

SECTION 42A REPORT

Rebuttal Evidence

Hearing 25: Zone Extents

TaTa Valley Resort

Report prepared by: Jerome Wyeth

Date: 10 May 2021



TABLE OF CONTENTS

1	Introduction	3
2	Purpose of report.....	3
3	Response to submitter rebuttal evidence.....	3
	Appendix 1: Table of submission points	10
	Appendix 2: Recommended amendments	13

I Introduction

I.1 Background

1. My full name is Jerome Geoffrey Wyeth.
2. I am a Principal Planning and Policy Consultant at 4Sight Consulting where I have been employed since January 2012.
3. I am the section 42A report writer for Hearing 25: Zone Extents – TaTa Valley Resort Zone.
4. My qualifications and experience are set out in section I.1 of my section 42A report. My agreement to comply with the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014 is set out in section I.2 of my section 42A report.

2 Purpose of report

5. The purpose of this report is to consider rebuttal evidence provided on behalf of TaTa Valley Limited (TVL) in relation to the proposed TaTa Valley Resort Zone (proposed TVR Zone). Rebuttal evidence on behalf of TVL has been filed from:
 - a. Chris Scrafton – planning
 - b. Leo Hills – transport.
6. This report focuses on the planning rebuttal evidence of Mr Scrafton and identifies the matters where we agree and those areas that remain outstanding. These outstanding matters relate to recommended amendments to the objectives, policies and provisions for the proposed TVR Zone as there is general alignment on the merits of the proposed TVR Zone.
7. This report also considers three submission points from TVL and subsequent further submissions relating to the proposed TVR Zone that were not specifically addressed in Appendix I of my section 42A report. These additional submission points are addressed in this report for completeness. However, the substance of these submissions has been addressed in my primary s42A report and I am not recommending any further changes in response to these additional submissions.

3 Response to submitter rebuttal evidence

3.1 Planning rebuttal evidence

8. This section considers and responds to the planning rebuttal evidence of Mr Scrafton on behalf of TVL and follows a structure consistent to that adopted in his evidence.

3.1.1 Effectiveness and efficiency of the proposed TVR Zone

9. Mr Scrafton and I agree that the TVR Zone is the most effective and efficient way to achieve the objectives for the Site (compared to the PWDP Rural Zone provisions). In my primary s42A report, I note that my conclusion on this matter is finely balanced¹.
10. Conversely, Mr Scrafton is of the view that the matter is not balanced but rather clearly weighted in favour of the TVR Zone (compared to the PWDP Rural Zone provisions) citing three key reasons consistent with his primary evidence². Notably, Mr Scrafton's rebuttal evidence provides additional analysis of how the PWDP Rural Zone provisions as

¹ Section 42A Report, Hearing 25: Zone Extents – TaTa Valley, paragraph 151.

² Rebuttal evidence of Mr Scrafton, paragraph 3.4.

recommended by the section 42A author for Hearing 18: Rural would apply to the development and operation of Resort, concluding that this is not the most effective or efficient approach³. In my opinion, this additional analysis is helpful to highlight the potential uncertainties and inefficiencies associated with developing and operating the Resort under the PWDP Rural Zone provisions.

11. Overall, I retain the position set out in my primary evidence and concur with Mr Scafton⁴ that the PWDP Rural Zone provisions (either proposed or with amendments recommended by the reporting planner from Hearings 18: Rural) do not provide the same level of efficiency and effectiveness for the development of the Site that is enabled by the proposed TVR Zone.

