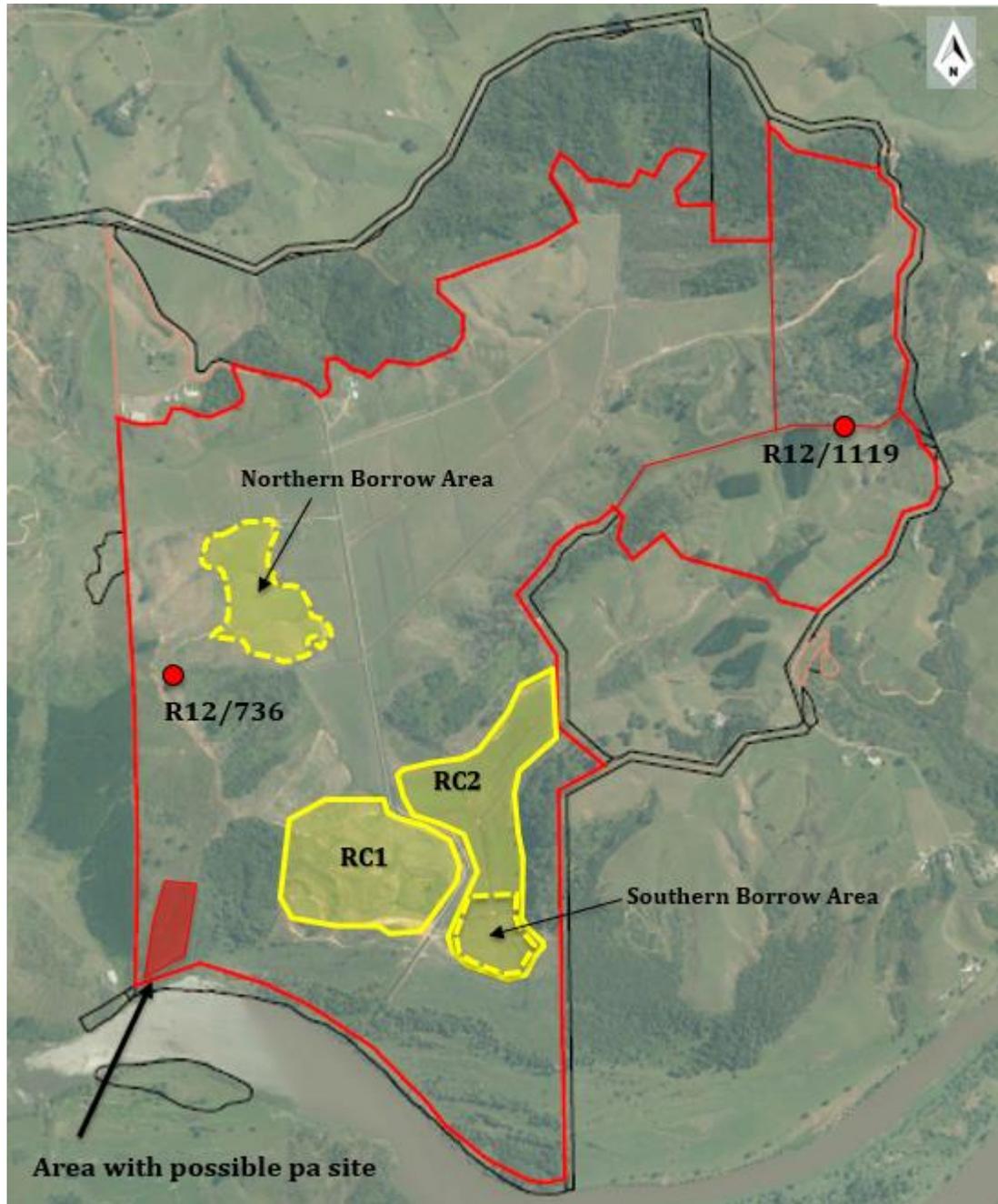


Figure 42. Aerial photograph showing the Project Area with locations of RC 1 and RC 2 and two potential borrow areas with the locations of archaeological sites R12/736 and R12/1119 and the area with a possible pa site indicated (source: Tata Valley Ltd)

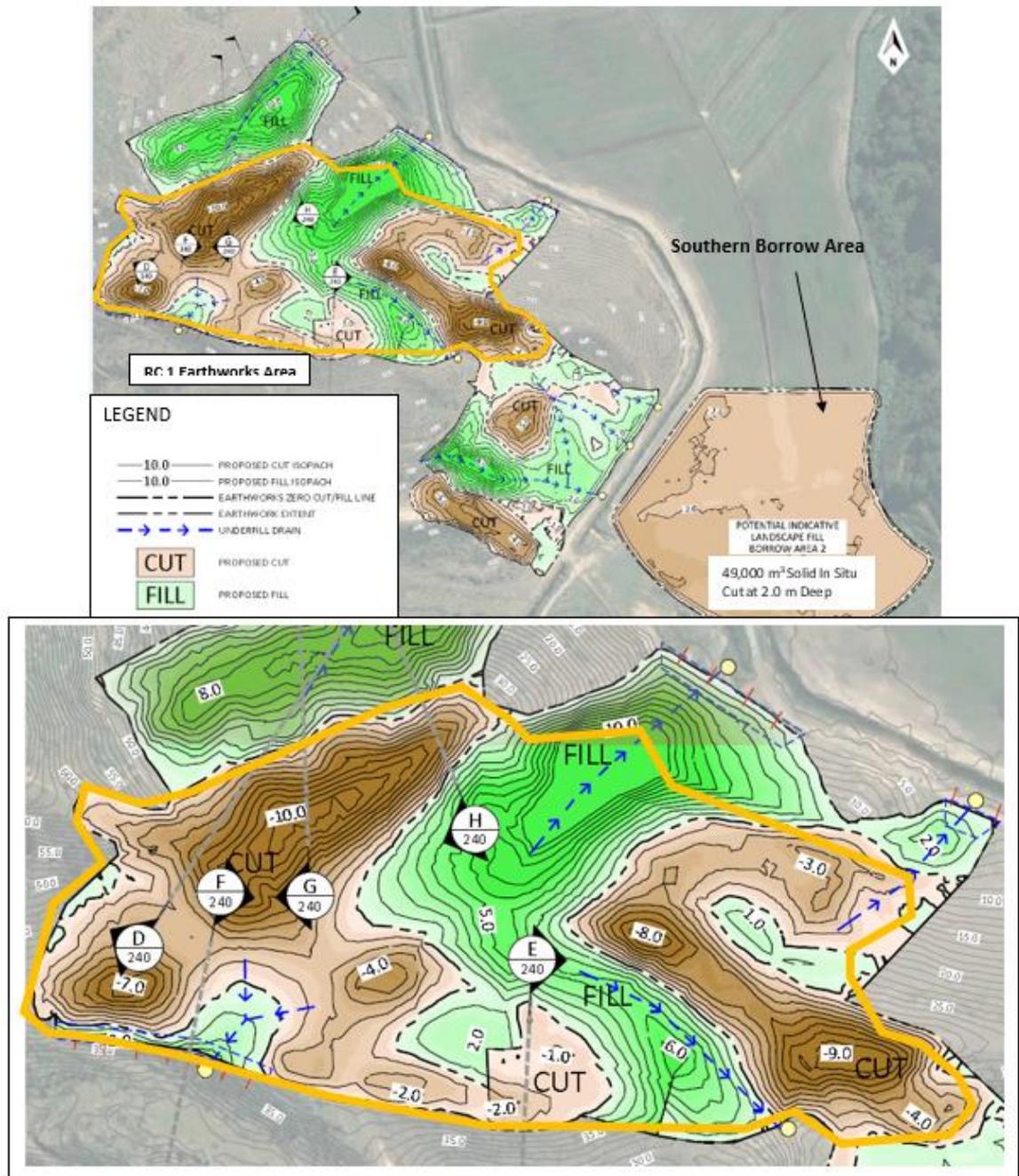


Figure 43. Cut fill plan showing RC 1 and Southern Borrow Area in RC2 with the area where preliminary earthworks must be monitored by an archaeologist outlined in light orange with detail shown in lower plan (source: Civil Plan Consultants Ltd)

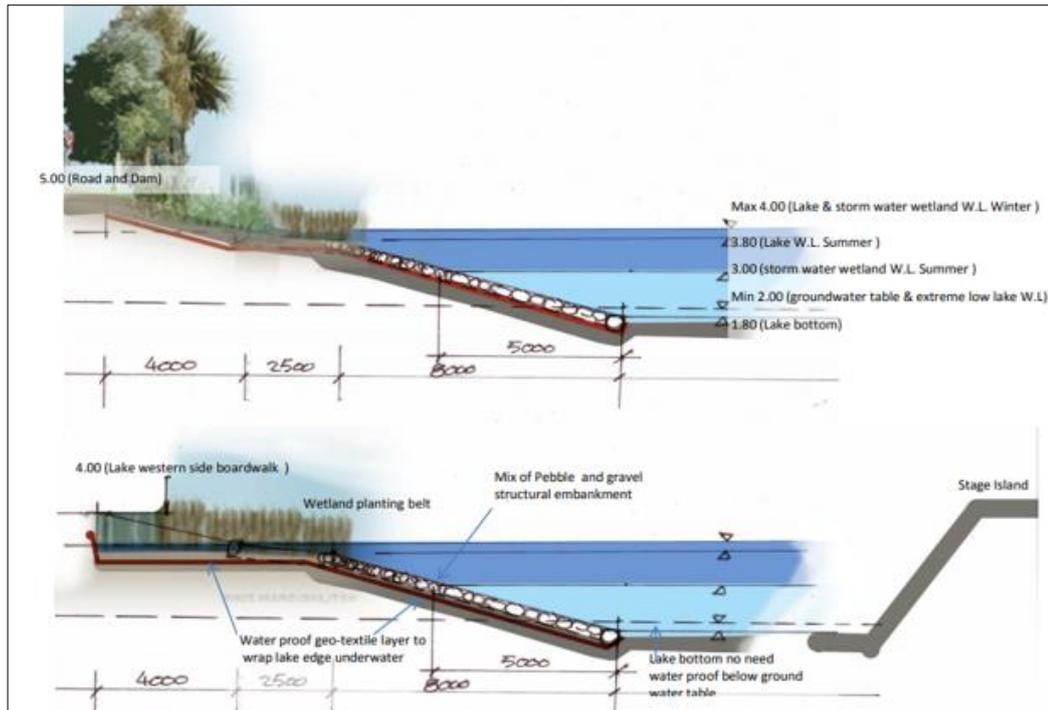


Figure 44. Typical Lake Cross Sections showing the proposed works in RC 2 (source: Tata Valley Ltd)

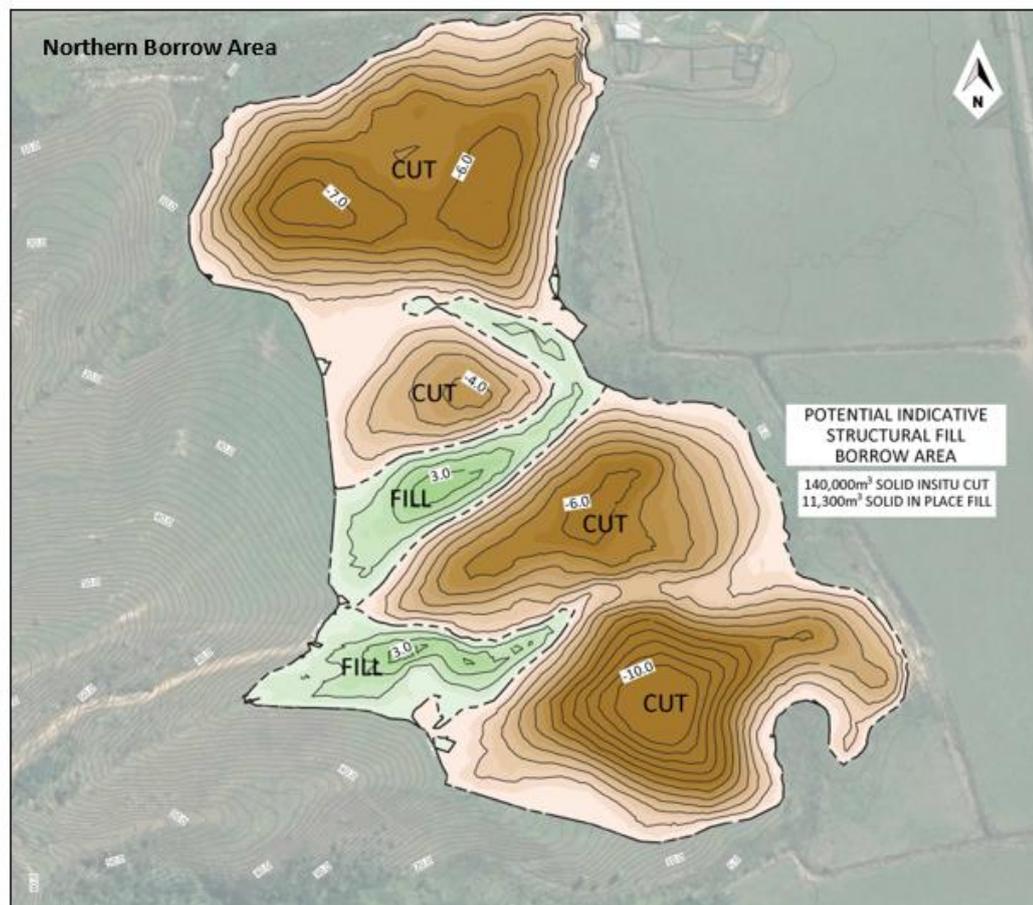


Figure 45. Cut fill plan for the Northern Borrow Area (source: Civil Plan Consultants Ltd)

## Resource Management Act 1991 Requirements

Section 6 of the RMA recognises as matters of national importance: ‘the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga’ (S6(e)); and ‘the protection of historic heritage from inappropriate subdivision, use, and development’ (S6(f)).

All persons exercising functions and powers under the RMA are required under Section 6 to recognise and provide for these matters of national importance when ‘managing the use, development and protection of natural and physical resources’. There is a duty to avoid, remedy, or mitigate any adverse effects on the environment arising from an activity (S17), including historic heritage.

Historic heritage is defined (S2) as ‘those natural and physical resources that contribute to an understanding and appreciation of New Zealand’s history and cultures, deriving from any of the following qualities: (i) archaeological; (ii) architectural; (iii) cultural; (iv) historic; (v) scientific; (vi) technological’. Historic heritage includes: ‘(i) historic sites, structures, places, and areas; (ii) archaeological sites; (iii) sites of significance to Maori, including wahi tapu; (iv) surroundings associated with the natural and physical resources’.

Regional, district and local plans contain sections that help to identify, protect and manage archaeological and other heritage sites. The plans are prepared under the rules of the RMA. The Waikato District Plan (Franklin Section) is relevant to the proposed activity.

This assessment has established that the proposed activity has the potential to affect two archaeological sites, R12/736 and R12/1119. These sites are not scheduled on the District Plan. It also has the potential to affect unidentified subsurface archaeological remains that may be exposed during development. The known extents of the archaeological sites should be avoided if possible. Any unavoidable effects on archaeological deposits or features can be appropriately mitigated through archaeological investigation and recording to recover information relating to the history of the local area.

If resource consent is granted for RC 1 and RC 2 (including the potential borrow areas), conditions would be recommended requiring archaeological monitoring of surface stripping in RC 1 in the area outlined in light orange in Figure 43. It is also recommended that an advice note regarding the provisions of the HNZPTA is included, as an Authority under that Act will be required for any modification and investigation of archaeological remains.

## Heritage New Zealand Pouhere Taonga Act 2014 Requirements

In addition to any requirements under the RMA, the HNZPTA protects all archaeological sites whether recorded or not, and they may not be damaged or destroyed unless an Authority to modify an archaeological site has been issued by Heritage NZ (Section 42).

