

**BEFORE THE INDEPENDENT HEARINGS PANEL**  
**THE PROPOSED WAIKATO DISTRICT PLAN (STAGE 1)**

**UNDER** the Resource Management Act 1991 (**RMA**)

**IN THE MATTER OF** hearing submissions and further submissions on the  
Proposed Waikato District Plan (Stage 1) Hearing 1:  
**Topic 1 - Introduction**

**BY** **TATA VALLEY LTD**  
Submitter

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**STATEMENT OF PRIMARY EVIDENCE OF AILSA JEAN FISHER ON BEHALF  
OF TATA VALLEY LTD**

**PLANNING**

**Dated: 16 September 2019**

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## 1. EXECUTIVE SUMMARY

- 1.1 In this statement of evidence, I provide an introduction to the vision of the TaTa Valley Resort and a summary of TaTa Valley Ltd's (TVL) submission to the Proposed Waikato District Plan (PWDP).
- 1.2 I provide a planning assessment of the amendments sought by TVL to Chapter 1 and my response to the recommendations in the section 42A report. I also provide commentary on the other changes to Chapter 1 sought by other submitters and either opposed or supported by TVL.
- 1.3 My key points from this statement of evidence are:
- (a) Tourism is an important sector both locally and nationally and one in which the submitter is seeking to enhance in the District through the development of the TaTa Valley Resort. Accordingly, Chapter 1 should recognise rural tourism opportunities as a resource management issue. By doing so this helps to give effect to the Waikato Regional Policy Statement and has regard to key Waikato District Council strategies (notably the Waikato Economic Development Strategy and the Waikato Blueprint).
  - (b) Opportunities for rural recreation is discussed in Chapter 1. I support such provisions that acknowledge rural recreation and the benefits of this at a District wide level. I also support provisions that focus on economic growth opportunities for the District and acknowledge activities that support rural production activities.
  - (c) The PWDP as notified seeks to avoid adverse effects on the rural environment in relation to landscape, historic and amenity values. This should be changed to acknowledge that it may also be appropriate to “remedy or mitigate” such effects (especially outside the coastal environment) and I support recommendations to amend the PWDP as such.
  - (d) Chapter 1 of the PWDP should include reference to the Waikato River Vision and Strategy but not replicate it. I support proposed amendments to condense the Vision and Strategy.

## **2. INTRODUCTION**

- 2.1 My full name is Ailsa Jean Fisher. I am an Associate (Planning) in the firm of Beca Ltd and am the Team Leader for the Beca Environments section in Tauranga. I have over 10 years' experience in town planning.
- 2.2 I hold a Bachelor of Planning (honours) from the University of Auckland. I am a full member of the New Zealand Planning Institute.
- 2.3 My previous experience includes the following relevant projects:
- (a) Preparation of the TVL submission and input into the further submission;
  - (b) Co-author of the Section 42A Report for Plan Change 6 (Hautapu Structure Plan) to the Waipa District Plan;
  - (c) Preparation of a resource consent application for TVL for land use consents under the Waikato District Plan: Franklin Section (**WDP**) and PWDP as well as consents from Waikato Regional Council (**WRC**); and
  - (d) Preparation of Proposed Plan Change 130 and supporting section 32 Report to the Whangarei District Plan on behalf of Whangarei District Council.
- 2.4 I have been engaged by TVL to prepare and present this planning evidence to the Hearings Panel in relation to TVL's submission and further submission points of relevance to Chapter 1 of the PWDP. TVL is submitter number 574 and further submitter number 1340.
- 2.5 In preparing this evidence I have reviewed the s42A Report and Appendices relating to Chapter 1 of the PWDP and Further Submissions that are relevant to TVL and the section 42A Report (see Attachment A for the list of Further Submissions).

## **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.

#### **4. SCOPE OF EVIDENCE**

4.1 My evidence will cover the following topics to assist the Hearings Panel in deliberations:

- (a) A description of the TaTa Valley Resort and a summary of the resource consent applications that TVL has applied for;
- (b) A summary of the TVL submission and further submission;
- (c) A planning assessment of the amendments sought by TVL to Chapter 1 and my response to the recommendations in the section 42A Report; and
- (d) Commentary on the other changes to Chapter 1 sought by other submitters and either opposed or supported by TVL.

