

SECTION 42A REPORT

Report on submissions and further submissions on the
Proposed Waikato District Plan - Stage I

Hearing I3: Hampton Downs Motor Sport and Recreation Zone

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Date: 5th March 2020



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List of submitters and further submitters addressed in this report

Submitter	Submission number
David Saxton	412
Fire and Emergency	378
HD Land Limited and Hampton Downs (NZ) Limited	657
Horticulture New Zealand	
Ministry of Education	781
New Zealand Transport Agency	742
Raglan Naturally	831
Reid Investment Trust	783
Waikato District Health Board	923
Z Energy and BP Oil	785

Submitter	Submission number
<i>HD Land Limited and Hampton Downs (NZ) Limited</i>	<i>FSI194</i>
<i>Meremere Dragway</i>	<i>FSI304</i>
<i>Pareoranga Te Kata</i>	<i>FSI035</i>
<i>Reid Investment Trust</i>	<i>FSI279</i>

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

I Introduction

1.1 Qualifications and experience

1. My name is Victoria Caroline Major. I am employed as a Senior Consents Planner by the Waikato District Council. I have a Bachelor of Social Sciences majoring in Environmental Planning from the University of Waikato. I am an Associate member of the New Zealand Planning Institute (NZPI).
2. I have worked at the Waikato District Council for over nine years with just over 6.5 years as a planner including one year as a Senior Consents Planner. I have processed numerous resource consents within the Waikato District, both those submitted under the Waikato Section and the Franklin Section of the Waikato District Plan.
3. I was originally employed by Waikato District Council as a Monitoring and Compliance Officer in 2010. In late 2013 I moved into the Consents Team as an Intermediate Planner. I moved into a senior role in late 2018.
4. I had some involvement with the Proposed Waikato District Plan (PWDP) in 2018, providing feedback on the draft PWDP along with other Consent Planners to the Policy Team. Aside from that (and preparing this report), I have had no other involvement with the PWDP.

1.2 Code of Conduct

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

1.3 Conflict of Interest

7. To the best of my knowledge, I confirm that I have no real or perceived conflict of interest. However, I would like to note that from 2010 to 2013 I was the Monitoring Officer responsible for monitoring consent conditions for the Hampton Downs Motorsport Park consent (WDC ref LUC0005/06) that was granted on the 30th November 2006.
8. In addition I was the processing planner for resource consent for the construction of the industrial building which exceeded the allowable gfa and total building coverage which was granted on the 16th March 2016 (WDC ref LUC0317/16). I was also the processing planner for resource consent application for an administration building which exceeded the allowable height and gfa (WDC ref LUC0235/16). This application was withdrawn on the 2nd March 2018.

1.4 Preparation of this report

9. I am the author of this S42A report.
10. The scope of my evidence relates to evaluation of submissions and further submissions received in relation to the provisions related to Hampton Downs Motor Sport and Recreation Zone.
11. The data, information, facts, and assumptions I have considered in forming my opinions are set out in my evidence. Where I have set out opinions in my evidence, I have given reasons for those opinions. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

2 Scope of Report

2.1 Matters addressed by this report

12. The matters addressed in this report relate to:
- Chapter 9.1: Specific Zones (where it relates to the Hampton Downs Motor Sport and Recreation Zone)
 - Chapter 13: Definitions, and
 - Chapter 26: Hampton Downs Motor Sport and Recreation Zone.
13. This report is prepared in accordance with Section 42A of the RMA, and considers submissions and further submissions that were received by the Council in relation to the provisions relating to the Hampton Downs Motor Sport Park and Recreation Zone within the PWDP.

2.2 Overview of the topic / chapter

14. The Hampton Downs Motor Sport Park is a unique facility located within the Rural Zone of the Waikato District Plan. The site currently operates under various resource consents – one comprehensive resource consent (referred as the ‘2006 resource consent’ hereon), and a number of minor resource consents.
15. In terms of ownership, HD Land Limited owns the site and Hampton Downs (NZ) Limited is the operator of the site.
16. The 2006 resource consent (WDC Ref LUC0005/06) was granted for the establishment and operation of a motor sport Park incorporating a 3.8km race track with associated pit garages (32), spectator seating and support facilities, 915 parking spaces, and race control facilities. Ancillary to the motor sport activities are 80 residential accommodation units in four blocks of 20 units, inclusive of basement parking for 160 vehicles; a convention centre, restaurant and administration facility building; swimming pool and tennis court facilities; 12 industrial units for motor sport utilities and servicing industries; pedestrian overbridges; corporate show rooms, vehicle workshops and helipad facilities; a driver training school, inclusive of a skid pad; and spectator parking for up to 7231 vehicles. Surrounding the motor sport park, the consent also allowed the development of parts of the site for business/industrial activities (17ha), rural residential activities (16ha), a camping ground (6ha), and a further area that was not indicated for development and was labelled ‘rural’ in the resource consent documents,
17. The motor sport park itself has been established and operating for some time, including the apartments and industrial buildings. The rural residential lots have been subdivided and the majority built on. The business/industrial area is yet to be developed.
18. The site has evolved with the development of the motor sport park from a typical rural area into something quite different today. There is therefore some validity in suggestions that management as part of the Rural Zone is no longer appropriate. The existing development at Hampton Downs Motor Sport Park is diverse in nature, therefore the area cannot be managed as a standard industrial or business zone either. A special zone can be considered, but it needs to manage amenity impacts on residential activities (including the Spring Hill Prison), and traffic effects on the road network (including SH1 and Hampton Downs Road) and ensure access to private properties, the prison and the Waikato Regional Landfill.
19. There is a case for minor redevelopment of the site to be made easier, but any future expansion of the current activities needs to be assessed by reference to local amenity, traffic, noise, wastewater, stormwater and water.
20. The S32 report ‘Motorsport and Recreation Zone’ (July 2018) notes that the *Motorsport Park is currently located in the Rural Zone and as such there are no specific objectives and policies to*

support its continued operation and development. The overall development of the HDMP has required a number of resource consents but there is no policy direction to support it within the Rural Zone. A specific purpose zone chapter (proposed Chapter 26), with a site specific policy framework, which reflects the approved resource consent conditions will provide more clarity and transparency for the on-going approved operation and development of the HDMP. It is considered that the continued operation and development of the site can be achieved more effectively and efficiently through a precinct-based approach. This approach will ensure the approved activities specific to Hampton Downs are enabled whilst continuing to manage the effects of the activity on the surrounding environment.

21. The Hampton Downs Motor Sport and Recreation Zone is located in Hampton Downs and contains the existing race park and ancillary activities, the industrial/business area and camping ground area. It also contains the rural area to the west (is location between the motor sport circuit and rural-residential lots). SHI is located to the east, the rural residential lots adjoining to the west, the Waikato Regional Landfill and the Waikato River further the west and the Springhill Prison to the south. The remaining surrounding land is rural.
22. Figures 1 and 2 show the existing development and the proposed zone area. As can be seen in these figures the zone area is larger than the existing development. I also note that the westernmost area of the site (included as Precinct A) is shown as 'rural' (and labelled outdoor motorised recreational activities and/or future business or lifestyle development zone) on the overall development plan in Figure 3, therefore it appears that this area is not consented to for motor sport and recreation activities under the 2006 resource consent.



Figure 1 – Aerial image of the site



Figure 2 – PWDP Zone Map (hard copy Map 8.2)

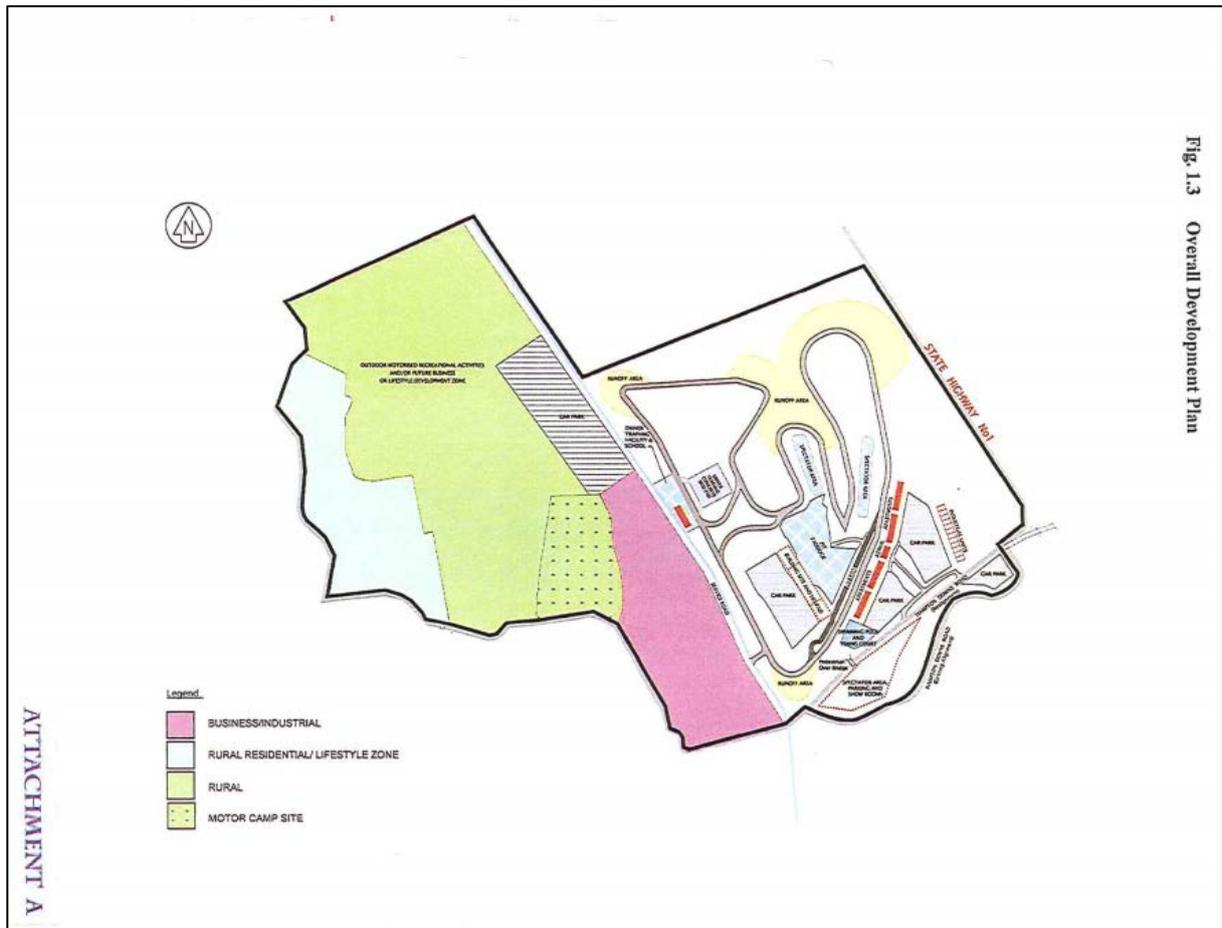


Figure 3 – Resource Consent Overall Development Plan

2.3 Statutory requirements

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

2.3.4 Waikato Regional Policy Statement

24. The Waikato Regional Policy Statement 2016 (RPS) makes numerous references in the methods identified to implement its policies to the use of district plan provisions to give effect to policies. Of particular relevance is Policies 6.14-6.16 which set out the management of the built environment with industrial and commercial development being located within the urban centres as identified in Map 6C.

2.3.5 Waikato Regional Plan

25. The Waikato Regional Plan contains policy and methods to manage the natural and physical resources of the Waikato region. The plan implements the Regional Policy Statement.

2.3.6 National Planning Standards

26. The National Planning Standards seek to provide a standard format for district plans across New Zealand. The Hearings Panel has indicated that it wishes to adopt National Planning Standards approaches where possible during the current hearings. This report relies on the National Planning Standards defined terms (14 – Definitions) that were recommended for adoption in Hearing 5.
27. Section 32 of the RMA requires that the objectives of the proposal be examined for their appropriateness in achieving the purpose of the RMA, and the provisions (policies, rules or other methods) of the proposal be examined for their efficiency, effectiveness and risk. Section 32 reports were published when the Proposed Waikato District Plan (PWDP was notified in 2018). This report updates that earlier analysis in “section 32AA evaluations” where material changes to the plan are recommended.

2.4 Procedural matters

28. At the time of writing this s42A report there have not been any pre-hearing conferences in relation to the subdivision provisions of the Hampton Downs Motor Sport and Recreation Zone. Due to the clarity of submissions, no correspondence or meetings with submitters needed to be undertaken and there are no procedural matters to consider for this hearing.
29. No pre-hearing meetings or Clause 8AA meetings on the submissions relating to Chapter 9 and Chapter 26 were held prior to the finalisation of this s42A report.

3 Consideration of submissions received

3.1 Overview of submissions

30. There are 11 submitters, making 89 individual submission points. Most of the submissions are from the owner and operator of the motor sport park- HD Land Ltd and Hampton Downs (NZ) Ltd, in a joint submission. The submissions addressed within this report covering a wide range of issues, although there are some matters which are subject to a number of submissions and/or contain common themes, such as:

- Clarifying objectives and policies and ensuring a consistent policy framework for the specific zones in Chapter 9;
- Deletion of definitions that are specific to the Hampton Downs Motor Sport and Recreation Zone;
- Outline of the precinct areas and intent of the zone in the introduction to Chapter 26;
- Avoiding the duplication of the 2006 resource consent conditions in the rules;
- The need for greater clarity within the provisions;
- More liberal provisions for to earthworks, noise, signage and building coverage.
- More liberal provisions for Precinct E.
- Deletion of outdated plans included in Appendix 12

3.2 Further submissions

31. There are 49 further submissions that will be addressed within this report. The majority of these relate to original submissions on the common themes above with the exception of Mercury Energy Limited who have lodged further submissions on a wide range of original submissions.
32. The Mercury Energy [FS1387] further submissions oppose original submissions on the grounds that it is not clear how effects from flooding would be managed. I recommend all these be rejected, because I consider them irrelevant to the matters considered in this report. These further submissions and my recommendations on them are recorded in Appendix 1, but there is no further discussion of the Mercury further submissions in this report.

3.3 Structure of this report

33. I have structured this Section 42A report in the order that it appears within the PWDP with the exception of where rules can be clustered and addressed together due to their interconnectedness. The report contains these sections:

4	Specific Zone Objectives and Policies
5	Introduction to Chapter 26
6-11	Land use Permitted Activities
12	Controlled Activities
13	Discretionary Activities
14	Non-complying Activities
15-24	Land Use effects
25-30	Land Use Building
31	Subdivision
32	Appendix 12
33	Maps

Appendix 1 Table of submission points

Appendix 2: Recommended amendments Chapter 9

Appendix 3: Recommended amendments Chapter 26

Appendix 4 Provisions cascade

4 Specific Zone Objectives and Policies

4.1 Continued development and operation of the Hampton Downs Motor Sport Park

4.1.1 Introduction

34. The proposed district plan text for Hampton Downs Motor Sport and Recreation Zone appears to be restating the 2006 resource consent in the form of objectives, policies and rules.
35. Objective 9.1.1(a) relates to continued development and operation of the Hampton Downs Motor Sport Park. Specifically, the objective sets out that *'The Hampton Downs Motorsport Park develops into a regionally-significant motor sport and recreation facility.'*

4.1.2 Submissions

36. One submission was received seeking amendments to the objective and one further submission received supporting in part the original submission. The submissions are listed in the table below:

Submission point	Submitter	Summary of submission
657.56	HD Land Limited and Hampton Downs (NZ) Limited	<p>Amend Objective 9.1.1 Continued development and operation of the Hampton Downs Motorsport Park by deleting it and replacing it with the following wording:</p> <p><i>9.1.1 Objective – Continued development and operation of the Hampton Downs Motor Sport <u>and Recreation Zone.</u></i></p> <p><i><u>To use and develop the Hampton Downs Motor Sport and Recreation Zone as a regionally significant Motor Sport and Recreation facility that meets the current and future needs of the community.</u></i></p>
FS1118.7	Meremere Dragway Inc	Conditional support

4.1.3 Analysis

37. HD Land Limited and Hampton Downs (NZ) Limited [657.56] are requesting amendments to the notified objective to include the words *'continued development'* and reference to the zone itself and not the motor sport park. The submitter considers that Objective 9.1.1 does not appropriately recognise or provide for the continued operation and development of the park. I agree with the inclusion of 'continued' as the site is already a regionally significant facility. I also agree that the objective as proposed does not currently recognise or provide for the continued operation and development of the park.
38. HD Land Limited and Hampton Downs (NZ) Limited [657.56] is also requesting consistency with other specific zone objectives and policies (such as the objective concerning development of the Te Kowhai Airpark and the Rangitahi Peninsula). I agree in part with the amended wording proposed by the submitter.

39. However, I disagree with reference to the zone itself rather than the motor sport park in the objective as proposed by the submitter. My view that it is more appropriate to refer to the motor sport park itself rather than the zone, because the objective needs to state what is to be achieved through the resolution of a particular issue- one of which is the ongoing operation and development of the motor sport park. I also note that the PWDP objectives for the Te Kowhai Airpark and Rangitahi Peninsula do not refer to their 'zone' in the development objective, such as Objective 9.2.1(a) which relates to the Te Kowhai Airpark 'To use and develop Te Kowhai Airpark as a strategically-significant, safe and economically-sustainable airpark that meets the current and future needs of the aviation community.'
40. *Meremere Dragway Inc [FS1118.7]* conditionally support the original submission [657.56], but are also seeking that the Meremere Dragway also be recognised as a regionally significant Motor Sport and Recreation facility in Objective 9.1.1. Although this may be the case, the Hampton Downs Motor Sport Park and Recreation Zone only applies to the Hampton Downs Motor Sport Park site. Therefore, my view is that this request is out of scope of the original submission and that it is not appropriate to amend the objective to refer to the Meremere Dragway.
41. Only one objective for the Hampton Downs Motor Sport and Recreation Zone is provided, which sets out that the motor sport park develops into a regionally-significant motor sport and recreation facility. There are no objectives which set out the management of adverse effects for example. HD Land Limited and Hampton Downs (NZ) Limited in their submissions [657.56], [657.57], [657.58], [657.59] have requested a policy framework which is consistent with the other specific zones of Chapter 9. As noted in the S32 report¹, the purpose of the zone is to recognise the importance of the continued operation and ongoing use of the Hampton Downs Motor Sport Park whilst managing the effects of the activity on the surrounding environment. If the Hearings Panel considers that there is scope to do so, my view is that it is appropriate (and consistent with the other specific zones in Chapter 9) to include a new objective which would align with Policy 9.1.1.3- Management of adverse effects, and with Rural Zone Objective 5.3.1 Rural character and amenity.

4.1.4 Recommendations

42. For the reasons outlined above, it is recommended that the Hearings Panel:
- a) **Accept in part** the submission from HD Land Limited and Hampton Downs (NZ) Limited [657.56] and the further submission from *Meremere Dragway Inc [FS1118.7]*, to the extent that there is consistency with other objectives in Chapter 9 and that Objective 9.1.1 is clarified by referring to the continued use and acknowledges that Hampton Downs Motor Sport Park is already a regionally significant facility.

4.1.5 Recommended amendments

43. The following amendments are recommended:

9.1.1 Objective - Continued development and operation of the Hampton Downs Motorsport Park

- (a) To continue to use and develop the Hampton Downs Motorsport Park ~~develops into~~ as a regionally-significant motor sport and recreation facility.
- (b) Rural character and amenity are maintained.²

¹ Page 3 – Section 32 Report Part 2 – Motorsport and Recreation Zone July 2018

² Submission [657.56] HD Land Limited and Hampton Downs (NZ) Limited

4.1.6 Section 32AA evaluation

44. I consider that the recommended amendments to Objective 9.1.1 and new Objective 9.1.2 are appropriate to achieve the purpose (section 5) of the Resource Management Act 1991 (RMA). In particular, it will enable people and communities to provide for their social, economic and cultural wellbeing, health and safety, whilst managing adverse effects on the environment. Furthermore, new Objective 9.1.2 will align with Policy 9.1.1.3.

4.2 Policy 9.1.1.1 Operation and Development

4.2.1 Introduction

45. Policy 9.1.1.1 is to enable the operation and development of the Hampton Downs Motor Sport Park.

4.2.2 Submissions

46. Three submissions were received on Policy 9.1.1.1 – two requesting minor amendments, and the third a new policy. Two further submissions were received, opposing and supporting in part the original submissions received. The submissions are listed in the table below:

Submission point	Submitter	Summary of submission
657.57	HD Land Limited and Hampton Downs (NZ) Limited	<p>Amend Policy 9.1.1.1 Operation and development as follows:</p> <p><i>9.1.1.1 Policy – Operation and development</i></p> <p><i>(a) Enable the continued operation and development of activities, facilities and events within the Hampton Downs Motor sport and Recreation Zone by providing for:</i></p> <p style="padding-left: 40px;"><i>(i) A wide range of motor sport and recreation activities; and</i></p> <p style="padding-left: 40px;"><i>(ii) The development of facilities to support the motor sport and recreation activities and events.</i></p>
FS1279.21	Reid Investment Trust	Support in part
783.6	Reid Investment Trust	<p>Amend Policy 9.1.1.1 (ii) Operation and development, as follows:</p> <p><i>(a) Enable the continued operation and development of activities, facilities and events within the Motor Sport and Recreation Zone by providing for:</i></p> <p style="padding-left: 40px;"><i>(ii) The development of <u>activities and facilities</u> to support the motor sport and recreation activities and events.</i></p> <p>AND</p> <p>Any consequential amendments or further relief to give</p>

		effect to the matters raised in the submission.
FS1194.6	HD Land Limited and Hampton Downs (NZ) Limited	Oppose
781.6	Ministry of Education	Add a new policy to Chapter 9: Specific Zones that provides for education facilities in Specific Zones as follows: Policy - Education Facilities and Specific Zones Allow activities which are compatible with the role, function and predominant character of Specific Zones, while managing the effects of the activities on the environment in the following zones: (i) Hampton Downs motor sport and recreation (ii) Te Kowhai Airpark (iii) Rangitahi Peninsula; and (iv) Business Zone Tamahere

4.2.3 Analysis

47. HD Land Limited and Hampton Downs (NZ) Limited [657.57] are requesting amendments to Policy 9.1.1.1 to ensure consistency with the defined terms and policy wording for other specific zones. I agree with the inclusion of “Hampton Downs”, as this makes it clear that the policy only applies to the Hampton Downs Motor Sport and Recreation Zone and is consistent with references to the zone elsewhere. However, my view is that referring to ‘*activities, facilities and events*’ within the policy clarifies the intent of the zone, therefore the wording should remain.
48. Reid Investment Trust further submission [FS1279.21] supports the original submission [657.57], however seeks to include ‘activities’ in (a)(ii), as sought in their primary submission [783.6], and I reject [FS1279.21] for the same reason given below on [783.6].
49. Reid Investment Trust [783.6] is also requesting amendments to broaden Policy 9.1.1.1(a)(ii) to include ‘*activities and facilities*.’ I disagree- Policy 9.1.1.1(a)(i) already includes activities.
50. HD Land Limited and Hampton Downs (NZ) Limited further submission [FS1194.6] opposes the amendments sought by Reid Investment Trust [783.6].
51. The Ministry of Education [781.6] is seeking a specific policy that provides for education facilities in the Hampton Downs Motor Sport and Recreation Zone. I disagree- my view is that the Hampton Downs Motor Sport and Recreation Zone is not an appropriate zone for the inclusion of education facilities. I consider that the current activities that are consented do already provide for educational aspects such as driver training and recreational activities. I therefore do not consider that there is a need to include a specific policy that relates to educational facilities as this term has a broader meaning than the specific relief sought.

4.2.4 Recommendations

52. For the reasons outlined above, it is recommended that the Hearings Panel:
- a) **Accept in part** the submission from HD Land Limited and Hampton Downs (NZ) Limited [657.57] and further submission from Reid Investment Trust [FS1279.21], to the extent that there is reference to Hampton Downs within the policy.
 - b) **Reject** the submission from Reid Investment Trust [783.6] and accept the further submission from HD Land Limited and Hampton Downs (NZ) Limited [FS1194.6].
 - c) **Reject** the submission from the Ministry of Education [781.6].

4.2.5 Recommended amendments

53. The following amendments are recommended:

9.1.1.1 Policy - Operation and development

- (a) Enable the continued operation and development of activities, facilities and events within the Hampton Downs³ Motor Sport and Recreation Zone by providing for:
- (i) A wide range of motor sport and recreation activities; and
 - (ii) The development of facilities to support the motor sport and recreation activities and events.

4.2.6 Section 32AA evaluation

54. Only minor amendments are recommended, therefore I do not consider that a s32AA evaluation is necessary.

4.3 Policy 9.1.1.2 – Precinct based development

4.3.1 Introduction

55. Policy 9.1.1.2 contains policies which set out a precinct based development for five precinct areas (A through to E.) The precincts generally reflect the 2006 resource consent allocation of space for various activities. The precincts are:

- Precinct A providing for the operational motor sport area including the main race track and associated facilities;
- Precinct B providing for business and industrial facilities and activities that supports the Hampton Downs Motorsport Park;
- Precinct C providing for a minor race track and travellers' accommodation;
- Precinct D providing for residential activities within the residential apartments;
- Precinct E providing for industrial activities within the industrial units.

4.3.2 Submissions

56. Two submissions were received in relation to Policy 9.1.1.2 seeking amendments to the activities and terms within the precincts. Two further submissions were received opposing the amendments sought in each original submission. The submissions are set out in the table below:

Submission point	Submitter	Summary of submission
657.58	HD Land Limited and Hampton Downs (NZ) Limited	<p>Amend Policy 9.1.1.2 Precinct-based development as follows:</p> <p><i>9.1.1.2 Policy – Precinct-based development</i></p> <p><i>a) A precinct-based approach enables the ongoing operation and development of the Hampton Downs Motor sport Park <u>by and Recreation Zone such that:</u></i></p>

³ Submission [657.57] HD Land Limited and Hampton Downs (NZ) Limited and further submission [FS/279.21] Reid Investment Trust

		<p>(i) Precinct A provides for the operational motorsport area including the main race tracks, and associated facilities-pit garages and associated race control, spectator and support facilities; a convention centre and general hospitality facilities including retail, restaurant, café and food premises; vehicle workshops and garaging; corporate show rooms; parking and helipad facilities; and administration facilities;</p> <p>(ii) Precinct B providesing for a commercial business and industrial area facilities and activities that supports the Hampton Downs Motorsport Park, and also contains an existing residential dwelling;</p> <p>(iii) Precinct C providesing for a minor race tracks Traveller's accommodation and Motor Sport and Recreation Area, and includes the consented campground, an existing race track and buildings and storage containers required to support motorsport and recreation related activities;</p> <p>(iv) Precinct D providesing for residential activities within the 80 existing Residential Apartments; and</p> <p>(v) Precinct E providesing for industrial activities within the 12 existing industrial units.</p>
FS1279.22	Reid Investment Trust	Oppose
783.7	Reid Investment Trust	<p>Amend Policy 9.1.1.2 (v) Precinct-based development as follows:</p> <p>(a) A precinct-based approach enables the ongoing operation and development of the Hampton Downs Motorsport Park by:</p> <p>...</p> <p>(v) Precinct E providing for industrial activities and other land uses that support the continued development and operation of the Hampton Downs Motorsport Park within the industrial units.</p> <p>AND</p> <p>Any consequential amendments or further relief to give effect to the matters raised in the submission.</p>
FS1194.7	HD Land Limited and Hampton Downs (NZ) Limited	Oppose

4.3.3 Analysis

57. HD Land Limited and Hampton Downs (NZ) Limited [657.58] seek amendments to the precinct based development policy so that it aligns with the defined terms and the zone

name sought through other submissions that they have made. I agree with providing greater clarity and consistency with terms used. However, I do not agree with all of the amended wording suggestions proposed by the submitter. The submission is clearly intended to expand the range of activities within each precinct beyond the 2006 consent. My view is that only the broad activities need to be mentioned; the rules provide further detail on the activities which are undertaken within each precinct.

58. In terms of consistency with the policy framework for the other specific zones, my view is that Policy 9.1.1.2 (a) should be amended to read *'Provide a precinct based approach that enables..'* rather than *'A precinct-based approach enables..'*

59. HD Land Limited and Hampton Downs (NZ) Limited [657.58] is also requesting that Policy 9.1.1.2(a)(ii) replace the term business with commercial. I see merit in referring to 'commercial' rather than 'business' within Precinct B as there is no defined term for 'business' in Chapter 13. Commercial activity is defined in the National Planning Standards as:

'Commercial activity means any activity trading in goods, equipment or services. It includes any ancillary activity to the commercial activity (for example administrative or head offices).'

My only concern would be that specifically providing for commercial activities in an industrial area may result in conflicts, risks to health and safety and reverse sensitivity effects, or limit the availability of industrial land to support the motor sport park. The PWDP generally separates commercial and industrial uses for these reasons. There is no case for commercial activities here, and I reject the requested amendment to Precinct B. While there is no submission directly raising the issue, it is arguable that expansion of commercial activity at Hampton Downs is contrary to the Waikato Regional Policy Statement (in giving effect to Future Proof, policies 6.14-16). Unless the submitter provides further evidence on this, it is recommended that commercial activities not be included and reference to 'business' be deleted.

60. Should the hearing panel decide to retain the business aspect, they should consider changing the term to 'commercial' as per the NPS.

61. I do not agree with the suggested changes to the terms requested for Precinct C. My view is that the resource consent only authorises the motor camp site in this location. The PWDP also includes 'minor race track area' within Precinct C but resource consent is required as a controlled activity for motor sport and recreation events and facilities. My view is that referring to 'motor sport and recreation area' will imply that a wide range of activities can be undertaken in this area. I note that Precinct C is located near the rural residential lots, and enabling a wide range of activities within this area could result in adverse effects on the localised environment. Enabling motor sport and recreation activities and facilities as a controlled activity will give control over matters such as noise, traffic, and scale.

62. In terms of the inclusion of 'and' at the end of point (iv) I do not agree, as point (v) does not apply to all precincts.

63. The further submission from Reid Investment Trust [FS/279.22] opposes the wording of Policy 1.1.2(v) as proposed in the submission from HD Land Limited and Hampton Downs (NZ) Limited [657.58], as it restricts the use of the precinct of existing industrial activities. Reid Investment Trust is seeking to broaden the range of activities enabled within Precinct E, as per the relief sought in their original submission [783.7] below.

64. Reid Investment Trust [783.7] are requesting amendments to Policy 9.1.2(v) which relates to Precinct E. Hampton Downs' further submission [FS/194.7] opposes the amendment sought,

as they are contrary to the existing resource consents and the PWDP zone provisions. I agree with the further submission [FS1/194.7]. Precinct E only relates to the industrial units which are already established. Policy 9.1.1.2(v) ensures that the industrial activities within the industrial units are provided for. The zone and precincts are shown on the hard copy Planning Maps sheet 8.2 Hampton Downs.

4.3.4 Recommendations

65. For the reasons outlined above, it is recommended that the hearings panel:
- a) **Accept in part** the submission from HD Land Limited and Hampton Downs (NZ) Limited [657.58]: to the extent that greater clarity is provided in the precinct descriptions and consistency with the terminology used in other specific zones in Chapter 9.
 - b) **Reject** the further submission from Reid Investment Trust [FS1/279.22].
 - c) **Reject** the submission from Reid Investment Trust [783.7] and accept the further submission from HD Land Limited and Hampton Downs (NZ) Limited [FS1/194.7].

4.3.5 Recommended amendments

66. The following amendments are recommended:

9.1.1.2 Policy - Precinct-based development

- (a) Provide a A precinct-based approach that enables the ongoing operation and development of the Hampton Downs Motorsport Park such that:
- (i) Precinct A providinges for the operational motor sport area including the main race track and associated facilities;
 - (ii) Precinct B providinges for ~~business and~~ industrial facilities and activities that support the Hampton Downs Motorsport Park;
 - (iii) Precinct C providinges for a minor race track and travellers' accommodation;
 - (iv) Precinct D providinges for residential activities within the residential apartments;
 - (v) Precinct E providinges for industrial activities within the industrial units.⁴

4.3.6 Consequential Amendments

67. Consequential amendments are required to remove the term 'business' to those rules that are specific to Precinct B.

4.3.6 Section 32AA evaluation

68. Only minor amendments are recommended to provide consistency and clarity, therefore no s32AA evaluation is considered to be necessary.

