



## TASMAN DISTRICT COUNCIL

**Report and Decision of the Tasman District Council  
through a Hearing Commissioner Meeting  
held in the Tasman Room, Richmond**

**on 27 April 2009, commencing at 9.30 am**

A Hearing Commissioner (“the Commissioner”) for the Tasman District Council (“the Council”) was appointed to hear the application lodged by **Nelson Drag Racing Association** (“the Applicant”), to operate drag racing events at the Motueka Aerodrome. The application, made in accordance with the Resource Management Act 1991 (“the Act”), was lodged with the Council and referenced as RM80583.

- PRESENT:** **Hearing Commissioner**  
Mr G Rae
- APPLICANT:** Mr T Alley (Consultant Planner)  
Mr T Scalmer (Applicant)  
Mr J Gourdie (Applicant)
- CONSENT AUTHORITY:** **Tasman District Council**  
Mr J Andrew (Co-ordinator Land Use Consents)  
Mr G Caradus (Co-ordinator Regulatory Services)
- SUBMITTERS:** Mr D Elley  
Ms P McKay
- IN ATTENDANCE:** Mr J Butler (Principal Resource Consents Adviser) –  
Assisting the Commissioner  
Ms T Cater (Minutes Secretary)

## 1. SUMMARY

The Commissioner has **GRANTED** a resource consent subject to conditions for up to four drag racing events per year at the Motueka aerodrome.

## 2. DESCRIPTION OF THE PROPOSED ACTIVITY

The Nelson Drag Racing Association (the "NDRA" or the "applicant") has applied for consent to hold up to four drag racing events per year accommodating up to 3,000 people at the Motueka aerodrome. The four annual drag racing events occur on Saturdays between 10.00 am and 4.00 pm. Some events may be extended until 5.00 pm if circumstances beyond the control of the applicant arise. Two of the four annual events may be transferred from the scheduled Saturday to the following day (Sunday) if there is unsuitable weather. The applicant is seeking a 10 year term of consent or a lesser period if the use of an alternative venue can be secured during this period.

The applicant currently holds resource consent for the above activities (RM980181 and RM980181V1) which expired on 31 January 2009 but which is affected by Section 124 and can therefore legally continue through the time frame needed for the Council to make a decision on this application.

The NDRA has undertaken drag racing events at the Motueka Aerodrome since an inaugural trial in April 1998. An application was made for resource consent on 18 May 1998 with consent granted in January 1999 for 10 years. The consent RM980181 was subject to 14 conditions. These conditions made the consent personal to the Nelson Drag Racing Association, limited the number of race days to four Saturdays in any one year between 10.00 am and 4.00 pm and placed other restrictions on the operation of the activity including onsite car parking, sanitary health, signage and screening of pit activities from Queen Victoria Street.

Subsequently, following a notified application for a change of consent conditions RM980181V1 a Planning Commissioner changed Condition 3 of the consent on 20 November 2000 to allow:

*"A maximum of four events to be held in any one year, each event shall accommodate a maximum of 3,000 people. The events shall only be held on Saturdays between 10.00 am and 4.00 pm.*

*The event may be extended to permit racing from 4.00 pm to 5.00 pm on Saturdays, due to consequences of the days racing beyond the control of the Association, ie: Major breakdowns of race monitoring equipment, flight landings or take offs, a light shower of rain. The club is to supply a written report to the Tasman District Council detailing the reasons for the one hour extension to racing on that day within two weeks of the event.*

*This report is to be made available to any member of the public that requests to view it at the Tasman District Council offices.*

*Racing may be transferred to the next day (Sunday) if the previous days programme has been postponed as a result of inclement weather for either the full day or part day as follows:*

*In the event that a full race programme is required to be cancelled on the Saturday such a decision being made prior to 10.00 am, the Association can transfer the entire race programme of two hours trial, one hour lunch break, three hours race programme to the next day Sunday.*

*In all other cases that part of the event of the race programme that is required to be transferred to the following day (Sunday) must not commence before 1.00 pm and is to finish at 4.00 pm.*

*If the event is transferred to the following day (Sunday) the club is to make every effort to advise immediate neighbours on the Saturday of the postponement.”*

The present application seeks to retain the consent for up to 10 years with a change to Condition 3 and to delete Condition 13.