3.1.2 Recommendations to objectives, policies and provisions

Maintenance of rural character and amenity

12. In my primary s42A report, I recommended an additional objective (Objective 29.1(O3)) to better recognise the need to manage the adverse effects of the development and operation of the Resort on the rural character and amenity of the surrounding environment.
13. Mr Scafton's view is that an additional objective focusing on the rural environment is unnecessary when this forms part of the broader environment on which all effects should be managed⁵. As such, Mr Scafton recommends amendments to Objective 29.1(O2) to reference the character and amenity of the surrounding rural environment rather than a new objective.
14. I have no concerns with this largely structural change to the objectives and understand the desire to retain two objectives focused on the operation of the Resort and the management of adverse effects respectively. However, in my opinion, the more substantive issue is the relative strength of the policy direction and whether the rural character and amenity of the surrounding environment is to be 'maintained' (as recommended in my primary s42A report) or simply a matter to "have regard to" (as recommended by Mr Scafton). This applies to proposed Objective 29.1(O2) and proposed Policy 29.2(P4)(b).
15. As outlined in paragraph 95 of my primary s42A report, in my opinion, the wording of proposed Policy 29.2(P4) to 'have regard to' rural amenity and character is relatively weak and may not provide Council with sufficient direction to manage the effects of the development and operation of the Resort on the amenity and character values of the surrounding rural environment. It is well established in planning practice and case law that a requirement to 'have regard to' a matter does not mean it needs to be provided for but simply a matter that is considered as part of the overall decision.
16. In the context of the proposed TVR Zone, my understanding is that policy direction to 'maintain' the character and amenity values of the surrounding rural environment would likely accommodate the activities anticipated at the Resort provided adverse effects are appropriately managed, including the proposed Hotel Precinct. In my opinion, this is distinct from maintaining on-site rural character and amenity which Mr Scafton acknowledges as being unlikely in all areas of the Site⁶. As such, I agree with Mr Scafton's recommendations to the objectives but retain my recommendations to proposed Policy 29.2(P4)(b) as set out in my primary s42A report.

³ Ibid, paragraph 3.7.

⁴ Ibid, paragraph 3.13.

⁵ Ibid, paragraph 3.20.

⁶ Ibid, paragraph 3.7(a).

Rural commercial activities

17. Mr Scafton does not support my recommended amendment to proposed Policy 29.2(1) to refer to rural tourism as a “rural commercial activity” (i.e. an activity that has a functional need to be located in a rural environment) on the basis that:
- a. Not all tourism activities anticipated at the Site will fall neatly under the proposed definition of ‘rural commercial activity’; and
 - b. ‘Rural tourism’ is a sufficiently specific phrase that provides guidance around the nature of tourism activities anticipated on the Site⁷.

18. On reflection, I agree that the reference to rural commercial activities is not necessary in proposed Policy 29.2(1) and have recommended amendments to this policy in Appendix 2 (recommended amendments).

Protection of natural values, including the Waikato River

19. Mr Scafton agrees with my proposed amendments to proposed Policy 29.2(P4)(a) as they are better aligned with the Waikato Regional Policy Statement and the Vision and Strategy for the Waikato River. However, Mr Scafton does not agree with my recommended amendments to proposed Policy 29.2(P3)(c) on the basis that the district wide objectives and policies relating to SNAs and Maaori Sites of Significance should apply within the proposed TVR Zone⁸.
20. I agree with Mr Scafton that the PWDP district wide objectives and policies for SNAs and Maaori Sites of Significance should apply within the proposed TVR Zone, as noted in my primary s42A report⁹. The intent of my recommended amendments to proposed Policy 29.2(P3)(c) was not to undermine these provisions – rather the intent is to clarify that the proposed Concept Plan also sets out the areas to be protected on the Site (not just the areas to be developed). Accordingly, I retain my recommended amendments to proposed Policy 29.2(P3)(c) set out in my primary s42A report which seek to clarify that the Site should be developed and managed in accordance with the proposed Concept Plan.

Avoidance of subdivision

21. Mr Scafton does not agree with my recommended amendment to proposed Policy 29.2(P3)(d) to avoid subdivision within the proposed TVR Zone. Mr Scafton’s view is that subdivision should be enabled where it is demonstrated that it is consistent with the surrounding rural environment and the efficient operation of the Resort¹⁰. To provide for this, Mr Scafton recommends that the PWDP Rural Zone subdivision provisions apply to the proposed TVR Zone with the addition of a specific criterion being “*the extent that the subdivision is consistent with the efficient operation of the TaTa Valley Resort*”¹¹.
22. My recommendations relating to subdivision in my primary s42A report were intended to address a gap in the proposed TVR Zone provisions, and were based on my understanding that no subdivision is intended for the Site. However, I accept that strong policy direction to avoid subdivision in all circumstances is not necessary and the applying the PWDP Rural Zone subdivision provisions is an appropriate alternative in my opinion. As such, I recommend that Mr Scafton’s amendment to proposed Policy 29.2(P3)(d) is accepted.

