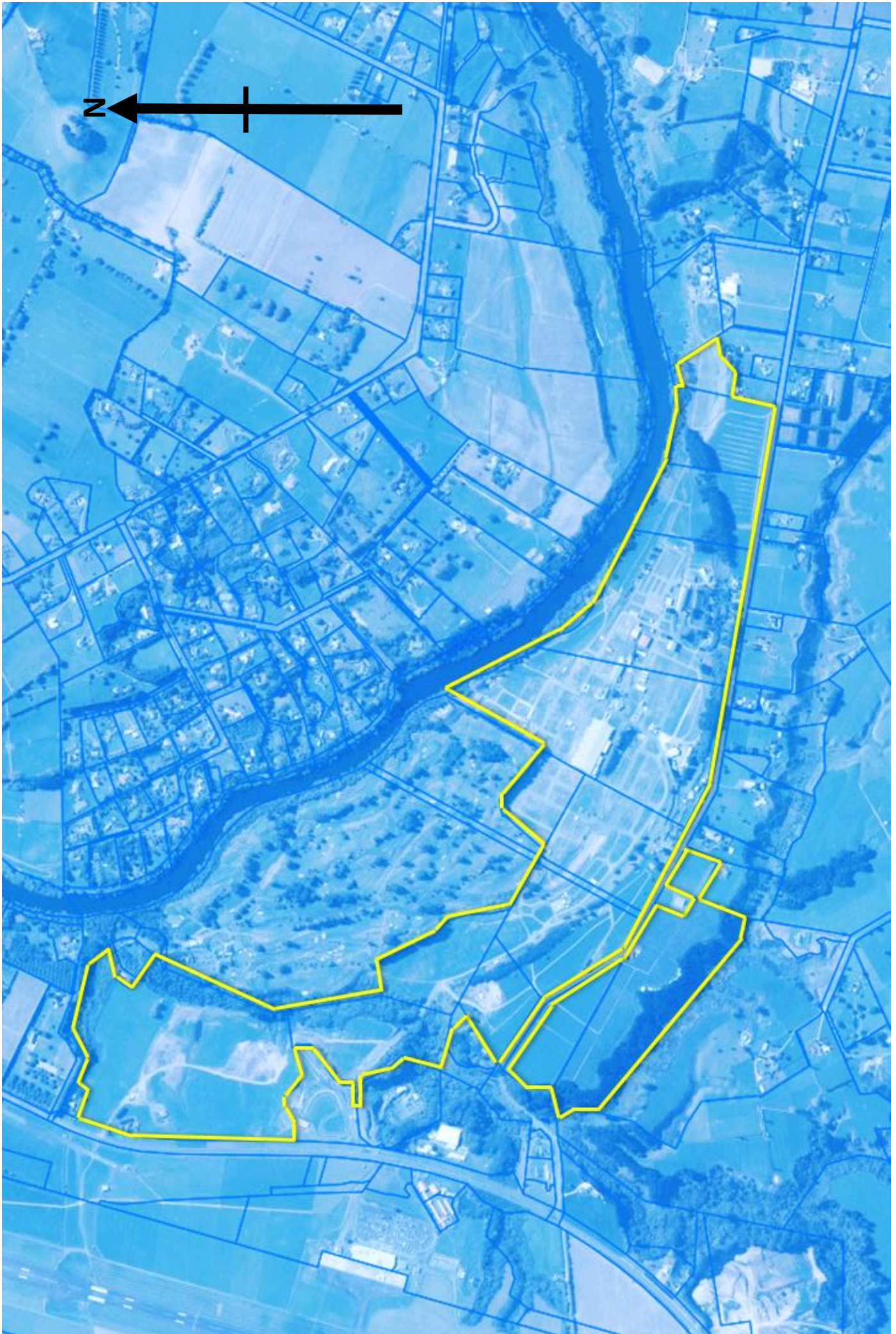


APPENDIX A.

NEW ZEALAND NATIONAL FIELDDAYS SOCIETY (INC.) – MYSTERY CREEK EVENTS CENTRE



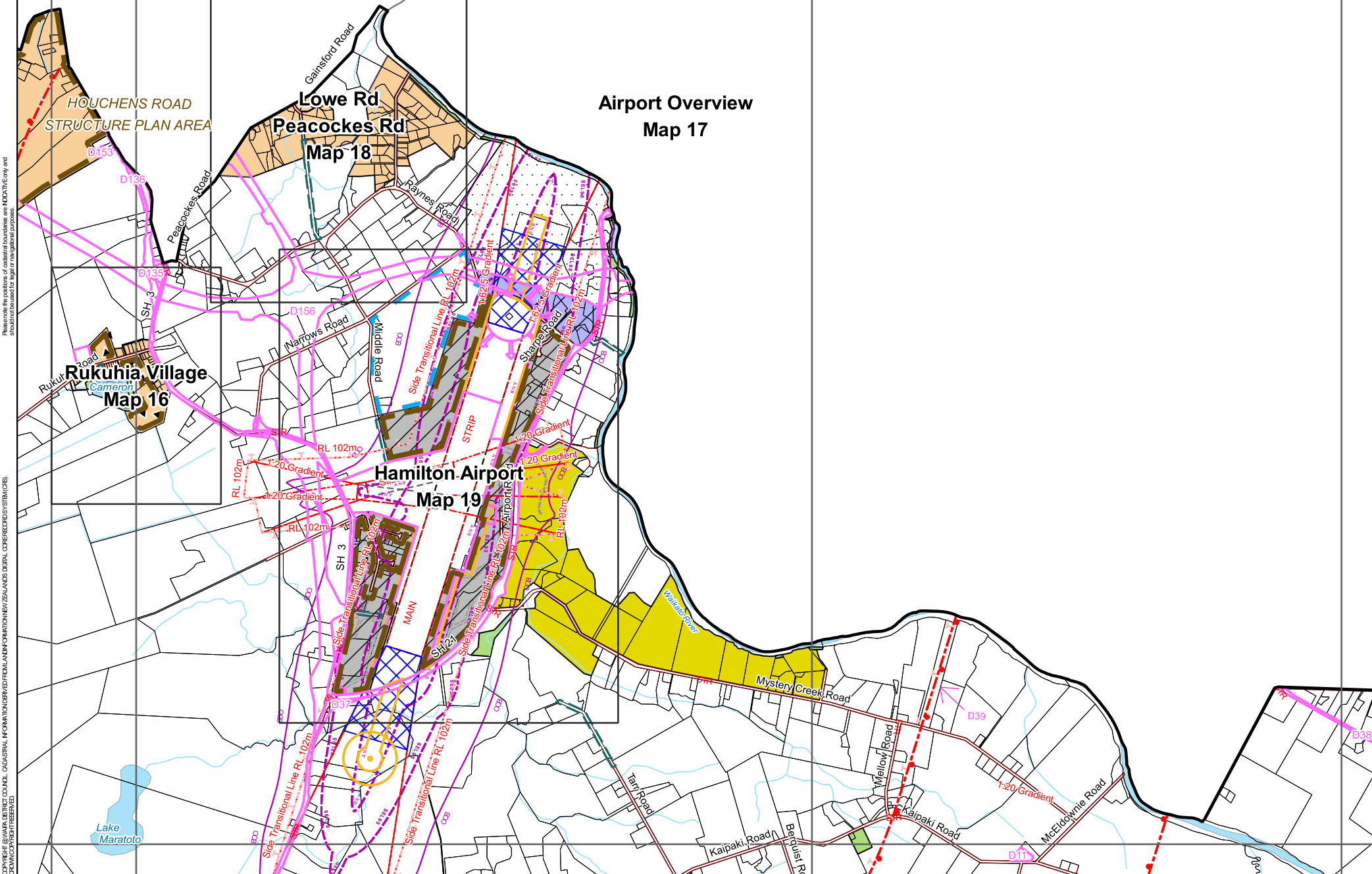
APPENDIX B.

Hamilton
City

Waikato

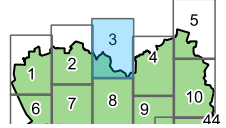
District

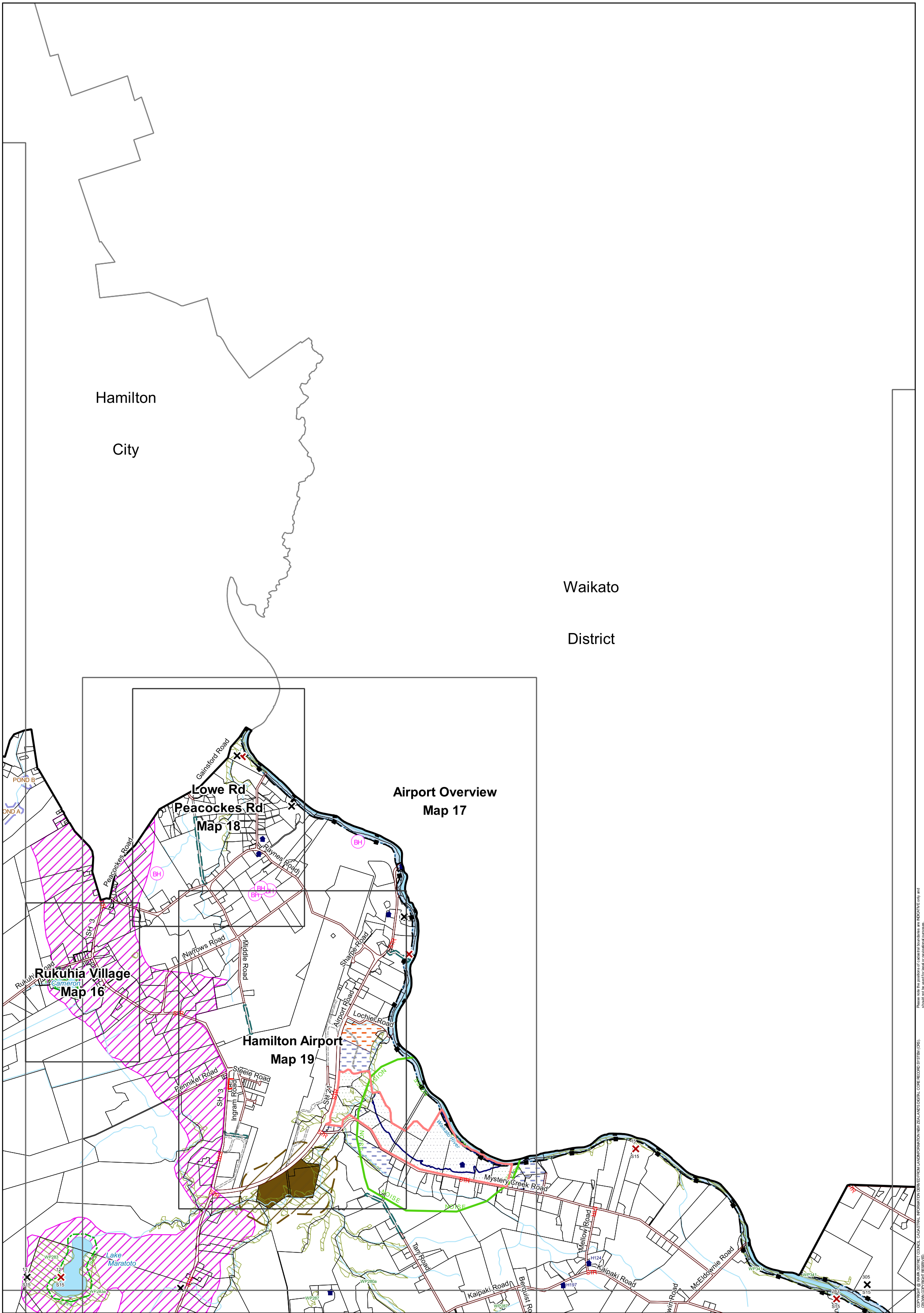
Airport Overview
Map 17



Reserve the positions of candidate boundaries are INDICATIVE only and should not be used for legal purposes.

