

IN THE MATTER of the Resource Management
Act 1991

AND

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

AND

IN THE MATTER Hearing 13 - Hampton Downs
Motor Sport and Recreation
Zone

MINUTE AND DIRECTIONS FROM HEARING COMMISSIONERS

20 March 2020

Introduction

1. The section 42A report for Hearing 13 addressing the Hampton Downs Motor Sport and Recreation Zone was published on Council's website on 5 March 2020, in accordance with our previous Directions. Since then, two issues have arisen, as set out below.
2. Firstly, counsel for submitters HD Land Limited and Hampton Downs (NZ) Limited and Reid Investment Trust filed a memorandum requesting that the time for lodging their evidence be extended to 26 March 2020, and for any other party to have that same opportunity.
3. Secondly, the New Zealand Transport Agency ("NZTA") contacted Council raising concerns that the section 42A report has recommended deleting some of the provisions that were important to NZTA as part of the original resource consent (the main one being the traffic management plans). NZTA therefore requested that Hearing 13 be deferred so the provisions can be worked through with Hampton Downs (NZ) Ltd (in particular) and the Council.
4. We address each issue separately below, noting that the following parties lodged submissions / further submissions on the Hampton Downs Motor Sport and Recreation Zone provisions:
 - a. David Saxton
 - b. Fire and Emergency
 - c. HD Land Limited and Hampton Downs (NZ) Limited
 - d. Horticulture New Zealand
 - e. Ministry of Education
 - f. New Zealand Transport Agency
 - g. Raglan Naturally

- h. Waikato District Health Board
- i. Z Energy and BP Oil
- j. Pareoranga Te Kata
- k. Meremere Dragway
- l. Reid Investment Trust.

Evidence Exchange Timetable

5. The current schedule for Hearing 13 is as follows:

5 March 2020	Section 42A published on Council's website
19 March 2020	Submitter evidence due
26 March 2020	Submitter rebuttal due
2 April 2020	Council response / rebuttal due
6 April 2020	Witness summary statements and legal submissions due
9 April 2020	Hearing

Directions re Evidence Exchange Timetable

6. We have considered the request for an extension for HD Land Limited and Hampton Downs (NZ) Limited and Reid Investment Trust to lodge evidence and the overall impact on the schedule for Hearing 13, as well as fairness to other submitters. We are prepared to accept their request, subject to some additional amendments to the timetable for subsequent timeframes, as set out below:

- a. The latest date for **all parties listed in paragraph 5 above** to file evidence is **extended to 5pm Thursday 26 March 2020**.
- b. The schedule for the subsequent "deliverables" for Hearing 13 is, as a direct consequence, is also amended as follows:

5 pm 3 April 2020	Submitter rebuttal due
5 pm 7 April 2020	Council response / rebuttal due
5 pm 8 April 2020	Witness summary statements (limited to 6 pages) and any legal submissions due.

NZTA Request for a Hearing Adjournment

- 6 We have given careful consideration to the request by NZTA to delay the hearing. However, the schedule has been set for some time and we are not prepared to amend it, although the extended evidence exchange timetable may assist in that regard.
- 7 That said, conferencing between the parties in advance of the hearing might assist, and if the Council, and either NZTA or HD Land Limited, Hampton Downs (NZ) Limited and Reid Investment Trust agree, we direct that it occurs, as set out below.
- 8 If conferencing is to proceed, our expectation that the areas of contention will be narrowed and that a Conference Statement is prepared that sets these out, together with all areas of agreement and disagreement.

Directions re Conferencing

- a. The Council, NZTA, HD Land Limited, Hampton Downs (NZ) Limited and Reid Investment Trust are to advise the Hearings Administrator, no later than **5pm on Wednesday 25 March 2020** of their willingness to attend conferencing.
- b. As **soon as possible** thereafter the Hearings Administrator is to advise all the parties listed in paragraph 5 above whether or not conferencing is to occur.
- c. Subject to the outcome of a above, Council staff are to establish a date and venue for conferencing to occur. The conference is to occur before **Thursday 2 April 2020**.
- d. Subject to the outcome of a above, any party other than those listed in a above, who wishes to attend conferencing must confirm their attendance by contacting the Hearings Administrator by **Monday 30 March 2020**.
- e. **Before any conference concludes**, the participants must produce a written Conferencing Statement, that clearly articulates all the issues in contention and all areas of agreement or disagreement between the submitters and Council's section 42A report writer, together with reasons. It is to be provided to the Hearings Administrator immediately on completion, who shall, **as soon as possible provide it to the parties listed in paragraph 5 and post it on the Council's website**.
- f. The Conferencing Statement is required to be appended to the Council's response/rebuttal report.

Administration / Submitter queries

9. The Hearings Administrator is to provide these Directions to all parties listed in paragraph 5 of the Council memorandum **as soon as possible** and post them on the Council's website.
10. If any submitter or further submitter wishes to raise any matters concerning these Directions, they are to advise the Hearings Administrator, Ms Sandra Kelly, in writing, **no later than midday on Tuesday 24 March 2020**, either by email or in hard copy at the following addresses:

Email <mailto:Districtplan@waidc.govt.nz>

or

Hard copy

Either

Mailed to: The District Plan Hearings Administrator
Waikato District Council
Private Bag 544
Ngaruawahia 3742

Attention: Sandra Kelly

or

Delivered to: The District Plan Hearings Administrator
Waikato District Council
15 Galileo Street
Ngaruawahia 3720

Attention: Sandra Kelly.



P H Mitchell (Chair)

On behalf of Commissioners P Mitchell, P Cooney, J Gibb, D Fulton, L Te Aho, J Sedgwick and W Maag

20 March 2020