⁷ Ibid, paragraph 3.22.

⁸ Ibid, paragraph 3.23-3.24.

⁹ Section 42A Report, Hearing 25: Zone Extents – TaTa Valley, paragraph 86 and 88.

¹⁰ Ibid, paragraph 3.26.

¹¹ Ibid, paragraph 3.28.

23. In terms of the application of the PWDP Rural Zone provisions to the proposed TVR Zone, I note that there is inconsistency between proposed Rule A30 in Appendix 1 of Mr Scafton's rebuttal evidence which provides for subdivision as a restricted discretionary activity and assessment matter 27.7.24 which states subdivision provisions will mirror those set out for the Rural Zone in Hearing 18: Rural Zone (22.4.1.2). In my opinion, the PWDP Rural Zone general subdivision provisions (Rule 22.4.1.2) should be included in the proposed TVR Zone chapter in full rather than cross-referenced. This includes activity specific standards, matters of discretion, and non-complying rule when subdivisions standards are not complied with.
24. I also support the additional criterion proposed by Mr Scafton outlined above to consider *'the extent that the subdivision is consistent with the efficient operation of the TaTa Valley Resort'* as this will help avoid subdivisions that compromise the efficient operation of the Resort as a regionally significant rural tourism facility. I note that the matters of discretion for general subdivision in the Rural Zone (Rule 22.4.1.2) include effects on rural character and amenity values which is also an important consideration for any proposed subdivision within the Site.

Other proposed amendments

25. The recommended amendment to proposed Rule 29.5.14 in my primary s42A report was intended to make it clear that special noise events (i.e. temporary events that exceed the permitted noise standards) still need to comply with the 500 people capacity limit, as this is a key threshold in terms of traffic and other adverse effects from large events within the proposed TVR Zone. Mr Scafton considers this addition to be repetitive and unnecessary as special noise events must comply with the other standards for temporary activities in proposed Rule 29.5.12 and 29.5.13. I accept this rationale.
26. Mr Scafton¹² agrees with the recommended amendment to proposed Rule 29.6.21 in my primary s42A report to provide greater clarity on what is required in a temporary traffic management plan, as does Mr Hills in his traffic rebuttal evidence¹³. These amendments are shown in proposed matter of discretion 29.7.21 in Appendix 2 (recommended amendments).

3.1.3 Identification of natural inland wetlands and identification of SNAs

27. Mr Scafton considers that it is neither necessary nor appropriate to identify natural inland wetlands within the proposed Concept Plan on the basis that:
- a. Regional councils are responsible to mapping wetlands under the National Policy Statement for Freshwater Management 2020 (NPS-FM)
 - b. The National Environmental Standards for Freshwater 2020 (NES-F) apply irrespective of mapping
 - c. Ministry for the Environment guidance on the definition of natural inland wetlands has yet to be finalised so it is better to assess the wetland area at the time consents for development are sought¹⁴.
28. In relation to these points:
- a. I am aware that regional councils are responsible for mapping natural inlands under the NPS-FM and that the NES-F provisions apply irrespective of mapping. However, in my opinion, that does not negate the benefits of mapping natural inland wetlands in district plans to clarify the relevant provisions that apply (i.e. those relating to SNAs in the PWDP or those relating to natural inland wetlands in the NES-F). In my view,

¹² Ibid, paragraph 3.29.

¹³ Rebuttal evidence of Mr Hill, paragraph 8.6.

¹⁴ Rebuttal evidence of Mr Scafton, paragraph 3.31.

the mapping of these natural inland wetlands would also be of benefit to Waikato Regional Council when undertaking regional wetland mapping process required under the NPS-FM.