⁴ Submission [657.58] HD Land Limited and Hampton Downs (NZ) Limited

4.4 Policy 9.1.1.3 – Management of adverse effects

4.4.1 Introduction

69. Policy 9.1.1.3 relates to the management of adverse effects within the Hampton Downs Motor Sport and Recreation Zone.

4.4.2 Submissions

70. Three submissions were received in relation to Policy 9.1.1.3 either seeking that the policy be retained as notified or amendments. Three further submissions were received either supporting/supporting in part or opposing the original submissions. The submissions are set out in the table below:

Submission point	Submitter	Summary of submission
657.59	HD Land Limited and Hampton Downs (NZ) Limited	<p>Amend Policy 9.1.1.3 Management of adverse effects, as follows:</p> <p><i>9.1.1.3 Policy – Management of adverse effects</i></p> <p><i>(a) Mitigating adverse effects by managing:</i></p> <p><i>(i) The scale, intensity, timing and duration of activities so that adverse noise effects on the surrounding rural zone are minimised; and</i></p> <p><i>(ii) The adverse traffic safety effects to ensure the safe and efficient operation and functioning of the adjacent transport network and efficient access to surrounding facilities is maintained at all times; and</i></p> <p><i>(iii) Signs are visible from, or located in close proximity to, a public road to ensure the safe functioning of the public road; and</i></p> <p><i>(iii) (iv) The size, scale and intensity of development to ensure the amenity of the surrounding rural zone is maintained.</i></p>
FS1118.8	Meremere Dragway Inc	Oppose
378.4	Fire and Emergency New Zealand	Retain Policy 9.1.1.3 Management of adverse effects.
FS1118.5	Meremere Dragway Inc.	Support
FS1035.109	Pareoranga Te Kata	Support
742.61	New Zealand Transport Agency	<p>Amend Policy 9.1.1.3 Management of adverse effects as follows:</p> <p><i>(a) Mitigating Ensure the adverse effects from the operation and development of the Hampton Downs Motorsport Park are avoided or mitigated, by managing:</i></p> <p><i>(i) The scale, intensity, timing and duration of activities so that</i></p>

		<p><u>to avoid:</u></p> <p>A Adverse noise effects on the surrounding Rural Zone are minimised;</p> <p>B. Adverse effects on the safety and efficiency of the transport network; and</p> <p>(ii) The adverse traffic safety effects to ensure the safe and efficient operation and functioning of the adjacent transport network and efficient access to surrounding facilities is maintained at all times; and</p> <p>(iii)(ii) Signs that are visible from, or located in close proximity to, a public road to ensure adverse effects on safety are avoided; and</p> <p>(iv)(iii) The size, scale and intensity of development to ensure the amenity of the surrounding area is maintained.</p> <p>AND</p> <p>Request any consequential changes necessary to give effect to the relief sought in the submission.</p>
FS1194.10	HD Land Limited and Hampton Downs (NZ) Limited	Oppose

4.4.3 Analysis

71. HD Land Limited and Hampton Downs (NZ) Limited [657.59] are requesting amendments to the policy wording and Meremere Dragway Inc [FS118.8] oppose the amendments sought in submission [657.59]. HD Land Limited and Hampton Downs (NZ) Limited [657.59] are seeking consistency with defined terms in Chapter 13, zone name and wording of other specific zone objectives and policies within Chapter 9.
72. In terms of HD Land Limited and Hampton Downs (NZ) Limited [657.59] submission, I disagree with the specific amendments sought to the policy wording. In my view, it is important that the policy ensures that access to surrounding facilities is maintained at all times. Hampton Downs Road provides access not only to private residences but also to major facilities such as the Waikato Regional Landfill and Springhill Prison.
73. Rule 26.2.7 specifically relates to traffic management, and given my recommendation for some of the contents of this rule to be retained, there needs to be the framework to support the rule which ensures that access to the facilities noted above is maintained.
74. In terms of the removal of the reference to point (iii) which relates to signs, this is important to ensure that signs do not affect the safe function of the road. Rule 26.2.12 specifically relates to signs and effects on traffic which I have recommended be retained. Therefore there needs to be a framework to support the rule.
75. I agree with a consistent policy framework across the other specific zone chapters as requested by submission [657.59].
76. Meremere Dragway Inc [FS118.8] oppose the deletion of 9.1.1.3(a)(ii) as requested by HD Land Limited and Hampton Downs (NZ) Limited original submission [657.59]. Meremere Dragway Inc submits that efficient access to surrounding facilities (such as Meremere

Dragway) should be maintained at all times for both safety and commercial reasons. I agree that safe and efficient access should be maintained.

77. Fire and Emergency New Zealand [378.4] support the notified policy and request that it be retained. Both Meremere Dragway Inc [FS1118.5] and Pareoranga Te Kata [FS1035.109] further submissions support submission [378.4].
78. The New Zealand Transport Agency [742.61] support the policy in that it recognises that there is potential for adverse effects from the operation of the Hampton Downs Motorsport Park, but considers that effects need to be avoided or mitigated. The submitter has also requested amendments to Policy 9.1.1.3, to state that adverse noise effects and traffic safety effects are avoided. HD Land Limited and Hampton Downs (NZ) Limited [FS1194.10] further submission opposes the amendments requested by the New Zealand Transport Agency [742.61]. I agree with the further submission and consider that the use of the term 'avoid' is inappropriate in the context of the consented Hampton Downs Motorsport Park. Particularly as there are no Non-complying Activities (as I have recommended the deletion of these rules later in this report) or Prohibited Activities.
79. I agree with reference to the Hampton Downs Motorsport Park in the policy however. This is also consistent with policy wording in Policy 9.2.2.1 for the Te Kowhai Airpark.

4.4.4 Recommendations

80. For the reasons outlined above, it is my recommendation to the Hearings Panel that they:
- a) **Accept in part** the submission from HD Land Limited and Hampton Downs (NZ) Limited [657.59], and the further submission from Meremere Dragway Inc [FS1118.8], to the extent that there is consistency in the terminology used in other specific zones in Chapter 9.
 - b) **Accept** the submission from Fire and Emergency New Zealand [378.4] and further submission from Pareoranga Te Kata [FS1035.109], to the extent that Policy 9.1.1.3 be retained.
 - c) **Accept in part** the submission from New Zealand Transport Agency [742.61] and further , to the extent that reference is made to the operation and development of the Hampton Downs Motorsport Park.
 - d) **Accept in part** the further submission from HD Land Limited and Hampton Downs (NZ) Limited [FS1194.10], to the extent that amendments do not include the terms avoided or mitigated.

4.4.5 Recommended amendments

81. The following amendments are recommended:

9.1.1.3 Policy - Management of adverse effects

- (a) Mitigating adverse effects from the operation and development of the Hampton Downs Motorsport Park⁵ by managing:
- (i) The scale, intensity, timing and duration of activities so that adverse noise effects on the surrounding rural zone are minimised; and
 - (ii) The adverse traffic safety effects to ensure the safe and efficient operation and functioning of the adjacent transport network and efficient access to surrounding facilities is maintained at all times; and
 - (iii) Signs that are visible from, or located in close proximity to, a public road to ensure the safe functioning of the public road; and
 - (iv) The size, scale and intensity of development to ensure the amenity of the surrounding area is maintained.

4.4.6 Section 32AA evaluation

82. Only minor amendments are recommended to provide consistency and clarity, therefore I do not consider a s32AA evaluation to be necessary.

5 Introduction to Chapter 26

5.1.1 Introduction

83. Chapter 26 of the PWDP contains rules for the Hampton Downs Motor Sport and Recreation Zone. These rules adopt a different drafting style from other zones. For example several unique definitions are included, some of which are referred to only in one rule. This makes reading difficult. There are also some drafting errors that are highlighted later in this report. I have looked for opportunities to improve the drafting where possible. Not all of the points are addressed in submissions and I rely on RMA Schedule 1 clause 16 to make some changes.
84. This section commences by considering submissions on the brief introductory text at the start of Chapter 26.

5.1.2 Submissions

85. Three submissions were received in relation to the introduction to the Hampton Downs Motor Sport and Recreation Zone. Amendments are sought, including additions and new provisions. Two further submissions were received, either supporting/supporting in part the amendments sought in the original submissions. The submissions are set out in the table below:

Submission point	Submitter	Summary of submission
657.35	HD Land Limited and Hampton Downs (NZ) Limited	Amend the introduction to Chapter 26 Hampton Downs Sport and Recreation Zone, to clearly identify and describe the five Precinct Areas within the Hampton Downs Motor Sport and Recreation Zone
FS1279.17	Reid Investment Trust	<i>Support in part</i>

⁵ Submission [742.61] New Zealand Transport Agency

657.36	HD Land Limited and Hampton Downs (NZ) Limited	Add a paragraph to the introduction of Chapter 26 Hampton Downs Motor Sport and Recreation Zone outlining that Hampton Downs Motorsport Park operates under a number of existing resource consents, and the existing resource consents effectively manage the effects within the Motorsport Park
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5.1.3 Analysis

86. HD Land Limited and Hampton Downs (NZ) Limited submission [657.35] requests a description of the precincts to be detailed the Introduction to Chapter 26. I disagree, as Policy 9.1.1.2 and the permitted activity headings both describe the precinct areas. Therefore, I do not see any merit in repeating the descriptions in the introduction.
87. The further submission from Reid Investment Trust [FS/279.17] supports HD Land Limited and Hampton Downs (NZ) Limited submission [657.35] in part. However, they consider reference to the 12 industrial units within Precinct E to be unnecessary and restrictive. I disagree - Precinct E only applies to the area where the 12 industrial units are. I note that Reid Investment Trust have requested their adjoining site to be included in the Hampton Downs Motor Sport and Recreation Zone within Precinct E. This submission will be addressed in Hearing 25. Depending on the recommendations for Hearing 25, consequential amendments may be required to Chapter 26. However, I will not be addressing these further here and I do not recommend any change to Precinct E at this time.
88. Hampton Downs [657.36] submission requests that amendments include a paragraph which outlines the existing consented activities, and that the existing consent activities manage the effects within the site. I agree in part and consider that providing a brief description of the consent in the statement of purpose and description for the zone would help set the scene. I disagree with the inclusion of '*...and the existing resource consents effectively manage the effects within the Motorsport Park*' however. The existing consent manages the effects for the consented activities only. I see no value in including this sentence in the introduction.

5.1.4 Recommendations

89. For the reasons outlined above, it is recommended that the Hearings Panel:
- a) **Reject** the submission from HD Land Limited and Hampton Downs (NZ) Limited [657.35] and further submission from Reid Investment Trust [FS/279.17].
 - b) **Accept in part** the submission from HD Land Limited and Hampton Downs (NZ) Limited [657.36], to the extent that a paragraph is included in the introduction that gives an overview of the history and how the rules apply.

5.1.5 Recommended amendments

90. The following amendments are recommended:

Chapter 26: Hampton Downs Motor Sport and Recreation Zone

(1) The Hampton Downs Motorsport Park (HDMP) caters for motor sport activities and a range of supporting recreational activities that have been authorised under the 2006 resource consent (WDC Ref LUC0005/06) including variations and a number of additional minor resource consents. The Hampton Downs Motor Sport and Recreation Zone allows for those authorised activities to be undertaken as a permitted activity. The

rules in the Hampton Downs Motor Sport and Recreation Zone provide a policy framework that enables the ongoing operation and development of the HDMP.⁶

- (2) The rules that apply to activities in the Hampton Downs Motorsport and Recreation Zone are contained in Rule 26.1 Land Use – Activities, Rule 26.2 Land Use – Effects and Rule 26.3 Land Use – Building.
- (3) The rules relating to subdivision within the Motorsport and Recreation Zone are contained in Rule 26.4.
- (4) The activity status tables and standards in the following chapters also apply to activities in the Motorsport and Recreation Zone:
 - 14 Infrastructure and Energy;
 - 15 Natural Hazards and Climate Change (Placeholder).
- (5) The following symbols are used in the tables:
 - (a) P Permitted activity
 - (b) C Controlled activity
 - (c) RD Restricted discretionary activity
 - (d) D Discretionary activity
 - (e) NC Non-complying activity

5.1.6 Section 32AA evaluation

91. The nature of the recommended amendments is to provide clarity and consistency rather than changing the content of any provisions. As such, I do not consider that a section 32AA evaluation is necessary.

6 Land use – Activities - 26.1 – New Provisions

6.1.1 Introduction

92. This topic relates to a request to add a new restricted discretionary rule for education facilities.

6.1.2 Submissions

93. One submission was received from the Ministry of Education seeking the inclusion of education facilities as a restricted discretionary activity, as set out in the table below. One further submission was received in support of this request to add Education Facilities as an RDA.

Submission point	Submitter	Summary of submission
781.18	Ministry of Education	<p>Add a restricted discretionary activity rule to Rule 26.1 Land Use - Activities, as follows:</p> <p><u>26.1.3 Restricted Discretionary Activities</u></p> <p><u>(1) The activities listed below are restricted discretionary activities.</u></p>

⁶ Submission [657.36] HD Land Limited and Hampton Downs (NZ) Limited

		<p><u>(2) Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in the following table:</u></p> <p>Activity</p> <p><u>RDI Education facilities</u></p> <p>Matters of discretion</p> <p><u>a. The extent to which it is necessary to locate the activity in the Hampton Downs Sport and Recreation Zone (including Precinct B)</u></p> <p><u>b. Reverse sensitivity effects of adjacent activities</u></p> <p><u>c. The extent to which the activity may adversely impact on the transport network</u></p> <p><u>d. The extent to which the activity may adversely impact on the streetscape</u></p> <p><u>e. The extent to which the activity may adversely impact on the noise environment</u></p>
FS1202.93	New Zealand Transport Agency	Support

6.1.3 Analysis

94. The PWDP provides for education facilities throughout various zones. The author of the s42A Village Zone Land Use report⁷ notes that education facilities are provided for in the Business Zone (17.1.2 P5), Te Kauwhata Lakeside Precinct (22.8.4 D6), Nau Mai Business Park (20.5.2 P10), Rural Zone (22.1.5 D6) and the Country Living Zone (23.1.2 D5). In the Hampton Downs Motor Sport Park and Recreation Zone, education facilities are a discretionary activity under Rule 26.1.3.
95. The Ministry of Education [781.18] is seeking the inclusion of education facilities as a restricted discretionary activity in the Hampton Downs Motor Sport and Recreation Zone. The submitter states that education facilities such as outdoor education centres, sports training establishments and driving schools may need to be located within this zone. However, the submitter is requesting consistency with their requested definition for 'Education facilities' (which is addressed by the Definitions s42A author⁸).
96. New Zealand Transport Agency's further submission [FS1202.93] supports the Ministry of Education submission [781.18].

⁷ Section 4.3.3, Page 86, Para 305, s42A Hearing 6 Report- Village Zone- Land use

⁸ Section 3.68, Page 251 s42A Hearing 5 Report- Definitions

97. The Definitions s42A author has recommended that 'educational facility' be defined as per the National Planning Standards: *means land or buildings used for teaching or training by childcare services, schools, and tertiary education services, including any ancillary activities.*⁹
98. Although not explicitly listed as an 'education facility,' activities such as driver training and recreational activities are provided for as permitted activities. My view is that explicitly providing for 'educational facility' as a restricted discretionary activity within the Hampton Downs Motor Sport and Recreation Zone is not appropriate. Activities such as schools and childcare services are likely to conflict with the motorsport, recreational and industrial activities that are provided for within the zone. I am therefore of the view that it is more appropriate for education facilities be captured by a higher activity status through Rule 26.1.3- discretionary activities.

6.1.4 Recommendations

99. For the reasons outlined above, it is my recommendation to the Hearings Panel that they:
- a) **Reject** the submission from the Ministry of Education [781.18] and reject the further submission from the New Zealand Transport Agency [FS/202.93].

6.1.5 Recommended amendments

100. There are no recommended amendments.

7 Land Use - Permitted Activities Precinct A

7.1.1 Introduction

101. The Rules in 26.1 contain the permitted activities for each precinct including activity specific conditions. Rules in 26.2 contain the land use- effects rules, and 26.3 the Land use- building rules. Because the permitted activity rules listed in 26.1 have certain controls which are included in the Rules 26.2 and 26.3, my view is that it would be beneficial to rearrange the material within Chapter 26 to include certain rules in the activity specific conditions in the activity rules in 26.1.
102. Rule 26.1.1.1 sets out the land use permitted activities for Precinct A within the Hampton Downs Motor Sport and Recreation Zone. Precinct A is the operational motorsport area and includes the main race track and associated facilities. Precinct A also includes the parcel of land to the south of Hampton Downs Road and the rural land to the west as shown in Figure 4 below. Definitions unique to the zone that are referred to in Rule 26.1.1.1 are considered in this section.

⁹ Page 254, S42A Report Hearing 5 - Definitions



Figure 4 - Precinct A

7.1.2 Submissions

103. Six submissions were received, all requesting that the permitted activity rules be deleted, or amended and one further submission conditionally supporting an original submission. Submissions on definitions referred to in Rule 26.1.1.1 considered together with the submissions on the rule. The submissions are set out in the table below:

Submission point	Submitter	Summary of submission
657.30	HD Land Limited and Hampton Downs (NZ) Limited	<p>Amend the definition for "Motor sport and recreation facilities" in Chapter 13: Definitions as follows:</p> <p><i>Motor sport and recreation facilities</i></p> <p><i>Means any buildings or structures in the Motor Sport and Recreation Zone that support the development and operation of the Hampton Downs Motorsport Park and are associated with motor sport and recreation activities and include:</i></p> <ul style="list-style-type: none"> <i>(a) Race tracks, race pads and associated pit garages and support facilities;</i> <i>(b) Race control, safety, emergency and media facilities;</i> <i>(c) Corporate boxes and hospitality facilities;</i> <i>(d) Restaurants, cafes, food and beverage and merchandising retail areas;</i>

		<p>(e) Administration buildings and facilities;</p> <p>(e) (f) General ticketing, toilet and ablution facilities;</p> <p>(f) (g) Industrial units, vehicle workshops and storage sheds;</p> <p>(g) (h) Corporate showrooms and expo areas, including areas for the display of racing-related memorabilia;</p> <p>(j) (i) Residential accommodation and swimming pool and tennis court facilities;</p> <p>(j) (j) A convention centre;</p> <p>(j) (k) Traveller's accommodation, including a camping ground and hotel accommodation;</p> <p>(k) (l) Parking and helipad facilities;</p> <p>(j) (m) Driver training school inclusive of a skid pad;</p> <p>(m) (n) Spectator facilities including pedestrian accessways, tunnels, overbridges, spectator viewing platforms and seating areas;</p> <p>(n) (o) A jet sprint course;</p> <p>(o) (p) Go-kart and drifting pads;</p> <p><u>(q) A commercial/industrial area</u></p> <p>(p) (r) Accessory buildings, facilities and structures such as maintenance and storage sheds, decks, shade cloths and storage containers for all items listed of the above.</p>
FS1118.10	Meremere Dragway Inc	Conditional support
657.37	HD Land Limited and Hampton Downs (NZ) Limited	<p>Amend Rule 26.1.1.1(P1) Permitted Activities - Operational Motorsport Area Precinct A Activity as follows:</p> <p><i>(P1) Motor sport and recreation facilities <u>and/or motor sport and recreation activities</u></i></p>
657.38	HD Land Limited and Hampton Downs (NZ) Limited	<p>Delete the activity specific conditions in Rule 26.1.1.1 P1 and P2 Permitted Activities - Operational Motorsport Area - Precinct A</p> <p>AND</p> <p>Delete the activity specific conditions in Rule 26.1.1.2 P1, P2, P3 and P4 Permitted Activities - Business and Industrial Area - Precinct B</p>

		<p>AND</p> <p>Delete the activity specific conditions in Rule 26.1.1.3 PI Permitted Activities - Minor Race Track Area - Precinct C</p> <p>AND</p> <p>Delete the activity specific conditions in Rule 26.1.1.4 PI Permitted Activities - Residential Apartments - Precinct D</p> <p>AND</p> <p>Delete the activity specific conditions in Rule 26.1.1.5 PI Permitted Activities - Industrial Units - Precinct E</p>
657.50	HD Land Limited and Hampton Downs (NZ) Limited	Delete the definition for "day to day activity" from Chapter 13 Definitions in its entirety.
831.67	Raglan Naturally	Amend the definition of 'day-to-day activity' to provide for new skateparks, as the existing Raglan skatepark is overcrowded.

7.1.3 Analysis

Motor sport and recreation facility

104. A motor sport and recreation facility is a permitted activity within Precinct A. Chapter 13 of the PWDP sets out the definition for motor sport and recreation facility as follows:

Means any buildings or structures in the Motor Sport and Recreation Zone that support the development and operation of the Hampton Downs Motorsport Park and are associated with motor sport and recreation activities and include:

- (a) race tracks, race pads and associated pit garages and support facilities;
- (b) race control, safety, emergency and media facilities;
- (c) corporate boxes and hospitality facilities;
- (d) restaurants, cafés, food and beverage and merchandising retail areas, administration buildings and facilities;
- (e) general ticketing, toilet and ablution facilities;
- (f) industrial units, vehicle workshops and storage sheds;
- (g) corporate showrooms and expo areas, including areas for the display of racing-related memorabilia;
- (h) residential accommodation and swimming pool and tennis court facilities;
- (i) a convention centre;
- (j) travellers' accommodation, including a camping ground and hotel accommodation;
- (k) parking and helipad facilities;
- (l) driver training school inclusive of a skid pad;
- (m) spectator facilities including pedestrian access ways, tunnels, overbridges, spectator viewing platforms and seating areas;
- (n) a jet sprint course;
- (o) go-kart track and drifting pads;
- (p) accessory buildings, facilities and structures such as maintenance and storage sheds, decks, shade cloths and storage containers for all items listed above.

105. In submission [657.30] HD Land Limited and Hampton Downs (NZ) Limited are seeking amendments to the defined term for 'Motor sport and recreation facility' to include a commercial/industrial area in the definition for motor sport and recreation facility. I do not agree, as my view is that an 'area' is not a facility, nor are there any commercial/industrial facilities within Precinct A.
106. Meremere Dragway Inc [FS1118.10] supports in part the original submissions [657.30] from HD Land Limited and Hampton Downs (NZ) Limited, as long as they are extended to include any other regionally- significant motorsport and recreation facility. I consider this request to be out of scope - the definition is specific to the Hampton Downs Motor Sport and Recreation Zone. The Meremere Dragway is not included within this zone, therefore it is not appropriate to this include in the definition. A separate submission to include the Meremere Dragway within the special zone is to be addressed in Hearing 25 – Zone Extents.
107. HD Land Limited and Hampton Downs (NZ) Limited in submission point [657.37], seek to amendments to Rule 26.1.1.1 PI to include motorsport and recreation facilities 'and/or motor sport and recreation activities'. I disagree with the inclusion of 'activities' in Rule 26.1.1.1 PI. P2 already provides for a 'day- to -day activity' as a permitted activity. A 'day to day activity' is defined in Chapter 13 and opposed by HD Land Limited and Hampton Downs (NZ) Limited in [657.50] and addressed below.
108. In terms of consistency with my recommendations below to include the defined terms in the permitted activity rules, my view is that it is appropriate to also remove the defined term for 'motor sport and recreation facility' from Chapter 13 and set it out in full in Rule 26.1.1.1. This is a formatting change to simplify the presentation, which makes no difference to planning outcomes. This can be undertaken via Clause 16(2) of Schedule 1 of the RMA.

Day to day Activity

109. A day to day activity is a is a permitted activity within Precinct A. Chapter 13 of the PWDP sets out the definition for 'day- to day activity' as follows:

Means, within the Hampton Downs Motor Sport and Recreation Zone:

- (a) driver training and education, testing and practice activities on the motor sport circuit;
- (b) activities with the business industrial area;
- (c) apartments, motor camp site, restaurant, convention centre, swimming pool and tennis court facilities and construction activities associated with the motor sport park;
- (d) the use of the go-kart track for go-karts; and
- (e) the use of the grounds for paintball, laser tag, outdoor skate parks and clay bird shooting.

110. The definition for 'day- to day activity' reads as though it applies all precincts as it refers to the business industrial area (Precinct B), motor camp site (Precinct C) and residential apartments (Precinct D), yet it is only permitted in Precinct A. I would therefore recommend that reference to 'activities within the business industrial area', 'motor camp site' and 'apartments, restaurant, convention centre, swimming pool and tennis court facilities' be removed as these are superfluous. Precincts B (Rule 26.1.1.2), C (Rule 26.1.1.3) and D (Rule 26.1.1.4) and Rule 26.1.1.1 PI already provide for these activities as permitted.
111. HD Land Limited and Hampton Downs (NZ) Limited are also requesting the deletion of the defined term for 'day to day activity' [657.50] from Chapter 13. This term is only used in the

Hampton Downs Motor Sport Park and Recreation Zone. I therefore agree that this defined term can be deleted from Chapter 13. However, I consider that there needs to be consistency and clarity with the activities that are enabled through resource consent. Therefore, my view is that it is appropriate to set out the definition as separate permitted activities, numbered P2-P6 in Rule 26.1.1.1 that applies to Precinct A.

112. In terms of the submission from Raglan Naturally [831.67], the author of the Hearing 5 s42A report recommends¹⁰ that the submission be addressed through the Hampton Downs Motor Sport and Recreation Zone hearing (Hearing 13) as the definition is specific to the Hampton Downs Motor Sport and Recreation Zone. As discussed above, my view is that it is appropriate to delete the definition. The definition is specific to the Hampton Downs Motor Sport and Recreation Zone and does not apply to Raglan.

Activity Specific Conditions

113. HD Land Limited and Hampton Downs (NZ) Limited [657.38] are requesting the deletion of the permitted activity specific conditions as they relate to each precinct. I have addressed this submission in turn for each precinct separately below. In relation to Precinct A, HD Land Limited and Hampton Downs (NZ) Limited have requested the deletion of the activity specific conditions in Rule 26.1.1.1 P1 and P2. I disagree - my view is that the activity specific condition specifies that the activity can only be undertaken within the precinct to which the activity relates. This makes it clear to plan users that the permitted activities are specific to precinct areas. Furthermore, due to my recommendations later in my report, the activity specific conditions will include the specific controls that relate to permitted activities.

Drafting Errors

114. I note there appear to be drafting errors, where the term 'activity' is included in the rule title for 26.1.1.1 and 26.1.1.2 (Precincts A and B) but not for the remaining precincts. I consider that the above drafting errors are minor and can be corrected via Clause 16(2) of Schedule 1.

7.1.4 Recommendations

115. For the reasons outlined above, it is recommended that the Hearings Panel:
- a) **Accept in part** the submission from HD Land Limited and Hampton Downs (NZ) Limited [657.30] and reject the further submission from Meremere Dragway [FS118.10], to the extent that the defined term motor sport and recreation facility is deleted from Chapter 13, and the content moved to Rule 26.1.1.1 P1.
 - b) **Reject** the submissions from HD Land Limited and Hampton Downs (NZ) Limited [657.37] and [657.38]
 - c) **Accept in part** the submission from HD Land Limited and Hampton Downs (NZ) Limited [657.50], to the extent that the defined term 'Day to day activity' is deleted from Chapter 13 and content moved to Rule 26.1.1.1 P2.
 - d) **Reject** the submission from Raglan Naturally [831.67].

7.1.5 Recommended amendments

116. The following amendments are recommended:

¹⁰ Page 276, Paragraph 1034-1036, S42A Report Hearing 5 - Definitions

26.1.1.1 Permitted Activities - Operational Motorsport Area - Precinct A Activity¹¹

Activity	Activity-specific conditions
<p>PI A motor sport and recreation facility <u>which includes:</u></p> <ul style="list-style-type: none"> (a) <u>race tracks, race pads and associated pit garages and support facilities;</u> (b) <u>race control, safety, emergency and media facilities;</u> (c) <u>corporate boxes and hospitality facilities;</u> (d) <u>restaurants, cafés, food and beverage and merchandising retail areas, administration buildings and facilities;</u> (e) <u>general ticketing, toilet and ablution facilities;</u> (f) <u>industrial units, vehicle workshops and storage sheds;</u> (g) <u>corporate showrooms and expo areas, including areas for the display of racing-related memorabilia;</u> (h) <u>residential accommodation and swimming pool and tennis court facilities;</u> (i) <u>a convention centre;</u> (j) <u>travellers' accommodation, including a camping ground and hotel accommodation;</u> (k) <u>parking and helipad facilities;</u> (l) <u>driver training school inclusive of a skid pad;</u> (m) <u>spectator facilities including pedestrian access ways, tunnels, overbridges, spectator viewing platforms and seating areas;</u> (n) <u>a jet sprint course;</u> (o) <u>go-kart track and drifting pads;</u> (p) <u>accessory buildings, facilities and structures such as maintenance and storage sheds, decks, shade cloths and storage containers for all items listed above.</u> ¹² 	<p>The activity is carried out in Precinct A (Operational Motor Sport Area)</p>

¹¹ Clause 16(2) Schedule 1 RMA

¹² Submission [657.30] HD Land Limited and Hampton Downs (NZ) Limited

P2	A Day-to-day activity Driver training and education, testing and practice activities on the motor sport circuit. ¹³	The activity is carried out in Precinct A (Operational Motor Sport Area)
P3	Go-karting on the go-kart track. ¹⁴	The activity is carried out in Precinct A (Operational Motor Sport Area)
P4	Paintball, laser tag, outdoor skate parks and clay bird shooting. ¹⁵	The activity is carried out in Precinct A (Operational Motor Sport Area)

Chapter 13 - Definitions

Day to day activity¹⁶	Means, within the Hampton Downs Motor Sport and Recreation Zone: (a) driver training and education, testing and practice activities on the motor sport circuit; (b) activities with the business industrial area; (c) apartments, motor camp site, restaurant, convention centre, swimming pool and tennis court facilities and construction activities associated with the motor sport park; (d) the use of the go-kart track for go-karts; and (e) the use of the grounds for paintball, laser tag, outdoor skate parks and clay bird shooting.
A motor sport and recreation facility¹⁷	Means any buildings or structures in the Motor Sport and Recreation Zone that support the development and operation of the Hampton Downs Motorsport Park and are associated with motor sport and recreation activities and include: (a) race tracks, race pads and associated pit garages and support facilities; (b) race control, safety, emergency and media facilities; (c) corporate boxes and hospitality facilities; (d) restaurants, cafés, food and beverage and merchandising retail areas, administration buildings and facilities; (e) general ticketing, toilet and ablution facilities; (f) industrial units, vehicle workshops and storage sheds; (g) corporate showrooms and expo areas, including areas for the display of racing-related memorabilia; (h) residential accommodation and swimming pool and tennis court facilities; (i) a convention centre; (j) travellers' accommodation, including a camping ground and hotel accommodation; (k) parking and helipad facilities; (l) driver training school inclusive of a skid pad; (m) spectator facilities including pedestrian access ways, tunnels, overbridges, spectator viewing platforms and seating areas; (n) a jet sprint course;

¹³ Submission [657.50] HD Land Limited and Hampton Downs (NZ) Limited

¹⁴ Submission [657.50] HD Land Limited and Hampton Downs (NZ) Limited

¹⁵ Submission [657.50] HD Land Limited and Hampton Downs (NZ) Limited

¹⁶ Submission [657.50] HD Land Limited and Hampton Downs (NZ) Limited

¹⁷ Submission [657.30] HD Land Limited and Hampton Downs (NZ) Limited

	<p>(o) go-kart track and drifting pads;</p> <p>(p) accessory buildings, facilities and structures such as maintenance and storage sheds, decks, shade cloths and storage containers for all items listed above.</p>
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7.1.6 Section 32AA evaluation

117. The nature of the recommended amendments is to provide clarity and consistency rather than changing the content of any provisions. As such, I do not consider that a section 32AA evaluation is necessary.