The applicant proposes modifying Condition 3 so that the transfer to Sunday only applies to two meetings (the Easter meeting and the national point's race meeting) instead of all 4 meetings.

Condition 13 required screening of the pit area from Queen Victoria Street. Screening from Queen Victoria Street is considered to be redundant as the Pit area is now sited west of the runway and Queen Victoria Street is closed during race meetings mitigating traffic safety problems on Queen Victoria Street.

The Motueka aerodrome is located at the corner of Queen Victoria Street and College Street in Motueka. The legal description is Lot 2 DP 18903, Certificate of Title NL 12C/338.

The aerodrome covers approximately 27.5169 hectares. Drag racing uses the sealed runway, with spectator activity and race starts located at the northern end of the aerodrome by the intersection of Marchwood Park Road and Queen Victoria Street. Access into the spectator area, pits and racing official's area is from Marchwood Park Road. Car parking is provided on the aerodrome's grassed area and in the adjoining A&P Showgrounds with supervising wardens in attendance at the carparks and at two road closure controls on Queen Victoria Street. The public pay to attend the drag racing events.

The races occur on the main sealed runway from the north to the south-west with a temporary safety crash barrier placed at the southern College Street end of the runway.

### **3. TASMAN RESOURCE MANAGEMENT PLAN (“TRMP”) ZONING, AREAS AND RULE(S) AFFECTED**

According to the TRMP the following apply to the subject property:

Zoning: Rural 1  
Area(s): Designation D209

Drag racing is a recreational activity which does not comply with permitted activity rule 17.5.2.1(d) which relates to the Rural 1 zone noise standard. The application is a Discretionary Activity under rule 17.5.2.3 of the TRMP.

#### **4. NOTIFICATION AND SUBMISSIONS RECEIVED**

The application(s) was notified on 23 August 2008 pursuant to Section 93 of the Act. A total of 201 submissions were received, 174 in support, 26 in opposition and one neutral. The following is a summary of the written submissions received and the main issues raised. (A more detailed analysis is contained in the Staff Report.)

The main issues raised in submissions in support are:

- well organised and safe venue for Drag Racing until a permanent venue is found;
- provides entertaining events for the local community and visitors;
- contributes to Motueka's economy;
- multiple use of the airport and drag racing only occurs a few times a year.

The main issues raised in submissions in opposition or neutral submissions are:

- noise effects;
- smell effects;
- roading effects;
- effects on other airport users.

#### **5. PROCEDURAL MATTERS**

Mr Fred Te Miha appeared at the hearing and stated that, although he had not lodged a submission, he wished to speak on behalf of Iwi including Ngati Tama. Council staff confirmed that Tiakina Te Taiao (which represents Ngati Tama) had not put in a submission. The Commissioner ruled that Mr Te Miha may speak but that, after hearing what he had to say, the applicant would be asked whether it opposed the evidence being taken into account. Following Mr Te Miha's statement, the applicant agreed it could be considered. The Commissioner therefore confirmed that the statement would be accepted but that Mr Te Miha would not have any rights of a submitter (e.g. appeal rights).

#### **6. EVIDENCE HEARD**

The Commissioner heard evidence from the applicant, expert witnesses, submitters, and the Council's reporting officer. The following is a summary of the evidence heard at the hearing.

##### **6.1 Applicant's Evidence**

Mr T Scalmer, President of the NZDA, stated that the nearest suitable facility is 400 kilometres away in Christchurch. He said it would be a loss to the area if the four planned meetings per year were not allowed to continue considering the support at race meeting events.

Mr Scalmer said that a good show is when over 1,000 people attend. He confirmed that two of the four meetings are particularly busy: Easter, and the national championships round.