4.2 Attachment A to this statement of evidence contains two tables:

- (a) A table setting out the section 42A Reporting Officer's recommendations in relation to the TVL submission and further submissions on TVL's submission points (summarised from Appendix 1 of the section 42A Report); and
- (b) A table setting out the section 42A Reporting Officer's recommendations in relation to the TVL further submission (summarised from Appendix 1 of the section 42A Report).

4.3 I understand that Legal Counsel for TVL (Buddle Findlay) will be providing a further explanation of TVL's submission and related consent application packages in their opening legal submissions to the Hearings Panel on 1 October 2019. Those opening submissions are due to be submitted after this statement of evidence but will be presented to the Hearings Panel prior to Hearing 1. The Commissioners may, therefore, already be familiar with the following detail.

## 5. TATA VALLEY LIMITED'S INTERESTS

- 5.1 TVL (and its related companies) have purchased a number of parcels of land in Pokeno, including the TaTa Valley Resort site at 242 Bluff Road, a piece of land some 230ha in size (shown in Attachment B).
- 5.2 TVL wishes to construct and operate a tourism resort known as the TaTa Valley Resort (**the Resort**) at the site. The vision of the Resort is to create an example of New Zealand rural living where visitors can relax, explore and be entertained with a variety of attractions. Such attractions include:
- (a) Travellers accommodation – a 200 room hotel - with a range of supporting activities such as a restaurant and bar, space for hosting events and health spa including outdoor pools;
  - (b) A New Zealand made hub (comprising a number of barn/farm shed type buildings) demonstrating the life cycle of New Zealand made products;
  - (c) A farm showground (with live shows and demonstrations), and supporting cafes;
  - (d) A river landing being a jetty and boat ramp on the banks of the Waikato River, to enable visitors to access the site via the River (from a corresponding boat ramp and pontoon at Mercer). The river landing at Mercer is to be supported with a new car park and ticket booth.
- 5.3 To assist the Hearings Panel I have included an extract from the Master Plan that has been prepared to support this vision and ongoing resource consent processes as Attachment B to my evidence. This Master Plan shows:
- (a) RC1 – Being the proposed location for the travellers accommodation and borrow areas for earthworks;
  - (b) RC2 – Being the proposed indigenous wetland, an existing (intermittent) wetland area of circa 10ha to be enhanced as a year round, indigenous planted wetland providing habitat for native birds and fish;

- (c) RC3 – New Zealand made hub and farm showground area;
- (d) RC4a – Access road / circulation for vehicles and shelter for waiting visitors to the river landing on TVL owned land;
- (e) RC4b – River landing (both on land and within the river) for a ferry service running between the TaTa Valley Resort and satellite Mercer site. The land based activities related to RC4b are located on a marginal strip, owned by the Department of Conservation.
- (f) RC5 – Supporting Mercer activities, including a carpark, ticket booth and river landing.
- (g) Site wide works to support the development of the Resort include carparking, wastewater pump station, culverting and/or realignment of some streams and an additional borrow area for earthworks. Ecological mitigation and enhancement (in the form of in stream and land based habitat enhancement including planting, fencing and pest control) is also proposed in other areas of the site.

5.4 The Master Plan includes the proposed development for the first stage of activities as noted in paragraph 5.3. The Precinct Plan included in TVL's submission to the PWDP builds on this Master Plan to identify potential future development areas and Significant Natural Areas (**SNA**).

5.5 TVL has applied for resource consent applications to enable the development and operation of the Resort as shown on the Master Plan. Some initial resource consents have been granted for bulk earthworks from Waikato District Council (**WDC**) and WRC for:

- (a) The construction of the building platforms and access roads at the hotel site and use of borrow areas; and
- (b) To undertake construction of preload pads and a stormwater pond for the purposes of geotechnical testing at the New Zealand Hub area.

5.6 In addition two consent packages for the river based structures and ferry service are in the process of being lodged. A concession is also

required under the Conservation Act 1987 to construct and operate the river landing at RC4b within the Department of Conservation's marginal strip.