8 Land Use - Permitted Activities Precinct B

8.1.1 Introduction

118. Rule 26.1.1.2 sets out the land use permitted activities for Precinct B within the Hampton Downs Motor Sport and Recreation Zone. Precinct B is the industrial area that supports the Hampton Downs Motor Sport Park, and is located to the south west of the motorsport circuit as shown in Figure 5 below. I consider relevant defined terms along with the submissions on rules.

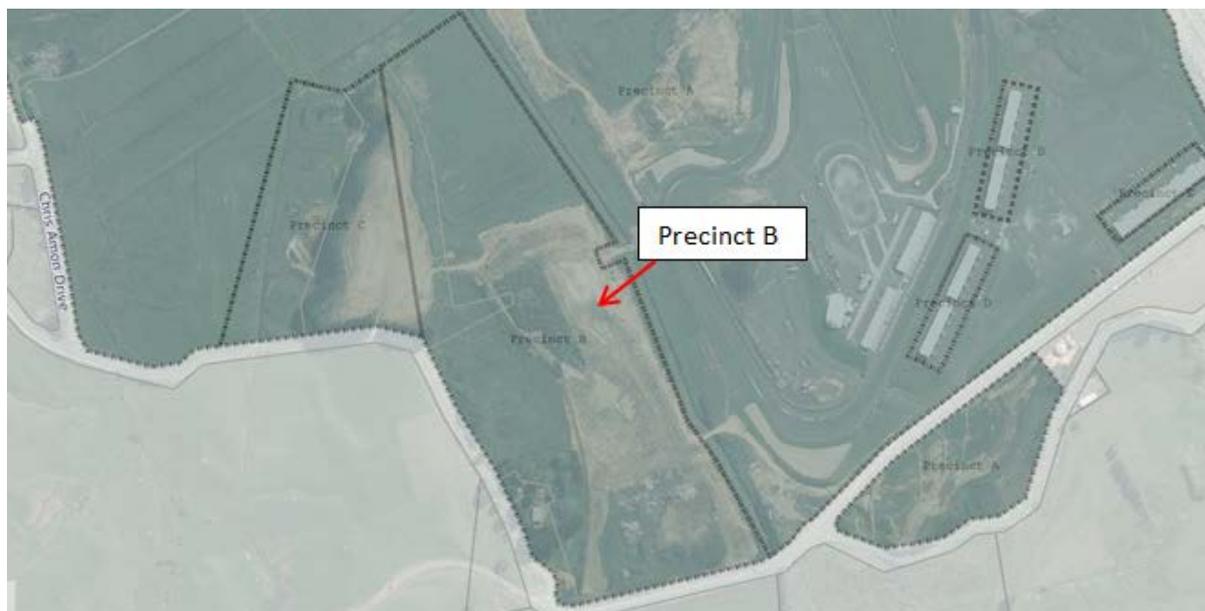


Figure 5 – Precinct B

8.1.2 Submissions

119. Seven submissions were received, all requesting that the permitted activity rules be retained, deleted, or amended. Four further submissions were received either supporting in part or opposing original submissions. The submissions are set out in the table below:

Submission point	Submitter	Summary of submission
657.38	HD Land Limited and Hampton Downs (NZ) Limited	<p>Delete the activity specific conditions in Rule 26.1.1.1 P1 and P2 Permitted Activities - Operational Motorsport Area - Precinct A</p> <p>AND</p> <p>Delete the activity specific conditions in Rule 26.1.1.2 P1, P2, P3 and P4 Permitted Activities - Business and Industrial Area - Precinct B</p> <p>AND</p> <p>Delete the activity specific conditions in Rule 26.1.1.3 P1 Permitted Activities - Minor Race Track Area - Precinct C</p> <p>AND</p> <p>Delete the activity specific conditions in Rule 26.1.1.4 P1 Permitted Activities - Residential Apartments - Precinct D</p> <p>AND</p> <p>Delete the activity specific conditions in Rule 26.1.1.5 P1 Permitted Activities - Industrial Units - Precinct E</p>
657.39	HD Land Limited and Hampton Downs (NZ) Limited	<p>Delete Rule 26.1.1.2 P1, P2 and P3 Permitted Activities - Business and Industrial Area Precinct B Activity in their entirety</p> <p>AND</p> <p>Add a new rule 26.1.1.2 P1 (insert name) as follows:</p> <p><i>P1 A business or industrial activity.</i></p>
657.40	HD Land Limited and Hampton Downs (NZ) Limited	<p>Retain Rule 26.1.1.2 P4 Permitted Activities - Business and Industrial Area - Precinct B Activity except for the amendments outlined below.</p> <p>AND</p> <p>Amend Rule 26.1.1.2 P4 Permitted Activities - Business and Industrial Area - Precinct B B Activity</p>

		as follows: <i>A residential activity within an existing dwelling, <u>and alterations or additions to the existing dwelling</u></i> AND Delete the Activity Specific Condition for Rule 26.1.1.2 P4 Permitted Activities - Business and Industrial Area - Precinct B Activity
657.51	HD Land Limited and Hampton Downs (NZ) Limited	Delete the definition for "General Warehousing" from Chapter 13 Definitions in its entirety.
FS1279.19	Reid Investment Trust	Support in part
FS1387.90	Mercury NZ Limited for Mercury D	Oppose
657.31	HD Land Limited and Hampton Downs (NZ) Limited	Delete the definition for "Automotive activities" from Chapter 13 Definitions in its entirety.
FS1279.13	Reid Investment Trust	Oppose
657.52	HD Land Limited and Hampton Downs (NZ) Limited	Delete the definition for "Non-automotive activities" from Chapter 13 Definitions in its entirety.
FS1279.20	Reid Investment Trust	Support
657.54	HD Land Limited and Hampton Downs (NZ) Limited	Delete the definition for "Activities not provided for in Precinct B in the Motor sport and Recreation Zone" from Chapter 13 Definitions in its entirety.

8.1.3 Analysis

120. In terms of submission [657.38] as it relates to Precinct B, HD Land Limited and Hampton Downs (NZ) Limited have requested the deletion of the activity specific conditions in Rules 26.1.1.2 P1, P2, P3 and P4. As discussed in my analysis for Precinct A above, I disagree with the deletion of the activity specific conditions as they make clear that the activity can only be undertaken within the precinct to which the activity relates. Furthermore, I am recommending further activity specific conditions as a result of my recommendations later in this report. My view is that this approach will make clearer it to plan users that the permitted activities are specific to precinct areas and conditions.
121. In submission [657.39] HD Land Limited and Hampton Downs (NZ) Limited are requesting the deletion of Rules 26.1.1.2 P1, P2 and P3, and the addition of a new rule - P1 - which refers to business or industrial activity. The submitter considers that there is no reason to differentiate between 'automotive activities', 'non-automotive activities' and 'general warehousing' within the Permitted Activity Rules. The development of the consented business/industrial area will occur in accordance with the existing resource consent. I agree - there is no reason to differentiate between the activities, as they are all industrial type activities.
122. I agree with adding industrial activities as a permitted activity. However, as addressed earlier in my report (section 4.3.3) I do not agree with including the term 'business' due to there being no defined term in Chapter 13. Specifically providing for business or commercial

activities in an industrial area may result in reverse sensitivity effects, or limit the availability of industrial land to support the motor sport park. New business or commercial activities need to be assessed through a resource consent process to ensure these effects are managed.

123. In submission point [657.40] HD Land Limited and Hampton Downs (NZ) Limited request that Rule 26.1.1.2 P4 be retained with minor amendments. It is requested that 'alterations and additions' to the existing dwelling be set in the rule as a permitted activity. I disagree, the existing dwelling can remain with existing use rights (and reconstructed or altered to some extent under S10 of the RMA), and therefore see no merit in setting this out in the rule.

Definitions

124. Chapter 13 sets out the definitions for Automotive, Non-automotive and general warehousing and activities not provided for in Precinct B as below:

Automotive- Means, within the Hampton Downs Motor Sport and Recreation Zone, a business that is related to the automotive and motor sports industry and includes premises involved in the sale, servicing, repair and fabrication of automotive and motor sport vehicles, parts or accessories.

Non-automotive- Means, within the Hampton Downs Motor Sport and Recreation Zone, a business that is not covered by the definition of 'Automotive activities'.

General warehousing- Means, within the Hampton Downs Motor Sport and Recreation Zone, premises used for the receipt, storage and disposal of materials, articles or goods that are not sold directly from the premises.

Activities not provided for in Precinct B in the Motor Sport and Recreation Zone

Means:

Abattoirs	Asphalt and bitumen plants
Abrasive blasting	Animal by-product processing
Asbestos removal	Bulk cartage contractors
Building recycling yards	Building recyclers
Dairy companies	Bus and coach tours
Car and truck wrecking yards	Courier and taxi companies
Factory farming	Carrier, cartage operators
Foundries	Explosives manufacturers
Galvanising plants	Fuel and oil suppliers
Heavy haulage contractors	Freight forwarders
Hazardous waste or facilities depot	Guns and gunsmiths
Oil refineries	House removal
Septic tank services	Labour hire companies
Service station	Recycling centre
Scrap metal dealers	Shuttle services
Saw mill	Spring manufacturers

<i>Tallow merchants</i>	<i>Tyre retreaders</i>
<i>Timber treatment plants</i>	<i>Skating rinks</i>
<i>Quarrying</i>	<i>Telemarketing services</i>
<i>Zinc production</i>	<i>Truck and bus dealers</i>
<i>Wool scourers</i>	

125. HD Land Limited and Hampton Downs (NZ) Limited are requesting the deletion of 'Automotive activities' [657.31], 'General Warehousing' [657.51], 'Non-automotive activities' [657.52], and 'Activities not provided for in Precinct B' [657.54]. I agree with the deletion of the above terms given my recommendation on the permitted activity Rule 26.1.1.2 and non-complying Rule 26.1.4 (addressed in section 14 below). Activities not permitted under Rule 26.1.1.2 will be made discretionary rather than non-complying.
126. The Reid Investment Trust further submission [FS/279.13] opposes HD Land Limited and Hampton Downs (NZ) Limited original submission [657.31] to delete 'automotive activities'. Reid Investment Trust considers that this definition provides clarification on the type of activities enabled in the zone. However, I note that 'automotive activities' are only referred to in the permitted activity rules for Precinct B - the business and industrial area. The resource consent contains consent conditions that relate to the activities within this business/industrial area. Given my recommendations to delete the term 'automotive activities' and replace with 'industrial activities', there is no need to define this term in Chapter 13.

Drafting Errors

127. As noted in my analysis for Precinct A, there are drafting errors where the term 'activity' is included in the rule title for both 26.1.1.1 and 26.1.1.2 (Precincts A and B) but not for the remaining precincts. The term 'activity' does not serve any purpose and therefore my view is that from this should be removed via Clause 16(2) Schedule 1 of the RMA.

8.1.4 Recommendations

128. For the reasons outlined above, it is my recommendation to the Hearings Panel that they:
- Reject** the submission from HD Land Limited and Hampton Downs (NZ) Limited [657.38].
 - Accept in part** the submissions from HD Land Limited and Hampton Downs (NZ) Limited [657.39], to the extent that the terms 'automotive', 'non-automotive' and 'general warehousing' be replaced with 'Industrial Activity'.
 - Accept in part** the submission from HD Land Limited and Hampton Downs (NZ) Limited [657.40], to the extent that Rule 26.1.1.2 P4 is retained as notified.
 - Accept** the submission from HD Land Limited and Hampton Downs (NZ) Limited [657.51], accept in part the further submissions from Reid Investment Trust [FS/279.19] and reject Mercury NZ Limited for Mercury D [FS/387.90], and that the term 'General Warehousing' be deleted from Chapter 13.
 - Accept** the submission from HD Land Limited and Hampton Downs (NZ) Limited [657.52], and further submission from Reid Investment Trust [FS/279.20], and that the term 'Non-automotive activities' be deleted from Chapter 13.

- f) **Accept** the submission from HD Land Limited and Hampton Downs (NZ) Limited [657.31], and reject further submission from Reid Investment Trust [FS/279.13], and that the term 'Automotive activities' be deleted from Chapter 13.
- g) **Accept** the submissions from HD Land Limited and Hampton Downs (NZ) Limited [657.54], and that the term 'Activities not provided for in Precinct B in the Motor sport and Recreation Zone' be deleted from Chapter 13.
- h) Amend rule heading under clause 16.

8.1.5 Recommended amendments

129. The following amendments are recommended:

26.1.1.2 Permitted Activities– **Business and Industrial Area - Precinct B Activity**¹⁸

Activity		Activity-specific conditions
P1	Automotive activities Industrial Activity ¹⁹	The activity is carried out in Precinct B (Business and ²⁰ Industrial Area)
P2	Non-automotive activities ²¹	The activity is carried out in Precinct B (Business and Industrial Area)
P3	General warehousing ²²	The activity is carried out in Precinct B (Business and Industrial Area)
P4 P2	A residential activity within an existing dwelling	The activity is carried out in Precinct B (Business and ²³ Industrial Area)

Chapter 13 – Definitions

Automotive ²⁴	Means, within the Hampton Downs Motor Sport and Recreation Zone, a business that is related to the automotive and motor sports industry and includes premises involved in the sale, servicing, repair and fabrication of automotive and motor sport vehicles, parts or accessories.
Non-automotive ²⁵	Means, within the Hampton Downs Motor Sport and Recreation Zone, a business that is not covered by the definition of 'Automotive activities'.
General warehousing ²⁶	Means, within the Hampton Downs Motor Sport and Recreation Zone, premises used for the receipt, storage and disposal of materials, articles or goods that are not sold directly from the premises.

¹⁸ Clause 16(2) Schedule I RMA

¹⁹ Submission [657.39] HD Land Limited and Hampton Downs (NZ) Limited

²⁰ Clause 16(2) Schedule I RMA

²¹ Submission [657.39] HD Land Limited and Hampton Downs (NZ) Limited

²² Submission [657.39] HD Land Limited and Hampton Downs (NZ) Limited

²³ Clause 16(2) Schedule I RMA

²⁴ Submission [657.31] HD Land Limited and Hampton Downs (NZ) Limited

²⁵ Submission [657.52] HD Land Limited and Hampton Downs (NZ) Limited

²⁶ Submission [657.51] HD Land Limited and Hampton Downs (NZ) Limited

Activities not provided for in Precinct B in the Motor Sport and Recreation Zone²⁷	Means:	
	Abattoirs	Asphalt and bitumen plants
	Abrasive blasting	Animal by-product processing
	Asbestos removal	Bulk cartage contractors
	Building recycling yards	Building recyclers
	Dairy companies	Bus and coach tours
	Car and truck wrecking yards	Courier and taxi companies
	Factory farming	Carrier, cartage operators
	Foundries	Explosives manufacturers
	Galvanising plants	Fuel and oil suppliers
	Heavy haulage contractors	Freight forwarders
	Hazardous waste or facilities depot	Guns and gunsmiths
	Oil refineries	House removal
	Septic tank services	Labour hire companies
	Service station	Recycling centre
	Scrap metal dealers	Shuttle services
	Saw mill	Spring manufacturers
	Tallow merchants	Tyre retreaders
	Timber treatment plants	Skating rinks
	Quarrying	Telemarketing services
Zinc production	Truck and bus dealers	
Wool scourers	-	

8.1.6 Section 32AA evaluation

130. The nature of the recommended amendments is to move the contents of definitions and provide clarity and consistency. As such, I do not consider that a section 32AA evaluation is necessary.

9 Land Use - Permitted Activities Precinct C

9.1.1 Introduction

131. Rule 26.1.1.3 sets out the land use permitted activities for Precinct C within the Hampton Downs Motor Sport and Recreation Zone. Precinct C is the travellers accommodation and minor race track area and is located towards the west of the motor sport circuit as shown in Figure 6 below.

²⁷ Submission [657.54] HD Land Limited and Hampton Downs (NZ) Limited



Figure 6 – Precinct C

9.1.2 Submissions

132. Four submissions were received, all requesting that the permitted activity rules be retained, deleted, or amended. The submissions are set out in the table below:

Submission point	Submitter	Summary of submission
657.38	HD Land Limited and Hampton Downs (NZ) Limited	<p>Delete the activity specific conditions in Rule 26.1.1.1 P1 and P2 Permitted Activities - Operational Motorsport Area - Precinct A</p> <p>AND</p> <p>Delete the activity specific conditions in Rule 26.1.1.2 P1, P2, P3 and P4 Permitted Activities - Business and Industrial Area - Precinct B</p> <p>AND</p> <p>Delete the activity specific conditions in Rule 26.1.1.3 P1 Permitted Activities - Minor Race Track Area - Precinct C</p> <p>AND</p> <p>Delete the activity specific conditions in Rule 26.1.1.4 P1 Permitted Activities - Residential Apartments - Precinct D</p> <p>AND</p> <p>Delete the activity specific conditions in Rule 26.1.1.5 P1 Permitted Activities - Industrial Units -</p>

		Precinct E
657.41	HD Land Limited and Hampton Downs (NZ) Limited	Amend the heading in Rule 26.1.1.3 Permitted Activities Minor Race Track Area- Precinct C by replacing "Minor Race Track Area" with " <u>Travellers' Accommodation and Motor Sport and Recreation Area</u> "
657.42	HD Land Limited and Hampton Downs (NZ) Limited	Retain Rule 26.1.1.3 (PI) Permitted Activities - Minor Race Track Area - Precinct C insofar as it provides for traveller's accommodation and facilities as a permitted activity in Precinct C.
657.43	HD Land Limited and Hampton Downs (NZ) Limited	Add a new rule to the permitted activities in Rule 26.1.1.3 Permitted Activities - Minor Race Track Area - Precinct C as follows: <i>P2 A motor sport and recreation facility and/or activity.</i>

9.1.3 Analysis

133. In terms of submission [657.38] as it relates to Precinct C, HD Land Limited and Hampton Downs (NZ) Limited have requested the deletion of the activity specific conditions in Rule 26.1.1.3 PI. As discussed in my analysis for Precinct C above, I disagree with the deletion of the activity specific conditions as they specify that the activity can only be undertaken within the precinct to which the activity relates and conditions which apply for permitted activities.
134. HD Land Limited and Hampton Downs (NZ) Limited in submission point [657.42] seek to retain the permitted activities for Rule 26.1.1.3 PI as notified. I agree, as this sets out that travellers accommodation is permitted within Precinct C, as authorised by the 2006 resource consent.
135. The definition for travellers accommodation is set out in Chapter 13 as follows:
Means land and buildings for transient residential accommodation for a person, family or group of persons, which is offered at a daily tariff, where the occupiers will not generally refer to it as their home or permanent address. It may include some centralised services or facilities such as food preparation, dining and sanitary facilities and conference and recreation facilities for the use of the guests staying at the site. It includes hotels, motels, camping grounds and tourist cabins, studios and apartments, but excludes the accommodation used by the permanent resident.
136. However, as a result of the recommendations from Hearing 5²⁸, it is proposed that the NPS definition of 'visitor accommodation' replace the definition of 'travellers' accommodation' as set out in the PWDP.
137. The NPS definition for visitor accommodation is as follows:
means land and/or buildings used for accommodating visitors, subject to a tariff being paid, and includes any ancillary activities.
138. The NPS wording is shorter, but is to the same general effect as the PWDP definition. Therefore, it is recommended that the term travellers accommodation be replaced with visitor accommodation as per the recommendations from Hearing 5 as a consequential amendment.

²⁸ Page 120, Paragraph 491, S42A Report Hearing 5 - Definitions

139. In terms of submission point [657.41] HD Land Limited and Hampton Downs (NZ) Limited are requesting that the heading for Rule 26.1.1.3 be amended to replace 'minor race track area' with '*Motor Sport and Recreation Area*'. I disagree with the relief sought for the reasons discussed in Section 9 above – where my view is that referring to 'motorsport and recreation area' will indicate that a wider range of activities can be undertaken in this area which is in close proximity to the rural residential lots.
140. HD Land Limited and Hampton Downs (NZ) Limited [657.43] are requesting the addition of a new permitted activity rule within Precinct C for motor sport and recreation facility and/or event. However, my view is that the 2006 resource consent only allows this area (Precinct C) to be utilised as a 'motor camp site'. I therefore do not consider it to be appropriate to allow for 'motor sport and recreation facility and/or events' to be provided for as a permitted activity within Precinct C. I do note that Policy 9.1.1.2 indicates that Precinct C includes a minor race track and travellers' accommodation. Rules 26.1.2.2 C1 and C2 of the PWDP list these as controlled activities, and this is addressed further in Section 12 below.

Drafting Errors

141. It is noted that the tables in Rules 26.1.1.3, 26.1.1.4 and 26.1.1.5 have no headings for 'Activity' in column 1 or 'Activity-specific conditions' in column 2. I consider that the tables need to be consistent, and that these should be included in the above tables Rules 26.1.1.3, 26.1.1.4 and 26.1.1.5.
142. Schedule 1, Clause 16 (2) of the RMA states that a local authority may make an amendment, without using the process in Schedule 1 to its proposed plan to alter any information, where such an alteration is of minor effect, or may correct any minor errors. I consider that the above drafting errors are minor and can be under Clause 16(2) of Schedule 1.

9.1.4 Recommendations

143. For the reasons outlined above, it is my recommendation to the Hearings Panel that they:
- a) **Reject** the submission from HD Land Limited and Hampton Downs (NZ) Limited [657.38],
 - b) **Reject** the submission from HD Land Limited and Hampton Downs (NZ) Limited [657.41].
 - c) **Accept** the submission from HD Land Limited and Hampton Downs (NZ) Limited [657.42], and retain Rule 26.1.1.3 PI as notified.
 - d) **Reject** the submission from HD Land Limited and Hampton Downs (NZ) Limited [657.43].

7.1.5 Consequential Amendments

144. There are consequential amendments to the activity rules as a result of the recommendations from Hearing 5²⁹, which recommends that 'visitor accommodation' replace the definition of 'travellers' accommodation.'

9.1.6 Recommended amendments

145. The following amendments are recommended:

²⁹ Page 120, Paragraph 491, S42A Report Hearing 5 - Definitions

26.1.1.3 Permitted Activities– Minor Race Track Area - Precinct C

Activity³⁰		Activity-specific conditions³¹
PI	<u>Travellers' Visitor</u> ³² accommodation and facilities	The activity is carried out in Precinct C (Minor Race Track Area)

9.1.7 Section 32AA evaluation

146. The nature of the recommended amendments is to provide clarity and consistency rather than changing the content of any provisions. As such, I do not consider that a section 32AA evaluation is necessary.

10 Land Use - Permitted Activities Precinct D

10.1.1 Introduction

147. Rule 26.1.1.4 sets out the land use permitted activities for Precinct D within the Hampton Downs Motor Sport and Recreation Zone. Precinct D contains the existing four blocks of residential apartments and are located in the eastern corner of the site, just to the south of the motor sport circuit as shown in Figure 7 below.

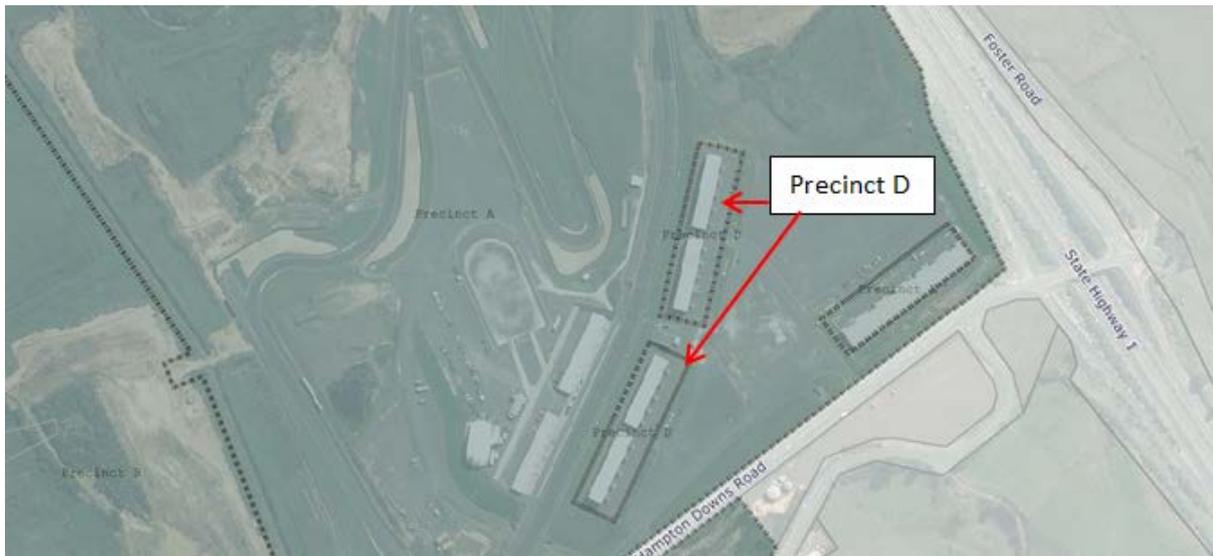


Figure 7 – Precinct D

10.1.2 Submissions

148. Two submissions were received, requesting that the permitted activity rules be retained, or deleted. The submissions are set out in the table below:

³⁰ Clause 16(2) Schedule 1 RMA

³¹ Clause 16(2) Schedule 1 RMA

³² Clause 16(2) Schedule 1 RMA

Submission point	Submitter	Summary of submission
657.38	HD Land Limited and Hampton Downs (NZ) Limited	<p>Delete the activity specific conditions in Rule 26.1.1.1 P1 and P2 Permitted Activities - Operational Motorsport Area - Precinct A</p> <p>AND</p> <p>Delete the activity specific conditions in Rule 26.1.1.2 P1, P2, P3 and P4 Permitted Activities - Business and Industrial Area - Precinct B</p> <p>AND</p> <p>Delete the activity specific conditions in Rule 26.1.1.3 P1 Permitted Activities - Minor Race Track Area - Precinct C</p> <p>AND</p> <p>Delete the activity specific conditions in Rule 26.1.1.4 P1 Permitted Activities - Residential Apartments - Precinct D</p> <p>AND</p> <p>Delete the activity specific conditions in Rule 26.1.1.5 P1 Permitted Activities - Industrial Units - Precinct E</p>
657.44	HD Land Limited and Hampton Downs (NZ) Limited	Retain Rule 26.1.1.4 P1 Permitted Activities - Residential Apartments - Precinct D as notified.

10.1.3 Analysis

149. In terms of submission [657.38] as it relates to Precinct D, HD Land Limited and Hampton Downs (NZ) Limited have requested the deletion of the activity specific conditions in Rule 26.1.1.4 P1. As discussed in my analysis for Precinct D above, I disagree with the deletion of the activity specific conditions as they specify that the activity can only be undertaken within the precinct to which the activity relates. This makes it clear to plan users that the permitted activities are specific to precinct areas.
150. HD Land Limited and Hampton Downs (NZ) Limited in submission point [657.44] seek to retain the permitted activities for Rule 26.1.1.4 as notified. I agree as this provides for residential activities within the existing residential apartments as permitted which are authorised by the 2006 resource consent.

10.1.4 Recommendations

151. For the reasons outlined above, it is recommended that the Hearings Panel:
- a) **Reject** the submission from HD Land Limited and Hampton Downs (NZ) Limited [657.38],

- b) **Accept** the submission from HD Land Limited and Hampton Downs (NZ) Limited [657.44], and retain Rule 26.1.1.4 PI as notified.
- c) Add standard headings to rule tables under clause 16.

10.1.5 Recommended amendments

152. The following amendments are recommended:

26.1.1.4 Permitted Activities– Residential Apartments - Precinct D

Activity³³		Activity-specific conditions³⁴
PI	A residential activity within the residential apartments	The activity is carried out in Precinct D (Residential Apartments) .

10.1.6 Section 32AA evaluation

153. The nature of the recommended amendments is to provide clarity and consistency rather than changing the content of any provisions. As such, I do not consider that a section 32AA evaluation is necessary.

11 Land Use - Permitted Activities Precinct E

11.1.1 Introduction

154. Rule 26.1.1.5 sets out the land use permitted activities for Precinct E within the Hampton Downs Motor Sport and Recreation Zone. Precinct E contains the existing industrial activities within the existing industrial building and is located towards the south eastern corner of the site, near the SH1 boundary as shown in Figure 8 below.



Figure 8 – Precinct E

³³ Clause 16(2) Schedule 1 RMA

³⁴ Clause 16(2) Schedule 1 RMA

11.1.2 Submissions

155. Three submissions were received, all requesting that the permitted activity rules be retained, deleted, or amended. Two further submissions were received opposing original submissions. The submissions are set out in the table below:

Submission point	Submitter	Summary of submission
657.38	HD Land Limited and Hampton Downs (NZ) Limited	<p>Delete the activity specific conditions in Rule 26.1.1.1 P1 and P2 Permitted Activities - Operational Motorsport Area - Precinct A</p> <p>AND</p> <p>Delete the activity specific conditions in Rule 26.1.1.2 P1, P2, P3 and P4 Permitted Activities - Business and Industrial Area - Precinct B</p> <p>AND</p> <p>Delete the activity specific conditions in Rule 26.1.1.3 P1 Permitted Activities - Minor Race Track Area - Precinct C</p> <p>AND</p> <p>Delete the activity specific conditions in Rule 26.1.1.4 P1 Permitted Activities - Residential Apartments - Precinct D</p> <p>AND</p> <p>Delete the activity specific conditions in Rule 26.1.1.5 P1 Permitted Activities - Industrial Units - Precinct E</p>
657.45	HD Land Limited and Hampton Downs (NZ) Limited	Retain Rule 26.1.1.5 P1 Permitted Activities - Industrial Units - Precinct E
FS1279.18	Reid Investment Trust	<i>Oppose</i>
783.8	Reid Investment Trust	<p>Amend Rule 26.1.1.5 Permitted activities - Industrial Units - Precinct E as follows:</p> <p><i>An Industrial activities, car parking, y within the industrial units automotive and non-automotive activities.</i></p> <p>AND</p> <p>Any consequential amendments or further relief to give effect to the matters raised in the submission.</p>
FS1194.8	HD Land Limited and Hampton Downs (NZ) Limited	<i>Oppose</i>

11.1.3 Analysis

156. In terms of submission [657.38] as it relates to Precinct E, HD Land Limited and Hampton Downs (NZ) Limited have requested the deletion of the activity specific conditions in Rule 26.1.1.5 PI. As discussed in my analysis for Precinct E above, I disagree with the deletion of the activity specific conditions as they specify that the activity can only be undertaken within the precinct to which the activity relates. This makes it clear to plan users that the permitted activities are specific to precinct areas.
157. HD Land Limited and Hampton Downs (NZ) Limited in submission point [657.45] seek to retain the permitted activities for Rule 26.1.1.5 PI as notified.
158. Reid Investment Trust [783.8] are requesting amendments to Rule 26.1.1.5 to enable car parking and automotive and non-automotive activities to be established within Precinct E, in addition to industrial activities. HD Land Limited and Hampton Downs (NZ) Limited has made a further submission [FS1/194.8] opposing the relief sought in Reid Investment Trust's submission [783.8].
159. I disagree with Reid Investment Trust's submission [783.8]. Industrial activities are permitted within Precinct E. Industrial activities are already defined in Chapter 13 and could include a range of activities including automotive and non-automotive. Therefore, I do not see the need to include parking, automotive and non-automotive activities separately. Parking in association with the existing industrial activities (within an industrial building) already exists. The s42A author for Hearing 5 – Definitions³⁵ has recommended amendments to the definition of 'industrial activity' to align with the Planning Standards which also include activities ancillary to the industrial activity (i.e. this could include parking in association with the industrial activity).