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Hamilton
City

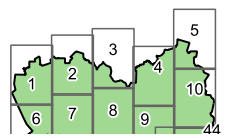
Waikato
District

Airport Overview
Map 17

Lowe Rd
Peacockes Rd
Map 18

Rukuhia Village
Map 16

Hamilton Airport
Map 19



Please note the positions of cadastral boundaries are indicative only and should not be used for legal or navigational purposes.
COPYRIGHT © WAIPA DISTRICT COUNCIL. GRAPHIC INFORMATION PROVIDED FROM LAND INFORMATION NEW ZEALAND'S DIGITAL CORE RECORDS SYSTEM (DCRS).
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Hamilton

City

Waikato

District

Low Rd
Peacocks Rd
Map 18

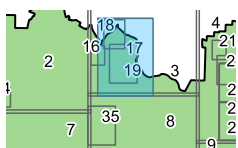
Rukuhia Village
Map 16

Hamilton Airport
Map 19

PLEASE NOTE THE POSITIONS OF COASTAL BOUNDARIES ARE INDICATIVE ONLY AND DO NOT CONSTITUTE A GUARANTEE OF ACCURACY.

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17 Zones



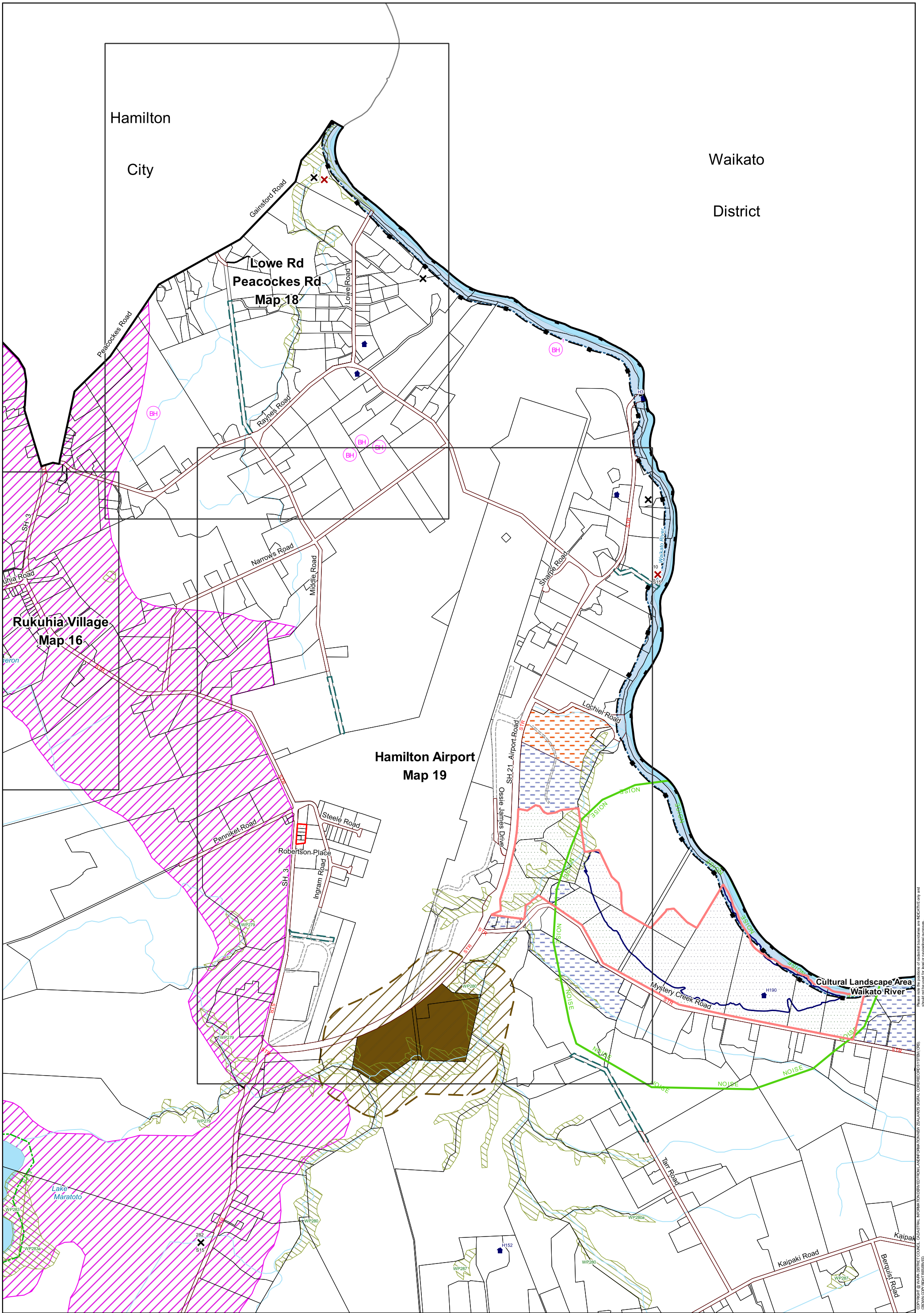
Airport Overview

Waipa District Plan

Page Version - 14 February 2017

Scale: 1 : 20,000 at A3





This map is a simplified representation of the Waipa District Plan. It is not intended to be used for legal or engineering purposes. The Waipa District Council is not responsible for any errors or omissions.

Zones Legend

AIRPORT

	Air Noise Boundary (ANB)
	Night Noise Boundary (SEL95)
	Outer Control Boundary (OCB)
	Airport Approach Surfaces
	Conical Surface
	Horizontal Surface
	Hamilton Airport Strategic Node
	Narrows Concept Plan Area
	Runway Protection Area
	Possible Future Airport Growth Area

DESIGNATIONS (Refer Appendix D1)

	Designation Approved
	Designation (Notice of Requirement)

OVERLAYS

	Structure Plan Area
	Core Campus Area
	Tokanui Dairy Research Centre
	Hydro Electric Power Generation Infrastructure Area
	Boundary of the Specialised Dairy Industrial Area

GENERAL

	District Boundary
	Other Council Boundary
	Urban Limits
	Strategic Road (Major or Minor Arterial)
	Formed Road
	Indicative Road
	Bridge
	Service Lane
	Unformed Road
	River, Lake or Stream




(Note: will appear as wave pattern over certain lakes due to them also being Reserve Zone)

ZONES













	Airport Business Zone
	Commercial Zone
	Deferred Commercial Zone
	Hydro Power Zone
	Industrial Zone
	Deferred Industrial Zone
	Lake Karapiro Events Zone
	Large Lot Residential Zone
	Deferred Large Lot Residential Zone
	Marae Development Zone
	Mystery Creek Events Zone
	Deferred Reserve Zone
	Reserve Zone
	Residential Zone
	Deferred Residential Zone
	Cambridge North Deferred Residential Zone
	Significant Mineral Extraction Zone
	St Peters School Zone
	Rural Zone

Policy Areas Legend














ESPLANADE REQUIREMENTS

-  Access Strip
-  Esplanade Reserve
-  Esplanade Strip











LANDSCAPE AND NATURAL AREAS

-  High Amenity Landscapes (includes adjacent water bodies)
-  Outstanding Natural Feature and Landscape
-  River and Lake Environs
-  Significant Indigenous Forest (Local)
-  Significant Natural Feature and Landscape (District)
-  Visually Sensitive Hill Country
-  Cultural Landscape Area Alert (Refer Note 4)
-  Cultural Landscape Areas
-  Significant Natural Area (Refer Appendix N5)
-  Viewshaft and State Highway 3 Scenic Corridor
-  Vista
-  Significant Tree and Bush Stand























HERITAGE

-  Archaeological Site (Refer Appendix N3)
-  Archaeological Site - Reliability 1
(Refer Note 3 and Appendix N3)
-  Cultural Sites (Refer Appendix N2)
-  Heritage Item (Refer Appendix N1)
-  Karapiro Hydroelectric Village Heritage Item
-  Protected Tree (Refer Appendix N4)
-  Character Cluster
-  Character Precinct
-  Character Precinct Cambridge A
-  Character Precinct Cambridge B
-  Character Streets
-  Cambridge Residential Character Area
-  Rangiaowhia Ridge Building Setback Area





GENERAL

-  District Boundary
-  Other Council Boundary
-  Urban Limits
-  Strategic Road (Major or Minor Arterial Route)
-  Formed Road
-  Indicative Road
-  Bridge
-  Service Lane
-  Unformed Road
-  River, Lake or Stream

OVERLAYS

-  Compact Housing Area
-  Dairy Manufacturing Site
-  Large Format Retail Area
-  Maungatautari Ecological Island Fenced Boundary
-  Pedestrian Frontage
-  Road Noise Effects Area
-  Indicative Motorway Service Centre Area
-  Scheduled Industrial Site
-  Special Amenity Area
-  Tall Building Area
-  Cambridge North Neighbourhood Centre
-  Mystery Creek Events Centre Core Area
-  Mystery Creek Events Lower Terrace Area
-  Mystery Creek Events Upper Terrace Area
-  Mystery Creek Rural Activities Overlay
-  Quarry Buffer Area
-  Mineral Extraction Area
-  Hydro Operating Easement
-  Dairy Manufacturing Noise Contour
-  Mystery Creek Noise Contour
-  Water Catchment Area (WCA)
-  Lime Processing Site

UTILITIES

-  HV Electricity Structure
-  HV Electricity Transmission Line
-  HV Electricity Transmission Line (Underground)
-  Gas Transmission Pipeline Corridor

NATURAL HAZARDS

-  Flood Hazard Area
- When viewing the flood hazard area around the Waipa River, the boundary of the flood hazard may appear curved.

NOTE:

1. Referenced Sites

Some sites are shown on the maps with a reference number. These are archaeological sites, cultural sites, designations (approved and notice of requirements), historic buildings/sites, protected trees or significant natural areas. The reference number will only appear on the detail map. If the site you are viewing is within an inset map, e.g. map 27 is within map 23, then the reference number will only appear on map 27 and not on map 23.