- 5.7 To support these applications and TVL's PWDP submission the submitter has undertaken a full suite of technical investigations, design and reporting being:
- (a) Civil engineering (focusing on earthworks, flood hazard management, three waters and transport infrastructure) (CivilPlan Consultants and Land Development and Exploration Ltd);
  - (b) Transportation (Arrive Ltd and Commute Ltd);
  - (c) Ecology (Wildlands Consultants Ltd);
  - (d) Hydrology (eCoast Ltd);
  - (e) Noise (Marshall Day Acoustics);
  - (f) Geotechnical engineering (Lander Geotechnical and Land Development and Exploration Ltd);
  - (g) Architecture (TOA Architects);
  - (h) Landscape Architecture (LA4 Landscape Architects Ltd);
  - (i) Landscape Visual assessment (LA4 Landscape Architects Ltd);
  - (j) Environmental (Water Quality, Contaminated Land) (Beca Ltd and Geosciences Ltd);
  - (k) Archaeology (Clough and Associates Ltd);
  - (l) Planning (Beca Ltd); and
  - (m) Cultural impacts.<sup>1</sup>
- 5.8 This technical work has also informed TVL's submission on the PWDP and its bespoke Resort Zone.

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<sup>1</sup> Cultural Impact Assessments have been received in relation to the works at RC1 – RC4a from Ngati Naho, Ngati Te Ata and Ngati Tamaoho.

5.9 As part of preparing its various resource consent applications TVL has undertaken consultation with local community, business and recreation groups (eg Mercer and Pokeno Community Committees, Counties-Manukau and Mercer Rowing Clubs), neighbouring landowners, government agencies (including WRC, WDC, NZ Transport Agency) and iwi groups. The iwi groups include Ngati Naho, Ngati Te Ata, Ngati Tamaoho, Huakina Development Trust, and Waikato-Tainui.

## **6. SUMMARY OF THE TATA VALLEY LTD SUBMISSION**

6.1 The intent of the TVL submission is to seek changes to the provisions and planning tools of the PWDP to enable the long-term development and operation of the Resort in tandem with the consenting processes discussed above. The TVL submission also seeks to make changes to the PWDP to improve the ease of use and implement good planning practice. I have summarised the changes sought as follows:

- (a) Rezoning of the site at 242 Bluff Road and adjacent property 35 Trig Road (also owned by the submitter), a total area of some 255ha, from Rural to a new bespoke Resort Zone. The purpose of the Resort Zone is to complement the operation of the Resort by providing for compatible development such as tourism and recreation activities. In my opinion, current and proposed Rural zoning (of the site) and supporting policy framework does not align well with TVL's vision nor does it provide for the anticipated range of activities for the Resort. As such, in my view retaining the Rural Zoning is not the most appropriate, effective or efficient way to operate the Resort and undertake future development;
- (b) Introduction of a new bespoke Resort Zone chapter with Zone specific objectives, policies, rules and assessment criteria and master plan to guide development. The provisions of the Resort Zone seek to tie in and build on the consenting processes underway to allow for integrated and long term planning of the site. In my opinion:
  - (i) The provisions will provide visibility to the community of the intentions for the development of the site and areas of value that are proposed to be protected and allow for the

Plan to fully recognise the development of the site. This will assist to maintain the integrity of the Plan.

- (ii) The proposed provisions have been subject to a section 32AA analysis (attached as Appendix B to the original TVL submission). The section 32AA analysis concluded that the objectives are appropriate to achieving the purpose of the RMA and the bespoke zoning and subsequent policy framework are the most appropriate, effective and efficient way to achieve the objectives;
- (c) Amending the rural activities section 1.4.3.1 to acknowledge tourism activities that showcase rural character;
- (d) Deletion of the Significant Amenity Landscape (**SAL**) on the TVL site given the site does not reflect the visual or physical attributes of a SAL;
- (e) Amending the objectives, policies and rules relating to Significant Natural Areas and, in the event the SAL is retained on site, Significant Amenity Landscapes (to provide greater flexibility for development while providing adequate mitigation or off-setting etc);
- (f) Amending or adding a number of definitions in order to refine and clarify existing definitions and to add definitions for activities introduced in the Resort Zone; and
- (g) A number of structural amendments to ensure the workability of the relevant provisions and in accordance with good planning practice (eg relating to structure, use of the word “conditions” for permitted activity standards, and the application of the discretionary activity status for activities that infringe a single permitted ‘condition’).

