



## TASMAN DISTRICT COUNCIL

**Report and Decision of the Tasman District Council through a Panel of Independent Commissioners**

**Meeting held in the Tapawera Rugby Clubrooms, Tapawera on 19 to 21 March 2012  
Site visit undertaken on 18 March 2012  
Hearing closed on the 22 May 2012**

A Panel of Hearing Commissioners was appointed by the Tasman District Council ("the Council") to hear the application lodged by **Adcock and Donaldson Properties Limited** ("the Applicant"), to establish and operate a Motorsport Park in the upper Stanley Brook Valley. The application, made in accordance with the Resource Management Act 1991 ("the Act"), was lodged with the Council and referenced as follows:

- RM100848** Land Use consent to create and operate a Motorsport and Recreation Park.
- RM100872** Land Use consent for storage of hazardous substances.
- RM100873** Land Use consent to install culverts, bridges and dams.
- RM100874** Land Use consent for earthworks and land re-contouring.
- RM100875** Land Use consent for construction of bores.
- RM100876** Water Permit to divert water.
- RM100877** Water Permit to take water.
- RM100878** Discharge Permit to discharge wastewater.
- RM100879** Discharge permit to discharge greywater.

**HEARING COMMISSIONERS:** Commissioner David W. Collins, Chairperson  
Commissioner Malcolm Hunt

**APPLICANT:** Mr Nigel McFadden (Counsel)  
Mr Gary Adcock (Applicant)  
Mr Roger Estall (Risk Management Consultant)  
Mr Dave Petrie (Traffic Engineer)  
Ms Fiona Ambury (Environmental Engineer)  
Mr Russell Malthus (Environmental Health Consultant)  
Mr Andrew James Dakers (Wastewater Consultant)  
Ms Elizabeth Heggarty (Economic Consultant)  
Mr Matthew J Molloy (Public Health Consultant)  
Mr Richard Stocker (Flood and River Engineer)  
Mr Eric K Davy (Policing Consultant)  
Mr Richard Bennison (Farm Management Consultant)  
Mr Tony Quickfall (Planning Consultant)

**CONSENT AUTHORITY:** **Tasman District Council**  
Mr Jack Andrew (Co-ordinator Land Use Consents)  
Mr Mike Mackiggan (Consent Planner, Natural Resources)  
Mr Graham Caradus (Co-ordinator Environmental Health)  
Mr Dugald Ley (Development Engineer)

**SUBMITTERS:** Ms Penny Griffith  
Nelson Jaguar Drivers Club (Mr John Eales)  
Nelson Drag Racing Association (Mr John Gourdie)  
Mr Stuart Bryant and Miss Katherine Bryant  
Nelson Forests Ltd: Ms Camilla Owen (Counsel)  
Ms Heather Arnold (NFL Planner)  
Mr Andrew Karalus (Estate Value Manager)  
Mr Doug Ashford (Deputy Principal Rural Fire Officer)  
Ms Jane Hilson (Consultant Planner)  
K and J Rowe Family Trust: Ms Camilla Owen (Counsel)  
Ms Judith Rowe (Submitter)  
Mr Tony Hewitt (Hydrologist)  
Land Information New Zealand (Ms Kristina Muller, Counsel)  
Ms Victoria Davis  
Ms Wanda Shaw  
Ms Joanna Leyland  
Ms Heather Spence  
Livestock Inc. Ltd (Ms Joanna Leyland)  
Mr David McQueen and Ms Loes Reitsma  
Ms Fay Baker  
Mr Stephen Udy and Ms Janet Blout  
Mr Mike Drake  
Mr Mark Chisnall  
Mr Robbie Reynolds  
Mr Roger Carlton

**IN ATTENDANCE:** Mr Jeremy Butler (Principal Resource Consents Adviser) - Assisting the Commissioners  
Mr Gary Woodgate (Minutes Secretary)

## SUMMARY OF DECISION

Pursuant to Section 104B of the Act, we have **GRANTED IN PART** land use consent RM100848 to establish and operate a motorsport park, subject to conditions.

The components of the above consent that we have **DECLINED** are:

- The lake created for water sports; and
- The airstrip and helipad and associated aviation activities.

Pursuant to Section 104B of the Act, we have **DECLINED** resource consent RM100877 to take water, but **GRANTED** all other consents sought, subject to conditions.

### 1. INTRODUCTION

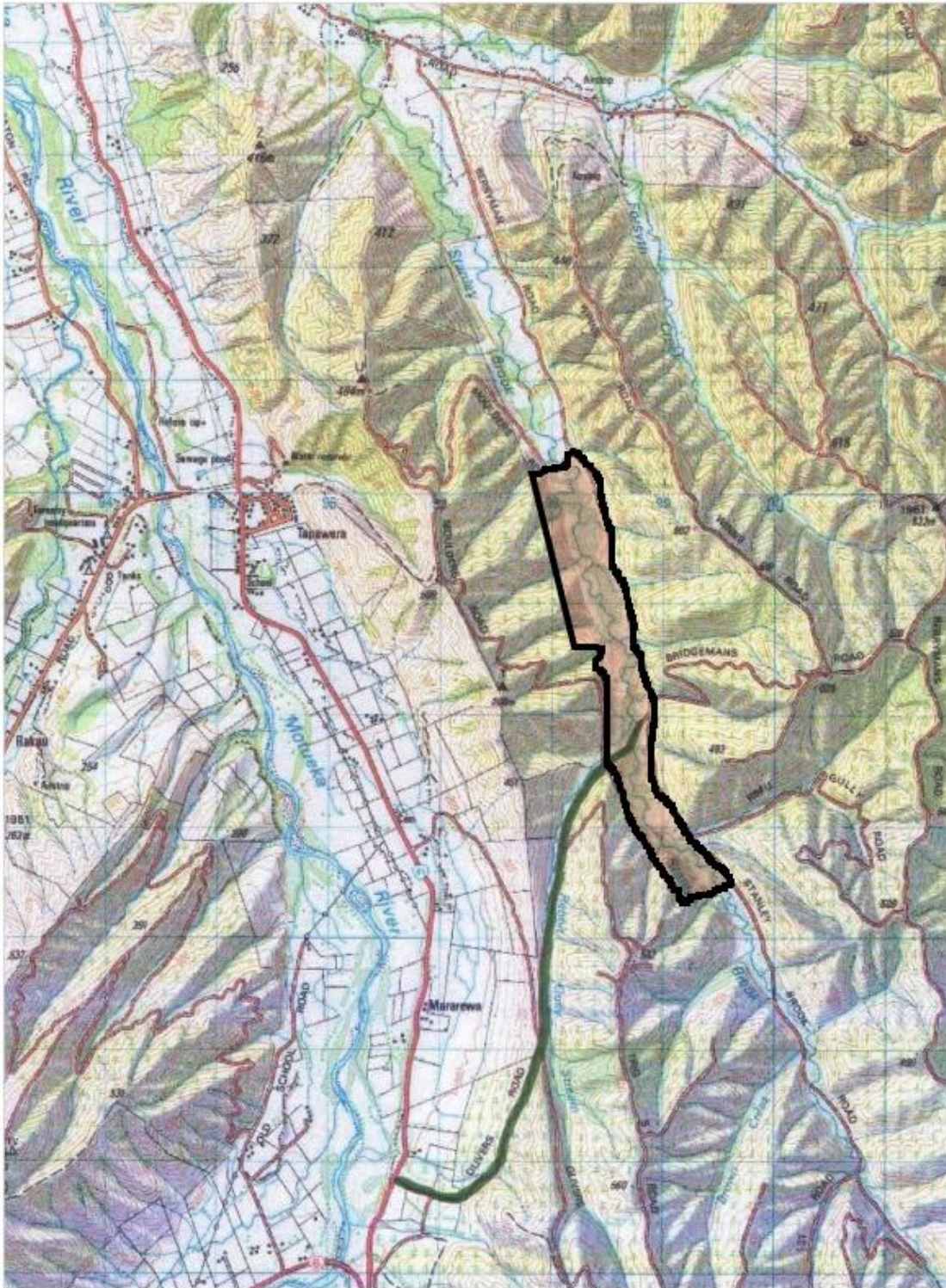
- 1.1. We have been given a delegation by the Tasman District Council to “hear and decide” this application, or strictly this set of applications, relating to the proposal for a motorsport park. There is nothing particularly unusual about a council delegating decisions to independent hearing commissioners. In this case it may be because the Council has given some encouragement to the promoters of the motorsport park in the past and so could be perceived as having a conflict of interest.
- 1.2. There are some technical issues to be considered in this case so it was decided to require exchange of expert evidence prior to the hearing. This appears to have worked well. Parties had the opportunity to consider the evidence that was going to be given before the hearing so they could respond to it at the hearing, and we were able to take the evidence as read and focus on questions - reducing the length of the hearing considerably.
- 1.3. We have had the benefit of comprehensive evidence and reports from a range of highly qualified experts called by the applicants, some submitters, and the Council (as the consent authority, not as a party). We have also had many helpful contributions from lay submitters with local knowledge and relevant experience. While all relevant issues were thoroughly canvassed at the hearing, we have also looked through the submissions from people who did not attend the hearing (about 230 submissions) to pick up any other points or information.
- 1.4. The day before the hearing began we undertook a thorough visit of the application site and surrounding area guided by Mr Jeremy Butler, the Council’s Principal Resource Consents Adviser. Subsequently we revisited Olivers Road.
- 1.5. Although we have both had involvement with motorsport activities as consultants and commissioners, it should be recorded that we have no particular interest in motorsports.
- 1.6. We conducted a hearing at Tapawera on the 19, 20 and 21 March 2012. At the conclusion of the hearing counsel for the applicant, Mr Nigel McFadden, sought leave to exercise the applicant’s right of reply in writing. We had no difficulty with that - it is common or even normal practice for applications of this scale and complexity. We also asked for clarification of some matters relating to noise anticipated at the McQueen/Reitsma property beside Olivers Road from the applicant’s acoustic expert, Mr Russell Malthus. We received that clarification on 30 March, and the applicant’s comprehensive reply document on 8 May 2012.

## **2. DESCRIPTION OF THE PROPOSAL**

- 2.1. The applicant proposes to establish a motorsport park on a rural property in Stanley Brook, near Tapawera. The proposal is to create and operate a motorsport and recreation park comprising commercial events and conference centre, sale of liquor, airstrip and helipad, and a range of accommodation and buildings in excess of the Rural 2 zone building height, to be developed in general accordance with a site Master Plan and the activity and building schedules included in the resource consent application.
- 2.2. Motorsport is a popular form of recreation for all ages and genders, but can due to the very nature of the sport generate noise nuisance for non-motorsport fans and nearby neighbours. The applicant's opinion is that the region's noisy motorsports can be ideally accommodated in the secluded valley site it owns, thereby providing positive increased amenity effects elsewhere in the district, while any adverse effects created by the new facility can be sufficiently avoided, remedied or mitigated so that any effects upon adjoining neighbours will be less than minor.
- 2.3. Submitters opposing the proposed facility have raised concerns regarding possible noise, dust, fire, limited access, lack of water, pollution of water, commercial activity in a rural area, property and safety risks, location/remoteness, disposal of wastewater, effects upon ecology, loss of productive potential, the sale of alcohol, flood risk, possible light pollution, and landscaping.

### **The Site**

- 2.4. The site of the application is a 203 hectare block of land in the mid-upper reaches of the Stanley Brook Valley. The property has access via Olivers Road and Rabbit Gully Road (off the Motueka Valley Highway). The site is approximately 62 kilometres from the centre of Nelson, 50 kilometres from Richmond and 55 kilometres from Motueka. The application site comprises generally flat river terraces along the upper Stanley Brook Valley with some east facing hill slopes currently used for forestry plantation. The site is comprised of two existing titles. Approximately 60 hectares of the site is in commercial forestry. The site is shown in Figure 1.



**Figure 1: Proposed Motorsport Park site (highlighted orange) and Access Road (green)**

### **3. NOTIFICATION AND SUBMISSIONS**

3.1. The bundled application was publicly notified on 17 December 2010. There were 257 submissions to the application with three-quarters of the submissions (183) in support, six neutral and 68 in opposition.

- 3.2. The reporting officers' Section 42A report contained a summary of the submissions and we agree with that summary. Consequently we have not sought to recreate a summary of the written submissions, but instead refer readers to the Section 42A report prepared for the hearing. While we have read and considered all of the written submissions made we concentrate our efforts in this decision on presenting the evidence and submissions presented at the hearing.

#### 4. ASSESSMENT FRAMEWORK

- 4.1. The site is located within the Rural 2 Zone and Land Disturbance Area 1 as defined by the Tasman Resource Management Plan (TRMP).
- 4.2. The consents required and sought, and the statuses of those various activities were not contested at the hearing. The reporting officers provided a helpful table in the Section 42A report and we have reproduced it in Table 1 below.

**Table 1: Consents Required**

Ref No.	Activity	Relevant Permitted Rule	Applicable Rules	Status
RM100848	Land Use Create and operate a Motorsport Park at Stanley Brook (District Land Use)	17.6.2.1		Discretionary
RM100872	Land Use Storage hazardous substances (Regional Land Use)	16.7.2.1	16.7.2.2	Controlled
RM100873	Land Use Install culverts and bridges (Regional Land Use)	28.1.2.1-28.1.7.1	28.1.81.	Discretionary
RM100874	Land Use Earthworks and land re-contouring (District Land Use)	18.5.2.1 & 28.1.6.1	18.5.2.5 & 28.1.81.	Restricted Discretionary & Discretionary
RM100875	Land Use Construction of bores (District Land Use)	16.12.2.1	16.12.2.3	Restricted Discretionary
RM100876	Water Permit Divert Water	31.1.2.1	31.1.2.5	Restricted Discretionary
RM100877	Water Permit Take Water	31.1.2.1	31.1.2.5	Restricted Discretionary
RM100878	Discharge Permit Discharge wastewater	36.1.2.4	31.1.5.2	Discretionary
RM100879	Discharge Permit Discharge greywater	36.1.2.6	31.1.5.2	Discretionary

- 4.3. There was also no challenge to the approach of "bundling" the consents together and assessing all of them as Discretionary Activities.
- 4.4. As such we may either grant or decline the various applications pursuant to Section 104B of the Act. The matters we may consider in making our decision are specified in Section 104(1) of the Act:

*(1) When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to-*

RM100848, RM100872, RM100873, RM100874, RM100875  
RM100876, RM100877, RM100878, RM100879 - Adcock and Donaldson

- (a) *any actual and potential effects on the environment of allowing the activity; and*
- (b) *any relevant provisions of—*
  - (i) *a national environmental standard;*
  - (ii) *other regulations;*
  - (iii) *a national policy statement;*
  - (iv) *a New Zealand coastal policy statement;*
  - (v) *a regional policy statement or proposed regional policy statement;*
  - (vi) *a plan or proposed plan; and*
- (c) *any other matter the consent authority considers relevant and reasonably necessary to determine the application.*

4.5. For the purposes of Section 104(1)(b) we have had regard to the relevant provisions of the Tasman Regional Policy Statement (TRPS) and the Tasman Resource Management Plan (TRMP). The provisions of the TRPS have been largely subsumed into the TRMP and therefore we concentrate our analysis on the latter.

4.6. The provisions of Chapters 5 and 7 are important as they relate to site amenity effects and rural environment effects, respectively. Chapters 8 and 9 which deal with the margins of rivers and landscape, respectively, are also relevant. Chapter 11 concerning land transport effects is also clearly relevant. Turning to regional matters, Chapter 27 provides guidance on activities in the beds of rivers. Chapters 30 and 33 are then particularly relevant as they provide the policy guidance for the taking of water and discharges to land and water, respectively.

4.7. As stated in Section 104 our decision is also subject to Part 2 of the Act. For completeness and given the circumstances of this application we feel it is worth reproducing Section 5 which contains the purpose of the Act:

- (1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) *In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while-*
  - (a) *sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
  - (b) *safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
  - (c) *avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

4.8. Part of the proposed activity contravenes Section 15 of the Act regarding discharges, and therefore we have also had regard to the matters outlined in Sections 105 and 107.

## 5. EVIDENCE AND SUBMISSIONS HEARD

- 5.1. The following is a summary of the evidence and submissions presented at the hearing on the 19, 20 and 21 March 2012. In our assessment the four major resource management issues raised by this proposal are vehicle access, fire danger, noise, and effects on water. The evidence and submissions on those matters, and our conclusions, will be set out under those headings below. The following is a summary of the many other matters raised in the course of the hearing, and our conclusions about them.

### Applicant's Evidence and Submissions

- 5.2. Mr Nigel McFadden appeared as counsel for the applicants. He outlined the history of the proposal and described the difficulties with the various sites used for motorsports in the Tasman District concluding:

*"it has been clear that these sort of activities need to be put into an area where there will be the least conflict, particularly from noise and traffic perspectives."*

- 5.3. We accept that is a logical conclusion in land use planning terms. There is no obligation for the applicant to prove that the site proposed is the "best" site in the district, as suggested by some submitters. If it could be shown that the site was the "best" or the only possibility that would be an argument in favour of consent, but Mr McFadden's case was that the chosen site is suitable because of its relative remoteness from noise-sensitive land uses and because of its physical suitability, not that is necessarily the only site in the District with those characteristics.
- 5.4. Mr McFadden emphasized that the applications are for discretionary activities and are therefore by definition "...*appropriate within the zone albeit not on every site.*" We accept that as a general proposition - if this site is not appropriate, what sort of site would be? However the other consideration in assessing discretionary activities is whether the particular example of the category of discretionary activities is appropriate. If fully developed as proposed the motorsport park would be a major facility.
- 5.5. Much of Mr McFadden's submissions discussed the evidence to be given by his and other witnesses.
- 5.6. Mr Garry Adcock described the long interest in motorsport he and the other director of the applicant company, Mr Gary Donaldson, have had. He described the conflicts experienced at the sites of present motorsport activities and described the advantages of shared facilities. There can be no doubt that shared facilities would provide efficiencies and this is a section 7(b) of the Act matter: "...*efficient use of natural and physical resources*".
- 5.7. Mr Adcock described the proposed management arrangements, which are relevant to our consideration only to the extent that we need to be satisfied that the proposed development and land use activities would proceed as described, and that any conditions of consent, including those recommended by Council staff and/or volunteered by the applicant, can be met. Mr McFadden also discussed these management arrangements later in the hearing, and we are satisfied that they would meet resource management concerns. In response to our questions Mr Adcock described how the various national motorsport bodies set rules to ensure safety etc. He also acknowledged that it might be necessary for the motorsport park to close at times because of fire risk conditions.



- 5.8. Mr Donald (David) Petrie, traffic engineer, described the road network and expected traffic patterns, concluding that the Motueka Valley Highway and State Highway 6 have “*ample capacity to safely carry considerably higher volumes of traffic.*” He described the proposal to upgrade the intersection of Olivers Road with the Motueka Valley Highway, and to lower a “hump” south of the intersection to provide better visibility. These improvements were also recommended in the report to the hearing by Mr Dugald Ley, the Council’s Development Engineer.
- 5.9. Mr Petrie’s evidence expressed the view that “*the local forestry roads are of a low standard and not suitable for increased traffic in their current state.*” He recommended improvements which had been discussed with Council officers and volunteered in the application.
- 5.10. Most of Mr Petrie’s evidence related to the proposed vehicle access route between the State Highway and the application site, and this will be discussed under the heading of “Access” below. Having read the pre-circulated evidence to be presented by Nelson Forests Limited, Mr Petrie had prepared a rebuttal statement for the hearing, focussing on the issue of the adequacy and practicality of the proposed access route.
- 5.11. Ms Fiona Ambury, consulting engineer, provided a statement of evidence and a rebuttal statement. These relate to the issue of water supply for the proposed activities and will be discussed under the heading of “Water” below.
- 5.12. Mr Tony Quickfall, a qualified planner, provided a statement of evidence and a rebuttal statement. Mr Quickfall coordinated the preparation of the application and his evidence traversed the investigations leading up to the application, the details of the proposal, the consents required, the reassessments of water requirements and availability (discussed under separate heading below), the application site, consultation undertaken, the relevant provisions of the Tasman Resource Management Plan and the Regional Land Transport Strategy and the mechanisms, particularly management plans, proposed to deal with potential adverse environmental effects.
- 5.13. Mr Quickfall’s evidence discussed the “permitted baseline” - the activities permitted under the Rural 2 zoning. Section 104(2) of the Act provides that a consent authority may disregard an adverse effect if a district or regional (or in this case combined) plan permits an activity with that effect. He noted that the Rural 2 Zone permits noise from intermittent or temporary rural activities, including agricultural and horticultural machinery, forestry activities, bird scarers and hail cannons without restrictions on noise levels. Noise will be discussed under that heading below.
- 5.14. Mr Quickfall noted that motorsport circuits could be established and the site could be used for private (i.e. non-commercial or club) use for recreational and motorsport activities, provided such circuits met the Tasman Resource Management Plan earthworks and waterways setback limitations. We accept that is part of the permitted baseline and we could discount the effects of such circuits under section 104(2) of the Act. However, we have no evidence that such circuits for private use are more than fanciful possibilities, so we have not attached much weight to these. The most we can assume is that Mr Adcock and Mr Donaldson, as owners of the land and motorsport enthusiasts, and having a civil construction business, might well build some sort of motorsport circuit for private use if this application does not succeed.

