

PROPOSED WAIKATO DISTRICT PLAN

HEARING 25: ZONE EXTENTS

STATEMENT OF EVIDENCE

OF PAULA ROLFE

**FOR HD LAND LIMITED AND HAMPTON DOWNS (NZ) LIMITED
FURTHER SUBMISSION NUMBER 1194 TO REID INVESTMENT
TRUST (SUBMISSION NUMBER 783)**

DATED 10 MARCH 2020

INTRODUCTION

1. My full name is Paula Jane Rolfe. I am Director and Planner for Paula Rolfe Consultancy Ltd which was established in 2019.
2. Prior to this I was Project Manager for the Hamilton City District Plan Review and Team Leader in the Hamilton City Planning Unit for a period of approximately ten years.
3. My qualifications include the New Zealand Certificate in Town Planning, Diploma of Business Studies Waikato University and am a member of the New Zealand Planning Institute and Resource Management Law Association. I have had over 40 years' experience in planning and management roles in Local Government which has related to regulatory and policy development roles under the Resource Management Act 1991 (RMA) as well as under the Local Government Act 2002. I have also given numerous lectures at the University of Waikato through the development of the Hamilton District Plan, Ruakura Inland Port/Structure Plan and District Plan Monitoring.
4. During this time, I:
 - Managed a District Plan Review for Matamata-Piako District Council bringing six former territorial authorities district plans together under the one umbrella and under the RMA.
 - Managed the preparation of Long-Term Council Community Plans for Matamata-Piako District Council.
 - Managed the Hamilton District Plan Review whereby I also managed the development of the Ruakura Structure Plan and its plan provisions for introduction into the Proposed District Plan in 2012.
 - Project managed structure planning projects and plan changes.
5. I have had extensive experience with planning for large sites through the development of planning provisions within District Plans. For example, the

planning provisions for Fonterra at Waitoa and Morrinsville, Richmond at Te Aroha, Wallace Corporation Ltd, Greenlea Meats Ltd, and Inghams Waitoa amongst others.

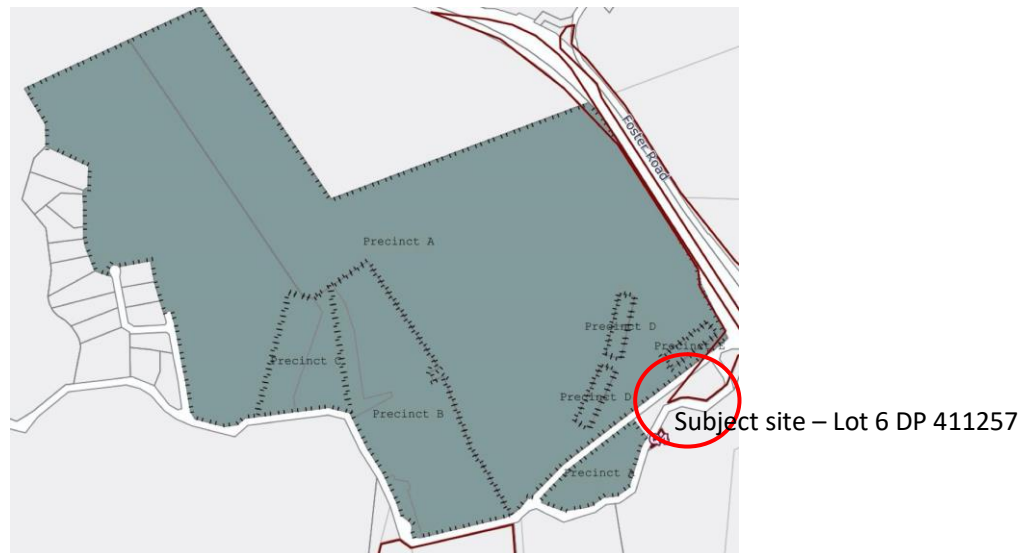
6. I am representing HD Land Ltd (as owner) and Hampton Downs (NZ) Ltd (as operator).

EXPERT CODE OF CONDUCT

7. I confirm that I have read and am familiar with the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014, and I agree to comply with it. In that regard I confirm that this evidence is written within my expertise, except where otherwise stated, and that I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.
8. In forming my opinions outlined in my evidence brief I rely on the Decision of the Hearings Committee on the resource consent application dated 28 November 2006.