An archaeological site is defined by the HNZPTA Section 6 as follows:

**‘archaeological site** means, subject to section 42(3),<sup>1</sup> –

(a) any place in New Zealand, including any building or structure (or part of a building or structure) that –

(i) was associated with human activity that occurred before 1900 or is the site of the wreck of any vessel where the wreck occurred before 1900; and

(ii) provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand; and

(b) includes a site for which a declaration is made under section 43(1)<sup>2</sup>

Authorities to modify archaeological sites can be applied for either in respect to archaeological sites within a specified area of land (Section 44(a)), or to modify a specific archaeological site where the effects will be no more than minor (Section 44(b)), or for the purpose of conducting a scientific investigation (Section 44(c)). Applications that relate to sites of Maori interest require consultation with (and in the case of scientific investigations the consent of) the appropriate iwi or hapu and are subject to the recommendations of the Maori Heritage Council of Heritage NZ. In addition, an application may be made to carry out an exploratory investigation of any site or locality under Section 56, to confirm the presence, extent and nature of a site or suspected site.

While no known archaeological sites will be affected by the proposed works in RC 1, RC 2 and the potential borrow areas, it is considered possible that unidentified subsurface archaeological remains may be exposed during development, particularly in RC 1 in the light orange outlined area shown in Figure 43. To avoid any delays should unidentified subsurface features be exposed by the proposed works, it is recommended that an authority is applied for under Section 44(a) of the HNZPTA to cover all works undertaken for RC 1 as a precaution. It is also recommended to include RC 2 (and Southern Borrow Area) and the Northern Borrow Area, as although the presence of archaeological sites is considered less likely than in RC 1, the presence of archaeological sites cannot be discounted. The areas to be included in the Authority are shown as the yellow shaded areas in Figure 42.

The authority should be obtained before any earthworks are carried out. The conditions of the authority are likely to include archaeological monitoring of preliminary earthworks, and procedures for recording any archaeological evidence before it is modified or destroyed. This approach would have the advantage of allowing any archaeology uncovered during the development works for RC 1 and RC 2 (including the potential

<sup>1</sup> Under Section 42(3) an Authority is not required to permit work on a pre-1900 building unless the building is to be demolished.

<sup>2</sup> Under Section 43(1) a place post-dating 1900 (including the site of a wreck that occurred after 1900) that could provide ‘significant evidence relating to the historical and cultural heritage of New Zealand’ can be declared by Heritage NZ to be an archaeological site.

borrow areas) to be dealt with immediately, avoiding delays while an Authority is applied for and processed.

It is also recommended that if future development plans include the area of archaeological interest in the southwest corner of the Project Area an exploratory investigation of the area (as shown in Figure 42) be conducted to determine if an archaeological site is present and if a site is identified, to determine the nature and extent of the site. This would require a separate Authority under Section 56.

## Conclusions

The Project Area contains two archaeological sites: R12/736, a ridge pa first recorded in 1995; and R12/1119, three pits recorded during the survey for this assessment. No archaeological sites have been identified in the currently proposed development areas of RC 1, RC 2 or the two potential borrow areas. However, impacts from farming activities and vegetation clearance in RC 1 have affected any surface evidence of archaeological sites in this area and the possibility of archaeological remains still surviving at deeper levels cannot be discounted. As RC 2 (including the Southern Borrow Area, consists of low-lying wetlands, archaeological sites would most likely be in the form of isolated artefact finds and archaeological deposits and features would not be expected. Finally, the Northern Borrow Area, which is situated in an area of hillsides and gullies is considered to have low archaeological potential, although as noted earlier, in any area in the vicinity of recorded archaeological sites it is possible that unrecorded subsurface remains may be exposed during development.

One area with features suggesting the possible presence of a pa site was identified, but it could not be confirmed as an archaeological site during the survey.

Avoidance of the two identified archaeological sites is recommended and the detailed development plans for the project should note the locations of the two sites and avoid them if possible. With regards to the possible pa site, avoidance of the area could be considered, but if this area is included in future development plans, it is recommended that an exploratory investigation of the area be conducted to determine whether an archaeological site is present and, if a site is identified, to determine the nature and extent of the site. This would require an Authority granted by Heritage New Zealand.

Overall, it is considered that any adverse effects on archaeology in RC 1, RC 2 (including the Southern Borrow Area) and the Northern Borrow Area are likely to be minor, due to previous modifications to RC 1 and the landform of the latter two, i.e. that RC 2 was swampland prior to modern farm drainage activities and that the Northern Borrow Area is situated on hillsides with gullies. Thus, it is considered that if subsurface archaeological remains are identified during development, they are unlikely to be extensive and the effects could be appropriately mitigated through the recovery of archaeological information relating to the history of the area. This would require an Authority from Heritage New Zealand.

## RECOMMENDATIONS

- The detailed development plans should take account of the locations of the recorded archaeological sites R12/736 and R12/119 (Figure 42) and ensure that they are avoided.
- If any of the recorded sites cannot be avoided, an Authority must be applied for under Section 44(a) of the HNZPTA and granted by Heritage NZ prior to the start of any works that will affect them. (*Note that this is a legal requirement*).
- Because it is considered likely that that subsurface archaeological features will be exposed during development within RC 1 and possibly RC 2 and the Northern Borrow Area, an Authority should be applied for under Section 44(a) of the HNZPTA as a precaution prior to the start of earthworks. This would establish appropriate procedures for the management of any archaeological remains discovered, reducing the potential for delays during the development process.
- Preliminary earthworks in RC 1 (in the area highlighted in Figure 43) should be monitored by an archaeologist to establish whether any sites are present.
- If works are proposed that will affect the area containing the possible pa site (as shown in Figure 42) an investigation should be carried out under Section 56 of the HNZPTA to determine if an archaeological site is present and if so the extent and nature of the site.
- If no authority has been obtained and subsurface archaeological evidence should be unearthed during earthworks (e.g. intact shell midden, hangi, storage pits relating to Maori occupation, or cobbled floors, brick or stone foundation, and rubbish pits relating to 19th century European occupation), work should cease in the immediate vicinity of the remains and Heritage NZ and the Council should be notified. An Authority must be obtained before any further work can proceed which affects the archaeological site. (*Note that this is a legal requirement*).
- In the event of koiwi tangata (human remains) being uncovered, work should cease immediately in the vicinity of the remains and tangata whenua, Heritage NZ, the NZ Police and Council should be contacted so that appropriate arrangements can be made.
- Since there are known and potential archaeological sites relating to Maori occupation on the property, the tangata whenua should be consulted regarding the cultural effects of the proposal.

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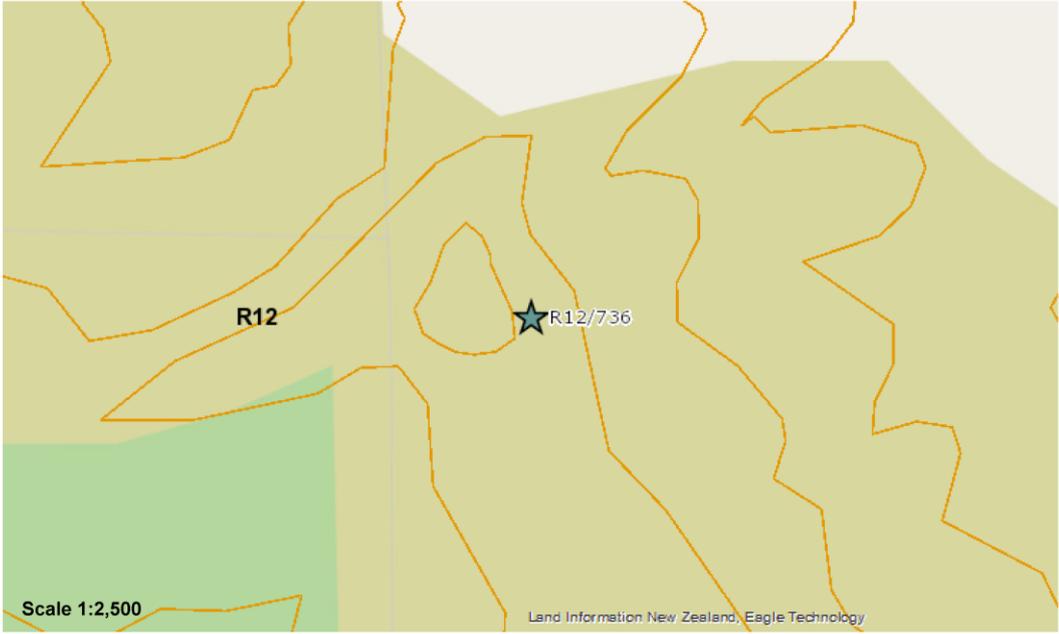
Aerial Photographs (sourced from <http://retrolens.nz> and licensed by LINZ CC-BY 3.0)

- Crown 1031 C6 dated 1957
- Crown 1031 C7 dated 1957
- Crown 1031 C8 dated 1957
- Crown 1397 3253 21 dated 1963
- Crown 1397 3253 22 dated 1963
- Crown 3800 R7 dated 1975
- Crown 3800 R8 dated 1975
- Crown 3800 R9 dated 1975

Crown 5164 F1 dated 1977  
Crown 8772 B1 13 dated 1988  
Crown 8772 B1 14 dated 1988  
Crown 8772 B1 15 dated 1988  
Crown 50347 C9 dated 2003

## APPENDIX A: SITE RECORD FORMS

NEW ZEALAND ARCHAEOLOGICAL ASSOCIATION

 <p><b>Site Record Form</b></p>	<p><b>NZAA SITE NUMBER:</b> R12/736</p> <p><b>SITE TYPE:</b> Pa</p> <p><b>SITE NAME(s):</b></p> <p><b>DATE RECORDED:</b></p>
<p><b>SITE COORDINATES (NZTM)</b> Easting: 1777076      Northing: 5872796      Source: Handheld GPS</p>	
<p><b>IMPERIAL SITE NUMBER:</b>      <b>METRIC SITE NUMBER:</b> R12/736</p>	
	
<p><b>Finding aids to the location of the site</b> High on ridge above implement sheds of Lot 2 DP 401106.</p>	
<p><b>Brief description</b> Ridge pa.</p>	
<p><b>Recorded features</b> Ditch - defensive</p>	
<p><b>Other sites associated with this site</b></p>	

Printed by: rodclough

06/03/2018

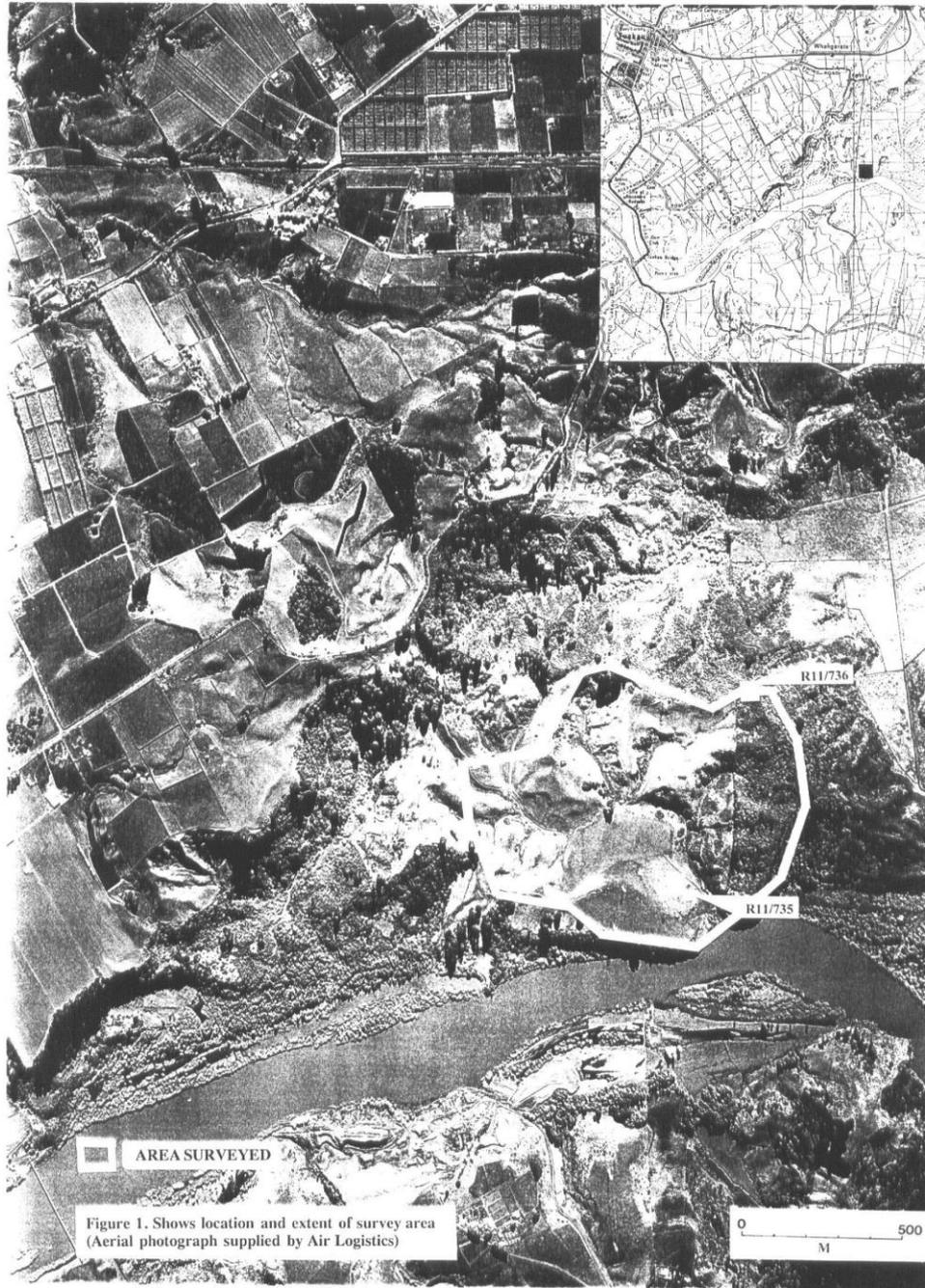
1 of 5

NEW ZEALAND ARCHAEOLOGICAL ASSOCIATION

SITE RECORD HISTORY	NZAA SITE NUMBER: R12/736
<p><b>Site description</b>            Updated: 27/10/2011, Visited: 27/03/2009 - NZTM E1777076 / N5872796 (Handheld GPS). Refer to attached NZAA Upgrade Project site record form for additional information. Inspected by: Druskovich, Brent.</p> <p><b>Condition of the site</b></p> <p><b>Statement of condition</b>            Updated: 27/10/2011, Visited: 27/03/2009 - Poor - Visible features are incomplete, unclear and/or the majority have been damaged in some way</p> <p><b>Current land use:</b>            Updated: 27/10/2011, Visited: 27/03/2009 - Grazing</p> <p><b>Threats:</b></p>	

SITE RECORD INVENTORY	NZAA SITE NUMBER: R12/736
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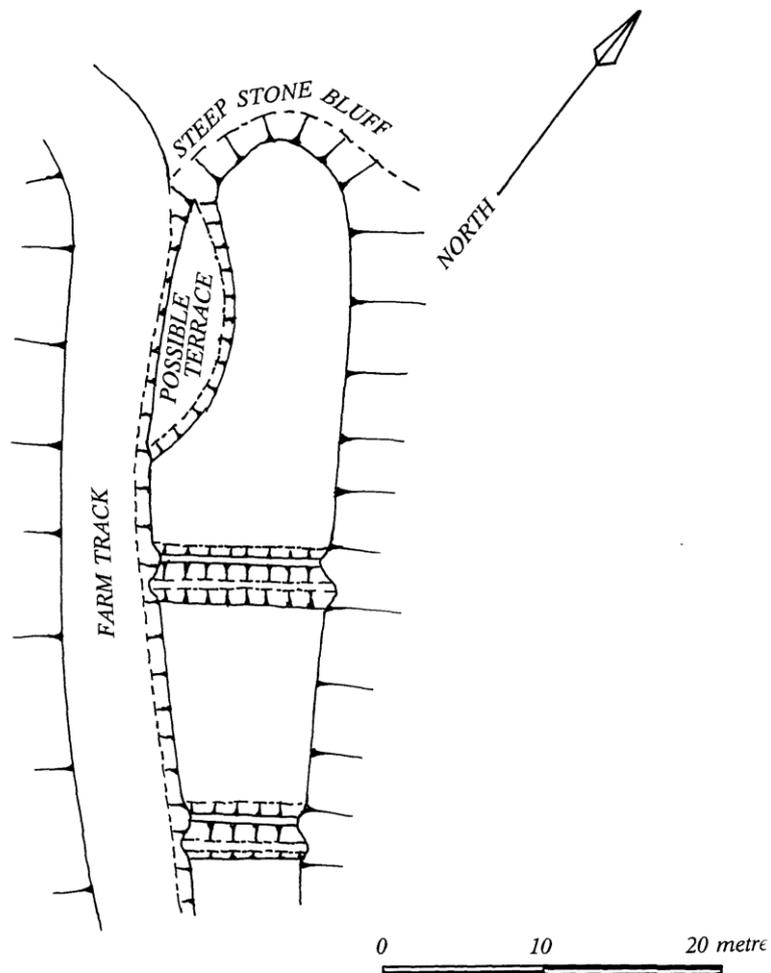
Supporting documentation held in ArchSite