6.2 I also note that TVL submitted a further submission on a number of submission points.

## 7. AMENDMENTS SOUGHT TO RESOURCE MANAGEMENT ISSUES FOR THE DISTRICT

### Submission Point 574.8

- 7.1 TVL's submission sought one substantial amendment to Chapter 1 to amend section 1.4.3.1(a) Description of the District and Issue for Waikato – The Rural Environment to add the following sentence: *These activities also provide tourism opportunities to showcase the district's rural character and activities.*
- 7.2 Section 1.4 (renumbered as 1.2 in the section 42A report) describes the Waikato district and its resource management issues. Section 1.4.3 describes the rural environment and its issues including rural activities (section 1.4.3.1) and the need to protect the rural environment (section 1.4.3.2).
- 7.3 Section 62(1)(a) of the RMA states that a Regional Policy Statement must state the significant resource management issues for the region whereas section 75(2)(a) states that District Plans may state the significant resource management issues for the district (emphasis added). On this basis, including issues in a District Plan is not compulsory. However, I consider that such discussion can provide for and assist with appropriate vertical integration through the plan (ie the subsequent objectives, policies and rules).
- 7.4 In terms of the relief sought by submission 574.8, the proposed amendment provides for such vertical integration as it forms part of a combined and integrated set of changes to the PWDP to provide for the bespoke Resort Zone.
- 7.5 I consider that rural tourism is an important resource management issue that should be acknowledged in the Plan. The submitter itself has identified an opportunity to enhance tourism in the District and I consider that this should be appropriately managed. Furthermore the tourism sector is one of New Zealand's key industries<sup>2</sup> and subsequently needs to be given consideration and incorporation into the PWDP. Economic

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<sup>2</sup> Statistics New Zealand states that tourism directly employs 8% of the total number of people employed in New Zealand and generated a direct contribution to the GDP of 6.1% (and indirect contribution of 4.3% GDP) for the year ending March 2018. Refer <https://www.stats.govt.nz/information-releases/tourism-satellite-account-2018>

growth including in the tourism sector is discussed in a number of relevant documents which I have commented on below:

- (a) Section 75(3)(c) of the RMA states that a district plan must give effect to a regional policy statement. In my opinion the relief sought by submission 547.8 will help give effect to Objective 3.12(k) of the Waikato Regional Policy Statement (**WRPS**) which states:

*Development of the built environment<sup>3</sup> (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:*

*...k) providing for a range of commercial development to support the social and economic wellbeing of the region.*

I consider the provision of tourism activities to fall within 'commercial development' and an activity that will support the social and economic wellbeing of the region.

- (b) In accordance with section 74(2)(b) of the RMA, when preparing or changing a district plan, a territorial authority shall have regard to any management plans and strategies prepared under other Acts. These plans and strategies are listed in section 2.4.1 of the section 32 Report *Introduction to the Evaluation Reports (section 32 IER)* and includes the *Waikato Economic Development Strategy 2015 (WEDS)*<sup>4</sup>. The section 42A Reporting Officer notes in paragraph 323 of the section 42A Report that the WEDS "will have directly helped to inform the development of the PWDP provisions...".
- (c) WEDS contains key discussions about strengths/opportunities, issues and strategies to have regard to in preparing the PWDP, notably:

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<sup>3</sup> Built environment is defined in the WRPS as *buildings, physical infrastructure and other structures in urban, rural and the coastal marine area, and their relationships to natural resources, land use and people.*

<sup>4</sup> The WEDS can be found at [https://wdcsitefinity.blob.core.windows.net/sitefinity-storage/docs/default-source/your-council/plans-policies-and-bylaws/strategies/waikato-district-economic-development-strategy-2015.pdf?sfvrsn=6769bbc9\\_4](https://wdcsitefinity.blob.core.windows.net/sitefinity-storage/docs/default-source/your-council/plans-policies-and-bylaws/strategies/waikato-district-economic-development-strategy-2015.pdf?sfvrsn=6769bbc9_4)

