

SECTION 42A REPORT

Executive Summary

Hearing 13: Hampton Downs Motor Sport and Recreation Zone

Prepared by: Victoria Majoor

Date: 09/04/20



1. Good morning Chair, Commissioners and Submitters. My name is Victoria Majoor and I am the author of the s42A report for the Hampton Downs Motor Sport and Recreation Zone. I am also the author of the rebuttal evidence relating to those same provisions. My qualifications and experience are set out in the s42A report.
2. For succinctness, I do not intend to go into my recommendations in detail. This summary will provide an overview of:
 - The relevant objectives, policies, rules and plan structure;
 - Overview of the submissions and themes;
 - Main changes recommended from the notified version;
 - Amendments from submitter evidence;
 - Drafting errors; and
 - Remaining matters still outstanding raised through evidence, rebuttal evidence, and pre-hearing conferencing.

Relevant objectives, policies, rules and plan structure

3. I will start by outlining the purpose, structure and content of the Hampton Downs Motor Sport and Recreation Zone provisions.
4. As set out in section 2.2 of my s42A report, the Hampton Downs Motor Sport Park is a unique facility located within the Rural Zone of the Operative 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.¹
5. The motor sport park itself has been established and operating for some time and considered a regionally-significant motor sport and recreation facility.
6. The existing development at Hampton Downs Motor Sport Park is diverse in nature, and therefore a specific purpose zone chapter was considered appropriate.
7. Through the specific purpose zone, the continued operation and development of the site will enable the continued operation of the authorised activities and any future development can be achieved more efficiently and effectively while continuing to manage effects on the surrounding environment.
8. The Proposed Waikato District Plan (PWDP) text for Hampton Downs Motor Sport and Recreation Zone generally appears to be restating the 2006 resource consent in the form of objectives, policies and rules.
9. The Hampton Downs Motor Sport Park and Recreation Zone is separated into five precinct areas:
 - Precinct A the operational motor sport area including the main race track and associated facilities;
 - Precinct B the industrial facilities and activities that supports the Hampton Downs Motorsport Park;
 - Precinct C visitor accommodation and minor race track area;
 - Precinct D the residential activities within the residential apartments;
 - Precinct E industrial activities within the industrial units.

¹ Para 14, Pg 5 – H13 s42A Report

10. Chapter 9.1 of the PWDP contains the objectives and policies that are specific to the Hampton Downs Motorsport and Recreation Zone.
11. There is one primary objective (Objective 9.1.1) which sets out the ongoing operation and development of the motor sport park. Three policies support this objective, including operation and development (Policy 9.1.1.1), a precinct-based development (Policy 9.1.1.2) and the management of adverse effects (Policy 9.1.1.3)
12. Chapter 26 is grouped into four distinct parts as follows;
 - Rule 26.1 - Land use activities which sets out the permitted, controlled, discretionary and non-complying activities per precinct.
 - Rule 26.2 - Land use effects which includes rules that control noise, landscaping, earthworks and signs.
 - Rule 26.3 - Land use building which includes rules that generally control the bulk and location of buildings such as maximum height, yard setbacks and daylight admission rules.
 - Rule 26.4 – Subdivision;

Overview of submissions

13. There are 11 submitters, making 89 individual submission points and 49 further submission points that relate to the Hampton Downs Motor Sport and Recreation Zone. 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 cover a wide range of matters, including the following:
 - 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
14. Generally speaking, there were a relatively small number of submissions seeking minor amendments to the objectives and policies.
15. The submissions that either sought amendments or deletions were predominantly on the rules contained within Chapter 26.

16. The rules that attracted a relatively large amount of submissions include the landuse activities (permitted, controlled, discretionary and non-complying), noise, landscaping, traffic management and signs,
17. I note that a number of submissions, such as those on provision of education facilities, noise, real estate signs and water supply, extend across a number of zones. It is up to each individual s42A report writer to make their own recommendations on these.

Summary of recommended amendments to the notified version

18. As detailed in Appendix 2 and 3 of my s42A report, there are a number of amendments that I have recommended. Generally speaking, my recommendation is to provide for the authorised activities from the 2006 Resource Consent as permitted activities. These permitted activities are subject to the landuse effects and buildings rules.
19. In terms of Chapter 9.1 which contain the objectives and policies, the amendments that I have recommended are typically to improve the readability of the plan with clearer and consistent objective and policy wording.
20. With respect to the recommended amendments to Chapter 26 insofar as it relates to my s42A report, the main changes and reasons for the amendments are as follows:
 - Deletion of definitions specific to the Hampton Downs Motor Sport and Recreation Zone from Chapter 13 – Definitions.²
 - An outline of the intent of the zone rules in the introduction.³
 - Including defined terms in full in the Rules.⁴
 - Moving the land use effect rules that relate to the size and scale of events/activities to the activity specific conditions table in Rule 26.1.⁵
 - Changes to the rules that relate to noise, signs, landscaping and earthworks thresholds.⁶
 - Numerous corrections to address drafting errors.
 - Deletion of outdated plans in Appendix 12.⁷

Further recommended amendments arising from submitter evidence and pre-hearing conferencing

21. The total number of submitter evidence (including rebuttal) was nine in relation to the recommendations set out in my original s42A report for the Hampton Downs Motor Sport and Recreations Zone.
22. Further to the evidence received pre-hearing conferencing was undertaken on the 1st April 2020. Those involved included HD Land, NZTA, Reid Investment Trust and Council. The main reason for the conferencing was to discuss traffic management and signage.