11.1.4 Recommendations

160. For the reasons outlined above, it is recommended that the Hearings Panel:
- Reject** the submission from HD Land Limited and Hampton Downs (NZ) Limited [657.38].
 - Accept** the submission from HD Land Limited and Hampton Downs (NZ) Limited [657.45] and reject the further submission from Reid Investment Trust [FS1/279.18], and retain Rule 26.1.1.5 PI as notified.
 - Reject** the submission from Reid Investment Trust [783.8] and accept the further submission from HD Land Limited and Hampton Downs (NZ) Limited [FS1/194.8].

11.1.5 Recommended amendments

161. The following amendments are recommended:

26.1.1.5 Permitted Activities– Industrial Units - Precinct E

Activity³⁶		Activity-specific conditions³⁷
PI	An industrial activity within the industrial	The activity is carried out in Precinct E

³⁵ Section 3.44, Page 177 s42A Hearing 5 Report- Definitions

³⁶ Clause 16(2) Schedule 1 RMA

³⁷ Clause 16(2) Schedule 1 RMA

units	(Industrial Units).
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11.1.6 Section 32AA evaluation

162. The nature of the recommended amendments is to provide clarity and consistency rather than changing the content of any provisions. As such, I do not consider that a section 32AA evaluation is necessary.

12 Controlled Activities

12.1.1 Introduction

163. Rule 26.1.2 sets out the land use controlled activities that relate specifically to Precincts A and C within the Hampton Downs Motor Sport and Recreation Zone.

12.1.2 Submissions

164. Four submissions were received on this topic requesting that the rules be retained or deleted. One further submission was received opposing the original submission that requests the rule be retained. The submissions are listed in the table below:

Submission point	Submitter	Summary of submission
657.46	HD Land Limited and Hampton Downs (NZ) Limited	Delete Rule 26.1.2.1 CI Controlled Activities - Operational Motor Sport Area - Precinct A in its entirety.
742.165	New Zealand Transport Agency	Retain Rule 26.1.2.1 CI Controlled Activities – Operational Motor Sport Area – Precinct A as notified.
FS1194.11	HD Land Limited and Hampton Downs (NZ) Limited	<i>Oppose</i>
657.47	HD Land Limited and Hampton Downs (NZ) Limited	Delete Rule 26.1.2.2 CI Controlled Activities - Minor Race Track Area - Precinct C in its entirety.
657.48	HD Land Limited and Hampton Downs (NZ) Limited	Delete Rule 26.1.2.2 C2 Controlled Activities - Minor Race Track Area - Precinct C in its entirety.
657.29	HD Land Limited and Hampton Downs (NZ) Limited	<p>Amend the District Plan definition for 'Motorsport and Recreation Event' in Chapter 13 Definitions by deleting the definition and replacing it with the following:</p> <p>Motorsport and Recreation <u>Activity Event</u></p> <p><u>Means any activity in the Hampton Downs Motorsport and Recreation Zone that provides motorised and/or non-motorised entertainment, sport, education or training, and includes but is</u></p>

		<p><i>not limited to:</i></p> <ul style="list-style-type: none"> • <i><u>Racing events and activities</u></i> • <i><u>Off-road racing such as moto-cross or bmx</u></i> • <i><u>Driver training or education</u></i> • <i><u>Club days</u></i> • <i><u>Vehicle testing and practise activities</u></i> • <i><u>Organised events</u></i> • <i><u>Go karts and go kart drifting</u></i> • <i><u>Multi sport and off road running events</u></i> • <i><u>Paintball, lazer tag, outdoor skate parks and clay bird shooting</u></i> • <i><u>Drifting for motor vehicles</u></i>
FS1118.9	Meremere Dragway Inc	Conditional support

12.1.3 Analysis

Motor sport and recreation event

165. A motor sport and recreation event is a controlled activity within both Precincts A and C. Chapter 13 sets out the definition for Motor sport and recreation event as below:

Means, within the Hampton Downs Motor Sport and Recreation Zone, any day on which an activity occurs that is not a day-to-day activity. Motor sport and recreation events are classified into the following categories:

Minor Event: <700 arrival vehicles per hour (vph) and <2,000 total vehicles

Medium Event: 701 – 1,300 arrival vph or 2,100 – 3,500 total vehicles

Major Event: 1,301 – 2,500 arrival vph or 5,001 total vehicles

Extreme Event: 1801 – 2500 arrival vph or 5,001 – 8,000 total vehicles

Where an event falls into two of the above categories due to different arrival vph and total vehicles measurements, it will be classified as the larger of the two categories.

166. HD Land Limited and Hampton Downs (NZ) Limited are requesting the deletion of 'Motor Sport and Recreation Event' [657.29] by replacing with 'Motor Sport and Recreation Activity' and deletion of 'Day to day activity' [657.50]. These terms are only specific to the Hampton Downs Motor Sport Park and Recreation Zone. I therefore agree that these defined terms can be deleted from Chapter 13. However, I consider that there needs to be consistency and clarity with the activities that are enabled through resource consent. Therefore, my view is that it is appropriate move the content of the definition into the permitted activity rule.

Rules

167. HD Land Limited and Hampton Downs (NZ) Limited [657.46] are seeking the deletion of Rule 26.1.2.1 CI which relates to motor sport and recreation events within Precinct A. I agree - currently as the notified rule reads as though any motor sport and recreation event would require resource consent as a controlled activity. As the submitter has already raised, motor sport and recreation events are authorised by the 2006 resource consent. My view is

that those activities enabled by the 2006 resource consent should be set out as permitted activities in the zone. It is therefore recommended that motor sport and recreation events be included as a permitted activity in Rule 26.1.1.1 rather than a controlled activity in Rule 26.1.2.1 C1 as notified.

168. The New Zealand Transport Agency [742.165] is seeking that the rule be retained as they support Council retaining control over these activities. However, as noted above, my view is that motor sport and recreation event should be permitted within Precinct A, but with activity specific conditions (which is addressed later in this report). The HD Land Limited and Hampton Downs (NZ) Limited further submission [FS1194.11] opposes the submission by the New Zealand Transport Agency [742.165].
169. HD Land Limited and Hampton Downs (NZ) Limited [657.47] and [657.48] are seeking to delete Rules 26.1.2.2 C1 and C2 that relate to Precinct C, and include a new rule which provides for racing events and activities as a permitted activity. Providing for motor sport and recreation activities as a permitted activity within Precinct C has been addressed in Section 4.3 above, where my view is that the resource consent only authorises the motor camp site in this location. Precinct C is located near the rural residential lots, and enabling a wide range of activities within this area as a permitted activity could result in adverse effects on the localised environment. Retaining Rules 26.1.2.2 C1 and C2 where motor sport and recreation activities and facilities are controlled activities, will give Council control over matters such as noise, hours, traffic, and size/scale.

12.1.4 Recommendations

170. For the reasons outlined above, it is recommended that the Hearings Panel:
- a) **Accept** the submission from HD Land Limited and Hampton Downs (NZ) Limited [657.46], and that Rule 26.1.2.1 C1 be deleted and the contents moved to Rule 26.1.1.1.
 - b) **Reject** the submission from the New Zealand Transport Agency [742.165] and accept the further submission from HD Land Limited and Hampton Downs (NZ) Limited [FS1194.11].
 - c) **Reject** the submission from HD Land Limited and Hampton Downs (NZ) Limited [657.47].
 - d) **Reject** the submission from HD Land Limited and Hampton Downs (NZ) Limited [657.48].
 - e) **Accept in part** the submission from HD Land Limited and Hampton Downs (NZ) Limited [657.29] and reject the further submission from Meremere Dragway [FS1118.9], to the extent that the definition of motor sport and recreation event is deleted from chapter 13 and the content moved to a new permitted activity rule in Rule 26.1.1.1.

12.1.5 Recommended amendments

171. The following amendments are recommended:

~~26.1.2.1 Controlled Activities – Operational Motor Sport Area – Precinct A~~

C1	Motor sport and recreation events³⁸	(a) The activity is carried out in Precinct A (Operational Motor Sport Area)
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³⁸ Submission [657.46] HD Land Limited and Hampton Downs (NZ) Limited

		<p>(b) Control shall be reserved over the following matters:</p> <p>(i) Noise levels and duration</p> <p>(ii) Lighting and glare</p> <p>(iii) Hours of operation</p> <p>(iv) Nature and frequency of the event</p> <p>(v) Size and scale of the events</p> <p>(vi) Traffic, access and parking.</p>
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26.1.1.1 Permitted Activities - Operational Motorsport Area - Precinct A *(Note: later sections of this report recommend additional activity specific conditions for Rule 26.1.1.1 P1)*

<u>P3</u>	<p><u>A motorsport and recreation event:</u></p> <p>Motor sport and recreation <u>events are classified into the following categories:</u></p> <p><u>Minor Event: <700 arrival vehicles per hour (vph) and <2,000 total vehicles</u></p> <p><u>Medium Event: 701 – 1,300 arrival vph or 2,100 – 3,500 total vehicles</u></p> <p><u>Major Event: 1,301 – 2,500 arrival vph or 5,001 total vehicles</u></p> <p><u>Extreme Event: 1801 – 2500 arrival vph or 5,001 – 8,000 total vehicles</u></p> <p><u>Where an event falls into two of the above categories due to different arrival vph and total vehicles measurements, it will be classified as the larger of the two categories.</u>³⁹</p>	<p><u>(a) The activity is carried out in Precinct A (Operational Motorsport Area) :</u></p>
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26.1.2.2 Controlled Activities – Minor Race Track Area - Precinct C

CI	Motor sport and recreation events	<p>(a) The activity is carried out in Precinct C (Minor Race Track Area)</p> <p>(b) Control shall be reserved over the following matters:</p> <p>(i) Noise levels and duration</p> <p>(ii) Lighting and glare</p> <p>(iii) Hours of operation</p> <p>(iv) Nature and frequency of the event</p> <p>(v) Size and scale of the events</p> <p>(vi) Traffic, access and parking.</p>
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³⁹ Submission [657.46] HD Land Limited and Hampton Downs (NZ) Limited

C2	Motor sport and recreation facilities	<p>(a) The activity is carried out in Precinct C (Minor Race Track Area)</p> <p>(b) Control shall be reserved over the following matters:</p> <ul style="list-style-type: none"> (i) Noise levels and duration (ii) Lighting and glare (iii) Hours of operation (iv) Nature and frequency of the event (v) Size and scale of the events (vi) Traffic, access and parking.
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<p>A motorsport and recreation event⁴⁰</p>	<p>Means, within the Hampton Downs Motor Sport and Recreation Zone, any day on which an activity occurs that is not a day-to-day activity. Motor sport and recreation events are classified into the following categories:</p> <p>Minor Event: <700 arrival vehicles per hour (vph) and <2,000 total vehicles</p> <p>Medium Event: 701—1,300 arrival vph or 2,100—3,500 total vehicles</p> <p>Major Event: 1,301—2,500 arrival vph or 5,001 total vehicles</p> <p>Extreme Event: 1801—2500 arrival vph or 5,001—8,000 total vehicles</p> <p>Where an event falls into two of the above categories due to different arrival vph and total vehicles measurements, it will be classified as the larger of the two categories.</p>
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12.1.6 Section 32AA evaluation

172. As I am recommending that Rule 26.1.2.1 be deleted and only minor amendments to Rule 26.1.2.2 and moving the contents of the definition for motor sport and recreation event into the permitted activity rules to provide clarity and consistency I do not consider that it is necessary to carry out a section 32AA evaluation.

13 Discretionary Activities

13.1 Introduction

173. Rule 26.1.3 sets out the land use discretionary activities that apply to Precincts A, C, D and E within the Hampton Downs Motor Sport and Recreation Zone.

13.2 Submissions

174. One submission was received on this topic requesting amendments to the rule. No further submissions were received. The submission is listed in the table below:

⁴⁰ Submission [657.29] HD Land Limited and Hampton Downs (NZ) Limited

Submission point	Submitter	Summary of submission
657.49	HD Land Limited and Hampton Downs (NZ) Limited	<p>Amend Rule 26.1.3 DI Discretionary Activities - All Precincts by deleting the existing wording and replace with the following new rule:</p> <p><i>26.1.3 Discretionary Activities – All precincts</i></p> <p><i>DI Any activity that is not a motorsport and recreation activity or a motorsport and recreation facility or any activity not listed in Rule 26.1.1.</i></p>

13.1.3 Analysis

175. HD Land Limited and Hampton Downs (NZ) Limited [657.49] is requesting amendments to Rule 26.1.3. Although I agree that the rule can be improved for clarity, I do not agree with the proposed wording by the submitter. My interpretation of Rule 26.1.3 is that its purpose is to capture those activities that are not permitted or controlled in the precincts as a discretionary activity. For example a motor sport and recreational activity or facility within Precinct B would require resource consent as a discretionary activity, or an industrial activity within Precinct C would require resource consent as a discretionary activity.
176. The submitter refers to Rule 26.1.4, which only applies to Precinct B where certain activities are non-complying. Rule 26.1.3 makes no reference to those activities that relate to Precinct B (Rule 26.1.1.2). These instead are captured by the non-complying rule (which is also addressed in Section 14 8 below). I agree with the submitter and consider it is more appropriate to also include those activities that do not comply with Rule 26.1.1.2 as a discretionary activity rather than non-complying activity.
177. I also note that there appears to be a drafting error in the numbering of Rule 26.1.3 DI - where it refers to Rule 26.2.1.1. I believe that the intention is to refer to Rule 26.1.2.1 which lists the controlled activities within Precinct A. This could be corrected via Clause 16(2) of Schedule 1 of the RMA.

13.1.4 Recommendations

178. For the reasons outlined above, it is recommended that the Hearings Panel:
- Accept in part** the submission from HD Land Limited and Hampton Downs (NZ) Limited submission point [657.49], to the extent that Rule 26.1.3 includes Rule 26.1.1.2.

13.1.5 Recommended amendments

179. The following amendments are recommended:

26.1.3 Discretionary Activities – All Precincts

(1) The following activities are Discretionary activities:

DI	Any activity in all precincts not listed in Rule 26.1.1.1, Rule 26.1.1.2 , ⁴¹ Rule 26.1.1.3, Rule 26.1.1.4 Rule 26.1.1.5, 26.2.1.1 ⁴² or 26.1.2.2.
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⁴¹ Submission [657.49] HD Land Limited and Hampton Downs (NZ) Limited

⁴² Clause 16(2) Schedule 1 RMA

13.1.6 Section 32AA evaluation

180. The nature of the recommended amendments is to provide clarity and consistency rather than to change the content of any provisions. As such, I do not consider that a section 32AA evaluation is necessary.

14 Non-Complying Activities

14.1 Introduction

181. Rule 26.1.4 sets out the land use non-complying activities that apply to Precinct B and a unique list of noxious activities in the Hampton Downs Motor Sport and Recreation Zone.

14.2 Submissions

182. Two submission were received on this topic requesting the deletion of Rules 26.1.3 NCI and NC2. No further submissions were received. The submissions are listed in the table below:

Submission point	Submitter	Summary of submission
657.1	HD Land Limited and Hampton Downs (NZ) Limited	Delete Rule 26.1.4 NCI Non-complying Activities - Precinct B in its entirety.
657.2	HD Land Limited and Hampton Downs (NZ) Limited	Delete Rule 26.1.4 NC2 Non-complying Activities - Precinct B in its entirety
419.131	Lucy Deverall-Horticulture Zealand New	Delete the definition of "Noxious, dangerous, offensive or toxic activities" from Chapter 13 Definitions. AND Any consequential or additional amendments as a result of changes sought in the submission.

14.1.3 Analysis

Rule 26.1.4 NCI

183. HD Land Limited and Hampton Downs (NZ) Limited [657.1] are seeking the deletion of Rule 26.1.4 NCI, which relates to activities not provided for under the permitted activity Rule 26.1.1.2 in Precinct B. The section 32 report is not clear on why any other activities within Precinct B need to be a Non-Complying Activity, and there is no indication in the objectives or policies that there should be non-complying activities in Precinct B, Given this, my view is that it is more appropriate for all other activities that are not permitted in Precinct B fall to be a Discretionary Activity rather than Non-Complying.

Rule 26.1.4 NC2

184. HD Land Limited and Hampton Downs (NZ) Limited [657.2] seek the deletion of Rule 26.1.4 NC2 which relates to 'noxious, dangerous or toxic activities'.

185. Chapter 13 sets out the definition for Noxious, dangerous, offensive or toxic activities as below:

Means those activities that emit or have the potential to emit odours, gases or other substances to air which would be so offensive as to impact on the amenity values of neighbouring sites or which could constitute a health risk for people in the vicinity. They include:

- a) *blood or offal treating, bone boiling or crushing, dag crushing, fellmongering, fish cleaning or curing, gut scraping and treating, tallow melting;*
- b) *flax pulping, flock manufacture or teasing of textile materials for any purpose and wood pulping;*
- c) *storage and disposal of night soil, septic tank sludge or refuse;*
- d) *slaughtering of animals for any purpose other than human consumption, storage, drying or preserving of bones, hides, hoofs or skins, tanning, wool scouring;*
- e) *the burning of waste oil in the open air, or in any combustion processes involving fuel-burning equipment, or other than any combustion processes involving fuel-burning equipment, if carried out primarily for the purposes of producing energy, which singly or together have a maximum fuel-burning rate of 1000kg/hr or more carbonaceous fuels or those containing hydrocarbons or sulphur;*
- f) *the open burning of coated or covered metal cable or wire, including metal coated with varnish or lacquers or covered with plastic or rubber.*
- g) *any activity with the potential to discharge asbestos to air, including the removal or disposal of friable asbestos, except where it complies with the Health, Safety, and Employment Regulations for Asbestos and is supervised and monitored by Occupational Safety and Health.*
- h) *burning out of the residual content of metal containers used for the transport or storage of chemicals.*
- i) *the open burning of municipal, commercial or industrial wastes or the use of single-chamber incinerators for disposal of waste; and*
- j) *any industrial wood pulp process in which wood or other cellulose material is cooked with chemical solutions to dissolve lining and the associated processes of bleaching and chemical and by-product recovery.*

186. This is defined term in Chapter 13 relates back to the conditions in the 2006 resource consent and is specific to the business/industrial area. Therefore I agree with the deletion of Rule 26.2.4 NC2.

Horticulture NZ have made a submission [419.131] requesting the deletion of the definition 'Noxious, dangerous, offensive or toxic activities.' The author of the Hearing 5 s42A report agrees with the submitter in that discharges to air be managed primarily by Waikato Regional Council. The definition relates to Rule 26.1.4 – Non-Complying Activities in the Hampton Downs Motor Sport and Recreation Zone. This activity does not appear to be specific to any other rule or zone. I agree with the Hearing 5 s42A report author that the definition should be deleted from the Definitions Chapter⁴³, given my recommendation to delete Rule 26.2.4 NC2.

14.1.4 Recommendations

187. For the reasons outlined above, it is recommended that the Hearings Panel:

- a) **Accept** the submission from HD Land Limited and Hampton Downs (NZ) Limited [657.1], and that Rule 26.1.4 NCI be deleted.

⁴³ Section 3.93, Page 303, s42A Hearing 5 Report- Definitions

- b) **Accept** the submission from HD Land Limited and Hampton Downs (NZ) Limited [657.2], and that Rule 26.1.4 NC2 be deleted.
- c) **Accept** the submission from Horticulture NZ [419.131], and that the defined term for 'Noxious, dangerous, offensive or toxic activities' be deleted.

14.1.5 Recommended amendments

188. The following amendments are recommended:

26.1.4 Non-complying Activities – Precinct B

~~(1) The following activities are Non-complying activities:~~

NC1	Activities not provided for under Permitted Activity Rule 26.1.1.2 in Precinct B in the Motorsport and Recreation Zone.⁴⁴
NC2	Noxious, dangerous, offensive or toxic activities.⁴⁵

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Noxious, dangerous, offensive or toxic activities⁴⁶	Means those activities that emit or have the potential to emit odours, gases or other substances to air which would be so offensive as to impact on the amenity values of neighbouring sites or which could constitute a health risk for people in the vicinity. They include: <ul style="list-style-type: none"> a) blood or offal treating, bone boiling or crushing, dag crushing, fellmongering, fish cleaning or curing, gut scraping and treating, tallow melting; b) flax pulping, flock manufacture or teasing of textile materials for any purpose and wood pulping; c) storage and disposal of night soil, septic tank sludge or refuse; d) slaughtering of animals for any purpose other than human consumption, storage, drying or preserving of bones, hides, hoofs or skins, tanning, wool scouring; e) the burning of waste oil in the open air, or in any combustion processes involving fuel burning equipment, or other than any combustion processes involving fuel burning equipment, if carried out primarily for the purposes of producing energy, which singly or together have a maximum fuel burning rate of 1000kg/hr or more carbonaceous fuels or those containing hydrocarbons or sulphur; f) the open burning of coated or covered metal cable or wire, including metal coated with varnish or lacquers or covered with plastic or rubber; g) any activity with the potential to discharge asbestos to air, including the removal or disposal of friable asbestos, except where it complies with the Health, Safety, and Employment Regulations for Asbestos and is supervised and monitored by Occupational Safety and Health; h) burning out of the residual content of metal containers used for the transport or storage of chemicals; i) the open burning of municipal, commercial or industrial wastes or the use of single-chamber incinerators for disposal of waste; and
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⁴⁴ Submission [657.1] HD Land Limited and Hampton Downs (NZ) Limited

⁴⁵ Submission [657.2] HD Land Limited and Hampton Downs (NZ) Limited

⁴⁶ Submission [419.131] Horticulture NZ

	<p>j) any industrial wood pulp process in which wood or other cellulose material is cooked with chemical solutions to dissolve lignin and the associated processes of bleaching and chemical and by-product recovery.</p>
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14.1.6 Section 32AA evaluation

189. Although I recommending amendments to change some activities from non-complying to discretionary, resource consent will still be required as a discretionary activity (and the previous s32 evaluation will still apply). My view is that this is a more appropriate way to achieve the objectives because there is no indication in the objectives that a non-complying activity status should apply.

15 Land Use Effects - Noise

15.1.1 Introduction

190. Rules 26.2.1 and 26.2.2 set out the noise limits that apply to motor sport and recreation activities, and activities within Precincts B and C of the Hampton Downs Motor Sport and Recreation Zone.

15.1.2 Submissions

191. Five original submissions were received requesting both amendments and deletion of the Rules 26.2.1 and 26.2.2. One further submission was received opposing the amendments sought in an original submission. The submissions received are listed in the table below:

Submission point	Submitter	Summary of submission
412.3	David Saxton	Amend Rule 26.2.1 Noise - Motor sport and recreation activity, by specifying that no excessive noise associated with the motor sport park is permitted between 7pm and 7am on any day.
<i>FS1118.16</i>	<i>Meremere Dragway Inc</i>	<i>Oppose</i>
657.3	HD Land Limited and Hampton Downs (NZ) Limited	Delete Rule 26.2.1 PI-DI Noise - Motorsport and Recreation Activity in its entirety.
923.165	Waikato District Health Board	<p>Amend Rule 26.2.1 P1, P2 and P3 Noise - Motorsport and Recreation activity, as follows:</p> <p><i>P1</i></p> <p><i>(a) The sound noise level from motor sport and recreation activities, measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008, shall not exceed the following limits measured at any point beyond the 'Hampton Downs Noise Control Boundary' shown in Appendix 12 (Motorsport and Recreation):</i></p> <p><i>(i) 65dB LAeq(1.5min) dB A L10 on no more than 27 days per year (with no more than 10 of the 27 days to be on a Sunday or public holiday) between the hours of 9.00am-6.00pm; and</i></p> <p><i>(ii) 55dB LAeq(1.5min) dB A L10 on no more than 40 days per year between the hours of 9.00amm-6.00pm; and</i></p> <p><i>(iii) 50 dB LAeq(1.5min) dB A L10 between the hours of 7am to 6pm any other days of the year; and</i></p> <p><i>(iv) 45 dB LAeq(1.5min) dB A L10, between the hours of 6pm</i></p>

		<p>to 10pm every day of the year, and</p> <p>(v) 40dB $L_{Aeq(15min)}$ dBA L10 and 65 dB L_{AFmax} dBA Lmax at all other times</p> <p>(b)The motor racing activities in Rule 26.2.1 PI (a) (i) and (ii) are exclusive of each other and the activities are considered to be on separate days.</p> <p>P2</p> <p>The use of a public address system shall only occur between the hours of 7.00am and 7.00pm and shall not exceed a noise limit of 50 dBA L10 <u>dB LAeq(15min)</u>, measured at any point beyond the 'Hampton Downs Noise Control Boundary' shown in Appendix 12 (Motorsport and Recreation) in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008.</p> <p>P3</p> <p>...</p> <p>C. A programme of noise management and assessment of compliance with the noise standards, including details of the monitoring of noise levels for vehicles competing in events with a noise limit of 65 dB LAeq(15 min) <u>dB LAeq(15 min)</u>.</p>
657.4	HD Land Limited and Hampton Downs (NZ) Limited	Delete Rule 26.2.2 Noise - Precincts B and C in its entirety.
923.166	Waikato District Health Board	<p>Amend Rule 26.2.2 PI and DI- Noise- Business and Industrial Area Precinct B and Minor Race Track Area- Precinct C as follows:</p> <p>PI</p> <p>(a)Sound <u>The noise level from activities within Precinct B and Precinct C, other than motor racing activities within Precinct B and Precinct C, measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008 must shall not exceed the following noise limits when measured at the at any point within a notional boundary on any other site of any dwelling:</u></p> <p><u>(i) 50dB $L_{Aeq(15min)}$, 7am to 7pm, Monday to Saturday excluding public holidays;</u></p> <p><u>(ii) 40 dB $L_{Aeq(15min)}$, 7am to 7pm, Sunday and Public Holidays;</u></p>

		<p>(iii) 40 dB $L_{Aeq(1.5min)}$, 7pm to 7am the following day;</p> <p>(iv) 75 dB L_{AFmax}, 10pm to 7am the following day;</p> <p>Monday to Friday 7:00am to 7:00pm 50 dBA L10.</p> <p>Saturday 7:00am to 6:00pm 50 dBA L10.</p> <p>All other times including public holidays 40 dBA L10</p> <p>Monday to Sunday 10:00pm to 7:00am 75 dBA Lmax.</p> <p>Noise levels shall be measured and assessed in accordance with the requirements 6801:2008 'Acoustics-Measurement of environmental sound' and NZS 6802:2008 'Acoustics—Environmental noise.'</p> <p>(b)The notional boundary means a line 20m from the façade of any dwelling or the legal boundary, whichever is the closer to the dwelling as defined in NZS 6801:2008 'Acoustics—Measurement of environmental sound.'</p> <p>-D1</p> <p>(a)Sound that is outside the scope of NZS 6802:2008 or a permitted activity standard; and</p> <p>(b)Sound Any activity that does not comply with Rule 26.2.2 P1.</p>
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15.1.3 Analysis

192. David Saxton [412.3] and Waikato DHB [923.165] and [923.166] are requesting various amendments to Rules 26.2.1 and 26.2.2. The general thrust of these submissions is to support noise controls, especially at night. HD Land Limited and Hampton Downs (NZ) Limited are requesting the deletion of Rules 26.2.1 and 26.2.2 in [657.3] and [657.4].
193. David Saxton [412.3] is requesting amendments to Rule 26.2.1 to specify that 'there is no excessive noise between 7pm and 7am on any day.' Meremere Dragway Inc [FS1/18.16] have made a further submission opposing the amendments sought in submission [412.3].
194. David Saxton in his submission says 'recently the park has run a very noisy event that had a 24 hour duration. The non-stop noise is intolerable for adjacent neighbours.' I note that the 2006 resource consent does not contain a condition around the hours of operation, only the noise controls for motor racing activities within the motorsport circuit for a certain number of days per year between the hours of 9.00am-6.00pm. Rule 26.2.1 P1 makes reference to the noise control boundary. The noise control boundary was positioned by prediction of a worst case scenario for noise emission levels from motor racing within the motorsport circuit in the 2006 resource consent. The limits set in Rule 26.2.1 P1 (a)(i)-(v) are not to be exceeded beyond the noise control boundary.

195. Rule 26.2.1 P1 (a)(iv) and (v) include controls for noise limits between 6pm – 10pm and 40dBA L_{10} and 65dBA L_{max} at all other times. These are additional parameters which are not set out in the 2006 resource consent. However, I note that the underlying rural zone rules are relied on for compliance for all other times (which are not set out in the 2006 resource consent). Therefore, my view is that these additional parameters in the notified Rule 26.2.1 will manage noise arising at the more sensitive times, and should address the relief sought in David Saxton's submission [412.3]. However, including the term 'excessive noise' is not quantifiable, therefore not appropriate to include in the rule in my view. I note also that RMA s327 provides for management of excessive noise through enforcement action by council officers, independently of district plan provisions.
196. In terms of submission [657.3] and [657.4], HD Land Limited and Hampton Downs (NZ) Limited the submitter is correct, in that the 2006 resource consent does contain some noise conditions that relate to the existing consented activities. These conditions are however only specific to motor racing within the motor sport circuit and activities within the business/industrial area and motor camp area (all of which are activities that are authorised by the 2006 resource consent).
197. I do not agree with the deletion of Rule 26.2.1 P1 and P2 as it is important to specify noise standards for both existing and new activities within the zone to manage noise and amenity effects. Rule 26.2.1 P1 (a)(i) and (ii) and P2 contain the levels and parameters which are duplicated from the resource consent. Rule 26.2.1 P1 (a)(iv) and (v) contain the same parameters as the rural zone. As these noise limits apply in the resource consent, and the remainder of the rule contains parameters which will manage noise effects at other times (rather than relying on the underlying rural zone rules as currently done), this will not prevent or restrict the operators of the motor sport park continuing to operate the existing activities. Furthermore, retaining the noise rules as notified will give plan users guidance on what is an appropriate level of noise for the zone.
198. For consistency with terms used throughout Chapter 26, my view is that the rule should refer to 'activities within Precincts A, D and E in Rule 26.2.1 rather than motor racing and recreational activities- as this would not cover all activities- such as industrial activities within Precinct E. Additionally, my view is that the rule heading for Rule 26.2.2 can be simplified by just reference noise within Precinct B and C. These minor changes can be amended via Clause 16(2) Schedule 1 of the RMA.
199. Rule 26.2.1 P3 requires a noise management plan to be prepared, maintained and complied with for a motor sport and recreation activity. I do not agree with the deletion of P3 as it will address how the noise limits in P1 will be achieved. It will also provide a record of the number of days a year for the 65dBA L_{10} being no more than 27 days and 55dBA L_{10} being no more than 40 days per year. The requirement for a noise management plan may be more appropriate for motor sport and recreation events only. However, without further evidence from HD Land Limited and Hampton Downs (NZ) Limited around noise generated from Day-to-day activities (particularly clay bird shooting) I am of the view that a noise management plan should be provided for both events and day-to-day activities.
200. In terms of submission [657.4], which relates to Rule 26.2.2, I do not agree with the deletion of the rule. However, if the Hearings Panel considers that there is scope to do so my view is that the rule should not exempt motor racing activities - it should apply to all activities undertaken within both precincts. Although resource consent for motor racing activities would be required as a controlled (Precinct C) or discretionary activity (Precinct B), there still needs to be guidance as a minimum on what is an appropriate level of noise, particularly given that these precincts are located in close proximity to the rural residential lots.