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**FIGURE 2: R12/736, INTERPRETED AS A SMALL RIDGE PA**

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NEW ZEALAND ARCHAEOLOGICAL ASSOCIATION

New Zealand Archaeological Association <b>SITE RECORD FORM (NZMS 260)</b>		NZAA METRIC SITE NUMBER <b>R12/736</b>	
NZMS 260 map number <b>R12</b>		DATE VISITED <b>1 June 1995</b>	
NZMS 260 map name <b>Pukekohe</b>		SITE TYPE <b>RIDGE PA</b>	
NZMS 260 map edition <b>1</b>		SITE NAME <b>MAORI KAINERATOU</b>	
		OTHER	
<i>Grid References</i>	Easting	<b>26 874 00</b>	Northung <b>64 345 00</b>
1 Aids to relocation of site ( <i>attach a sketch map</i> ) Near Tuakau, 2km SSE of Whangarata, down Hayward road, 200m east of the power lines and 900m north of the Waikato River. The site is situated on a ridge that forms the watershed between the Hayward Road catchment area and a large swampy catchment south of Pokeno. See map and air photograph attached.			
2 State of site and possible future damage Partially destroyed by construction of a farm track. The site presently has vegetation cover consisting of gorse and regenerating native bush and gorse, and there does not appear to be much threat to the remaining features.			
3 Description of site ( <i>Supply full details, history, local environment, references, sketches, etc. If extra sheets attached include a summary here</i> ) A pair of transverse ditch and bank features enclose a 30x10m area, bounded to the north by a stone bluff and to east and west by steep slopes. The remaining portion of what was possibly once a terrace can be seen, although no subsurface archaeological features are present in the section formed by the farm track that cuts through the western side of the site. Dosli map S.O.1016L shows a "Pah in ruins" at this approximate location with the word "Kaineratou" alongside.			
4	Owner Address	Tenant/Manager Address	
5 Nature of information ( <i>hearsay, brief or extended visit, etc</i> ) <b>reconnaissance survey</b>  Photographs ( <i>reference numbers, and where they are held</i> )  Aerial photographs ( <i>reference numbers, and clarity of site</i> )			
6	Reported by <b>M W Felgate and J Mosen</b> Address <b>Bioresearches, Box 2828, Auckland</b>	Filekeeper Date <b>2 1 1995</b>	
7 Key words <b>RIDGE PA, DITCH AND BANK, TERRACE</b>			
8 New Zealand Register of Archaeological Sites ( <i>for office use</i> ) NZHPT Site Field Code			
Latitude S		Longitude E	
Type of site		Present condition and future danger of destruction	
Local environment today		Security code	
Land classification		Local body	



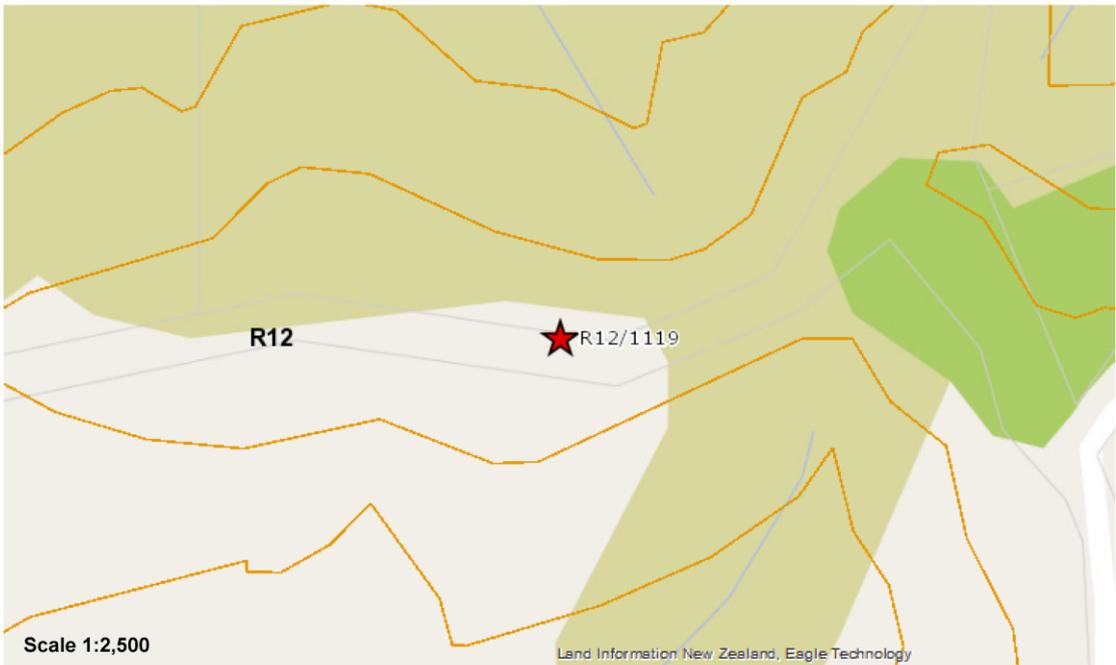
BIORESEARCHES

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06/03/2018

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NEW ZEALAND ARCHAEOLOGICAL ASSOCIATION

 <p><b>Site Record Form</b></p>	<p><b>NZAA SITE NUMBER:</b> R12/1119</p> <p><b>SITE TYPE:</b> Maori horticulture</p> <p><b>SITE NAME(s):</b></p> <p><b>DATE RECORDED:</b></p>
<p><b>SITE COORDINATES (NZTM) Easting:</b> 1778728      <b>Northing:</b> 5873382      <b>Source:</b> Handheld GPS</p>	
<p><b>IMPERIAL SITE NUMBER:</b>      <b>METRIC SITE NUMBER:</b> R12/1119</p>	
	
<p><b>Finding aids to the location of the site</b> The site is located at the high point of a east-west running ridgeline on the boundary between Lot 4 DP 202491 and Lot 1 DP 165370. It can be accessed from Bluff Road which lies c. 200 to the east.</p>	
<p><b>Brief description</b></p>	
<p><b>Recorded features</b> Pit</p>	
<p><b>Other sites associated with this site</b></p>	

Printed by: ellencameron

09/04/2018

1 of 3

SITE RECORD HISTORY	NZAA SITE NUMBER: R12/1119
<p><b>Site description</b></p> <p>Updated 07/04/2018 (Field visit), submitted by ellencameron , visited 15/03/2018 by Cameron, Ellen; Clough, Rod. Grid reference (E1778728 / N5873382)</p> <p>The site consists of three rectangular pits each measuring approximately 1 x 1.2 m (aligned north south). The pits are located on a ridgeline with a steep drop to the north and fairly steep hill slopes to the south.</p> <p>Updated 07/04/2018 (Field visit), submitted by ellencameron Grid reference (E1778728 / N5873382)</p> <p>The site consists of three rectangular pits each measuring approximately 1 x 1.2 m (aligned north south). The pits are located on a ridgeline with a steep drop to the north and fairly steep hill slopes to the south.</p> <p><b>Condition of the site</b></p> <p>Updated 07/04/2018 (Field visit), submitted by ellencameron , visited 15/03/2018 by Cameron, Ellen; Clough, Rod.</p> <p>The area containing the pits was quite overgrown with high grass, but there did not appear to be any damage from stock grazing.</p> <p>Updated 07/04/2018 (Field visit), submitted by ellencameron</p> <p>The area containing the pits was quite overgrown with high grass, but there did not appear to be any damage from stock grazing.</p> <p><b>Statement of condition</b></p> <p><b>Current land use:</b></p> <p><b>Threats:</b></p>	

NEW ZEALAND ARCHAEOLOGICAL ASSOCIATION

<b>SITE RECORD INVENTORY</b>	<b>NZAA SITE NUMBER:</b> R12/1119
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Supporting documentation held in ArchSite

View of the area containing the pits taken by Ellen Cameron on 15 March 2018



# **PROPOSED TATA VALLEY TOURISM SITE, POKENO (R2, R3 AND R4-A): ADDENDUM**

Prepared for TaTa Valley Ltd

November 2018



By

Ellen Cameron (MSc)

Rod Clough (PhD)

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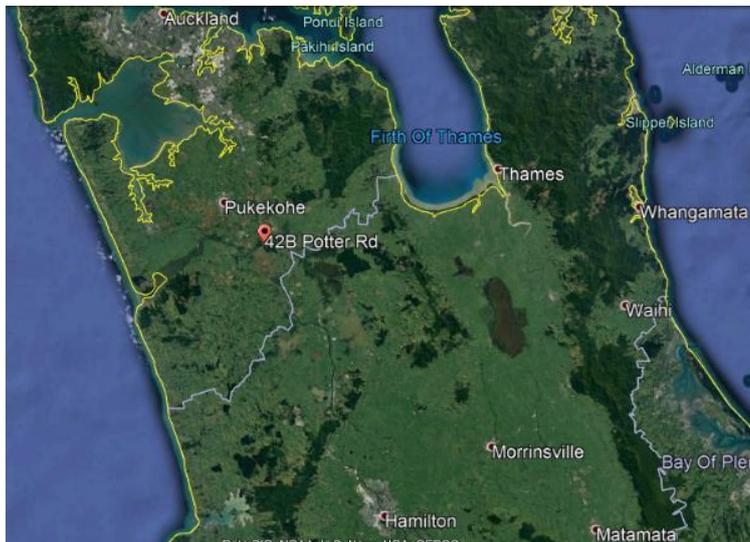
## INTRODUCTION

### Project Background

TaTa Valley Ltd proposes to develop its site into a major resort and eco-tourist destination. The resort facilities will include a new hotel with an associated restaurant, a health spa and pools and events and conference spaces. The primary tourism activities will be a farm showground and New Zealand made hub. The farm showground and New Zealand made hub will demonstrate production of local and regional food and health products and provide an opportunity for visitors to observe farm animals and activities. Outdoor recreational activities such as nature walks and river boating will also be offered on site. The physical address for the site is 42b Potter Road, Tuakau and the legal description is Lot 2 DP 401106.

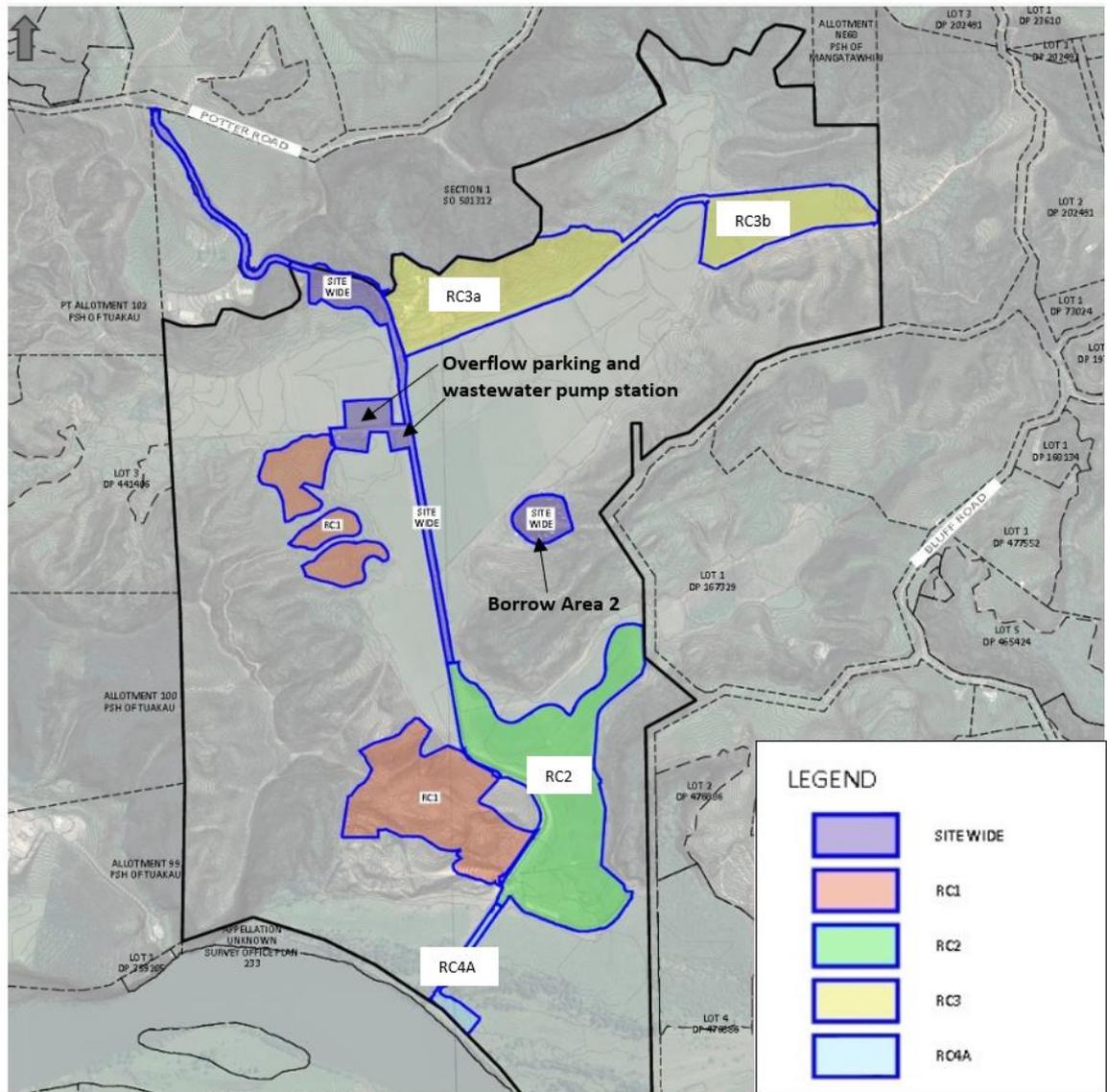
An Archaeological Assessment Report (Cameron and Clough April 2018) containing the general historical and archaeological background of the overall proposed development area with focus on the RC1 Stage was prepared to establish whether the proposed works are likely to impact on archaeological values.

This addendum, which should be read in conjunction with the April 2018 report, has been commissioned to provide information regarding the effects of the proposed development of the RC2, RC3<sup>1</sup>, RC4-A and Site Wide works (Figure 2). The addendum has been prepared as part of the required assessment of effects accompanying a resource consent application under the Resource Management Act 1991 (RMA) and to identify any requirements under the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA). Recommendations are made in accordance with statutory requirements.



**Figure 1. Map showing the regional location of the proposed development area at 42B Potter Road (source: Google Earth)**

<sup>1</sup> For reference purposes the western section of RC3 is referred to as RC3-a and the eastern section as RC3-b in this report as shown in Figure 2.