- 5.15. From his analysis of the permitted baseline Mr Quickfall drew the reasonable conclusion that permitted activities such as forestry activities and private motorsport activities such as motocross practice tracks could have adverse environmental effects. We accept that, but in our assessment the plausible scale of those activities are such that they do not provide much of an offset for the likely effects of what is actually proposed.
- 5.16. Mr Quickfall reminded us that the definition of “effect” in section 3 of the Act includes positive effects. He discussed several of these, noting that economic effects are discussed in the evidence provided by Dr Philip Wheeler. Mr Quickfall described positive recreational effects, noting the range of activities proposed in addition to motorsport including mountain bike tracks, adventure-type activities and accommodation for groups engaged in team-building activities. He noted that these facilities would be available to local residents. Mr Quickfall discussed positive effects he saw for water quality, access and fire risk mitigation, which will all be discussed under those headings below.
- 5.17. Mr Quickfall also reminded us that many of the relevant policies in the Tasman Resource Management Plan use the words “*avoid, remedy or mitigate,*” not just “*avoid*”. We accept that that is an important distinction because some of the adverse effects of the proposal, particularly noise and fire risk, cannot be avoided. The Plan (and the Act) clearly anticipate that some adverse effects will just be mitigated.
- 5.18. Mr Russell Malthus presented evidence about potential noise effects on behalf of the applicant. This is discussed under the heading of Noise below.
- 5.19. Mr Andrew Dakers, consulting engineer specialising in irrigation and wastewater systems, storm water and water supply systems, gave evidence on proposed on-site wastewater disposal arrangements. He described his investigations of soil profiles in the areas of the site where ablution facilities and accommodation buildings are proposed, concluding that the alluvial soils would be appropriate for the type of wastewater land application systems proposed.
- 5.20. Mr Dakers concluded that he saw “*...no obstacles in being able to achieve development requirements set out in AS/NZS1547:2000*” and no difficulty meeting the draft conditions of discharge consents volunteered by the applicant.
- 5.21. We accept that with a site of this size and the ground conditions described by Mr Dakers there would be no difficulty designing effective wastewater treatment and disposal systems. The performance of these systems should however be monitored, and in consultation with Council officers the applicant has volunteered a comprehensive set of conditions to ensure proper operation and maintenance of the wastewater treatment systems so as to make the possibility of any significant adverse environmental effects very low.
- 5.22. Ms Elizabeth Hegarty, the Development Manager of the Nelson Regional Economic Development Agency presented a short statement in support of the application. She summarised the results of an analysis of the proposed motorsport park economic effects, based on assumptions about the numbers of local, other New Zealand, and overseas attendees for large and small race meetings. The numbers were impressive, for example participants in a major meeting like the V8 racing competition would spend more than \$450,000 in the region. Ms Hegarty was unable to suggest how much of this would be a net benefit to the economy rather than just spending diverted from other spending possibilities, but even allowing for that, we are in no doubt that the proposed motorsport facilities would have a significant economic benefit.

- 5.23. Mr Matthew Molloy, a public and environmental health consultant, described the proposals for potable water supply. Potable water is to be collected from the roofs of proposed buildings to meet an estimated maximum potable water demand of 50 cubic metres per day. Water issues are discussed under the heading of “Water” below.
- 5.24. Mr Richard Stocker, a consulting engineer specialising in flood and river engineering, described investigations he had undertaken into the potential for flooding within the site. The application site is near the top of the catchment and we are satisfied that flooding would not be an issue.
- 5.25. Mr Eric Davy presented a statement covering various matters relevant to his 42 years experience as a police officer, of which 32 years were as a road policing specialist, most recently within the Tasman Police District. He noted that the Motueka Valley Highway has reverted from being State Highway 61 to a local authority road but in his view “it is of a design and construction that enables safe traffic movement” (the suitability of this road for the traffic anticipated for major events was questioned in some submissions).
- 5.26. Mr Davy described the benefits of a “*one way in and one way out*” access to the site for policing of things such as intoxication and for vehicle fitness checks. He described the likely presence of Police at the entrance as a deterrent. He expressed the view that it would be easier to police a single site than several motorsport sites. Mr Davy also described the powers available to the Liquor Licensing Authority in managing major events. Mr Davy was critical of a condition proposed by Council officers that all drivers leaving the motorsport park would be breathalysed within the application site, suggesting that as better left to the Police. We agree, and note that the condition now volunteered by the applicant in relation to the sale of liquor is simply that:
- “The consent holder shall ensure that whenever liquor is sold within the motorsport park, spectator and visitor management (specifically mitigation against intoxicated drivers) is in strict accordance with the Approved Traffic Management Plan and Event and Noise Management Plan.”*
- 5.27. In answer to our questions, Mr Davy described the arrangements for security that he would expect to be provided at the motorsport park, in conjunction with a likely Police presence especially for major events.
- 5.28. Mr Richard (Dick) Bennison, a farm management consultant and valuer, described the value of the application site as a farming resource. In his opinion the site is not of “high productive value” as defined in Chapter 2 of the Tasman Resource Management Plan, being Class C land in the valley floor and Class F on the valley sides. In answer to a question, Mr Bennison expressed the view that it would be practical to continue grazing most of the site as proposed by the applicants, using movable electric fences.
- 5.29. Mr Roger Estall, a risk management consultant, fire protection engineer and former chairman of the New Zealand Fire Service, presented evidence on the fire risk. This matter is discussed under that heading below.
- 5.30. Dr Philip Wheeler, economist, provided detailed evidence on the likely economic benefits of the proposed developments. Mr McFadden noted that as economic benefit did not appear to be in dispute he had not asked Dr Wheeler to attend the hearing. Dr Wheeler’s statement described his data sources and assumptions, acknowledging that the estimated total of \$27 million investment and corresponding benefits would be staged, and making allowance for the fact that a proportion of benefit may be simply a transfer from another part of the economy. He also appropriately set out a range of values rather than using optimistic assumptions as is sometimes the case in this type of analysis. In summary his

expectation is that the motorsports park would generate, in the first five years of operation, an annual average of 39 FTE (full time equivalent) jobs growing to 47 FTE positions, economic effects from capital investment of some \$59.8 million on an output multiplier basis, and \$49.9 million on a value added basis, and in terms of operations would have an output impact of some \$22.9 million, and a value added impact of \$11.3 million.

- 5.31. As we understand it, these benefits, as net benefits, would depend partly on the state of the regional and national economy over the next few years as well as the rate at which the development was undertaken, but we are satisfied that the proposed motorsport park would have significant positive economic and associated social benefits. In our assessment this is a major factor in favour of consent.

### **Submitters in Support**

- 5.32. Mr John Eales, the President of the Nelson Jaguar Drivers Club, spoke in support of the Club's submission. In his opinion this would be a good site, without the problems that could be expected with some alternative sites. Mr Eales expressed the view that it would bring benefits for Tapawera.
- 5.33. Mr John Gourdie, a life member of the Nelson Drag Racing Association, described the Association's activities and present facilities, and expressed support for a permanent facility where his Association could run more events. The Association presently operates a temporary facility at Motueka airstrip. He indicated that he would expect the Association to have access to grants for construction of a permanent facility.
- 5.34. We were surprised that more of the submitters in support did not attend the hearing. That may have been because the hearing was at Tapawera or it could have been that supporters did not appreciate that the application was vigorously opposed by other submitters. We have considered the submissions in support (and opposition) from those who did not attend, and on reflection the explanations of participation and enthusiasm from motorsports groups that we might have expected are of no great relevance to our decision-making, because if support to build the various proposed facilities is not forthcoming the facilities will not eventuate and we need have no concern about their potential adverse effects.

### **Submitters in Opposition**

- 5.35. Ms Penny Griffith discussed her submission in opposition. She suggested the proposed site was a strange place for a motorsport park because it is distant from the main population centres. In her view the Motueka Valley Highway is too narrow and winding to carry the expected traffic. Ms Griffith questioned the accessibility for emergency services. We will discuss fire risk below, and we note that the applicant company has indicated that arrangements are made at all major events for St Johns ambulance staff to attend.
- 5.36. Ms Griffith (and many other submitters) raised the question of fossil fuel use in motorsports. This is an interesting matter and we would have been interested to hear if there is any data on this. Motorsports obviously use fossil fuels in the vehicles being raced, but we are not sure that this would be particularly significant as a component of the total fuel used by all participants at an event here. Fossil fuels are used for most recreational activities, and the amount used must be roughly in proportion to the distances people travel to their favourite recreational or cultural activity. In any case, the weight we can give to this factor is limited by the fact that motor racing is a legal activity and the purpose of the Act is to enable people and communities to meet their needs. We accept however that the fossil fuel use by competitors and spectators is a valid consideration, and the applicant in this case cannot claim any positive credit for minimising fuel use by proposing a location where travel distances would be minimised. There are of course

reasons for selection of this relatively remote site - see the discussion under the heading of "Noise" below.

- 5.37. Mr and Mrs Stuart and Jo Bryant expanded on their submission. Strictly, we cannot take most of their presentation into account because it ranged beyond the concern about road signage and barriers raised in their filed submission to concerns about the legal intent of the right-of-way, fire safety, stock theft and loss of land through widening of the access. The Bryants' 187 hectare farm adjoins the right-of-way and has a roughly one kilometre frontage to the access route to the site. We accept that they would clearly be affected and it is difficult to envisage that the effects could be anything but negative.
- 5.38. Ms Camilla Owen appeared as counsel for Nelson Forests Limited ("NFL") and the K and J Rowe Family Trust. Most of Ms Owen's submissions related to the four main issues of access, fire danger, noise and water discussed under those headings below and at this point we will just address several other matters Ms Owen raised.
- 5.39. Ms Owen submitted that new activities should "internalise" their adverse effects on existing activities in an area. We accept that this is desirable, but the Act envisages that adverse effects on the environment will be avoided, remedied and mitigated, not just avoided. There are many situations where the benefits of a new activity cannot be achieved without some adverse effects on existing activities. Our task is to assess whether it is appropriate, in the context of the overall purpose of the Act set out in section 5, that some adverse effects of the proposed motorsport park would be mitigated rather than avoided. In his reply Mr McFadden suggested that there was no evidence of any adverse effects, but as discussed below we do not accept that.
- 5.40. Although the issue of access will be discussed under a separate heading below, we can address Ms Owen's submissions about a possible "Grampian" condition here. It had been suggested in the Council officers' report that upgrading of the access route could be required as a condition of consent, even though it would require the agreement of third parties (the Council as roading authority and Nelson Forests Limited), provided it was framed in a "Grampian" or "conditions precedent" form - i.e. that the development could not take place until certain works were done. Such conditions are now reasonably common for major developments like supermarkets that would give rise to the need for traffic signals or other road improvements beyond the application site.
- 5.41. Ms Owen disputed that such a condition could be applied here because to be legally valid a Grampian condition must have a reasonable prospect of being achieved. In her submission here there would be "...*no possibility of the works being undertaken*" because NFL would not agree. There was some discussion at the hearing about whether the Board of NFL and the Chief Executive Officer had in fact indicated that NFL would not cooperate in the event of consent being granted, but even if there had been evidence of that such as a Board resolution, we would not be convinced that there is no possibility of cooperation. NFL is a major company and if it was apparent that the motorsport park was going to proceed anyway, NFL might well decide that it was in the Company's best interest to cooperate in a way that would ensure minimal disruption to the Company's operations. In any case, the condition now volunteered by the applicant (expressed in a Grampian form: "*prior to the commencement...*") only requires the sort of works within the right-of-way section of the access which the applicant believes it can undertake without any approval from NFL.
- 5.42. Similarly, we reject Ms Owen's argument that it would be "...*futile to grant consent because it will be impossible to exercise it.*"

- 5.43. Ms Owen was critical of the amount of detail provided in the application and expert evidence and was particularly critical of the proposed reliance on management plans and what has been called “adaptive management”. We reject her argument that the application is deficient in an “AFFCO sense”. The situation in that case (AFFCO NZ Ltd v Far North District Council (1974)) was that the Court found that the application had so little information it was not really an application at all. That is not the case here.
- 5.44. We have however carefully considered her submissions on adaptive management. We accept that it is always better to prescribe what is permitted rather than rely on management plans, and we appreciate that management plans cannot be used to delegate a discretion to council officers or others. That does not appear to be the intention here, however we have replaced the word “approval” with “certification” in a number of conditions to make that clearer.
- 5.45. In our assessment the intention of the Operations Plan and other management plans is primarily to require the applicant to set out information and protocols in writing and consult with relevant agencies such as the Waimea Rural Fire Authority. We accept Mr Quickfall’s argument that there is a need for protocols that will evolve with experience so cannot be finalised now. Importantly however, these plans will only deal with details within the framework of the consented activities. We acknowledge that the layout of the motorsport park indicated in the application is somewhat diagrammatic. This might not be appropriate in some situations but here the site is surrounded by forestry and farmland so the details of the layout are not as important as some prescribed parameters such as the width of boundary firebreaks. We can see some potential for argument if consultation does not lead to agreement and the certifying council officer does not accept that certain proposed provisions represent good practice, but the only alternative would be to require that these plans are provided prior to the consents being granted, which is impossible given the statutory timeframes we have to work to.
- 5.46. There are two elements of the proposal which we do however accept have not been described and analysed sufficiently by the applicant. One is the proposed lake. As discussed under separate heading below we have concerns about the possible effects of this on downstream water quality and quantity. It may well be that these concerns could be met, but at present we consider that we have to delete the main lake from the development we are going to consent. Similarly the airstrip. Apart from a brief description in the application we have no information about the effects of this, for example whether flight-paths would be over the Rowes’ homestead. We appreciate that safety aspects would be dealt with by the Civil Aviation Authority through the processing of a licence, but at this stage we question whether we have sufficient information to grant consent for this element of the proposal.
- 5.47. Ms Owen was critical of the uncertainties about staging and timing of the various elements of the motorsports park proposal. We accept this may be inconvenient for NFL when planning the Company’s forestry activities but in resource management terms the more important issue is that the conditions require things such as the main road intersection upgrading prior to major events being held, whenever that may be.
- 5.48. Ms Owen was critical of the suggestion in the Officer’s Report and the applicants’ evidence that a lapse date for the land use consent should be set at more than the five year normal period under section 125 of the Act. Although the application did not mention lapse dates, the applicant now proposes that the lapse dates for the activities set out in Schedule 3 forming part of the conditions would be ten years for “stage one” activities and twenty years for “stage two” activities. Ms Owen contended that this would have the effect of “planning blight” although she accepted that a short (normal) lapse period for stage one activities would partly address this.

- 5.49. It is unusual to seek a lapse period of twenty years, but in this case we see no difficulty in providing for what is mainly a list of non-motorsport activities to be developed quite some time after the main activities. This is not a situation where the surrounding land uses are likely to change over the next twenty years. We have considered whether we ought to require that at least some activities are established within the normal five years lapsing period, given Mr Adcock's expressed confidence that some development will take place quite quickly. It could be difficult for the applicant to specify which facilities will be built within the next five years however, given that this requires coordination with various motorsport organisations, so we are reluctant to attempt to specify a group of activities with a lapsing period of only five years. In the particular circumstances, while acknowledging that a ten year lapsing period could create some inconvenience for NFL's planning of forestry activities if nothing takes place for several years, we consider it is reasonable to allow the applicant up to ten years to establish the "stage one" activities. If any of these are not established within 10 years, a consent process will automatically be required (an application for an extension of the lapse date under section 125 or a fresh consent application for that element), allowing re-evaluation in the light of any changed circumstances.
- 5.50. Ms Owen submitted that the proposal "... will create both cross boundary and reverse sensitivity effects..." Various potential or likely cross boundary effects are discussed under various headings below. The term "reverse sensitivity" refers to the potential for a sensitive activity to hinder the activities of nearby land uses which adversely affect the sensitive land use through mechanisms such as complaints. There are numerous examples of this and it is good planning practice to avoid these situations by preventing sensitive land uses from establishing in localities where there are existing activities generating adverse effects such as noise, dust etc.
- 5.51. We are not persuaded that this is a situation of that type. We see no potential for any complaints from the applicant company or anyone involved in the proposed motorsport activities about the Rowe family farming operations to the north, and the NFL forests provide an attractive backdrop to the valley. Forestry harvest operations would create noise and heavy vehicle traffic but it is hard to envisage that the operators, participants, or spectators at the motorsport park could have any reasonable cause for complaint, and certainly no avenue for a complaint to lead to any legal impediment to NFL's operations.
- 5.52. That is not to say that the motorsport park and forestry are entirely compatible neighbours - we accept Ms Owen's point that there could be a danger from falling trees during harvesting if anyone strayed into an area where felling was being undertaken, and there is the known potential for debris flows from recently harvested areas. Potentials like this would have to be taken into account by both NFL and the operators of the motorsport park and we accept that they weigh against consent.
- 5.53. Ms Kristina Muller appeared as counsel (Crown Law Office) for Land Information New Zealand (LINZ). She provided information and interpretation of the legal implications of the proposed use of the right-of-way section of the access route. This is discussed under the heading of "Access" below.
- 5.54. Mrs Judith Rowe expanded on the concerns raised in the submission lodged by the K and J Rowe Family Trust. She and her husband bought the 400 hectare property adjoining the application site to the north in 2008. They expected peace and quiet and privacy. The issues of noise and fire danger will be discussed under those headings below.

- 5.55. Mrs Rowe discussed a concern about pollution from hydrocarbons leaching to the water table. We acknowledge that this is a possibility, and greater volumes of hydrocarbons and other chemicals would be present on the site than could be expected for forestry and farming land uses. The conditions to be attached to consent RM100872 - Storage of Hazardous Substances are designed to minimise this risk however and include a requirement for spill containment systems, signage, an Emergency and Spill Contingency Plan, and for ground water monitoring bores. These are all standard measures and in our assessment reduce the risk of groundwater contamination to an acceptable level.
- 5.56. Looking at the wider issue of water quality generally, we note that stock grazing on the application site currently have access to the Stanley Brook. The proposal is that with development of the motorsport park stock would be fenced off from the waterway, as is good practice.
- 5.57. Mrs Rowe expressed concern over the potential for dust to be carried by wind from the application site to her property. A standard condition is to be imposed on the land use consent controlling dust (and odour) at dwellings. This does not address dust or odours that might reach the part of the Rowe property between the boundary and the dwelling, but some dust and odour could be expected from neighbouring properties with normal farming operations, i.e. it is part of the "permitted baseline".
- 5.58. We accept that even if all the various effects of the motorsport park identified by the Rowses as having potential to detract from the rural amenities of the valley are mitigated to reasonable levels, there remains an overall detrimental effect just from the presence of the motorsport park. Even if the activities could not readily be seen, heard, or detected in any other way, the existence of an unwanted neighbour would undermine the Rowses' enjoyment of their property.
- 5.59. Ms Victoria Davis gave us a lively explanation of why she is against motorsports. In her view the proposed facilities would perpetuate "*hoon behaviour*" and encourage "*petrolheads*". This theme comes through in quite a few submissions in opposition. Although the purpose of the Act is very broad, we have to be careful not to view that purpose through the lens of our opinion, or anyone else's opinion, about what land use activities are socially worthwhile. Motor racing, of all the various types proposed for this site, is a legal activity.
- 5.60. Ms Davis also raised concern about the possibility of ratepayer funds being used to support the proposed facilities. While that may be a perfectly reasonable stance, as we understand it this is not a matter that we can take into account under the Act.
- 5.61. Ms Wanda Shaw told us about her experiences living in Templeton, near Ruapuna Raceway, just outside Christchurch. We are well aware of the longstanding noise issues associated with Ruapuna Raceway and consider those problems illustrate the need to find a remote site such as the Upper Stanley Brook Valley for motorsports activities.
- 5.62. Ms Shaw described the bad behaviour of some patrons of Ruapuna Raceway in the surrounding area. We do not question her evidence, but we do wonder whether such antisocial behaviour is necessarily caused by attending motor racing events. Perhaps those people would behave badly whatever event they attended? We can believe that there may be a correlation between attendance at a motor racing event and overexcited driving on the way home. The evidence of Mr Eric Davy - formerly officer in charge of the local Road Policing Staff Division - was that there would be a strong Police presence on the main road after major events so we are not persuaded that the possibility of bad driving behaviour by visitors to the motorsport park is a major factor against approval.



- 5.63. Mr Tony Hewitt gave evidence as a consulting hydrologist on behalf of the Rowe Family Trust. His evidence related to supply and demand for water for the proposed facilities, and is discussed under that heading below.
- 5.64. Mr Doug Ashford, Deputy Principal Rural Fire Officer, gave evidence on behalf of NFL. This related to fire danger, which is discussed under that heading below.
- 5.65. Mr Andrew Karalus, Estate Value Manager for NFL also gave evidence relating to fire danger. In addition he commented on the general issue of likely problems with motorsport park patrons straying into NFL forests. In response to a question he noted that there are costs and difficulties in keeping people out with locked gates. We accept that, but farmers commonly resort to locking gates when they have difficulties with trespassers and we do not think it would be a great imposition on NFL to install and manage locked gates on the few forestry roads leading out of the valley and the forestry roads coming off the access route. It will be in the interests of the motorsport park management to confine traffic to intended routes as well, so cooperation and cost sharing could be anticipated. In the case of legal roads, which cannot be blocked, there is no obligation to maintain them on the legal road alignment in a form suitable for private vehicles.
- 5.66. Ms Heather Arnold, a forestry planner with NFL, gave evidence about NFL operations in this area and the adverse effects she envisaged arising from the motorsport park operation.
- 5.67. Mr McFadden in his reply was critical of the NFL employees, whose evidence he submitted was more in the nature of advocating for NFL rather than providing professional evidence. We have to agree there was an element of that in the statements of Mr Karalus and Ms Arnold - neither appeared to have turned their minds to how the adverse effects described could be mitigated, as clearly they could be to a greater or lesser extent.
- 5.68. Ms Jane Hilson, a qualified planner, gave evidence on behalf of NFL. Much of her statement addressed the four main issues that we will discuss under separate headings below but she also provided a detailed critique of the draft conditions put forward by the applicant and the reporting officers, and she provided an assessment of relevant objectives and policies in the Tasman Resource Management Plan.
- 5.69. In relation to Ms Hilson's concerns for reverse sensitivity and cross-boundary effects, we repeat that while we accept that the proposed activities would have adverse effects on both NFL and the Rowes, it does not follow as she implied that this means that consent must be refused. Those adverse effects just have to be evaluated and taken into account, along with positive effects of the development, in coming to an overall conclusion on whether consent would meet the stated purpose of the Act.
- 5.70. Ms Hilson expressed concern that the proposal represented "...a large commercial development" but we do not see that land use classification as particularly significant, given that it has the status of a discretionary activity and is thus anticipated by the Tasman Resource Management Plan.
- 5.71. We accept Ms Hilson's criticism of the application as lacking detail in some respects. The question though is whether those details are important in the context of determining likely adverse effects where a site has a single access route and is uniformly surrounded by forestry and at one end, a farm. Ms Hilson suggested "*the fact that so many management plans are required highlights the sensitivities of the application site.*" In our assessment the application site (and surrounding land) are not particularly sensitive to the inevitable, although mitigated, adverse effects of the proposed activity. As noted above in our discussion of Ms Owen's submissions, we see the management plans as primarily to

ensure that development details and operating protocols are recorded and discussed with relevant agencies, rather than as a mechanism to constrain the scope of the application.