2. Archaeological Sites

Additional archaeological sites may have been identified since the notification of this Plan. For this reason people are also referred to the NZAA Database. Consultation with Heritage New Zealand is advisable.

3. Reliability 1

These sites have been field checked and documentation has been completed. These sites have a higher degree than the other sites.

4. Cultural Landscape Areas

There are two types; "Cultural Landscape Area – Alert" and "Cultural Landscape Areas". The Cultural Landscape Area – Alert are identified for information purposes only, while the Cultural Landscape Areas have additional resource consent requirements for some activities. Where the Cultural Landscape Area – Alert is shown on the Planning Maps to apply to a river or stream, it includes a 50m setback on either side of the bank from the river or stream.

APPENDIX C.

IN THE MATTER of the Resource
Management Act 1991

AND

IN THE MATTER of three references under
clause 14 of the First
Schedule to the Act

BETWEEN P M & W R LANG

(Appeal RMA 412/96)

NEW ZEALAND NATIONAL
FIELDDAYS SOCIETY INC

(Appeal RMA 413/96)

THE WAIKATO DISTRICT
COUNCIL

(Appeal RMA 416/96)

Appellants

AND

THE WAIPA DISTRICT
COUNCIL

Respondent

BEFORE THE ENVIRONMENT COURT

Environment Judge DFG Sheppard

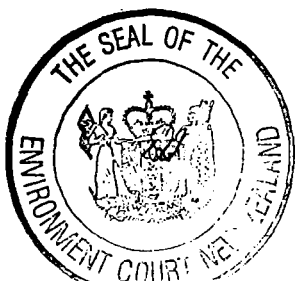
IN CHAMBERS at Auckland on 28 July 1997

CONSENT ORDER

HAVING CONSIDERED the references, the Respondent's replies and the memorandum submitted on behalf of the parties, THIS COURT HEREBY ORDERS BY CONSENT that the appeals are allowed to the extent that the respondent is directed to modify its proposed district plan as follows:

1. Rule 9-Zone Statement

By deleting the last sentence in the fourth paragraph and substituting the following five sentences:



"Because of its position in relation to the airport with its noisy activities, a higher level of noise similar to that allowed for industrial and other activities at the airport will be allowed for activities in the zone. On 25 specified "activity days" allocated to the Mystery Creek Events Centre, higher levels of noise for short periods during daytime hours will be allowed. Additional "activity days" up to a maximum number provided in the Rules may be allocated to the Mystery Creek Events Centre or to other operators within the zone. Both allocations of "activity days" will be fixed according to a calendar of events in order to avoid the Christmas holiday period and to spread them throughout the year so as to avoid the cumulative effect of such noisy activities on nearby residential activities. Special consideration is given to the proximity of residential activities located in the adjoining Waikato District by fixing a lower level for noise that may be received by those activities."

2. By inserting a new Rule 9.3.1.2 as follows -

"In addition to the activities listed in Rule 1.4.2, any other activity which complies with all the conditions specified in Rule 9.4 except Rule 9.4.2, and which complies with Rules 9.5.1 and 9.5.2, shall be a controlled activity.

3. By amending the existing Rule 9.3.1.2 to read as follows -

"Any activity which does not comply with any one or more of the Conditions For Permitted Activities (specified in Rule 9.4) or Criteria and Conditions For Controlled Activities (specified in Rule 9.5) shall be a Discretionary Activity or a Non-Complying Activity in relation to the Rule with which it does not comply as is specified in that Rule."

and renumbering it as Rule 9.3.1.3.

4. By renumbering the existing Rule 9.3.1.3 as 9.3.1.4.
5. By deleting Rule 9.4.2 and by substituting the following —

"9.4.2 RULE - Noise

1. All activities within the Mystery Creek Exhibition Centre Zone shall be conducted and buildings located, designed and used to ensure that noise levels within the notional boundary of any dwelling:

- existing at the date when this Plan becomes operative; and
- not located within the Mystery Creek Exhibition Centre Zone; and
- located within an area described below

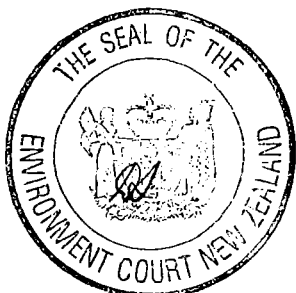
shall not, subject to Rule 9.5, exceed the following limits for that area:

- (a) That area within the territorial boundaries of the Waikato District Council:

Monday to Saturday 7:30 am to 8:00 pm	50 dBA (L ₁₀)
Sunday 8:00 am to 8:00 pm	50 dBA (L ₁₀)
At all other times	40 dBA (L ₁₀)

- (b) That area within the territorial boundaries of the Waipa District Council:

Monday to Saturday 7:30 am to 8:00 pm	55 dBA (L ₁₀)
Sunday 8:00 am to 8:00 pm	55 dBA (L ₁₀)



Monday to Saturday 8:00 pm to 11:00 pm 45 dBA (L₁₀)

At all other times 40 dBA (L₁₀)

Activities which do not comply with Rule 9.4.2 shall be discretionary activities.

6. By inserting new Rule 9.5 as follows:

9.5 Criteria and Conditions for Controlled Activities (other than those in Rule 1.4.2)

9.5.1 **RULE - Activity Day Criteria**

(a) Activity days shall be days provided for and fixed in accordance with the following criteria and are controlled activities in the Mystery Creek Exhibition Centre Zone.

(i) Twenty-five activity days per annum shall be allocated to activities on the property (Mystery Creek Events Centre - "MCEC") of the New Zealand National Fielddays Society or its successor in title ("the Society") within the Mystery Creek Exhibition Centre Zone. Subject to subclause (iv) of this rule, the programming of such days shall be determined by the registered proprietors for the time being of the MCEC. Activities days allocated under this subclause shall be called "MCEC Activity Days".

(ii) Once an activity day has been allocated to the MCEC in accordance with the preceding subclause, nothing in this rule shall prevent other activities being conducted on the same day in the Mystery Creek Exhibition Centre Zone otherwise than on the MCEC subject to the noise limitations for activity days provided for in this rule.

(iii) Subject to subclause (iv) of this rule the MCEC may be allocated further activity days each year either for itself alone or in conjunction with other activities in the Mystery Creek Exhibition Centre Zone.

(iv) Activity days shall be fixed in accordance with this rule (whether on the MCEC or elsewhere in the Mystery Creek Exhibition Centre Zone) so that:

A. The date of the activity does not fall within the period from the day after the last day of the second weekend of December in any year to midday on 31 December in the same year; and

B. The number of weekends free from activities provided for under any resource consent for an activity within the Zone granted before the date this Plan becomes operative or under the provisions of this Rule 9.5.1 is not less than an average of two per month for the balance of the calendar year (i.e. outside the period specified in A. above); and

C. The number of weekends on which such activities (namely those set out in (B) above) proceed does not exceed a maximum of three per month; and

D. Such activities will not occur on more than 50 weekdays (being the days Monday through to Friday inclusive) per calendar year.



[Handwritten mark]

- E. Once an activity day has been fixed in accordance with this rule and activity occurs on that day, that day shall continue to be regarded as an activity day for the purposes of the calculations contemplated by subclauses B, C and D of this subclause (iv) notwithstanding that the actual noise levels on the activity day may in fact not have exceeded those specified in Rule 9.4.2.
- (v) Other standards and terms for a Controlled Activity under this Rule 9.5 shall be those set out in Rules 9.4.1, 9.4.3, 9.4.4 and 9.5.2.
- (b) The Council will exercise control over the following matters -
- (i) Monitoring of noise emissions;
- (ii) Use of vehicle entrances.
- (c) An application for an activity under this Rule 9.5.1 may be considered without the need to obtain the written approval of affected persons (and it need not be notified) if, and only if, the application is received at least 30 working days prior to the day that the activity is proposed to take place.
- (d) Any activity which does not comply with Rule 9.5.1 shall be a Discretionary Activity and considered under Rule 1.6.2.

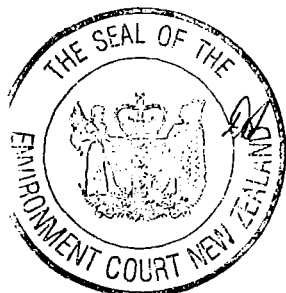
9.5.2 RULE - Noise on Activity Days

All activities on activity days (whether MCEC Activity Days or otherwise) within the Mystery Creek Exhibition Centre Zone shall be conducted and buildings located, designed and used within the Mystery Creek Exhibition Centre Zone to ensure that noise levels at or within the notional boundary of any dwelling:

- existing at the date when this Plan becomes operative; and
- not located within the Mystery Creek Exhibition Centre Zone; and
- located within an area described below

shall not exceed the following limits for that area:

- (a) Within the territorial boundaries of the Waikato District Council:
- | | |
|-------------------------------------|---------------------------|
| Monday to Saturday 7.30am to 8.00pm | 55 dBA (L ₁₀) |
| Sunday 8.00am to 8.00pm | 55 dBA (L ₁₀) |
| Monday to Saturday 8.00pm to 11 pm | 45 dBA (L ₁₀) |
| At all other times | 40 dBA (L ₁₀) |
- (b) Subject to subclause (c), all other areas -
- | | |
|-------------------------------------|---------------------------|
| Monday to Saturday 7.30am to 8.00pm | 55 dBA (L ₁₀) |
| Sunday 8.00am to 8.00pm | 55 dBA (L ₁₀) |
| Monday to Saturday 8.00pm to 11 pm | 45 dBA (L ₁₀) |
| At all other times | 40 dBA (L ₁₀) |
- (c) On any MCEC Activity Day during the following periods:
- | |
|-------------------------------------|
| Monday to Saturday 7.30am to 8.00pm |
| Sunday 8.00am to 8.00pm |
| (called "the Daytime Periods") |



the maximum noise level may at the option of the Society be increased to 60 dBA (L₁₀), but only on the following conditions:

- (i) For 10 of the 25 MCEC Activity Days the total accumulated time during the Daytime Periods of the increased maximum noise level of over 55 dBA (L₁₀) shall be six hours.
- (ii) For the remaining 15 of the 25 MCEC Activity Days the total accumulated time during the Daytime Periods of the increased maximum noise level of over 55 dBA (L₁₀) shall be four hours.
- (iii) Prior to exercising its option under this subclause (c), the Society will have prepared by a suitably qualified acoustic engineer and approved by Council a noise management plan. The noise management plan will include the following:
 - A. Identification and likely duration of possible sources of significant noise.
 - B. The means of monitoring such noise when it occurs.
 - C. The technical and functional means of attenuating such noise.
 - D. The managerial means of controlling such noise and implementing the attenuation methods.
 - E. Whether it is appropriate to advise affected residents.
 - F. Provision for review.
- (iv) On up to five of the 25 MCEC Activity Days the Society may, in addition to providing vehicle parking, conduct on the upper terrace area abutting Mystery Creek Road activities generating noise (measured as herein provided) between 55 dBA (L₁₀) and 60 dBA (L₁₀).