Mr Scalmer stated that following the signing of a Memorandum of Understanding (MoU) between the Council, the NDRA and the other users of the airport, a representative of airport users, Jim Maguire, supervises pre and post events. He is in communication with aircraft and he communicates with the race director and halts proceedings while any aircraft are moving.

Mr Scalmer was asked by the Commissioner whether the NDRA has had an active role with the development of a proposed motorsport facility for Tasman. He stated that they have a small committee who have attended meetings at Council and have assisted with investigating venues. He stated that a block of land near Tapawera has been identified.

Mr J Gourdie tabled a letter of support from Chris Tynon, CEO of New Zealand Drag Racing Association (NZDRA) in relation to the national championship series. The letter made clear that the NZDRA Association gives its full support for the application.

Mr Gourdie stated that the support towards this resource consent application has been excellent. Motueka has a great climate and weather which provides for extremely good events which have left out of town participants with a good frame of mind and keen to return.

Mr T Alley confirmed that the application is subject to Section 124 of the Act.

Mr Alley outlined the changes to Condition 3 of the expired consent which should be brought forward to a new consent. Namely, that the number of times on which a rained-off Saturday event can be delayed to the following Sunday be reduced to two (from four). Mr Alley also stated that Condition 13 (which requires screening of the pit area) should be deleted as it is no longer relevant.

Mr Alley called for a replacement consent to be granted for a duration of 10 years or until an alternative venue is found. He stated that the NDRA is a small club and relies primarily on gate-takings from race days. He said that certainty is what is needed and that the Motueka Aerodrome is near to perfect for their needs. Failure to gain consent would probably lead to the disbanding of the club.

Mr Alley agreed that noise restrictions in the TRMP would at times be unlikely to be met, particularly on Sundays which have tighter restrictions. Therefore the application is discretionary in status. In response to a question from the Commissioner, Mr Alley said it was only the breach of the noise rules which necessitate this application being made.

Mr Alley stated that 91 supporting statements were provided with the application when it was lodged. Along with the 175 formal submissions in support, there is clearly strong community support for the activity. He stated that 20 of the 25 submissions in opposition are from airport users who are principally concerned with economic effects.

Mr Alley stated that he generally agreed with Mr Andrew's staff report.

With regard to the effects Mr Alley identified four locations where sound measurements were taken. He considered the effects to be no worse than the aeroplanes except that this proposed activity occurs only four days a year, and that submissions from several neighbours showed that the effects were acceptable. Mr Alley calculated that, conservatively, noise would only be produced for 38 minutes over a six hour event.

With regard to smoke and fumes emitted from burnouts and engines, Mr Alley stated that burnouts are only really necessary for the competition cars with racing slick tyres. Street classes will not be encouraged to do burnouts. "Tyre popping" – spinning tyres until they fail – will be voluntarily discontinued.

Mr Alley said Mr Andrew's amendment to Condition 11 would be improved by adding a note for the consent holder to discourage burn-outs by street legal cars and motorbikes, and with no tyre popping to take place. He proposed a new version of the condition.

## **6.2 Submitters' Evidence**

### **Mr D Elley**

Mr Elley said he is a member of the Motley Crew V8 Social Club which has 60 members. There are 12 to 16 people to clean the rubbish up after the race meetings.

He said that four meetings a year is not much. He said it was a family day where people do not have to pay to get into the pits and the kids get to sit with the drivers of the cars.

### **Ms P McKay**

Ms P McKay, owner of Nelson Aviation College, spoke in opposition. She wished the drag racing to be able to continue but thinks the aerodrome is not an appropriate and safe place on a long term basis.

She advised that one of main conditions is that the aerodrome can continue to operate on race days. The previous resource consent had no provisions for safety. All it had was conditions for noise.

Ms McKay said the runway is very short and drag cars sometimes have problems colliding into the fence. They erect a barrier before racing but cars sometimes swerve to avoid it so have damaged the grass and the grass runways. She said they have struggled to get the damage fixed from NDRA in time.