- 5.72. We have reviewed Ms Hilson's and Mr Quickfall's somewhat different positions on the relevant objectives and policies in the Tasman Resource Management Plan. As is the case with most plans, these are mostly framed in general terms, giving scope for different opinions about relevance. For example, the intentions for the maintenance of rural character and productive use of rural land would not be promoted by development of this site for a motorsport park, but in our assessment not much weight can be given to that because the plan anticipates that a range of commercial activities will be accommodated in the Rural 2 Zone as discretionary activities. Objectives 7.2.2 and 7.4.2, and Policies 7.2.3.1 and 7.4.3.1 envisage that a range of activities other than soil-based production will locate in rural areas "*in restricted locations*". In our assessment the application site is one of those "*restricted locations*" where a motorsport park is acceptable.
- 5.73. Ms Hilson raised the question of whether consent in this case would create an unfortunate precedent. She accepted Mr Quickfall's view that the facilities would be a regional "one-off" but suggested that the precedent would extend to other activities such as residences near forestry. We have difficulty with that because while other activities could well have potential to impact on surrounding forestry operations in various ways, those effects and the site circumstances are unlikely to be the same as those we are considering. If however they were very similar, and the proposed activity could demonstrate a similar need for a remote site, then we consider any precedent set with this application would not be a bad thing. It has to be remembered though that the potential for discretionary activities to set any sort of precedent is limited. The most that can be said is that consent in this case might influence the way a future similar application was treated, as a matter of administrative fairness.
- 5.74. Mrs Rowe spoke again as Chairperson of the Stanley Brook and Tapawera Valley Residents' Society Incorporated. The submission was lodged in the name of 16 individuals but indicated that they were in the process of forming an incorporated society so we have no difficulty substituting the society as the submitter. Mrs Rowe's statement explained the background to the society and noted their concerns are for the four main issues we will discuss under separate headings below, and for the devaluation of property.
- 5.75. It is normal to regard effects on property valuations as just a measure of actual effects (positive or negative) so it is better to analyse those effects directly. Taking into account effects on property valuations as well as actual effects is regarded as double counting.
- 5.76. Mrs Rowe indicated that a major concern was that the project was advertised as a community project when it in fact is promoted by two individuals. We do not see any resource management significance in whether the project is promoted by individuals, a company, or some other entity - the issue is whether it would allow "*people and communities*" to meet their needs (section 5 of the Act).
- 5.77. We were interested in the concern that: "*Tapawera used to be a much bigger thriving community when the forestry was here and people want to see a return to better employment and livelihood options here.*" The motorsport park would create employment in the Tapawera area as noted by some submitters in support.
- 5.78. Ms Jo Leyland presented a comprehensive submission, noting that she has planning and road safety qualifications and experience. She referred to an academic study "Fast and Furious M3: Illegal Street Racing, Sensation Seeking and Risky Driving Behaviours in New Zealand" by Warn, J., Tranter, P., and Kingham, S. This study had been tabled as

part of Mrs Rowe's evidence. Normally tabled documents - often things people have found on the internet - are not of much assistance to us in these hearings. In fact there is legal danger in having regard to things which are not strictly evidence. In this case however Ms Leyland has the appropriate expertise to interpret the study, and it appears to be part of the basis for her belief that:

*"...it is apparent that there will be road safety issues on the routes that motorsport enthusiasts will use to reach/depart the motorsport park..."*

- 5.79. The study outlines correlations found between types of involvement in motor racing and types of driving attitudes and behaviour. Correlation is not the same thing as causation however and we have to be careful about assuming that this motorsport park would necessarily lead to antisocial attitudes and behaviours in people who otherwise behave normally, or would exacerbate antisocial behaviour by people who already have that propensity.
- 5.80. We are also conscious, as noted earlier, that all of the various types of motorsports proposed are legal activities and are already being undertaken at other locations. Accepting that some people involved in motorsports will have these attitudes and behaviours (a higher proportion perhaps than in the participants in some other activities), the real question is whether concentration and probably expansion of these motorsport activities on this site would have greater adverse consequences than the present situation, including the activities of people who undertake racing-type activities on public roads who might be diverted to proper, safer facilities. We really have no evidence on these things.
- 5.81. Ms Leyland expressed concern for the consequences of the consumption of liquor at the motorsport park, suggesting that a condition of consent should be imposed requiring a liquor ban except when a liquor licence is granted. Our understanding is that the intention is that a liquor licence permitting the sale of alcohol at the motorsports park during events will be sought. That is regulated by other legislation. We are not persuaded that it would be appropriate or practical to impose a liquor ban for other times - small public events or practice days. Mr Adcock indicated that the consumption of alcohol by competitors is prohibited under the various motorsport groups' codes.
- 5.82. Ms Leyland questioned the viability of proposed operational arrangements for the motorsport park, in particular the applicant's stated intention to offer the Head Lease to the Tasman District and Nelson City Councils. As she pointed out, there is no indication that either Council is interested in taking up this Head Lease, but we are not sure she is right in saying this is *"...a matter fundamental to the success of the facility."* As we understand it, the applicant company has a model for the operation, funding and progressive development of the motorsport park but we see no reason to believe that is the only feasible model. In any case, the success or otherwise of the project is not our concern. If the motorsport park is not able to be established, for whatever reason, the potential adverse effects of concern to submitters will not eventuate.
- 5.83. Ms Leyland, and several other submitters, also raised the question of the sustainability of the leisure use of fossil fuels. We see some strength in this argument, although as already mentioned above we would expect the amount of fuel used by spectators travelling to and from the venue would far exceed the amount of fuel used by the racing vehicles themselves. To that extent, the motorsport park is just like any other recreational destination. Mr Adcock, or it may have been Mr Quickfall, commented that bus services are planned for event days. Such services would address several of the concerns of submitters.

- 5.84. Ms Heather Spence expressed the view that there would be no benefits to the local area. We do not accept that. The evidence was that the motorsport park would generate both permanent and part time direct employment, and local people will be in a strong position to compete for those positions because they would have less travel time and cost.
- 5.85. Mrs Leyland also spoke on behalf of a submission from Livestock Incorporated Limited which asserted that the application site is “prime agricultural land.” The applicant’s farm management consultant, Mr Richard Bennison, addressed this in a rebuttal statement, concluding that the site is “...*more akin to rough extensive grazing land.*” That was our impression on visiting the property too.
- 5.86. The submission also suggested that a motor racing park in a rural area would be contrary to the “100% pure” branding of New Zealand. We can see some force in that argument, but the brand slogan cannot mean really that New Zealand is just one big farm. Apart from urban areas there are a whole range of non-farming activities that have to take place and these do nothing for the “100% pure” brand.
- 5.87. Mr David McQueen and Ms Loes Reitsma expanded on the concerns in their submission. Mr McQueen is a soil management consultant and Ms Reitsma has qualifications in forestry and botany. They live and farm (mainly nut orchards) a smallholding at the corner of Olivers Road and the Motueka Highway. They expressed concerns about traffic safety at the intersection, dust, noise, security, safety and general rural amenity.
- 5.88. We are satisfied that the major upgrading of the intersection, including removal of the “hump” on the south side and other improvements to increase visibility, will result in an intersection capable of handling the considerable peak traffic volumes expected. We accept however that the greatly increased use of the intersection and Olivers Road would undermine the rural amenities of their property and although unlimited use of legal roads is a permitted activity we can still take the effect into account as a consequence of the proposal.
- 5.89. The submitters have a particular concern about dust affecting their olives and other crops. The conditions we are imposing on the land use consent require dust suppression (watering) of Olivers Road before and during any motorsport event, traffic counts at peak times and sealing of Olivers Road when these counts reach an average of 200 vehicles per day (100 in, 100 out) over a four-week period. In our assessment that reasonably addresses the dust concern, particularly bearing in mind that there are many unsealed rural roads in the District where adjoining owners can expect no dust suppression.
- 5.90. Ms Diana Lunn provided a spirited explanation of her opposition, suggesting the motorsports park would lead to the “*howl and revving of motorbikes, the roar of super-charged cars and the smell of burnt fuel and rubber drifting over the river with the wind.*” It is totally understandable that she and other submitters who anticipate such effects in Tapawera are opposed to the development. The expert evidence was that the sound of the motorsports activities would not normally be even discernible at Tapawera, and although there was no specific evidence about smell, we find it difficult to believe that any odour would reach Tapawera.
- 5.91. Ms Fay Baker, a resident of Woodstock, down the valley from Tapawera, expressed the view that the additional traffic would increase the existing problem of crashes at Woodstock. We accept that generally increased traffic will lead to more road accidents but this is not a reason to constrain all economic and other activities leading to travel to present levels of activity.

- 5.92. Mr Steven Udy and Ms Janet Blount discussed their concerns about potential effects on Stanley Brook and the Stanley Brook community. The water issues are discussed under that heading below. While we acknowledge the historic significance of the Stanley Brook locality and the remaining buildings, we fail to see how the motorsport park would have any adverse effect on them.
- 5.93. Mr Mike Drake raised the issues of noise (discussed below) and traffic conflict with cyclists. As already discussed, we accept that increased traffic can be expected to lead to more accidents, including potential accidents involving cyclists. The question though is whether allowing an activity that would increase traffic on these particular roads would be any different from the situation if the activity was established elsewhere. We have no evidence that there is a particular problem with the roads involved, and in relation to cyclists we would expect there to be fewer cyclists in this area than nearer the main centres.
- 5.94. Mr Mark Chisnall, the previous owner of the application site, spoke about access, water and fire danger - all addressed under those headings below. He also raised concern about the likelihood of trespass from the application site onto neighbouring properties. We can see that this could well be a problem that would need to be addressed. The application site is already physically open to the public so the problem may already exist to some extent but we can envisage the need for things like signage, locked gates and security patrols if casual trespass onto neighbouring properties becomes a problem. One of the volunteered conditions is that there will be a security fence around the perimeter of the motorsport park.
- 5.95. Mr Robbie Reynolds expanded on the concerns raised in a submission by Toka Farms Limited. The property concerned is on the Tapawera side of the ridge but borders "Cemetery Road", which had been mentioned as part of a feasible alternative access route for the motorsport park. Mr Reynolds explained why in his view that is not the case. There is no need for us to come to a view on that because as noted earlier, if access is not available the project will not proceed and the adverse effects of concern to submitters will not eventuate. The concerns he raised about noise and water are addressed under those headings below.
- 5.96. Mr Roger Carleton, who has lived in the area for 53 years, explained his concerns about noise and water (discussed below) and possible problems with dogs. Dogs are a potential danger at motorsports activities and the applicant has volunteered a condition on the land use consent:  
*"No dogs to be admitted to the Motorsport Park during any event when vehicles are active, save for working dogs and guide dogs."*
- 5.97. We also received four written statements at the hearing, tabled by parties who had previously filed written submissions. They were from Mr Graeme Smith, Mr A J Bell, Mr Maurice Taylor, and the Nelson Marlborough District Health Board (DHB). The individuals all emphasised points for and against the proposal make by others as discussed above. The Nelson Marlborough DHB (Public Health Service) recorded that after discussions with the applicant's representatives, it had been agreed that the DHB would be consulted about certain aspects of the proposed management plans. This appears to have been carried through into the conditions now volunteered by the applicant.
- 5.98. The day after the hearing finished another submitter, Mr Colin Ball contacted Mr Butler saying that he had come to the hearing on the last day hoping to speak in support of the application, but had to get back to his business (Tapawera camping ground) before there was the opportunity. His email emphasised the benefit of the motorsport park in

generating local employment. We resolved to receive Mr Ball's email as if it had been presented the day before.

### **Council Reporting Officers' Reports and Evidence**

- 5.99. As is normal practice, after hearing from the applicant and the submitters we invited the reporting officers to comment on the cases presented and to add any further advice to supplement their pre-circulated reports.
- 5.100. Mr Mike Mackiggan noted that in preparing his report (with Mr Jack Andrew) he did consult the Tasman District Council's hydrologist and ecologist.
- 5.101. Mr Dugald Ley, the Council's Development Engineer, commented on the access proposals. He noted that the proposed reduction in the carriageway width of the access route between the end of Olivers Road and the application site from the 6.0 metres proposed in the application to the 4.5 metres now proposed would still meet the Council's standard for this type of situation.
- 5.102. Mr Ley expressed the view that any potential issue about queuing back to the main road could be resolved by locating the ticket booths on the application site.
- 5.103. Mr Ley indicated that he preferred the traffic counting requirements in draft condition 5(c) in the officers' report to a revised condition tabled by Mr Quickfall at the hearing and forming part of the conditions now volunteered by the applicant. The difference is that the traffic counting condition recommended by the officers required counts "*over the two weekends that are expected to be the busiest in the year*". The revised condition requires counts "*over a total of four weeks inclusive of the two weekends that are expected to be the busiest in the year.*" Subsequent condition 6 requires sealing of Olivers road when these counts show the average daily traffic has reached 700 vehicles per day (staff recommended condition) or an average of 200 vehicles per day (applicant's revised condition). The latter is likely to be a less stringent condition but we consider it is reasonable to average the counts over more than the peak four days, particularly as it is coupled with a condition requiring dust suppression (condition 5(b)) until the road is sealed. The threshold will be reached long before the motorsport park is fully developed.
- 5.104. Mr Ley noted, in response to a concern from a submitter that there will be ample room to provide for a place for the school bus to stop following improvements to the Olivers Road/Motueka Highway intersection.
- 5.105. Mr Graham Caradus, the Council's Co-ordinator Environmental Health, made several points. He noted that solar power would suffice for water treatment equipment, in response to a suggestion that the site might not be served by power lines from outside. Mr Caradus noted that the issuing of special liquor licences for events or a permanent licence would involve a public process. He emphasised that noise emissions can be monitored and enforced, particularly noise generated by advertised events.
- 5.106. Mr Caradus noted that any camping on the site would be controlled by the Camping Grounds Regulations 1985. Also in relation to noise, Mr Caradus indicated that in his opinion a gravel crusher on the site would meet the noise standards. He stated that the Council would monitor noise occasionally, and in response to any complaints.
- 5.107. Mr Jack Andrew, an experienced planner who wrote the land use application report with Mr Mackiggan, discussed the issue of the level of detail in the application. In his opinion the layout Structure Plan and proposed management plans provide a reasonable level of certainty about what could happen on the site. The timing of the various elements of the

development are inevitably uncertain because they are partly out the control of the applicant (depending on the various motorsport groups), but that is a separate issue from the level of certainty about what could happen if consent is granted. Mr Andrew traversed the four main issues that emerged during the hearing (access, fire, noise and water), and expressed the view that the proposed activity needs an isolated site, and in the Tasman District these usually are in or adjoining forests. The alternative site suggested by some submitters of the former Golden Downs headquarters is also surrounded by forest.

- 5.108. Mr Mike Mackiggan then addressed some water issues, noting that there would be potential for contamination of the lakes from stormwater or spills. His reading of the TRMP is that the earthworks to form the proposed lakes would require consent as a restricted discretionary activity because they would be carried out within a floodplain. They would not be classified as “quarrying”. In his view evaporation from the lakes should not be considered to be a consumptive use. He noted that the permitted baseline land use of forestry would also take water from the valley system, while conversely removal of the 60 hectares of pines on the application site would increase the volume of water passing through the site.

### **Applicant’s Written Reply**

- 5.109. Counsel for the applicant, Mr McFadden, filed a comprehensive reply. We have addressed some of his points above at convenient places, and will address others under the main issue headings below. He was critical of Nelson Forests Limited’s approach which he characterised as an attempt to persuade us that NFL could “veto” the proposal.
- 5.110. Mr McFadden suggested that if we were concerned about the possibility of NFL frustrating a consent by not allowing the volunteered works on the right-of-way, we could simply not impose the condition requiring those works. We consider the better approach is to determine what we think needs to be done to the right-of-way section and require that, in the knowledge that in the event that the condition could not be met the consent holder could apply under section 127 of the Act to delete or amend the condition, with an alternative proposal.
- 5.111. Mr McFadden reminded us of the benefits of the proposal and presented a revised set of volunteered conditions.

## **6. PRINCIPAL ISSUES AND OUR MAIN FINDINGS**

- 6.1. In Section 5 above we have provided our findings and commentary on a range of issues raised by the parties through the course of the hearing. In this section we address what we consider to be the four most significant and pivotal issues: access, fire, noise and water. We revisit the evidence presented and state our findings on these issues.

### **Access**

- 6.2. Vehicle access to the application site would be via the 4.9 kilometre legal access to the site from the Motueka Valley Highway. The first 630 metres from the Highway is legal road (Olivers Road). The formed and metalled access route then climbs steadily over the ridge passing mostly through Crown land leased to Nelson Forests Ltd (NFL), but in places it is formed partly or wholly within legal road (Rabbit Gully Road, which extends from the ridge down to the application site). This route provides the only formed legal access to the application site. A farm track continues through the application site to the Rowe property to the north but we understand there is no legal access over that property. The proposed access route is presently used to gain access to the application site for farming purposes and by NFL for forestry operations.

- 6.3. The application as notified proposed major upgrading of this access route, ultimately to a two lane sealed road all the way from the Motueka Valley Highway to the application site. We understand from Mr Ley's report that Council officers are comfortable with the proposals for upgrading the legal section of Olivers Road as proposed and improving the intersection with the Motueka Valley Highway, including removal of a "hump" on the Highway just to the south of the intersection. As discussed earlier, there is dispute over what should be the "trigger" level of traffic associated with the motorsport park that would trigger the obligation for the applicant to make these improvements.
- 6.4. There is no agreement with NFL about proposed upgrading of the rest of the route however, and in fact NFL strongly opposes the use of this route by motorsport park traffic and therefore opposes the application in total.
- 6.5. In the face of this opposition, and given that the applicant company only has restricted rights to what was referred to as the "right-of-way", the applicant now proposes a much more limited upgrading of that section of the access route.
- 6.6. There is no doubt that vehicle access is essential for the motorsport park. NFL contends that the applicant's rights to the right-of-way are so constrained that NFL could effectively "veto" the development. Counsel for the applicant argued that this is not the case, and although NFL could make operation of the motorsport park more difficult, it is practical to use the access route proposed.
- 6.7. There was considerable discussion at the hearing about the terms and legal effect of the deed granting the easement of right-of-way to the applicant company by the Crown on 17 March 2000. Both Ms Owen and Mr McFadden made submissions on this and we also had the benefit of submissions from Ms Christina Muller, counsel from the Crown Law Office on behalf of Land Information New Zealand (LINZ), administrator of Crown Forest Land and a submitter in opposition. The position of LINZ is that the motorsport park would have adverse traffic and fire risk effects.
- 6.8. We have not found it necessary to come to a view on these opposing submissions. The issues for us are the resource management effects of use of this route, not the nature of the property rights.
- 6.9. For example, it is not our role to try to determine what clause 3.5 of the Deed, requiring the applicant company to "*not obstruct or hamper the Grantor*" (effectively NFL) means, but we are concerned about what the practical effect of the proposed greatly increased use of the right-of-way by the applicant would be for NFL.
- 6.10. As noted above, we do not accept the argument that the fact that the motorsport park would be a new activity potentially adversely affecting an established activity is necessarily of much relevance. The existing forest is of course a substantial existing resource while the motorsport park is not existing, but the application site is a resource with more than farming and forestry potential - it is also suitable for a motorsport park.
- 6.11. Ms Owen submitted that use of this route by motorsport park traffic would impose "*significant operational constraints*" on NFL, and noted that this is a "*key route*" for forestry operations. Ms Arnold, NFL's forestry planner, provided a map showing forest areas that are to be harvested via Olivers Road. We are in no doubt that the whole of the proposed motorsport park access route will be used by significant numbers of logging trucks in coming years, plus traffic associated with other forestry operations.