² Section 7-12 – H13 s42A Report

³ Section 5 – H13 s42A Report

⁴ Section 7-12 – H13 s42A Report

⁵ Section 7-12 – H13 s42A Report

⁶ Section 15-25 – H13 s42A Report

⁷ Section 32 – H13 s42A Report

23. As a result of both evidence and conferencing the following further amendments to my recommendations have been made as follows:
- a) Amendment to Objective 9.1.1(b) to include reference to the surrounding rural zone;
 - b) Amendment to Rule 26.1.1.1 P5 (g) with removal of the detail of TMP requirements and reference to standards in Rule 26.5 and 26.6.
 - c) Removal of the term 'Construction' in Rule 26.1.4 P2 and Rule 26.1.1.5 P2;
 - d) Including the same activity controls in Rule 26.1.2.1 CI (which relates to events) as Rule 26.1.1.1 P5 for consistency;
 - e) Inclusion of a new Rule 26.1.2.1 P3 which allows for the construction or alteration of buildings for activities listed in Rule 26.1.2.1 CI and C2;
 - f) Amendment to Rule 26.2.1 PI (a)(i) which sets out the noise limits to reflect the wording in most recent variation to the 2006 resource consent;
 - g) Deletion of Rule 26.2.1 P3 which requires a noise management plan;
 - h) Amendments to Rule 26.2.4 PI to remove the term 'at maturity' from the first sentence and include reference to the landscape plan in Appendix 12 which is now to remain (this was recommended to be deleted in my original s42A report);
 - i) Moving the detail of Rule 26.2.7 to traffic management standards in a new Rule 26.5 and Rule 26.6;
 - j) A new Restricted Discretionary Rule for events which do not comply with the permitted and controlled activity rules (Rule 26.1.1.1 PI and Rule 26.1.2.1 CI). My view is that there is scope for this amendment through original submission point [574.2] Tata Valley Ltd.
 - k) Amendments to the signage rule in 26.2.11 PI and increase the permitted area of a sign to 5m² and the merging of Rule 26.2.11 PI (a)(vi) and (vii) into one standard;
 - l) Setting out the provision for water supply in the Subdivision Rule 26.4.

Further minor drafting matters

24. Further to the above amendments I have also made the following minor amendments:
- a) Deletion of terms in Rule 26.1.1.1 PI for facilities that do not apply to Precinct A, such as industrial units, residential accommodation, and traveller's accommodation;
 - b) Amendment to Rule 26.1.1.1 P5 (e) so reference isn't just to supercars (but all events larger than an extreme event);
 - c) Amendment to Rule 26.2.1 P2 and include the term 'measured at the zone boundary';
 - d) Rule 26.1.1.1 P5 (g) and Rule 26.1.2.1 CI (m) should also include reference Rule 26.6;
 - e) Amending the term 'park precinct plan' in Rule 26.4 DI to the zone itself.

Remaining matters of contention raised in submitter evidence

25. Late yesterday afternoon (8/04/20), Derek McLachlan acting on behalf of HD Land provided a final version of agreed amendments between NZTA and HD Land. In my view this means there are no remaining matters of contention. To assist the Panel, I have attached a new Appendix 3, which is to replace Appendix 3 of my Rebuttal Report (the updated amendments have been highlighted green and include the minor drafting matters noted in paragraph 24 above). To summarise the further changes, relate to the following matters:

- a) Motor Sport and Recreation Events – including the phrase ‘per day after’ each bullet point in Rules 26.1.1.1 P5 and Rule 26.1.2.1 C1;
- b) Restricted Discretionary Rule – including impacts on State Highway 1 and Hampton Downs interchange, and amenity values of adjoining rural sites as matters of restricted discretion;
- c) Landscaping and screening – amendments to the landscaping Rule 26.2.11 PI with removal of the 3m height and new buildings and activities being screened from view of road users/adjacent sites, and advice note on the existing landscape mitigation plan;
- d) Signs – controls around content on the sign in Rule 26.2.11 (a)(vi) and including the phrase ‘or cannot be seen from State Highway 1’;
- e) Traffic management standards – detail in Rule 26.2.7 C2 being included as (xiv) of Rule 26.5 and inclusion of the term ‘similar sized’ in (xvi);
- f) Traffic management standards in Rule 26.6 (h) which requires one IMC meeting 4 months prior to an annual temporary event. My view however is that this should refer to a major or extreme event, to give consistency with the terms used throughout Chapter 26.

Conclusion

26. That concludes my executive summary. I look forward to hearing evidence presented by submitters over the course of the day and welcome any questions the panel may have.