- b. I disagree that it is more appropriate to assess the extent of wetlands at the time consents for development are sought. Mapping of areas with significant values in RMA planning documents is widely recognised as the best method ensure appropriate protection of these areas and is consistent with the recommendations of Mr Martin's ecological evidence¹⁵. This does not preclude more specific assessment of a wetland's area and extent being undertaken through subsequent resource consent processes, which may lead to some refinement of the wetland area.

29. I therefore retain my position set out in my primary s42A report and recommend that the proposed Concept Plan identify those areas that are natural inland wetlands within the Site.
30. In terms of the mapping of the 'additional areas of significant indigenous biodiversity', Mr Scafton and I are in agreement that these areas should be managed in accordance with the PWDP provisions relating to SNAs. I retain my view set out in my primary s42a report that these areas should be added to the PWDP SNA overlay in the PWDP.

3.1.4 Effects on cultural values

31. Mr Scafton agrees with my recommendation to include a matter of discretion for effects on cultural values when resource consent is required under rule A32¹⁶ - activities with Maori Site of Significance and he has recommended a new matter of discretion (29.6.23) in response. I agree with this amendment and recommend it is accepted and this is included in Appendix 2 (recommended amendments).

3.1.5 Tangata whenua consultation

32. Mr Scafton's rebuttal evidence provides an update to the Hearing Panel on further consultation with tangata whenua on the proposed TVR Zone since his primary evidence was prepared. Mr Scafton notes two key pieces of feedback from tangata whenua that relate to proposed Policy 29.2(P6) and the Cultural Management Plan (CMP).
33. In terms of proposed Policy 29.2(P6), Mr Scafton agrees with the feedback from tangata whenua to strengthen the policy to specifically outline what buildings are acceptable within the 37m setback to the Waikato River to provide greater certainty and guidance on land use and development outcomes within the setback. The recommended amendments to proposed Policy 29.2(P6) are included in Appendix I of Mr Scafton's rebuttal evidence. I agree with these amendments and recommend these are accepted.
34. In terms of the CMP, Mr Scafton advises that the feedback from tangata whenua is to consider the application of the CMP in the provisions. Mr Scafton considers that it is not appropriate to reference the CMP in the provisions given its draft status, its 'wide-ranging content' and 'live nature', and because the relevant matters in the CMP have been incorporated into the provisions¹⁷.
35. I am not familiar with the content of the draft CMP, although I am aware that these plans typically contain matters that are broader in scope that can be addressed through district plans. I also note that the lack of reference to the CMP in the provisions does not preclude this being a relevant matter to consider when assessing and managing effects on cultural values under other proposed TVR Zone provisions (e.g. Rule A29) when the CMP is finalised. Accordingly, I agree with Mr Scafton that the draft CMP need not be referenced in the

¹⁵ Primary evidence of Mr Martin, paragraph 1.14-1.15.

¹⁶ Section 42A Report, Hearing 25: Zone Extents – TaTa Valley, paragraph 155.

¹⁷ Rebuttal evidence of Mr Scafton, paragraph 5.2(b)-(c).

proposed TVR provisions but note that it may be considered as another relevant matter through subsequent consent processes where appropriate.

3.2 Consideration of additional submissions

36. Table I below outlines three submission points from TVL and 12 further submissions relating to the proposed TVR Zone that were not specifically addressed in Appendix I of my primary s42A report.

Table I: Additional submission points and further submissions.

