

**BEFORE THE INDEPENDENT HEARINGS PANEL
AT NGARUAWAHIA**

IN THE MATTER OF the Resource Management Act
1991

AND

IN THE MATTER OF hearing submissions and
further submissions on the
Proposed Waikato District Plan

AND

IN THE MATTER OF Hearing 18 – Rural

**LEGAL SUBMISSIONS ON BEHALF OF MEREMERE DRAGWAY INC IN
SUPPORT OF ITS SUBMISSIONS ON STAGE 1 OF THE PROPOSED WAIKATO
DISTRICT PLAN – RURAL HEARING**

Dated: 24 September 2020

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MAY IT PLEASE THE PANEL

1. Meremere Dragway Inc (**Meremere Dragway**) made a submission (OS791) and a further submission (FS1118 / 1304) on Stage 1 of the Proposed Waikato District Plan (**Proposed Plan**). A number of Meremere Dragway's submission points have been coded to Hearing 18 Rural Zone, which is scheduled to commence on 29 September 2020 via Zoom.

BACKGROUND

2. The primary relief sought by Meremere Dragway is the reinstatement of Schedule 25E of the Operative District Plan as a fifth Special Area entitled "22.9 Specific Area – Dragway Park". At this stage, Meremere Dragway intends to continue to pursue this relief and understands that it is to be heard as part of Hearing 25. Meremere Dragway Activities will be governed by the Rural provisions in the event its primary relief is unsuccessful, hence the filing of these submissions.
3. Under the Rural provisions, Meremere Dragway has its own specific policy, Policy 5.3.12, that seeks to "support the ongoing operation and activities at the Meremere Dragway". The policy is then implemented through Rule 22.1.2(P5) which permits "Meremere Dragway Activity", subject to those activities complying with the land use effects rules in 22.2 and the land use building rules in 22.3 of the Proposed Plan.

SCOPE

4. It is submitted that the relief sought in these submissions relating to Policy 5.3.12 falls within the scope of the relief sought by Meremere Dragway in its submission on the Proposed Plan because it addresses the same activities, geographical area, facilities, and concerns the same parties / entities. In particular:
 - (a) Meremere Dragway's submission was stated as relating to Chapter 22 – Rural Zone. The policies and objectives relating to the Rural Zone are contained within Chapter 5 of the Proposed Plan, including Policy 5.3.12.

(b) Although Meremere Dragway's primary submission related to the reinstatement of Schedule 25E of the Operative District Plan as a fifth Special Area, it also sought:

i) Amendment of the definition of "Meremere Dragway Activity" in Chapter 13 Definitions to provide for the addition of non-motorised activities as follows (or a similar variation):

Means an activity at Meremere Dragway [to be Drag Way Park Specific Area] as shown on the planning maps that involves ~~motor propulsion to provide entertainment, education or training for the general public or to an individual participating in the activity;~~ and includes but is not limited to driver training or education, police or security training, and vehicle testing motorised recreational activity, non-motorised recreational activity, static-automotive activity and a film and advertising production activity.

ii) Any consequential amendments to the Proposed District Plan to give effect to the relief sought in its submission.

5. The matters raised in these submissions with respect to Policy 5.3.12 are a reasonably foreseeable logical consequence of the matters specifically raised in Meremere Dragway's submission i.e. they are within scope.¹

6. These submissions will now address:

(a) The definition of "Meremere Dragway Activity"; and

(b) Policy 5.3.12.

THE DEFINITION OF MEREMERE DRAGWAY ACTIVITY

5. In relation to the definition of Meremere Dragway Activity, the section 42A report author, Mr Jonathan Clease, stated that:²

(a) The definition should be sufficiently broad to encompass ancillary non-motorised recreation and commercial activities such as on-site cafés

¹ **Albany North Landowners v Auckland Council** [2017] NZHC 138 at [116].

² Section 42A report, Hearing 18: Rural Zone, 25 August 2020, at 400.

or food and beverage sales, or recreation that is focused on non-moving vehicles; and

- (c) Use of the facility for filming car-oriented activities would be an ancillary commercial activity.

- 6. As such, Mr Clease recommended amending the definition of “Meremere Dragway Activity” as follows:³

Means an activity at Meremere Dragway as shown on the planning maps that involves motor propulsion to provide entertainment, education or training for the general public or to an individual participating in the activity; It and includes but is not limited to ancillary non-motorised recreation and commercial activities, driver training or education, police or security training, and vehicle testing

- 7. Meremere Dragway considers that the amendments proposed by Mr Clease are appropriate as they provide for longstanding activities undertaken at Meremere Dragway that have only minor adverse effects on the environment. However, Meremere Dragway considers that the definition should be expanded to include “accessory facilities”. These would include facilities that are important to the function of the Meremere Dragway such as lighting, dangerous goods storage, toilets and spectator stands. It is submitted that it is appropriate to specifically include reference to “accessory facilities” in the definition for the following reasons:

- (a) Accessory facilities enable the safe and efficient function of Meremere Dragway;
- (b) To be consistent with the new definition of “motorised sport and recreation” that Mr Clease recommends inserting into Chapter 13. This definition explicitly excludes activities located within either the Motor Sport and Recreation Zone, or Meremere Dragway Activities⁴ and is given effect by a new rule D12, which provides for “motorised sport and recreation” as a discretionary activity. Specific inclusion of “accessory facilities” within the definition provides certainty and clarity that these facilities fall within the meaning of Meremere Dragway Activities; and⁵

³ Section 42A report, Hearing 18: Rural Zone, 25 August 2020, at 401.