**Figure 2. TaTa Valley Site Plan showing the resource consent areas RC2, RC3 and RC4-A and Site Wide works with Borrow Area 2, overflow parking and wastewater pump station locations indicated (source: Civil Plan Consultants)**

## HISTORICAL BACKGROUND

A detailed historical background has been provided in the archaeological assessment report prepared for the RC1 stage of this project and will not be repeated here, however, a brief summary is provided for reference.

### Maori Settlement

The proposed development area and its surrounds would have traditionally contained a wide range of resources associated with the Waikato and Mangatawhiri Rivers and associated wetland environment. The abundant resources made this area attractive to Maori for settlement and gardening activities, as well as natural resource procurement, which included mullet, freshwater crayfish, whitebait, eel, flounder, shellfish, wild vegetables and waterfowl. The Waikato river was also an important transportation route for interregional communication and trade and many kainga (villages) were established along the lower Waikato River, at places such as Tuakau, Whatapaka, Patumahoe, Te Aparangi and Te Karaka (Murdoch 1988:101).

### European Settlement

Following the establishment of New Zealand's capital at Auckland in 1840, European settlers sought cheaper agricultural land in areas both north and south of the capital due to high prices of land in Auckland itself. By the 1850s the supply of land available to be sold was greatly reduced and tensions began to grow between the government and Maori as a result of the ever-increasing demand for more land by the European settlers. The end result of these tensions was the Waikato Campaign of the New Zealand Wars in 1863-64, which saw the establishment of Queen's Redoubt at Pokeno (Figure 3) and the completion of the construction of the Great South between Drury and the Waikato River. After the cessation of hostilities in the Waikato in April 1864, confiscation of Maori land by the Crown was well under way. The government's newly gained land was settled through a combination of government land sales by auction and under what was known as the Waikato Immigration Scheme, which brought settlers by ship from South Africa, England, Scotland, Wales and Ireland.



**Figure 3. Photograph from 1864 of Queen's Redoubt and surrounding landscape at Pokeno (source: Sir George Grey Special Collections, Auckland Libraries, 4-1174'**

## ARCHAEOLOGICAL BACKGROUND

A detailed archaeological background of the proposed development area is provided in the archaeological assessment report prepared for the RC1 stage of the project and will not be repeated here; however, a brief summary is provided for reference.

There is one recorded archaeological site in the proposed tourism development area, (R12/736), a pa site located on a high ridge c.30m x10m in area with a pair of transverse ditch features and banks. The northern boundary consists of a rocky bluff and it is bounded on the east and west by steep slopes.

In addition, a high point ending in a bluff overlooking the Waikato River, also located within the proposed tourism development area, was identified as possibly being another pa site, although this could not be confirmed through either background research or site inspection and would require removal of topsoil to confirm the nature of this potential site. Neither of these sites are located within the boundaries of RC2, RC3, RC4-A or in the vicinity of the Site Wide works.

Other archaeological sites in the general vicinity of the proposed development area, include R12/1119, which consists of three pits on the high point of a ridge to the east, and four sites to the west: R12/735, R12/740, R12/752 and R12/917. Apart from R12/735, which has been reinterpreted as modern field clearance, the other archaeological sites represent a possible pa site (R12/917), post holes most likely associated with early European river transport (R12/752) and a large pit and associated terraces (R12/740). Locations of the archaeological sites are shown in Figure 4 and summary descriptions are provided in Table 1.

**Table 1. Summary descriptions of archaeological sites within the proposed development area and within c.500m**

NZAA Ref	Site Type	Description	NZTM Easting	NZTM Northing
R12/736	Pa site	Located on a high ridge. 30x10m enclosed by a pair of transverse ditch and bank features. Damaged by construction of a farm track	1777076	5872796
R12/735	Stone Mounds	A series of stone piles from field clearance/ likely from modern activities	1776857	5872140
R12/740	Pit and Terrace	Possible pit and terrace on a ridgeline to the west.	1776421	5872140
R12/752	Transport/ communication	17 postholes identified during archaeological monitoring	1776937	5872060
R12/917	Karaka Trees	A stand of karaka trees, with a suggestion that a pa may be present on headland/ not visited, only observed from river.	1776357	5871939
R12/1119	Pits	Three rectangular storage pits located on the highpoint of a ridge.	1778728	5873382

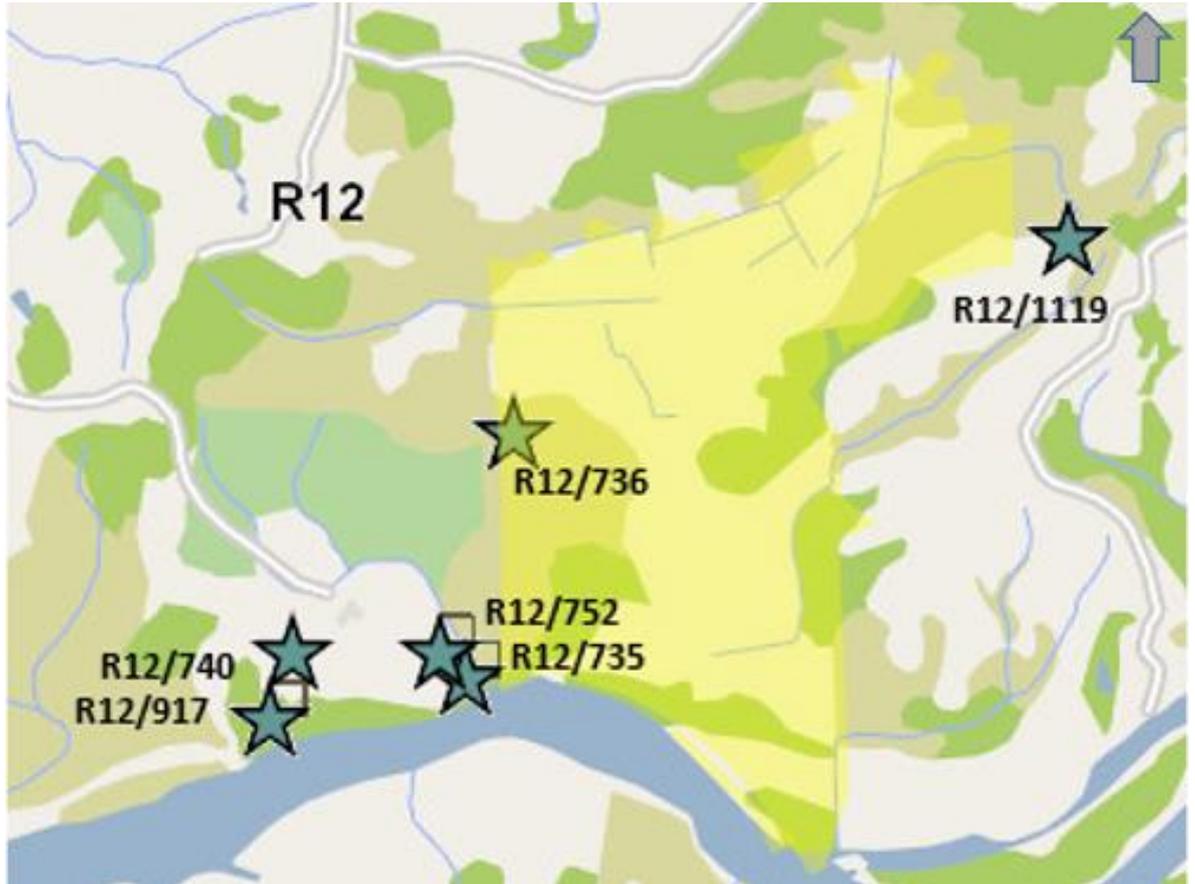
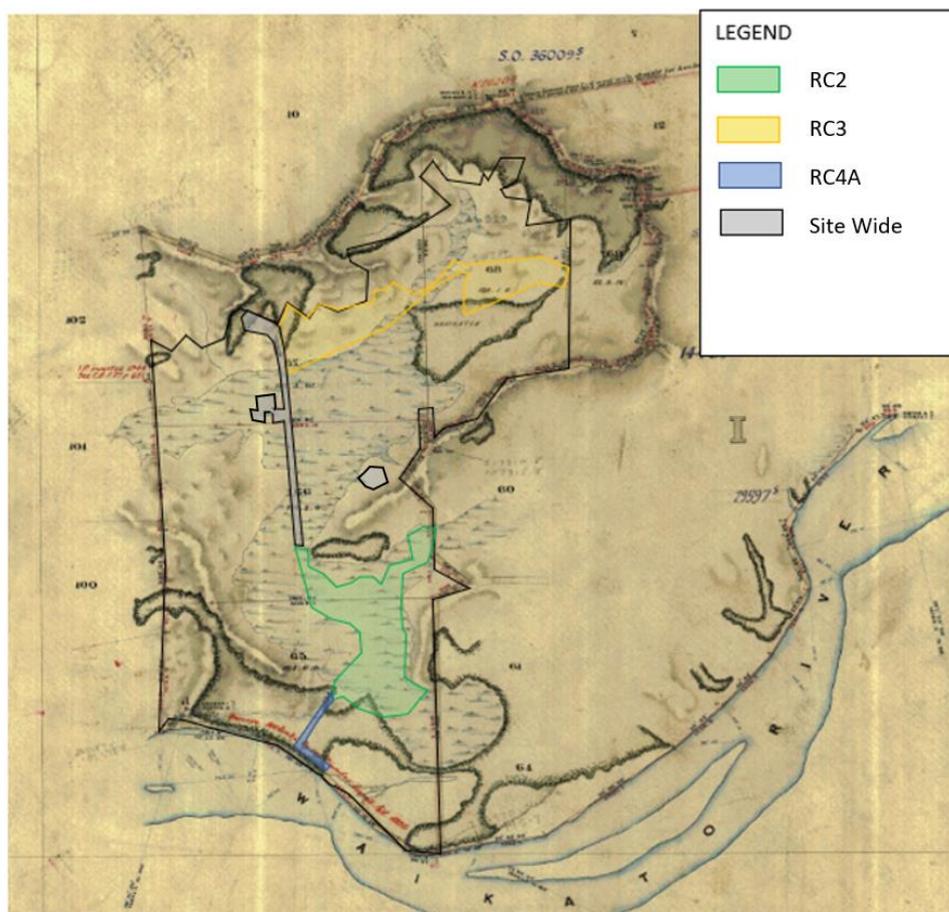


Figure 4. Map showing the proposed tourism development area shaded in yellow with recorded archaeological sites within c. 500m (source: NZAA ArchSite Website)

## HISTORICAL SURVEY

### Information from Early Maps and Plans

Early plans of the area were reviewed to provide additional information on the history of land use in the proposed tourism development area and a detailed description is provided in the RC1 Stage report. With respect to the RC2, RC3, RC4-A and Site Wide works, the plan in Figure 5, which dates to 1886, contains information on the landscape at that time. As can be seen in the plan, RC4-A, which is situated along the riverside, is located in a wooded area. The western part of RC3 is situated on low hillslopes and projects slightly into the former wetland, with the planned road link to the eastern section running through a swampy area. The Site Wide works are also situated mostly on former swampland apart from the northern-most road improvements which are situated on steep hillsides and a Borrow Area 2 located on a knoll running down to the former swampland just to the north of RC2. RC2 itself is situated on wetland as is the eastern section of RC3. The eastern part of RC3 also borders a wooded area labelled Kahikatea. Kahikatea (or white pine) was once a prominent feature of swampy lowland forests and the berries which they produced in the autumn attracted a large number of forest birds and were also exploited as a seasonal food source by Maori. In addition, other parts of the tree were utilised for medicine, to make tattoo pigment and manufacture of weapons and canoes (Symms 1982: 12; Wassilieff 2007: 3).



**Figure 5. AKC SO 4089 I 1 Plan of Blocks 65 to 69 dated 1886 showing a mixture of wetland, native bush and hill country with RC2, RC3, RC4-A and Site Wide works areas indicated (source: Quickmap)**

## PHYSICAL ENVIRONMENT

### *Topography, Vegetation and Land use*

The proposed tourism development area lies along the northern banks of the Waikato River and consists of drained wetland and cleared hilly land used for stock grazing with some remaining native and exotic wooded areas. As can be seen in the aerial plan with contours in Figure 6, the majority of the land included in the current assessment is situated on flat former wetland apart from the northern section of RC3-a, which lies on the low hill slopes bordering the former wetland.

Early aerial photographs were reviewed to provide information on the landscape of the area in the past and for the possible identification of archaeological features that are no longer visible on the ground surface. This method was used as the property has been impacted by farm activities and vegetation clearance over the past several decades, which have modified the ground surface, making it difficult to identify archaeological features and deposits from visual inspection and limited subsurface testing. As well, the area containing RC4-A was covered by a thick cover of yellow flag iris plants, making the ground surface difficult to observe.

Aerial photographs taken between 1957 and 2017 (Figure 7) show RC2 and RC4-A. RC2 can be seen to be covered by vegetation with no drainage channels in the 1957 and 1975 aerials; however, the 2017 aerial shows the cut drainage channels along the borders of now grass-covered paddocks. The area of RC4-A shows a similar landscape in all three aerials, as a generally open area with some scrubby vegetation.

As can be seen in the aerial photograph in Figure 8 the western part of RC3-a had been cleared by 1963 and a building (farm shed) constructed, with the remainder of RC3-a and all of RC3-b covered by vegetation. The aerial photograph in Figure 9 shows tracks and works areas present in the western part of RC3-a. The 2017 aerial photograph in Figure 8 shows the current condition of RC3-a and RC3-b with all of RC 3-a cleared and RC3-b drained and divided into grassed paddocks for grazing.

Finally, the aerial photographs from 1957, 1975 and 2017 in Figure 10 show the proposed Borrow Area 2. As can be seen, the changes in vegetation cover and creation of a track up the hillside indicate that tree clearance has taken place over the period shown in the figure.

Although no archaeological features could be identified in the aerial photographs, the changes to the property indicate modifications to the upper levels of the soil which could obscure evidence of archaeological features on the surface.