- 6.12. We accept that it would be inconvenient, and potentially dangerous, for NFL to have to share this access route to a much greater extent than at present but we are not convinced that these adverse effects could not be significantly mitigated by cooperation and planning. For example, Ms Arnold mentioned that forestry operations do not normally take place on Sundays, but Sundays are likely to be one of the main days for motorsport activities. NFL is a major company and it can reasonably be anticipated that it would behave rationally. While the company might be less than cooperative in the early stages of development of the motorsport park, once the motorsport park was well established and clearly there to stay, we cannot see any commercial reason for NFL to not cooperate with the applicant to minimise conflicts for the benefit of both parties. We would not expect NFL, as a rational business, to prevent the applicant from forming the route (at the applicant's cost) to a two lane standard because this would be a benefit to NFL traffic, although as discussed below we have not assumed that and have considered whether the motorsport park could operate safely with one way sections of access route.
- 6.13. Both the applicant's traffic engineer Mr Petrie and the Council's development engineer, Mr Ley, indicated that satisfactory access could be provided without the level of upgrading of the right-of-way section proposed in the application, if this was prevented by NFL. This is a separate issue from the need for improvements at the intersection with the Motueka Valley Highway which are needed for safety as well as efficiency, and the need to seal the legal length of Olivers Road at some point because of the dust nuisance for the neighbours.
- 6.14. Mr Petrie stated in his rebuttal evidence that if the improvements to the access proposed in the application could not be carried out
- "...then satisfactory access could be made available making use of the existing formation within the line of the right-of-way, provided the following measures were taken:*
- *trimming of foliage (not forest produce) within the ROW;*
  - *providing sufficient pull-over area at intervals as needed along the relevant section of the ROW (which is the section from the end of Olivers Road to the first skid site, a distance of approximately a kilometre;*
  - *re-gravelling; and*
  - *for motorsport events generating more than 300vpd (vehicles per day), having a traffic management plan in place which limits traffic over the relevant section of ROW to one-way during such events, such as with actively managed time intervals appropriate to the traffic at the time, for each direction of travel, controlled at each end by Stop-Go paddles with the operators in contact with each other by radio telephone."*
- 6.15. Mr Petrie indicated however that:
- "...the ideal situation would be for two-way traffic throughout..."*
- Mr Petrie also indicated that dust could be controlled using a water-cart, noting that water-carts are used during road works on much busier roads than this.
- 6.16. There was no expert evidence questioning Mr Petrie's opinion that the motorsport park could operate if necessary without the substantial upgrading of the access route proposed in the application.

- 6.17. In summary, we accept that use of the proposed access route by motorsport park traffic would create inconvenience for NFL, and this is a factor against granting consent. We have found it difficult to evaluate the magnitude of that effect because the NFL submissions and evidence were directed towards stopping the project altogether, rather than considering how these effects could be mitigated through cooperation, but we are not convinced that the adverse effects would be so great as to outweigh the positive economic and social effects of the motorsport park. We are satisfied that the motorsport park could operate safely, although with some inconvenience, if improvements to the access route had to be limited to those listed in Mr Petrie's rebuttal evidence.

## **Fire Risk**

- 6.18. The second major resource management issue raised by the motorsport park proposal is the potential for the activity to increase fire risk. The application site is surrounded by exotic production forest except to the north and it is in an area that can be hot, dry, and windy in summer. As already discussed, access to the site is through production forest.
- 6.19. The potential to increase fire risk was the major concern of Nelson Forests Limited (NFL) and was also raised in 17 other submissions. We are in no doubt that the surrounding forest is a very significant resource, and that any risk from fire to the hugely increased numbers of people visiting the site if the motorsport park is established would be an "effect" in terms of section 3 of the Act, and a central concern in terms of the purpose of the Act set out in section 5.
- 6.20. We can acknowledge at the outset Mr McFadden's point that the Act is not a "no risk" statute. The use and development of resources creates adverse effects and the risk of adverse effects - for example forestry increases the risk of fire affecting adjoining land uses such as roads - the issue is the significance of increased likelihood of fire and the consequences in this particular situation.
- 6.21. We had the benefit of detailed evidence from highly qualified experts in fire risk.
- 6.22. The relevant objectives and policies in the Tasman Resource Management Plan are:
- “Objective 5.5.2  
Reduction of risks to public health and safety, property and the environment, arising from fire and hazardous substances.*
- Policy 5.5.3.1  
To avoid, remedy or mitigate the likely adverse effects on land uses from fire, arising from the location of buildings or flammable vegetation.*
- Policy 7.2.3.5  
To ensure that activities which are not involved or associated with soil-based production do not locate where they may adversely affect or be adversely affected by such activities.”*
- 6.23. Nelson Forests Limited led evidence from Mr Ian Reade, Principal Rural Fire Officer of the Waimea Rural Fire District. Mr Reade was in Australia at the time of the hearing so one of his five Deputy Principal Rural Fire Officers, Mr Doug Ashford who is responsible for the area where the motorsport park is planned, attended the hearing in his place.
- 6.24. Mr Reade's evidence quite properly disclosed that until he took up his present role in September 2011 he was the Chief Operating Officer for Nelson Management Ltd, which is the management company for Nelson Forests Limited. He has extensive qualifications and experience in rural fire management, especially in relation to forestry. Mr Reade's

evidence provided a useful summary of the institutional framework for fire prevention and fire fighting in the Waimea Rural Fire District and the indices used to predict fire risk and fire behaviour.

- 6.25. The Fine Fuel Moisture Content (FFMC) Index is a measure of the moisture content of combustible material six millimetres and under in diameter and is an indicator of how easily a fire will start from a small point source like a match. The Build Up Index (BUI) is a measure of the amount of fuel available to a potential fire so is an indicator of how hard a fire will be to extinguish. The product of these and some other indices such as temperature and wind give the Fire Weather Index (FWI).
- 6.26. Mr Reade provided diagrams showing the number of days when these indices reached critical levels at the application site, as measured at the two nearest weather stations. We note particularly that the Fire Weather Index (FWI) measured at the Dovedale weather station, which Mr Reade considered best represents conditions at the application site, reached “high”, “very high”, or “extreme” levels on 166 days over the last four years.
- 6.27. Mr Reade indicated that the Waimea Rural Fire District Fire Plan prescribes trigger Fire Weather Index levels for restricting access to commercial forests and public walkways using powers under section 32 of the Forest and Rural Fires Act 1977. In our assessment the powers that the Waimea Rural Fire Authority has, and would have in relation to the proposed motorsport park, is an important consideration in assessing the likely effect of the motorsport park on fire risk.
- 6.28. Mr Reade’s evidence discussed three likely causes of a vegetation fire spreading outside the motorsport park: a building fire, a mobile vehicle catching fire, and a vegetation fire starting within the motorsport park. He noted that “... *a sound and practiced fire management plan will lower the risk of fire spread...*” and listed seven elements needed in a Fire Management Plan. All of these are included in the draft Fire Management Plan attached to Mr Quickfall’s evidence, which as Mr Reade acknowledged in his evidence was developed with input from Deputy Principal Rural Fire Officer Doug Ashford.
- 6.29. Mr Reade’s evidence concluded with a discussion of the risk of fires being started by people connected with the motorsport park, making the point that as most fires are started by people and not natural phenomena like lightening, more people will increase the risk of fires being started. We accept that as a generalization, but the likelihood of someone starting a fire (accidentally or on purpose) must depend on other factors such as the level of supervision, as well as simply the number of people at the site. Mr Reade expressed a particular concern for people camping along the forestry roads on the way to or from the motorsport park.
- 6.30. Mr Ashford (Deputy Principal Rural Fire Officer) also has extensive experience in rural fire management in various parts of New Zealand and was able to respond to a number of questions we had about Mr Reade’s evidence, and commented on a number of practical details.
- 6.31. The other witness for Nelson Forests Limited with fire management expertise was Mr Andrew Karalus. Mr Karalus is the Estate Value Manager for Nelson Management Limited, the management company for Nelson Forests Limited. His pre-circulated evidence noted the following provision in the Deed granting the easement of right-of-way through the NFL forest to the application site:

*“3.1 The Grantee and the Secondary Users shall when passing or repassing over the Grantor’s land:*

...

3.1.5 *take all full and proper precautions for guarding against danger (including but without limitation, fire, physical damage or disease)...*

- 6.32. At the time of writing his evidence, Mr Karalus had not seen the draft Fire Management Plan, but in his rebuttal evidence given at the hearing he was critical of the lack of any specific provisions to prevent unauthorised access and illegal camping.
- 6.33. The final paragraph of Mr Karalus's rebuttal evidence summed up his position:
- "... [the applicant's evidence] does not show that the Motorsport Park can be managed in a way that ensures the level of risk is not materially different to that which applies currently."* That may be the objective of NFL, but it may not be a reasonable expectation.
- 6.34. We asked Mr Karalus about the fact that there are forests in the region planted right to the edge of public roads. He indicated that NFL do set back forests when replanting and that it is difficult to control vegetation to create fire breaks. This suggests to us that NFL accepts some risks when the company has forests adjoining public places, trading off risk against cost, but in the view of Mr Karalus (and Miss Arnold) NFL should not have to accept that the right-of-way presents the possibility of substantial numbers of people close to their forest here as well.
- 6.35. In response to the evidence from NFL, rebuttal evidence was presented for the applicant by Mr Roger Estall. Mr Estall is a risk management consultant with over 30 years experience and is a fire protection engineer. At one time he was Chairman of the New Zealand Fire Service Commission which is also the National Rural Fire Authority. He endorsed the draft Fire Management Plan, subject to some suggestions for improvements.
- 6.36. Mr Estall emphasised the value of installing a weather station at the site (as volunteered by the applicant) because it would provide real time temperature, humidity and wind direction data via the internet for use in assessing the fire risk, and predicting fire behaviour in the event of fire.
- 6.37. Mr Estall noted that for a fire to spread beyond the park into the surrounding forest all three of the scenarios Mr Reade had listed would have to occur simultaneously, which in Mr Estall's opinion is very unlikely. He noted for example that vehicle fires would not generate flying embers or brands.
- 6.38. Mr Estall was critical of the assumption that fire ignitions are "*directly relative to the amount and type of human activity.*" In his opinion it is not that simple. The applicant's case, in relation to this and other potential adverse effects of the activity, is that both competitors and spectators at the motorsport park would be closely supervised and regulated.
- 6.39. In response to the factors Mr Karalus had listed as increasing fire risk, Mr Estall stated:
- "...the presence of a risk source does not automatically increase risk. It depends upon whether there are controls and on the actual effect of those controls. Even then, the fact that risk has increased is not in itself significant... it should only be of concern if the increase would mean that the risk exceeds the risk criteria. It is clear to me that the combination of the particulars of the applicant's proposal and their draft FMP means that all of the sources of risk referred to by Mr Karalus have been addressed."*

- 6.40. The difficulty we have had is that none of the expert witnesses really attempted to quantify fire risks that would be created by the motorsport park, or the likely effects of various fire scenarios. To come to a view on this, we have applied our understanding of the various activities proposed on the site, as constrained by the application and the (mainly volunteered) conditions we intend to propose:
- Condition 14 requires dust suppression/dampening down of the right-of-way whenever certain triggers listed in the National Rural Fire Authority's "*fire danger rating system*" exist;
  - Condition 16 requires the consent holder to "cut, mow or crush combustible vegetation (other than trees intended for commercial harvest) across the width of the right-of-way";
  - Condition 17 requires a resident manager;
  - Condition 18 requires a security fence to be installed around the site to prevent unauthorized access to the forest, and a fire break thirty metres in width around the perimeter of the site where it adjoins production forest;
  - Condition 19 requires a minimum dedicated 30,000 litres water supply for fire fighting purposes and Condition 36 requires that any lakes or ponds built shall be of a sufficient depth to allow for helicopter borne monsoon bucket "dipping" in the event of fire;
  - Condition 20 requires a minimum of two ponds designed for "dipping" helicopter monsoon buckets in the event of fire;
  - Condition 21 requires the consent holder to install and maintain a fire weather station for the purpose of monitoring fire weather indices; and
  - Condition 22 requires "No Public Access" signs at the entry to the side roads along the access route.
- 6.41. In relation to the last condition, there was a suggestion from NFL's counsel, Ms Owen, that the applicant would not be entitled to do this because clause 3.7 of the Deed granting the right-of-way states that the Grantee may not "*cut down, pull out, dig up, use, burn, remove or otherwise dispose of any forest produce on the Grantor's Land...*". Ms Owen noted that "forest produce" is defined in the Forest and Rural Fires Act 1977 as including all vegetation. It is not our role to interpret the Deed but it appears to us that clause 3.7 is intended to protect the Grantor's property, whereas the Forest and Rural Fires Act is about preventing fires. The applicant obviously intends to use the entire right-of-way area as a fire break along both sides of the formed access route and it is difficult to see why NFL would want to prevent this, even if clause 3.7 of the Deed gave NFL the power to do so.
- 6.42. In our assessment, while we accept that more people must increase the possibility of someone starting a fire, whether it be in a city street or in a remote rural valley, we are satisfied that the risk of a fire starting and then spreading to the forest is low, not contributing much to the existing fire risk from people and activities in and adjoining production forests in this area.
- 6.43. We appreciate the potential consequences of a major fire, as described by Mr Karalus. Mr Estall's evidence however was that such a scenario would take some time to develop and given that the application site is 350-550 metres wide and we cannot envisage a scenario where both sides of the valley would be immediately burning simultaneously, it is difficult to envisage a situation where (assuming the access route was not safe to use) people on the site could not move to the side of the valley away from the fire and if necessary down the valley to safety. Mrs Rowe indicated that of course the Rowses as owners of the adjoining property down the valley would not hinder such an emergency evacuation.

- 6.44. We are left with one residual concern. Although the potential for people involved in the motorsport park to start fires would be substantially reduced by the supervision within the site and along the right-of-way, the operators of the motorsport park could not readily supervise or control people who might enter the site by other routes or make side trips. In hindsight we should have explored this issue further with some of the witnesses.
- 6.45. There appear to be two kinds of access to the NFL forests besides the proposed access route to the motorsport park: access via legal roads and illegal access via forestry roads that are not legal roads. Both apparently occur already in this area. It seems unlikely that many people associated with the motorsport park would venture far from their vehicles, i.e. combine a visit to the motorsport park with a tramping trip. It is not normally possible to prevent people from taking vehicles on legal roads, and as one of the submitters, Mr Robbie Reynolds pointed out, it is easier nowadays to check whether passable routes are legal roads. However, we find it hard to believe that nothing could be done if illegal access to NFL forests via legal roads by people associated with the motorsports park proved to be a problem.
- 6.46. The applicant company is obviously aware that the Waimea Rural Fire Authority has the power under the Forest and Rural Fires Act 1977 to close areas to certain activities when fire risk reaches defined levels. This provides a powerful commercial incentive for the applicant to cooperate closely with the Rural Fire Authority in finalising the draft Fire Management Plan, and to cooperate on a continuing basis. Rural fire officers would no doubt be invited to inspect fire prevention and fire fighting procedures and equipment and the consent holder will no doubt get valuable feedback from the rural fire officers. It is clear from the evidence that there are objective criteria for defining fire risk and the Rural Fire Authority's knowledge of the actual situation at the application site at any time will be enhanced by the weather station to be installed on the site. The possibility, or more likely probability, that motorsport events will have to be cancelled or postponed by order of the Rural Fire Authority is another commercial risk for the operators of the motorsport park.
- 6.47. There may be some benefit for fire fighting in the surrounding NFL forests through the fire fighting equipment and trained personnel at the application site. In particular, the proposed ponds designed for "dipping" helicopter monsoon buckets must be a benefit. These benefits would be largely offset however by the increased likelihood that, despite all reasonable measures being taken to prevent it, someone associated with the motorsport park could start a fire. We have taken this into account in coming to an overall view that the resource consents should be granted.

## Noise

- 6.48. The issue of potential adverse noise effects of the proposal featured prominently in the Applicant's case and within concerns raised by submitters, and is one of the four major main resource management issues raised by this proposal.
- 6.49. The Applicant stated there is no specifically designed or dedicated sealed racing circuit in the region. Currently, various motorsport groups are spread throughout the region with the drag racing held at the Motueka aerodrome, kart club near the Redwood Valley, motocross held at various locations, restricted stock car club activities at Landsdowne Road, and a number of smaller groups with no actual facilities. The evidence indicated noise problems were experienced with the use of some these existing sites.
- 6.50. As mentioned above in Section 3, the Applicant considered the remoteness of the Stanley Brook site from any noise-sensitive sites as ideal because this allows the region's noisy motorsports to be accommodated in a secluded valley site, remote from noise-sensitive

rural dwellings or residential zones. This was argued by the Applicant as providing positive increased amenity effects elsewhere in the district.

6.51. The activities proposed for the site include the following noise sources;

Motorsport Noise Sources

- Drag strip
- Race cars on main sealed race car circuit & pits area
- Driver training
- Go kart circuit
- Motor-cross track
- Children's motorbikes/quads
- Burnout pad
- Off-road racing, quad bikes and Super Motard bikes
- Rally cars
- Jet skis and wakeboarding on lake

Non-motorised Sources

- Outdoor music concerts

6.52. According to layout plans provided, motorised activities are proposed for the northern part of the site, with non-motorised activities being located on the southern part of the site.

6.53. A key aspect of the application is a sealed racing circuit to cater for various car clubs and racing groups. A drag strip is to be formed providing the circuit with a back straight as the "runout area". There can be little doubt the use of this sealed track and the drag strip will give rise to the most significant levels of noise emission.

6.54. The application included at Appendix D a 2007 noise report undertaken for Ruapuna Raceway in Christchurch which was of held by the Applicant to be of relevance in assessing noise effects of motorsports activities at the Stanley Brook site. However we did not attach significance to these readings as the nature of the motorsport activities undertaken at Ruapuna did not encompass the range of activities proposed for the subject site with quite important differences in the land form (terrain) and surrounding land uses between the two motorsport venues. Notably, drag racing was not incorporated in the Ruapuna Park noise assessment. It is doubtful the Ruapuna report represented a "... *credible proxy for anticipated noise levels from Stanley Brook*" as claimed at Page 52 of the application.

6.55. Mr Malthus, the applicant's noise expert, outlined the results of field measurements of sound levels for a drag car and two rally cars operating on central parts of the site. The measurements confirmed high sound levels in the immediate vicinity of the site, however only moderate to low sound levels were recorded off the site ( $L_{Aeq}$  37 dB near the Rowe dwelling), mainly due to the effects of sound reduction with distance and acoustic screening by the natural terrain. The light northerly breeze experienced at the time may have reduced the noise levels measured at the Rowe residence to the north of the test location(s).

6.56. Mr Malthus also presented the results of acoustic modelling undertaken by Marshall Day Acoustics using their SoundPLAN software for the following activities:

- 1) Drag strip operation
- 2) Motorcross track
- 3) Off road and rally racing (concurrent)

4) Cumulative motorsport noise (all 1 to 3 above, simultaneous)

- 6.57. The sound level diagrams produced from this modelling were for “downwind” conditions under ISO Standard 9613 Part 2, although no specific wind direction was adopted within the modelling. The predictions were for “downwind” in all directions which is considered a reasonable “worst case” situation.
- 6.58. The results of the modelling of total cumulative motorsport noise showed the short term average  $L_{Aeq}$  55 dB contour was largely confined to the Stanley Brook Valley within 1 kilometre of the site<sup>1</sup>. The  $L_{Aeq}$  40 dB contour spread across a wider area but was largely confined to within the valley and did not appear to be located near to the notional boundary of any existing dwelling in the area. Mr Malthus contended this would mean the Rowe residence (one of the closest to the site) would receive sound from motorsport activities at levels that would not exceed the night time noise limits specified in the permitted land use rule for the Rural 2 zone (Rule 17.6.2.1). The nature or character of the sound was not described in the evidence. It would be of interest to know whether Mr Malthus considered the 5 dB “penalty” available under NZS6802:2008 to account for added annoyance due to sounds possessing special audible character would apply in this case.
- 6.59. The evidence of Mr Malthus and the noise contour diagrams clearly demonstrated the vast areas affected by the motorsport noise and yet there are no dwellings or buildings housing noise-sensitive activities likely to receive motorsport noise at levels greater than 30 to 35 dB. This is considered a positive factor in favour of the site and was clearly emphasised in the Applicant’s case as a major reason as for approving these activities on the Stanley Brook site.
- 6.60. It is clear from the evidence that maximum levels of noise ( $L_{Aeq}$  and  $L_{max}$ ) likely to be emitted from the site will be able to comply with the limits governing noise emitted by permitted activities in the Rural 2 zone (Rule 17.6.2.1 (d)). This was also the position of Council’s reporting officer for noise (Mr Caradus). To achieve this noise from the activity needs to stay below  $L_{A10}$  55 dB during the day (Monday to Saturday) and  $L_{A10}$  40 dB and  $L_{max}$  70 dB at night and on Sundays and public holidays. This measurement is taken at the notional boundary of the dwelling (i.e. 20 meters from the house).
- 6.61. It should be noted that the TRMP permits activities that generate that level of noise. It is also worth noting the Rural 2 Zone provisions permits noise from intermittent or temporary rural activities, including agricultural and horticultural machinery, forestry activities, bird scarers and hail cannons without restrictions on noise levels
- 6.62. We were told the noise effects of non-motorised noise sources associated with the activity would be less than the motorsport noise levels described in the evidence and we agree this is likely to be the case given the significant sound sources associated with motorsport activities.
- 6.63. Noise featured prominently within submitters’ concerns, mainly in relation to noise nuisance experienced by non-motorsport fans and nearby neighbours who were generally unequivocal in their expression of negative feelings caused by such sounds. Ms Victoria Davis registered her disapproval of motorsports generally but specifically singled out noise generated by such activities as a priority concern. Ms Wanda Shaw relayed experiences in relation to noise experienced in the vicinity of Ruapuna, however we have already described how these activities are not an equivalent comparison to the Stanley Brook proposal. Ms Diana Lunn, Ms Fay Baker, Mr Steven Udy and Ms Janet Blount were all

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<sup>1</sup> Para 40, Malthus evidence.



concerned about noise potential effects on Stanley Brook and the Stanley Brook community. Mr Roger Carleton, who has lived in the area for 53 years also expressed concerns regarding noise effects.

- 6.64. Mr David McQueen and Ms Loes Reitsma of 4977 Motueka Valley Highway expressed concerns regarding noise and amenity effects of vehicles accessing the site via Olivers Road which passes adjacent to their dwelling and lifestyle block. Noise concerns of particular concern to us were those potential noise effects likely to be experienced in days during which many hundreds if not thousands of vehicles may pass by their property on their way to or from the Stanley Brook site. The effects on this site are discussed under a separate heading below.