- (i) The WEDS identifies “largely untapped” natural assets and qualities in the District including the Waikato River which offers opportunities for recreation and cultural based tourism and visitor attractions. This to me suggests that the WEDS is referring to tourism opportunities outside urban areas.
  - (ii) The WEDS notes that a challenge at present is the lack of a broad and compelling tourism product range and similar lack of quality accommodation.
  - (iii) There are four primary strategies for WDC to focus on, one being “sector development” which identifies tourism as one of four key sectors of focus<sup>5</sup>.
  - (iv) The other relevant primary strategy is “spend attraction” which relates to increasing the levels of expenditure in the District (particularly from those outside of the District). The strategy notes that Council has increased its funding support for the Regional Tourism Organisation to support it to grow the number and quality of significant tourism specific businesses, cultural events and product offerings, and the number of domestic/international tourists and their level of expenditure.
  - (v) In my opinion there is considerable focus within the WEDS on enhancing the District’s tourism offering and how this will help to enable people and communities provide for their social and economic wellbeing. WEDS clearly identifies rural tourism as an important issue to the District and this should, in my view be reflected in Chapter 1 of the PWDP.
- (d) The Waikato District Blueprint<sup>6</sup> is another relevant strategy document. As this was prepared and approved (in June 2019)

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<sup>5</sup> Section 5.1 of the WEDS sets out the sectors for development including *Tourism –improving the infrastructure and attractiveness of our towns and supporting the Hamilton-Waikato Regional Tourism Organisation (RTO) to broaden, enhance and promote the visitor offer.*

<sup>6</sup> The Waikato District Blueprint can be found at [https://wdcsitefinity.blob.core.windows.net/sitefinity-storage/docs/default-source/your-council/plans-policies-and-bylaws/plans/blueprints/waikato-district-blueprint-2019.pdf?sfvrsn=a33482c9\\_10](https://wdcsitefinity.blob.core.windows.net/sitefinity-storage/docs/default-source/your-council/plans-policies-and-bylaws/plans/blueprints/waikato-district-blueprint-2019.pdf?sfvrsn=a33482c9_10)

after the section 32 Report phase for the PWDP it is not mentioned in section 2.4.1 of the section 32 IER but I consider it contains important and relevant information for the Hearings Panel to have regard to in accordance with section 74(2)(b) of the RMA and submission 547.8. I have summarised the key points of relevance from the Blueprint as follows:

- (i) The aim of the Blueprint (as set out in section 1.2) is to “*provide a high-level spatial picture of how the district could progress over the next 30 years, address the community’s social, economic and environmental needs, and respond to its regional context*”. The vision of the Blueprint is to work to achieve the overall vision established by WDC being “*Liveable, Thriving and Connected Communities / He noohanga aahuru, he iwi whai ora, he hapori tuuhono tahi*”.
- (ii) Section 1.4 of the Blueprint states that the strategy will inform the Long Term Plan, Annual Plan and District Plan. Given the current (proposed) status of the PWDP I consider this to be an opportune time to update the PWDP to align with the Blueprint where appropriate.
- (iii) Section 3.6 of the Blueprint focuses on the economy. Although the Blueprint acknowledges the fundamental importance of the horticultural and agricultural sector to the economy it also recognises that job growth in this sector is low and relying on such sectors for employment and wealth is not sufficient (and as such, growth should come from other sectors). For this reason the Blueprint’s economic strategy theme is: “*support the rural and urban economy, and attract more visitors, entrepreneurs, and employment uses*”.
- (iv) One of the three target areas for the economic strategy is to “*capture wealth from elsewhere*” including attracting recreation and business visitors. The Blueprint focuses on developing a visitor attraction strategy for attractions requiring a stay of 1.5hr or more, with the aim to capture

more expenditure and turn some day visitors into overnight stays. Possible attractions or supporting facilities are suggested in the blueprint, including sports attractions (some of those listed being rural based activities such as dirt bike riding and 4WD training), themed regional recreation hubs and increasing visitor accommodation (notably in the north of the District).

- (v) With the above in mind, in my opinion the Blueprint builds on from the focus of the WEDS in enhancing tourism in the District in order to address the community's social and economic needs and to work towards the vision of WDC. Tourism is clearly an important issue to the District and as such, should be reflected in Chapter 1.

7.6 FS1348.14 by Perry International Trading Group Limited supports submission 574.8 noting that the submission point recognises productive rural activities can provide tourism opportunities, supporting associated tourism enterprises. Perry International gives the example of Zealong Tea Estate as an existing and successful operation that is both a productive rural activity and tourism activity. I support FS1348.14 for the reasons set out in their further submission.

#### **Section 42A report Comment regarding Submission 574.8**

7.7 The section 42A Reporting Officer acknowledges that there are some rural activities that also contribute as tourism activities but does not consider this amendment necessary as she considers the provision and management of rural tourism is not a resource management issue identified in the section 32 Report for the Rural Zone<sup>7</sup>.