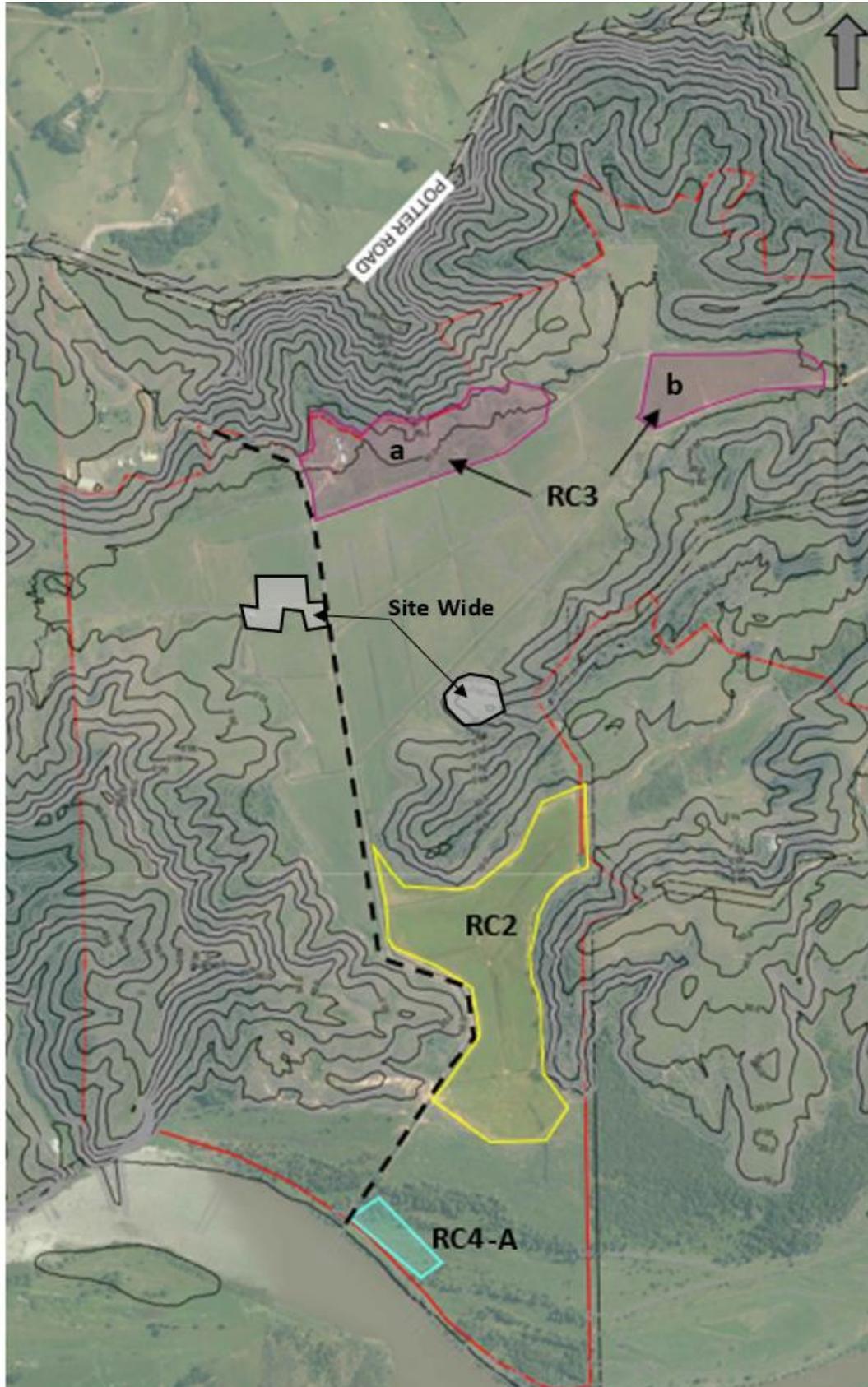
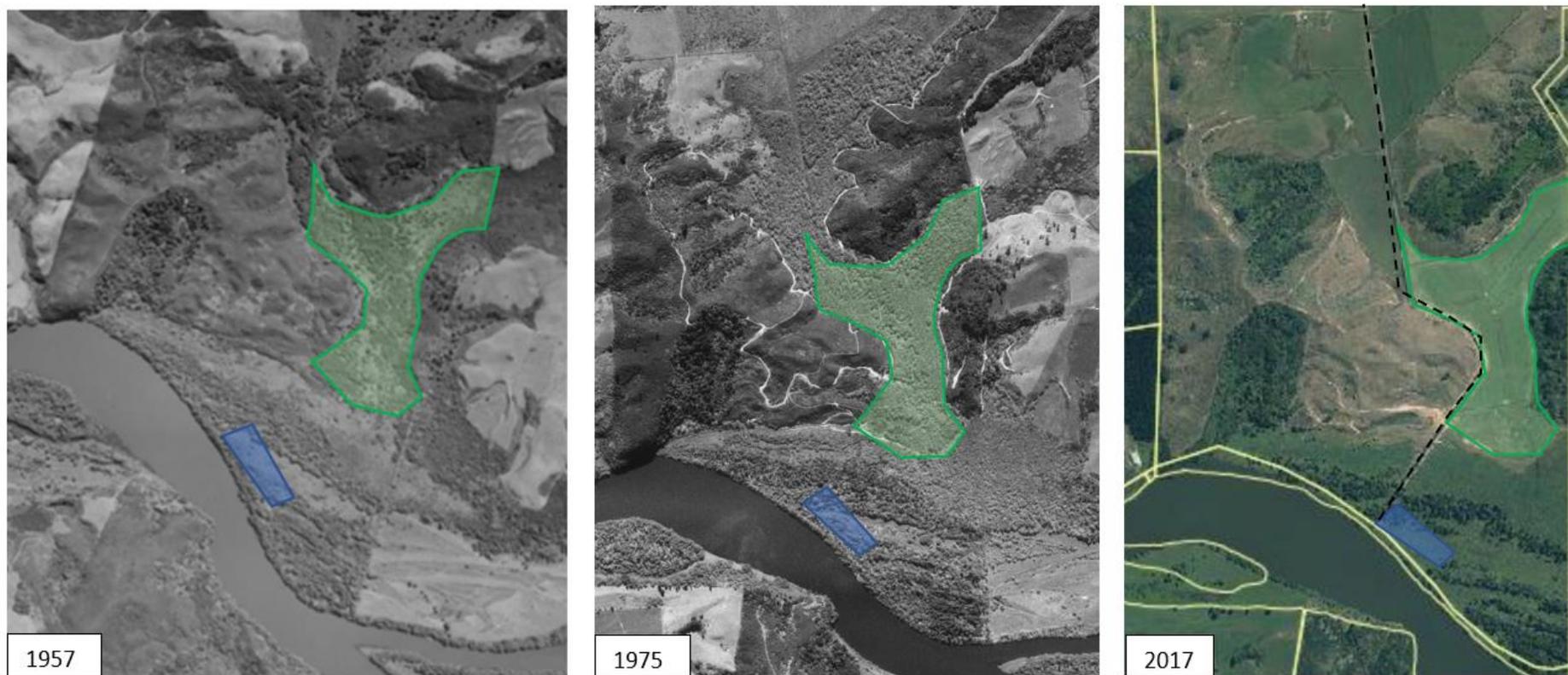


Figure 6. Aerial photograph with contours showing Site Wide works, RC2, RC3 and RC4-A with proposed road improvement indicated by black dashed line (source: Opus Ltd)



**Figure 7. Aerial photographs from left to right from 1957 (Crown 1031 C7), 1975 (Crown 3800 R7) and 2017, showing the changes in the Project Area over time with RC4-A (shaded blue), RC2 (shaded green) and with 2017 aerial showing the existing farm track (black dashed line) that is proposed to be widened as part of the current project (1957 and 1975 sourced from: <http://retrolens.nz> and licensed by LINZ CC-BY 3.0 and 2017 Waikato DC Intramaps)**



**Figure 8. Upper aerial photograph from 1963 (Crown 1397 3253 22) and lower aerial from 2017 showing changes in RC3 (outlined in yellow) with existing farm track to be widened indicated by black dashed line in the lower photograph (upper sourced from: <http://retrolens.nz> and licensed by LINZ CC-BY 3.0 and lower Waikato District Council Intramaps)**



**Figure 9. Aerial photograph from 2010 with arrow pointing to the western part of RC3 with tracks and equipment in the westernmost end (source: Google Earth)**



**Figure 10. Aerial photographs from 1957 (Crown 1031 C7), 1975 (Crown 3800 R7) and 2017 showing Borrow Area 2 (indicated by white arrows) (1957 and 1975 sourced from: [http:// retrolens.nz](http://retrolens.nz) and licensed by LINZ CC-BY 3.0 and 2017 Waikato DC Intramaps)**

## FIELD ASSESSMENT

### Field Survey Results

A field survey was conducted on 6 March 2018 of the proposed development area with focus on RC1. Information from this survey, along with that gathered in a second site visit conducted on 2 November 2018, is presented below for each of the RC areas and Site Wide works areas assessed in this report.

#### RC2

As noted earlier, much of the central part of the proposed development area was low-lying wetland before farm-associated drainage activities were undertaken. During the two site visits parts of RC2 were observed to have had drainage ditches dug and be divided into relatively dry paddocks (Figure 11). Other parts of RC2 were observed to be swampy during both surveys, although some drainage ditches were present. The swampy land in RC2 was observed as running directly to the base of hills to the east and north and bounded by a metalled farm track on the west. The southern boundary of RC2 was observed to be marked by a raised earthen bund with a dirt farm track constructed along the top (Figure 11). The swampy areas were viewed from their perimeters, but not walked over. As former and current wetland they would not be expected to contain any archaeological features or deposits with the possible exception of isolated artefact finds.



Figure 11. Upper photograph showing the northern part of RC2 (looking east) and lower photograph showing the southern part of RC2 indicated by arrows (looking southeast)

### RC3

RC3 is divided into two sections that are joined by an existing farm track. The western section (RC3-a) is situated on lower hill slopes and low-lying former wetland that has been drained for use as farm paddocks (Figure 12). This area was for the most part grass covered with some scrubby vegetation and rushes along the southern fringe. The western end contained earth tracks with machinery, building debris and an empty container. The remainder of the area on the hillsides contained numerous stock tracks with some slumping. Some part of the hillside also appeared to have had machine-made tracks cut into them and there was evidence of erosion. Although no archaeological deposits or features were identified during the survey, the lower slopes were noted to contain knolls running southwards and overlooking the adjacent former wetlands and these areas may have been occupied in the past as temporary sites during collection and processing of resources gathered from the wetlands (Figure 13, Figure 14). Farming associated activities have disturbed the ground and upper layers of the soil in this area, but it is considered possible that archaeological remains may be present at deeper levels that could not be identified during the survey.

The eastern section, RC3-b is situated on grassed paddocks that were formerly wetland. A photograph of this area is shown in Figure 15. The ground was for the most part flat with only gentle undulations, although there were hillslopes to both the north and south. As noted for RC2 the swampy areas would not be expected to contain any archaeological features or deposits with the possible exception of isolated artefact finds.



**Figure 12. Photograph showing the lower slopes of RC3 (western section) looking west**



**Figure 13. Photograph of the lower slopes of RC3-a with knoll indicated by arrow (looking east)**



**Figure 14. Photograph of RC3-a showing the northern boundary along treeline**



**Figure 15. Photograph looking east showing RC3-b - flat eastern section of former wetland**

## RC4-A

This area lies just to the south of stands of Kahikatea on mostly swampy ground, although there is a drier slightly raised strip bordering it to the south along the river, where a ferry landing is proposed (Figure 16). The area proposed for the works to be covered in this assessment is on flat wetland covered with a thick expanse of yellow flag iris with slightly raised areas covered by grass creating paths crisscrossing the low-lying area (Figure 17). Probing indicated intervening layers of soft and gritty deposits below the surface which would have resulted from numerous inundations from the adjacent river. A stream marks the western border of this area. No archaeological deposits or features were identified during the survey, although it is considered possible that isolated artefact finds, features associated with river access and shell midden deposits could be present in the area.



**Figure 16. Photograph showing the area proposed for the parts of the ferry landing site included in this assessment (looking east)**



**Figure 17. Photograph of RC4-A showing example of a raised grassy track through the low-lying ground containing yellow flag iris (looking west)**

## Site Wide Works

The Site Wide works will consist of road improvements on existing farm tracks which run down steep hillsides from Potter Road (as shown in the photograph in Figure 18) and through the former wetlands. As well, an area for a planned wastewater pump station and overflow parking is planned just to the east of the northern tip of RC1. This area consists mostly of former wetland with a slightly raised area in the southwestern part. This area, which is planned to be used for overflow parking currently has a farm shed, stock pens and a parking area. The other area proposed for overflow parking is former wetland that has been drained and converted to grassed paddocks. The area proposed for the wastewater pump station is also situated on converted wetland. A photograph of the area is shown in Figure 19.

The Site Wide works will also include Borrow Area 2. It is situated on a knoll running from the east into former wetland, to the north of RC2. The hillside was grass covered with isolated shrub/ gorse cover at the time of the survey. It is noted from aerial photographs that vegetation clearance has occurred in the past (photograph in Figure 20).

The former wetland areas would not be expected to contain any archaeological features or deposits with the possible exception of isolated artefact finds. As Borrow Area 2 is situated on raised land overlooking former wetland, this area may have been used in the past for temporary sites, occupied during collection and processing of resources gathered from the wetlands. Thus, there is potential for archaeological remains to be present at depth, although past activities would have destroyed or obscured any surface evidence.



**Figure 18. Photograph showing the hillside track leading down from Potter Road (looking northwest)**



**Figure 19. Photograph showing the Site Wide works with area containing existing structures and area indicated by white arrow to be used for over flow parking and black arrow indicating the location of proposed wastewater pump station (looking northeast)**



**Figure 20. Photograph showing the proposed Borrow Area 2 indicated by black arrow (looking east)**

## **DISCUSSION AND CONCLUSIONS**

### **Summary of Results**

No archaeological sites have been identified in the currently proposed development areas of RC2, RC3, RC4-A or the proposed Site Wide works areas. The presence of a pa site (R12/736) recorded to the west indicates past usage of the area by Maori. Based on location, it is considered possible that the knolls on the lower slopes of RC3-a and Borrow Area 2 may have been used for temporary camps or processing areas associated with collection of resources from the nearby wetland. Impacts from farming activities and vegetation clearance would have obscured any surface evidence of archaeological sites, but the possibility of archaeological remains surviving at deeper levels cannot be discounted. As RC4-A lies in close proximity to the Waikato river and in an area likely to have been used for access to the interior, it is considered possible that archaeological remains may be present within its boundaries, although again with evidence not necessarily identifiable during the survey due to the thick vegetation cover. RC2, RC3-b, the southern part of RC3-a and the planned overflow parking and waste water pump station are situated on former wetlands and any archaeological sites would most likely be in the form of isolated artefact finds; archaeological deposits and features would not be expected.

### **Maori Cultural Values**

This is an assessment of effects on archaeological values and does not include an assessment of effects on Maori cultural values. Such assessments should only be made by the tangata whenua. Maori cultural concerns may encompass a wider range of values than those associated with archaeological sites. The historical association of the general area with the tangata whenua is evident from the recorded sites, traditional histories and known Maori place names. Consultation with Ngati Te Ata, Ngati Tamaoho, Ngati Naho, Huakina Development Trust and Te Taniwha o Waikato is under way and a Cultural Impact Assessment covering the entire proposed development area will be prepared.

### **Survey Limitations**

It should be noted that archaeological survey techniques (based on visual inspection and minor sub-surface testing) cannot necessarily identify all sub-surface archaeological features or detect wahi tapu and other sites of traditional significance to Maori, especially where these have no physical remains.

### **Archaeological Value and Significance**

The archaeological value of sites relates mainly to their information potential, that is, the extent to which they can provide evidence relating to local, regional and national history using archaeological investigation techniques, and the research questions to which the site could contribute. The surviving extent, complexity and condition of sites are the main factors in their ability to provide information through archaeological investigation. For example, generally pa are more complex sites and have higher information potential than small midden (unless of early date). Archaeological value also includes contextual (heritage landscape) value. Archaeological sites may also have other historic heritage values including historical, architectural, technological, cultural, aesthetic, scientific,

social, spiritual, traditional and amenity values. As no archaeological sites have been identified within the currently proposed development areas of RC2, RC3, RC4-A or the Site Wide works areas, these areas have no known archaeological value. However, the possibility of unidentified subsurface remains in some areas cannot be excluded.

## Effects of the Proposal

One archaeological site has been identified in the broader development area, a pa site (R12/736). In addition, an area that may contain a pa site (though this could not be confirmed) has also been identified in the southwest corner. The archaeological site and suspected pa site are not located in or in proximity to RC2, RC3, RC4-A or the Site Wide works and are not expected to be adversely affected by the development works proposed in these areas. The location of the recorded archaeological site and potential archaeological site in relation to the proposed development is shown in Figure 21.

Although the proposed works will not affect any known archaeological sites, in any area where archaeological sites have been recorded in the general vicinity it is possible that unrecorded subsurface remains may be exposed during development. In this case, it is considered possible that subsurface remains may be present in RC3-a, Borrow Area 2 and RC4-A that could not be detected during the survey, as surface remains may have been affected by farming and other activities in Borrow Area 2 and RC3-a and by the presence of vegetation cover in RC4-A. The areas of specific interest in Borrow Area 2 and RC3-a are raised areas (knolls) on the lower hillslopes overlooking the wetlands and the whole of RC4-A, which consists of a flat area near the riverbank. If unidentified archaeological remains are exposed during development in these areas, they are unlikely to be extensive due to damage from previous human activities at Borrow Area 2 and RC3-a and natural river activities at RC4-A. The potential adverse effects are therefore considered to be minor and could be appropriately mitigated through archaeological monitoring and the recovery of archaeological information relating to the history of the area. As can be seen in Figure 22, the cut works in RC3-a will be between 1m and 7 m in depth. The cut works shown for Borrow Area 2 (Figure 24) show cut depths between 5 and 10 m below the ground surface. As such, the works would destroy any archaeological deposits or features present. As can be seen in the plan in Figure 23, no cut works are planned in RC4-A, although site preparation works will include topsoil stripping. As it is considered possible that archaeological features may be present close to the surface, but not detectable due to thick vegetation cover, the works in this area also have the potential to damage or destroy archaeological remains.