201. Waikato DHB in [923.165] and [923.166] are requesting various amendments to Rules 26.2.1 and 26.2.2. The submitter notes that sound from the motor sport park is authorised by the resource consent and that the proposed permitted activity standards closely follow but do not exactly mirror the resource consent conditions. Waikato DHB have noted that while the amendments sought do not prevent activities continuing under the existing resource consent, it sets a robust baseline for any further developments or alterations to activities.'
202. The submitter has concern with the outdated noise controls in the resource consent, and the rule containing reference to the outdated 'L₁₀' parameter; formatting; consistency with noise rules in other zones; incorrect terminology; and provision for a sound source outside the scope of NZS 6802..
203. I agree in part with the relief sought. While advice from a noise expert has not been obtained by council on this submission, my view from a planning perspective is that it is appropriate to adopt the L_{Aeq} parameter. This will give consistency with the parameters throughout the PWDP. To that extent, the submission is recommended to be accepted in part.
204. I also agree with requiring noise levels to be measured in accordance with NZS 6801:2008 in Rule 26.2.1, but my view is that this should be set out as a new rule- Rule 26.2.1 PI (c) and (d). This is consistent with the framework in other zone chapters..
205. Rule 26.2.2 PI(b) explains the notional boundary. I agree with submission [923.166] that there is no need to define the notional boundary in the rule as this is already defined in Chapter 13. I note the S42a author for Hearing 5 (definitions) has recommended that the definition of notional boundary as notified be replaced with the NPS definition:
- PWDP:
- Means a line measured 20 metres, and parallel to any side of a residential unit or a building occupied by a sensitive land use, or the site boundary where this is closer to the residential unit or sensitive land use.*
- NPS
- means a line 20 metres from any side of a residential unit or other building used for a noise sensitive activity, or the legal boundary where this is closer to such a building.*
206. Other points submitted by Waikato DHB (e.g. 15min intervals, reference to sound, and sound that is outside the scope of NZS 6802:2008) are not recommended to be accepted. If the submitter wishes to pursue these other points, I invite them to provide supporting evidence from a noise expert.

15.1.4 Recommendations

207. For the reasons outlined above, it is recommended that the Hearings Panel:
- a) **Accept in part** the submission from David Saxton [412.3] and reject the further submission from Meremere Dragway Inc [FS1/18.16], to the extent that Rule 26.2.1 PI is retained as notified.
 - b) **Reject** the submission from HD Land Limited and Hampton Downs (NZ) Limited [657.3] and [657.4].
 - c) **Accept in part** the submission from Waikato District Health Board [923.165], to the extent that Rule 26.2.1 is updated to reference L_{Aeq} and a new rule include which requires noise to be measured in accordance with NZS 6801:2008.

- d) **Accept in part** the submission from Waikato District Health Board [923.166], to the extent that Rule 26.2.2 is updated to reference L_{Aeq} and deletion of Rule 26.2.2(b) which defines notional boundary.

15.1.5 Recommended amendments

208. The following amendments are recommended:

26.2.1 Noise - ~~Motorsport and Recreation Activity Precincts A, D and E~~⁴⁷

PI	<p>(a) The noise level from motor sport and recreation activities within Precincts A, D and E⁴⁸ shall not exceed the following limits measured beyond the 'Hampton Downs Noise Control Boundary' shown in <u>Appendix 12</u> Motor Sport and Recreation:</p> <p>(i) 65dBA L_{10} L_{Aeq}⁴⁹ on no more than 27 days per year (with no more than 10 of the 27 days to be on a Sunday or public holiday) between the hours of 9:00am – 6:00pm; and</p> <p>(ii) 55 dBA L_{10} L_{Aeq} on no more than 40 days per year between the hours of 9:00am – 6:00pm; and</p> <p>(iii) 50 dBA L_{10} L_{Aeq}⁵⁰ between the hours of 7am to 6pm any other days of the year; and</p> <p>(iv) 45 dBA L_{10} L_{Aeq}⁵¹ between the hours of 6pm to 10pm every day of the year; and</p> <p>(v) 40 dBA L_{10} L_{Aeq}⁵² and 65dBA L_{max} at all other times</p> <p>(b) The motor racing activities in Rule 26.2.1 PI (a) (i) and (ii) are exclusive of each other and the activities are considered to be on separate days.</p> <p>(c) <u>Noise levels must be measured in accordance with the requirements of New Zealand Standard NZS 6801:2008 Acoustics - Measurement of Environmental Sound.</u></p> <p>(d) <u>Noise levels must be assessed in accordance with the requirements of New Zealand Standard NZS 6802:2008 Acoustic - Environmental noise.</u>⁵³</p>
P2	<p>The use of a public address system shall only occur between the hours of 7:00am and 7:00pm and shall not exceed a limit of 50dBA L_{10} L_{Aeq}⁵⁴.</p>
P3	<p>(a) Prior to the operation of a motor sport and recreation activity event,⁵⁵ the following shall be provided and implemented:</p> <p>(i) The operators of the Hampton Downs Motorsport Park shall prepare, maintain and operate in accordance with a Noise Management Plan (NMP). Each initial Noise Management Plan shall be submitted to the Planning Manager for certification by a suitably qualified and experienced person (appointed by the Planning Manager) in writing that the Noise Management Plan gives effect to this rule. Any subsequent iterations of the NMP will not require certification.</p> <p>(ii) Notwithstanding the process and timing for review of the Noise</p>

⁴⁷ Clause 16(2) Schedule 1 RMA

⁴⁸ Clause 16(2) Schedule 1 RMA

⁴⁹ Submission [923.165] Waikato DHB

⁵⁰ Submission [923.165] Waikato DHB

⁵¹ Submission [923.165] Waikato DHB

⁵² Submission [923.165] Waikato DHB

⁵³ Submission [923.165] Waikato DHB

⁵⁴ Submission [923.165] Waikato DHB

⁵⁵ Clause 16(2) Schedule 1 RMA

	<p>Management Plan specified in the NMP. The Council may review it at any time in consultation with the operators of the Hampton Downs Motorsport Park. The Council shall provide adequate notice and state the reasons for the review. Any reviewed NMP shall be recertified by a suitably qualified and experienced person appointed by the Planning Manager.</p> <p>(iii) Any Noise Management Plan shall each address and include, but not be limited to:</p> <p>A. A certificate by its author that the methods included in it will ensure compliance with all noise limits in Rule 26.2.1 P1.</p> <p>B. A means of receiving, recording and responding to complaints, including a method of advising noise complainants within 5 working days of the outcome of the investigation.</p> <p>C. A programme of noise management and assessment of compliance with the noise standards, including details of the monitoring of noise levels for vehicles competing in events with a noise limit of 65dBA L_{10} L_{Aeq}.</p>
DI	Any activity that does not comply with Rule 26.2.1 P1, P2 or P3.

26.2.2 Noise – ~~Business and Industrial Area~~ Precinct B and ~~Minor Race Track Area~~– Precinct C⁵⁶

PI	<p>(a) The noise level from activities, other than motor racing activities⁵⁷ within Precinct B and Precinct C, shall not exceed the following limits when measured at the notional boundary of any dwelling:</p> <table border="1"> <tr> <td>Monday to Friday</td> <td>7:00am to 7:00pm</td> <td>50 dBA L_{10} L_{Aeq}⁵⁸</td> </tr> <tr> <td>Saturday</td> <td>7:00am to 6:00pm</td> <td>50 dBA L_{10} L_{Aeq}⁵⁹</td> </tr> <tr> <td>All other times including public holidays</td> <td></td> <td>40 dBA L_{10} L_{Aeq}⁶⁰</td> </tr> <tr> <td>Monday to Sunday</td> <td>10:00pm to 7:00am</td> <td>75 dBA L_{max}</td> </tr> </table> <p>Noise levels shall be measured and assessed in accordance with the requirements of NZS 6801:2008 Acoustics - Measurement of environmental sound and NZS 6802:2008 Acoustics - Environmental noise.</p> <p>(b) The notional boundary means a line 20m from the façade of any dwelling or the legal boundary, whichever is the closer to the dwelling as defined in NZS6801:1991 Acoustics – Measurement of environmental sound.⁶¹</p>	Monday to Friday	7:00am to 7:00pm	50 dBA L_{10} L_{Aeq} ⁵⁸	Saturday	7:00am to 6:00pm	50 dBA L_{10} L_{Aeq} ⁵⁹	All other times including public holidays		40 dBA L_{10} L_{Aeq} ⁶⁰	Monday to Sunday	10:00pm to 7:00am	75 dBA L_{max}
Monday to Friday	7:00am to 7:00pm	50 dBA L_{10} L_{Aeq} ⁵⁸											
Saturday	7:00am to 6:00pm	50 dBA L_{10} L_{Aeq} ⁵⁹											
All other times including public holidays		40 dBA L_{10} L_{Aeq} ⁶⁰											
Monday to Sunday	10:00pm to 7:00am	75 dBA L_{max}											
DI	(a) Any activity that does not comply with Rule 26.2.2.P1.												

15.1.6 Section 32AA evaluation

209. The nature of the recommended amendments is to provide clarity and consistency and reflect the noise rules for the Rural Zone. As such, I do not consider that a section 32AA evaluation is necessary.

⁵⁶ Clause 16(2) Schedule 1 RMA

⁵⁷ Submission [657.4] HD Land Limited and Hampton Downs (NZ) Limited

⁵⁸ Submission [923.166] Waikato DHB

⁵⁹ Submission [923.166] Waikato DHB

⁶⁰ Submission [923.166] Waikato DHB

⁶¹ Submission [923.166] Waikato DHB

16 Land Use Effects - Landscaping and Screening

16.1.1 Introduction

210. Rule 26.2.4 relates to the management of visual and amenity effects of the activities within the Hampton Downs Motor Sport and Recreation Zone. . Rule 26.2.4, like other rules in this zone, has been drafted to replicate the 2006 resource consent conditions and apply these as permitted activities through the zone. The rule does not control any future landscaping and screening that were not contemplated in the 2006 resource consent.

16.1.2 Submissions

211. Two submissions were received, one requesting that the rule to be retained and the other requesting that it be deleted. One further submission was received opposing the original submission which requests that the rule be retained. The submissions are listed in the table below:

Submission point	Submitter	Summary of submission
657.5	HD Land Limited and Hampton Downs (NZ) Limited	Delete Rule 26.2.4 Landscaping and screening in its entirety.
742.166	New Zealand Transport Agency	Retain Rule 26.2.4 P1 Landscaping and Screening, as notified; AND Retain 26.2.4 P2 Landscaping and Screening, as notified.
FS1194.12	HD Land Limited and Hampton Downs (NZ) Limited	<i>Oppose</i>

16.1.3 Analysis

212. HD Land Limited and Hampton Downs (NZ) Limited [657.5] are requesting that Rule 26.2.4 be deleted, because landscape planting including ongoing maintenance is required by the conditions of the resource consent. Furthermore the submitter notes that landscaping is required around part of the perimeter (adjacent to the State Highway), and they are of the view that this not affected by any new development at the site. The notified Rule 26.2.4 P1 requires landscape planting to be consistent with the landscape plan in Appendix 12. This plan is included in the 2006 resource consent, and I have included in Figure 9 below:

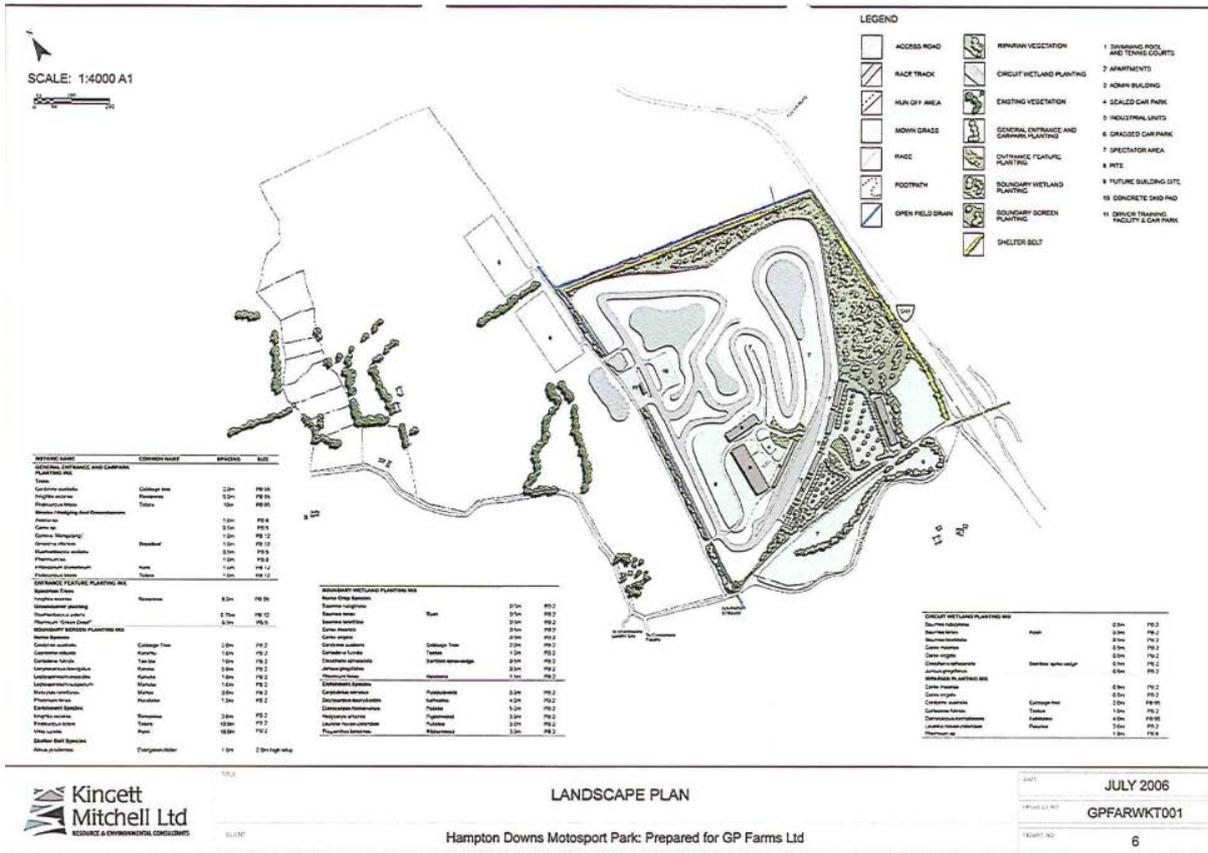


Figure 9 - Appendix 12, Attachment D, Landscape Plan

- 213. HD Land Limited and Hampton Downs (NZ) have also made a submission requesting the deletion of outdated plans from Appendix 12 (all but the noise contour plan), however no new updated landscape plans have been provided.
- 214. As the plans appear outdated, I do not see the need to reference these plans in the rule. Of particular relevance is that the landscape plan in Appendix 12 does not show planting in the western most portion of the site (between the motor sport circuit and rural residential properties).
- 215. The New Zealand Transport Agency [742.166] supports the need for landscaping and planting to ensure that events are screened from State Highway 1. HD Land Limited and Hampton Downs (NZ) Limited further submission [FS1/94.12] opposes the New Zealand Transport Agency's original submission. Given the zones proximity and visibility to SH1, I agree that it is important that landscaping and planting is in place to mitigate visual and traffic safety effects from the activities on the site from vehicles travelling along the highway, and therefore all of the content of Rule 26.2.4 is retained.
- 216. Rule 26.2.4 as notified does not specify when a landscaping and planting plan is required and refers to the 2006 landscape plan, which does not address landscaping around the entire perimeter of Precinct A. My view is that Rule 26.2.4 can both be simplified and improved- to set out when planting is required to be established, and requirements for a landscape planting plan and landscape maintenance regime.
- 217. In terms of Rule 26.2.4 P5, my view is that this rule should be retained. Precinct B allows for industrial activities as a permitted activity, which can include outdoor storage that can result

in visual amenity effects. The retention of Rule 26.2.4 P5 will ensure that these areas are screened from the road and adjoining zone which will manage visual amenity effects.

218. In terms of Rule 26.2.4 D1, as I am recommending that the landscaping rule be retained, there needs to be a rule that captures those activities which do not comply with the permitted activity rules. HD in [657.5] requested the deletion of D1. While I do not agree with its deletion, I consider that it is more appropriate to change the rule to a lower activity status- a restricted discretionary activity where matters of restricted discretion specifically relate to visual amenity impact and traffic safety effects.

16.1.4 Recommendations

219. For the reasons outlined above, it is recommended that the Hearings Panel:

- a) **Accept in part** the submission from HD Land Limited and Hampton Downs (NZ) Limited [657.5], to the extent that notified Rule 26.2.4 P1-P4 be deleted.
- b) **Accept in part** the submission from the New Zealand Transport Agency [742.166] and reject the further submission from HD Land Limited and Hampton Downs (NZ) Limited [FS/194.12], to the extent that a landscaping rule has been retained.

16.1.5 Recommended amendments

220. The following amendments are recommended:

26.2.4 Landscaping and Screening

P1	<p>(a) — A landscaping and planting plan consistent with Appendix 12 Motor Sport and Recreation shall be prepared and submitted to Council for certification by Council's Planning Manager that includes:</p> <p>(i) Details of screen planting along the full extent of the northern and eastern boundaries;</p> <p>(ii) Detail of staged visual mitigation and landscape restoration and implementation strategies that will be undertaken on the site to achieve the visual mitigation of the activities on the racecourse including:</p> <p>A. The identification of the botanical name, common name, size at time of planting, mature height, quantities and location of all planting.</p> <p>B. The height and location of any earth bunds or mounds created for visual, noise or mitigation purposes.</p> <p>C. Topsoil stockpile and management plan for all topsoil stockpiled for more than six months from time of stripping.</p> <p>D. The restoration strategy for any disturbed landforms including; permanent earthworks, including all road cuttings, temporary earthworks including construction pads and topsoil restoration.</p> <p>(iii) The restoration strategy shall identify how any new landforms will be integrated into the natural contour and revegetated so they appear homogenous with the surrounding landscape.</p> <p>(iv) The operator shall review the landscape and planting plan and amend it if necessary, subject to the approval of Council's Planning Manager, to ensure that effective screening of the track is achieved.</p> <p>(v) The operator shall adhere to the planting plan and complete works to the satisfaction of Council's Planning Manager.⁶²</p>
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⁶² Submission [657.5] HD Land Limited and Hampton Downs (NZ) Limited

<u>P1</u>	<u>Any building or land use activity within Precinct A, B and C that will at maturity be visible from State Highway 1 and local roads, shall be visually buffered from roads and immediately adjacent sites in the Rural Zone by landscaping that is subject of:</u> <ul style="list-style-type: none"> (a) <u>A landscaping plan certified by Council that details the type, location and density of evergreen species that achieve a minimum height of 3 meters at maturity.</u> (b) <u>A landscaping maintenance regime certified by Council, including details of any necessary replacement of landscaping as a result of failure.</u> ⁶³
<u>P2</u>	<u>All landscaping and planting shall be implemented within 6 months of commencement of an activity.</u> ⁶⁴
<u>P3</u>	<u>Landscaping and screening of the northern and eastern boundaries shall include species of plant that grow to reach a height of at least 3m.</u> ⁶⁵
<u>P4</u>	<u>Within Precinct B (Business and Industrial Precinct), at least 10% of any site associated with an activity or an activity on a specific Record of Title shall be landscaped and maintained in a manner that will enhance the visual appearance of the building and or the site.</u> ⁶⁶
<u>P5</u> <u>P2</u>	<u>Within Precinct B (Business and Industrial Precinct), all outdoor storage areas must be screened from view from any public road, or adjoining zone.</u>
<u>D1</u> <u>RD1</u>	<u>Any activity that does not comply with Rule 26.2.4 P1, P2, P3, P4 or P5.</u> <u>Any building or land use activity that does not comply with Rule 26.2.4 P1 and P2. Discretion is restricted to the following matters:</u> <ul style="list-style-type: none"> (a) <u>The extent to which adverse visual impact on the immediate vicinity outside of the Hampton Downs Motor Sport and Recreation Zone can be mitigated;</u> (b) <u>The extent to which adverse traffic safety impacts of drivers along SH1 and Hampton Downs Road can be mitigated.</u> ⁶⁷

16.1.6 Section 32AA evaluation

Effectiveness and efficiency

221. I consider that the recommended amendments to Rule 26.2.4 are an effective and efficient method, whilst implementing Policy 9.1.1.3 and achieving Objective 9.1.1.

Costs and benefits

222. The recommended amendments to this rule would reduce the need for resource consents to be obtained, thus saving time and costs. In turn, this provides economic benefits.

Risk of acting or not acting

223. I consider that there is a risk in retaining the notified version of this rule, in that some outcomes sought are unclear and unjustified. The amendments provide greater clarity and flexibility for development while still appropriately managing adverse effects.

⁶³ Submission [742.166] NZTA

⁶⁴ Submission [657.5] HD Land Limited and Hampton Downs (NZ) Limited

⁶⁵ Submission [657.5] HD Land Limited and Hampton Downs (NZ) Limited

⁶⁶ Submission [657.5] HD Land Limited and Hampton Downs (NZ) Limited

⁶⁷ Submission [657.5] HD Land Limited and Hampton Downs (NZ) Limited

Decision about most appropriate option

224. In my opinion, the recommended rule is the most appropriate in achieving the objective, as it provides flexibility for development while managing the adverse visual amenity and traffic effects.

17 Land Use Effects - Earthworks

17.1.1 Introduction

225. Rule 26.2.5 specifies the earthworks thresholds for the Hampton Downs Motor Sport and Recreation Zone.

17.1.2 Submissions

226. Two submissions were received on this topic- one requesting that the rule be deleted, and the other requesting amendments as listed in the table below:

Submission point	Submitter	Summary of submission
657.6	HD Land Limited and Hampton Downs (NZ) Limited	Delete Rule 26.2.5 Earthworks - All Precincts in its entirety.
783.9	Reid Investment Trust	<p>Amend Rule 26.2.5 PI (a)(ii) Earthworks - All Precincts as follows:</p> <p><i>(a) Earthworks within a site must meet the following conditions:</i></p> <p>...</p> <p><i>(ii) Not exceed a volume of more than 250m³ 1,000m³ and an area of more than 1,000m² 2,000m² within a site...</i></p> <p>AND</p> <p>Any consequential amendments or further relief to give effect to the matters raised in the submission.</p>

17.1.3 Analysis

227. HD Land Limited and Hampton Downs (NZ) Limited [657.6] are requesting that the earthworks Rule 26.2.5 that applies to all precincts be deleted in its entirety. HD Land Limited and Hampton Downs (NZ) Limited submit that the resource consent contains conditions that relate to earthworks for the existing and consented activities. Although I agree that the resource consent contains conditions that relate to earthworks, it is my understanding that the earthworks have been completed insofar as they relate to the existing consent activities. Any additional earthworks will therefore require a threshold.
228. Reid Investment Trust [783.9] is seeking amendments to Rule 26.2.5 PI(a)(ii) to increase the allowable volume and area for earthworks. Reid Investment Trust [783.9] considers the notified rule too onerous given the surrounding rural land uses. I note that the Rural Zone

rules allow for a volume of up to 1000m³ and area up to 2000m². I agree with the submitter, and consider that the earthworks provisions that apply to the Hampton Downs Motor Sport and Recreation Zone should mirror the surrounding Rural Zone provisions.

229. It is noted that Rule 26.2.5 RDI lists the protection of the Hauraki Gulf Catchment Area as a matter of restricted discretion. As there is no Hauraki Gulf Catchment Area within the PWDP my view is this reference should be removed via Clause 16(2) Schedule 1 of the RMA.
230. There are no specific policies that relate to earthworks for the Hampton Downs Motor Sport Park and Recreation Zone provided in Chapter 9. However, there is no specific submission requesting the inclusion of such a policy. The hearings panel may have the opportunity to address this through the integration hearing (hearing 26) later in the year.

17.1.4 Recommendations

231. For the reasons outlined above, it is recommended that the hearings panel:
- a) **Reject** the submission from HD Land Limited and Hampton Downs (NZ) Limited [657.6].
 - b) **Accept** the submission from Reid Investment Trust [783.9], and amend the earthworks provisions to mirror the Rural Zone provisions.

17.1.5 Recommended amendments

232. The following amendments are recommended:

26.2.5 Earthworks – All Precincts

PI	<p>(a) Earthworks within a site must meet the following conditions:</p> <p>(i) Be located more than 1.5m from a public sewer, open drain, overland flow path or other service pipe;</p> <p>(ii) Not exceed a volume of more than 250m³ and an area of more than 1,000m² within a site;</p> <p>(iii) The height of the resulting cut, filled areas or fill batter face in stable ground, not including any surcharge, does not exceed 1.5m, with a maximum slope of 1:2 (1 vertical to 2 horizontal);</p> <p>(iv) Areas exposed by earthworks are re-vegetated to achieve 80% ground cover within 6 months of the commencement of the earthworks;</p> <p>(v) Sediment resulting from the earthworks is retained on the site through implementation and maintenance of erosion and sediment controls;</p> <p>(vi) Do not divert or change the nature of natural water flows, water bodies or established drainage paths.⁶⁸</p>
PI	<p>(a) Earthworks within a site must meet all of the following conditions:</p> <p>(i) Do not exceed a volume of more than 1000m³ and an area of more than 2000m² over any single consecutive 12 month period;</p> <p>(ii) The total depth of any excavation or filling does not exceed 3m above or below ground level with a maximum slope of 1:2 (1 vertical to 2 horizontal);</p> <p>(iii) Earthworks are setback 1.5m from all boundaries;</p> <p>(iv) Areas exposed by earthworks are re-vegetated to achieve 80% ground cover within 6 months of the commencement of the earthworks;</p> <p>(v) Sediment resulting from the earthworks is retained on the site through</p>

⁶⁸ Submission [657.6] HD Land Limited and Hampton Downs (NZ) Limited

	<p style="text-align: center;"><u>implementation and maintenance of erosion and sediment controls:</u> <u>(vi) Do not divert or change the nature of natural water flows, water bodies or established drainage paths.⁶⁹</u></p>
P2	<p>(a) The importation of fill material to a site shall meet all of the following conditions in addition to Rule 26.2.5.P1:</p> <ul style="list-style-type: none"> (i) Does not exceed a total volume of 500m³ per site and a depth of 1m; (ii) Is fit for compaction; (iii) The height of the resulting batter face in stable ground must not exceed 1.5m with a maximum slope of 1:2 (1m vertical to 2m horizontal); (iv) Does not restrict the ability for land to drain; (v) Is not located within 1.5m of public sewers, utility services or manholes; (vi) The sediment from fill material is retained on the site.
RD1	<p>(a) Earthworks that does not comply with Rule 26.2.5.P1 or P2</p> <p>(b) Council's discretion is restricted to the following:</p> <ul style="list-style-type: none"> (i) Amenity values and landscape effects; (ii) Volume, extent and depth of earthworks; (iii) Nature of fill material; (iv) Contamination of fill material; (v) Location of the earthworks to waterways, significant indigenous vegetation and habitat; (vi) Compaction of the fill material; (vii) Volume and depth of fill material; (viii) Protection of the Hauraki Gulf Catchment Area;⁷⁰ (ix) Geotechnical stability; (x) Flood risk, including natural water flows and established drainage paths (xi) Land instability, erosion and sedimentation; and (xii) Proximity to underground services and service connections.

17.1.6 Section 32AA evaluation

Effectiveness and efficiency

233. I consider that the recommended amendments to Rule 26.2.5 are an effective and efficient method to give consistency with the earthwork thresholds with the surrounding rural area, whilst implementing Policy 9.1.1.3 and achieving Objective 9.1.1.

Costs and benefits

234. The recommended amendments to this rule would reduce the need for resource consents to be obtained, thus saving time and costs. In turn, this provides economic benefits.

⁶⁹ Submission [783.9] Reid Investment Trust

⁷⁰ Clause 16(2) of Schedule 1 of the RMA

Risk of acting or not acting

235. I consider that there is a risk in retaining the notified version of this rule, in that some outcomes sought are unclear and unjustified. The amendments provide greater clarity and flexibility for development while still appropriately managing adverse effects.

Decision about most appropriate option

236. In my opinion, the recommended rule is the most appropriate in achieving the objective, as it provides flexibility for development while managing the adverse effects associated with earthworks.

18 Land Use Effects – Motor Sport and Recreation Events

18.1.1 Introduction

237. Rule 26.2.6 relates the number of spectators and events for motor sport and recreation activities within Precincts A and C of the Hampton Downs Motor Sport and Recreation Zone.

18.1.2 Submissions

238. Two submissions were received- one requesting that the rule be deleted and the other requesting that it be retained. One further submission was received opposing the submission which requests the rule be retained. The submissions are listed in the table below:

Submission point	Submitter	Summary of submission
657.7	HD Land Limited and Hampton Downs (NZ) Limited	Delete Rule 26.2.6 Motorsport and Recreation Events - Precincts A and C in its entirety.
657.55	HD Land Limited and Hampton Downs (NZ) Limited	Delete the definition for "Spectator" from Chapter 13 Definitions in its entirety.
742.167	Kim Harris-Cottle - NZTA	<p>Retain Rule 26.2.6 P1 Motorsport and Recreation Events – Precincts A and C as notified</p> <p>AND</p> <p>Retain Rule 26.2.6 P2 Motorsport and Recreation Events – Precincts A and C as notified</p> <p>AND</p> <p>Retain Rule 26.2.6 P3 Motorsport and Recreation Events – Precincts A and C, as notified</p> <p>AND</p> <p>Retain Rule 26.2.6 D1 Motorsport and Recreation</p>

		Events – Precincts A and C as notified.
FS1194.13	HD Land Limited and Hampton Downs (NZ) Limited	Oppose

18.1.3 Analysis

239. HD Land Limited and Hampton Downs (NZ) Limited submission [657.7] are requesting the deletion of Rule 26.2.6 in its entirety, as the existing resource consent already includes conditions that relate to the size of events.
240. The submitter has also requested the deletion of the definition for ‘motor sport and recreation event’ in submission [657.29]. My view is that deleting this definition and providing for motor sport and recreation activities without specifying the limit for events will mean that there is no control on the scale of the activities in the zone rules. Furthermore, this would be inconsistent with Policy 9.1.1.3 which relates to the management of adverse effects, which includes the scale, intensity, timing and duration of activities.
241. The resource consent was granted subject to conditions and the 20,000 spectator limit set to manage potential adverse effects- particularly those that relate to traffic, noise, water and wastewater effects. It is therefore my view that the contents of Rule 26.2.6 be retained.
242. Rule 26.2.6 also applies to Precinct C. A motor sport and recreation event is a controlled activity within Precinct C, where matters of control include the size and scale of the event. Therefore, I do not see merit in Rule 26.2.6 being applicable to Precinct C.
243. HD Land Limited and Hampton Downs (NZ) Limited are requesting the deletion of ‘Spectator’ [657.55]. In terms of defining ‘spectator’, it is only referred to in Rule 26.2.6, Rule 26.2.7 and Rule 26.2.11. From my perspective as a consents planner, I do not see the merit in defining ‘spectator’ within Chapter 13 as I consider this term to be self explanatory and a term widely used.
244. The New Zealand Transport Agency submission [742.167] supports the size of events as notified, as it will ensure that there are no adverse effects on the safety and efficiency of the transport network. HD Land Limited and Hampton Downs (NZ) Limited further submission [FS1194.13] opposes the New Zealand Transport Agency’s original submission.
245. Although I consider that it is important these rules be retained, my recommendation is that Rule 26.2.6 be moved to the activity specific conditions that apply to permitted activities in Rule 26.1.1.1. This is because these set the limits for permitted activities and will set out more clearly the controls that apply for those specific permitted activities.

18.1.4 Recommendations

246. For the reasons outlined above, it is recommended that the Hearings Panel:
- Accept in part** the HD Land Limited and Hampton Downs (NZ) Limited submission [657.7], to the extent that the Rule 26.2.6 be deleted, and the contents moved into Rule 26.1.1.1.
 - Accept** the submissions from HD Land Limited and Hampton Downs (NZ) Limited [657.55], and that ‘Spectator’ be deleted from Chapter 13.
 - Accept in part** the New Zealand Transport Agency submission [742.167] and reject the HD Land Limited and Hampton Downs (NZ) Limited further submission

[FSI/194.13], to the extent that the Rule 26.2.6 be deleted, and the contents moved into Rule 26.1.1.1.