7.8 In addition to the reasons outlined above to include the requested amendment, I do not agree with the section 42A Reporting Officer's opinion for the following reasons.

- (a) I agree that the section 32 Report *Rural Zone* (**section 32 RZ**) does not specifically identify rural tourism as a resource management issue. However, in my view, the fact that the

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<sup>7</sup> Section 42A Report Hearing 1: Chapter 1 Introduction, para 129

section 32 RZ does not identify rural tourism as a resource management issue does not mean that rural tourism is not a resource management issue and in no way prevents the plan from acknowledging and managing the issue. Section 32 reports in general do not necessarily cover all resource management issues that are being faced: this level of detail can be difficult when considering the scale of a full plan review. For example, the use of rural land for recreation is not noted as an issue in the section 32 RZ - but it is noted in section 1.4.3.1(b) of the PWDP as notified.<sup>8</sup> In addition I note that section 32 of the RMA is an evaluative tool focusing on examining the objectives and provisions of the PWDP. The scope for District Plan content is set out in section 75 of the RMA with matters to be considered by territorial authorities when preparing or changing a District Plan listed in section 74.

- (b) In this regard, a number of legitimate resource management issues (eg the need to provide for rural recreation activities - as discussed in paragraph 7.8(a), or the need to provide for non-rural activities that have a functional or operational need to locate in the rural environment or away from urban areas - such as Hampton Downs or dog kennels) are not identified as resource management issues in the section 32 RZ.
- (c) I consider the focus of the section 32 RZ issues to be managing and protecting rural activities, high class soils, mineral resources and managing the effects of rural-residential/lifestyle growth (including the potential for decreasing rural character and amenity). In my view, this is not an exhaustive list of rural resource management issues.
- (d) There is clearly a lack of consistency between the section 32 RZ and provisions of the Plan and so the lack of reference to rural tourism in the section 32 RZ is not determinative of its inclusion in the Plan.

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<sup>8</sup> Section 1.4.3.1(b) states *rural-based activities that do not use rural resources directly include rural service industries and major facilities such as Hampton Downs. The recreational use of the rural environment is also important to the district, with activities such as hunting, fishing, tramping, and cycling being very important in terms of tourism.*

- 7.9 Section 1.3 of the section 32 RZ summarises the key issue for rural land as *“managing rural land in a way that is sustainable and that allows both current and future generations opportunities to provide for their wellbeing. Central to this is meeting competing demands for rural land.”* In regard to this statement I consider that the management of rural land for tourism purposes falls within the scope of providing opportunities for current and future generations (economic and social) wellbeing. It would be effective and efficient to expressly identify rural tourism.
- 7.10 For these reasons I do not agree with the section 42A Reporting Officer’s recommendation to reject submission 574.8. I consider this would be an appropriate and efficient amendment.

**Further submissions opposing TVL's amendment in Submission 574.8**

- 7.11 FS1108.87 by Te Whakakitenga o Waikato Incorporated opposes submission 574.8 as being an “inappropriate amendment” but does not elaborate on why this is considered the case. In the absence of any discussion I consider this further submission should be rejected.
- 7.12 FS1384.106 by Mercury NZ Limited opposes submission 574.8 along with an extensive group of submissions. There is no specific reason given why TVL's relief should not be granted. I understand that the thrust of the further submission relates to concern about the policy framework and subsequent land use decisions being developed in absence of the completion of the natural hazards flood modelling and mapping work that WDC is undertaking. I expect this issue will be comprehensively addressed in later topics.
- 7.13 I consider that the relief sought in submission 574.8 will not be affected by any amended approach to natural hazards or the outcomes of the Stage 2 process. Those matters should not influence the proper recognition of other resource management issues. How tourism activities should be managed to address natural hazards can be outlined in other parts of the plan.