#### Assessment Of Noise Effects

- 6.65. The evidence presented indicated a significant range of motorised noise sources will operate on the site, with additional sound (at times) from music concerts proposed for the southern section of the site.
- 6.66. Predictions of cumulative motorsport noise indicated that noise from the site will be audible from this nearest neighbour but levels will not be greater than the permitted limits for noise emissions for the Rural 2 Zone<sup>2</sup>.
- 6.67. We have given thorough consideration to the significance of the potential noise effects on the environment. Overall, the evidence supports the applicant's position that the activity will fit within the noise standards applying to permitted activities in the Rural 2 zone and will likely not result in any significant adverse effects at any existing dwelling in the area. It is also worth noting that there are no rules in the TRMP that put standards on noise at any location in the rural zone other than within the immediate area surrounding the dwelling (20 metre notional boundary).
- 6.68. The evidence of Mr Russell Malthus was compelling. Mr Malthus was able to refer us to both representative sound level readings and acoustic a modelling which reinforced the view that noise from the proposed activities were not likely to give rise to significant noise effects at any existing dwelling in the area. We note however, a paucity of information on aviation-related effects, as discussed under a separate heading below.
- 6.69. The closest dwelling to the northern boundary of the site is approximately 4 kilometres from the motorsport facilities. This is the farmhouse belonging to the Rowe Family. In this case the closest noise sources on the proposed motorsport park would be audible at this location but on the evidence provided will result in sound levels that would not exceed the lowered night time TRMP noise limits for activities in the Rural 2 Zone. Taking into account the low levels of ambient sound experienced within the Stanley Brook valley, this level of potential noise effect will reasonably protect daytime amenity at this location. The evidence shows other dwellings in the area will receive lower levels of noise from the site.
- 6.70. Mr Malthus agreed that Appendix 2, Schedule A "Driver and Vehicle Safety" rules of Motorsport NZ stipulate that no vehicle may exceed 95 dB when measured 30 metres at a right angle from the track at a point where the vehicle is at maximum power, during any competition or practice sanctioned by that organisation. Although we did not hear that all motorsport events proposed for Stanley Brook are to be held under the auspices of the NZ Motorsport NZ, we think control over "maximum vehicle noise output" is an effective means of limiting noise at source. A requirement for race organisers to monitor and enforce the Motorsport NZ vehicle noise limit is considered a key element of the "best

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<sup>2</sup> Page 36 of the Land Use Consent Application RM100848.

practicable option” for the proposed activities and has been included as a matter to be covered within the Event and Noise Management Plan required by the conditions of consent to be prepared and submitted to Council prior to undertaking approved activities on the site.

- 6.71. In general, submitters were concerned about audible sound likely to be experienced during motorsport events, as may affect the quiet enjoyment of the wider rural area. Upon examination of the relevant provisions of the TRMP we have found no policies or objectives that require land use activities to emit “no noise”. Rather, the TRMP permits a certain range of agricultural and horticultural noise sources to emit almost unlimited sound and for permitted activities in the zone to emit sounds up to certain prescribed limits for day and night times that must be carefully measured and assessed in accordance with certain NZ Standards when assessing compliance.
- 6.72. It would therefore seem unrealistic to anticipate that an activity should be declined or trimmed back on the basis that daytime activities might emit sound levels on an intermittent basis up to, but not exceeding the night time noise limits for permitted activities in the rural zone, when measured and assessed in accordance with the relevant Standards. Therefore, even though the activity of a motorsport park is not permitted by the TRMP and may have different noise characteristics, we consider that the noise emission standards of the permitted rule set a permitted baseline that we can and should consider in making our decision.
- 6.73. On these grounds, we do not consider noise to be a significant impediment to the granting of land use consent for the range of motorsport and other noise-producing activities proposed for the site, *albeit* with certain provisos and controls included within the conditions of consent including an Event and Noise Management Plan which sets out important precautions to ensure that noise from the proposed activities is well controlled and does not become unreasonable or excessive.

#### Noise Effects From The Use of Olivers Road During Major Events

- 6.74. The McQueen & Reitsma property is located on the southern corner of the Motueka Valley Highway and Olivers Road, with the property access off Olivers Road. Beyond the legal end of the Olivers Road access to the subject site passes along the northern boundary of their property. The legal reference for the property is Sec 1 SO 14678.
- 6.75. At the conclusion of the oral submissions, Mr Malthus was specifically asked to reply to the question of whether noise emitted by up to 1,300 vehicles travelling along the access off then end of Olivers Road every 1.5 hrs (worst case) during peak times would comply with the daytime permitted activity noise standard for daytime in the rural zone ( $L_{Aeq}$  55 dB at or within the 20 metre notional boundary of the McQueen & Reitsma dwelling).
- 6.76. We have reviewed the additional noise information supplied by the applicant’s noise advisor and accept the proposition that noise from vehicles using the right-of-way will be able to comply with the permitted activity noise limits during periods of maximum use, however noise levels experienced at the McQueen & Reitsma dwelling from vehicles travelling on Olivers Road itself will represent a more significant effect during major events, and will be likely to be unreasonable or excessive during peak periods, taking into account the existing environment (including times when logging trucks use Olivers Road during periods of tree harvesting).

- 6.77. We are of the opinion that it is important to mitigate noise effects arising from spectators' vehicles and other vehicles accessing the site via Olivers Road for prolonged periods on the days on which popular events take place at Stanley Brook. In terms of comparative effects, we consider the noise effects associated with vehicles using Olivers Rd on major event days to be as significant as noise associated with motorsport and other noise-making activities proposed for the site.
- 6.78. We consider potential adverse noise effects arising from the use of the right-of-way during peak periods will need to be targeted by specific mitigation measures to ensure noise from traffic accessing the site on busy days remains within reasonable limits. We acknowledge the usual methods of restricting traffic speed and ensuring a smooth road surface will only go so far. We therefore have set out a condition of consent requiring a 1.8 metre high noise barrier fence be constructed to provide acoustic protection to the McQueen & Reitsma dwelling once the agreed traffic volume threshold for road sealing is reached (condition 11).

## **Water**

6.79. The following significant water issues are relevant to the application:

- Discharge of wastewater;
- Potable water; and
- Creation of artificial lakes.

## Wastewater

- 6.80. Wastewater engineer Mr Andrew Dakers provided evidence on behalf of the Applicant regarding maximum design wastewater volumes of 48,800 litres/day which will arise from permanent residents on-site together with the larger loads during proposed large events. Mr Dakers outlined a number of options for wastewater treatment to a standard suitable for safe application to land, and calculated the area required for a Land Application System to dispose of treated wastewater to be 1.6 hectares when calculated in accordance with the relevant Standard (AS/NZS1547:2000). The proposal includes portaloos to deal with a major portion of the event loads.
- 6.81. Mr Dakers noted that storage tanks would be required to address the peak loading caused by large events so that the treatment capability of the treatment plant and LAS is not exceeded. These tanks will need to be alarmed with methods required to transport wastewater off-site for safe disposal where the system experiences peak loads beyond its capabilities. The wastewater management plan will be important for determining permanent and peak loading regimes and the necessary steps to manage the expected volumes of wastewater.
- 6.82. While Mr Dakers saw no obstacles to achieve the treatment requirements of AS/NZS1547:2000, nor to achieving the requirements of the relevant draft consent conditions, wastewater disposal was raised in six submissions in addition to indirect reference within other submissions referring more generally to the issue of water pollution and contamination of downstream water.
- 6.83. Being a Rural 2 site any wastewater discharge to land must meet the standards and requirements of Rule 36.1.2.4 of the TRMP. While there were no details of the wastewater system provided, we consider compliance with this rule will be adequate to avoid adverse effects on water quality and protect public health. We note that the Council's reporting officer was satisfied that the site is of sufficient size and that all effluent can be dealt with in an environmentally sustainable manner. Conditions of consent are

considered adequate to avoid, remedy or mitigate any potential effluent discharge effects including the requirement for the consent holder to prepare a Wastewater Management Plan setting out design standards, specifications (including treatment and water quality standards) and a maintenance programme. We confirm this Plan should be prepared with input from the owners of Lot 2 DP6891 (Rowe) and the Public Health Service.

#### Potable Water

- 6.84. The evidence of Ms Fiona Ambury, the applicant's environmental engineer, predicts 48.8 cubic metres peak demand for potable water per day. Ms Ambury described potable water as being supplied by both harvesting roofwater and supplementing this with bore water. The issue of rainwater replenishment was a matter of high importance given the evidence regarding low levels of rainfall during the summer months, the period of time when most activity can be expected on the site.
- 6.85. Ms Ambury reviewed rainfall figures for a dry year (based on 20th percentile weekly data) including the losses due to first flush diverters, to assess the available volume of rainwater based on intercepting rainwater off all available roofing areas of buildings to be established on the site. Ms Ambury found this source alone will not meet demand during major events for a single event day per week. For average rainfall conditions, the available rainwater will meet the requirements for weekends with single day major event on all weeks except for two weeks every year. This rainfall regime can cater for weekends with two day events for more than half the year. Mr Tony Hewitt a water expert engaged on behalf of the K and J Rowe Family Trust considered rainfall records over an extended period and contended that the data (Table 1 of his evidence) showed "*...all of the summer and autumn months, zero rainfall can be expected*". While we accept dry years will result in a deficit, it would be incorrect to assume these dry months would all occur in the same year as may be inferred from Mr Hewitt's statement.
- 6.86. It is clear that rainwater harvesting will not, on its own, provide sufficient potable water for the activities as proposed. The application includes a request to construct water bores under a district land use consent. These bores will enable the applicant to take groundwater up to the maximum take permitted for the Upper Motueka Zone (Rule 31.1.2.1 of the TRMP) of 10 cubic metres per day, per point of take. A bore is proposed for each of the two titles that comprise the site. Ms Ambury on behalf of the Applicant interposed that 140 cubic metres per week from the bores would be slightly less than the weekly load of 154.4 cubic metres when there is a major event for three days. Ms Ambury recommended 160 cubic metres of storage which, although adequate for a week with a three day event, may not be adequate where a major event held the previous weekend had depleted storage of if a large conference was held during the week. Mr Hewitt assessed potable water demand based on storage of only 108 cubic metres and dry summer such as the summer of 1973. On this basis Mr Hewitt calculated storage of 1,000 cubic metres would be required, however we are not convinced that an analysis of maximum needs and replenishment from bores on a daily basis is the most appropriate assessment.
- 6.87. Both experts agreed the issue of sufficient potable water supply is a major limiting factor of the proposal. Not only is there a risk the activity may run short, but there is also a possibility that the proposed abstraction may reduce the ability of the downstream users (the Rowe's in particular) to abstract water for domestic and stock purposes, however on balance we consider the proposed water take can be adequately managed to avoid adverse effects on the environment with the proposal now limited to 12 major events per year.

- 6.88. We consider conditions of consent are adequate to avoid, remedy or mitigate effects on aquifers and surface water including the requirement for the consent holder to prepare a Water Management Plan setting out design standards, specifications (including treatment standards), a maintenance programme and set out the abstraction limits. We confirm this Plan should be prepared with input from the owners of Lot 2 DP6891 (Rowe) and the Public Health Service.
- 6.89. The specification for this Plan is amended to include a provision setting out how supply is to be augmented with potable water trucked to the site at times when a deficit is forecast as recommended to us by Ms Ambury.

#### Non-Potable Water Use: Creation of Lakes

- 6.90. The diversion of water from the Stanley Brook was included within the application to replenish the proposed lakes. Two lakes are proposed, one 50,000 cubic metres and 3 metres deep for jet skiing, and another 22,000 cubic metres of unspecified depth. Rule 31.1.2.4 covers water takes from storage such as a constructed pond, reservoir or dam.
- 6.91. We learned the lakes will "use" an amount of water through evaporation losses, particularly during the summer. Mr Tony Hewitt, a water expert appearing for the K & J Rowe Family Trust estimated daily evaporation will be around 5 millimetres per day. Over the area of the lakes he calculated 120 cubic metres/day or 1.4 litres per second would be required to replenish the evaporative losses. This is clearly higher than the maximum diversion rate of 1.05 litres/sec applied for.
- 6.92. The provisions of the TRMP permit certain consumptive uses as of right in the Rural 2 zone e.g. stock consumption, fire fighting, and up to 5 cubic metres per day of domestic consumption. We note evaporation is not included within the TRMP definition of "consumptive use". Non-consumptive use and diversion is allowed as long as it does not have detrimental in-stream or downstream effects.
- 6.93. The application originally stated that the lakes were to be lined. However during the hearing, and in response to the issues described above, this was amended such that the lakes will now not be lined, rather the lakes will be unsealed and thus groundwater will flow into and out of the lakes in a natural manner. The applicant also accepted that the lakes would therefore rise and fall in conjunction with the seasonal rise and fall of the water table. We heard how water will flow through these two lakes and will not disrupt the downstream flow of water in the ground. Mr Quickfall, the applicant's planning advisor indicated unlined lakes using intercepted water for filling and replenishing would not be "damming, diversion, abstraction take or use" of water under the TRMP.
- 6.94. Mr Quickfall interposed that subject to meeting earthwork requirements set out with Rule 18.5.2.1(m) creating the lakes would be a permitted activity. This rule sets out permitted activity standards which do not include earthworks (greater than 50 cubic metres below the water table) where the works are undertaken:
- (i) within 20 metres of the bank of any river or stream; and
  - (ii) within 20 metres of the toe of any stopbank; and
  - (iii) within any flood plain.
- 6.95. If we interpret Mr Quickfall's position correctly, he maintains these lakes may be constructed (without a lining) as a permitted activity under the earthworks requirements and that no diversion or other permissions are required under Rule 31.1.2.4 to maintain the lakes. The Council's natural resources planner, Mr Mackiggan, disagreed as he considered the works to be on a flood plain. The TRMP definition of flood plain is "... any

*land surface which is likely to be subject to flooding from an adjacent river or stream ...".* We agree with Mr Mackiggan and doubt that the proposed large lakes excavated down into the groundwater could be constructed as permitted activities under Rule 18.5.2.1.

- 6.96. Submitters were concerned regarding adverse effects on the downstream farms and lifestyle properties due to the reduced water quality and/or flow in the Stanley Brook or aquifer water sources. The Rows in particular are concerned with water issues as they lie downstream of the subject site and have a domestic and stock water well near their house which is about 70 metres from the river. The Rows submitted the lakes will adversely affect the recharge rate and quality of the Stanley Brook aquifer with significant quantities lost due to evaporation.
- 6.97. The policies of the TRMP indicate as long as those effects can be avoided, remedied or mitigated then the use and diversion of that water constitutes acceptable activity that will not detrimentally affect the quantity and quality of the water resource.
- 6.98. Regarding water quality effects of the proposed lakes, no expert evidence was provided referring us to potential adverse water quality effects arising from the formation and/or maintenance of the lakes. The Council's planning officer notes (at Page 49);
- "The applicant's principal business involves heavy construction and earthworking. The applicant has considerable experience therefore in mitigating any effects during the earthworking and gravel quarrying periods. I am confident therefore that conditions can be imposed upon the applicant to ensure that any adverse effects upon surface and ground water can be avoided, remedied or mitigated accordingly."*
- 6.99. From the evidence we heard we consider it very unlikely that the works to form the lakes, or the on-going presence of the lakes formed well away from the Stanley Brook would have any effect on the quality of water within the Rowe's well, or any other downstream water supply source given the significant distances involved.
- 6.100. However, Mr Mackiggan told us that using unlined ponds (essentially large holes dug down into the groundwater) means that any hydrocarbon spills or contamination of the water will not be controllable. From this, and since we heard that the Stanley Brook is hydraulically connected to the groundwater, we deduce that proposed unlined nature of the lakes creates a pollution risk for the immediate groundwater and the Stanley Brook itself.
- 6.101. In summary, we have two propositions before us. The first is that what was applied for: two large lakes that are lined to isolate them from the groundwater and are topped up from a supply of water from the Stanley Brook. But from the evidence presented to us we are not satisfied that sufficient water will be available to supply the lakes, nor that to do so would be an efficient use of resources.
- 6.102. The second proposition is what was subsequently proposed at the hearing: that two large unlined lakes are formed which simply intercept natural groundwater flow. Given our commentary above we have come to the view that this is (a) not a permitted activity and (b) given the potential for quite different effects, not sufficiently within the scope of the notified application for us to consider it.
- 6.103. A final consideration is the value that lakes would have for fire-fighting purposes. No party appeared to challenge this. This benefit could however be at least partly secured by much smaller lakes, designed for that purpose, which would not raise the concerns discussed above. We consider such small lakes would be within the scope of the application and should be permitted.

## 7. DECISION

- 7.1. Pursuant to Section 104B of the Act, we **GRANT IN PART** land use consent RM100848 to establish and operate a motorsport park, subject to conditions.
- 7.2. The components of the above consent that we **DECLINE** are:
- The lake created for water sports; and
  - The airstrip and helipad and associated aviation activities.
- 7.3. Pursuant to Section 104B of the Act, we **DECLINE** resource consent RM100877 to take water.
- 7.4. Pursuant to Section 104B of the Act, we **GRANT** all other consents sought, subject to conditions.

## 8. REASONS FOR THE DECISION

- 8.1. In this section we briefly summarise the reasons for our decision. But first we discuss in more detail the two components of the application where consent has been declined (the lake for water sports and the airstrip and helipad activities).

### The “Declined” Components

#### The Constructed Lakes

- 8.2. In paragraphs 6.101 to 6.103 above we came to the conclusion that
- (a) creating lined lakes as originally proposed is not supported by sufficient evidence to convince us that the lakes will be able to be maintained as proposed and that the use of the water to do so will be an efficient use of resources; and
  - (b) creating unlined lakes for the purposes of human contact and motorsport recreation is not within the scope of the application.
- 8.3. However, point (b) immediately above requires some further explanation because, as a condition of consent, we have required that groundwater-fed ponds be created for firefighting purposes. There is no argument that the applicant has applied to conduct a large amount of earthworks that will extend below the water table. What we consider to be specifically out of scope is the use of an unlined pond for water sports and contact recreation and it is that aspect that we have declined. We are satisfied that we have the jurisdiction to require groundwater-fed ponds to be created for fire-fighting purposes because the potential effects that may result from the creation of large unlined lakes used for contact recreation can be avoided or mitigated:
- The surface area will be significantly smaller thus minimising evaporation;
  - All overland flow can be directed away from the ponds thereby minimising the chance of a spill of contaminants entering the exposed groundwater; and
  - There will be no risk of hydrocarbon spills from jet skis, refuelling and the like.
- 8.4. Much of the reason for declining the water sport lakes relates to a lack of information rather than any kind of certainty of significant adverse effects on the environment. It may be that with further investigation of the hydrology of the site, or with exploration of opportunities for storage of winter flows higher on the site that could then supply a lined water sports lake through the summer such a proposal may prove to be successful through a future resource consent application.

## Airstrip and Helipad

- 8.5. The application refers to an airstrip (500 metres long, shown on Plan RC06), with references to its use for ferrying passengers to and from the site via aircraft operating to or from this airstrip and helicopters operating to and from two helipads.
- 8.6. Apart from a brief description of this aspect of the application, we received no details regarding the nature or scale of aircraft activities and no information about the effects of any of the aviation aspects of the activity, for example the location of flight paths and issues surrounding flying in to or out of the Stanley Brook valley. We were supplied with no information establishing the appropriateness of this location for such a facility. While safety aspects would be dealt with by the Civil Aviation Authority, we do not consider we received sufficient information to grant consent for this element of the proposal or to assess whether draft conditions 26, 27 and 28 would, on their own, be sufficient to deal with the environmental effects of the aviation aspects of the proposal.
- 8.7. The assessment of noise effects did not consider the aviation-related aspects of the activity in any detail. Mr Malthus's noise evidence presented at the hearing only briefly refers to the airstrip and helipads (at paras 65 and 66) and simply stated his view that due to the remoteness of the site, a full investigation of noise effects under two relevant NZ acoustic standards (NZS6805:1992 Airport Noise Management & Land Use Planning or NZS6807:1997 Noise Management & Land Use Planning For Helicopter Landing Areas) was not warranted. While we may agree the nature and scale of effects is a factor to be considered when preparing an AEE in accordance with the 4th Schedule to the Act, this does not justify a complete absence of factual information on potential aircraft noise effects or other effects of aircraft.
- 8.8. We note an airstrip located on the adjacent Bryant property mentioned in the Application was referred to as an alternative for aircraft ferrying spectators to the site, however we received no information that indicated transport of spectators or other persons to or from the site using aviation methods represented an essential component of the proposal.
- 8.9. The aviation-related activities applied for (but not approved) may well prove to be suitable for the Stanley Brook site, however insufficient evidence has been put forward on this occasion to satisfy us that this would be case. In declining consent for the airstrip and helicopter landing areas we note this should not affect the success or otherwise of any subsequent consent application made for these activities in the future.

## **Effects on the Environment**

- 8.10. Despite the decline of some components of the proposal we have seen fit to grant the substantive part of this motorsport park proposal. We believe that we have adequately stated our findings on the effects on the environment in Sections 5 and 6 above.

## **Objectives and Policies of the TRMP**

- 8.11. Messrs Andrew and Mackiggan have presented a thorough assessment of the relevant provisions of the TRMP and we see no reason to repeat it. Therefore we adopt their assessment of the Policy framework that is relevant to this application.
- 8.12. As we have previously identified the objectives and policies are largely effects-based and we are satisfied that with the suite of conditions that we have imposed the proposal will, overall, not be inconsistent with the objectives and policies of the TRMP.



## Purpose and Principles of the Act

8.13. We consider the following Section 6 Matters of National Importance to be relevant to this application:

Section 6(a): the preservation of the natural character of ... rivers and their margins, and the protection of them from inappropriate subdivision, use, and development.