18.1.5 Recommended amendments

247. The following amendments are recommended:

26.2.6 Motor Sport and Recreation Events – Precincts A and C⁷¹

P1	The maximum number of spectators at any motor sport and recreation event shall be 20,000 people.
P2	The maximum number of Extreme Events held in one year shall be no more than two, except in a year when no Supercars event is held, when up to five Extreme Events may be held in one year.
P3	<p>(a) Excluding Minor Events, no motor sport and recreation events shall be held at the Motorsport Park on any weekday other than a weekday that is a public holiday.</p> <p>(b) Notwithstanding Rule 26.2.6 P3 (a), practice days for any event may be held on a week day.</p> <p>(c) Any Minor Event or practice day held on a week day shall have less than 700 vehicle arrivals per hour.</p>
D1	Any event that does not comply with Rule 26.2.6 P1, P2 or P3.

26.1.1.1 Permitted Activities - Operational Motorsport Area - Precinct A

P3	<p>A motorsport and recreation event:</p> <p>Motor sport and recreation events are classified into the following categories:</p> <p>Minor Event: <700 arrival vehicles per hour (vph) and <2,000 total vehicles</p> <p>Medium Event: 701 – 1,300 arrival vph or 2,100 – 3,500 total vehicles</p> <p>Major Event: 1,301 – 2,500 arrival vph or 5,001 total vehicles</p> <p>Extreme Event: 1801 – 2500 arrival vph or 5,001 – 8,000 total vehicles</p> <p>Where an event falls into two of the above categories due to different arrival vph and total vehicles measurements, it will be classified as the larger of the two categories.</p>	<p>(a) The activity is carried out in Precinct A (Operational Motorsport Area) ; and</p> <p>(b) The maximum number of spectators at any motor sport and recreation event shall be 20,000 people; and</p> <p>(c) The maximum number of Extreme Events held in one year shall be no more than two, except in a year when no Supercars event is held, when up to five Extreme Events may be held in one year; and</p> <p>(d) Excluding Minor Events, no motor sport and recreation events shall be held at the Motorsport Park on any weekday other than a weekday that is a public holiday; and</p> <p>(e) Notwithstanding (b)(ii), practice days for any event may be held on a week day; and</p> <p>(f) Any Minor Event or practice day held on a week day shall have less than 700 vehicle arrivals per hour.⁷²</p>
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⁷¹ Submission [657.7] HD Land Limited and Hampton Downs (NZ) Limited

⁷² Submission [742.167] NZTA

248. The recommended amendments to the permitted activity rules are shown in Appendix 3.

18.1.6 Section 32AA evaluation

249. As I am only recommending a minor amendment for clarity to plan users, I do not consider that a 32AA evaluation is required.

19 Land Use Effects – Traffic Management

19.1.1 Introduction

250. Rule 26.2.7 outlines traffic management requirements for motor sport and recreation events that apply to all precincts within the Hampton Downs Motor Sport and Recreation Zone. The rule as notified is presented as controlled activities, but contains no matters than control is reserved over. The content therefore appears to be best treated as activity-specific conditions for activities referred to in other rules.

19.1.2 Submissions

251. Three submissions were received- two requesting that the rule be retained and the third requesting that it be deleted. One further submission was received opposing the original submission which requests that the rule be retained. The submissions are listed in the table below:

Submission point	Submitter	Summary of submission
378.53	Fire and Emergency New Zealand	Retain Rule 26.2.7 Motor sport and Event Traffic Management - All precincts.
<i>FS1035.159</i>	<i>Pareoranga Te Kata</i>	<i>Support</i>
657.8	HD Land Limited and Hampton Downs (NZ) Limited	Delete Rule 26.2.7 Motorsport and Events Traffic Management - All Precincts in its entirety.
742.168	Kim Harris-Cottle - NZTA	Retain Rule 26.2.7 C1 Motorsport and Event Traffic Management – All Precincts, as notified; AND Retain Rule 26.2.7 C2 Motorsport and Event Traffic Management – All Precincts; as notified; AND Retain Rule 26.2.7 C3 Motorsport and Event Traffic Management – All Precincts, as notified.
<i>FS1194.14</i>	<i>HD Land Limited and Hampton Downs (NZ) Limited</i>	<i>Oppose</i>

19.1.3 Analysis

252. Fire and Emergency New Zealand [378.53] and the New Zealand Transport Agency [742.167] support the traffic management rule as notified, as it will ensure that there are no adverse effects on the safety and efficiency of the transport network and will require provision for emergency vehicles.
253. Pareoranga Te Kata [FS1035.159] supports Fire and emergency submission [378.53] and HD Land Limited and Hampton Downs (NZ) Limited further submission [FS1194.14] opposes the New Zealand Transport Agency's original submission.
254. HD Land Limited and Hampton Downs (NZ) Limited [657.8] are seeking to delete Rule 26.2.7 in its entirety as the existing resource consent already includes conditions that relate to traffic management. Rule 26.2.7 is a controlled activity rule and contains extensive standards and terms, but it does not state any matters that control is reserved over.
255. My view is that traffic management is essential for the Hampton Downs Motor Sport and Recreation Zone due to the numbers of vehicles the activities generate, its proximity to the Waikato Expressway and importance of access being maintained for the users of Hampton Downs Road, such as the Springhill Prison, the Waikato Regional Landfill and residents.
256. However, my view is that it is more appropriate and clearer for plan users if the contents of Rule 26.2.7 were moved to the permitted activity Rule 26.1.1.1 as activity-specific conditions. I note that Rule 26.2.7 C1 as notified requires approval from a third party (the relevant road controlling authorities here are WDC Roding Team and NZTA). I consider that this could be improved by stating who the relevant road controlling authorities are and that the activity is undertaken in accordance with a Traffic Management Plan that is authorised by these relevant road controlling authorities (WDC Roding Team and NZTA).
257. In terms of Rule 26.2.7 C2 and C3, my view is that these rules are overly complex and not easily monitored or enforced. I consider that the requirement for a traffic management plan and listing the controls which need to be included to be sufficient. I also consider that reference to the IMC can be removed C1 (a)(iv)L, given my recommendation to delete C3.

19.1.4 Recommendations

258. For the reasons outlined above, it is recommended that the Hearings Panel:
- a) **Accept in part** the Fire and Emergency New Zealand submission [378.53] and further submission Pareoranga Te Kata [FS1035.159], to the extent that some of the contents of Rule 26.2.7 are moved into Rule 26.1.1.1.
 - b) **Accept in part** the HD Land Limited and Hampton Downs (NZ) Limited submission [657.8], and that Rule 26.2.7 be deleted and some of the contents moved into Rule 26.1.1.1.
 - c) **Accept in part** the New Zealand Transport Agency submission [742.168] and accept the HD Land Limited and Hampton Downs (NZ) Limited further submission [FS1194.14], to the extent that some of the contents of Rule 26.2.7 are moved into Rule 26.1.1.1.

19.1.5 Recommended amendments

259. The following amendments are recommended:

26.2.7 Motor Sport and Event Traffic Management – All Precincts

C1	<p>(a) The operation of the Hampton Downs Motorsport Park for a motor sport and recreation event is a Controlled Activity if the following is complied with:</p> <ul style="list-style-type: none"> (i) Prior to any motor sport and recreation event being held a Traffic Management Plan (TMP) shall be prepared and lodged with the appropriate road controlling authority for approval no less than 3 months before any event; (ii) All TMPs shall be prepared in accordance with the NZTA Code of Practice for Temporary Traffic Management (COPTTM) and shall contain an appropriate level of detail for the level of road to which they apply; (iii) All draft Traffic Management Plans (TMPs) for motor sport and recreation events shall be submitted to the Implementation Monitoring Committee (IMC) for review no less than three months prior to any event; (iv) All TMPs shall contain the following information: <ul style="list-style-type: none"> A. Suitable provision for traffic to and from the Springhill Corrections Facility, the Hampton Downs Landfill Site and private dwellings. Emergency access for these facilities and dwellings shall also be provided; B. Suitable provision for non-event traffic on all roads affected (including State Highways and local roads) as identified in the TMP; C. Suitable provision for on-site traffic management including all weather parking and vehicle manoeuvring space for all events; D. Provision for the use of buses, or other high occupancy vehicles (HOV), to take people to and from the Motorsport Park, and on-site parking for buses and HOV; E. The programming, commencement and completion of all events at times which will encourage Motorsport Park traffic to use the State Highway Network other than at times of peak flows. F. When pre-ticketing and/or other road related initiatives are proposed to control any adverse effects on the State Highway; G. The details of any Variable Message Signs (VMS) and/or other signage initiatives proposed to control any adverse effects on the State Highway. H. Provision for concurrent events at the Motorsport Park and Meremere Dragway; I. Measures to prevent parking and walking on the State Highway and parking on local roads within 2km of the Motorsport Park; J. Measures to ensure that the peak arrival times for traffic attending Medium Events or larger events at the Motorsport Park do not conflict with landfill traffic, including proof of consultation with the landfill operator; K. Appropriate traffic management contingency measures for any unplanned but reasonably foreseeable reduction in capacity of the roading network, which may include but is not limited to the closure of off/on ramps, the closure of one or more State Highway lanes, or cancellation of events; L. Recommendations from the road controlling authority and Implementation and Monitoring Committee (IMC); M. Supporting traffic survey data from at least 5 other events either at Hampton Downs or similar locations that is no more than 5 years old that includes: <ul style="list-style-type: none"> i. Vehicle occupancy data;
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	<ul style="list-style-type: none"> ii—Arrival flow rates; iiiDeparture flow rates; ivSpectator attendance numbers.⁷³
C2	<p>(a)The operation of the Hampton Downs Motorsport Park for a motor sport and recreation event is a Controlled Activity if the following is complied with:</p> <ul style="list-style-type: none"> (i)Total travel time of non-Motorsport Park related traffic shall not be greater than 6 minutes for travel from the bottom of the appropriate interchange ramp to the intersection of the Springhill Corrections Facility access road with Hampton Downs Road. (ii)Provision shall be made for emergency service vehicles (e.g. fire, police, ambulance, military, Department of Corrections, vehicles needing emergency access to any site or dwelling located on, or with access from Hampton Downs Road) such that the travel time for such vehicles, from the bottom of the interchange ramps to any facility that is accessible from Hampton Downs Road shall not be more than 4 minutes. (iii)Minimum deceleration lengths at off ramps from the State Highway shall be in accordance with truck stopping distances for a level grade that is 160m. This distance will be measured from a point where a minimum 3.5m lane width (excluding shoulder) can be achieved within the existing off-ramp configuration (i.e. the diverge taper shall not be included in the length). (iv)Travel speeds on the State Highway during a motor sport and recreation event shall not be less than 85% of the State Highway speed based on equivalent time and day when an event is not being held, as measured on a continuous (rolling) 30 minute period.⁷⁴
C3	<p>(a)The operation of Hampton Downs Motorsport Park for a motor sport and recreation event is a Controlled Activity if the following is complied with:</p> <ul style="list-style-type: none"> (i)The operators of the Hampton Downs Motorsport Park shall form and coordinate an Implementation Monitoring Committee (IMC): <ul style="list-style-type: none"> A.Voting members of the IMC shall consist of (unless otherwise agreed by all voting members) a representative from each of the following groups: <ul style="list-style-type: none"> (i)The operator; (ii)The NZ Police; (iii)Waikato District Council; (iv)NZTA; (v)The operator of the Hampton Downs Landfill; (vi)Department of Corrections; and B.The IMC may also invite to the IMC meetings any other person, group or organisation that can assist the IMC in its responsibilities. (ii)The operators shall convene all IMC meetings and appropriately communicate any agenda/meeting minutes and IMC recommendations to all those effected or involved. Any agenda shall be circulated no less than 10 working days prior to a meeting. Meeting minutes shall be circulated no more than 10 working days after completion of a meeting. (iii)The operator shall advise all members of the primary contact person and their contact details and keep these updated. (iv)At least one meeting shall be held prior to 1 September each year. The operator shall provide secretarial services and a venue within 65km of Hampton Downs Motorsport Park. (v)Additional meetings shall be held where requested by any voting member of the

⁷³ Submission [657.8] HD Land Limited and Hampton Downs (NZ) Limited

⁷⁴ Submission [657.8] HD Land Limited and Hampton Downs (NZ) Limited

	<p>IMC. Meetings are to be held within a month of the initial request.</p> <p>(vi) The IMC shall operate with a quorum of 4 members unless otherwise agreed by all voting members. Voting members shall provide 5 working days' notice for any requested rescheduling or apologies.</p> <p>(vii) The recommendations of the IMC shall be made on the agreement of at least 4 members in attendance unless otherwise agreed by all voting members of the IMC.</p> <p>(viii) Issues that the IMC unanimously agree are minor issues may be addressed through correspondence, provided that any decisions reached are unanimous. ⁷⁵</p>
C4	At least three events of each size shall be held and run in compliance with Rule 26.2.7.C2 before the next sized event is held. ⁷⁶
D1	Any activity that fails to comply with the requirements of 26.2.7.C1, C2 or C3. ⁷⁷

26.1.1.1 Permitted Activities - Operational Motorsport Area - Precinct A

<p><u>P6</u></p> <p><u>A motorsport and recreation event:</u></p> <p><u>Motor sport and recreation events are classified into the following categories:</u></p> <p><u>Minor Event: <700 arrival vehicles per hour (vph) and <2,000 total vehicles</u></p> <p><u>Medium Event: 701 – 1,300 arrival vph or 2,100 – 3,500 total vehicles</u></p> <p><u>Major Event: 1,301 – 2,500 arrival vph or 5,001 total vehicles</u></p> <p><u>Extreme Event: 1801 – 2500 arrival vph or 5,001 – 8,000 total vehicles</u></p> <p><u>Where an event falls into two of the above categories due to different arrival vph and total vehicles measurements, it will be classified as the larger of the two categories.</u></p>	<p>(a) <u>The activity is carried out in Precinct A (Operational Motorsport Area) ; and</u></p> <p>(b) <u>The maximum number of spectators at any motor sport and recreation event shall be 20,000 people; and</u></p> <p>(c) <u>The maximum number of Extreme Events held in one year shall be no more than two, except in a year when no Supercars event is held, when up to five Extreme Events may be held in one year; and</u></p> <p>(d) <u>Excluding Minor Events, no motor sport and recreation events shall be held at the Motorsport Park on any weekday other than a weekday that is a public holiday; and</u></p> <p>(e) <u>Notwithstanding (b)(ii), practice days for any event may be held on a week day; and</u></p> <p>(f) <u>Any Minor Event or practice day held on a week day shall have less than 700 vehicle arrivals per hour. ⁷⁸</u></p> <p>(g) <u>The activity occurs in accordance with a Traffic Management Plan (TMP) authorized by the New Zealand Transport Agency and Waikato District Council Roading Team.</u></p> <p>(h) <u>All TMPs must contain the following information:</u></p> <p>(i) <u>Suitable provision for traffic to and from the Springhill Corrections Facility, the Hampton Downs Landfill Site and private dwellings. Emergency access for these facilities and dwellings shall also be provided;</u></p> <p>(ii) <u>Suitable provision for non-event traffic on all</u></p>
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⁷⁵ Submission [657.8] HD Land Limited and Hampton Downs (NZ) Limited

⁷⁶ Submission [657.8] HD Land Limited and Hampton Downs (NZ) Limited

⁷⁷ Submission [657.8] HD Land Limited and Hampton Downs (NZ) Limited

⁷⁸ Submission [742.167] NZTA

		<p><u>roads affected (including State Highways and local roads) as identified in the TMP;</u></p> <p>(iii) <u>Suitable provision for on-site traffic management including all weather parking and vehicle manoeuvring space for all events;</u></p> <p>(iv) <u>Provision for the use of buses, or other high occupancy vehicles (HOV), to take people to and from the Motorsport Park, and on-site parking for buses and HOV;</u></p> <p>(v) <u>The programming, commencement and completion of all events at times which will encourage Motorsport Park traffic to use the State Highway Network other than at times of peak flows.</u></p> <p>(vi) <u>When pre-ticketing and/or other road related initiatives are proposed to control any adverse effects on the State Highway;</u></p> <p>(vii) <u>The details of any Variable Message Signs (VMS) and/or other signage initiatives proposed to control any adverse effects on the State Highway.</u></p> <p>(viii) <u>Provision for concurrent events at the Motorsport Park and Meremere Dragway;</u></p> <p>(ix) <u>Measures to prevent parking and walking on the State Highway and parking on local roads within 2km of the Motorsport Park;</u></p> <p>(x) <u>Measures to ensure that the peak arrival times for traffic attending Medium Events or larger events at the Motorsport Park do not conflict with landfill traffic, including proof of consultation with the landfill operator;</u></p> <p>(xi) <u>Appropriate traffic management contingency measures for any unplanned but reasonably foreseeable reduction in capacity of the roading network, which may include but is not limited to the closure of off/on ramps, the closure of one or more State Highway lanes, or cancellation of events;</u></p> <p>(xii) <u>Recommendations from the New Zealand Transport Agency and Waikato District Council Roading Team;</u></p> <p>(xiii) <u>Supporting traffic survey data from at least 5 other events either at Hampton Downs or similar locations that is no more than 5 years old that includes:</u></p> <p>A. <u>Vehicle occupancy data;</u></p> <p>B. <u>Arrival flow rates;</u></p> <p>C. <u>Departure flow rates;</u></p> <p>D. <u>Spectator attendance numbers.⁷⁹</u></p>
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⁷⁹ Submission [378.53] Fire and Emergency, [FS1035.159] Pareoranga Te Kata, and [742.167] NZTA

19.1.6 Section 32AA evaluation

260. As I am recommending that some of the contents of Rule 26.2.7 be moved to Rule 26.1.1.1 or deleted, I do not consider it necessary to carry out a section 32AA evaluation.

20 Land Use Effects - Car Parking, Access and Roothing

20.1.1 Introduction

261. Rule 26.2.8 specifies car parking, access and roading requirements for activities and events and applies to all precincts within the Hampton Downs Motor Sport and Recreation Zone.

20.1.2 Submissions

262. One submission was received requesting that the rule be deleted, as listed in the table below:

Submission point	Submitter	Summary of submission
657.9	HD Land Limited and Hampton Downs (NZ) Limited	Delete Rule 26.2.8 Carparking, Access and Roothing - All Precincts in its entirety

20.1.3 Analysis

263. HD Land Limited and Hampton Downs (NZ) Limited [657.9] are seeking deletion of Rule 26.2.8 in its entirety as the existing resource consent already contains conditions that relate to car parking, access and roading. I disagree with the deletion of Rule 26.2.8. The 2006 resource consent does contain conditions requiring car parking, access and roading. However, not all the required parking, access and roading works for the existing activities have been completed (particularly those works required for an extreme event or in relation to Precinct B and C).
264. My view is that PI(a)(i) can be deleted, as these works have been completed through the 2006 resource consent.

20.1.4 Recommendations

265. For the reasons outlined above, it is recommended that the Hearings Panel:
- a) **Accept in part** the submission from HD Land Limited and Hampton Downs (NZ) Limited [657.9], to the extent that Rule 26.2.8 PI(a)(i) be deleted.

20.1.5 Recommended amendments

266. The following amendments are recommended:

26.2.8 Car Parking, Access and Roothing – All precincts

PI	(a) Prior to the commencement of the following activities, carparking shall be provided that meets the following: (i) Prior to the commencement of any Minor Event there shall be 2794 car
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	<p>parks available in accordance with Appendix 12 Motor Sport and Recreation Zone;⁸⁰</p> <p>(ii) Prior to the commencement of any Medium Event there shall be 4052 car parks available in accordance with <u>Appendix 12 Motor Sport and Recreation Zone</u>;</p> <p>(iii) Prior to the commencement of any Major or Extreme Event there shall be 8492 car parks available in accordance with <u>Appendix 12 Motor Sport and Recreation Zone</u>.</p>								
P2	(a) All car parking required in Rule 26.2.8 PI shall be constructed on a hard-standing all-weather surface.								
P3	<p>(a) Car parking areas C and D as identified in <u>Appendix 12 Motor Sport and Recreation Zone</u> shall be accessed by an internal service road designed and constructed in accordance with Waikato District Council's Engineering Code of Practice and associated supplements, and shall include the following design parameters:</p> <table border="1"> <tr> <td>(i) Minimum sealed carriageway width – 10.5m</td> </tr> <tr> <td>(ii) Minimum lane width</td> </tr> <tr> <td>(iii) Mountable kerb and channel on each side of the carriageway</td> </tr> <tr> <td>(iv) Vehicle parking 3.0m wide within the carriageway (one side minimum)</td> </tr> <tr> <td>(v) Include a footpath on one side from the access to the northern event car park from Hampton Downs Road</td> </tr> <tr> <td>(vi) Appropriate signage and road marking</td> </tr> <tr> <td>(vii) Maximum edge of seal radius of 15m at intersections and accesses</td> </tr> <tr> <td>(viii) The intersection of Hampton Downs Road and the service road shall be generally located halfway between the western intersection of Hampton Downs Road with Old Hampton Downs Road and the accessway to the Springhill Corrections Facility.</td> </tr> </table>	(i) Minimum sealed carriageway width – 10.5m	(ii) Minimum lane width	(iii) Mountable kerb and channel on each side of the carriageway	(iv) Vehicle parking 3.0m wide within the carriageway (one side minimum)	(v) Include a footpath on one side from the access to the northern event car park from Hampton Downs Road	(vi) Appropriate signage and road marking	(vii) Maximum edge of seal radius of 15m at intersections and accesses	(viii) The intersection of Hampton Downs Road and the service road shall be generally located halfway between the western intersection of Hampton Downs Road with Old Hampton Downs Road and the accessway to the Springhill Corrections Facility.
(i) Minimum sealed carriageway width – 10.5m									
(ii) Minimum lane width									
(iii) Mountable kerb and channel on each side of the carriageway									
(iv) Vehicle parking 3.0m wide within the carriageway (one side minimum)									
(v) Include a footpath on one side from the access to the northern event car park from Hampton Downs Road									
(vi) Appropriate signage and road marking									
(vii) Maximum edge of seal radius of 15m at intersections and accesses									
(viii) The intersection of Hampton Downs Road and the service road shall be generally located halfway between the western intersection of Hampton Downs Road with Old Hampton Downs Road and the accessway to the Springhill Corrections Facility.									
P4	Prior to any development within Precinct B or any Medium Event, a right turn bay and a sealed vehicle entrance at the intersection of Hampton Downs Road and the Service Road shall be constructed and designed in accordance with the provisions of <u>Chapter 14 Infrastructure and Energy</u> and include any signage, flag lighting and road marking to the satisfaction of the Planning Manager.								
P5	<p>(a) Prior to an Extreme Event Hampton Downs Road shall be widened to 12m from the western-most motor sport circuit vehicle entrance to the intersection of Precinct B. Works shall be in accordance with the following design parameters:</p> <p>(i) A minimum sealed carriageway width of 12m;</p> <p>(ii) Road marking to include:</p> <p style="padding-left: 40px;">A. Two traffic lanes of 3.5m width;</p> <p style="padding-left: 40px;">B. Shoulders of 1m width each;</p> <p style="padding-left: 40px;">C. A 3m wide painted median.</p> <p>(b) Work shall be in accordance with the provisions of Chapter 14 Infrastructure and Energy and include any signage, flag lighting and road marking to the satisfaction of the Planning Manager.</p>								
P6	<p>(a) Prior to the commencement of any activity in Precinct C, a sealed vehicle entrance off Hampton Downs Road shall be constructed in accordance with the provisions of <u>Chapter 14 Infrastructure and Energy</u></p> <p>(b) The sealed vehicle entrance shall be wide enough to accommodate two lanes of traffic travelling in either the same or different directions and include flag lighting.</p>								
P7	Parking and manoeuvring for all activities other than racing events shall be provided								

⁸⁰ Submission [657.9] HD Land Limited and Hampton Downs (NZ) Limited

	and formed in accordance with the provisions of <u>Chapter 14</u> Infrastructure and Energy.
DI	Any activity that does not comply with Rules 26.2.8.P1, P2, P3, P4, P5, P6 or P7.

20.1.6 Section 32AA evaluation

267. As I am only recommending that Rule 26.2.8 PI(a)(i) be deleted and the remainder of Rule 26.2.8 to be retained, it is not necessary to carry out a section 32AA evaluation.

21 Land Use Effects – Glare and Artificial Light Spill

21.1.1 Introduction

268. Rule 26.2.10 manages adverse effects from glare and artificial light spill generated by activities within the Hampton Downs Motor Sport and Recreation Zone.

21.1.2 Submissions

269. One submission was received seeking that the rule be retained as below:

Submission point	Submitter	Summary of submission
742.169	New Zealand Transport Agency	<p>Retain Rule 26.2.10 PI Glare and Artificial Light Spill, as notified.</p> <p>AND</p> <p>Retain Rule 26.2.10 RD1 Glare and Artificial Light Spill, as notified.</p>

21.1.3 Analysis

270. The New Zealand Transport Agency [742.169] have made a submission seeking to retain the notified Rules 26.2.10 PI and RD1.
271. It is noted that there is a typo in RD1 (a) with reference to Rule 20.2.10 rather than 26.2.10. This could be addressed through the integration hearing later on.
272. There is a minor drafting error in Rule 26.2.10 PI where the rule refers to any other zone. The Hampton Downs Motor Sport and Recreation Zone also adjoins the SH1 boundary, and as the rule currently reads could result in adverse traffic safety effects as a result of glare from lighting. The rule as notified provides only for the measurement of light spill where the rural zone commences across the far side of these roads. This change can be done via Clause 16(2) of Schedule 1 of the RMA.

21.1.4 Recommendations

273. For the reasons outlined above, it is recommended that the Hearings Panel:
- a) **Accept in part** the submission from New Zealand Transport Agency [742.169], and Rule 26.2.10 be retained with minor amendments.

21.1.5 Recommended amendments

274. The following amendments are recommended:

26.2.10 Glare and artificial light spill

PI	Glare and artificial light spill must not exceed 20 lux measured horizontally and vertically within any other zone <u>outside the zone boundary</u> . ⁸¹
RD1	(a) Illumination that does not comply with Rule 20.2.10 <u>26.2.10</u> . ⁸² PI. (b) Council's discretion is restricted to the following matters: (i) effects on amenity values; (ii) light spill levels on another site; (iii) road safety; (iv) duration and frequency; (v) location and orientation of the light source; and (vi) mitigation measures.

21.1.6 Section 32AA evaluation

275. The nature of the recommended amendment is minor and does not change the content of any provisions. As such, I do not consider that a section 32AA evaluation is necessary.

22 Land Use Effects – Signs General

22.1.1 Introduction

276. Rule 26.2.11 manages the adverse effects of signs within the Hampton Downs Motor Sport and Recreation Zone.

22.1.2 Submissions

277. Five submissions were received seeking that Rule 26.2.11 be retained and/or amended, and four further submissions were received both supporting and opposing the original submissions. Both the original and further submissions are listed in the table below:

Submission point	Submitter	Summary of submission
657.10	HD Land Limited and Hampton Downs (NZ) Limited	<p>Amend Rule 26.2.11 PI Signs general - All Precincts so that the signage rule only applies to signage that is orientated towards the public roads as follows:</p> <p><u>PI</u></p> <p>(a) A sign shall comply with all of the following conditions <u>A sign that is:</u></p> <p><u>(i) Set back less than 7.5m from Hampton Downs Road; and/or</u></p>

⁸¹ Clause 16(2) of Schedule 1 of the RMA

⁸² Clause 16(2) of Schedule 1 of the RMA

		<p><u>(ii) Set back less than 15m from State Highway One</u></p> <p><u>And is externally facing so that the main audience is motorists travelling along Hampton Downs Road or State Highway One, shall comply with the following conditions:</u></p> <p>(i) It does not exceed 3.5m²;</p> <p>(ii) The sign height shall not exceed 10m;</p> <p>(iii) Illuminated signs shall not:</p> <p>A. Have a light source that flashes or moves;</p> <p>B. Contain moving parts or reflective materials.</p> <p>(iv) It is setback at least 7.5m from the boundary of Hampton Downs Road;</p> <p>(v) It is set back at least 15m from State Highway 1;</p> <p>(vi) Is orientated to be internally facing so the main audience are spectators on site;</p> <p>(vii) Is screened from State Highway 1;</p> <p>(viii)(iv) It relates to:</p> <p>A. Any motor sport and creation activity or events <u>facility</u> within the Motorsport and Recreation Zone; or</p> <p>B. A property name sign.</p>
FS1279.1	Reid Investment Trust	Support in part
602.55	Greig Metcalfe	<p>Amend Rule 26.2.11 P2 (a) Signs - general, as follows:</p> <p>(a) Any real estate 'for sale' sign relating to the site on which it is located must comply with all of the following conditions:</p> <p><u>(i) There is no more than 1 sign per agency measuring 600mm x 900mm per road frontage of the site to which the sign relates;</u></p> <p><u>(ii) There is no more than 1 sign measuring 1800mm x 1200mm per site to which the sign relates;</u></p> <p><u>(iii) There is no more than 1 real estate header sign measuring 1800mm x 1200mm on one other site;</u></p> <p>(ii)(iv) The sign is not illuminated;</p>

		<p>(ii)-(v)-The sign does not contain any moving parts, fluorescent, flashing or revolving lights or reflective materials;</p> <p>(iv) (vi) The sign does not project into or over road reserve.</p> <p><u>(vii) Any real estate sign shall be removed from display within 60 days of sale/lease or upon settlement, whichever is the earliest.</u></p> <p>AND</p> <p>Any consequential amendments and/or additional relief required to address the matters raised in the submission.</p>
657.11	HD Land Limited and Hampton Downs (NZ) Limited	<p>Add a new rule to Rule 26.2.11 P3 Signs General – All Precincts as follows:</p> <p><u>P3</u></p> <p><u>(a) Signs that are setback at least 7.5m from Hampton Downs Road and at least 15m from State Highway One.</u></p>
<i>FS1279.2</i>	<i>Reid Investment Trust</i>	<i>Support in part</i>
657.12	HD Land Limited and Hampton Downs (NZ) Limited	Retain the Restricted Discretionary activity status in Rule 26.2.11 RDI Signs General - All Precincts
<i>FS1279.3</i>	<i>Reid Investment Trust</i>	<i>Support</i>
742.170	New Zealand Transport Agency	<p>Retain Rule 26.2.11 PI Signs general - All precincts, as notified.</p> <p>AND</p> <p>Retain Rule 26.2.11 RDI Signs general - All precincts, as notified.</p>
<i>FS1194.15</i>	<i>HD Land Limited and Hampton Downs (NZ) Limited</i>	<i>Oppose</i>

22.1.3 Analysis

278. HD Land Limited and Hampton Downs (NZ) Limited [657.10] are requesting amendments to Rule 26.2.11 PI. The submitter considers that the rules relating to signage should only apply to signage that is located within the front building setback and that is outward facing to ensure that the intended audience is motorists travelling along either State Highway 1 (SH1) or Hampton Downs Road. In addition the submitter considers the 3m² to be limiting and not appropriate or reasonable for signage at a motor sport park. The submitter highlights the need for large, clear and legible signage for driver safety (for those travelling along SH1 and

Hampton Downs Road), and is therefore seeking that the area of the sign be increased to 5m². The submitter considers that there should be no controls/restrictions regarding the size or area of internal signage within the zone.

279. In terms of the request to increase the area of the sign from 3m² to 5m², I do not agree. The Hampton Downs Motor Sport and Recreation Zone adjoins the SH1 boundary and the notified rule requires signs to be screened from SH1. Therefore a sign that is directed or visible from SH1 would require resource consent and traffic safety effects can be assessed through the resource consent process. The New Zealand Transport Agency [742.170] support the notified Rules 26.2.11 P1 and RDI, so that traffic safety effects on the State Highway can be avoided or addressed through the resource consent process and I agree. HD Land Limited and Hampton Downs (NZ) Limited have made a further submission [FS1194.15] opposing New Zealand Transport Agency's original submission. Furthermore, Rule 22.2.6.1 P2 for the Rural Zone requires 'the sign to be set back at least 50m from the state highway and Waikato Expressway', so the 15m sign setback in Rule 26.2.11 P1 (a)(v) is already a significant concession to the motor sport park.