The proposed road improvement alignment is situated on existing farm tracks (Figure 26). The majority of the works will be fill with only minor cuts. As the works will be on existing tracks either on steep hillslopes (northern part leading down to RC3-a) or in former wetland (from RC3-a to RC4-A), the works are not expected to have any adverse effects on archaeological remains.

The overflow parking areas and proposed wastewater pump station are situated on drained former wetland. The cut fill plans in Figure 25 show that cuts up to 2 m in depth will occur and there is potential that isolated artefacts may be encountered during the development works. RC2 is also situated in existing wetland and former wetland and cut depths of up to 2m are planned as can be seen on sheet 4 and 5 in the complete set of cut fill plans appended to this report.

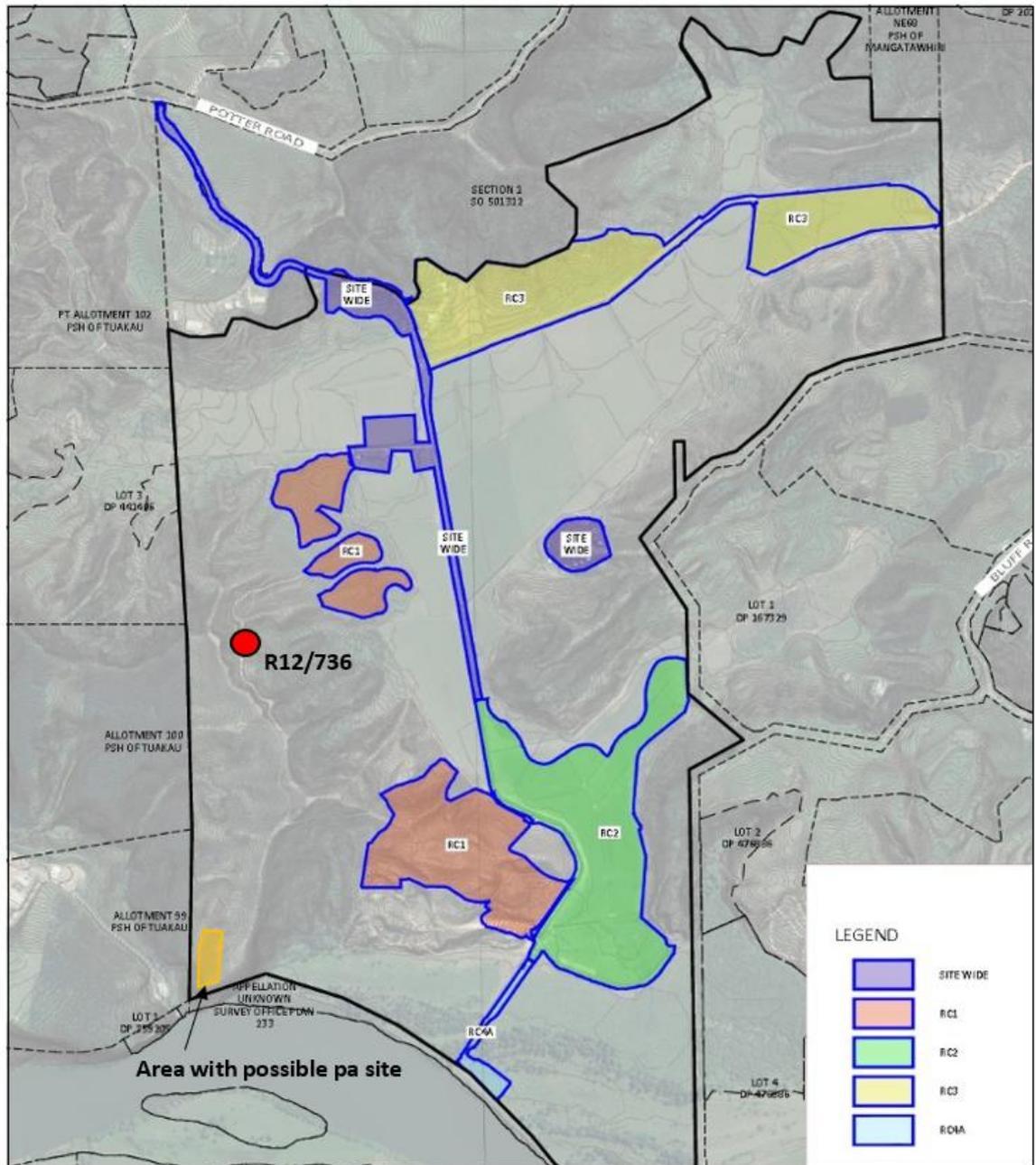


Figure 21. Aerial plan showing the locations of RC2, RC3 and RC4-A and Site Wide works areas in relation to the recorded archaeological site (R12/736) and area with possible pa site (source: Civil Plan Consultants)



Figure 22. Cut Fill Plan of RC3-a with areas recommended for archaeological monitoring shaded in yellow (source: Civil Plan Ltd)

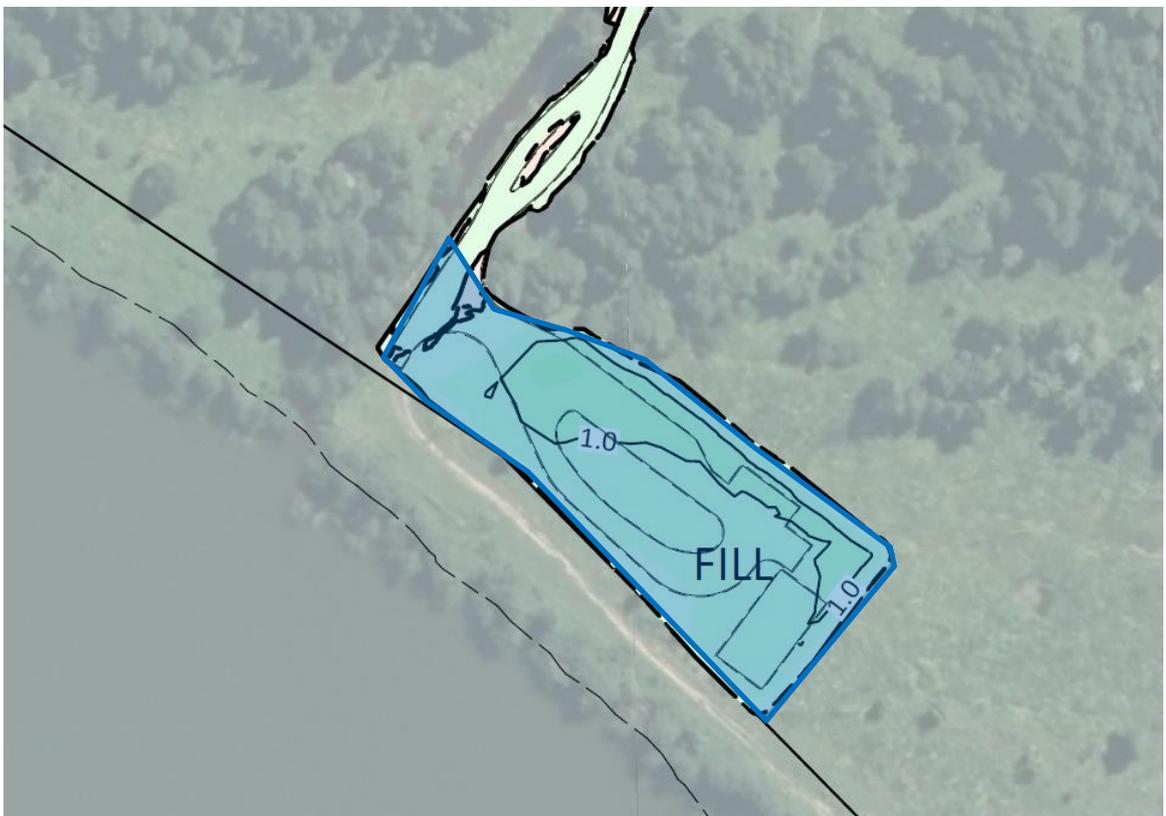


Figure 23. Cut fill plan of RC4-A showing fill works with area recommended for spot checks during topsoil stripping outlined and shaded in blue (source: Civil Plan Ltd)

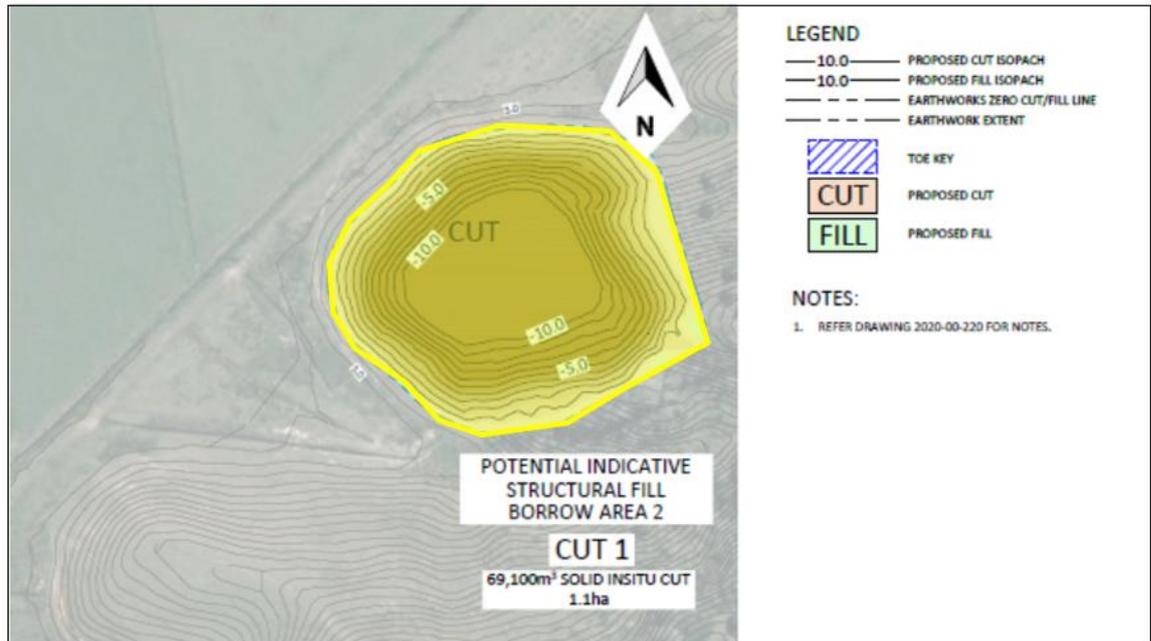


Figure 24. Cut fill plan of Borrow Area 2 with area recommended for archaeological monitoring shaded yellow (source: Civil Plan Ltd)

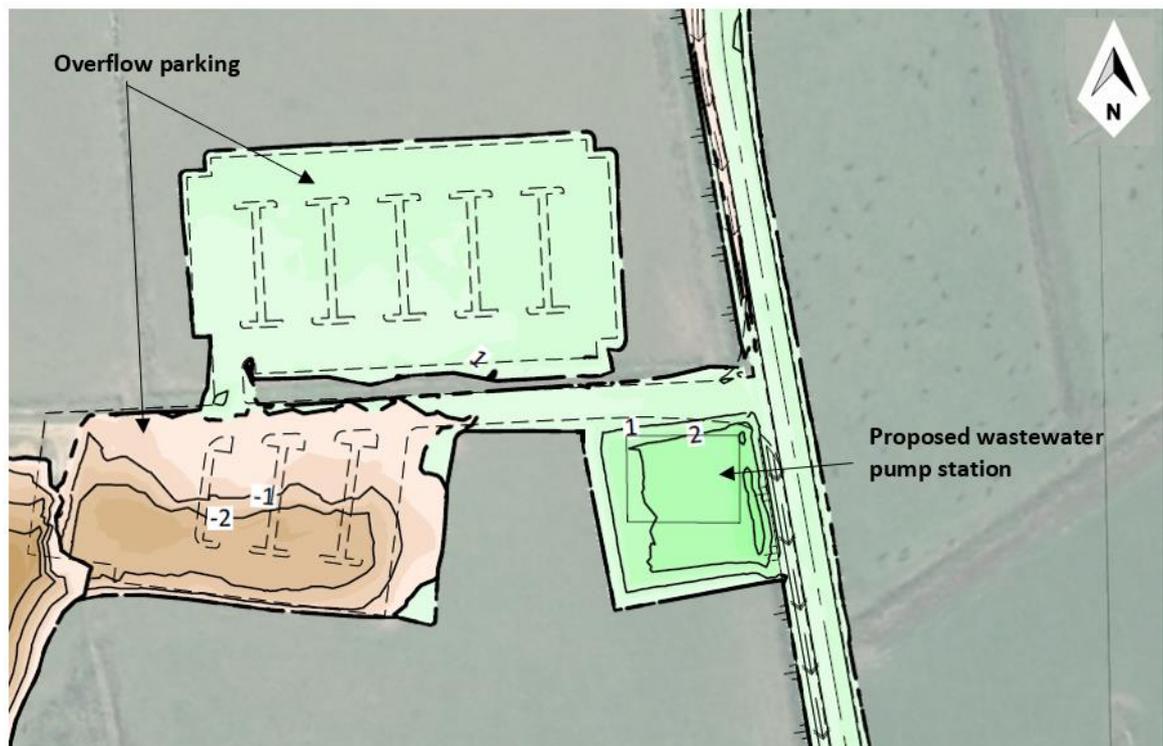


Figure 25. Cut fill plan of Site Wide works for overflow parking and wastewater pump station (source: Civil Plan Ltd)



**Figure 26. Cut fill plan showing the proposed road improvements (alignment marked by black dashed line)**

## Resource Management Act 1991 Requirements

Section 6 of the RMA recognises as matters of national importance: *‘the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga’* (S6(e)); and *‘the protection of historic heritage from inappropriate subdivision, use, and development’* (S6(f)).

All persons exercising functions and powers under the RMA are required under Section 6 to recognise and provide for these matters of national importance when *‘managing the use, development and protection of natural and physical resources’*. There is a duty to avoid, remedy, or mitigate any adverse effects on the environment arising from an activity (S17), including historic heritage.

Historic heritage is defined (S2) as *‘those natural and physical resources that contribute to an understanding and appreciation of New Zealand’s history and cultures, deriving from any of the following qualities: (i) archaeological; (ii) architectural; (iii) cultural; (iv) historic; (v) scientific; (vi) technological’*. *Historic heritage includes: ‘(i) historic sites, structures, places, and areas; (ii) archaeological sites; (iii) sites of significance to Maori, including wahi tapu; (iv) surroundings associated with the natural and physical resources’*.

Regional, district and local plans contain sections that help to identify, protect and manage archaeological and other heritage sites. The plans are prepared under the provisions of the RMA. The Waikato District Plan (Franklin Section) is relevant to the proposed activity.

This assessment has established that the proposed development at RC2, RC3, RC4-A and proposed road improvements will not affect any known archaeological sites but has the potential to affect unidentified subsurface archaeological sites that may be exposed during development. If resource consent is granted, conditions would be recommended requiring archaeological monitoring in RC3-a (yellow shaded area in Figure 22), RC4-A (blue shaded area in Figure 23) and in Borrow Area 2 (yellow shaded area in Figure 24). It is also recommended that an advice note regarding the provisions of the HNZPTA is included, as an Authority under that Act will be required for any modification and investigation of archaeological remains.

## Heritage New Zealand Pouhere Taonga Act 2014 Requirements

In addition to any requirements under the RMA, the HNZPTA protects all archaeological sites whether recorded or not, and they may not be damaged or destroyed unless an Authority to modify an archaeological site has been issued by Heritage NZ (Section 42).