⁴ Section 42A report, Hearing 18: Rural Zone, 25 August 2020, at 494.

⁵ Section 42A report, Hearing 18: Rural Zone, 25 August 2020, at 493.

- (c) Rule 22.1.2(P5) specifies that Meremere Dragway Activities must meet the building rules contained in 22.3. It is submitted that this requirement clearly contemplates accessory facilities falling within the meaning of “Meremere Dragway Activity”.

8. **Relief Sought:**

- (a) That the definition of Meremere Dragway Activity as recommended by Mr Clease be accepted, subject to the following amendments (insertions underlined, deletions ~~struckthrough~~):

Means an activity at Meremere Dragway as shown on the planning maps that involves motor propulsion to provide entertainment, education or training for the general public or to an individual participating in the activity. It includes but is not limited to ancillary non-motorised recreation and commercial activities, driver training or education, police or security training, ~~and vehicle testing~~ and accessory facilities such as club rooms/clubhouses, spectator stands, lighting and associated support structures, mechanical workshops and fuel storage and pumps.

Policy 5.3.12 – Meremere Dragway

9. Under the notified version of Chapter 5 Policy 5.3.12 provides:

Policy 5.3.12 – Meremere Dragway

- (a) Support the ongoing operation and activities at the Meremere Dragway.
10. In his section 42A report, Mr Clease identifies Meremere Dragway as ‘regionally significant industry’ in the context of the Rural Chapter.⁶ Meremere Dragway agrees with Mr Clease’s assessment that Meremere Dragway falls within the Waikato Regionally Policy Statement (**WRPS**) definition of regionally significant industry.⁷ As stated in its submission,⁸ Meremere Dragway considers that the Rural provisions do not adequately provide for its social and economic contributions to the district, the region, and the nation. Such recent contributions include, for example:

⁶ Section 42A report, Hearing 18: Rural Zone, 25 August 2020, at 493.

⁷ Waikato Regionally Policy Statement, Glossary, Operative 20 May 2016 at page G-9.

⁸ Meremere Dragway’s submission at paragraph 4.4.

- (a) Hosting 8 Friday night racing events over summer targeted at removing boy racers from the street (with an average attendance of around 1800 people and as high as 3500 people);
- (b) Hosting 2 events in the New Zealand National Drag Racing Championships per year;
- (c) Attracting a total of between 40,000 – 50,000 spectators and competitors during the summer season;
- (d) Hosting 7 to 9 Meremere Dirt Track Club race meetings per year;
- (e) Hosting around 7 Jetsprint meetings per year, including one meeting as part of the New Zealand Jetsprint Championship (with the national event attracting 1000s of spectators);
- (f) Hosting regular drift training events, again, targeted at removing boy racers from the street;
- (g) Acting as the venue for the filming the Aeroflow Outlaw Nitro Funny Cars & Hotrods, an Australian television series;
- (h) Charitable work in the community (supporting the Westpac Helicopter and Mercer Rowing); and
- (i) Attracting revenue for surrounding businesses that support the activities undertaken at Meremere Dragway (such as food vendors, mechanics and vehicle part suppliers).

11. Pursuant to section 75(3)(c) of the Resource Management Act 1991 the Proposed Plan must give effect to the WRPS. It is submitted that Policy 4.4 (a) of the WRPS and associated implementation method 4.4.1 are particularly pertinent to the relief sought by Meremere Dragway and are set out below:

- (a) Policy 4.4 (a) of the WRPS provides:

The management of natural and physical resources provides for the continued operation and development of regionally significant industry and primary production activities by:

- a) recognising the value and long term benefits of regionally significant industry to economic, social and cultural wellbeing;

...

- (b) Implementation method 4.4.1(a) provides:

District and regional plans should provide for regionally significant industry and primary production by:

- a) identifying appropriate provisions, including zones, to enable the operation and development of regionally significant industry, which for new development is consistent with Policy 6.14 and Table 6-2;

...

12. It is submitted that, in accordance with Policy 4.4(a) of the WRPS, it is appropriate to amend Policy 5.3.12 to better recognise the value and long term benefits Meremere Dragway provides as regionally significant industry to the economic and social wellbeing of the District. Further, Policy 5.3.12 is the appropriate provision to recognise and provide for Meremere Dragway's status as a regionally significant industry (pursuant to implementation method 4.4.1(a) of the WRPS). Meremere Dragway seeks the relief detailed below.

13. **Relief Sought:**

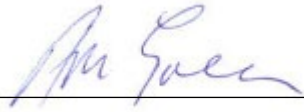
- (a) That Policy 5.3.12 be amended as follows (insertions underlined, deletions ~~struckthrough~~):

Support the ongoing operation and activities at the Meremere Dragway, including by recognising the economic and social benefits it provides to the District as Regionally Significant Industry.

Conclusion

14. In conclusion, it is submitted that the inclusion of "accessory facilities" in the definition of "Meremere Dragway Activity" recommended by Mr Clease is appropriate and will enable the continued safe and efficient function of Meremere Dragway. Second, Policy 5.3.12 should be amended to recognise the benefits that Meremere Dragway provides to the District as Regionally Significant Industry in accordance with the direction contained in the WRPS.

DATED this 24th day of September 2020

A handwritten signature in blue ink, appearing to read "Andrew Green", is written above a horizontal line.

Andrew Green / Ben Cochrane
Counsel for Meremere Dragway Inc