She said the development of the aerodrome for aviation users is not possible while the NDRA operates there. Recently a business has been set up but the owner feels that the risk of collision with buildings and/or aircraft is high.

Ms McKay said objects are not properly cleared from the runway. She stated this has improved in the last few meetings. She said it was necessary for aerodrome tenants to scour the area after meetings. The race meetings have left holes in the runway which must be filled in firmly after use. She said that this is not always done.

Objects on the runways can cause burst tyres, significant propeller damage or engine damage. These events have occurred in the past although there can never be proof that they occurred because of foreign objects left by the NDRA.

She also said rubber deposits on the runway must be removed and that damage should not be paid out of the aerodrome budget as they cannot get basic maintenance completed due to lack of funds.

If granted she believed that it should only have a term of three years and that the resource consent must contain safety and financial conditions that require NDRA to immediately fix any problems.

### **Fred Te Miha**

Mr F Te Miha, Chairman of Ngati Tama Trust, supported NDRA. He lives in the vicinity of the airport and next door to the local Marae. Tangis have been held at the Marae which is not affected by noise or smell. He said the noise is very minimal. He thought the aerodrome has had its day and it is time they built somewhere else.

## **6.3 Council's Reporting Officer's Report and Evidence**

Mr J Andrew, in response to matters raised at the hearing, confirmed that parking is not a problem with plenty of space available. However if the parking is causing damage then this needs to be taken up with the manager of the property.

Mr Andrew considered that the closing of Queen Victoria Street works well and is a suitable solution. However, as the partial road closure may not always be certain (as road closure is beyond the ambit of the application or the consent), screening may be required in the event that permission to close the road is declined.

Mr Andrew agreed with Mr Alley's proposed changes to Condition 11.

Mr G Caradus identified an important typographical error in his report. On page 56 "quiet" should be "quite".

Mr Caradus considered the cars to be similar to aeroplanes in terms of adverse noise effects.

The Commissioner queried the significance of a lack of a noise condition. Mr Caradus said that there is no limit proposed but that Section 16 of the Act is useful in controlling unreasonable noise. He considered the noise currently produced is reasonable and referred to Mr Alley's 38 minute calculation. He did not consider that a condition limiting noise to a certain defined level was appropriate.

Mr Caradus confirmed that he had not received any noise complaints as a result of the NDRA events.

## **6.4 Applicant's Right of Reply**

Mr Gourdie stated that many of the issues that were raised by Ms McKay are in the past and have been resolved by the MoU that is currently in force. He stated that this MoU sets out the requirements for runway hire, runway cleanup and all management issues. Inspections are physically signed off by a club representative and a Council representative. There have been no issues raised in the latest season. The MoU is reviewed annually and there is a procedure for complaints to be put forward.

## **7. PRINCIPAL ISSUES**

The principal issues that were in contention were:

- a) Is the noise created by the NDRA during drag race events unreasonable?
- b) To what extent do the NDRA drag race events cause adverse effects on nearby people as a result of smoke and fume production?
- c) How relevant under the Act are the issues raised by opposition submitters regarding the use of the aerodrome and the effects on other businesses?
- d) To what extent do the NDRA drag race events cause safety risks for the other users of the airport, and how relevant are these matters in considering a resource consent application?
- e) If consent is granted, what would be an appropriate duration for the consent?

## **8. MAIN FINDINGS OF FACT**

The Commissioner considers that the following are the main facts relating to this application. The points made below are discussed with reference to points a) to d) in the section above and should be read in conjunction.

- a) The noise produced by the drag races is undeniable, but is not considered to be more than minor, given a range of mitigating factors. Firstly, the four events per year, which the application is limited to, is very infrequent. The regularity of a loud or unpleasant noise is a significant component in determining its level of adverse effect. Secondly, the evidence is that each burnout and drag race is of a very short duration usually with a significant break in the noise between races and an extended break between sets of races.

While a limitation on the level of noise (in decibels) emitted is possible, it is not warranted in this case due to the infrequency of the event, and the fallibility of measuring noise under circumstances where there are many other sources of noise (e.g. aeroplane noise, traffic, cicadas, people talking etc).