280. I do not agree that there should be no restrictions to internal facing signs. Internal signs can still be very visible (particularly if there is no restriction on size), from the state highway, road and surrounding sites and can detract from character and amenity values. The control needs to focus on visibility from public places, rather than whether a sign is internally facing or not. This is supported by the PWDP definition of 'sign' which refers to it being visible from a public space:

Sign - "Means any device, graphic or display of whatever nature that is visible from a public place, for the purposes of:

- a. *providing information to the general public;*
- b. *identifying and providing information about any activity, site or building;*
- c. *providing directions; or*
- d. *promoting goods, services or forthcoming events."*

281. The s42A author for Hearing 5⁸³ recommended that the NPS definition for sign be adopted, and this definition does not refer to it being visible from a public space:

NPS

Means any device, character, graphic or electronic display, whether temporary or permanent; which

a. is for the purposes of—

- i. identification of or provision of information about any activity, property or structure or an aspect of public safety;*
- ii. providing directions; or*
- iii. promoting goods, services or events; and*

b. is projected onto, or fixed or attached to, any, structure or natural object; and

c. includes the frame, supporting device and any ancillary equipment whose function is to support the message or notice

282. The hearing panel may need to consider adding the words 'visible from a public space' to the sign rules throughout the plan to preserve the current controls. HD Motorsport Park is an

⁸³ Page 297-298 S42A Report Hearing 5 – Definitions

- example of a site where a district plan needs to make a distinction between signage that is visible from a public space or not, with controls on signs that are visible from public spaces.
283. Reid investment Trust further submission [FS/279.1] supports in part the submission from HD Land Limited and Hampton Downs (NZ) Limited [657.10]. Reid Investment Trust are seeking further amendments to decrease the setback to the SH1 boundary to 2m and increase the area to 10m². I do not agree with the relief sought, as already discussed above.
284. HD Land Limited and Hampton Downs (NZ) Limited have made similar requests in [657.11] in terms of setbacks and in [657.10] in terms of the setback to SH1 and Hampton Downs Road. The submitter supports the setbacks as notified but requests that the standards in rules (i)-(iii) only apply to signs within the setback. They are therefore also requesting a new rule that applies to signs within all precincts – where the signs are set back 7.5m from Hampton Downs Road and SH1. I disagree with these amendments requested. As noted above, my view is that internal signs can still detract from character and amenity values, and it is appropriate that the effects of those signs that do not comply are addressed through the resource consent process. Resource consent as a restricted discretionary activity requires consideration of specific matters, including proximity to the road, visual amenity and effects on traffic safety.
285. Reid Investment Trust has made a further submission [FS/279.2] supporting in part the original submission in [657.11]. However they are requesting a lesser setback to Hampton Downs Road (from 7.5m down to 2m). I disagree, as setbacks to road boundaries are necessary to manage traffic safety effects and character and amenity values. My view is that a sign within the setbacks as notified is best dealt with through the resource consent process.
286. Greig Metcalfe [602.55] considers the notified rules relating to real estate signs to be too restrictive and is therefore seeking various amendments to Rule 26.2.11 P2 - *“Corner sites should be able to have additional sign opportunities without adversely affecting residential character and amenity. Allowance should be made for feature signs which are commonly used for properties going to auction or tender. Header signs should be able to be established on another site (often on a high volume road) to direct purchasers to the site which is for sale (often on a low volume road).”*
287. The s42a report for Hearing 6 – Village Zone⁸⁴, addressed a similar submission from Greig Metcalfe [602.54], requesting amendments to the real estate sign rule. It was recommended that the submission be accepted in part.
288. In terms of the request to amend ‘A sign’ to ‘Any sign’ in (a), my view is that this would be inconsistent with the wording used throughout the plan in other zone chapters. The amendments to (a) also include the deletion of the words ‘for sale’ and ‘relating to the site on which it is located’. The s42A report for Topic 5⁸⁵ recommends a new definition for ‘real estate sign’ and consequential amendments with the removal of ‘for sale’ in the rule for each chapter of the PWDP. I agree with this recommendation and consider that the removal of ‘for sale’ is appropriate given the recommended definition for ‘Real estate sign’.
289. Given that there is no size restriction in the notified rule I do agree in part with the relief sought by the submitter, particularly given the character and amenity of the site and surrounding area (being rural). However, if there is scope to do so my view is that it is also appropriate to limit the number of signs per site (rather than per agency). This is consistent with the recommendations of the s42A author for Hearing 6⁸⁶ and relief sought by Waikato District Council’s submission [697.968] (addressed in Hearing 6).

⁸⁴ Page 121, Paragraph 372, S42A Report Hearing 6 – Village Zone Landuse

⁸⁵ Page 300-301 S42A Report Hearing 5 - Definitions

⁸⁶ Page 122, Paragraph 390, S42A Report Hearing 6 – Village Zone Landuse

290. I agree with the comments made by the s42A author for Hearing 6 however in terms of the complications of specifying a time limit – “*it would be difficult and time consuming to enforce. It is also more likely to be policed by the new purchaser of their own accord.*”
291. In terms of the request to allow ‘header signs’ on another site, I agree with the recommendations made by the author of the rebuttal evidence for Hearing 7 (Industrial)⁸⁷ where it highlights that Council already deals with complaints about this type of signage being established on sites which have no relationship with the sites that are being advertised as these can often compromise amenity and character, and traffic safety.
292. I would also add that allowing such a provision could result in the clustering of signs on certain sites that are more visible. This can create confusion and result in adverse character and amenity effects.
293. HD Land Limited and Hampton Downs (NZ) Limited [657.12], the New Zealand Transport Agency [742.170] and the further submission from Reid Investment Trust [FS/279.3] all seek to retain the notified Rule 26.2.11 RD1.

22.1.4 Recommendations

294. For the reasons outlined above, it is recommended that the Hearings Panel:
- a) **Accept in part** the submission from HD Land Limited and Hampton Downs (NZ) Limited [657.10] and further submissions from Reid Investment Trust [FS/279.1], to the extent that Rule 26.2.11 refers to a sign being visible from a public space.
 - b) **Reject** the submissions from HD Land Limited and Hampton Downs (NZ) Limited [657.11] and further submissions from Reid Investment Trust [FS/279.2].
 - c) **Accept in part** the submission from Greg Metcalfe [602.55], to the extent that it relates to the removal of ‘for sale’ and size restriction.
 - d) **Accept in part** the submission from the New Zealand Transport Agency [742.170], to the extent that Rule 26.2.10 RD1 be retained as notified.
 - e) **Reject** the further submission from HD Land Limited and Hampton Downs (NZ) Limited [FS/194.15].
 - f) **Accept** the submission from HD Land Limited and Hampton Downs (NZ) Limited [657.12] and the further submission from Reid Investment Trust [FS/279.3], and Rule 26.2.10 RD1 be retained as notified.

22.1.5 Recommended amendments

295. The following amendments are recommended:

26.2.11 Signs general - All Precincts

PI	(a) A sign <u>visible from a public place</u> ⁸⁸ shall comply with all of the following conditions: <ol style="list-style-type: none"> (i) It does not exceed 3m²; (ii) The sign height does not exceed 10m; (iii) Illuminated signs shall not: <ol style="list-style-type: none"> A. Have a light source that flashes or moves; B. Contain moving parts or reflective materials; (iv) It is set back at least 7.5m from the boundary of Hampton Downs Road;
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⁸⁷ Page 10-11, Paragraph 33 and 34, S42A Report Rebuttal Evidence, Hearing 7 – Industrial Zones

⁸⁸ Submission [657.10] HD Land Limited and Hampton Downs (NZ) Limited and [FS/279.1] Reid Investment Trust

	<p>(v) It is set back at least 15m from State Highway 1;</p> <p>(vi) Is orientated to be internally facing so the main audience are spectators on site;</p> <p>(vii) Is screened from State Highway 1;</p> <p>(viii) It relates to:</p> <p style="padding-left: 40px;">A. Any motor sport and recreation activity or events within the Motorsport and Recreation Zone; or</p> <p style="padding-left: 40px;">B. A property name sign.</p>
P2	<p>(a) A real estate 'for sale'⁸⁹ sign relating to the site on which it is located shall comply with all of the following conditions:</p> <p>(i) There are no more than + 3 signs per agency site, of which⁹⁰;</p> <p style="padding-left: 40px;">A. <u>There is no more than 1 sign per agency measuring 600mm x 900mm;</u></p> <p style="padding-left: 40px;">B. <u>There is no more than 1 sign measuring 1800mm x 1200mm; and</u></p> <p style="padding-left: 40px;">C. <u>There is no more than 1 real estate header sign measuring 1800mm x 1200mm;</u>⁹¹</p> <p>(ii) It is not illuminated;</p> <p>(iii) It does not contain any moving parts, fluorescent, flashing or revolving lights or reflective materials;</p> <p>(iv) It does not project into or over road reserve.</p>
RD1	<p>(a) Any sign that does not comply with Rule 26.2.11.P1; or</p> <p>(b) Any real estate 'for sale' sign that does not comply with Rule 26.2.11.P2.</p> <p>(c) Council's discretion is restricted to the following matters:</p> <p style="padding-left: 40px;">(i) Effects on amenity values;</p> <p style="padding-left: 40px;">(ii) Effects on traffic safety;</p> <p style="padding-left: 40px;">(iii) Effects of glare and light spill;</p> <p style="padding-left: 40px;">(iv) Content, colour and location of the sign;</p> <p style="padding-left: 40px;">(v) Proximity to the road.</p>

22.1.6 Section 32AA evaluation

Effectiveness and efficiency

296. I consider that the recommended amendments to Rule 26.2.11 P2 are an effective and efficient method to implement Policy 9.1.1.3 and achieve Objective 9.1.1 and new Objective 9.1.2.

Costs and benefits

297. The recommended amendments to this rule would reduce the need for resource consents to be obtained, thus saving time and costs. In turn, this provides economic benefits.

⁸⁹ Clause 16(2) of Schedule 1 of the RMA

⁹⁰ Clause 16(2) of Schedule 1 of the RMA

⁹¹ Submission [602.55] Greg Metcalfe

Risk of acting or not acting

298. I consider that there is a risk in retaining the notified version of this rule in that some outcomes sought are unclear and unjustified. The amendments provide greater clarity and flexibility for signage, while still appropriately managing adverse effects.

Decision about most appropriate option

299. In my opinion, the recommended rule is the most appropriate in achieving the objective, as it provides flexibility for development while managing the adverse effects associated with signage.

23 Land Use Effects – Signs Effects of Traffic

23.1.1 Introduction

300. Rule 26.2.12 manages traffic safety effects of signs within the Hampton Downs Motor Sport and Recreation Zone and applies to all precincts.

23.1.2 Submissions

301. Three original submissions were received seeking to retain or delete Rule 26.2.12. Two further submissions were received opposing the original submissions. These have been listed in the table below:

Submission point	Submitter	Summary of submission
657.13	HD Land Limited and Hampton Downs (NZ) Limited	Delete Rule 26.2.12 Signs - effects on traffic - All Precincts in its entirety
742.171	New Zealand Transport Agency	<p>Retain Rule 26.2.12 PI Signs- effects on traffic- All Precincts, except for the amendments sought below</p> <p>AND</p> <p>Amend Rule 26.2.12 PI(v) Signs - effects on traffic - All Precincts as follows:</p> <p><i>Contain no more than 40 characters and no more than 6 words, symbols or graphics;</i></p> <p>AND</p> <p>Request any consequential changes necessary to give effect to the relief sought in the submission.</p>
FS1194.16	HD Land Limited and Hampton Downs (NZ) Limited	<i>Oppose</i>
742.172	New Zealand Transport	Retain Rule 26.2.12 DI Signs - effects on traffic - All

	Agency	Precinct as notified.
FS1194.17	HD Land Limited and Hampton Downs (NZ) Limited	Oppose

23.1.3 Analysis

302. The HD Land Limited and Hampton Downs (NZ) Limited [657.13] are seeking the deletion of Rule 26.2.12 in its entirety. The submitter considers that it is *not appropriate to impose conditions limiting or controlling the signage within an International Motorsport Park. The signage associated with the consented motor sport and recreation activities and facilities forms and integral part of the overall development and can often imitate the content, colour or appearance of a traffic control sign.*
303. I disagree. My interpretation of the rule is that it applies to road users on the road and not those that would use the motor circuit within the site.
304. I consider that the rule is necessary to ensure that effects on signs are suitably managed in so far as they relate to effects on traffic.
305. The New Zealand Transport Agency [742.171] seeks to retain the rule with some minor amendments to include words and graphics. This same request has been made by the submitter throughout the zones and addressed by the s42A author for Hearing 6⁹² as follows:
- “With respect to the amendments sought by submission point [742.149], I have searched through the Traffic control devices manual ⁹³and can find no reference or requirement to restrict the number of graphics or words on a sign. As I am not a traffic safety expert; have limited experience from a consenting perspective and as of the time of writing of this report, have been unable to obtain expert comments, I invite the submitter to elaborate as to why these amendments are required.”*
306. I have also checked through both the TCD Manual and advertising sign brochure ⁹⁴ and cannot see any reference to the restriction of words and graphics on signs. The notified rule is consistent with the technical requirements for a sign that are set out in the brochure. Unless the submitter provides sufficient detail in their evidence to support this request, it is recommended that the notified Rule 26.2.12 PI remain unchanged.
307. The New Zealand Transport Agency [742.172] submission supports Rule 26.2.12 D1 Signs - effects on traffic - All Precinct as notified, and HD Land Limited and Hampton Downs (NZ) Limited further submission [FS1194.17] opposes this. My view is that the discretionary activity status is appropriate for any signage that is unable to comply with Rule 26.2.12 PI. This is also consistent with the activity status for other zones throughout the PWDP.

23.1.4 Recommendations

308. For the reasons outlined above, it is recommended that the Hearings Panel:
- a) **Reject** the submission from HD Land Limited and Hampton Downs (NZ) Limited [657.13]

⁹² Page 123, Paragraph 382, S42A Report Hearing 6 – Village Zone Landuse

⁹³ TCD manual, published December 2008, NZTA

⁹⁴ Advertising signs on State Highways', dated Sept 2014, Ref 14-215, NZTA

- b) **Reject** the submission from the New Zealand Transport Agency [742.171] and accept the further submissions from HD Land Limited and Hampton Downs (NZ) Limited [FS1194.16]
- c) **Accept** the submission from the New Zealand Transport Agency [742.172] and reject the further submission from HD Land Limited and Hampton Downs (NZ) Limited and [FS1194.17], and that 26.2.12 DI be retained as notified.

23.1.5 Recommended amendments

309. No changes are recommended to Rule 26.2.12.

24 Land Use Effects – Travellers’ Accommodation

24.1.1 Introduction

310. Rule 26.2.13 manages the scale and duration of travellers’ accommodation in Precinct C of the Hampton Downs Motor Sport and Recreation Zone.

24.1.2 Submissions

311. One submission was received requesting the deletion of the rule, as listed in the table below:

Submission point	Submitter	Summary of submission
657.14	HD Land Limited and Hampton Downs (NZ) Limited	Delete Rule 26.2.13 Scale and duration of Travellers Accommodation - Precinct C in its entirety.

24.1.3 Analysis

312. HD Land Limited and Hampton Downs (NZ) Limited [657.14] are seeking to delete Rule 26.2.13. The submitter raises that travellers’ accommodation activities are already consented under the existing land use consent and will establish in accordance with the existing resource consent.

313. The submitter is correct, in that the 2006 resource consent already contains conditions that relate to the motor camp site in terms of scale and duration. However, seeing as travellers’ accommodation is a permitted activity in Rule 26.1.1.3, my view as a consents planner is that it would more appropriate to move these controls to the activity specific conditions in Rule 26.1.1.3. This will give greater clarity to plan users around the controls for travellers’ accommodation, rather than having to refer back to the consent. However, my view is that (iii) should be deleted as reference to other legislation can be problematic as references can become outdated. The relevant legislation for camping grounds will apply regardless.

24.1.4 Recommendations

314. For the reasons outlined above, it is recommended that the Hearings Panel:

- a) **Accept in part** the submission from HD Land Limited and Hampton Downs (NZ) Limited [657.14], to the extent that Rule 26.2.13 is deleted, and the contents moved into Rule 26.1.1.3.

- b) Adopt the wording “visitor accommodation” in accord with the National Planning Standards.

24.1.5 Recommended amendments

315. The following amendments are recommended:

~~26.2.13 Scale and duration of Travellers' Accommodation – Precinct C~~

PI	(a) Travellers' accommodation in Precinct C shall: (i) Accommodate no more than 200 persons at any one time; (ii) Ensure that the duration of stay is for a period not exceeding 10 days; (iii) Be operated in accordance with the Camping Ground Regulations 1985; (iv) Prepare and provide to Council, a plan of the motor camp site which includes location of any utility buildings, cabins or other accommodation buildings and the location of any camping sites.⁹⁵
D+	Travellers' accommodation that does not comply with Rule 26.2.13 PI.⁹⁶

26.1.1.3 Permitted Activities – Minor Race Track Area - Precinct C

Activity		Activity-specific conditions
PI	Travellers' Visitor⁹⁷ accommodation	(a) The activity is carried out in Precinct C (Minor Race Track Area); <u>and</u> (b) <u>Visitor accommodation in Precinct C shall:</u> (i) <u>Accommodate no more than 200 persons at any one time;</u> (ii) <u>Ensure that the duration of stay is for a period not exceeding 10 days;</u> (iii) <u>Prepare and provide to Council, a plan of the motor camp site which includes location of any utility buildings, cabins or other accommodation buildings and the location of any camping sites.⁹⁸</u>

316. The recommended amendments to the permitted activity rules are shown in Appendix 3.

24.1.6 Section 32AA evaluation

317. As I am recommending that Rule 26.2.13 be deleted and the content moved to Rule 26.1.1.3, I do not consider it necessary to carry out a section 32AA evaluation.

⁹⁵ Submission [657.14] HD Land Limited and Hampton Downs (NZ) Limited

⁹⁶ Submission [657.14] HD Land Limited and Hampton Downs (NZ) Limited

⁹⁷ Clause 16(2) of Schedule 1 of the RMA and National Planning Standard

⁹⁸ Submission [657.14] HD Land Limited and Hampton Downs (NZ) Limited

25 Land Use Building – Motor Sport and Recreation Facilities

25.1.1 Introduction

318. Rule 26.3.1 allows for the construction or alteration of a building or structure for a motor sport and recreation facility within Precinct A of the Hampton Downs Motor Sport Park and Recreation Zone.

25.1.2 Submissions

319. Four submissions were received seeking that the rule be retained or minor amendments. One further submission was received in support of an original submission. The submissions are listed in the table below:

Submission point	Submitter	Summary of submission
657.15	HD Land Limited and Hampton Downs (NZ) Limited	Amend the heading of Rule 26.3.1 as follows: <i>26.3.1 Construction or alteration of a building or structure – All Precincts Motorsport and recreational facilities – Precinct A</i>
FS1279.3	Reid Investment Trust	<i>Support</i>
657.16	HD Land Limited and Hampton Downs (NZ) Limited	Retain the permitted activity status of Rule 26.3.1 P1 Motorsport and recreational facilities - Precinct A AND Amend the wording of Rule 26.3.1 P1 Motorsport and recreational facilities - Precinct A as follows: <i>(P1) Construction or alteration of a building or structure for a motor sport and recreation <u>activity or facility</u> in Precinct A (Operational Motorsport Area) identified on the planning maps.</i> AND Add the following additional Rules (P2) – (P5) to Rule 26.3.1 Motorsport and recreational facilities - Precinct A: <i>(P2) <u>Construction or alteration of a building or structure for a business or industrial activity; or a residential activity within an existing dwelling in Precinct B; and</u></i> <i>(P3) <u>Construction or alteration of a building or structure for a Traveller’s Accommodation and Motor Sport and Recreation Activity or Facility within Precinct C; and</u></i> <i>(P4) <u>Alteration to the existing residential apartment buildings for a residential activity within the existing residential</u></i>

		<p><i>apartments within Precinct D; and</i></p> <p><i>(P5)Alteration to the existing industrial units for an industrial activity within the existing industrial units within Precinct E.</i></p> <p>AND</p> <p>Amend Rule 26.3.1 DI Motorsport and recreational facilities - Precinct A, to refer to the additional rules as a consequential amendment.</p>
657.17	HD Land Limited and Hampton Downs (NZ) Limited	Amend Rule 26.3.1 Motorsport and recreational facilities - Precinct A from its current location within the 'Land Use Building' Rules to the 'Permitted Activity Rules' in Section 26.1.1.1.
657.18	HD Land Limited and Hampton Downs (NZ) Limited	Retain the Discretionary Activity Status of Rule 26.3.1 DI Motorsport and recreational facilities - Precinct A.

25.1.3 Analysis

320. HD Land Limited and Hampton Downs (NZ) Limited [657.15] are seeking amendments to Rule 26.3.1. The submitter considers that the rule should not be limited to Precinct A only. I agree, as the rule currently reads that any building or structure that is not for a motor sport and recreation facility in Precinct A would require resource consent as a Discretionary Activity. This is contrary to what is authorised in the 2006 resource consent. However, as addressed further below, I recommend that the rule be deleted altogether and a new activity specific rule be added to permitted activity rules in 26.1.1.1, 26.1.1.2, 26.1.1.3, 26.1.1.4, and 26.1.1.5.
321. HD Land Limited and Hampton Downs (NZ) Limited [657.16] and [657.17] are also seeking amendments to include the construction or alteration of a building or structure in relation to each precinct, and relocate the rule to the Permitted Activity Rules in Section 26.1.1.1.
322. I see merit in the amendments sought. The construction or alteration of a building or structure needs to comply with the general bulk and location rules such as setbacks, height and coverage. Rule 26.3.1 does not contain any building standards. My view from a planning perspective is that it would be clearer for plan users if Rule 26.3.1 was deleted and new activity-specific rules added to permitted activity rules in 26.1.1.1, 26.1.1.2, 26.1.1.3, 26.1.1.4, 26.1.1.5. Therefore no consequential amendments would be required to Rule 26.3.1 DI.
323. Reid Investment Trust further submission [FS/279.3] supports HD Land Limited and Hampton Downs (NZ) Limited original submission [657.15], which seeks to amend the rule heading to refer to all precincts.
324. In submission [657.18] HD Land Limited and Hampton Downs (NZ) Limited are seeking that the discretionary activity status be retained.

25.1.4 Recommendations

325. For the reasons outlined above, it is recommended that the Hearings Panel:
- a) **Accept in part** the submission from HD Land Limited and Hampton Downs (NZ) Limited [657.15] and accept the further submission from Reid Investment Trust

[FS/279.3], to the extent that the construction or alteration of a building or structure is not limited to Precinct A as a permitted activity.

- b) **Accept in part** the submissions from HD Land Limited and Hampton Downs (NZ) Limited [657.16] and [657.17], to the extent that the permitted activity status is retained and amendments to PI and new Rules P2-P5 are added.
- c) **Accept in part** the submission from HD Land Limited and Hampton Downs (NZ) Limited [657.18], to the extent that a discretionary activity status applies to those activities which are not permitted.

25.1.5 Recommended amendments

326. The following amendments are recommended:

26.3.1 Motorsport and recreational facilities – Precinct A

P1	Construction or alteration of a building or structure for a motor sport and recreation facility in Precinct A (Operational Motorsport Area) identified on the planning maps.⁹⁹
D1	Construction or alteration of a building that does not comply with Rule 26.3.1 P1.¹⁰⁰

327. The recommended amendments to the permitted activity rules are shown below:

26.1.1.1 Permitted Activities - Operational Motorsport Area - Precinct A

P4	Construction or alteration of a building or structure for an activity listed in Rule 26.1.1.1 P1-P5¹⁰¹	The activity is carried out in Precinct A (Operational Motorsport Area)
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26.1.1.2 Permitted Activities –Industrial Area - Precinct B

P3	Construction or alteration of a building or structure for an activity listed in Rule 26.1.1.2 P1¹⁰²	The activity is carried out in Precinct B (Business and Industrial Area)
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26.1.1.3 Permitted Activities – Minor Race Track Area - Precinct C

P2	Construction or alteration of a building or structure for an activity listed in Rule 26.1.1.3 P1¹⁰³	The activity is carried out in Precinct C (Minor Race Track Area)
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26.1.1.4 Permitted Activities – Residential Apartments - Precinct D

P2	Construction or alteration of a building or structure for an activity	The activity is carried out in Precinct D (Residential Apartments).
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⁹⁹ Submission [657.16] and [657.17] HD Land Limited and Hampton Downs (NZ) Limited

¹⁰⁰ Submission [657.16] and [657.17] HD Land Limited and Hampton Downs (NZ) Limited

¹⁰¹ Submission [657.16] and [657.17] HD Land Limited and Hampton Downs (NZ) Limited

¹⁰² Submission [657.16] and [657.17] HD Land Limited and Hampton Downs (NZ) Limited

¹⁰³ Submission [657.16] and [657.17] HD Land Limited and Hampton Downs (NZ) Limited

	<u>listed in Rule 26.1.1.4 PI.</u> ¹⁰⁴	
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26.1.1.5 Permitted Activities – Industrial Units - Precinct E

<u>P2</u>	<u>Construction or alteration of a building or structure for an activity listed in Rule 26.1.1.5 PI.</u> ¹⁰⁵	<u>The activity is carried out in Precinct E (Industrial Units).</u>
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25.1.6 Section 32AA evaluation

328. As I am recommending that Rule 26.3.1 be deleted and the contents moved to the permitted activity rules, I do not consider it necessary to carry out a section 32AA evaluation.

26 Land Use Building - Height

26.1.1 Introduction

329. Rule 26.3.2 contains the height limits for each precinct within the Hampton Downs Motor Sport and Recreation Zone.

26.1.2 Submissions

330. Four original submissions were received supporting the rule and requesting minor amendments. One submission is seeking to increase the allowable height. Three further submissions were made, both opposing and supporting original submissions. The submissions made are as follows:

Submission point	Submitter	Summary of submission
657.19	HD Land Limited and Hampton Downs (NZ) Limited	Retain Rule 26.3.2 PI Height - All Precincts as notified.
<i>FS1279.5</i>	<i>Reid Investment Trust</i>	<i>Opposed</i>
657.20	HD Land Limited and Hampton Downs (NZ) Limited	Amend Rule 26.3.2 P2 Height - All Precincts, as follows: P2 (a) A building or structure in: (i) <u>Precinct B (Business and Industrial Area) (Industrial and Business Precinct)</u> (ii) <u>Precinct C (Travelers Accommodation and Motor Sport and Recreation Area) Minor Race Track Area</u> (iii) <u>Precinct D (Residential Apartments)</u>

¹⁰⁴ Submission [657.16] and [657.17] HD Land Limited and Hampton Downs (NZ) Limited

¹⁰⁵ Submission [657.16] and [657.17] HD Land Limited and Hampton Downs (NZ) Limited

		(iv) Precinct E (Industrial Units) as identified on the planning maps. Shall not exceed 10m in height
657.21	HD Land Limited and Hampton Downs (NZ) Limited	Retain the Restricted Discretionary Activity Status in Rule 26.3.2 (RDI) Height - all precincts and the limits of discretion as notified, except for the amendments outlined below. AND Amend Rule 26.3.2 RDI(b)(iii) to refer to the "privacy at adjoining zone boundaries" (as opposed to "privacy at adjoining properties").
FS1279.6	Reid Investment Trust	Support
783.2	Reid Investment Trust	Amend Rule 26.3.2 P2 (a) (iv) Height - All Precincts as follows: (a) A building or structure in: ... (iv) Precinct E (Industrial Units) as identified on the planning maps shall not exceed <u>15+0m</u> in height. AND Any consequential amendments or further relief to give effect to the matters raised in the submission.
FS1194.2	HD Land Limited and Hampton Downs (NZ) Limited	Oppose

26.1.3 Analysis

331. HD Land Limited and Hampton Downs (NZ) Limited [657.19] are seeking to retain the notified Rule 26.3.2 PI, and are seeking minor amendments in [657.20] and [657.21]. The submitter is seeking the minor amendments and formatting to Rule 26.3.2 P2 to ensure consistency with the rest of the chapter. I agree with the minor amendments sought to provide consistency and clarity with the wording, and formatting and terms used in the rest of the chapter. However, as addressed in Section 4.3 above, I do not agree with referring to a motor sport and recreation area in Precinct C.
332. Due to my earlier recommendations regarding the removal of the term 'business' in Precinct B and amending 'Travellers' to 'Visitor' for Precinct C, these can be amended here via Clause 16(2) Schedule I of the RMA.
333. Furthermore I note that Rule 26.3.2 P2(a) could be improved for readability and refer to 10m limit in (a), rather than in (iv) which suggests it only applies to Precinct E when it applies to all precincts. I consider that this minor change can also be amended via Clause 16(2) Schedule I of the RMA.

334. Reid Investment Trust has made a further submission [FS/279.5] opposing HD Land Limited and Hampton Downs (NZ) Limited [657.19] original submission to retain the rule.
335. I agree with the amendments sought for Rule 26.3.2 (RD1) [657.21] by replacing 'privacy at adjoining properties' with 'privacy at adjoining zone boundaries.' The Hampton Downs Motorsport Park site comprises several records of title, and therefore I agree that it is more appropriate to refer to the zone boundaries as a matter of restricted discretion. However, it is my recommendation that the (b) (iii) refer to privacy on adjoining zone boundaries. This will make it clear that effects are not limited to privacy at the zone boundary.
336. Reid Investment Trust has made a further submission [FS/279.6] supporting HD Land Limited and Hampton Downs (NZ) Limited [657.21].
337. Reid Investment Trust [783.2] are seeking amendments to Rule 26.3.2 P2 (a)(iv) to increase the height for Precinct E from 10m to 15m. The submitter considers that there is economic benefit to aligning the permitted building height within the Hampton Downs Motor Sport and Recreation Zone with the Industrial Zone. HD Land Limited and Hampton Downs (NZ) Limited have made a further submission [FS/194.2] opposing the Reid Investment Trust original submission. No evidence has been received to support the increased height for the Hampton Downs Motorsport and Recreation Zone. I do not consider that it is appropriate to provide for an additional 5m height given the surrounding rural landscape. However, I invite the submitter to provide evidence to support the increased height sought.

26.1.4 Recommendations

338. For the reasons outlined above, I recommend that the Hearings Panel:
- Accept** the submission from HD Land Limited and Hampton Downs (NZ) Limited [657.19] and reject the further submission from Reid Investment Trust [FS/279.5], and Rule 26.3.2 PI be retained as notified.
 - Accept in part** the amendments sought in the submission from HD Land Limited and Hampton Downs (NZ) Limited [657.20], to the extent that there is consistency with terms used for the precinct areas.
 - Accept** the amendments sought in submissions from HD Land Limited and Hampton Downs (NZ) Limited [657.20] and [657.21] and the further submission from Reid Investment Trust [FS/279.6], where Rule 26.3.2 (RD1) is retained with amendments to (b)(iii) to refer to zone boundaries.
 - Reject** the submission from Reid Investment Trust [783.2] and accept the further submission from HD Land Limited and Hampton Downs (NZ) Limited [FS/194.2].
 - Amend the structure of Rule 26.3.2 P2 under clause 16.

26.1.5 Recommended amendments

339. The following amendments are recommended:

26.3.2 Height – All precincts

PI	(a)A building or structure in Precinct A (Operational Motorsport Area) identified on the planning maps shall not exceed the following height: (i) 15m over 90% of the precinct; and (ii) 17m over 10% of the precinct.
P2	(a)A building or structure shall not exceed 10m in height in¹⁰⁶ : (i) Precinct B (Industrial and Business Precinct Industrial Area¹⁰⁷);

¹⁰⁶ Clause 16(2) Schedule 1 RMA

	(ii) Precinct C (Travellers Visitor Accommodation and ¹⁰⁸ Minor Race Track Area); (iii) Precinct D (Residential Apartments); or (iv) Precinct E (Industrial Units) as identified on the planning maps shall not exceed 10m in height. ¹⁰⁹
RD1	(a) A building or structure that does not comply with Rule 26.3.2 P1 or P2. (b) Council discretion is restricted to the following matters: (i) Building height; (ii) Design and location of the building; (iii) Privacy at on adjoining properties zone boundaries ¹¹⁰ ; (iv) Visual amenity.