RELIEF SOUGHT

9. HD Land Limited and Hampton Downs (NZ) Limited (“**HD Land**”) sought to retain a specific zone (Hampton Downs Motor Sport and Recreation Zone) for the Hampton Downs Motorsport and retain the boundaries as shown on the on-line planning maps, as identified on the map below, with the following amendment:
 - Amend the external boundaries of the Hampton Downs Motor Sport and Recreation Zone to include an additional piece of land located on the southern side of Hampton Downs Road (if HDMP are able to purchase this land)



(Source: Proposed Waikato District Plan annotated map)

- Retain the five Precinct areas for HD Land as shown on the online planning maps

10. HD Land are ok with the zoning of the Hampton Downs Motor Sport and Recreation Zone and that this evidence seeks to retain the zoning as proposed.
11. This evidence concentrates on HD Land Limited and Hampton Downs (NZ) Limited further submission (#1194) to submitter number 783 Reid Investment Trust (“RIT”). HD Land opposes the submission by RIT in its entirety which seeks to rezone the site as identified above from rural to the Hampton Downs Motor Sport and Recreation Zone and to include the site within Precinct E, to complement and expand industrial uses in the vicinity of the site.
12. In addition to the rezoning the RIT seeks further changes to the provisions within the zone to cater for future industrial development of their site, being Lot 6 DP 411257.
13. Chapter 26: Hampton Downs Motor Sport and Recreation Zone was considered at hearing 13 whereby the parties agreed to final recommendations to the Hearing Commissioners. It clearly states at the beginning of the chapter:

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

- 14.** The site was part of the original resource consent granted to provide for overflow carparking. This is clearly identified in RIT’s original submission in paragraph 5(f). It has never been granted consent for any activities that relate to the Motorsport and recreation.
- 15.** The submitter sought to have the subject site included in Precinct E being the industrial units. These are already established, and the permitted activities provided for in the recommended chapter from hearing 13 include *“an industrial activity within the industrial units existing as at 31 March 2020.”* This clearly aligns with the resource consent granted.
- 16.** It is noted that as part of the Section 32 analysis RIT now seek to include within the Hampton Downs site a separate precinct to what exists and add Precinct F providing for industrial activities and carparking in support of Precinct A due to the separate ownership. This is opposed as a separate Industrial precinct is not what was granted consent for the site. Only carparking was provided for during large events and the water supply exists on the site which is subject to separate agreements.
- 17.** This will imply that any “Industrial activity” will be permitted that complies with the definition of industrial activity without restrictions. The Proposed District Plan defines industrial activity as
“Industrial activity means the production, processing, bulk moving or storage in bulk of any materials, goods or products:

Production includes:

- a) *manufacturing; and*
- b) *assembly from components*

Processing includes:

- a) *repair*
- b) *servicing*
- c) *maintenance; and*
- d) *assembly of materials, goods or product.*

Bulk storage includes:

- a) *Warehousing*

18. The existing resource consent gave approval for a proposed industrial area within the HDMP, this being identified as Precinct B. This is in addition to Precinct E and has an area of approximately 17 hectares and is still to be developed as provided for in the existing land use consent. This provides for sufficient industrial land within the HDMP.

19. The existing resource consent specifies bulk and location standards that are applicable to any future development in Precinct B. These include maximum gross floor area for all activities, the maximum number of lots and maximum building coverage which apply to the overall area of Precinct B and therefore cannot apply to additional areas.

20. Evidence on behalf of RIT prepared by Alistair Wyatt dated 12 February 2021 has undertaken a s32 analysis of the site identifying two re-zoning avenues for the site. These include:

- Rezone the site from rural to “industrial”
- Rezone the site from rural to “Hampton Downs Motor Sport Recreation Zone” (HDMR) as a new precinct (Precinct F) enabling both industrial activities and event carparking or include the site within the existing Precinct B”

21. Of the two avenues HD Land prefer the first option, as it makes it clear that the RIT site is not operating in association with the Motorsport Park.

Generally speaking HD Land do not oppose the development of the RIT site, however it must be done with sufficient detail to ensure that all reverse sensitivity risk is resolved. As background to these concerns, Highland's Motorsport Park (Hampton Down's sister track) has been engaged in ongoing regulatory proceedings in order to protect themselves from reverse sensitivity effects. As a result HD Land are very conscious of the potential effects reverse sensitivity can have. Therefore, they must approach adjoining development with utmost caution.