- b) The fumes and smoke emitted by the drag racing events are an unavoidable consequence of the racing. The NDRA has volunteered to avoid the unnecessary production of smoke and fumes by halting or discouraging practices such as tyre popping and prolonged burnouts. Beyond that, it is considered that the major mitigating factor when considering the matter of fumes and smoke is the very low frequency of the events.



- c) Those concerns from other aerodrome users, related to the conflicts with shared use of the aerodrome and runway, are beyond the scope of this resource consent. Those issues are considered more appropriately dealt with under the leasing arrangements. The Act is clear that only environmental effects, planning documents and limited other matters may be taken into account in making a decision on a resource consent application. The Act is explicit in that it prohibits any regard to trade competition, and in this case, the competing use of a site could be viewed as a form of trade competition and any concerns in this regard, or in relation to how the aerodrome is managed, should be directed towards the landowner, the Council's Enterprise Subcommittee.
- d) A number of safety issues were raised in submissions, including the matters raised at the hearing by the Nelson Aviation College. While these matters may be viewed more as a matter of internal management of the aerodrome, and are covered in the MoU, it is considered that the NDRA has demonstrated it takes safety issues seriously. There was insufficient evidence to establish that safety of the use of the aerodrome at the time of drag racing events is an adverse effect that should prevent the granting of this resource consent.
- e) The application was lodged for a 10 year period. This is effectively a continuation of the previous 10 year consent, with some modifications to conditions. Several submitters opposed this, and sought a lesser period, ranging from three years to five years. This is understandable, as it seems reasonable that they might expect an activity like this to have its own purpose built facility, remote from sensitive activities. The concern seemed to be that a 10 year period is too long and would not encourage the NDRA to actively seek another venue. The argument advanced by the NDRA was that a 10 year period will provide it with certainty in its planning and marketing endeavours, and any shorter duration would reduce this certainty and would require considerable further expenditure in engaging in a new resource consent process.

The Commissioner gave serious consideration to a five year period of consent. However, on balance, the points made by the NDRA were accepted. Whilst it is desirable that an overall venue for motorsports is secured and used for this activity, the findings of fact made on this application are that this activity, limited as it is to only four days per year, is not causing effects on the environment that are more than minor. Accordingly, a 10 year period is accepted, and with appropriate conditions of consent, it is considered the effects on the environment will remain no more than minor. In saying this, it is expected that the NDRA will remain committed to seeking a new venue and will continue to take part in the investigations currently underway.

## **9. RELEVANT STATUTORY PROVISIONS**

### **9.1 Policy Statements and Plan Provisions**

In considering this application, the Commissioner has had regard to the matters outlined in Section 104 of the Act. In particular, the Commissioner has had regard to the relevant provisions of the following planning documents:

- a) Tasman Regional Policy Statement (TRPS); and

b) the Tasman Resource Management Plan (TRMP).

## 9.2 Part II Matters

In considering this application, the Commissioner has taken into account the relevant principles outlined in Sections 6, 7 and 8 of the Act, as well as the overall purpose of the Act as presented in Section 5.

## 10. DECISION

Pursuant to Section 104B of the Act, the Commissioner **GRANTS** consent subject to conditions.

## 11. REASONS FOR THE DECISION

### Effects on the Environment

The effects arising from the activity are mainly associated with noise, dust, smoke and fumes. It is considered that the noise effect is potentially of most concern to submitters (although it was notable that none of the residential property owners appeared at the hearing to explain their concerns and these were therefore read by the Commissioner from the submissions lodged). It is understood that noise arises mainly from the noise of drag racers, but also from the general activity and congregations of people on the site and in the area during events.

The effects are mitigated to a large extent by the limited frequency and duration of events. The events are limited to only four days per year, and from the evidence of Mr Alley, the noise from drag racing amounts to only 38 minutes for each day the event is held. To put this in context, the potential adverse noise effect in this environment equates to approximately two and half hours of continuous noise over a whole year.