During the remaining 20 of the 25 MCEC Activity Days the Society shall not permit activities, other than vehicle parking, generating noise (measured as herein provided) of over 55 dBA (L₁₀) on the said upper terrace.

Activities which do not comply with Rule 9.5.2 shall be discretionary activities.

7. Add new rule 9.6 as follows:

9.6 **RULE - Definitions**

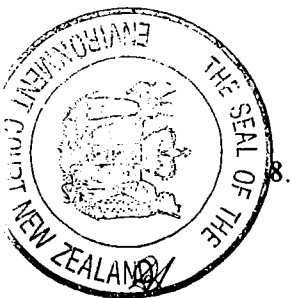
For the purpose of Rule 9.4:

- (i) Noise levels for permitted activities shall be assessed in accordance with NZS 6802:1991 assessment of environmental sound.

For the purpose of Rules 9.4 and 9.5:

- (i) All noise levels shall be measured in accordance with the requirements of NZS 6801:1991 measurement of sound.
- (ii) "Notional boundary" means a line 20 metres from the external walls of any dwelling house, or the legal boundary of the site on which the dwelling house is located where the boundary is closer to a dwelling than 20 metres."

By inserting in Rule 9.4.1, where it refers to Rule 2.4.22 Signs, the following proviso:




"Provided that this rule shall apply only to signs in the Mystery Creek Exhibition Zone which are visible from Airport Road or which are proposed to be located within 50 metres from the boundary of Mystery Creek Road."

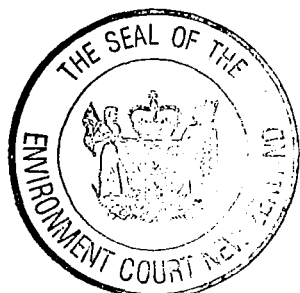
9. Part 3 - Justification - Section 20

By adding to section 20 a new sub-section 9 as follows:

"The Mystery Creek Exhibition Centre Zone is located close to the noisy activities at the Hamilton Airport and within the Outer Control Boundary for flying operations. Because of this the permitted noise levels received at a residential building outside the zone are higher than is generally allowed in the Rural Zone. In recognition of the regional and national significance of the Mystery Creek Events Centre a still higher noise level will be allowed for short periods during specified "activity days" for the Centre, and other activities in the zone, which are to be arranged on an agreed calendar basis by all operators in the zone. Provision is also made for the control at a lower level of noise that may be received at residential buildings in the adjoining Waikato District."



DFG Sheppard,
Environment Judge



APPENDIX D.

IN THE ENVIRONMENT COURT

Referral No. RMA 412/96

Referral No. RMA 413/96

Referral No. RMA 416/96

IN THE MATTER of the Resource
Management Act 1991, and its
amendments and regulations

AND

IN THE MATTER of the Proposed District
Plan of the Waipa District Council

BETWEEN P M & W R LANG

REFERRER

AND WAIPA DISTRICT COUNCIL

RESPONDENT

AND: BETWEEN NEW ZEALAND NATIONAL
FIELDDAYS SOCIETY INC

REFERRER

AND WAIPA DISTRICT COUNCIL

RESPONDENT

AND: BETWEEN WAIKATO DISTRICT
COUNCIL

REFERRER

AND WAIPA DISTRICT COUNCIL

MEMORANDUM BY COUNSEL FOR THE REFERRERS
AND THE RESPONDENT IN RESPECT OF
A PROPOSED CONSENT ORDER

MAY IT PLEASE THE COURT:

1. All three References deal with the rules relating to the Mystery Creek Exhibition Zone.

All three References raise the issue of noise emanating from that Zone. The New Zealand National Fieldays Society Inc ("Fieldays") Reference also deals with signs.

2. The Mystery Creek Exhibition Zone is a specific zone set up to recognise what has now become a major events centre in the district and indeed nationally.

The purpose of the zone is well described in the Zone Statement which is set out in full as follows:

"In 1975 conditional use approval was given under the Town and Country Planning Act 1953 for the establishment of a variety of exhibitions, demonstrations and shows primarily related to farming activity, in the area encompassed by this zone. Over the intervening years numbers of approvals to extensions of the conditional use have been granted and the concept has now become well established. The activities have caused some nuisance in the past but these have been ameliorated and experience has confirmed the suitability of the site for the established uses. There is probably no other location in the district more appropriate for these activities which are now of regional and national significance.

The activities in the zone are varied and diverse as to their nature and extent. They range from Scout meets through to weddings and include conferences, car club meets, off roaders rallies, NZ Rally Sprint, NZ National Rally, NZ Transport Show (biannual) and the NZ National Agricultural Field-days.

Other related activities such as indoor and outdoor museums, heritage villages and animal displays would also be appropriate in the zone. In addition some temporary residential accommodation such as caravan and camp sites for proprietors and staff of events and for visitors could be allowed without any significant adverse effects on the locality.

The zone is close to Hamilton Airport but only part of it is within the Outer Control Boundary for noise control in relation to aircraft operations because its location mainly on a terrace in the Waikato River valley at a lower level from adjoining land reduces the effect of noise from aircraft operations within the valley. However many of the activities in the zone are themselves noisy from their operation, numbers of visitors and traffic generation. Because of its position in relation to the airport with its noisy activities a higher level of noise similar to that within the Outer Control Boundary will be allowed for activities in the zone."

3. Noise

- (a) In respect of noise emanating from the zone the competing interests have been:
- (i) The residents in the neighbouring Waikato District Council territorial area across the Waikato River would prefer to see the same standards adopted as their own territorial district, with constraints placed on the occasions (already existing) on which those standards may be exceeded.
 - (ii) Having now been in existence for many years with substantial capital development and with events of national and international recognition and importance, Fieldays needs to have certainty in its forward planning of events and activities, so that they are not dependent on a series of resource consents.
 - (iii) The Respondent wishes to set noise levels at a reasonable level having regard to the competing interests and its statutory obligations..

- (b) The Respondent has for some years now been conducting an informal "noise" calendar which has the advantage of scheduling events likely to be noisy and consequentially scheduling periods, particularly weekends, which will not be noisy. The noise calendar is notified to interested parties. To date Fieldays has not been part of that noise calendar.
- (c) These References have been resolved by making specific provision for the following general principles:
- (i) For noise emanating from the Mystery Creek Exhibition Centre Zone noise standards in the territorial area of the Waikato District Council are generally in line with the noise standards set by the Waikato District Council.
 - (ii) For noise emanating from the Mystery Creek Exhibition Centre zone into the territorial area of the Waipa District Council noise standards have a higher daytime level recognising:
 - A. The proximity of the airport and the air noise controls associated with it.
 - B. The longstanding use of the Mystery Creek Exhibition Centre Zone for events and activities likely to produce a higher level of noise.
 - (iii) The existing noise calendar is formalised in the rules with the concept of "activity days" as controlled activities.

No greater number of activity days are proposed in the rule beyond the existing noise calendar administered by the Respondent.
 - (iv) Fieldays is not currently part of the noise calendar, but to resolve the present References Fieldays was prepared to become part of the noise calendar, but only on the basis that it had 25 activity days allocated to it exclusively. Once an activity day is allocated to Fieldays it is open for other non-Fieldays activities to occur simultaneously on the same activity day.
 - (v) On activity days noise controls are raised as follows:
 - A. The daytime level within the territorial boundary of the Waikato District Council is raised to 55 dBA (L_{10}).
 - B. On a limited number of days in respect of activities conducted on Fieldays' site the Waipa District noise level may be raised to 60 dBA (L_{10}). In exercising an option under these provisions Fieldays must prepare a noise management plan. There are also some limitations on activities which can be conducted on the upper terrace area abutting Mystery Creek Road.

6. **Signs**

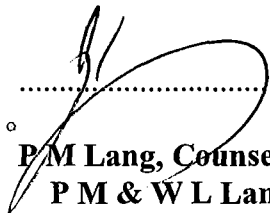
It is in the nature of a number of events run by Fieldays that there are a substantial number of signs, flags and other advertising material which can be seen for a distance around the Mystery Creek Exhibition Centre Zone. The primary objective of the provision seeking to constrain signs, is to minimise driver distraction.

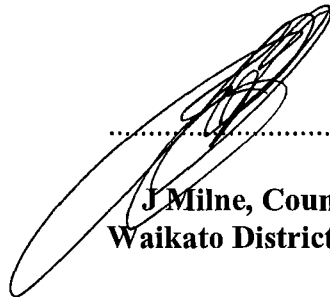
The provision has therefore been reworded in terms of distance and visibility from roads.

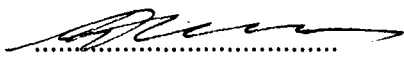
The Referrers and the Respondent seek to have the Reference allowed in these terms accordingly. Counsel for the Referrers and the Respondent respectively invite the Court to determine the References in the terms set out in the attached draft consent order.

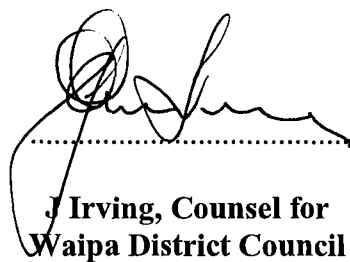
No other parties have given notice under RMA Section 274 or have otherwise indicated an interest in any of the three References dealt with in the draft consent order. Neither has any party appeared when any of the matters have been dealt with at previous call overs of this Court.

No costs are sought by any of the Referrers or the Respondent.


.....
**P M Lang, Counsel for
P M & W L Lang**


.....
**J Milne, Counsel for
Waikato District Council**


.....
**C D Arcus, Counsel for
New Zealand National
Fieldays Society Inc**


.....
**J Irving, Counsel for
Waipa District Council
in each Reference**

IN THE ENVIRONMENT COURT

Referral No. RMA 412/96

Referral No. RMA 413/96

Referral No. RMA 416/96

IN THE MATTER of the Resource
Management Act 1991, and its
amendments and regulations

AND

IN THE MATTER of the Proposed District
Plan of the Waipa District Council

BETWEEN **P M & W R LANG**

REFERRER

AND **WAIPA DISTRICT COUNCIL**

RESPONDENT

AND: **BETWEEN** **NEW ZEALAND NATIONAL
FIELDDAYS SOCIETY INC**

REFERRER

AND **WAIPA DISTRICT COUNCIL**

RESPONDENT

AND: **BETWEEN** **WAIKATO DISTRICT
COUNCIL**

REFERRER

AND **WAIPA DISTRICT COUNCIL**

RESPONDENT

DRAFT CONSENT ORDER

HAVING CONSIDERED the References, the Respondent's replies and the memorandum submitted on behalf of the parties, **THIS COURT HEREBY ORDERS BY CONSENT** that the reference be allowed to the extent that the Waipa District Council Proposed District Plan be amended as follows:

1. Rule 9-Zone Statement

DELETE last sentence in the fourth paragraph and replace with the following five sentences:

"Because of its position in relation to the airport with its noisy activities, a higher level of noise similar to that allowed for industrial and other activities at the airport will be allowed for activities in the zone. On 25 specified "activity days" allocated to the Mystery Creek Events Centre, higher levels of noise for short periods during daytime hours will be allowed. Additional "activity days" up to a maximum number provided in the Rules may be allocated to the Mystery Creek Events Centre or to other operators within the zone. Both allocations of "activity days" will be fixed according to a calendar of events in order to avoid the Christmas holiday period and to spread them throughout the year so as to avoid the cumulative effect of such noisy activities on nearby residential activities. Special consideration is given to the proximity of residential activities located in the adjoining Waikato District by fixing a lower level for noise that may be received by those activities."