22. RIT should also consider whether a resource consent application is a more appropriate method to develop this site. As mentioned above, the Hampton Downs Motor Sport and Recreation Zone has developed through resource consent applications, which are now proposed to be reflected in the District Plan. This ensures that the various Precincts co-exist to facilitate the primary purpose of Motorsport activities.

23. While I acknowledge that history of the site was included within the spatial extent of the original consent (and historically used for the purposes of parking), because there are multiple ownerships, there is no way to guarantee a functional relationship between the two sites in the future. An independent operation outside the control of HD Land has the potential to conflict with existing activities. It can be very difficult to predict how that conflict may arise. As proposed RIT has proposed Rule 21.1.1.6 P1 which simply relies on the definition of 'Light Industrial'. There is no definition of this in the WPDP and there is little certainty provided within the proposal. From HD Land's perspective, a resource consent process is preferred as a detailed set of conditions would ensure reverse sensitivity issues are resolved (which then gives rise to expectations of development).

24. While this forms the background of HD Land's concerns, for the purpose of assessing the appropriateness of the proposal, I have referred to The Framework Report prepared by Dr Mark Davey dated 19 January 2021 which sets out a framework for S42A authors and submitters for assessing zoning submissions. Below is an assessment of that framework based on the options submitted by RIT.

25. Objectives and Policies of PWDP

The Framework report outlines the objectives and policies for the zoning from 'rural' to 'industrial' as well as from 'rural' to a 'Special Zone' such as the Motor Sport Recreation Zone. These are:

- (a) Growth occurs in defined growth areas (1.5.2(a))
- (b) Protect and enhance green open space, outstanding landscapes, and areas of cultural, ecological, historic, and environmental significance. (1.12.8(b)(vi))
- (c) Industry is only to be located in identified Industrial Zones and the industrial strategic growth nodes of: (i) Tuakau; (ii) Pokeno; (iii) Huntly; and (iv) Horotiu (4.1.6)
- (d) Maintain sufficient supply of industrial land within strategic industrial nodes to meet foreseeable future demands, having regard to the requirements of different industries to avoid the need for industrial activities to locate in non-industrial zones (4.6.3(a))
- (e) Maintain activities within specific sites containing lawfully established industrial activities that are not immediately adjacent to towns or villages (4.6.5(a))
- (f) Infrastructure can be efficiently and economically provided (4.1.3(a))
- (g) Rural character and amenity are maintained 5.3.1 (a), 5.3.4 (a) (b)
- (h) Effects on rural character and amenity from rural subdivision
 - Protect productive rural areas by directing urban forms of subdivision, use, and development to within the boundaries of towns and villages. (5. 3. 8(a))
 - Ensure development does not compromise the predominant open space, character and amenity of rural areas. (5.3.8(b))
 - Ensure subdivision, use and development minimise the effects of ribbon development. (5. 3. 8(c))
 - Subdivision, use and development opportunities ensure that rural character and amenity values are maintained. (5. 3. 8(e))
 - Subdivision, use and development ensures the effects on public infrastructure are minimised. (5. 3. 8(f))

(i) Meets district wide rules and any relevant overlays

26. The most relevant of the above for the site are (a), (c), (d), (e), (f), (g) and (h). Growth should occur in defined areas and be properly planned to avoid unplanned encroachment into rural land. Although the site is relatively small, being only 1.3587 hectares, which is adjacent to the HDMP Zone, additional industrial land is not required for this site, particularly as 17 hectares still remains for development on the proposed zoned site.

27. The site is not located within a strategic industrial node as identified in (c) above. In paragraph 286 of the Framework Report it identifies that at the time of writing the PWDP this policy was relevant at the time of writing the plan and is now likely to constrain demand and economic opportunities within the District. As stated *“Whilst these were identified as ‘growth nodes’, limited additional zoning to enable their growth was provided for in these areas, and little consideration was given in strategic documents regarding where they could expand in future. Waikato 2070 has subsequently identified future employment growth areas, ---”*. Waikato 2070 is the Waikato District’s growth and economic development strategy. Section 4 identifies where and when growth can occur and the Meremere, Mercer & Hampton Downs Development Plan for the next 50 years only identifies the Park as a Special Activity Precinct and doesn’t identify this for future employment growth. Furthermore, paragraph 134 of the Framework Report states that *“Growth outside of these growth areas is not contemplated by Council for zoning or servicing.”*

28. The activities proposed by the RIT are purely for industrial purposes rather than specifically for HDMP.

Through the development of the HDMP Zone, activities that have been lawfully established through the resource consent granted are provided for. This zone is specifically identified as being for what was consented in 2006.