8.14. The applicant is not proposing to radically redirect, alter or straighten the Stanley Brook. We are satisfied that the form and natural character of the bed of the Creek will be retained. We are also satisfied that the natural character of the margins of the Creek will be protected and, in fact, considerably improved by the fencing and planting of the margins.

8.15. We have also had particular regard to the following Section 7 "Other Matters" in making our decision:

Section 7(b) the efficient use and development of natural and physical resources.

Section 7(c) the maintenance and enhancement of amenity values.

Section 7(d) intrinsic values of ecosystems.

Section 7(f) maintenance and enhancement of the quality of the environment.

Section 7(g) any finite characteristics of natural and physical resources.

8.16. The proposal will allow for the concentration of motorsport and other similar pursuits thereby providing an efficient use of space and facilities. Club houses and parking areas can be used for multiple activities. Other services and facilities such as light towers, wastewater systems and water supplies will be concentrated for multiple uses rather than being physically separated in various locations over the Tasman District.

8.17. As we have mentioned above, we do not consider the proposed abstraction of water from the Stanley Brook to be an efficient use of the resource. However, this conclusion is based upon the information that has been placed before us. There may be opportunities for the applicant to do further work into appropriate and efficient use of water so as to progress their plans for a lake for water sports. As we have mentioned above we would encourage the applicant to consider other solutions such as a dam higher in the catchment to catch and store winter water flows.

8.18. The location of the motorsport park will ensure that, for the most part, amenity values and the quality of the environment will be maintained. We accept that there may unfortunately be some reduction in the amenity of the McQueen and Reitsma property. However, conditions have been placed on the consent which we consider will mitigate the adverse effects as far as is practical and reasonable.

8.19. Turning to Section 5 of the Act which we quoted in paragraph 4.7 above, this section requires us to make an overall judgement of the proposal based on the criteria that are set out.

8.20. We consider that the proposal will certainly enable people and communities (both the motorsport community and also the wider community through economic benefits) to provide for their economic and cultural wellbeing. We find that natural and physical resources will not be consumed such that future generations will not be able to meet their reasonably foreseeable needs. We find that life-supporting capacity of (relevantly) the air and water will not be compromised. And finally, we see that the adverse effects of the activities, on the whole, will not be significant.

- 8.21. In balancing the matters described above we see that the site has considerable value for the nature of the activities and that a facility of this sort will efficiently concentrate a range of motorsports into a single, well-resourced location, as well as providing considerable economic benefits to Tapawera and the wider region. We see these benefits as outweighing the effects that may be visited on, most notably, Nelson Forests Ltd (access and fire risk), Mr McQueen and Ms Reitsma (amenity and productivity), and the Rowes (amenity). We have imposed conditions which will ensure that these effects will be reasonably avoided, remedied or mitigated.
- 8.22. Adopting a broad overall judgement approach to the purpose of the Act, we are satisfied that the proposal is consistent with Part 2 and achieves sustainable management of natural and physical resources as set out in Section 5 of the Act.

Issued this 13<sup>th</sup> day of June 2012



Malcolm Hunt  
**Commissioner Chair of Commissioner Panel**



## RESOURCE CONSENT

**RESOURCE CONSENT NUMBER:** RM100848

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

**Adcock and Donaldson Properties Ltd**  
(hereinafter referred to as "the Consent Holder")

### ACTIVITY AUTHORISED BY THIS CONSENT:

Create and operate a Motorsport Park at Stanley Brook

### LOCATION DETAILS:

Legal Description: Lots 1 and 2 DP 17074  
Certificate of Title: NL11A/1222 and NL11A/1223  
Valuation Number: 1925049701  
Easting and Northing: 2498638E 5978082N

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

### CONDITIONS

#### General

1. The motorsport park shall be developed and operated:
  - (a) in accordance with the documentation submitted in the application;
  - (b) in accordance with the evidence and submissions presented at the hearing;
  - (c) in general accordance with Plans RC02 to RC10 dated 22 November 2010 (attached);  
and
  - (d) in accordance with the staging specified in Schedule 3.

In the event that any of the above are inconsistent with the conditions of consent the conditions shall prevail.

However, the motorsport park shall be limited to the buildings and activities specified in Schedules 2 and 3 attached to this consent.

#### Advice Note:

The water sports lake(s) and the aviation activities are now not included in Schedules 2 and 3 and therefore are not authorised by this consent.

**Northern Buffer Area**

- The development shall provide for an amenity buffer area to be maintained in trees within the area coloured dark and lighter green on attached Plan RC03 dated 22 November 2010.

Forest harvesting and replanting of commercial forestry may occur within the amenity buffer area provided that at all times (unless prevented by a natural disaster or fire) within the amenity buffer area there is a minimum of 50 metres continuous width of 15 year old or older trees in place from the western boundary right across to the eastern boundary of the property. Motorsport park activities within the buffer area shall be limited to mountain biking and rally road tracks located generally as shown on Plan RC03 dated 22 November 2010.

**Roading and Intersection Upgrades**

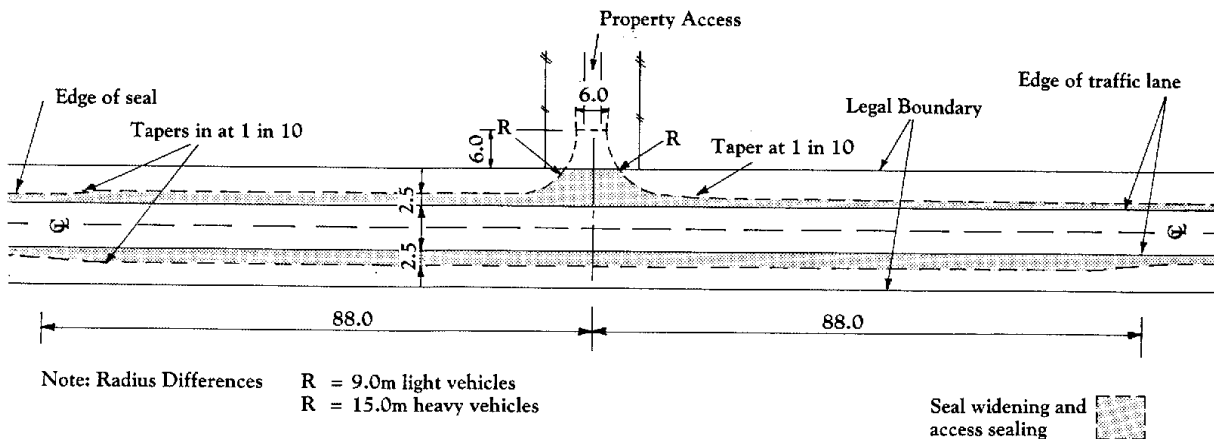
Motueka Valley Highway and Olivers Road Intersection

- Prior to the commencement of any motorsport event activities, or buildings, the consent holder shall undertake improvements to the north and south of Olivers Road on the Motueka-Tapawera Highway so that 248 metres of clear sight visibility is achieved from a point 1.8 metres back from an inferred limit line when installed on Olivers Road.

**Advice Note:**

The applicant's report from Traffic Design Group notes that approximately 0.8 metres will need to be removed from the crest of the Motueka Valley Highway. It was noted by Council engineering staff that an area of roadside bank to the north also restricts visibility for drivers exiting Olivers Road approximately 130 metres north on the east side of the Motueka Valley Highway.

- The intersection shall be upgraded to the standard intersection plan as per diagram three of Section 16.2(c) of the TRMP (see below) but with the two coat chip seal extending as part of the upgrade into Olivers Road for a distance of 20 metres from the white edge line of the Motueka Valley Highway.



Note: Diagram not to scale. All dimensions are in metres.

**Notes:**

Light vehicle means a motor vehicle up to 3500 kg gross laden weight  
 Heavy vehicle means a motor vehicle over 3500 kg gross laden weight

5. Pavement markings and signage to the standard for a "Give Way" intersection is required following the completion of the intersection upgrade and before any events take place.

#### Olivers Road Upgrade

6. Prior to the commencement of any motorsport event or buildings, the consent holder shall undertake the following upgrades to the 600 metre length of Olivers Road:
  - (a) road carriageway widened to a minimum width of 5 metres;
  - (b) sloped side edges of 600mm;
  - (c) side drains on both sides of the road with regular cut off/break outs to these drains and draining to an approved system;
  - (d) vegetation clearance to at least 1.0 metres outside the side drain;
  - (e) a 16.0 metre diameter turning head shall be formed at the eastern end of Olivers Road.
7. Until Olivers Road is sealed the consent holder shall ensure that dust suppression is undertaken on Olivers Road before and during any motorsport event.
8. The consent holder shall ensure that traffic counts are undertaken on Olivers Road on a yearly basis over a total of four weeks inclusive of the two weekends that are expected to be the busiest in the year. The counts shall identify the flows by hour of day and day of week and are only required until Olivers Road is sealed for the full length. These counts are to be undertaken by a traffic counting firm approved by Council's Transportation Manager. An analysis is to be undertaken to evaluate the average daily vehicle count (vpd) across the four weeks of data collected. Each year a copy of the traffic count and analysis are to be forwarded to the Council's Coordinator of Compliance as soon as practicable after the completion of the analysis.
9. Olivers Road shall be sealed for the full length of the public road as soon as practicable after the first occasion where the average daily traffic count in accordance with condition 8 reaches or exceeds 200 vehicles per day (100 vehicles in, 100 vehicles out). The sealing shall be with at least a two coat seal as set out in the current Tasman District Council Engineering Standards and Policies 2008. The minimum width of the sealed surface shall be 5.0 metres. The consent holder shall advise the Council's Coordinator of Compliance once the threshold stated above has been reached and the date upon which commencement of the sealing works will begin.

#### **Engineering Plans**

10. All engineering works required by conditions 3, 4, 5, 6 and 9 shall be shown on engineering plans and to the requirements as set out in the most up-to-date operative edition of the Tasman District Council Engineering Standards and Policies. No work shall commence until the Engineering plans have been received and approved by Council's Engineering Manager. The consent holder shall meet the Council's costs of certification and inspection of those works.

#### **Noise**

11. Within 30 days of the sealing of Olivers Road pursuant to condition 9 above, the consent holder shall construct a noise barrier fence within the road reserve, on the south side of Olivers Rd immediately adjacent to the boundary with 4977 Motueka Valley Highway. The fence shall be 1.8 metres high from existing ground level and constructed of durable materials weighing not less than 8 kg per square metre, with no gaps or openings except an opening not more than 4 metres wide at the location of the existing driveway to allow vehicle access to the dwelling at 4977 Motueka Valley Highway. The owners of 4977 Motueka

Valley Highway shall be consulted regarding the appearance and colour of the noise barrier fence. The consent holder shall maintain this noise barrier fence in reasonable condition free from holes or gaps throughout the life of this consent.

The fence shall extend west a distance not less than 350 metres from the eastern most end of Olivers Road. The fence shall also be continued to the east of the end of Olivers Road but the fence shall be within the boundary of 4977 Motueka Valley Highway. Approval for the construction of the fence within this property shall be sought from the property owner(s), and in the event that this approval is not given then the applicant shall not be obliged to construct this portion of the fence. These fence locations are shown in Figure 1.

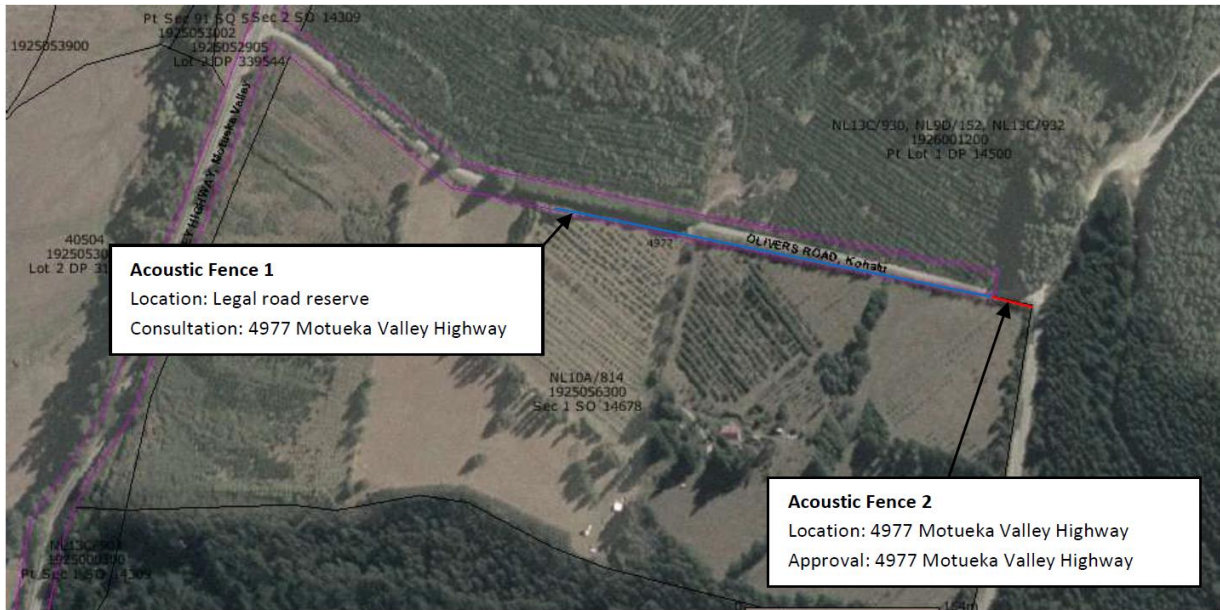


Figure 1: Acoustic Fences

12. Noise generated by the activity on the site, when measured at or within the notional boundary of any dwelling on any adjacent site in a rural zone, or at or within the boundary of any site within the residential zone, does not exceed:

	Day	Night	Saturdays 6.00 pm to 9.00 pm Sundays and Public Holidays
L <sub>Aeq</sub> (15 mins)	55dB	40dB	40dB
L <sub>AFmax</sub>		70dB	

Note:

Night = 9.00 pm to 7.00 am inclusive.

Day = all other times but excluding Saturdays 6.00 pm to 9.00 pm, Sundays and Public Holidays.

Noise must be measured and assessed in accordance with the provisions of NZS6801:2008 Acoustics -measurement of environmental sound and NZS6802:2008 Acoustics - environmental noise.

Note: for the avoidance of doubt “notional boundary”, in relation to noise means:

- (a) a line 20 metres from the façade of any rural dwelling that is most exposed to the noise source; or
- (b) the legal boundary of the site of the dwelling, where this is closer to the dwelling than (a).

### **Right-of-way and legal road reserve access upgrade**

13. Prior to the commencement of any motorsport event the consent holder shall undertake improvements to the right-of-way and legal road reserve from the eastern end of Olivers Road to the subject site to provide an access that meets the following standards:
- (a) a minimum 4.5 metre wide gravel carriageway with -4% crossfall and with a maximum operating speed of 30 kph;
  - (b) two 0.6 metre feather edges;
  - (c) purpose built side drains;
  - (d) constructed to comply with Council's Engineering Standards and Policies 2008 unless otherwise agreed by the Council.

#### **Advice Note:**

The matter of maintenance or the right-of-way once formed is a matter for the easement documents and the general law. Also, the specifications in this condition are minimum standards and nothing prevents a greater width or higher standard of right-of-way formation.

14. Dust suppression on the right-of-way shall be undertaken at any time, when, as measured in accordance with the National Rural Fire Authority's "Fire Danger Rating System", conditions exist where the Drought Code exceeds 300, the Build Up Index exceeds 55, and the Fire Weather Index exceeds 32.
15. Notwithstanding Condition 13, in dry conditions where dust may cause a nuisance, the consent holder shall suppress dust from vehicles travelling to and from the motorsport park.
16. The consent holder shall cut, mow or crush combustible vegetation (other than trees intended for commercial harvest) across the width of the right-of-way.

### **Manager's House**

17. Prior to commencement of any commercial activity on the site, the Manager's house shall be established and occupied on a permanent basis.

### **Fencing and Firebreaks**

18. Prior to the commencement of any motorsport event:
- (a) A security fence shall be installed at the consent holder's cost between the boundary of the site and Nelson Forests Limited's site to prevent unauthorised forest access.
  - (b) A firebreak or firebreaks of a minimum of 30 metres in width within the site and around the motorsport park perimeter where it meets production forest shall be installed and thereafter maintained to ensure flammable vegetation is not present within their site and planted in lucerne along the common boundary with Nelson Forests Limited's land.

### **Fire Fighting**

19. The consent holder shall maintain a minimum dedicated 30,000 litres water supply (tank or pond) for firefighting purposes

20. The consent holder shall construct a minimum of two ponds that are of sufficient size and depth to allow for helicopter borne monsoon bucket “dipping” in the event of fire. In designing, locating and constructing the ponds the consent holder shall seek advice from the Rural Fire Authority. Evidence of this advice shall be kept.

**Advice Note:**

This condition was volunteered by the applicant. However, it may be that the measure is impractical and better solutions for providing fire fighting water exist such as a dam higher on the property that would catch and store winter water flows. Any such changes would need to be progressed through a section 127 change of conditions or through applying for new consent(s).

21. The consent holder shall install and maintain a fire weather station for the purposes of monitoring fire weather indices.

**Signs**

22. “No public access” signs shall be erected at the entry to all side roads off the main access from the intersection of Motueka Valley Highway and Olivers Road to the subject site. No single sign shall exceed 2 square metres in size.

**Directional Signage**

23. The consent holder may erect a Tasman District Council Tourist Facility Directional (Brown) sign on the existing sign post supports or at the intersection of State Highway 6 and the Motueka Valley Highway having first obtained the written approval of the New Zealand Transport Agency.
24. The consent holder shall erect directional signs at all access intersection places from the intersection of the Motueka Valley Highway and Olivers Road to the motorsport park property. Each sign shall only contain directional information including distance to the motorsport park to direct traffic into the onsite parking area. Each sign shall be between 0.5 square metres and 1 square metre in the area. Sign post locations on legal Council roads shall be approved by the Council’s Transportation Manager.
25. All directional signs shall be erected prior to any motorsport event taking place at the motorsport park and one sign shall note the 24 hour availability of petrol at Tapawera and distance to it.
26. The consent holder may erect traffic safety and warning signs at any time and at any place along the right-of-way and Rabbit Gully Road to identify any natural, road repair work or other hazard including fire and forestry operations risks. No single sign shall exceed 2 m<sup>2</sup> in size.

**Car Parks**

27. The numbers of car park, cars and trailer parks and coach parks provided onsite parking for the proposed activities and buildings shall be in accordance with the number of vehicle parks provided in the parking column of Schedule 3 Table 1 and 2 of this consent.

**Advice Note:**

Schedule 3 Table 1 and 2 were also contained on pages 9 to 13 and pages 95 to 99 of the application.



## **Car Park Setback and Formation**

28. All car parking and vehicle manoeuvring areas shall be: finished with an all weather surface, setback at least 20 metres from the top of the bank of any watercourse, and designed so that runoff drainage is directed to rain gardens with capacity to entrap and retain pollutants and silt.

## **Dust and Odour**

29. The emission of dust and odours from the construction and operation of the motorsport park on the subject site shall be so controlled that it is not pervasive, objectionable or offensive at the notional boundary of any dwelling existing at the date that this consent commences.

### **Advice Note:**

For the avoidance of doubt notional boundary, in relation to dust and odour noise means:

- (a) a line 20 metres from the façade of any rural dwelling; or
- (b) the legal boundary of the site of the dwelling where this is closer to the dwelling than (a).

## **Gravel Extraction and Crushing**

30. Extraction and crushing of gravel shall be limited to gravel sourced on the subject property and shall also be limited to that required for development and maintenance of the motorsport park and its access from Olivers Road to the subject site.

### **Advice Note:**

Additional resource consents would be required for the gravel to be extracted and/or crushed on site for use beyond, or sale off the subject site or its access to Olivers Road.

## **Location and Height of Buildings**

31. The location and height of all buildings shall be restricted to within the general locations for buildings identified on the master plan for the subject property and in Schedule 2 "Proposed Buildings" of this consent (taken from pages 100 and 101 of the application). Within the building areas all buildings shall be set back a minimum of 30 metres from the drip line of trees in an exotic forest plantation and 30 metres from any internal property boundary and within the setback no flammable vegetation shall be permitted.
32. Any application to the Council for a building permit shall be accompanied by a report assessing the flood hazard risk to the proposed building site(s) during rainfall events having a range of magnitudes up to at least a 2% annual exceedence probability of occurrence. This assessment shall include the possible depth, duration and velocity of flood flows over any proposed building site and shall be undertaken by a suitably qualified and experienced chartered professional engineer or hydrologist. The report shall, where necessary, indicate if any flood hazard risk to buildings in rainfall events up to 2% AEP will be mitigated and if so, how this will be undertaken.
33. The height of any building shall not exceed 7.5 metres except for buildings that are specifically identified by a greater height in Schedule 2 of this consent.

Height shall be measured in accordance with the definition in Chapter 2 of the Tasman Resource Management Plan, quoted below:

*“Height, in relation to the building, means the vertical distance between ground level at any point and the highest part of the building immediately above that point. For the purpose of calculating height, account is taken of parapets, but not of:*

- (a) *radio and television aerials, provided that the maximum height normally permitted by the rules for the zone is not exceeded by more than 2.5 metres;*
- (b) *chimneys (not exceeding 1.1 metres in any direction); or finals, provided that the maximum height normally permitted by the rules for the zone is not exceeded by more than 1.5 metres.*

**Advice Note:**

For the avoidance of doubt, ground level is defined in the Tasman Resource Management Plan as follows:

*“Ground level means the natural ground level, or where that has been altered by subdivision, means the actual finished ground level when all works associated with the subdivision of the land are completed, and excludes any excavation or filling associated with the building activity.”*

**Colours**

34. The exterior of the building shall be finished in colours that are recessive and which blend in with the immediate environment. The consent holder shall submit to the Council’s Resource Consent Manager for approval prior to applying for building consent the following details of the colours proposed to be used on the walls and roof of the building:
- (a) the material to be used (e.g. paint, colour steel);
  - (b) the name and manufacturer of the product or paint;
  - (c) the reflectance value of the colour;
  - (d) the proposed finish (e.g. matt, low-gloss, gloss); and
  - (e) either the BS5252:1976 (British Standard Framework for Colour Coordination for Building Purposes) descriptor code, or if this is not available, a sample colour chip.