It is also noted that the environment in which the activity takes place is partly rural and is subject to noise from aeroplanes, farm vehicles and machinery and passing traffic. In this context the noise created by the activity is not considered to be more than minor.

The evidence of Mr Caradus, supported by Mr Andrew, was that a limitation on the level of noise (in decibels) is not warranted in this case due to the infrequency of the event, and is more appropriately controlled under the unreasonable or excessive noise provisions of the Act, although the experience to date has not seen any need to instigate action under those provisions.

In relation to fumes and smoke emitted at the drag racing events, the NDRA has volunteered to avoid the unnecessary production of smoke and fumes by halting or discouraging practices such as tyre popping and prolonged burnouts.

### Objectives and Policies of the TRMP

The proposed activity is not considered contrary to the objectives and policies with respect to site amenity in Chapter 5, mainly due to the frequency and duration of events. Any adverse effects are therefore of only very short duration.

In relation to Chapter 7, the proposed activity will not compromise the key objectives concerning productive potential of the rural land resource, as the site is already developed for an aerodrome and associated activities. There are considered no effects on rural activities in the area, and the noise created is not completely out of character with noise generated from the aerodrome, and is of very limited duration.

There are no matters that are considered to conflict with objectives and policies in Chapter 11, which is concerned with land transport effects. Issues of safety at the aerodrome are addressed in terms of the MoU, and whilst not a fundamental consideration in terms of this resource consent, the evidence at the hearing by the applicant shows that the NDRA has adequately addressed the safety issues.

### **Purposes and Principles of the Act**

By taking into account the relevant considerations in Sections 6 and 7 of the Act, the Commissioner considers that the proposal does not compromise the sustainable management of natural and physical resources and is therefore consistent with Section 5 of the Act.

It is considered that, judging from the number and content of the submissions and the letters of support, the Motueka community is, on the whole, very supportive of the drag racing events. This activity very definitely contributes to the social and economic wellbeing of the community. Whilst there are some residents in opposition, it is considered that the adverse environmental effects will be limited in frequency and duration, and will be managed so that they will be no more than minor.

## **12. COMMENTARY ON CONDITIONS OF CONSENT**

The conditions have been revised and restructured from those on RM980181V1 during the drafting of this replacement consent. Therefore, the numbers used for various key conditions do not necessarily correspond with the numbers for the same or similar conditions on the expired consent.

Condition 3 reflects that the transfer to Sunday only applies to two meetings (the Easter meeting and the national point's meeting) instead of all four meetings as at present. This was volunteered by the applicant.

Condition 8 replaces the previous condition 11 and includes an advice note to the effect that the consent holder shall take practical steps to minimise disruption from burn outs, as volunteered by the applicant.

## **13. LAPSING OF CONSENT(S)**

Pursuant to Section 125(1) of the Act, resource consents, by default, lapse in five years unless they are given effect to it before then.

## **14. EXPIRY OF CONSENT(S)**

Pursuant to Section 123 of the Act, land use consents have no expiry provided they are given effect to within the lapse period provided.

An exception is made for this land use consent as it was requested by the applicant to expire in ten years time, and it is appropriate that the activity be reassessed at a later time, particularly in the event that other venues may be found for the activity.

Issued this 8<sup>th</sup> day of May 2009

Mr Gary Rae  
**Commissioner**



## RESOURCE CONSENT

**RESOURCE CONSENT NUMBER:** RM080583

Pursuant to Section 104B of the Resource Management Act 1991 (“the Act”), the Tasman District Council (“the Council”) hereby grants resource consent to:

**Nelson Drag Racing Association**  
(hereinafter referred to as “the Consent Holder”)

### ACTIVITY AUTHORISED BY THIS CONSENT:

To operate drag racing events at the Motueka Aerodrome

### LOCATION DETAILS:

Address of property:	124 Queen Victoria Street
Legal description:	Lot 2 DP 18903
Certificate of title:	NL12C/338
Valuation number:	1956054000
Easting and Northing:	2509479E 6009747N

Pursuant to Section 108 of the Act, this consent is issued subject to the following conditions:

### CONDITIONS

#### General

1. The consent shall be personal to the Nelson Drag Racing Association. The consent may not be transferred to any other person or organisation.
2. The activity shall be undertaken in general accordance with the documentation and plans submitted with the application, except where inconsistent with the conditions of this consent in which case the conditions shall prevail.