Submission point	Submitter	Decision requested
574.10	TaTa Valley Limited	Amend Section 3.2 - Significant Natural Areas and related rules, to apply a bespoke approach for the management of indigenous biodiversity on the TaTa Valley site as outlined in the proposed provisions (refer to Appendix A of the submission). AND Any consequential amendments and other relief to give effect to the matters raised in the submission.
FSI108.88	Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)	Oppose
FSI139.79	Turangawaewae Trust Board	Oppose
FSI301.52	New Zealand Health Food Park Limited	Support
FSI303.52	Charlie Harris	Support
FSI369.13	Ngati Tamaoho Trust	Oppose
574.15	TaTa Valley Limited	Add a definition to Chapter 13 Definitions or "Special Event", as follows: A temporary event that exceeds the permitted noise standard of the Resort Zone. AND Any consequential amendments and other relief to give effect to the matters raised in the submission.
FSI108.92	Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)	Oppose
FSI139.83	Turangawaewae Trust Board	Oppose
FSI301.57	New Zealand Health Food Park Limited	Support
FSI303.57	Charlie Harris	Support
574.25	TaTa Valley Limited	Add a definition to Chapter 13 Definitions, for "Entertainment Facility", as follows: A facility used

		for entertainment, including: cinema, showground, performance/cultural venue. AND Any consequential amendments and other relief to give effect to the matters raised in the submission.
<i>FSI301.67</i>	<i>New Zealand Health Food Park Limited</i>	<i>Support</i>
<i>FSI303.67</i>	<i>Charlie Harris</i>	<i>Support</i>
<i>FSI388.826</i>	<i>Mercury NZ Limited for Mercury E</i>	<i>Oppose</i>

37. In relation to submission point 574.10, TVL no longer propose a bespoke approach to manage SNAs within the Site, as discussed in my primary s42A report¹⁸. In my primary s42A report I also note my support for the proposed change in approach to manage indigenous biodiversity and SNA's within the Site, including the identification of additional 'areas of significant indigenous biodiversity'¹⁹. As such, I recommend that submission point 574.10 is rejected.
38. In relation to submission point 574.15 from TVL requesting a definition for special noise event, this is discussed in paragraph 104.b and 108.c of my primary s42A report and in paragraph 25 above. Mr Scrafton is also recommending some minor amendments to this definition in Appendix I of his rebuttal evidence to make this definition specific to the proposed TVR Zone. Accordingly, I recommend that submission point 574.15 is accepted.
39. In relation to submission point 574.25, I discuss this in paragraph 130 of my primary s42A report when I conclude the proposed definition is unnecessary and potentially problematic. TVL is no longer requesting a specific definition of entertainment activity and this has been deleted from the definitions and proposed Policy 29.2(P1) in Appendix I of Mr Scrafton's rebuttal evidence. As such, I recommend that submission point 574.25 is rejected.

¹⁸ Primary evidence, paragraph 85-86.

¹⁹ Ibid, paragraph 86 and 88.

Appendix I: Table of submission points

Note: the table below lists additional submission points not addressed in Appendix I of my primary section 42A report: Hearing 25 – Zone Extents – TaTa Valley.

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
574.10	TaTa Valley Limited	Oppose	Amend Section 3.2 - Significant Natural Areas and related rules, to apply a bespoke approach for the management of indigenous biodiversity on the TaTa Valley site as outlined in the proposed provisions (refer to Appendix A of the submission). AND Any consequential amendments and other relief to give effect to the matters raised in the submission.	Reject	3.2
FSI108.88	Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)	Oppose	Inappropriate amendment.	Accept	3.2
FSI139.79	Turangawaewae Trust Board	Oppose	Inappropriate amendment.	Accept	3.2
FSI301.52	New Zealand Health Food Park Limited	Support	Support the submission in its entirety.	Reject	3.2
FSI303.52	Charlie Harris	Support	I also support the original submission by Ta Ta Valley Limited in its entirety.	Reject	3.2
FSI369.13	Ngati Tamaoho Trust	Oppose	Oppose the Significant Natural Area overlay being removed.	Accept	3.2

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
574.15	TaTa Valley Limited		Add a definition to Chapter 13 Definitions or "Special Event", as follows: A temporary event that exceeds the permitted noise standard of the Resort Zone. AND Any consequential amendments and other relief to give effect to the matters raised in the submission	Accept	3.2
FSI108.92	Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)	Oppose	Inappropriate amendment.	Reject	3.2
FSI139.83	Turangawaewae Trust Board	Oppose	Inappropriate amendment.	Reject	3.2
FSI301.57	New Zealand Health Food Park Limited	Support	Support the submission in its entirety.	Accept	3.2
FSI303.57	Charlie Harris	Support	I also support the original submission by Ta Ta Valley Limited in its entirety.	Accept	3.2
574.25	TaTa Valley Limited		Add a definition to Chapter 13 Definitions, for "Entertainment Facility", as follows: A facility used for entertainment, including: cinema, showground, performance/cultural venue. AND Any consequential amendments and other relief to give effect to the matters raised in the submission.	Reject	3.2