2. Insert new 9.3.1.2 as follows -

"In addition to the activities listed in Rule 1.4.2 any other activity which complies with all the conditions specified in Rule 9.4 except Rule 9.4.2 and which complies with Rules 9.5.1 and 9.5.2 shall be a controlled activity.

3. Amend existing Rule 9.3.1.2 to read as follows -

"Any activity which does not comply with any one or more of the Conditions For Permitted Activities (specified in Rule 9.4) or Criteria and Conditions For Controlled Activities (specified in Rule 9.5) shall be a Discretionary Activity or a Non-Complying Activity in relation to the Rule with which it does not comply as is specified in that Rule."

and renumber as Rule 9.3.1.3.

4. Renumber existing Rule 9.3.1.3 as 9.3.1.4.

5. Rule 9.4.2 of the Proposed District Plan be deleted and the following be inserted -

"9.4.2 RULE - Noise

1. All activities within the Mystery Creek Exhibition Centre Zone shall be conducted and buildings located, designed and used to ensure that noise levels within the notional boundary of any dwelling:

- existing at the date when this Plan becomes operative; and
- not located within the Mystery Creek Exhibition Centre Zone; and
- located within an area described below

shall not, subject to Rule 9.5, exceed the following limits for that area:

- (a) That area within the territorial boundaries of the Waikato District Council:

Monday to Saturday 7:30 am to 8:00 pm 50 dBA (L_{10})

Sunday 8:00 am to 8:00 pm 50 dBA (L_{10})

At all other times 40 dBA (L_{10})

- (b) That area within the territorial boundaries of the Waipa District Council:

Monday to Saturday 7:30 am to 8:00 pm 55 dBA (L_{10})

Sunday 8:00 am to 8:00 pm 55 dBA (L_{10})

Monday to Saturday 8:00 pm to 11:00 pm 45 dBA (L_{10})

At all other times 40 dBA (L_{10})

Activities which do not comply with Rule 9.4.2 shall be discretionary activities.

6. Insert new Rule 9.5 as follows:

- 9.5 Criteria and Conditions for Controlled Activities (other than those in Rule 1.4.2)

9.5.1 RULE - Activity Day Criteria

- (a) Activity days shall be days provided for and fixed in accordance with the following criteria and are controlled activities in the Mystery Creek Exhibition Centre Zone.
 - (i) Twenty-five activity days per annum shall be allocated to activities on the property (Mystery Creek Events Centre - "MCEC") of the New Zealand National Fieldays Society or its successor in title ("the Society") within the Mystery Creek Exhibition Centre Zone. Subject to subclause (iv) of this rule, the programming of such days shall be determined by the registered proprietors for the time being of the MCEC. Activities days allocated under this subclause shall be called "MCEC Activity Days".
 - (ii) Once an activity day has been allocated to the MCEC in accordance with the preceding subclause, nothing in this rule shall prevent other activities being conducted on the same day in the Mystery Creek Exhibition Centre Zone otherwise than on the MCEC subject to the noise limitations for activity days provided for in this rule.
 - (iii) Subject to subclause (iv) of this rule the MCEC may be allocated further activity days each year either for itself alone or in conjunction with other activities in the Mystery Creek Exhibition Centre Zone.
 - (iv) Activity days shall be fixed in accordance with this rule (whether on the MCEC or elsewhere in the Mystery Creek Exhibition Centre Zone) so that:
 - A. The date of the activity does not fall within the period from the day after the last day of the second weekend of December in any year to midday on 31 December in the same year; and

- B. The number of weekends free from activities provided for under any resource consent for an activity within the Zone granted before the date this Plan becomes operative or under the provisions of this Rule 9.5.1 is not less than an average of two per month for the balance of the calendar year (i.e. outside the period specified in A. above); and
 - C. The number of weekends on which such activities (namely those set out in (B) above) proceed does not exceed a maximum of three per month; and
 - D. Such activities will not occur on more than 50 weekdays (being the days Monday through to Friday inclusive) per calendar year.
 - E. Once an activity day has been fixed in accordance with this rule and activity occurs on that day, that day shall continue to be regarded as an activity day for the purposes of the calculations contemplated by subclauses B, C and D of this subclause (iv) notwithstanding that the actual noise levels on the activity day may in fact not have exceeded those specified in Rule 9.4.2.
- (v) Other standards and terms for a Controlled Activity under this Rule 9.5 shall be those set out in Rules 9.4.1, 9.4.3, 9.4.4 and 9.5.2.
- (b) Council shall exercise control over the following matters -
- (i) Monitoring of noise emissions;
 - (ii) Use of vehicle entrances.
- (c) An application for an activity under this Rule 9.5.1 may be considered without the need to obtain the written approval of affected persons (and it need not be notified) if, and only if, the application is received at least 30 working days prior to the day that the activity is proposed to take place.

- (d) Any activity which does not comply with Rule 9.5.1 shall be a Discretionary Activity and considered under Rule 1.6.2.

9.5.2 **RULE - Noise on Activity Days**

All activities on activity days (whether MCEC Activity Days or otherwise) within the Mystery Creek Exhibition Centre Zone shall be conducted and buildings located, designed and used within the Mystery Creek Exhibition Centre Zone to ensure that noise levels at or within the notional boundary of any dwelling:

- existing at the date when this Plan becomes operative; and
- not located within the Mystery Creek Exhibition Centre Zone; and
- located within an area described below

shall not exceed the following limits for that area:

- (a) Within the territorial boundaries of the Waikato District Council:

Monday to Saturday 7.30am to 8.00pm	55 dBA (L_{10})
Sunday 8.00am to 8.00pm	55 dBA (L_{10})
Monday to Saturday 8.00pm to 11 pm	45 dBA (L_{10})
At all other times	40 dBA (L_{10})

- (b) Subject to subclause (c), all other areas -

Monday to Saturday 7.30am to 8.00pm	55 dBA (L_{10})
Sunday 8.00am to 8.00pm	55 dBA (L_{10})
Monday to Saturday 8.00pm to 11 pm	45 dBA (L_{10})
At all other times	40 dBA (L_{10})

- (c) On any MCEC Activity Day during the following periods:

Monday to Saturday 7.30am to 8.00pm
 Sunday 8.00am to 8.00pm
 (called "the Daytime Periods")

the maximum noise level may at the option of the Society be increased to 60 dBA (L_{10}), but only on the following conditions:

- (i) For 10 of the 25 MCEC Activity Days the total accumulated time during the Daytime Periods of the increased maximum noise level of over 55 dBA (L_{10}) shall be six hours.
- (ii) For the remaining 15 of the 25 MCEC Activity Days the total accumulated time during the Daytime Periods of the increased maximum noise level of over 55 dBA (L_{10}) shall be four hours.
- (iii) Prior to exercising its option under this subclause (c), the Society will have prepared by a suitably qualified acoustic engineer and approved by Council a noise management plan. The noise management plan will include the following:
 - A. Identification and likely duration of possible sources of significant noise.
 - B. The means of monitoring such noise when it occurs.
 - C. The technical and functional means of attenuating such noise.
 - D. The managerial means of controlling such noise and implementing the attenuation methods.
 - E. Whether it is appropriate to advise affected residents.
 - F. Provision for review.
- (iv) On up to five of the 25 MCEC Activity Days the Society may, in addition to providing vehicle parking, conduct on the upper terrace area abutting Mystery Creek Road activities generating noise (measured as herein provided) between 55 dBA (L_{10}) and 60 dBA (L_{10}).

During the remaining 20 of the 25 MCEC Activity Days the Society shall not permit activities, other than vehicle parking, generating noise (measured as herein provided) of over 55 dBA (L_{10}) on the said upper terrace.

Activities which do not comply with Rule 9.5.2 shall be discretionary activities.

7. Add new rule 9.6 as follows:

9.6 RULE - Definitions

For the purpose of Rule 9.4:

- (i) Noise levels for permitted activities shall be assessed in accordance with NZS 6802:1991 assessment of environmental sound.

For the purpose of Rules 9.4 and 9.5:

- (i) All noise levels shall be measured in accordance with the requirements of NZS 6801:1991 measurement of sound.
- (ii) "Notional boundary" means a line 20 metres from the external walls of any dwelling house, or the legal boundary of the site on which the dwelling house is located where the boundary is closer to a dwelling than 20 metres."

8. Add to existing Rule 9.4.1 where it refers to Rule 2.4.22 Signs; to read:

"Provided that this rule shall apply only to signs in the Mystery Creek Exhibition Zone which are visible from Airport Road or which are proposed to be located within 50 metres from the boundary of Mystery Creek Road."

9. Part 3 - Justification - Section 20

ADD new sub-section 9 as follows:

"The Mystery Creek Exhibition Centre Zone is located close to the noisy activities at the Hamilton Airport and within the Outer Control Boundary for flying operations. Because of this the permitted noise levels received at a residential building outside the zone are higher than is generally allowed in the Rural Zone. In recognition of the regional and national significance of the Mystery Creek Events Centre a still higher noise level will be allowed for short periods during specified "activity days" for the Centre, and other activities in the zone, which are to be arranged on an agreed calendar basis by all operators in the zone. Provision is also made for the control at a lower level of noise that may be received at residential buildings in the adjoining Waikato District."

APPENDIX E.