No evidence exists as to whether or not infrastructure can be provided to the site, particularly wastewater and stormwater. Whilst there is a water supply on the site outlined in paragraph 291 of the Framework Report identifies that these private

water supplies fail in the longer term and greater numbers of users should be avoided.

The rural character and amenity of the site can be maintained through its existing uses and development of the nature proposed should be directed to the towns and industrial nodes as identified in the proposed district plan. Rural residential subdivision that has occurred adjoining the HDMP has not been included in the zone and retain a rural zoning.

Waikato Regional Policy Statement

29. The relevant matters of the Waikato Regional Policy Statement (WRPS) are identified in the Framework Report. An assessment of the Principles of section 6A are provided in Appendix 1. In summary the proposed rezoning by the RIT site:

- Will not support an existing urban area and will provide for a new greenfield development on a rural site.
- No consideration for access onto the site has been given or whether or not water, wastewater and stormwater can be provided for.
- The site will not achieve compact urban design mainly due to its location and not being part of an existing urban area.
- No consideration has been given to the effects on hydrological characteristics such as aquifer recharge and flooding patterns, water quality and aquatic ecosystems, as well as climate change.
- No evidence has been provided by the submitter as to the effects on tangata whenua and how it supports the Vision and Strategy for the Waikato River.

30. Implementation Method 6.1.8 requires specific information to be provided for *“District Plan Zoning for new urban development (and development where applicable) --- shall be supported by information which identifies, as appropriate to the scale and potential effects of development -----”* a list of 12 matters which are identified on pages 25 and 26 of the Framework Report. Some of these matters are the same or similar to the Principles in

section 6A, for example, how stormwater will be managed with regard to a total catchment management approach and low impact designs. These matters have not been addressed by the submitter.

31. The Future Proof Growth Strategy 2009 is embedded into the WRPS through Policy 6.14 and requires:

- new urban development shall be included within the limits as identified on Map 6.2 which does not include Hampton Downs (6.14a))
- new industrial development should predominantly be located in the strategic industrial nodes which does not include Hampton Downs (6.14(c))
- Other industrial development should occur within the urban limits on Map 6.2 which does not include Hampton Downs.

32. Future Proof “Planning for the Future 2017” is an updated strategy of the 2009 version and is referenced in the PWDP Policy 4.1.3 where it says that the location of urban growth areas is to be consistent with this strategy.

33. One of the key features of the strategy as a guiding principle is supporting the sub-region’s towns to have thriving business centres that provide local employment opportunities relevant to the local needs and aspirations which also includes housing and employment options along with a range of social and recreational activities.

34. Another guiding principle of the strategy is to ensure commercial and industrial development is located in selected sub-regional areas and that it is not located where it undermines the areas of influence of the Hamilton Central City, Cambridge, Te Awamutu, Pokeno, Tuakau, Te Kauwhata, Horotiu, Ngaruawahia, Raglan and Huntly.

35. The submitter has identified that in the 2017 Future Proof Strategy “*Long-term development aspirations for Meremere and Hampton Downs*” is

identified as a Growth Management Driver and Influence in the strategy. As stated in the strategy *“Successful growth management relies on the early identification and careful monitoring of the key growth drivers and influences. Taking this approach helps avoid “surprises” in the future.”*

36. Long-term development means between 10 and 30 years and the way the strategy has been developed does not encourage industrial development outside of the selected sub-regional areas identified. The proposed development is not reliant on the land resource or the specific activities of the Motorsport Park.

Conclusions

37. The Hampton Downs Motor Sport and Recreation Zone has been developed based on the original resource consent for the Park.

38. HD Land is opposed to rezoning the RIT site within the HDMR Zone. It is not appropriate as the site doesn't align with the requirements of the objectives and policies of the Proposed Waikato District Plan, and the principles of s6A of the Waikato Regional Policy Statement.

39. The proposed rezoning is also not in alignment with the Future Proof Strategy 2009 or its latest Strategy in 2017 as well as Waikato 2070 being the Waikato District's growth and economic development strategy.

40. Industrial Zoning provides an expectation of development, which has the potential to conflict with existing or future activities at Hampton Downs Motor Sport Park. HD Land is not opposed to RIT applying for a resource consent application for the development they propose so that all the effects on the Motor Sport park can be appropriately addressed.

Paula Rolfe

Paula Rolfe Consultancy Ltd

9 March 2021