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
FSI301.67	New Zealand Health Food Park Limited	Support	Support the submission in its entirety.	Reject	3.2
FSI303.67	Charlie Harris	Support	I also support the original submission by Ta Ta Valley Limited in its entirety.	Reject	3.2
FSI388.826	Mercury Limited NZ for Mercury E	Oppose	N/A	Accept	3.2

Appendix 2: Recommended amendments

Recommended amendments in response to submissions from primary s42A report shown in ~~red underline/strikeout~~ and recommended amendments from rebuttal evidence shown in ~~blue underline/strike-out~~.

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

29.1 Objectives

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

29.1(02) The TaTa Valley Resort is developed and operated while ~~ste~~ avoiding, remedying or mitigating adverse effects on the environment ~~as far as practicable, including on the character and amenity of the surrounding rural environment.~~

~~29.1(03) The development and operation of the TaTa Valley Resort maintains the character and amenity of the surrounding rural environment.~~

29.2 Policies

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

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

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

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

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

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

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

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

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

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

29.3 Rules - Activity Table

	Activity²⁰	Status
A1	Farming	P
A2	Produce Stall	P
A3	Equestrian Centre	P
A4	Free range pig or poultry farming	P
A5	Community facility	RD
A6	Horse Training Centre	P
A7	Rural industry	RD
A8	Conservation Activities	P
A9	Earthworks	P
A10	Earthworks for the maintenance of existing tracks, fences or drains within a Significant Amenity Landscape – Waikato River Margins and Lakes	P
A11	Vegetation clearance outside of a SNA	P
A12	Vegetation clearance inside a SNA	P
A13	Vegetation clearance inside a SNA not complying with the standards in 29.5.7	D
A14	Storage of hazardous substances	P
A15	Storage of hazardous substances not complying with the permitted activity standards	D
A16	Signs	P
A17	Visitors accommodation within Hotel Precinct	RD

²⁰ The provisions for activities A1-A15 and A30 will be the same as the PWDP Rural Zone provisions.

	Activity²⁰	Status
A18	Visitors accommodation outside the Hotel Precinct	P
A19	Permanent buildings for visitor accommodation outside of the Hotel Precinct that do not meet permitted standards but are no greater than: a) 10m in height; and/or b) 2,000m ² building coverage	RD
A20	Workers accommodation	P
A21	Ancillary retail	P
A22	Ancillary commercial services	RD
A23	Ancillary offices	P
A24	Helicopter take offs and landings	P
A25	Informal recreation	P
A26	Entertainment activity	P
A27	Temporary events	P
A28	Special noise events	P
A29	Any permitted activity listed in Table 29.3 within a Māāori site of Significance	RD
A30	Subdivision	RD
A31	Activities not complying with one relevant permitted activity standard in 29.4 or 29.5	RD
A32	Activities not complying with two or more relevant permitted activity standards in 29.4 and 29.5	D
A33	Activities not otherwise provided for	D

29.4 Standards - General

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

29.4.1 Access

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

29.4.2 Parking

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

29.4.3 Building Height

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

29.4.4 Building Setbacks – General

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

29.4.5 Building setbacks from water bodies

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

29.4.6 Building Coverage outside the Hotel precinct

- a) The total building coverage throughout the TVR Zone (excluding the Hotel Precinct) must not exceed 50,000m².