Section 9 - Mystery Creek Events Zone

9.1 Introduction

- 9.1.1 This zone principally recognises the existing facilities of the Mystery Creek Events Centre, and the Gun and Go Kart Clubs. Located within the 'core activity area' these facilities provide for local and international scale events and exhibitions and recreational activities. Land that adjoins the core area has the potential to be developed for activities that support the event focus of the zone. This land has been identified as the rural activities policy overlay. For these properties, the provisions of the Rural Zone also apply. For the zone as a whole the Plan provisions provide for the existing level of activity, as well as enabling further opportunities to hold activities and events, providing adverse effects, such as traffic and noise, can be appropriately mitigated.
- 9.1.2 The location of the zone adjoining the Waikato River means that Te Ture Whaimana o Te Awa o Waikato – The Vision and Strategy for the Waikato River is of particular importance. The purpose of the Vision and Strategy is to restore and protect the health and well-being of the Waikato River for future generations, while providing for specific customary activities. The land that is zoned Mystery Creek Events Zone is of strategic importance because it provides a means of access to the Waikato River, and is on the route of the Te Awa Cycleway.
- 9.1.3 The rules within the zone provide for activities and events in certain locations subject to the compliance with performance standards. Any activity or event that attracts less than 5,000 patrons within the Lower Terrace Area of the Mystery Creek Events Centre (i.e. a sporting event within the main pavilion) is provided for without the need for resource consent. Any event or activity held within the lower terrace area that is likely to attract more than 5,000 patrons will require an approved Traffic Management Plan before it can occur as a permitted activity. Additionally, events that exceed the permitted noise standards for the zone are provided for on the Mystery Creek Events Centre and Go Kart sites as an 'activity day' and are noted on an annual calendar of events.
- 9.1.4 The rules of the zone also enable a concept plan to be applied for. The concept plan enables building footprints to be approved for development under one resource consent, without the need for subsequent resource consents.
- 9.1.5 The Agri-Activities Overlay located adjacent to State Highway 21 is a defined area which has the capacity to be developed for agricultural or farming research, innovation, education and training type activities which also complement the events focus of the Mystery Creek Events Zone.

9.2 Resource Management Issues

- 9.2.1 The Mystery Creek Events Centre, Gun and Go Kart Clubs are important event and exhibition sites, and recreation and tourism features for the region. The continued operation and further development of these facilities is important for the local and regional economy. Activities on surrounding sites may result in reverse sensitivity effects on the operation and development of activities within the zone (refer to Section 15 – Infrastructure, Hazards, Development and Subdivision and in particular Policy 15.3.2.4 and associated assessment criteria in Section 21 – Assessment Criteria and Information Requirements).

- 9.2.2 While the activities and events undertaken within the zone are significant to the regional economy there is the potential for adverse effects, particularly as they relate to noise and traffic effects. The potential effects need to be appropriately managed to ensure they do not compromise the surrounding environment including the transport network.
- 9.2.3 The Waikato River Vision and Strategy promotes access to and along the Waikato River. Controls are necessary to ensure that development within the Mystery Creek Events Zone does not unnecessarily compromise those access opportunities.
- 9.2.4 Signs are an important component of recreation and tourism events, which if unmanaged have the potential to result in adverse effects on rural character, and transportation safety.
- 9.2.5 The nature, location and scale of earthworks can have significant adverse visual effects and adversely affect vegetative cover, the soil profile, the nature of stormwater runoff and downstream water quality.

Agri-Activities Overlay

- 9.2.6 The Agri-Activities Overlay has the potential to support events within the Mystery Creek Events Zone relating to agricultural or farming research, innovation, education and training, providing that it is of a limited scale and recognising that it is not part of the Hamilton Airport Strategic Node.
- 9.2.7 There is a risk that ad-hoc development could compromise the potential for the Agri-Activities Overlay area to be effectively serviced (public or private) and efficiently developed.

9.3 Objectives and Policies

Please also refer to the objectives and policies of Part C, Part E and Part F as relevant. For the rural activities policy overlay the objectives and policies of Section 4 – Rural Zone will also be relevant.

Objective - Encouraging major events, exhibitions and recreation areas

- 9.3.1 To enable the operation and further development of the zone as a major events, exhibitions and recreation area.

Policy - Continued operation and further development of existing activities and clubs

- 9.3.1.1 To provide for the continued operation and further development of activities and clubs in the Mystery Creek Events Zone, whilst mitigating any on-going adverse effects to the extent practicable from activities undertaken.

Policy - Economic importance

- 9.3.1.2 Within prescribed limits, provide an environment which enables Mystery Creek Events Centre to host activities and events that are of a scale commensurate with a national events centre of significant economic importance.

Policy - Concept plans

- 9.3.1.3 To promote the adoption of concept plans for building development within the zone where the concept plan is comprehensively designed, incorporates appropriate levels of mitigation and provides for the future development of the Mystery Creek Events Zone.

Objective - Appropriate mitigation of adverse effects

9.3.2 To appropriately mitigate adverse effects while recognising the nature and purpose of the zone.

Policy - Scale and configuration of buildings

9.3.2.1 To encourage development in a manner that retains the open rural visual character as viewed from Mystery Creek Road and State Highway 21.

Policy - Noise

9.3.2.2 To minimise the adverse noise effects on the amenity of neighbouring properties, whilst recognising that provision needs to be made for increased noise levels associated with major events within the zone.

Policy - Traffic and parking

9.3.2.3 To minimise as far as practicable, adverse traffic and parking effects associated with major events, on the wider amenity values and on the safety and efficiency of the transport network.

Policy - Noise management plans

9.3.2.4 To effectively manage noise effects at the time of events through use and adoption of noise management plans.

Policy - External facing signs

9.3.2.5 Control signs at the interface of the zone, particularly State Highway 21, Mystery Creek Road and adjacent to rural properties and residential activities.

Policy - Internal facing signs

9.3.2.6 To ensure that minimal restrictions are placed on signs located internal to the site.

Policy - Waikato River Vision and Strategy

9.3.2.7 To ensure that any development gives effect to the objectives and strategies in the Waikato River Vision and Strategy through building setbacks, appropriate mitigation of earthworks, and by not restricting existing access to the Waikato River. Opportunities to enhance access will be supported.

Policy - Earthworks

9.3.2.8 To ensure that earthworks are carried out in a manner that avoids adverse effects between properties and on water bodies.

Policy - Relocated buildings

9.3.2.9 Relocated buildings shall not detract from the amenity of the area they are located within by ensuring that exterior maintenance and painting is undertaken.

Objective - Agri-Activities Overlay

9.3.3 To enable limited development within the Agri-Activities Overlay for agricultural or farming research, innovation, education and training activities and tourism activities which complement the Mystery Creek Events Zone.

Policy - Character

9.3.3.1 To encourage the development of the Agri-Activities Overlay area in a manner, which creates a precinct that, comprises large areas of open space and low density of development.

Policies - Scale and type of development

9.3.3.2 To enable the limited development of a precinct by requiring that an appropriate scale and intensity is detailed through the comprehensive development plan process.

9.3.3.3 To allow other activities such as visitor accommodation and tourism facilities where they are ancillary to the events focus of the zone.

9.3.3.4 To ensure that the final design of individual sites provides a high standard of amenity.

9.4 Rules

The rules that apply to activities are contained in:

- (a) *For sites identified in the core area of this zone, the activity status tables and the performance standards of this zone; and*
- (b) *For sites located within the rural activities overlay of the Mystery Creek Event Zone, the activity status rules tables and performance standards of the Rural Zone shall apply. In addition to this the permitted activities listed in 9.4.1.1 shall also apply. For an activity listed in 9.4.1.1 the relevant zone performance standards shall be those of the Mystery Creek Events Zone; and*
- (c) *The activity status tables and the performance standards in Parts E District Wide Provisions and Part F District Wide Natural and Cultural Heritage of the Plan. For that part of the zone located within the rural activities policy overlay the relevant activity status table and performance standard shall be those of the Rural Zone.*
- (d) *Activities in the Agri-Activities Overlay area are not subject to the performance standards 9.4.2.1 to 9.4.2.14 of this zone once a comprehensive development plan has been approved or the concept plan requirements of 9.4.1.4(b) have been met.*

Advice Notes:

1. Works in close proximity to any electricity line can be dangerous. Compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001 is mandatory for all buildings, earthworks and mobile plant within close proximity to all electric lines. Compliance with the Plan does not ensure compliance with the Code.
2. Vegetation to be planted within or near electric lines should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003. To discuss works, including tree planting, near any electrical line, contact the line operator.

9.4.1 Activity Status Tables

9.4.1.1	Permitted activities The following activities shall comply with the performance standards of this zone
(a)	Establishment and operation of Mystery Creek Major Event Days, Kart Activity Days and Day/Night Time Activity Days.
(b)	Building development in accordance with an approved concept plan.
(c)	The following activities located solely within the Lower Terrace Area as identified on the Planning Maps:

9.4.1.1	Permitted activities The following activities shall comply with the performance standards of this zone
	(i) Events, exhibitions, shows, expos, displays, product launches; and (ii) Places of assembly; and (iii) Conferences and functions.
(d)	Sporting activities within the core area of the zone identified on the Planning Maps.
(e)	Camping, including campervans and mobile homes.
(f)	Mobile catering, cafés, commercial kitchens, and restaurants.
(g)	Vehicle parking, loading and drop off facilities, including associated ticketing booths.
(h)	Passive recreational use.
(i)	Relocated buildings, except for those listed in Appendix N1 within the Lower Terrace Area.
(j)	Earthworks
(k)	Temporary buildings.
(l)	Signs
(m)	The following activities located solely within the Agri-Activities Overlay: (i) Demolition of buildings and structures. (ii) Ancillary Activities (including offices). (iii) Accessory buildings. (iv) Any permitted rural activity until such time that a comprehensive development plan is approved and implemented.
(n)	Demolition and removal of buildings and structures, except those listed in Appendix N1 Heritage Items.

9.4.1.2	Controlled activities The following activities shall comply with the performance standards of this zone
(a)	The following activities where located within the Agri-Activities Overlay provided that a comprehensive development plan has been approved: (i) Rural Research Facility; and (ii) Laboratories that process farm and agricultural products; and (iii) Agricultural/Farming Education and Training Facilities. Matters over which Council reserves its control are: ▪ Extent to which the development conforms to the approved comprehensive development plan; and ▪ Site design and layout. These matters will be considered in accordance with the assessment criteria in Section 21.

9.4.1.3	Restricted discretionary activities The following activities shall comply with the performance standards of this zone
(a)	Failure to comply with Rule 9.4.2.27 – Relocated buildings.

9.4.1.4	Discretionary activities
(a)	Any permitted, controlled or restricted discretionary activity that fails to comply with a performance standard in 9.4.2.
(b)	Development of a concept plan for building development on the site.
(c)	The following activities located outside of the Lower Terrace Area as identified on the Planning Maps: (i) Events, Exhibitions, shows, expos, displays, product launches. (ii) Places of Assembly. (iii) Conferences and functions.
(d)	Visitor accommodation (excluding camping, campervans and mobile homes).
(e)	Tourism facilities where in the Agri-Activities Overlay.

9.4.1.5	Non-complying activities
(a)	Failure to comply with Rule 9.4.2.1 – Minimum building setback from road boundaries.
(b)	Any other activity not listed in activity status table Rules 9.4.1.1 to 9.4.1.4.
(c)	Any Controlled or Discretionary activity located within the Agri-Activities Overlay area until such time as a comprehensive development plan has been approved.

9.4.1.6	Prohibited activities The following activities are prohibited and no resource consent will be approved
(a)	Fortified sites.