An archaeological site is defined by the HNZPTA Section 6 as follows:

**‘archaeological site** means, subject to section 42(3)<sup>2</sup>, –

(a) any place in New Zealand, including any building or structure (or part of a building or structure) that –

(i) was associated with human activity that occurred before 1900 or is the site of the wreck of any vessel where the wreck occurred before 1900; and

<sup>2</sup> Under Section 42(3) an Authority is not required to permit work on a pre-1900 building unless the building is to be demolished.

(ii) provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand; and

(b) includes a site for which a declaration is made under section 43(1)<sup>3</sup>

Authorities to modify archaeological sites can be applied for either in respect to archaeological sites within a specified area of land (Section 44(a)), or to modify a specific archaeological site where the effects will be no more than minor (Section 44(b)), or for the purpose of conducting a scientific investigation (Section 44(c)). Applications that relate to sites of Maori interest require consultation with (and in the case of scientific investigations the consent of) the appropriate iwi or hapu and are subject to the recommendations of the Maori Heritage Council of Heritage NZ. In addition, an application may be made to carry out an exploratory investigation of any site or locality under Section 56, to confirm the presence, extent and nature of a site or suspected site.

While no known archaeological sites will be affected by the proposed works in RC2, RC3, RC4-A or the Site Wide works areas, it is considered possible that unidentified subsurface archaeological remains may be exposed during development, particularly in RC3-a (yellow shaded area in Figure 22), RC4-A (blue shaded area in Figure 23) and Borrow Area 2 (yellow shaded area in Figure 24). To avoid any delays should unidentified subsurface features be exposed by the proposed works, it is recommended that an authority is applied for under Section 44(a) of the HNZPTA to cover all works undertaken for RC3-a, RC4-A and Borrow Area 2 as a precaution. It is also recommended to include RC2, RC3-b and the remaining Site Wide works areas, as although the presence of archaeological sites is considered less likely, the presence of archaeological sites, such as isolated finds cannot be discounted.

The authority should be obtained before any earthworks are carried out. The conditions of the authority are likely to include archaeological monitoring of preliminary earthworks, and procedures for recording any archaeological evidence before it is modified or destroyed. This approach would have the advantage of allowing any archaeology uncovered during the development works to be dealt with immediately, avoiding delays while an Authority is applied for and processed.

## Conclusions

No archaeological sites have been identified in the currently proposed development areas of RC2, RC3, RC4-A or the Site Wide works areas. The presence of a pa site (R12/736) to the west indicates past settlement of the area by Maori. As the proposed overflow parking, wastewater pump station, RC2, RC3-b and the southern part of RC3-a are situated on low-lying wetlands/ former wetlands, any archaeological sites would most likely be in the form of isolated artefact finds and archaeological deposits and features would not be expected. However, the raised areas (knolls) on the lower slopes of RC3-a and Borrow Area 2 may have been used for temporary camps or processing areas associated with collection of resources from the adjacent wetland. Impacts from farming activities and vegetation clearance in RC3-a and Borrow Area 2 would have obscured any surface evidence of archaeological sites and the possibility of archaeological remains still surviving at deeper

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<sup>3</sup> Under Section 43(1) a place post-dating 1900 (including the site of a wreck that occurred after 1900) that could provide 'significant evidence relating to the historical and cultural heritage of New Zealand' can be declared by Heritage NZ to be an archaeological site.

levels cannot be discounted. As RC4-A lies in proximity to the Waikato River in an area that was likely to have been used for access to the interior, it is considered possible that archaeological remains may be present in the area, although again with evidence not necessarily visible on the surface, in this case due to the thick vegetation cover of yellow flag irises.

Overall, it is considered that any adverse effects on archaeology in RC2, RC3, RC4-A and the Site Wide works areas are likely to be minor, due to previous modifications to Borrow Area 2 and RC3-a, natural river action at RC4-A and the landform of other locations, which was wetland prior to modern farm drainage activities, apart from the northern part of the road improvement area which is situated on steep hillsides. Thus, it is considered that if subsurface archaeological remains are identified during development, they are unlikely to be extensive and the effects could be appropriately mitigated through the recovery of archaeological information relating to the history of the area. This would require an Authority from Heritage New Zealand.

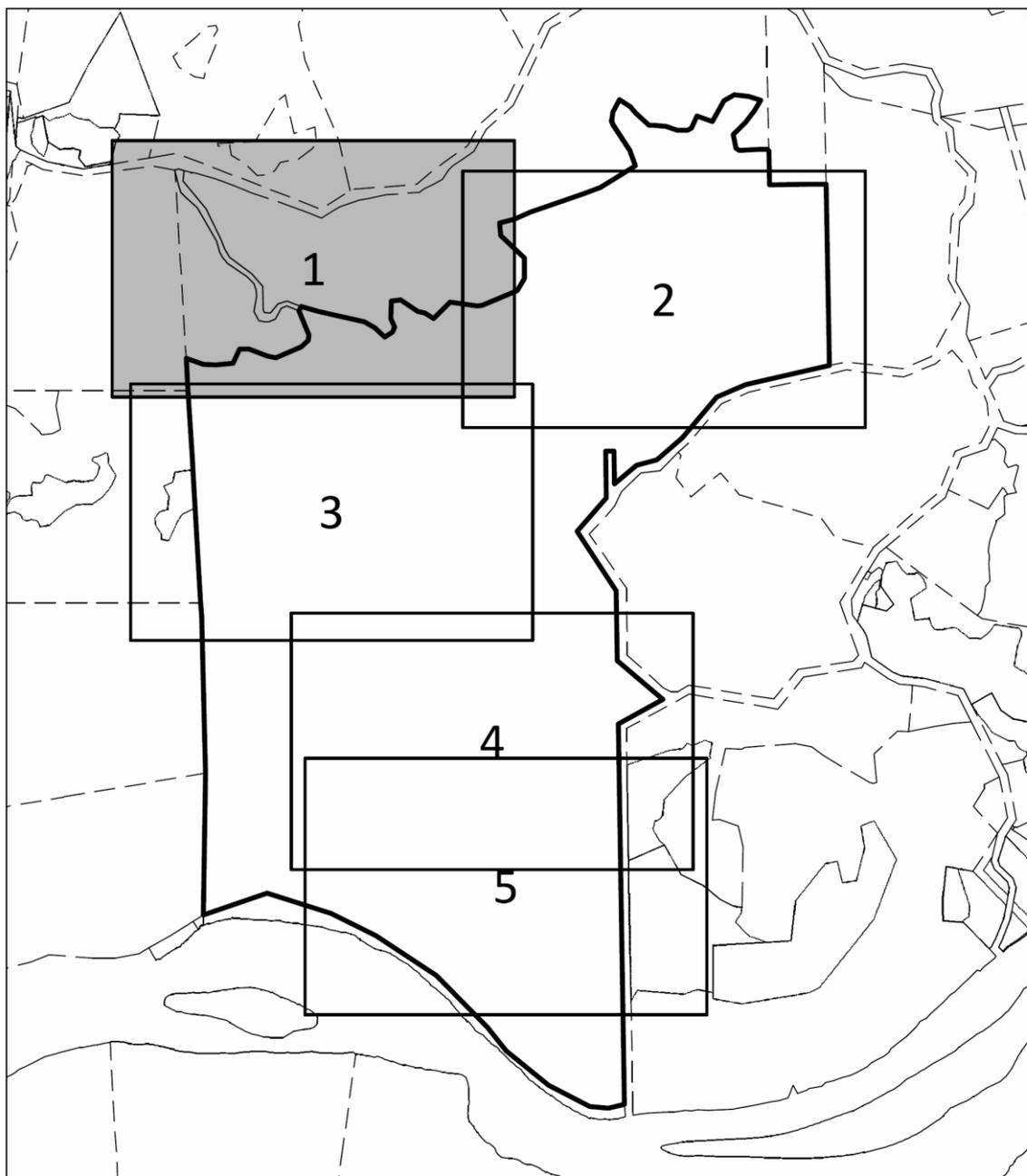
## RECOMMENDATIONS

- There should be no major constraints on the proposed development of RC2, RC3, RC4-A and Site Wide works on archaeological grounds, as no known archaeological sites will be affected, and the possibility that archaeological remains may be present can be appropriately mitigated through the provisions of the HNZPTA.
- Because it is considered possible that that subsurface archaeological features will be exposed during development within RC3-a, Borrow Area 2 and RC4-A, an Authority should be applied for under Section 44(a) of the HNZPTA as a precaution prior to the start of earthworks. This would establish appropriate procedures for the management of any archaeological remains discovered, reducing the potential for delays during the development process.
- Preliminary earthworks in RC3-a (yellow area highlighted in Figure 22), and RC4-A (blue shaded area in Figure 23) Borrow Area 2 (yellow area in Figure 24) should be monitored by an archaeologist to establish whether any sites are present.
- If no authority has been obtained and subsurface archaeological evidence should be unearthed during earthworks (e.g. intact shell midden, hangi, storage pits relating to Maori occupation, or cobbled floors, brick or stone foundation, and rubbish pits relating to 19th century European occupation), work should cease in the immediate vicinity of the remains and Heritage NZ and the Council should be notified. An Authority must be obtained before any further work can proceed which affects the archaeological site. (*Note that this is a legal requirement*).
- In the event of koiwi tangata (human remains) being uncovered, work should cease immediately in the vicinity of the remains and tangata whenua, Heritage NZ, the NZ Police and Council should be contacted so that appropriate arrangements can be made.
- Since there are known and potential archaeological sites relating to Maori occupation on the property, the tangata whenua should be consulted regarding the cultural effects of the proposal.

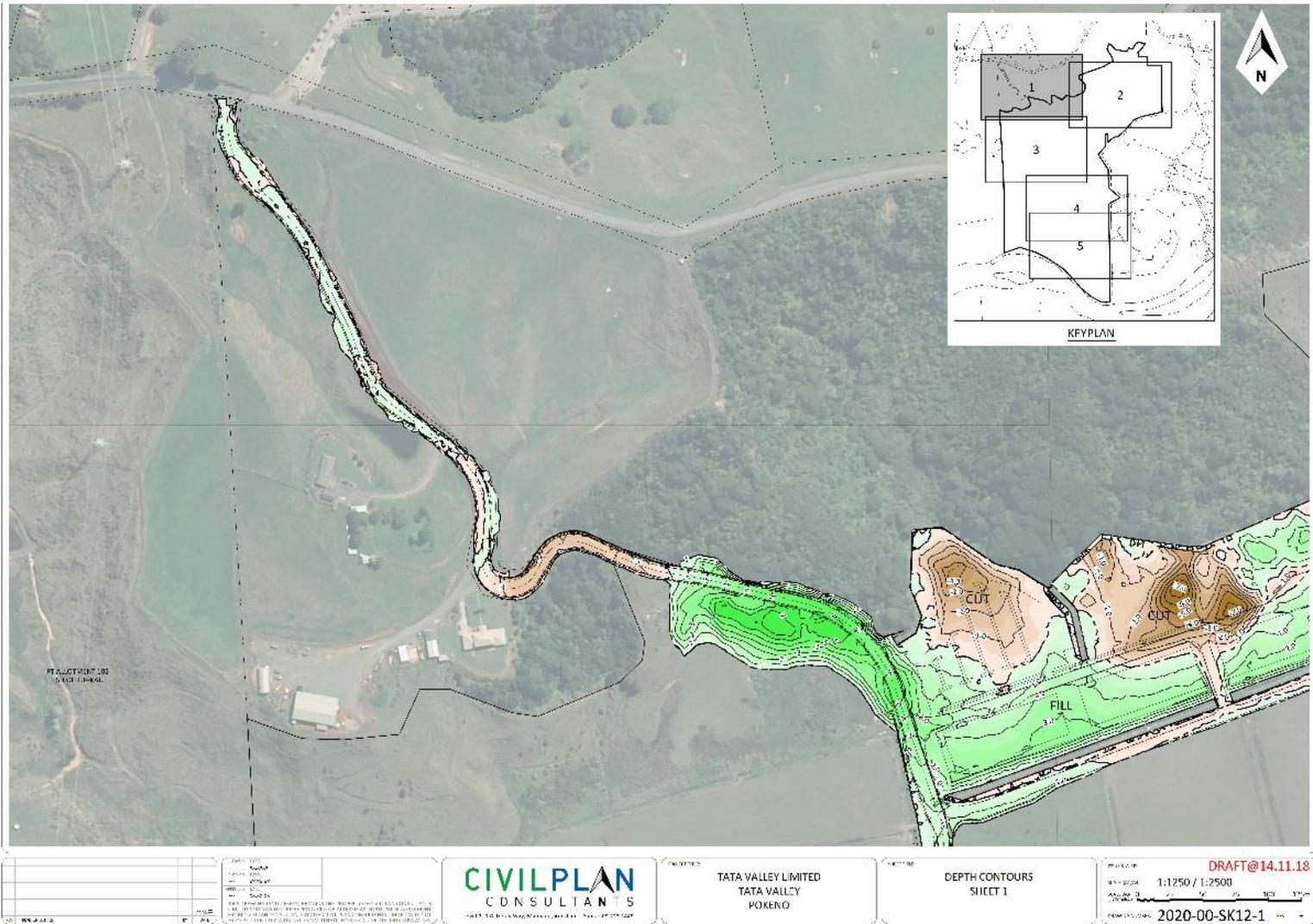
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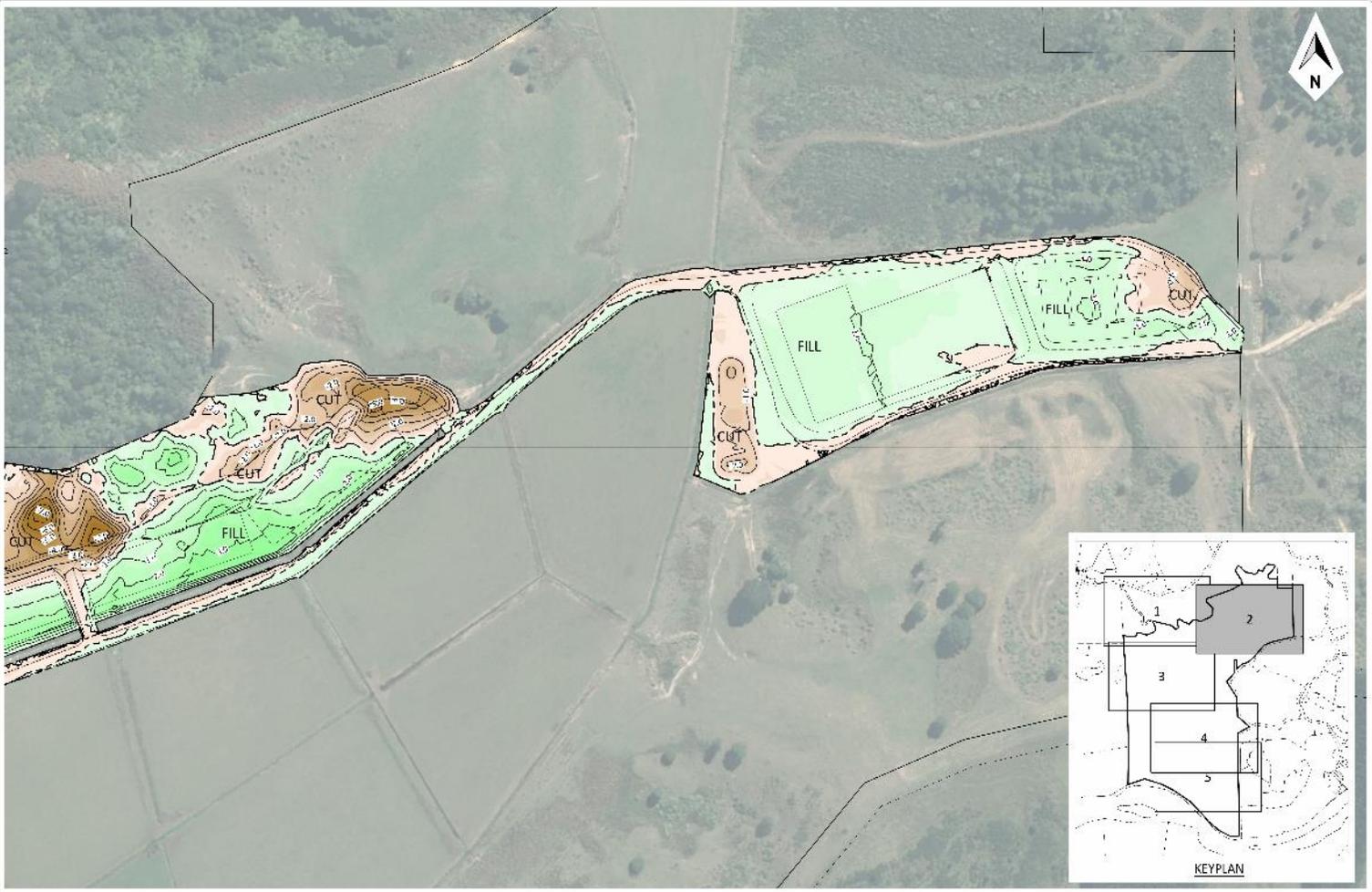
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## Appendix: Earthworks Plans