The building shall be finished in colours that have been approved by the Council.

**Advice Note:**

The consent holder should engage the services of a professional to ensure the exterior cladding and colour selection are compatible with the long term durability of the building material in the subject environment and in accordance with the requirements under the Building Act 2004.

**Lighting Control**

35. All outside lighting and lighting from light towers shall be directed downwards with hoods to minimise light spill upwards into the night sky.

**Sale of Liquor**

36. The consent holder shall ensure that whenever liquor is sold within the motorsport park, spectator and visitor management (specifically mitigation against intoxicated drivers) is in strict accordance with the approved Traffic Management Plan and Event and Noise Management Plan.

## **Dogs**

37. No dogs to be admitted to the Motorsport Park during any event when vehicles are active, save for working dogs and guide dogs.

## **Indigenous Bush**

38. The small stand of indigenous forest within the subject property at approximately 2498471/5978349 shall be retained and managed to prevent stock and weed invasion and to encourage its retention and regeneration.

## **Notification of Major Events**

39. The consent holder shall notify any major events (as defined in this consent) proposed on its website at least one month prior to the date of holding of the event.

## **Operations Plan**

40. The consent holder shall at all times have an up to date site Operations Plan. The scope of the Operations Plan shall include the matters listed in Schedule 1 of this consent and "New Activity Management Plans" produced under condition 41 of this consent.

The Operations Plan shall include the organisational structure and shall include an up to date list of contacts including at least two alternative 24 hour contacts in the event of an emergency.

The Operations Plan shall be maintained and updated by the park operator.

The following users shall be provided with at least one copy of the complete operations plan and any subsequent updates, and shall be required to comply with the management plans as relevant:

- (i) park operations company
- (ii) event organisers
- (iii) clubs and organisations using the park
- (iv) construction project managers and contractors
- (v) the Tasman District Council.

The following shall also apply to the Operations Plan:

Following consultation of the Management Plans as set out in Table 1, the final plans shall be submitted to the consultation parties listed for comment;

The consultation parties shall have the opportunity to make comment within 7 days;

The Management Plans referred to in Table 1 shall be submitted to the Council for certification (as indicated in Table 1), prior to any works taking place. Any recommendations of the Medical Officer of Health and the Principal Rural Fire Officer (for the relevant plan as listed) will be considered in the final certification of the relevant plan by the Council;

The preparation, amendment and review of the Management Plans as listed in Table 1 shall be undertaken at the cost of the consent holder.

### **Advice Note:**

The matters for the operation plan are listed in Schedule 1 of this consent.

## New Activity Management Plan

41. Prior to the commencement of any individual activity authorised by this consent, an Activity Management Plan shall be submitted to the Council's Coordinator of Compliance or his/her delegate, for approval. The individual activity management plans shall as a minimum detail include:
- (a) a description of the activity
  - (b) the hours of operation
  - (c) a plan showing the location of the area to be used and identification of buildings, parking areas, rainwater gardens and any lighting proposals
  - (d) implementation of the Fire Management Plan and the Traffic Management Plan (required by Schedule 1)
  - (e) any other details that the Council's Coordinator, Compliance Monitoring considers necessary and which are reasonably related to the proposed activity in the motorsport park
  - (f) for any activity or event that is expected to generate 1000 vehicles per day or more the Activity Management Plan required by this condition shall be prepared by a suitably qualified and experienced person and shall, in addition to the matters listed above, shall address the following matters:
    - (i) the resources and equipment to be employed to manage the safe and efficient movement of traffic through the State Highway 6 - Motueka Valley Highway intersection and the Olivers Road - Motueka Valley Highway Road intersection;
    - (ii) emergency vehicle access;
    - (iii) estimates of the volumes of traffic, numbers of people and hours of operation;
    - (iv) event site layout, parking, location of food stalls, toilet, rubbish (including requiring security staff to take all reasonable steps to exclude glass from the subject property and right-of-way access), potable water facilities, accident and emergency personnel and equipment, and adequate shelter to provide relief from the effects of extreme heat or cold that can occur at the site;
    - (v) specific measures necessary for implementation of the other management plans specified in Schedule 1, and specifically:
      - the Event and Noise Management Plan;
      - the Fire Management Plan; and
      - the Traffic Management Plan.
    - (vi) notifications to the Police, Rural Fire Authority, and other emergency services;
    - (vii) a single point of contact to field general enquiries and complaints and the procedures for dealing with them.

### **Advice Note**

The intention of this condition is that each activity (probably operated by a club) must prepare an Activity Management Plan for its facilities and activities. Each such Activity Management Plan will need to be compatible with the other management plans specified in Schedule 1. Where the Activity Management Plan is for a large activity (e.g. drag racing) a professional Plan is required that addresses a wider range of considerations and provides more detail on the implementation of the other critical management plans (fire, traffic and noise).

42. All approved Management Plans shall thereafter be complied with by all activities and operators on the site.

### **Lapsing of Consent**

43. The development consented under this resource consent may be undertaken in stages. Consent for all or any of the activities listed in Schedule 3 below as "Stage 1" activities will lapse pursuant to Section 125 of the Act 10 years from the date of this consent unless given effect to or unless an extension is granted. Consent for all or any of the activities listed in Schedule 3 below as "Stage 2" activities will lapse pursuant to Section 125 of the Act 20 years from the date of this consent unless given effect to or unless an extension is granted.

### **Review**

44. That pursuant to Section 128(1)(a) and 128(1)(c) of the Act, the consent authority may review any conditions of the consent during the month of July each year for any of the following purposes:
- (a) to deal with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage; or
  - (b) to deal with inaccuracies contained in the consent application that materially influenced the decision made on the application and are such that it is necessary to apply more appropriate conditions; or
  - (c) to assess the appropriateness of imposed compliance standards, monitoring regimes and monitoring frequencies and to alter these accordingly; or
  - (d) to amend or add to the requirements of the management plans required by this consent.

### **Cost Recovery**

45. The consent holder shall be responsible for payment of any reasonable costs associated with the monitoring, review or exercise of this consent which are incurred by the Council and Council's Compliance Officers.

## SCHEDULE 1 - OPERATIONS PLAN CONTENT

Management Plan	Content to include (but not limited to)	Consultation to be had with:	Council to certify
Activity (separate Activity Management Plan for each individual activity - refer condition 41)	<ul style="list-style-type: none"> <li>Activity, description</li> <li>Hours of operation</li> <li>Location Plan</li> <li>Fire Management</li> <li>Dust management proposals for Olivers Road</li> <li>Additional in the event of large activity (See condition 41)</li> </ul>	N/A	Yes
Construction	<ul style="list-style-type: none"> <li>Fire prevention and risk mitigation</li> <li>Sedimentation mitigation and stormwater management</li> <li>Traffic management</li> <li>Dust suppression</li> <li>Riverbed works</li> <li>Affected party notification</li> <li>Accidental discovery of heritage/archaeological artefacts</li> </ul>	Waimea Rural Fire Authority  Fish & Game  Tasman District Council  Nelson Forests Ltd	Yes
Ecology	<ul style="list-style-type: none"> <li>Stream reinstatement programme</li> <li>Riparian fencing and planting programme</li> <li>Lake habitat programme</li> <li>Monitoring programme</li> </ul>	Tasman District Council staff  Iwi	Yes
Environmental	<ul style="list-style-type: none"> <li>Solid waste management and Waste minimisation including maintaining access road and removal of all waste and unlawful dumping</li> <li>Green building requirements</li> <li>Carbon offset programme</li> <li>Solar capture</li> <li>Rain harvesting</li> </ul>	Sustainable Business Network  Nelson Forests Limited  Medical Officer of Health	No
Event and Noise Management	<ul style="list-style-type: none"> <li>TRMP noise standards</li> <li>Noise mitigation measures including measures to avoid disrupting forestry operations and communications and to avoid reverse sensitivity (cross boundary) effects</li> <li>Sale of liquor management</li> <li>Noise monitoring</li> <li>Complaints record</li> <li>Complaints procedure</li> <li>Avoidance of business and operational disruption for permitted forestry activities, including road closures.</li> </ul>	Owners of Lot 2 DP6891 (Rowe)  TDC staff  Nelson Forests Ltd  Public Health Service/Medical Officer of Health  Liquor licensing authority	Yes
Fire	<ul style="list-style-type: none"> <li>Risk mitigation</li> <li>Emergency equipment</li> <li>Safety and emergency procedures, including trigger levels for elevated fire risk and minimum responses for each level of risk</li> <li>Fuel storage</li> <li>Evacuation procedures</li> <li>Mobile water tank unit with pump</li> <li>Fire breaks and minimum setbacks</li> <li>Access security, monitoring and prosecution</li> </ul>	Principal Rural Fire Officer  The occupier of the land (currently Nelson Forests Ltd)  Nelson Fire	Yes, on the recommendation of the Principal Fire Officer

Management Plan	Content to include (but not limited to)	Consultation to be had with:	Council to certify
	<ul style="list-style-type: none"> <li>Requirement for rural fire training for motorsport organisers/staff and site caretaker</li> <li>Plan to be reviewed annually, or prior to the establishment of any new activity, and updated accordingly</li> <li>Monsoon patrolling right-of-way for events yielding 300 plus vehicles</li> <li>Stop/Go paddle men for events generating 300 plus vehicles</li> <li>Adequate insurance</li> <li>Compliance with all relevant building regulations</li> <li>Monitoring Fire Weather Indices</li> </ul>	<p>Service</p> <p>Or other appropriately qualified and experienced person</p>	
Hazardous substances	<ul style="list-style-type: none"> <li>Storage requirements and design standards</li> <li>Refuelling restrictions</li> <li>Spill kit and safety equipment locations and requirements</li> <li>Emergency procedures</li> </ul>	<p>Owners of Lot 2 DP 6891 (Rowe)</p> <p>Public Health Service</p> <p>The occupier of the land currently Nelson Forests Ltd</p> <p>Or other appropriately qualified and experienced person</p>	Yes
Landscape	<ul style="list-style-type: none"> <li>Planting plan (separate plan for each activity as it is developed)</li> <li>Riparian planting plan</li> <li>Maintenance programme</li> </ul>		No
Stormwater	<ul style="list-style-type: none"> <li>Design standards and specification</li> <li>Sediment removal programme</li> <li>Maintenance programme</li> </ul>	Owners of Lot 2 DP6891 (Rowe)	Yes
Traffic	<ul style="list-style-type: none"> <li>Intersection control</li> <li>Marshalling</li> <li>Parking</li> <li>Access management and maintenance including Right-of-way and avoiding disruption to other Right-of-way users</li> <li>Speed restrictions</li> <li>Dust suppression</li> <li>Evacuation procedures</li> <li>Compliance and enforcement measures</li> </ul>	<p>NZ Transport Agency</p> <p>Nelson Forests Ltd</p> <p>Users of the shared access road</p> <p>Regional Roading Police Manager</p>	Yes
Wastewater	<ul style="list-style-type: none"> <li>Design standards and specification including treatment and water quality standards</li> <li>Maintenance programme</li> </ul>	Owners of Lot 2 DP6891(Rowe) <u>Public Health Service</u>	Yes
Water	<ul style="list-style-type: none"> <li>Design standards and specification including treatment</li> <li>Maintenance programme</li> <li>Abstraction limits</li> <li>Methods for augmentation of potable water</li> </ul>	Owners of Lot 2 DP6891(Rowe) <u>Public Health Service</u>	Yes

## SCHEDULE 2: PROPOSED BUILDINGS

**Note: Building locations shown on the masterplan are indicative only.**

<b>Building</b>	<b>Location and Details</b>	<b>Setbacks</b>	<b>Height</b>
Caretaker's house (plan RC07)	Commercial precinct	Complying	Complying
Amenities block, campground (plan RC07, RC08)	Commercial precinct	Complying	Complying
Amenities and storage block, kids' pee wee track (plan RC18)	Commercial precinct	Complying	Complying
Accommodation and conference centre (plan RC18 and RC19)	Commercial precinct  19 accommodation units  2 conference buildings containing meeting and conference facilities; restaurant, café, bar; office; and ancillary facilities	Complying	11m
Amenities block, off-road racing circuit (plan RC11)	Motorsport precinct	Complying	Complying
Amenities block, rally road amenities area (plan RC12)	Motorsport precinct	Complying	Complying
Amenities block, motocross and lake area (plan RC13)	Motorsport precinct	Complying	Complying
Amenities block, supermoto area (plan RC14)	Motorsport precinct	Complying	Complying
Pit buildings (plan RC15)	Motorsport precinct  20 private pit buildings	Complying	Complying
Clubroom and display (plan RC15)	Motorsport precinct  Two-storey clubrooms located above pit buildings: clubrooms, museum, display area, offices, corporate boxes, commentary box, and ancillary activities	Complying	11m  Commentary box up to 15m
Drag strip pit buildings (plan RC16)	Motorsport precinct  13 pit buildings  Amenities block	Complying	Complying
Drag strip buildings	Motorsport precinct  2 x amenities blocks; 1 x trauma centre; commentary / control tower	Complying	Complying  Commentary tower up to 12m
Amenities block, confidence course (plan RC20)	Non-motorsport precinct	Complying	Complying
Amenities block, luge area (plan RC21)	Non-motorsport precinct	Complying	Complying
Lighting towers (number and location to be determined)	Motorsport precinct	Complying	Up to 15m



### SCHEDULE 3: PROPOSED ACTIVITIES

**Table 1: Stage 1 Schedule of Activities (in no particular order)**

Activity	Associated Facilities	Ablutions	Parking
<b>Motorsport Activities</b>			
Motocross track (refer plan RC05 and RC13)	<ul style="list-style-type: none"> <li>• parking</li> <li>• ablutions</li> <li>• landscaping</li> </ul>	Shared	Shared, 64 cars and trailers, 14 cars
Supermoto area (plan RC05 and RC14)	<ul style="list-style-type: none"> <li>• parking</li> <li>• ablutions</li> <li>• landscaping</li> </ul>	Dedicated	Dedicated, 40 cars and trailers
Off-road racing track (buggies and quad bikes -plan RC04)	<ul style="list-style-type: none"> <li>• parking</li> <li>• ablutions</li> </ul>	Dedicated	Dedicated, 45 spaces plus 3 coach parks
Rally road (5.2km plan RC03 and RC12)	<ul style="list-style-type: none"> <li>• parking</li> <li>• ablutions</li> <li>• office</li> </ul>	Dedicated	Dedicated, 24 spaces
Clubroom pit area stage 1 (plan RC15)	<ul style="list-style-type: none"> <li>• parking</li> <li>• first level 20 x pit buildings</li> <li>• ablutions</li> <li>• landscaping</li> </ul>	Dedicated	Dedicated, 36 cars plus coach parking
Dragstrip (400m), runout (400m) and return road which forms a basic sealed circuit (plans RC06, RC07, RC16, RC17)	<ul style="list-style-type: none"> <li>• parking</li> <li>• 13 x pit buildings</li> <li>• spectator embankments x 2</li> <li>• ablutions block</li> <li>• refuse station</li> <li>• helipads x 2</li> <li>• marshalling area</li> <li>• meeting rooms</li> <li>• first aid centre (future trauma centre)</li> </ul>	Dedicated	Dedicated 75 competitor spaces 256 visitor spaces east side 103 visitor spaces west side
<b>Non-Motorsport Activities</b>			
Sale of liquor (special licences for temporary events and on licences for accommodation providers)	<ul style="list-style-type: none"> <li>• initially temporary</li> </ul>	Shared	N/A
Driver training school using various tracks	<ul style="list-style-type: none"> <li>• parking</li> <li>• ablutions</li> </ul>	Shared	Shared
Vehicle testing on various tracks	<ul style="list-style-type: none"> <li>• ablutions</li> </ul>	Shared	N/A
Children's pee wee track (motocross plans RC07, RC18)	<ul style="list-style-type: none"> <li>• parking</li> <li>• ablutions</li> <li>• storage shed</li> <li>• amenity lakes</li> <li>• children's playground</li> </ul>	Dedicated playground	Shared with drag strip parking west sides (103 spaces)
Mountain bike tracks (various plans and RC19)	<ul style="list-style-type: none"> <li>• parking</li> <li>• ablutions</li> </ul>	Shared with other activities	Shared with other activities
Regional Cycle Trail Link ( <b>to be confirmed</b> )	<ul style="list-style-type: none"> <li>• ablutions</li> <li>• accommodation</li> </ul>	Shared with other activities	Shared with other activities
Mountain bike park (plan RC07, RC19)	<ul style="list-style-type: none"> <li>• parking</li> <li>• ablutions</li> </ul>	Shared with campground (stage 2)	Dedicated, 62 cars

Zip line (flying fox) course (location to be determined)	<ul style="list-style-type: none"> <li>• parking</li> <li>• ablutions</li> </ul>	Shared	Shared
Confidence course (plan RC09, RC20)	<ul style="list-style-type: none"> <li>• parking</li> <li>• ablutions block</li> <li>• landscaping</li> </ul>	Dedicated	Dedicated, 24 cars
Caretaker's house (plan RC07)	<ul style="list-style-type: none"> <li>• landscaping</li> </ul>	Dedicated in-house	Dedicated, 2 cars
Access roads	<ul style="list-style-type: none"> <li>• Motueka Valley Highway upgrade</li> <li>• access road upgrade</li> </ul>	N/A	N/A
Off-site signs	<ul style="list-style-type: none"> <li>• one directional sign at the intersection of State Highway 6 and the Motueka Valley Highway</li> <li>• one directional sign at the intersection of the Motueka Valley Highway and Olivers Road</li> <li>• "restricted access" or "no public access" signs along the side roads on Olivers Road</li> </ul>	N/A	N/A
Infrastructure	<ul style="list-style-type: none"> <li>• Sewage. Portalooos and 5 x ablution blocks plus caretaker's house.</li> <li>• Water. Collection and use of roof water on all buildings. Abstraction from bores for centralised storage and domestic use.</li> <li>• Stormwater. Discharge to ground and use of swales from impervious surfaces.</li> <li>• Earthworks. Estimated approximately 30,000m<sup>3</sup> required in stage 1, plus lake excavation.</li> <li>• Culverts/bridges. 7 x culverts/bridges (2 x off-road racing; 2 x rally road; 2 x supermoto; 1 x main access road).</li> </ul>		

**Table 2: Stage 2 Schedule of Activities (not in any order)**

Activity	Associated Facilities	Ablutions	Parking
<b>Motorsport Activities</b>			
Kart track (plan RC06, RC15)	<ul style="list-style-type: none"> <li>• parking</li> <li>• ablutions</li> </ul>	Shared with club pit rooms	Shared with club pit rooms (36 spaces)
Clubroom pit area stage 2 (plan RC15)	<ul style="list-style-type: none"> <li>• second level museum, display and corporate boxes</li> <li>• third level clubrooms and commentary box</li> </ul>	Dedicated stage 1	Dedicated stage 1
<b>Non-Motorsport Activities</b>			
Commercial buildings (plan RC07)	<ul style="list-style-type: none"> <li>• 4 x buildings</li> <li>• Parking</li> </ul>	Shared with drag strip	Dedicated 12 spaces plus overflow
Accommodation (plan RC07, RC18, RC19)	<ul style="list-style-type: none"> <li>• 19 self-contained accommodation unites, 6-8 people each</li> <li>• bar and restaurant</li> <li>• conference facility</li> </ul>	Communal facilities	Dedicated 36 spaces plus shared overflow parking
Campground (plan RC07, RC19)	<ul style="list-style-type: none"> <li>• ablutions block</li> </ul>	Dedicated	Dedicated on-site
Zorb and luge/buggy track (plan RC09, RC21)	<ul style="list-style-type: none"> <li>• parking</li> <li>• ablutions block</li> <li>• access road</li> </ul>	Dedicated	Dedicated, 44 spaces
Open recreation space for community concerts and events (plan RC08)	<ul style="list-style-type: none"> <li>• ablutions</li> <li>• parking</li> </ul>	Shared with campground and temporary portaloos	Shared, overflow
Overflow parking (plan RC07)			Overflow parking for 1135 cars and provision for coaches
Access roads	<ul style="list-style-type: none"> <li>• internal link roads</li> </ul>		
Infrastructure	<ul style="list-style-type: none"> <li>• Sewage. 4 x individual on-site systems plus communal system for accommodation.</li> <li>• Water. As for stage 1.</li> <li>• Stormwater. As for stage 1.</li> <li>• Earthworks.</li> <li>• Culverts/bridges. 3 culverts/bridges (2 x access between drag return road and kart track; 1 x access to accommodation).</li> </ul>		

Issued this 13<sup>th</sup> day of June 2012



Malcolm Hunt  
**Commissioner Chair of Commissioner Panel**



## RESOURCE CONSENT

**RESOURCE CONSENT NUMBER:** RM100872

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

**Adcock and Donaldson Properties Ltd**  
(hereinafter referred to as "the Consent Holder")

### ACTIVITY AUTHORISED BY THIS CONSENT:

Storage and use of hazardous substances

### LOCATION DETAILS:

Legal Description: Lots 1 and 2 DP 17074  
Certificate of Title: NL11A/1222 and NL11A/1223  
Valuation Number: 1925049701  
Easting and Northing: 2498638E 5978082N

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

### CONDITIONS

1. The storage and use of hazardous substances shall be in general accordance with the information in support of application RM100872. Where there are any apparent conflicts or inconsistencies between the information provided and the conditions of this consent, the conditions shall prevail.