9.4.2 Performance Standards

The following rules apply to activities listed as permitted, controlled and restricted discretionary activities. Where there is an approved concept plan, the applicable standards are Rules 9.4.2.7 to 9.4.2.8 Scale of activities (excluding Mystery Creek Major Event Days, Day Night Activity Days & Kart Activity Days), Rules 9.4.2.10 to 9.4.2.14 Mystery Creek Major Event Days and Kart Activity Days, Rules 9.4.2.15 to 9.4.2.18 Noise, and Rules 9.4.2.21 to 9.4.2.22 Signs only.

Where rules are not complied with resource consent will be required in accordance with the rules in the activity status table or as identified in the performance standards, and will be assessed against the relevant objectives and policies. In the case of controlled and restricted discretionary activities, the assessment will be restricted to the matters over which control or discretion has been reserved, in accordance with the relevant assessment criteria contained in Section 21. For discretionary activities Council shall have regard to the assessment criteria in Section 21. The criteria in Section 21 are only a guide to the matters that Council will consider and shall not restrict Council's discretionary powers.

Rule - Minimum building setback from road boundaries

9.4.2.1 The minimum building setback from road boundaries shall be:

- | | | |
|-----|--------------------------------|-----|
| (a) | From State Highways | 25m |
| (b) | From all other road boundaries | 15m |

Activities that fail to comply with this rule will require a resource consent for a non-complying activity.

Rule - Minimum building setback from internal site boundaries

9.4.2.2 The minimum building setbacks from internal site boundaries shall be:

- | | | |
|-----|--|-----|
| (a) | For all buildings, including temporary buildings, from the river (excluding any structure or part of any structure erected in, on, under or over the bed of any river or lake for which a resource consent has been granted by the Waikato Regional Council) | 23m |
| (b) | For buildings housing animals | 20m |
| (c) | In all other circumstances | 15m |

Activities that fail to comply with this rule will require a resource consent for a discretionary activity.

Rule - Site layout

- 9.4.2.3 No building or activity associated with an event shall be located within 50m of Mystery Creek Road or State Highway 21, provided that this rule does not apply to car parking, signs, entry management activities, and camping.

Activities that fail to comply with this rule will require a resource consent for a discretionary activity.

Rule - Maximum building size

- 9.4.2.4 No building shall exceed a maximum GFA of 400m², except that buildings within the Lower Terrace Area shall not exceed a maximum GFA of 800m².

Activities that fail to comply with this rule will require a resource consent for a discretionary activity.

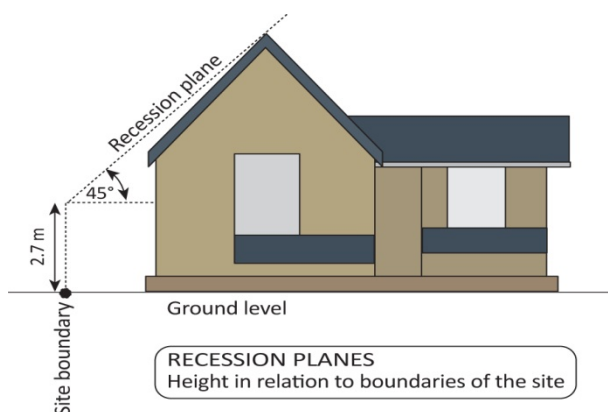
Rule - Height of buildings

- 9.4.2.5 Buildings shall not exceed 16m in height, provided that:
- (a) Within 50m of the boundaries of the Mystery Creek Events Zone, buildings and other structures (with the exception of chimneys, cyclones, flagpoles and aerials) and stored material such as containers must not exceed 12m.
 - (b) Temporary stages up to a maximum height of 17m provided the stage is located more than 50m from the zone boundary.

Activities that fail to comply with this rule will require a resource consent for a discretionary activity.

Rule - Daylight control

- 9.4.2.6 No building shall penetrate a recession plane at right angles to a boundary inclined inwards and upwards at an angle of 45° from 2.7m above the ground level of the road boundary or internal boundaries of a site.



Activities that fail to comply with this rule will require a resource consent for a discretionary activity.

Rules - Scale of activities (excluding Mystery Creek Major Event Days, Day Night Activity Days & Kart Activity Days)

- 9.4.2.7 Events, exhibitions, shows, expos and product launches shall be wholly located within the Lower Terrace Area as identified on the Planning Maps, or within a defined location identified on an approved concept plan in accordance with Rule 9.4.1.1(b).
- 9.4.2.8 Notwithstanding Rule 9.4.2.7, parking may be accommodated within the upper terrace or anywhere within the lower terrace, or within the rural activities policy overlay provided that access is gained through existing formed vehicle entrances on Mystery Creek Road, or via any approved alternative access road from State Highway 21.
- 9.4.2.9 For events which are planning for and/or are capable of exceeding 5,000 patrons per day, a Traffic Management Plan appropriate to the scale and nature of the event must be prepared by an experienced practitioner in consultation with the New Zealand Transport Agency, New Zealand Police, and Waipa District Council as appropriate. The Traffic Management Plan shall be submitted to, and approved by the relevant road controlling authority no less than one month prior to the event commencing.

Advice Note: Refer to Definitions, and Section 21 - Assessment Criteria and Information Requirements for the matters a Traffic Management Plan is required to address.

Activities that fail to comply with Rules 9.4.2.7 to 9.4.2.9 will require a resource consent for a discretionary activity.

Rules - Mystery Creek Major Event Days & Kart Activity Days (MED & KAD)

- 9.4.2.10 Mystery Creek Major Event Days (MED) and Kart Activity Days (KAD) shall be considered to be Activity Days, and shall only be provided for within either the Lower Terrace Area of the Mystery Creek Events Zone, or on the Kart Club site.
- 9.4.2.11 The maximum number of MED days shall be 25 per annum and shall be allocated to the Mystery Creek Exhibition Centre site, twelve (12) of which may be Day/Night Activity Days (DNAD). DNAD are activities which continue through night time (midnight to 7.00am).
- 9.4.2.12 No maximum Kart Activity Days (KAD) shall apply, except with respect of meeting the following:
- (a) The date of the activity does not fall within the period from the Monday following the second weekend of December in any year, to midday on 31 December in the same year; and
 - (b) The number of weekends on which activities proceed does not exceed a maximum of three per month; and
 - (c) Activities will not occur on more than 50 weekdays (being the days Monday through to Friday inclusive) per calendar year.
- 9.4.2.13 For any MED, DNAD, or KAD as detailed in Rules 9.4.2.11 and 9.4.2.12 the following shall apply:
- (a) A single calendar of proposed Activity Days (MED, KAD and DNAD) must be prepared annually and submitted jointly by the proprietors of the Hamilton Kart Club and the Mystery Creek Events Centre. The calendar must be submitted by 30 September of each calendar year. Where a specific date for an event is provisional, this should be clearly identified and additional notification provided to Council confirming the actual date for the activity at least 30 days prior to the event being held; and

- (b) Once an Activity Day has been fixed in accordance with Rules 9.4.2.11 and 9.4.2.12, and an activity occurs on that day, that day shall continue to be regarded as an Activity Day for the purposes of the calculations contemplated by these rules, notwithstanding that the actual noise levels on the Activity Day may in fact not have exceeded those specified in Rule 9.4.2.16; and
- (c) New additions to an Activity Day calendar are provided for, subject to notification of the additional Activity Day being given to Council at least 30 days prior to the event being held, and providing the total number of Activity Days does not exceed that permitted by Rules 9.4.2.11 and 9.4.2.12.

9.4.2.14 Notwithstanding Rules 9.4.2.11 to 9.4.2.13, car parking and ancillary activities associated with MED and KAD may be provided for throughout the zone in accordance with the provisions of the activity status table.

Activities that fail to comply with Rules 9.4.2.10 to 9.4.2.14 will require a resource consent for a discretionary activity.

Rules - Noise

Non Activity Days

9.4.2.15 All activities not conducted on an Activity Day (MED, DNAD or KAD) must be conducted and buildings located, designed and used to ensure that noise levels within the notional boundary of any dwelling located outside of the Mystery Creek Events Zone core area identified on the Planning Maps shall not exceed the following limits:

Location	Monday Saturday 7.30am to 8.00pm	Sunday 8.00am to 8.00pm	Monday Saturday 8.00pm to 11.00pm	At all other times
Within the notional boundary of any dwelling within the Waipā District territorial boundary	LAeq 55dB	LAeq 55dB	LAeq 45dB	LAeq 45dB
Within the notional boundary of any dwelling within the Waikato District territorial boundary	LAeq 50dB	LAeq 50dB	LAeq 40dB	LAeq 40dB

Provided that all noise levels must be measured and assessed in accordance with the requirements of NZS 6801:2008 – Acoustics – Environmental Sound and assessed in accordance with NZS 6802:2008 – Acoustics – Environmental Noise.

Activities that fail to comply with this rule will require a resource consent for a discretionary activity.

Noise - Activity Days

9.4.2.16 All activities on MED Days, including DNAD, must be conducted and buildings located, designed and used to ensure that:

- (a) Between 7.30am and midnight, noise levels shall not exceed LAeq 55dB on or beyond the Mystery Creek Noise Contour identified on the Planning Maps; and

- (b) Between midnight and 12.30am noise levels must not exceed LAeq 50dB on or beyond the Mystery Creek Noise Contour identified on the Planning Maps; and
- (c) Between 12.30am and 7.30am, noise levels must not exceed LAeq 45dB within the notional boundary of any dwelling within the Waipā District territorial boundary, and LAeq 40dB within the notional boundary of any dwelling within the Waikato District territorial boundary.

9.4.2.17 A noise management plan shall be approved by Council prior to the activity being undertaken. The noise management plan must be provided to Council for approval not less than 30 days prior to the activity commencing.

9.4.2.18 All activities on Kart Activity Days (KADs), must be conducted and buildings located, designed and used to ensure that noise levels shall not exceed the limits within Rule 9.4.2.16, with the following exception:

Day Time 9.00am to 5.00pm
55dBA(Leq)

Activities that fail to comply with Rules 9.4.2.16 to 9.4.2.18 will require a resource consent for a discretionary activity.

Rule - Vibration

9.4.2.19 Vibration emanating from a site must meet the limits recommended in and be measured and assessed in accordance with New Zealand Standard NZS 4403:1996 Code of Practice for Storage, Handling, and Use of Explosives.

Activities that fail to comply with this rule will require a resource consent for a discretionary activity.

Rule - Construction noise

9.4.2.20 Construction noise emanating from a site must meet the limits recommended in and be measured and assessed in accordance with New Zealand Standard NZS 6803:1999 Acoustics – Construction Noise.

Activities that fail to comply with this rule will require a resource consent for a discretionary activity.

Rules - Signs

9.4.2.21 The following signs are permitted:

- (a) Where visible from State Highway 21, or where located within 50m from the boundary of Mystery Creek Road, the maximum total area of a permanent sign is 2m², and the total number of permanent signs must not exceed three per site entrance.
- (b) Where not visible from the roads or locations in Rule 9.4.2.21(a) there shall be no size restrictions on signs located elsewhere on the site.
- (c) Signs advertising that the land or premises are for sale or lease. The maximum size of each sign must be no more than 2m² and no more than four signs are permitted on a site at any one time.