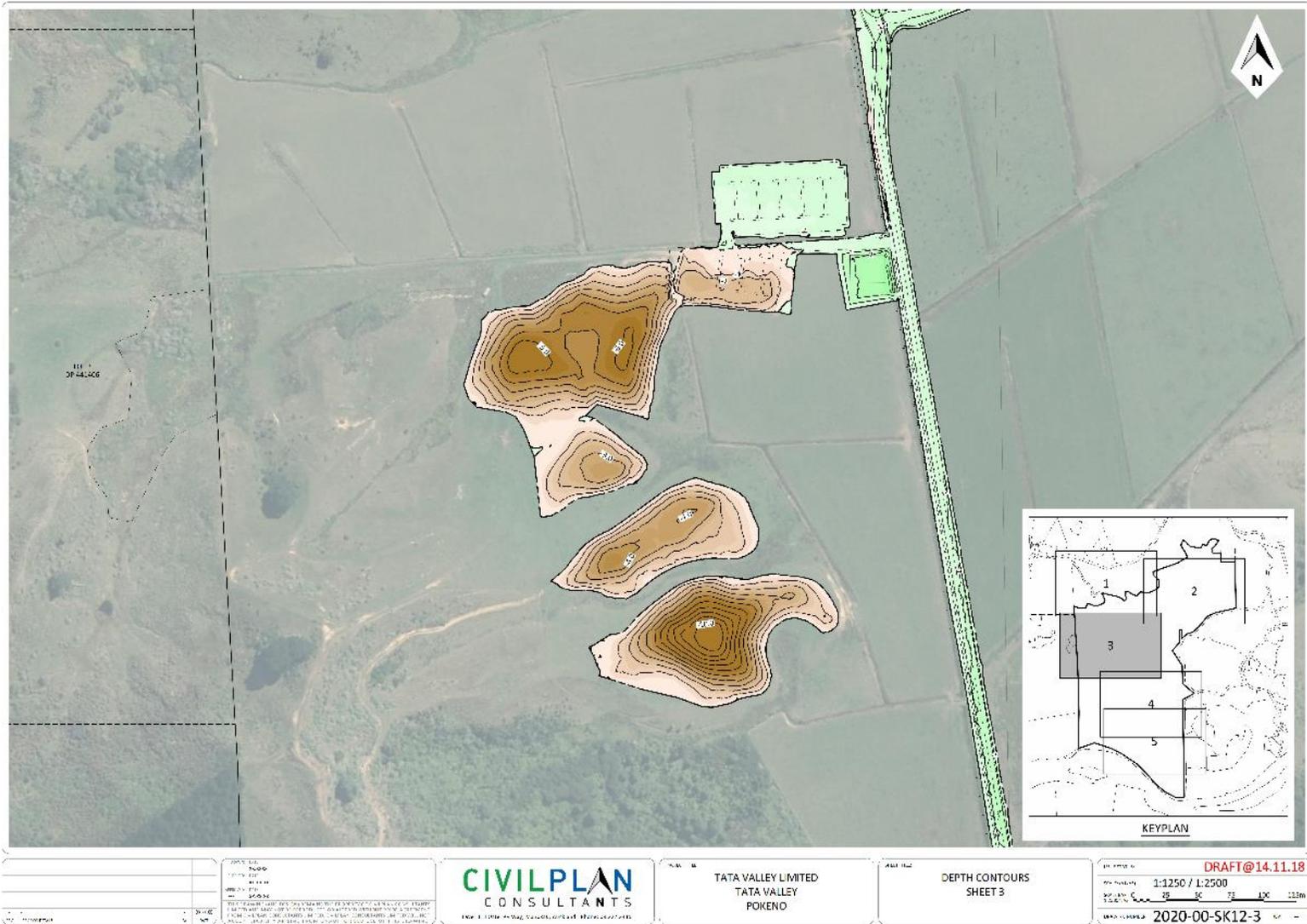


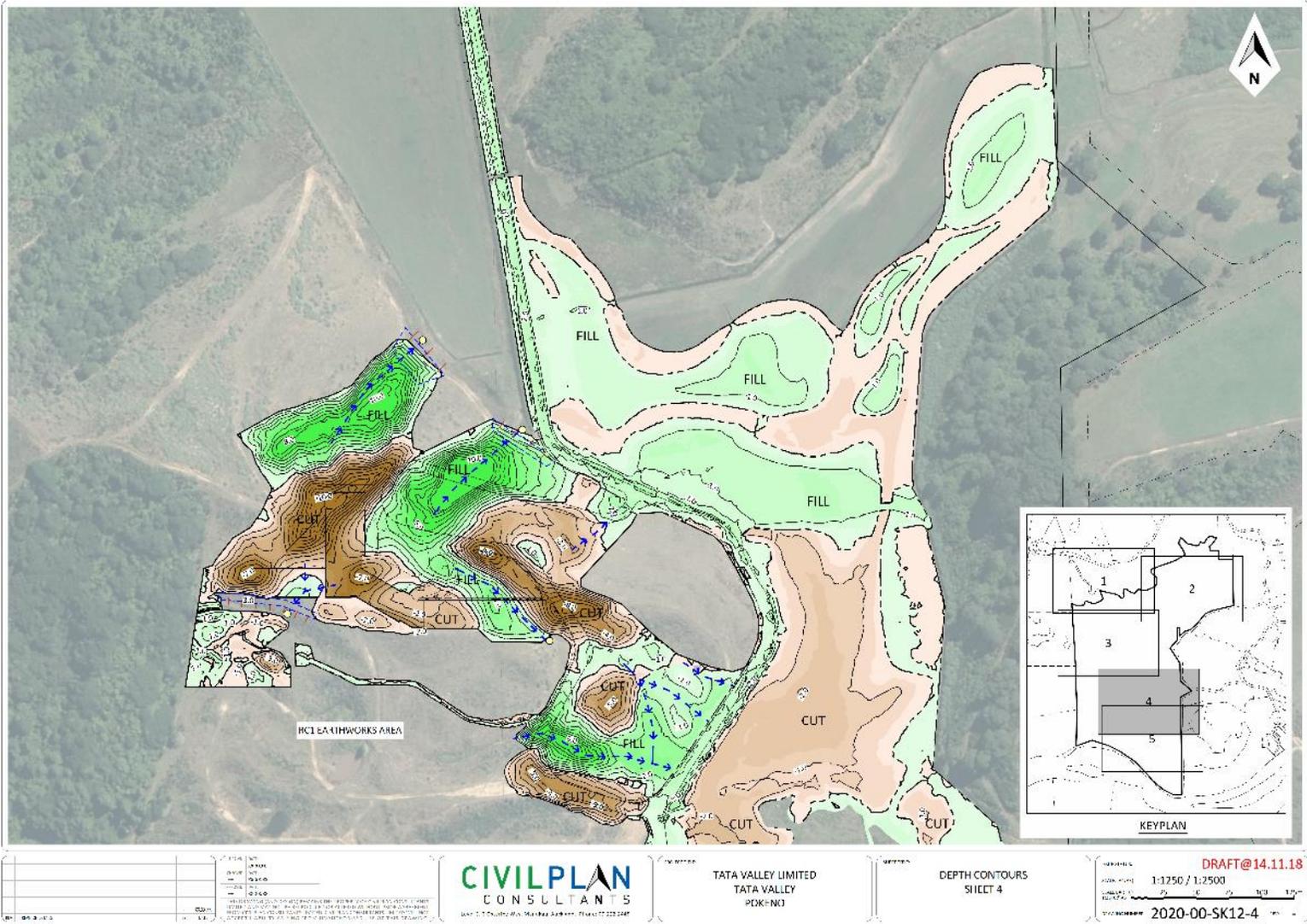
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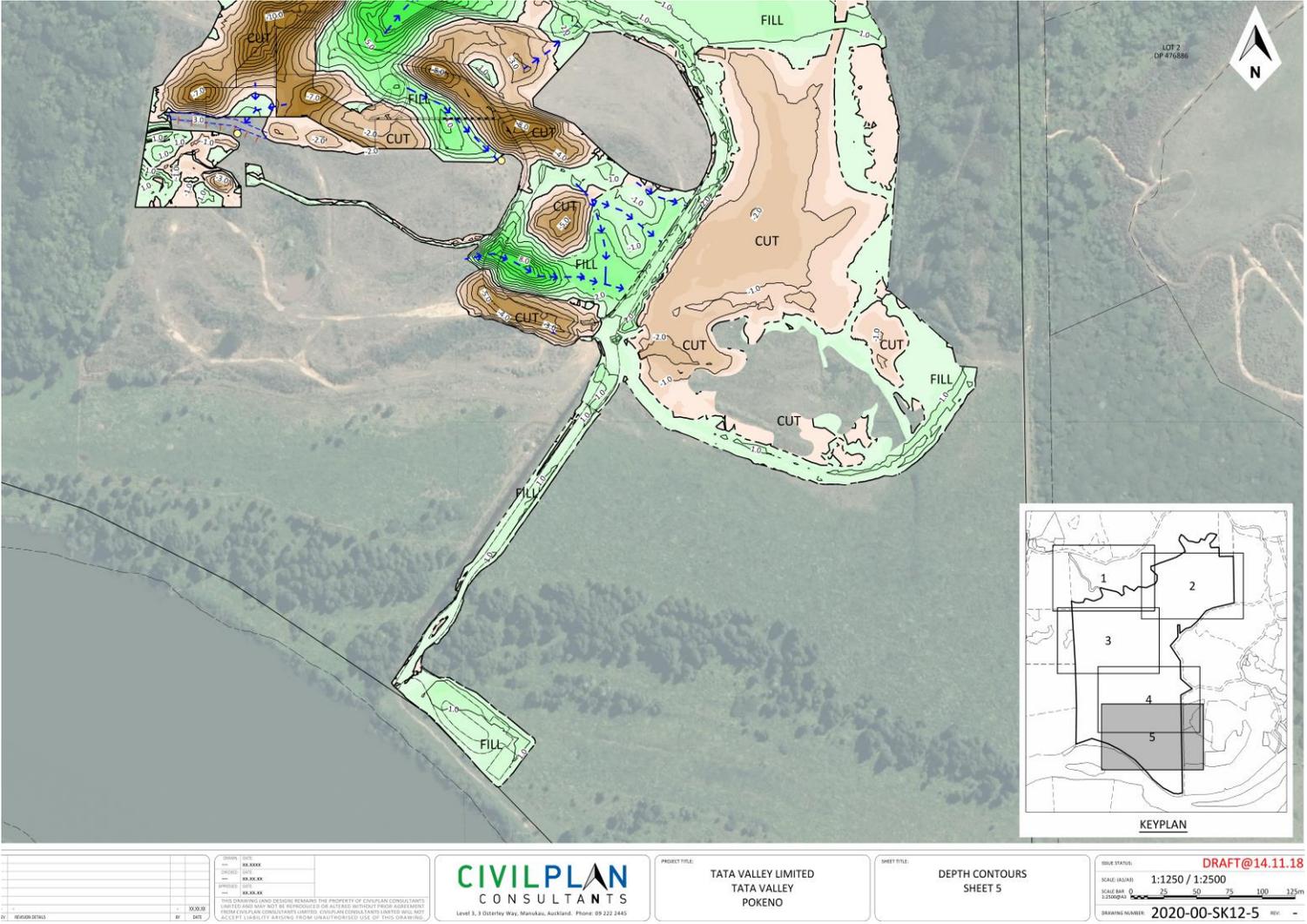




<p>DATE: 14.11.18</p> <p>BY: [Signature]</p> <p>CHECKED: [Signature]</p> <p>SCALE: 1:1250</p> <p>PROJECT: TATA VALLEY</p>	<p><b>CIVILPLAN</b> CONSULTANTS</p> <p>10/100, TATA VALLEY ROAD, POKENO</p>	<p>TATA VALLEY LIMITED TATA VALLEY POKENO</p>	<p>DEPTH CONTOURS SHEET 2</p>	<p>DRAFT@14.11.18</p>
				<p>SCALE: 1:1250 / 1:2500</p> <p>PROJECT: 2020-00-SK12-2</p>







# E

## Appendix E – List of reasons for consent

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Reasons for Consent – Land related activities	
Activity	Rule triggered
	<b>Waikato District Plan</b>
Construction of hotel rooms	Rule 23A.1.4(9) – Travellers Accommodation
Ancillary buildings to support the Resort and accommodation – restaurant, event space, gift shop etc.	Rule 23A.1.4(11) – Accessory Buildings and Ancillary Activities
	Rule 23A.1.3.1(d) – Development Standards, Development Setback
Earthworks	Rule 24.3 – Earthworks in the Wetland Conservation Zone
	Rule 15.5.2 – Earthworks
Vegetation clearance	Rule 24.3 – Clearing of Trees or Other Vegetation in the Wetland Conservation Zone
	Rule 15.6.3.2 – Removal of Indigenous Trees or Vegetation:
Operation of café/restaurant	Rule 23A.1.3(9) – Café/Restaurant on the same site and associated with farming or on site primary produce manufacturing
Site access/parking	Part 51 – Parking, Loading and Access
	<b>Proposed Waikato District Plan</b>
Earthworks	Rule 22.2.3.3 (RD1) – Earthworks in Significant Natural Areas:
Vegetation clearance	Rule 22.2.7 (D1) – Indigenous Vegetation Clearance Inside a Significant Natural Area:
Buildings in proximity to Waikato River	Rule 22.3.7.5 – Building Setback Water Bodies
	<b>Waikato Regional Plan</b>
Water take	Rule 3.3.4.23 Construction Watertake
Discharges	Rule 3.5.10.3 – Flood Pump (Discharge of pumped drainage water)
	Rule 3.5.11.8 – Stormwater Discharge
Diversion of surface water	Rule 3.6.4.13 – Diversion of Surface Water
Upgrades to culverts	Rule 4.2.9.3 – Culvert
Works within stream beds	Rule 4.3.4.4 – Bed Disturbance Activities
Earthworks	Rule 5.1.4.15 – Land Disturbance/ Earthworks/ Vegetation Removal

Reasons for Consent – River related activities	
Activity	Rule triggered
	<b>Waikato District Plan</b>
Pontoon and ramps – construction and operation	Rule 7.3.1 Buildings within 30 metres of the edge of a river
	Rule 24.4 structures on the surface of the Waikato River in the Wetland Conservation zone
	Rule 15.5.2.3 Earthworks in a Rural zone
	Rule 23A.1.5 structure within the Rural zone
Construction of car park and vehicle crossings	Rule 15.5.2 Earthworks
	Rule 51.1.5 Parking spaces - location on site
	<b>Waikato Regional Plan</b>
Construction of new boat ramp and pontoon at Pokeno, and upgrade of existing boat ramp and construction of new pontoon at Mercer	Rule 4.2.12.1 Boat Ramps and Jetties
Construction of carpark and river structures	Rule 5.1.4.14.2, 5.1.4.14.3, 5.1.4.15.2 Soil disturbance activities

Vegetation clearance in proximity to Waikato River	<i>Rule 5.1.4.15.6 Riparian vegetation clearance within 5 metres of the banks of a perennial water body</i>
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