#### Events

3. A maximum of four events shall be held in any one year, each event shall accommodate a maximum of 3,000 people. The events shall only be held on Saturdays between 10.00 am and 4.00 pm.

The event may be extended to permit racing from 4.00 pm to 5.00 pm on Saturdays due to consequences of the days racing beyond the control of the consent holder, i.e. major breakdowns of race monitoring equipment, flight landings or take offs, a light shower of rain. The consent holder is to supply a written report to the Council detailing the reasons for the one hour extension to racing on that day within two weeks of the event.

For two race days of the four race day season being:

- i) the National Race event; and
- ii) Easter Saturday

racing may be transferred to the next day (Sunday) if the previous days programme has been postponed as a result of inclement weather for either the full day or part day as follows:

In the event that a full race programme is required to be cancelled on the Saturday such a decision being made prior to 10.00 am, the consent holder may transfer the entire race programme of two hours trial, one hour lunch break, three hours race programme to the next day Sunday.

In all other cases that part of the event of the race programme that is required to be transferred to the following day (Sunday) must not to commence before 1.00 pm and is to finish at 4.00 pm.

If the event is transferred to the following day (Sunday) the club is to make every effort to advise immediate neighbours on the Saturday of the postponement.

### **Notification**

4. The consent holder shall provide the Council's Coordinator Compliance Monitoring and the Property Manager with written notice of each event at least two weeks prior to such event taking place.

### **Car Parking**

5. An area sufficient to accommodate a minimum of 1,000 on-site parking spaces shall be provided. Parking wardens shall direct traffic movements on and off the site and shall encourage people not to park on either College Street, Queen Victoria Street or Marchwood Park Road.

### **Waste and Ablutions**

6. Sufficient refuse containers shall be provided on site to the satisfaction of the Council's Coordinator Regulatory Services. All litter from on-site activities shall be collected on each event day and disposed of in a manner to the satisfaction of the Councils Coordinator Regulatory Services.

**Advice Note:**

The Council operates a recycling trailer for events such as the one authorised by this consent. The trailer contains all equipment needed to enable recycling to be collected at the event which will reduce the costs of rubbish disposal. The trailer can be booked by contacting David Stephenson at the Council.

7. Toilet and hand washing facilities shall be provided on site to the satisfaction of the Council's Coordinator Regulatory Services at a ratio of one toilet per 150 people.

**Air Emissions**

8. The consent holder shall undertake all reasonable steps to minimise the emission of dust, smoke and fumes created by the activity where it may penetrate any adjoining residence(s) on Queen Victoria Street, King Edward Street, College Street, Marchwood Park Road or Green Lane. No 'tyre popping' is to take place at any event.

**Advice Note:** The consent holder shall discourage as far as possible burn-outs by street legal cars and motorcycles. Burnouts by vehicles using racing slick tyres are to be encouraged to be restricted for the minimum duration required to achieve effective tyre warming.

**Signage**

9. One sign may be erected in accordance with the dimensions shown in the application. This sign shall not be on or overhanging the Road Reserve and shall be located a minimum of 10 metres from the intersection of College Street and Queen Victoria Street.

**Review**

10. Pursuant to Section 128(1)(a) and 128(1)(c) of the Act, the Council may review any conditions of the consent for a period beginning 1 September each year and ending 31 May each year and for any of the following purposes:
  - a) to deal with any adverse effect on the environment which may arise and which is appropriate to deal with at a later stage; and/or
  - b) to require the consent holder to adopt the best practical option to remove or reduce any adverse effect on the environment.
  - c) in the event that an alternative venue becomes available; and/or
  - d) to require consistency with any relevant Regional Plan, District Plan, National Environmental Standard or Act of Parliament.