- (d) A sign erected on a construction site giving details of the project. The maximum total area of the sign must be no more than 2m² and no more than one sign is permitted on a site at any one time.
- (e) Signs of any materials erected by Council, New Zealand Transport Agency, or the Automobile Association for the direction and control of traffic.
- (f) Health and Safety at Work Act 2015 related signs.

Provided that in all cases:

- (i) All signs must relate to activities authorised under the District Plan and must be located on the site to which they relate; and
- (ii) Outside of the lower terrace area no sign shall be internally illuminated, flashing, incorporate fluorescent or incorporate moving materials such as flags or be painted in colours that are used on traffic signals; and
- (iii) Outside of the lower terrace area all signs must be placed so that, where attached to a building, no part protrudes above the eaves or parapet, or where attached to a fence or wall, no part protrudes above the top of the fence or wall; and
- (iv) Outside of the lower terrace area a freestanding sign must be placed so that no part is more than 4m above ground level; and
- (v) Signs must be placed so that they do not block sight distances at entranceways and must be no closer than 20m to a road intersection.

9.4.2.22 Outside of the core area signs giving information on forthcoming events, elections, cultural, religious, educational or sporting events and displayed not more than 90 days before and three days after the event or such lesser time as may be prescribed by legislation provided that the sign does not exceed 3m² and is setback 15m from any strategic road.

Provided that in all cases:

- (a) Signs shall not be internally illuminated, flashing, incorporate fluorescent materials or be painted in colours that are used on traffic signals.
- (b) Signs must be placed so that, where attached to a building, no part protrudes above the eaves or parapet, or where attached to a fence or wall, no part protrudes above the top of the fence or wall.
- (c) A freestanding sign must be placed so that no part is more than 4m above ground level.
- (d) Signs must be placed so that they do not block sight distances at entranceways and must be no closer than 20m to a road intersection.
- (e) Signs shall be oriented towards the road from which the site obtains its vehicular access.
- (f) Signs shall be removed within three days of the conclusion of the event.

Provided that relevant the zone based or district wide rules apply where they are more restrictive. Refer to Section 22 - Heritage and Archaeology and Section 25 - Landscapes and Viewshafts.

Activities that fail to comply with Rules 9.4.2.21 and 9.4.2.22 will require a resource consent for a discretionary activity.

Rule - Earthworks

- 9.4.2.23 Earthworks shall not exceed a total volume of 1,000m³ in a single activity or in cumulative activities in any one calendar year, provided that this rule shall not apply to earthworks incidental to an approved resource consent or building consent.

Advice Notes:

1. In the event that any artefacts, human remains or evidence of historic human activity are discovered, there remains a procedure under the Heritage New Zealand Pouhere Taonga Act 2014 that must be followed.
2. Earthworks complying with permitted activity standards or subject to resource consent requirements under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011, are exempt from additional resource consent requirements.
3. Earthworks within 23m of lakes or water bodies require resource consent. Refer Section 26 - Lakes and water bodies.

Activities that fail to comply with this rule will require a resource consent for a discretionary activity.

Rules - Temporary construction buildings

- 9.4.2.24 Temporary construction buildings must only be used in conjunction with, and for the duration of, a construction project located on or adjacent to the same site as the construction project. For the avoidance of doubt, temporary construction buildings must not be used as an accessory building for the day to day storage needs of domestic goods, or for the storage of home occupation equipment.

- 9.4.2.25 Temporary construction buildings are only permitted for one calendar year and must comply with the minimum setback requirements for the Mystery Creek Events Zone.

Activities that fail to comply with Rules 9.4.2.24 and 9.4.2.25 will require a resource consent for a discretionary activity.

Rule - Temporary buildings and activities

- 9.4.2.26 All temporary buildings and works associated with an event shall be removed and the site returned to its original condition within five days after the event has ceased.

Activities that fail to comply with this rule will require a resource consent for a discretionary activity.

Rule - Relocated buildings

- 9.4.2.27 A relocated building over 40m² GFA shall meet the following requirements:

- (a) A Building Relocation Inspection Report shall accompany an application for a building consent. The Building Relocation Inspection Report shall be prepared by one of the following suitably qualified and experienced people:
 - (i) A Waipa District Council Building Compliance Officer (or equivalent); or
 - (ii) A member of the New Zealand Institute of Building Surveyors; or
 - (iii) A licensed building practitioner (carpenter or design category); or
 - (iv) A building inspector from the local authority where the building is being relocated from; and

- (b) If the Building Relocation Inspection Report has been prepared by a person other than a Waipa District Council Building Compliance Officer (or equivalent position), the accuracy and completeness of the Building Relocation Inspection Report must be confirmed by a Waipa District Council Building Compliance Officer (or equivalent position) by undertaking an on-site inspection of the relocated building once it has been relocated; and should the Waipa District Council Building Compliance Officer determine that the relocated building requires external repair works in addition to that identified in the submitted Building Relocation Inspection Report in order to achieve a tidy and workmanlike external appearance, then:
- (i) The owner of site to which the building is to be relocated will be contacted and must agree in writing to the additional works within 2 weeks of notification of the requirement for additional works. The additional works then become part of the Building Relocation Inspection Report.
- (c) All required repairs and maintenance identified in the Building Relocation Inspection Report to reinstate the exterior of the relocated building, including painting, if required, shall be completed within 6 months of the relocated building being delivered to the site; and
- (d) The owner of site to which the building is to be relocated must supply a signed declaration to Council that the reinstatement work required by the Building Relocation Inspection Report will be completed within 6 months of the relocated building being delivered to the site. Provided that this rule shall not apply to new factory made prefabricated buildings.

Provided that this rule shall not apply to new buildings which are designed for or intended to be used on a site which are erected off the site either in whole or in parts and transported to the site.

Advice Notes:

1. Relocated buildings less than 40m² are not required to comply with this rule but are required to comply with the relevant rules in 9.4.2.
2. Information requirements for a Building Relocation Inspection Report are detailed in Section 21.2.27.
3. The onsite inspection by a Waipa District Council Building Compliance Officer (or equivalent position) shall occur at the time of foundation inspection for the Building Consent process, and will not incur additional costs.

Activities that fail to comply with this rule will require a resource consent for a restricted discretionary activity, with the discretion being restricted over:

- Condition of the exterior of the building; and
- Repairs and works identified for action in Council approved or certified Building Relocation Inspection Report; and
- Reinstatement works; and
- Timing for completing any required works.

These matters will be considered in accordance with the assessment criteria in Section 21.

9.5 Assessment Criteria

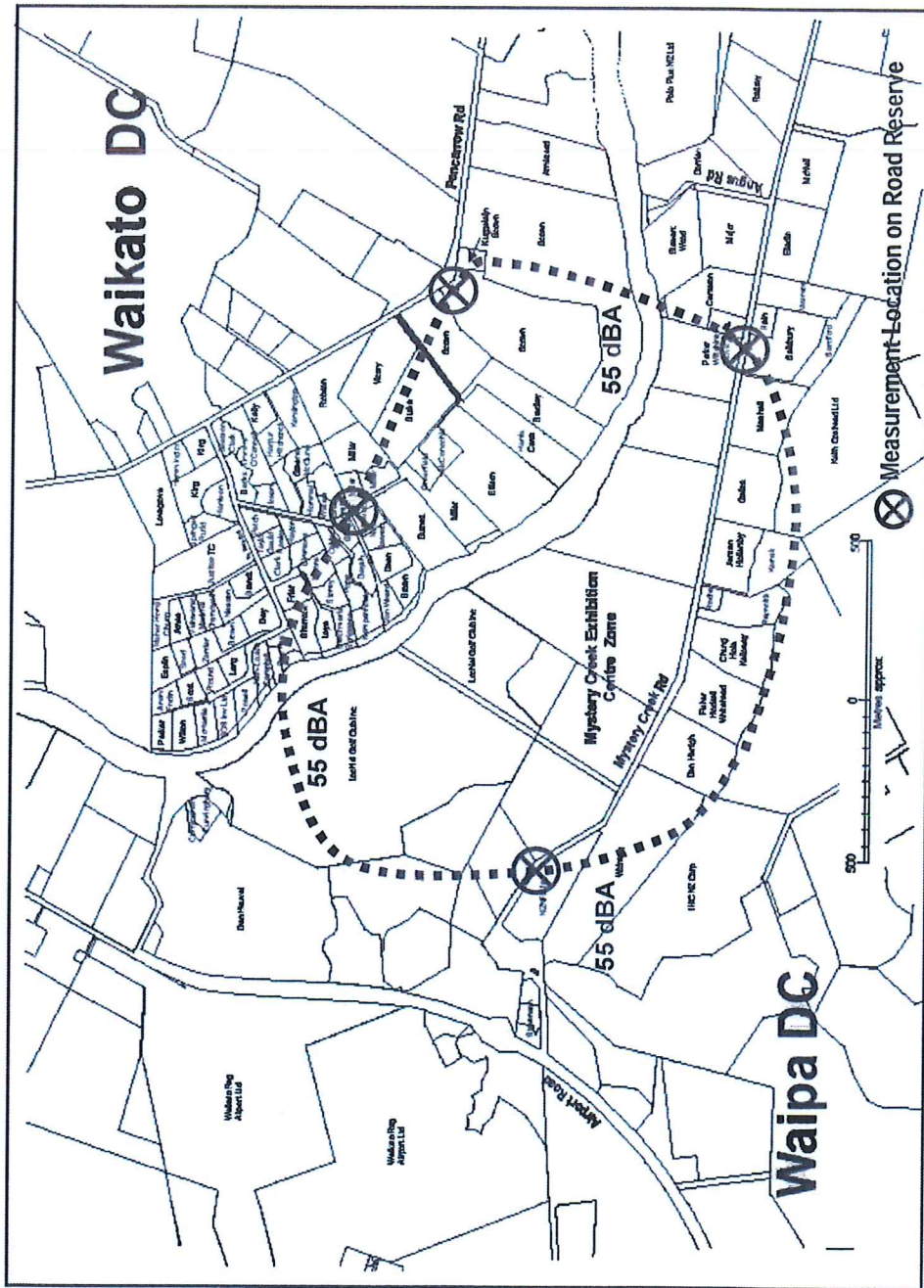
9.5.1 Controlled activities and Restricted Discretionary activities

For controlled and restricted discretionary activities the assessment will be restricted to the matters over which control or discretion has been reserved, in accordance with the relevant assessment criteria contained in Section 21. Resource consent conditions can only be imposed over the matters which control or discretion has been reserved.

9.5.2 **Discretionary activities**

For discretionary activities Council shall have regard to the assessment criteria in Section 21. The criteria in Section 21 are only a guide to the matters that Council will consider and shall not restrict Council's discretionary powers.

APPENDIX F.



MalcolmHuntAssociates

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