**Retain Rural Activities and recreational use – TVL Submission  
Point 574.19**

- 7.14 TVL's submission sought to retain section 1.4.3.1(b) as notified. Section 1.4.3.1(b) discusses rural activities that do not directly use rural resources and identifies the importance of recreational use of the environment (and its importance to tourism). I think this is important because the statement acknowledges the range of activities that can occur in the rural environment and the link of recreation to tourism.
- 7.15 FS1348.15 by Perry International Trading Group Limited supports submission point 574.19, noting their support for the provision of new cycleways in the District and within the rural environment and its ability to promote tourism enterprises along these cycle paths. The section 42A Reporting Officer's recommendation is to accept in part this submission given she has made other recommendations to amend section 1.4.3.1(b) (in relation to the relief sought by submission 433.32).
- 7.16 I support the amendment to section 1.4.3.1(b) (discussed in paragraph 8.1 as per TVL FS1340.64) as it acknowledges the benefits of rural recreation at a District wide level and as such support the section 42A Reporting Officer's recommendation to accept in part submission 574.19.
- 7.17 FS1384.105 by Mercury NZ Limited opposes submission 574.19 for the same reasons as discussed in regard to 574.8. I consider that the relief sought in submission 574.19 will not be affected by any amended approach to natural hazard the outcomes of the Stage 2 process and therefore consider that FS1384.105 should be rejected.

**8. OTHER AMENDMENTS TO CHAPTER 1 SUPPORTED OR OPPOSED BY TVL**

**Acknowledge Benefits of Rural Recreation for Residents - Auckland Waikato Fish and Game Council (433.32) and TVL FS1340.64**

- 8.1 Submission 433.32 Auckland Waikato Fish and Game Council seeks to amend section 1.4.3.1(b) to acknowledge the benefits of rural recreation for residents as well as for tourism purposes. TVL's further submission FS1340.64 supports this amendment. The section 42A Reporting Officer

recommends this submission be accepted as it will add value in terms of illustrating the importance of recreation in the rural environment (refer paragraph 130 of the section 42A Report). On this matter I note the logic and reasoning behind the recommendation to accept this submission point could be equally applied to submission 574.8 (but this has not occurred in the section 42A Report).

- 8.2 I agree with and support the section 42A Reporting Officer's recommendation to accept this submission and FS1340.64.

**New Section for the Waikato River Vision and Strategy – Waikato River Authority (642.1) and TVL FS1340.101**

- 8.3 Submission 642.1 Waikato River Authority seeks that a new section be added to the PWDP dedicated to the Waikato River Vision and Strategy, including its objectives and strategies and relationship to the District Plan. TVL opposed this submission (FS1340.101) as it is considered the District Plan is required to give effect to the Vision and Strategy and not replicate it.

- 8.4 The section 42A Reporting Officer notes in paragraph 323 that Chapter 1.7.2 provides the relief requested by 642.1 (but with recommendations to reduce the content to reference the vision and strategy so as to not repeat it). I consider this in line with the intent of FS1340.101 and as such I support the section 42A Reporting Officer's recommendation to accept in part FS1340.101.

**Remedying and Mitigating Effects of Rural Activities – Federated Farmers of New Zealand (680.11) and TVL FS1340.106**

- 8.5 Submission 680.11 Federated Farmers of New Zealand seeks to amend section 1.4.3.2(b) to note it may not always be possible to avoid effects, and the mitigation or remedy of effects may also be appropriate. TVL's further submission FS1340.106 supports this submission as the provision as written is considered too restrictive and impractical. As a general matter, it is not necessary under the RMA to avoid all effects.<sup>9</sup> In paragraph 146 the section 42A Reporting Officer agrees with the relief

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<sup>9</sup> Exceptions include in relation to high value areas within the coastal environment and some aspect of the water management under the relevant national policy statement.

sought and recommends the section be amended as per submission 680.11.

- 8.6 I agree with the reasons set out in paragraph 146 and support the section 42A Reporting Officer's recommendation to accept submission 680.11 and FS1340.106.

**Opportunities of Economic Growth – Middlemiss Farm Holdings Limited (794.1) and TVL FS1340.144**

- 8.7 Submission 794.1 Middlemiss Farm Holdings Limited seeks to amend section 1.4.2.3, including 1.4.2.3(a)(i) – to add wording around the opportunity that growth presents to diversify and strengthen the economic base of the District. The section 42A Reporting Officer (in paragraph 108) does not consider the amendment necessary as the associated economic growth that comes with population growth is already recognised in this clause.
- 8.8 The “associated economic growth” that the section 42A Reporting Officer refers to in section 1.4.2.3(a)(i), relates to the challenges of uneven economic growth because of uneven growth across the district; whereas submission 794.1 seeks to identify this as an opportunity. For that reason FS1340.144 supported in part submission 794.1 but suggested such wording would be more appropriate in section 1.4.2.2 *Advantages*. I consider it is appropriate to include reference to the opportunities that population growth brings (regardless of distribution).