29.4.7 Lighting

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

29.4.8 Noise

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

- (ii) 45dB (LAeq), 7pm to 10pm every day;
 - (iii) 40dB (LAeq) and 65dB (LAmax), 10pm to 7am the following day when measured at or within any Notional Boundary in the Rural Zone.
- b) No noise limits apply between sites in the Tata Valley Resort Zone.
 - c) Noise levels must be measured in accordance with the requirements of New Zealand Standard NZS 6801:2008 “Acoustics – Measurement of Environmental Sound”.
 - d) Noise levels must be assessed in accordance with the requirements of New Zealand Standard NZS 6802:2008 “Acoustic – Environmental noise”

29.4.9 Daylight Admission

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

29.4.10 Internal Road Circulation

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

29.4.11 New Infrastructure

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

29.5 Activity Specific Standards

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

29.5.1 Earthworks

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

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

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

29.5.3 Vegetation clearance outside a SNA

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

29.5.4 Vegetation clearance inside a SNA

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

29.5.5 Storage of Hazardous substances

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

29.5.6 Signs

- a) The following signs are permitted and are not subject to (b) below:
 - (i) A public information sign erected by a government agency or an official sign
 - (ii) Signs that are located within a building or that are not visible from a road or adjoining site
- b) A sign must comply with the following conditions:
 - (i) It is the only sign on the site
 - (ii) The sign is wholly contained on the site
 - (iii) The sign does not exceed 5m²
 - (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 1,000m².

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 120m² 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 200m².

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 Ldn 50dB and 85dB LAFmax 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_{DN} levels shall be 1 day.

29.5.12 Temporary events within the hotel precinct

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

29.5.13 Temporary events outside the hotel precinct

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

29.5.14 Special noise events

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

29.6 Assessment – Restricted Discretionary Activities

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

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

29.7 Activity Specific Matters of Discretion

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

29.7.1 Access not complying with standards in 29.4.1

Council’s discretion is restricted to the following matters:

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

29.7.2 Parking not complying with standards in 29.4.2

Council's discretion is restricted to the following matters:

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

29.7.3 Building Height not complying with standards in 29.4.3

Council's discretion is restricted to the following matters:

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

29.67.4 Building setbacks (General) not complying with standards in 29.4.4²¹

Council's discretion is restricted to the following matters:

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

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

Council's discretion is restricted to the following matters:

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

29.7.6 Building coverage not complying with standards in 29.4.6

Council's discretion is restricted to the following matters:

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

29.7.7 Lighting not complying with standards in 29.4.7²²

Council's discretion is restricted to the following matters:

- a) effects on amenity values;

²¹ As set out in Hearing 18, Chapter 5 Rural Environment 22.3.7.1(RD1)

²² As set out in Hearing 18, Chapter 5 Rural Environment, 22.2.2(RD1)

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

29.7.8 Noise not complying with standards in 29.4.8

Council's discretion is restricted to the following matters:

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

29.7.9 Daylight admission not complying with standards in 29.4.9

Council's discretion is restricted to the following matters:

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

29.7.10 Community facilities

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

29.7.11 Rural industry

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

29.7.12 Earthworks not complying with the standards in 29.5.1

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

29.7.13 Earthworks not complying with the standards in 29.5.2

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

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

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

29.7.15 Signs not complying with the standards in 29.5.6

Council's discretion is restricted to the following matters:

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

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

Council's discretion is restricted to the following matters:

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

29.7.17 Workers accommodation not complying with the standards in 29.5.8

Council's discretion is restricted to the following matters:

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

29.7.18 Ancillary retail not complying with the standards in 29.5.9

Council's discretion is restricted to the following matters:

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

29.7.19 Ancillary offices not complying with the standards in 29.5.10

Council's discretion is restricted to the following matters:

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

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

Council's discretion is restricted to the following matters:

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

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

Council's discretion is restricted to the following matters:

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

29.7.22 Special events not complying with standards in 29.5.14

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

29.7.23 Any activity within a Māori site of significance

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

29.7.24 Subdivision

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

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

29.8 Assessment – Discretionary activities

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

29.9 New definitions proposed relevant to the TaTa Valley Resort Zone

Entertainment activity	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 <u>noise</u> event	A temporary event that exceeds the permitted noise standard of the <u>TaTa Valley</u> Resort Zone.