26.1.6 Section 32AA evaluation

340. The nature of the recommended amendments is to provide clarity and consistency rather than changing the content of any provisions. As such, I do not consider that a section 32AA evaluation is necessary.

27 Land Use Building – Daylight Admission

27.1.1 Introduction

341. Rule 26.3.3 specifies the daylight admission that applies to all precincts within the Hampton Downs Motor Sport and Recreation Zone.

27.1.2 Submissions

342. Three original submissions were received, both supporting the rule and seeking amendments. Three further submissions were also received, both opposing and supporting the original submissions. The submissions are listed in the table below:

Submission point	Submitter	Summary of submission
657.22	HD Land Limited and Hampton Downs (NZ) Limited	Retain Rule 26.3.3 P1 Daylight admission - All Precincts as notified.
<i>FS1279.7</i>	<i>Reid Investment Trust</i>	<i>Oppose</i>
657.23	HD Land Limited and Hampton Downs (NZ) Limited	Retain the Restricted Discretionary Activity Status in Rule 26.3.3 RD1 Daylight admission - all precincts and the limits of discretion, except the amendments outlined below. AND Amend Rule 26.3.3 RD1 (b) Daylight admission - all

¹⁰⁷ Submission [657.20] HD Land Limited and Hampton Downs (NZ) Limited

¹⁰⁸ Submission [657.20] HD Land Limited and Hampton Downs (NZ) Limited

¹⁰⁹ Clause 16(2) Schedule 1 RMA

¹¹⁰ Submission [657.21] HD Land Limited and Hampton Downs (NZ) Limited

		<p>precincts as follows:</p> <ul style="list-style-type: none"> • Correct the existing formatting error (whereby items (c) – (g) should be renumbered as (i) – (v); and • Replace "Admission of daylight and sunlight to adjoining sites" with "Admission of daylight and sunlight to adjoining zone boundaries"; and <p>Replace "Privacy of adjoining properties" with "Privacy on the adjoining zone boundaries".</p>
FS1279.8	Reid Investment Trust	Support
783.3	Reid Investment Trust	<p>Amend Rule 26.3.3 PI Daylight admission - All precincts as follows:</p> <p><i>A building in all precincts identified on the planning maps must not protrude through a height control plane rising at an angle of 37 degrees commencing at an elevation of 2.5m above ground level at every point along the Motorsport and Recreation Zone boundary. <u>Where the zone boundary adjoins a public road, the standard applies from the farthest boundary of that road.</u></i></p> <p>AND</p> <p>Any consequential amendments or further relief to give effect to the matters raised in the submission.</p>
FS1194.3	HD Land Limited and Hampton Downs (NZ) Limited	Oppose

27.1.3 Analysis

343. HD Land Limited and Hampton Downs (NZ) Limited [657.22] seek to retain the notified Rule 26.3.3 PI and Reid Investment Trust have made a further submission [FS1279.7] opposing the original submission for the reasons set out in their original submission [783.3].
344. HD Land Limited and Hampton Downs (NZ) Limited [657.23] are seeking minor amendments to Rule 26.3.3 RDI in terms of formatting and consistency of terms used. Reid Investment Trust's further submission [FS1279.8] supports [657.23]. The notified rule currently refers to both adjoining sites in (e) and adjoining properties in (f). I agree that there should be consistency with terms used throughout the Hampton Downs Motor Sport and Recreation Zone and other zones. However, I consider it more appropriate to refer to adjoining site rather than boundary.
345. Reid Investment Trust [783.3] are requesting amendments to Rule 26.3.3 PI to further clarify the rule by adding 'Where the zone boundary adjoins a public road, the standard applies from the farthest boundary of that road.' The submitter considers that the control can be taken from the furthest boundary without creating adverse effects. HD Land Limited and Hampton Downs (NZ) Limited [FS1194.3] further submission opposes the amendments sought by Reid Investment Trust. HD Land Limited and Hampton Downs (NZ) Limited have raised concern with the amendments sought in their further submission [FS1194.3]. They consider that it has the potential to result in large visually obtrusive buildings close to the public road

and could adversely impact on the amenity and safety of the entrance to the Hampton Downs Motorsport Park and Hampton Downs Road. I agree – I consider that if the rule only applied to the furthest boundary of the road (where the zone adjoins a public road) there would be potential for adverse effects in terms of traffic safety amenity and character. This could result in adverse shading effects on the road which could undermine the character of both the localised and surrounding environment.

27.1.4 Recommendations

346. For the reasons outlined above, I recommend that the Hearings Panel:

- a) **Accept** the submission from HD Land Limited and Hampton Downs (NZ) Limited [657.22], and retain Rule 26.3.3 PI as notified.
- b) **Reject** the further submission from Reid Investment Trust [FS/279.7].
- c) **Accept in part** the submission from HD Land Limited and Hampton Downs (NZ) Limited [657.23] and further submission from Reid Investment Trust [FS/279.8]: to the extent that there is consistency of terms used.
- d) **Reject** the submission from Reid Investment Trust [783.3] and accept the further submission from HD Land Limited and Hampton Downs (NZ) Limited [FS/194.3].

27.1.5 Recommended amendments

347. The following amendments are recommended:

26.3.3 Daylight admission – All precincts

PI	A building in all precincts identified on the planning maps must not protrude through a height control plane rising at an angle of 37 degrees commencing at an elevation of 2.5m above ground level at every point along the Motorsport and Recreation Zone boundary.
RD1	(a) A building that does not comply with Rule 26.3.3 PI. (b) Council discretion is restricted to the following matters: (i) Building height; (ii) Design and location of the building; (iii) Admission of daylight and sunlight to adjoining sites on any other sites ¹¹¹ ; (iv) Privacy at adjoining properties on adjoining zone sites ¹¹² ; (v) Amenity values.

27.1.6 Section 32AA evaluation

348. The nature of the recommended amendments is to provide clarity and consistency rather than to change the content of any provisions. As such, I do not consider that a section 32AA evaluation is necessary.

¹¹¹ Submission [657.23] HD Land Limited and Hampton Downs (NZ) Limited and further submission [FS/279.8] Reid Investment Trust

¹¹² Submission [657.23] HD Land Limited and Hampton Downs (NZ) Limited and further submission [FS/279.8] Reid Investment Trust

28 Land Use Building – Site Coverage

28.1.1 Introduction

349. Rule 26.3.4 specifies the site coverage that applies to all precincts within the Hampton Downs Motor Sport and Recreation Zone. The notified rule provides for a 45% site coverage in all precincts.

28.1.2 Submissions

350. Two original submissions were received, seeking amendments and deletion. Two further submissions were also received, both opposing the original submissions. The submissions are listed in the table below:

Submission point	Submitter	Summary of submission
657.24	HD Land Limited and Hampton Downs (NZ) Limited	<p>Retain the 45% site coverage for all Precincts in Rule 26.3.4 Site coverage.</p> <p>AND</p> <p>Amend the heading of Rule 26.3.4 Site coverage so that the Rule applies to All Precincts</p> <p>AND</p> <p>Amend Rule 26.3.4 Site coverage P1 - P5 by replacing those with a single Rule P1 that applies to all Precinct Areas:</p> <p><i><u>P1 The total site coverage of any buildings or structures shall not exceed 45% within each Precinct.</u></i></p>
FS1279.9	Reid Investment Trust	<i>Oppose</i>
783.4	Reid Investment Trust	<p>Delete Rule 26.3.4 P5 Site Coverage;</p> <p>OR</p> <p>Amend Rule 26.3.4 P5 Site Coverage as follows:</p> <p><i>A building or structure in Precinct E (Industrial Units) identified on the planning maps shall not exceed <u>60</u>45% site coverage of any site area</i></p> <p>AND</p> <p>Any consequential amendments or further relief to give effect to the matters raised in the submission.</p>
FS1194.4	HD Land Limited and Hampton Downs (NZ) Limited	<i>Oppose</i>

28.1.3 Analysis

351. HD Land Limited and Hampton Downs (NZ) Limited [657.24] are requesting that the 45% site coverage be retained as notified, but request that the rule be simplified to a single rule where it applies to each precinct. The 45% site coverage is consistent across each precinct. Reid Investment Trust [FS/279.9] further submission opposes the submission, as they consider that the suggested changes to the wording of Rule 26.3.4 PI imply that the site coverage is to be calculated for each precinct as a whole, rather than site- by- site. I agree with the comments made in the further submission.
352. The 45% coverage does appear to be very high for this area, given the surrounding rural zone is just 2%. The high allowance for coverage is likely to be inconsistent with the Waikato Regional Policy Statement, in particular Policies 16.14-16.16 in giving affect to Future Proof. However, there are no specific submissions requesting a reduction in coverage, and therefore no scope to address this.
353. I also note the Rule PI refers to site coverage of the precinct and P2-P5 all refer to site coverage of any site area. For consistency, my view is that it is appropriate to refer to the precinct rather than the site area in P2-P5. As this is a minor correction and does not change the planning outcomes, my view is this can be addressed via Clause 16(2) Schedule 1 of the RMA.
354. Reid Investment Trust [783.10] are requesting allowance for greater site coverage within Precinct E (45% to 60%), as they consider 45% to be too onerous for industrial land use activities. It is noted that the industrial buildings within the notified Precinct E have already been constructed in accordance with existing resource consents (shown in Figure 10 below); therefore I see no merit in increasing site coverage for Precinct E.
355. Further to the above, the notified PWDP only refers to 'site coverage' in Rule 26.3.4, Policies 4.2.7 and 5.6.5. There is no other reference or defined term in Chapter 13. 'Building coverage' is used consistently throughout the other zones rather than 'site coverage', as used in Rule 26.3.4. The s42a author for Hearing 5 recommended that the NPS term for 'building coverage' be adopted¹¹³, and it is my view that 'site coverage' should also be amended to 'building coverage' to be consistent with the terms used throughout the plan. The NPS definition defines building coverage as *'the percentage of the net site area covered by the building footprint'*.

¹¹³ Section 3.18, Page 83 s42A Report Hearing 5 - Definitions



Figure 10 – Aerial showing Precinct E overlay

28.1.4 Recommendations

356. For the reasons outlined above, I recommend that the Hearings Panel:

- a) **Accept in part** the submission from HD Land Limited and Hampton Downs (NZ) Limited [657.24], to the extent that Rule 26.3.4 be retained as notified.
- b) **Accept** the further submission from Reid Investment Trust [FS1/279.9].
- c) **Reject** the submission from Reid Investment Trust [783.10] and accept the further submission from HD Land Limited and Hampton Downs (NZ) Limited [FS1/194.4].

28.1.5 Recommended amendments

357. The following amendments are recommended:

26.3.4 Site Building coverage

PI	Any buildings or structures in Precinct A (Operational Motorsport Area) identified on the planning maps shall not exceed 45% site building coverage of the precinct.
P2	A building or structure in Precinct B (Business and Industrial Area) identified on the planning maps shall not exceed 45% site building coverage of any site area the precinct. ¹¹⁴
P3	A building or structure in Precinct C (Minor Race Track Area) identified on the planning maps shall not exceed 45% site building coverage of any site area the precinct. ¹¹⁵
P4	A building or structure in Precinct D (Residential Apartments) identified on the planning maps shall not exceed 45% site building coverage of any site area the precinct. ¹¹⁶
P5	A building or structure in Precinct E (Industrial Units) identified on the planning maps

¹¹⁴ Clause 16(2) Schedule 1 RMA

¹¹⁵ Clause 16(2) Schedule 1 RMA

¹¹⁶ Clause 16(2) Schedule 1 RMA; National Planning Standards

	shall not exceed 45% site building coverage of any site area the precinct. ¹¹⁷
DI	A building or structure that does not comply with Rule 26.3.4 P1, P2, P3, P4 or P5.

28.1.6 Section 32AA evaluation

358. The nature of the recommended amendments is to provide clarity and consistency rather than changing the content of any provisions. As such, I do not consider that a section 32AA evaluation is necessary.

29 Land Use Building - Setbacks

29.1.1 Introduction

359. Rule 26.3.5 specifies the building setbacks for all precincts within the Hampton Downs Motor Sport and Recreation Zone.

29.1.2 Submissions

360. Three original submissions were received – two seeking that the notified rule be retained and one seeking amendments. Two further submissions were received both opposing and supporting the original submissions. The submissions are listed in the table below:

Submission point	Submitter	Summary of submission
657.25	HD Land Limited and Hampton Downs (NZ) Limited	Retain Rule 26.3.5 Building setbacks - All precincts as notified.
<i>FS1279.10</i>	<i>Reid Investment Trust</i>	<i>Oppose</i>
742.173	New Zealand Transport Agency	Retain Rule 26.3.5 P1 Building setbacks – All precincts as notified; AND Retain Rule 26.3.5 DI Building setbacks – All precincts as notified.
<i>FS1194.18</i>	<i>HD Land Limited and Hampton Downs (NZ) Limited</i>	<i>Support</i>
783.10	Reid Investment Trust	Amend Rule 26.3.5 P1 (a) (iii) Building Setback as follows: <i>(a) A building or structure in all precincts identified on the planning maps must be set back at least:...</i> AND Any consequential amendments or further relief to

¹¹⁷ Clause 16(2) Schedule 1 RMA

		give effect to the matters raised in the submission. <i>(iii) 25m from the boundary of another zone, except roads.</i>
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29.1.3 Analysis

361. Both HD Land Limited and Hampton Downs (NZ) Limited [657.25] and the New Zealand Transport Agency [742.173] are requesting that the notified rule be retained. HD Land Limited and Hampton Downs (NZ) Limited [FS1194.18] further submission supports the New Zealand Transport Agency's original submission.
362. Reid Investment Trust disagrees with the HD Land Limited and Hampton Downs (NZ) Limited [657.25] in their further submission [FS1279.10] for the reasons outlined in their original submission which is addressed below, and propose that Rule 26.3.5 PI (a)(iii) be amended as follows: *'5m from the boundary of another zone, except roads.'* This clarifies that the standard does not apply to road boundaries and introduces a more lenient, sensible building setback at the zone boundary.'
363. Reid Investment Trust [783.10] are seeking amendments to the notified Rule 26.3.5 PI (a)(iii) as follows: *'5m from the boundary of another zone, except roads.'* The submitter considers that a more lenient, sensible building setback at the zone boundary should be applied.
364. I agree with the original submissions from HD Land Limited and Hampton Downs (NZ) Limited [657.25] and the New Zealand Transport Agency [742.173] to retain the notified rule. I do not consider it appropriate to allow a reduced setback of 5m in a rural environment. Setbacks to zone boundaries are important to ensure amenity character and reverse sensitivity effects are managed.

29.1.4 Recommendations

365. For the reasons outlined above, I recommend that the Hearings Panel:
- a) **Accept** the submission from HD Land Limited and Hampton Downs (NZ) Limited [657.25] and reject the further submission from Reid Investment Trust [FS1279.10], retain Rule 26.3.5 as notified.
 - b) **Accept** the New Zealand Transport Agency submission [742.173] and accept the further submission from HD Land Limited and Hampton Downs (NZ) Limited [FS1194.18], retain Rule 26.3.5 as notified.
 - c) **Reject** the submission from Reid Investment Trust [783.10].

29.1.5 Recommended amendments

366. No changes are recommended to the notified Rule 26.3.5.

30 Land Use Building - Size and Scale of activities - Precinct B

30.1.1 Introduction

367. Rule 26.3.6 specifies the gross floor area for activities that relate to the business/industrial area in Precinct B of the Hampton Downs Motor Sport and Recreation Zone.

30.1.2 Submissions

368. One submission was received requesting that the rule be deleted, as listed in the table below:

Submission point	Submitter	Summary of submission
657.26	HD Land Limited and Hampton Downs (NZ) Limited	Delete Rule 26.3.6 Size and scale of activities - Precinct B in its entirety.

30.1.3 Analysis

369. HD Land Limited and Hampton Downs (NZ) Limited [657.26] seek to delete the notified Rule 26.3.6 in its entirety as the bulk and location of the business and industrial development is already covered by the existing resource consents. I agree- the resource consent contains conditions of consent that specifically relate to the size and scale of activities within the business/industrial area.

370. However, my view as a consents planner is that it would more appropriate to restrict these controls to the activity specific conditions in Rule 26.1.1.2. This will give greater clarity to plan users around the controls for the area of each industrial activity, rather than having to refer back to the consent.

30.1.4 Recommendations

371. For the reasons outlined above, I recommend that the Hearings Panel:

- a) **Accept in part** the submission from HD Land Limited and Hampton Downs (NZ) Limited [657.26], and Rule 26.3.6 be deleted, and the contents moved into Rule 26.1.1.2.

30.1.5 Recommended amendments

372. The following amendments are recommended:

26.3.6 Size and Scale of activities – Precinct B

P1	The maximum gross floor area for all activities in Precinct B shall be no more than 50,000m².¹¹⁸
P2	(a) Of the 50,000m² total gross floor area in Precinct B, the following shall apply: (i) General warehousing shall comprise no more than 25% of the gross floor area (12,500m²); and (ii) Non-automotive activities shall comprise no more than 25% of the

¹¹⁸ Submission [657.26] HD Land Limited and Hampton Downs (NZ) Limited

	total gross floor area (12,500m²); (b) Automotive activities may comprise 100% of the total gross floor area in Precinct B.¹¹⁹
D1	A building or structure that does not comply with Rule 26.3.6 P1 or P2.¹²⁰

26.1.1.2 Permitted Activities – ~~Business and~~¹²¹ Industrial Area - Precinct B Activity¹²²

30. Activity		Activity-specific conditions
PI	Automotive <u>Industrial</u> activities	<p>(a) The activity is carried out in Precinct B (Business and¹²³ Industrial Area); <u>and</u></p> <p>(b) The maximum <u>gross floor area</u> for all activities in Precinct B shall be no more than 50,000m².</p> <p>(c) <u>General warehousing</u> shall comprise no more than 25% of the <u>gross floor area</u> (12,500m² maximum); and</p> <p>(d) <u>Non-automotive activities</u> shall comprise no more than 25% of the total <u>gross floor area</u> (12,500m² maximum).¹²⁴</p>

373. The recommended amendments to the permitted activity rules are shown in Appendix 3.

30.1.6 Section 32AA evaluation

374. As I am recommending that Rule 26.3.6 be deleted, and the contents moved into Rule 26.1.1.2, I do not consider it necessary to carry out a section 32AA evaluation.

31 Subdivision

31.1.1 Introduction

375. Rule 26.4 of the PWDP provides for subdivision within all precincts as a discretionary activity in the Hampton Downs Motor Sport and Recreation Zone.

31.1.2 Submissions

376. Three submissions were received seeking amendments, and three further submissions received supporting the amendments sought in the original submissions. These are listed in the table below:

Submission point	Submitter	Summary of submission
378.55	Fire and Emergency New Zealand	Retain Rule 26.4 Subdivision, as subdivision is a discretionary activity, except for the amendments sought

¹¹⁹ Submission [657.26] HD Land Limited and Hampton Downs (NZ) Limited

¹²⁰ Submission [657.26] HD Land Limited and Hampton Downs (NZ) Limited

¹²¹ Clause 16(2) Schedule 1 RMA

¹²² Clause 16(2) Schedule 1 RMA

¹²³ Clause 16(2) Schedule 1 RMA

¹²⁴ Submission [657.26] HD Land Limited and Hampton Downs (NZ) Limited

		below AND Amend Rule 26.4 Subdivision, as follows: <u>(x) Every allotment is provided with water supply and complies with the requirements of Chapter 14: Infrastructure and Energy;</u> AND Amend the Proposed District Plan to make further or consequential amendments as necessary to address the matters raised in the submission
<i>FS1035.162</i>	<i>Pareoranga Te Kata</i>	<i>Support</i>
657.27	HD Land Limited and Hampton Downs (NZ) Limited	Amend the Subdivision Provisions in Rule 26.4 Subdivision so that subdivision is a restricted discretionary activity.
<i>FS1279.11</i>	<i>Reid Investment Trust</i>	<i>Support</i>
657.28	HD Land Limited and Hampton Downs (NZ) Limited	Amend the Non-Complying Activity status in Rule 26.4 NCI Subdivision to be a discretionary activity.
<i>FS1279.12</i>	<i>Reid Investment Trust</i>	<i>Support</i>

31.1.3 Analysis

377. Fire and Emergency New Zealand [378.55] are seeking amendments to Rule 26.4 to include the requirement that every allotment be provided with water supply and complies with the requirements of Chapter 14: Infrastructure and Energy. Pareoranga Te Kata has made a further submission [FS1035.162] in support of original submission [378.55]. I note that the introduction to this Chapter 26 already specifies that the activity status tables and standards in the Infrastructure Chapter apply to the zone. Furthermore, I note that both Fire and Emergency [378.15] and Waikato District Council [697.48] have submissions requesting the inclusion of water supply requirements in the Infrastructure Chapter and these will be addressed by the s42A report for Hearing 22 (Infrastructure). For consistency throughout the zone chapters, and avoidance of duplication, my view is that it is not necessary to duplicate in Rule 26.4.
378. HD Land Limited and Hampton Downs (NZ) Limited [657.27] and [657.28] are seeking to change the activity statuses for subdivision to a lower threshold- from Discretionary to Restricted Discretionary and Non-Complying to Discretionary. Reid Investment Trust further submissions [FS1279.11] and [FS1279.12] support the original submissions [657.27] and [657.28] seeking amendments. However, HD Land Limited and Hampton Downs (NZ) Limited have not set out any matters of discretion in their submission. Without this detail, I am of the view that the activity status's as notified should remain.

31.1.4 Recommendations

379. For the reasons outlined above, I recommend that the Hearings Panel:
- a) **Reject** the submission from Fire and Emergency New Zealand [378.55] and further submission from Pareoranga Te Kata [FS1035.162].

- b) **Reject** the submission from HD Land Limited and Hampton Downs (NZ) Limited [657.27] and [657.28] and further submissions from Reid Investment Trust [FS1279.11] and [FS1279.12].

31.1.5 Recommended amendments

380. No amendments are recommended under this section.

31.1.6 Section 32AA evaluation

381. The amendments are recommended; as such no section 32AA evaluation is necessary.

32 Appendix 12

32.1.1 Introduction

382. Appendix 12 of the PWDP contains the plans that were approved as part of the 2006 resource consent. Rules 26.2.1, 26.2.4 and 26.2.8 of Chapter 26 of the PWDP refer to the plans in Appendix 12.

383. Specifically Appendix 12 contains the following attachments:

• Attachment A – Overall development plan	• Attachment H – Carriageway widening on Hampton Downs Road and West of Interchange Plan
• Attachment B – Track concept design	• Attachment I – Shoulder widening on southbound off ramp plan
• Attachment C – Noise control boundary	• Attachment J – Standard Heavy commercial vehicle entrance plan (TSG-EI)
• Attachment D – Landscape Plan	• Attachment K – Traffic Management Strategy
• Attachment E – Car parking Plan	• Attachment L – Overall development Plan
• Attachment F – Right turn bay to industrial subdivision plan	• Attachment M – Table I – Required Parking Spaces and Loading Bays
• Attachment G – Carriageway widening on Hampton Downs Road Plan	

32.1.2 Submissions

384. Three submissions were received seeking deletions and amendments to the plans referenced in Appendix 12. Two further submissions have been received supporting or supporting in part the amendments/deletions sought in the original submissions. The submissions are listed in the table below:

Submission point	Submitter	Summary of submission
657.60	HD Land Limited and Hampton Downs (NZ) Limited	Delete the outdated plans from Appendix 12 Motorsport and Recreation. AND Retain the noise contour plan in Appendix 12 Motorsport and Recreation
<i>FS1279.23</i>	<i>Reid Investment Trust</i>	<i>Support</i>
783.11	Reid Investment Trust	Amend Attachments A, E and L within Appendix 12 Hampton Downs Motor Sport and Recreation to remove references and annotations of "car parking" from the property at Lot 6 DP 411257 Hampton Downs Road, Hampton Downs, including deleting the site from Area B and deleting the annotation of 233 spaces from the site. AND Amend Rule 26.2.8 PI (a) Car parking access and Roading as necessary as a consequential amendment. AND Any consequential amendments or further relief to give effect to the matters raised in the submission.
<i>FS1194.9</i>	<i>HD Land Limited and Hampton Downs (NZ) Limited</i>	<i>Support in part</i>
783.12	Reid Investment Trust	Delete Attachment M of Appendix 12 Hampton Downs Motor Sport and Recreation AND Amend Rule 14.12.5.7 Required parking spaces and loading bays as a consequential amendment. AND Any consequential amendments or further relief to give effect to the matters raised in the submission.

32.1.3 Analysis

385. HD Land Limited and Hampton Downs (NZ) Limited [657.60] are requesting that the noise contour plans be retained and that the outdated plans from Appendix 12 be deleted. Reid Investment Trust further submission [FS1279.23] supports the amendments/deletions sought by HD Land Limited and Hampton Downs (NZ) Limited in [657.60].
386. Reid Investment Trust in [783.11] is seeking amendments to remove reference to car parking from the property at Lot 6 DP 411257 Hampton Downs Road. HD Land Limited and Hampton Downs (NZ) [FS1194.9] have made a further submission supporting Reid Investment Trust's submission in part. I do agree that as Lot 6 DP 411257 is not included

within the Hampton Downs Motorsport and Recreation Zone, car parking for activities within the zone is not appropriate to be provided outside the zone. However, no updated plans have been provided. Rule 26.2.8 requires parking in accordance with Appendix 12 (Attachment E contains the parking plan). Without an updated plan, I am of the view that Attachment E of Appendix 12 should be retained as it is applicable to all other areas of the zone. I agree with the deletion of Attachments A and L (the 2006 resource consent overall development plan) however, as these plans are not specific to any rule.

387. I agree with the deletion of the plans in Appendix 12 where reference to them in the rules has been removed. This includes Attachments A (overall development plan), B (Track concept Plan), D (Landscape Plan), L (a duplicate of A) G, H, I, J, K, (plans relating to roading/access that have been completed) and M (Required parking spaces and loading bays table).
388. In terms of submission [783.12] from Reid Investment Trust, I agree with the deletion of Attachment M of Appendix 12, as discussed above. However, my view is that no consequential amendments are required to refer to car parking requirements, as the introduction to Chapter 26 already stipulates that Chapter 14 applies to activities within the Motorsport and Recreation Zone.
389. The notified rules which reference Appendix 12 are noted in the table below:

Rule	Section of report where addressed	Applicable Attachment
26.2.1 PI – Noise	Section 15	C
26.2.4 PI – Landscaping	Section 16	D
26.2.8 – Car Parking	Section 20	E, F, G, H, I, J

32.1.4 Recommendations

390. For the reasons outlined above, I recommend that the Hearings Panel:
- Accept in part** the submission from HD Land Limited and Hampton Downs (NZ) Limited [657.60] and the further submission from Reid Investment Trusts [FS/279.23], to the extent that the outdated plans be deleted.
 - Accept in part** the submission from Reid Investment Trust [783.11] and accept the further submission from HD Land Limited and Hampton Downs (NZ) [FS/194.9], to the extent that Attachments A and L are deleted from Appendix 12.
 - Accept in part** the submission from Reid Investment Trust [783.12], to the extent that attachment M is deleted.

32.1.5 Recommended amendments

391. It is recommended that Attachments A, B, D, G, H, I, J, K, L and M be deleted from Appendix 12.

32.1.6 Section 32AA evaluation

392. The nature of the recommended amendments is a consequence of my earlier recommendations, therefore I do not consider that a section 32AA evaluation is necessary.

33 Maps

33.1.1 Introduction

393. The notified plan includes planning maps showing both the zone extents of the Hampton Downs Motor Sport and Recreation Zone and precinct areas (Map 8.2 in the hard copy planning maps).

33.1.2 Submissions

394. Two submissions were received seeking that the maps be retained with minor amendments and one further submission supporting in part the original submissions. The submissions are listed in the table below:

Submission point	Submitter	Summary of submission
657.32	HD Land Limited and Hampton Downs (NZ) Limited	Retain the specific zone (Hampton Downs Motor Sport and Recreation Zone) for the Hampton Downs Motorsport Park, except for the amendments outlined elsewhere in the submission.
<i>FS1279.14</i>	<i>Reid Investment Trust</i>	<i>Support</i>
657.34	HD Land Limited and Hampton Downs (NZ) Limited	Retain the five Precinct Areas (identified as Precincts A-E on the Planning Maps), except for the amendments outlined below. AND Amend the descriptions/names of the Precinct Areas.
<i>FS1279.16</i>	<i>Reid Investment Trust</i>	<i>Support in Part</i>

33.1.3 Analysis

395. HD Land Limited and Hampton Downs (NZ) Limited [657.32] are seeking that the specific zoning of the Hampton Downs Motorsport Park be retained and Reid Investment Trust further submission [FS1279.14] supports this. In submission point [657.34] the submitter is also seeking that the precinct areas be retained as notified, but requesting that the descriptions/names of the precinct areas be amended. It is not clear what the submitter is requesting in terms of the precinct descriptions/names. The maps only refer to Precinct A, B, C etc. and do not go so far as to detail the descriptions. The descriptions have been addressed in Sections 4.3 and 5 above. My view is that detailing the descriptions for the precinct areas on the planning maps is not necessary.

396. The further submission from Reid Investment Trust [FS1279.16] supports the original submission from HD Land Limited and Hampton Downs (NZ) Limited [657.34] in relation to the precincts however is also requesting that Precinct E be extended to incorporate Lot 6 DP 411257. As shown in Figure 11 below Lot 6 DP 411257 (highlighted in red) is located to

the south of the Hampton Downs Motor Sport and Recreation Zone. This site is zoned rural under the notified plan, and shown as car-parking in the 2006 resource consent (on the overall development plan and car parking plan).

397. I note that Reid Investment Trust original submission [783.5] in relation to including this site within the Hampton Downs Motor Sport and Recreation Zone will be addressed in Hearing 25. Depending on the recommendations for Hearing 25, consequential amendments may be required to Chapter 26. However, I will not be addressing this further here and I do not recommend any change to the maps at this time.



Figure 11 - The location of Lot 6 DP 411257 (highlighted in red)

33.1.4 Recommendations

398. For the reasons outlined above, I recommend that the Hearings Panel:

- a) **Accept** the submission from HD Land Limited and Hampton Downs (NZ) Limited [657.32] and further submission from Reid Investment Trust [FS1279.14].
- b) **Accept in part** the submission from HD Land Limited and Hampton Downs (NZ) Limited [657.34] and further submission from Reid Investment Trust [FS1279.16], to the extent that the precinct areas be retained as notified.

33.1.5 Recommended amendments

399. No amendments are recommended.

33.1.6 Section 32AA evaluation

400. No amendments are recommended and as such, no 32AA evaluation is necessary.

34 Conclusion

401. This report has provided an assessment of submissions received in relation to Chapters 9, 13 and 26, insofar as they relate to the Hampton Downs Motor Sport Park and Recreation Zone. The primary amendments that I have recommended relate to:
- Clearer objective and policy wording
 - Deletion of definitions specific to the Hampton Downs Motor Sport and Recreation Zone from Chapter 13 – Definitions.
 - An outline of the intent of the zone rules in the introduction.
 - Including defined terms in full in the Rules.
 - Moving the land use effect rules that relate to the size and scale of events/activities to the activity specific conditions table in Rule 26.1.
 - Changes to the rules that relate to noise, signs, landscaping and earthworks thresholds.
 - Numerous corrections to address drafting errors.
 - Deletion of outdated plans in Appendix 12
402. In conclusion I consider that the submissions on this chapter should be accepted, accepted in part or rejected as set out in Appendix 1 below.
403. I recommend that provisions in Chapter 26 be amended as set out in Appendix 2 below for the reasons set out in the report above.
404. I consider that the amended provisions will be efficient and effective in achieving the purpose of the RMA, the relevant objectives of this plan and other relevant statutory documents, for the reasons set out in the Section 32AA evaluations undertaken and included in this report.