**Amendments to section 1.4.3.1 - Middlemiss Farm Holdings Limited (794.3) and TVL FS1340.145**

- 8.9 Submission 794.3 Middlemiss Farm Holdings Limited sought a number of changes to section 1.4.3.1 and FS1340.145 supported in part changes to section 1.4.3.1(a) and section 1.4.3.1(b) with amendments but opposed the deletion of section 1.4.3.1(c). The section 42A Reporting Officer discusses this submission in paragraphs 131 – 133 of the section 42A Report and I discuss each of these sub-sections separately:
- (a) In relation to section 1.4.3.1(a) I agree with the section 42A Reporting Officer that the amendments sought are not “productive rural activities” but play an ancillary or supportive role

to productive rural activities. I consider it appropriate to include guidance for the user as to typical ancillary or supporting activities for productive rural activities. I consider there is scope to include such ancillary or supporting activities under a “Rural activities” heading and that they be included as per the relief sought in FS1340.145.

- (b) In relation to section 1.4.3.1(b), I support the addition of further guidance text in relation to rural residential development but I note that this is provided in section 1.4.3.2(c) and this would achieve the relief sought in FS1340.145.
- (c) In relation to section 1.4.3.1(c) the section 42A Reporting Officer notes that no reasons for the deletion are given and therefore the submission should be rejected. I support the inclusion of section 1.4.3.1(c) as it provides appropriate commentary and context for the PWDP.
- (d) For the reasons outlined above I consider submission 794.3 should be accepted in part and FS1340.145 accepted.

**Ailsa Jean Fisher**

**16 September 2019**

## Attachment A – Recommendations of the s42A Report

Table 1 – Summary of the Recommendations of the s42A Report in relation to TVL’s submission points (and further submissions on these submission points)

Sub point	Summary (taken from s42A Report)	s42a Recommendation
574.8	Sought changes to Description of the District and Issue for Waikato – The Rural Environment 1.4.3.1(a) to recognise that productive rural activities can also be important opportunities for rural tourism.	Reject
<b>Te Whakakitenga o Waikato Incorporated FS1108.87</b>	Oppose submission 574.8	Accept
<b>Health Food Park Limited FS1301.50</b>	Support submission 574.8	Reject
<b>Charlie Harris FS1303.50</b>	Support submission 574.8	Reject
<b>Perry International Trading Group Limited FS1348.14</b>	Support submission 574.8	Reject
<b>Mercury NZ Limited FS1384.106<sup>10</sup></b>	Oppose submission 574.8	Reject
574.19	Retain Description of the District and Issue for Waikato – The Rural Environment 1.4.3.1(b) as notified.	Accept in part
<b>Health Food Park Limited FS1301.61</b>	Support submission 574.19	Accept in part
<b>Charlie Harris FS1303.61</b>	Support submission 574.19	Accept in part
<b>Perry International Trading Group Limited FS1348.15</b>	Support submission 574.19	Accept in part
<b>Mercury NZ Limited FS1384.105<sup>11</sup></b>	Oppose submission 574.19	Accept in part

Table 2 – Summary of the Recommendations of the s42A Report in relation to TVL’s further submission points

Sub point	Summary	s42a Recommendation to FS
<b>FS1340.64</b>	Support submission 433.32 (Auckland Waikato Fish and Game Council)	Accept
<b>FS1340.101</b>	Oppose submission 642.1 (Waikato River Authority)	Accept in part
<b>FS1340.106</b>	Support submission 680.11 (Federated Farmers of New Zealand)	Accept
<b>FS1340.144</b>	Support submission 794.1 (Middlemiss Farm Holdings Limited)	Reject
<b>FS1340.145</b>	Support in part submission 794.3 (Middlemiss Farm Holdings Limited)	Reject

<sup>10</sup> I note that Appendix 1 of the section 42A Report lists this further submission point as FS1384.105 but upon review of the Further Submissions summary on the WDC website, this should be FS1384.106.

<sup>11</sup> I note that Appendix 1 of the section 42A Report lists this further submission point as FS1384.104 but upon review of the Further Submissions summary on the WDC website, this should be FS1384.105.

# Attachment B – TaTa Valley Resort Masterplan