**Duration of Consent**

11. This consent expires on 8 May 2019.

## **ADVICE NOTES**

### **Site Management**

1. A Memorandum of Understanding is currently in place between the consent holder, the Council, and the other Motueka Aerodrome users. While co-operation and effective communication is not something that can be taken into account in this decision it is considered by the Council to be an important component of running drag racing events on the Aerodrome. The consent holder is advised that effective communication, diligent management and consideration for other activities occurring on the aerodrome site is essential.

### **Council Regulations**

2. The Consent Holder shall meet the requirements of Council with regard to all Building and Health Bylaws, Regulations and Acts.

### **Tasman Resource Management Plan**

3. Any activity not referred to in this resource consent must comply with either:
  1. a relevant permitted activity rule in the Tasman Resource Management Plan (TRMP).
  2. the Resource Management Act 1991. or
  3. the conditions of a separate resource consent which authorises that activity.

### **Monitoring**

4. Monitoring of this resource consent will be undertaken by the Council as provided for by section 35 of the Act and a one-off fee has already been charged for this monitoring. Should the monitoring costs exceed this fee, the Council reserves the right to recover these additional costs from the Consent Holder. Costs can be minimised by consistently complying with conditions, thereby reducing the necessity and/or frequency of Council staff visit is.

Issued this 8<sup>th</sup> day of May 2009

Mr Gary Rae  
**Commissioner**



8 May 2009

Nelson Drag Racing Association  
C/- Tony Alley  
Davis Ogilvie & Partners Ltd  
277 Hardy Street  
**NELSON 7010**

Dear Madam / Sir

**DECISION NOTIFIED RESOURCE CONSENT APPLICATION NO. RM080583 - NELSON DRAG RACING ASSOCIATION**

Pursuant to Section 114 of the Resource Management Act 1991 ("the Act"), please find enclosed a copy of the Council's decision on your application for resource consent referred to above.

Section 120 of the Act provides you with the right to lodge an appeal with the Environment Court in respect of this decision and/or any associated conditions. Section 121 of the Act requires that any such appeal must be made in the prescribed form and must state the reasons for the appeal and the relief sought and must be lodged with both the Environment Court (PO Box 2069, Christchurch; Phone (03) 962 4170 or Fax (03) 962 4171) and the Council within 15 working days of receiving this letter. A copy of your appeal must also be served on all persons who made a submission on the consent application within five working days of your appeal being lodged with the Environment Court.

If you receive a copy of an appeal from another party and you wish to be involved in the appeal process (ie, be a "*party to the proceedings*"), then you need to advise the Environment Court of this within 30 working days. Section 274 of the Act outlines the process to become a party to the appeal proceedings.

At this stage the Council has not calculated the final costs of processing your application. Should the final costs exceed the deposit already paid, then as previously advised, you will be invoiced separately for these costs. Should the final costs be less than the deposit already paid, then you will receive a refund. Where the costs are equal to the deposit already paid, no further action is required. You will receive a letter shortly regarding the final costs of processing your application.

Please also note that this resource consent attracts a monitoring fee for which you will be invoiced separately. In addition, officers of the Council may also carry out site visits to monitor compliance with resource consent conditions.

You may commence your activity at the end of the appeal period unless the decision is appealed. However, it is important that you check the conditions of your consent carefully as some of them may require you to provide information and/or plans to the Council before you may commence your activity. In addition, in some cases you may also require other permits or building consents for your activity and these must be obtained before you can commence your activity.

Please note that under Section 125 of the Act, your consent will lapse in five years unless you have given effect to it before then.

Please feel free to contact Jeremy Butler (Principal Resource Consents Adviser) on (03) 543 8589 if you have any questions regarding any aspect of your consent or its conditions.

Yours faithfully

A handwritten signature in black ink, appearing to read 'J. Butler', is written over a light grey rectangular background.

Jeremy Butler  
**Principal Resource Consents Adviser**