In particular all storage facilities will be designed and operated strictly in accordance with the relevant standards. Mitigation measures shall include, but not be limited to:

- dedicated storage areas
- on-site containment and bunding
- fire fighting equipment and facilities
- restrictions on the storage quantities (200 litres per competitor)
- On-site storage (e.g. fuel-trailers) will be stored in dedicated areas with bunding and appropriate setbacks from Stanley Brook Stream.
- Refuelling will be limited to dedicated areas within the site with are out-of-stream and which contain bunding.
- On-site accidental spill kits will be required, which will include equipment to contain and clean up any accidental spills.
- Access to storage areas will also be restricted to competitors and officials only.
- All operators will also be required to comply with a Hazardous Substances Management Plan (HSMP), forming part of the Operations Manual. This HSMP shall

be submitted for approval to the Council's Co-ordinator Compliance Monitoring within 6 months of the granting of this consent.

### Site Design and Layout

2. Any surface or container used to store or contain any hazardous substances must be sealed and impervious to the hazardous substance.
3. The maximum quantity and type of hazardous substances stored and/or used on site shall not exceed those as specified in Table 1 below (details to be provided by the applicants).

**Table 1**

Substance	Quantity Stored on site permanently	Temporary storage quantity during events (excluding fuel stored in vehicle fuel tanks)
Agrichemicals for farming operation	400 litres	n/a
Fuels and oils for farm operation	400 litres	n/a
LPG	2000kg total, stored in Portable gas bottles 45kg 90kg 210kg	n/a
Motor fuels and oils for event participants	None	Fuel 60 litres per participant Oil 10 litres per participant
Miscellaneous cleaning chemicals	8,000 litres	n/a
Smaller quantities of miscellaneous hazardous substances stored and used on site including boiler water treatment product and compressed gases such as Oxygen, Acetylene, Ethylene and Argon.	n/a	n/a

**Advice Note:**

Any minor increase in the volumes of the above table will require a change of conditions application under Section 127. Any significant increase will require a new resource consent.

### Emergency and Spill Management

4. Any part of the site where a hazardous substance spill may occur shall be serviced by a spill containment system that is:
  - (a) constructed from impervious materials resistant to the hazardous substances used or stored on the site; and
  - (b) able to prevent the discharge of any spill or other unintentional release of any hazardous substance, or the discharge of any contaminated stormwater or water used in firefighting into any surface or groundwater system.
5. Appropriate, clearly visible signage indicating the type and properties of hazardous substances held on-site shall be located on or near all storage containers holding hazardous substances (including the storage tanks, and any sheds containing any assortment of cleaning chemicals) to inform emergency services.

**Advice Note:**

Regular communication with the emergency services (in particular, the Fire Department) is recommended to ensure and maintain their familiarity with the site and the hazards present.

6. Appropriate fire extinguishers shall be provided in suitable locations on the site for fire-fighting purposes. The location of these instruments shall be noted in the Spill Contingency Plan required by Condition 8.

**Operation, Monitoring and Maintenance**

7. All secondary containment facilities for hazardous substances held on-site shall be regularly checked to ensure their integrity. Written records of these inspections shall be held on-site and presented to the Co-ordinator Compliance Monitoring on request.
8. At least one copy per location of an Emergency and Spill Contingency Plan prepared for the site shall be located in a visible and accessible location with the spill kits required by Condition 11. An additional copy of this plan shall be held in a central, accessible location in the office area. The emergency and spill contingency plans shall be accompanied by a full copy of all material safety data sheets for all hazardous substances held on site. The spill kit shall reflect the requirements of Condition 11.

**Advice Note:**

All staff involved in the handling and/or use of hazardous substances shall be familiar with the site's emergency and spill contingency plan and confirmation of this training should be documented in the records held on-site.

9. The Emergency and Spill Contingency Plan required by Condition 8 shall contain, but not be limited to, at least two site contact names and contact telephone numbers (including after hours), contact telephone numbers for all emergency services, detailed procedures for dealing with spills, contact numbers for liquid waste collection and removal companies and contact details for the Council (including after hours). A copy of this plan shall be forwarded to the Council's Co-ordinator Compliance Monitoring within six months of the granting of this consent.
10. Any changes to the site's Emergency and Spill Contingency Plan shall be in accordance with the conditions of this consent and shall be submitted in writing to the Council's Co-ordinator Compliance Monitoring prior to their implementation.
11. Spill kits shall be provided on-site in all areas where hazardous substances are stored. These kits shall be visible, appropriately labelled and readily accessible by all staff. These kits shall contain absorbent materials, cleanup materials, personal protective equipment and the locations shall be clearly identified in the site's Emergency and Spill Contingency Plan required by Condition 8.
12. Any spillage of hazardous substances on-site shall be dealt with in a manner that minimises risk to human health and the environment. In the event of a spill, the Consent Holder shall take all practicable measures to minimise contaminants' entry to the stormwater system.
13. The Consent Holder shall keep an accurate written record of all accidents or incidents involving the spillage of hazardous substances and shall supply these to the Council's Co-ordinator Compliance Monitoring on request. Any spillage of hazardous substances where the substance is not collected and removed from site shall be reported immediately (within 24 hours) to the Council's Co-ordinator Compliance Monitoring.

14. All waste material containing hazardous substances (including any material associated with spill cleanup) shall be removed on a regular basis off-site and disposed of at a facility authorised to receive such material.

### **Groundwater Monitoring**

15. The Consent Holder shall install a minimum of four groundwater monitoring bores (authorised by RM100875) to allow for the monitoring of groundwater contamination. One bore is to be upstream of any motorised vehicular activity, two bores to be located immediately downgradient of the "Off road racing track" shown in Plan RC02 dated 22 November 2010 (attached) and evenly spaced across the valley floor. Finally, one bore is to be approximately 20 metres downgradient of the main hydrocarbon storage area.
16. This condition shall take effect as soon as an event is held on the site.

On two occasions each year, once during the month of January and once within the week immediately following a major event where more than 500 vehicles attend, the Consent Holder shall sample the groundwater in all monitoring wells. In any year when no such event is held then the requirement for the second sampling round shall not apply in that year.

On each occasion that monitoring is done the height of the water in each bore shall be measured and a sample shall be taken and tested for Total Petroleum Hydrocarbons (TPH).

#### **Advice Note:**

This condition must be complied with for the duration of the consent. However, if repeated samples show that no contamination is taking place then this evidence may form the basis of a Section 127 application to reduce or delete the monitoring requirement.

17. The sampling and analyses required to be done by Condition 16 shall be undertaken by an appropriately qualified person and in accordance with standard sampling procedures and using laboratory provided containers. Immediately prior to collection of samples at least three well volumes (calculated including the gravel pack) of groundwater shall be purged from the piezometer.

Analyses shall be done at an appropriately accredited laboratory facility and samples shall be transported to the laboratory under chain of custody. The Consent Holder shall ensure that the laboratory is aware of the nature of the samples and analysis required and that tests using appropriate detection limits are used by the laboratory.

### **Reporting**

18. The Consent Holder shall provide to the Council's Co-ordinator Compliance Monitoring the results of the sample analyses required by Condition 16 within 20 working days of the results being made available to the Consent Holder.

As no compliance limits have been set the Council's Co-ordinator Compliance Monitoring reserves the right to ask for additional samples to be taken if the results reasonably show that groundwater hydrocarbon concentrations are being elevated by the operation of the motorsport park. A Section 128 review of consent conditions may also be warranted to address any actual or potential adverse effects on the environment.

19. Notwithstanding any other condition of this consent, any risk identified to any nearby drinking water or surface water of leaching from this site arising from the monitoring being undertaken shall be notified to Council immediately.

## General Conditions

20. The facility shall be operated in accordance with the relevant Hazardous Substances & New Organisms Act 1996 (HSNO) requirements, and the operators handling the substances shall have current Approved Handler Certificates.
21. The Council may, during the month of July each year, review any or all of the conditions of the consent pursuant to Section 128 of the Act. The purpose of such a review would be:
  - (a) to deal with any adverse effect on the environment which may arise from the exercise of the consent that was not foreseen at the time of granting of the consent, and which is therefore more appropriate to deal with at a later stage; or
  - (b) to require the Consent Holder to adopt the best practical option to remove or reduce any adverse effects on the environment resulting from the exercise of this consent and/or to alter information collection and reporting requirements of this consent; or
  - (c) to require consistency with any relevant Regional Plan, District Plan, National Environmental Standard or Act of Parliament.

## Expiry

22. This consent shall expire on 1 June 2047

Issued this 13<sup>th</sup> day of June 2012



Malcolm Hunt  
**Commissioner Chair of Commissioner Panel**





## RESOURCE CONSENT

**RESOURCE CONSENT NUMBER:** RM100873  
RM100876

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

**Adcock and Donaldson Properties Ltd**  
(hereinafter referred to as "the Consent Holder")

### ACTIVITY AUTHORISED BY THIS CONSENT:

Install culverts and bridges; and Divert water

### LOCATION DETAILS:

Legal Description: Lots 1 and 2 DP 17074  
Certificate of Title: NL11A/1222 and NL11A/1223  
Valuation Number: 1925049701  
Easting and Northing: 2498638E 5978082N

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

### CONDITIONS

1. The installation of any culverts and bridges, and any diversion of water to facilitate their construction shall be in general accordance with the information in support of applications RM100873 & RM100876. Where there are any apparent conflicts or inconsistencies between the information provided and the conditions of this consent, the conditions shall prevail.
2. The Consent Holder shall contact Council's Co-ordinator Compliance Monitoring at least 24 hours prior to commencing works for monitoring purposes.
3. Any culverts and bridges shall be placed and maintained to ensure Stanley Brook Stream retains floodway capacity to convey  $Q_{50}$  flood flows.
4. Any culverts and bridges shall not cause any increase in upstream water levels, which may cause flooding on neighbouring properties.
5. Any culverts and bridges shall be installed under the design and supervision of a chartered professional civil engineer.
6. The Consent Holder shall ensure that any culverts and bridges are constructed in such a manner as to minimise sedimentation and contamination to the Stanley Brook during construction.

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RM100848, RM100872, RM100873, RM100874, RM100875  
RM100876, RM100877, RM100878, RM100879 - Adcock and Donaldson

7. The Consent Holder shall ensure that for the duration of this consent any debris build-up in the vicinity of any culverts and bridges is promptly removed, to prevent obstruction of the bed and banks of the watercourse and ensure that adequate scour protection measures such as rock armouring are installed and maintained as necessary, to prevent scouring of the bed and banks of the watercourse.
8. A sediment control plan shall be determined and implemented prior to construction of the works commencing and maintained until revegetation of bare soil surfaces occurs.
9. The Consent Holder shall ensure that the minimum of works in the water shall be undertaken.
10. All machinery on the work site shall be refuelled, and any maintenance works undertaken, in such a manner as to prevent contamination of land and surface water. Spillage of contaminants into any watercourse or onto land shall be adequately cleaned up so that no residual potential for contamination of land and surface water run-off from the site occurs. If a spill of more than 20 litres of fuel or other hazardous substance occurs, the Consent Holder shall immediately inform Council's Co-ordinator Compliance Monitoring.
11. All construction equipment, machinery, plant, and debris are to be removed from the site at completion of the works.
12. The Consent Holder shall ensure that a copy of these resource consents RM100873 & RM100876 are provided to all parties undertaking the work authorised by these consents and that copies shall be on-site at all time during construction.
13. Council may, for the duration of this consent, during the month of July each year, review the conditions of the consent pursuant to Section 128 of the Act to:
  - (a) deal with any adverse effect on the environment that may arise from the exercise of the consent and which it is appropriate to deal with at a later stage; or
  - (b) to require compliance with operative rules in the Tasman Resource Management Plan or its successor; or
  - (c) when relevant national environmental standards have been made under Section 43 of the Resource Management Act 1991.
14. Pursuant to Section 125 of the Act, this consent shall lapse 10 years after the date of this consent unless either the consent is given effect to, or the Council has granted an extension pursuant to Section 125(1)(b) of the Act.

**Advice Note:**

The consents are given effect to once the works commence.

15. This consent shall expire on 1 June 2047

Issued this 13<sup>th</sup> day of June 2012



Malcolm Hunt

**Commissioner Chair of Commissioner Panel**



## RESOURCE CONSENT

**RESOURCE CONSENT NUMBER:** RM100874

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

**Adcock and Donaldson Properties Ltd**  
(hereinafter referred to as "the Consent Holder")

### ACTIVITY AUTHORISED BY THIS CONSENT:

Earthworks and land re-contouring

### LOCATION DETAILS:

Legal Description: Lots 1 and 2 DP 17074  
Certificate of Title: NL11A/1222 and NL11A/1223  
Valuation Number: 1925049701  
Easting and Northing: 2498638E 5978082N

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

### CONDITIONS

1. That works associated with the land disturbance are completed out in general accordance with the application submitted.
2. The Consent Holder shall contact Council's Co-ordinator Compliance Monitoring at least 24 hours prior to commencing any works, to enable compliance with Condition 1 above.
3. The Consent Holder shall ensure that the proposed earthworks and land recontouring shall have no increase in upstream or downstream flooding.
4. Any work undertaken on culverts shall be in such a manner as to minimise sedimentation and contamination of any water flows from these culverts during and after construction. Adequate scour prevention measures such as rock armouring shall be constructed as necessary, to prevent scouring at the culvert outlets.
5. Management and Control of erosion, sediment and dust control shall be undertaken in accordance with the Construction Management Plan required by resource consent RM100848. The Construction Management Plan shall be prepared in accordance with the Tasman District Council Engineering Standards and Policies 2008 and shall include the following:
  - (a) A locality map detailing as a minimum the location of roads, property boundaries, surface water ways and crossings, stormwater management measures and the

- direction of stormwater flows, and the erosion, sediment and dust control measures proposed;
- (b) Site description;
  - (c) A detailed pattern of works identifying:
    - (i) Each stage of construction;
    - (ii) The volume of earthworks proposed;
  - (d) Contour information at suitable intervals to show the contour of the land within and around the area of works;
  - (e) Detailed drawings and specifications of all designated erosion and sediment control measures including contingency measures, on-site catchment boundaries and off-site sources of run off and design information as is necessary to demonstrate the run-on water is controlled "clean" and "dirty" water is separated, and the receiving networks are protected from uncontrolled discharges;
  - (f) Remediation of the site following completion of the works.
6. Run-off and sediment control measures shall be of sufficient size, be suitably constructed for the purpose and maintained, so that adverse effects of stormwater run-off are no more than minor.
7. The Consent Holder shall adopt the best practical means to ensure that run-off and sediment control measures shall not cause the production of conspicuous oil or grease films, scums or foams, or floatable or suspended material in any receiving water.
8. As far as is practicable, any earthworks should not be carried out during periods of wet weather.
9. The Consent Holder shall ensure that all machinery is maintained and operated in a manner which minimises to the greatest extent practicable any spillage of fuel, oil and similar contaminants to water or land, particularly during machinery refuelling, servicing and maintenance. Maintenance, refuelling and lubrication of machinery shall not be carried out within 20 metres of any surface water body.
10. Spillage of contaminants into any watercourse or onto land shall be remediated so that no residual potential for contamination of land and surface water run-off occurs. If a spill of more than 20 litres of fuel or other hazardous substance occurs, the Consent Holder shall immediately inform Council's Co-ordinator Compliance Monitoring. The Consent Holder shall ensure that all contractors working under this consent are informed of and understand this requirement.

### **Monitoring Bores**

11. The Consent Holder shall install a minimum of four groundwater monitoring bores as required by RM100875 to allow for the monitoring of groundwater contamination, with one bore to be upstream of any motorised vehicular activity, two bores to be located downstream and in the vicinity of the aquatic motorsports lakes, and one bore to be downstream of the main hazardous substance bunded storage area to ensure no seepage of hydrocarbon etc to ground water.

12. All cut and fill batters and faces exposed during works shall be sufficiently stabilised using appropriate erosion control techniques as soon as is practicable after all construction is complete, so as to minimise potential slope instability and stormwater run-off erosion effects on the exposed earthworks. Site rehabilitation and revegetation should be completed as soon as practicable on completion of the earthworking components.

**Advice Note:**

Appropriate erosion control techniques may include, but are not limited to, geotextile fabrics, mesh, vegetation or grass cover. The Consent Holder is referred to Auckland Regional Council's TP 90 publication for further guidelines.

13. The Consent Holder shall not sell any gravel extracted from the site earthworks or transport any gravel off-site.

**Advice Note:**

A separate application for resource consent will be required before any gravel can be sold should sufficient quantities be available and the applicant wishes to do so.

### **Noise Levels**

14. The Consent Holder shall ensure that all activities are designed and conducted and that the equipment used on site is maintained so that the noise generated by activities on the site shall not exceed the limits specified in the conditions of resource consent RM100848 at the notional boundary of any adjacent dwelling over a measurement period of 15 minutes during the hours of operation as controlled by the condition above.

Noise shall be measured and assessed in accordance with the provisions of NZS 6801:1991 (Measurement of Sound) and NZS 6802:1991 (Assessment of Environmental Sound).

15. The Consent Holder shall ensure that all excess soil, vegetation and other materials resulting from the works are removed from the site on completion of the works to the satisfaction of the Council's Co-ordinator Compliance Monitoring, and that the site is left in a neat and tidy condition. No soil material or vegetation shall be left where it may enter water or result in the contamination or destruction of any natural/stream habitat.
16. In the event of Maori archaeological sites (e.g., shell midden, hangi or ovens, garden soils, pit depressions, occupation evidence, burials, taonga) or koiwi (human remains) being uncovered, activities in the vicinity of the discovery shall cease. The Consent Holder shall then consult with the New Zealand Historic Places Trust's Central Regional Office (PO Box 19173, Wellington, telephone (04) 801 5088, fax (04) 802 5180), and shall not recommence works in the area of the discovery until the relevant Historic Places Trust approvals to damage, destroy or modify such sites have been obtained.

**Advice Note:**

The discovery of any pre-1900 archaeological site (Maori or non-Maori) which is subject to the provisions of the Historic Places Act needs an application to the Historic Places Trust for an authority to damage, destroy or modify the site.

17. Pursuant to Section 128 of the Resource Management Act 1991, the Consent Authority may review the conditions of these consents for any of the following purposes:
  - (a) to deal with any adverse effect on the environment which may arise from the exercise of these consents, and which it is appropriate to deal with at a later stage;

- (b) to require the Consent Holder to adopt the best practicable option to remove or reduce any adverse effect on the environment;
- (c) to assess the appropriateness of imposed compliance standards, monitoring regimes and monitoring frequencies and to alter these accordingly; and
- (d) to change the compliance standards imposed by conditions of this consent to standards which are consistent with any relevant regional plan, district plan, or Act of Parliament.

### **Expiry**

18. This consent shall expire on 1 June 2047

### **Lapse Date**

19. Pursuant to Section 125, of the Resource Mangement Act, this resource consent shall lapse 10 years after the date of this consent unless either the consent is given effect to, or the Council has granted an extension pursuant to Section 125(1)(b) of the Act.

Issued this 13<sup>th</sup> day of June 2012



Malcolm Hunt  
**Commissioner Chair of Commissioner Panel**



## RESOURCE CONSENT

**RESOURCE CONSENT NUMBER:** RM100875

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

**Adcock and Donaldson Properties Ltd**  
(hereinafter referred to as "the Consent Holder")

### ACTIVITY AUTHORISED BY THIS CONSENT:

Construction of bores

### LOCATION DETAILS:

Legal Description: Lots 1 and 2 DP 17074  
Certificate of Title: NL11A/1222 and NL11A/1223  
Valuation Number: 1925049701  
Easting and Northing: 2498638E 5978082N

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

### CONDITIONS

1. The Consent Holder shall ensure that all the work carried out during the construction of any bores is of a standard that conforms with good drilling practice, including full compliance with the New Zealand Standard for Drilling of Soil & Rock: NZS 4411:2001 (or subsequent versions) and the bores shall comply with the following:

Maximum Monitoring Bore Depth (m): 7 metres deep

#### Advice Notes:

No limits are placed on the depth or the domestic take bores, nor the diameters of either the monitoring bores or the domestic take bores. However it is recommended that the monitoring bores have a diameter of around 150 millimetres.

The locations of the monitoring bores are specified in the conditions of resource consent RM100872.

2. All bore head casings and reticulation shall be located or suitably constructed and sealed to avoid ingress into the bores of any surface water, including floodwater or foreign matter.

#### Yield Test

3. A yield test of at least 1 hour of pumping shall be carried out on any new bores with flow rates, draw down and pumping time recorded for the pumped bore and this data shall be provided in the bore log (required in Condition 4 below) to be submitted to Council upon completion of drilling.

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RM100848, RM100872, RM100873, RM100874, RM100875  
RM100876, RM100877, RM100878, RM100879 - Adcock and Donaldson

## Records to be Kept

4. The Consent Holder or their agent shall supply fully completed bore logs to the Council's Resource Scientist, Water as soon as is practicable, but not later than three months, following completion of the construction of the bores. The bore logs shall be in a form and to a standard satisfactory to the Council, and shall include where available:
  - (a) results of any step pump test carried out on the bores;
  - (b) results of any chemical analyses performed on underground water taken from the bores; and
  - (c) results of any pressure test(s) carried out on the bores.

The records to be provided shall also include a map showing the locations of the bores.

## Measuring and Sampling Facilities

5. The bores' construction shall provide adequate facility and access for future water quality sampling such as a hand-operated tap-valve that is located at least 0.33 metres above ground level (unless otherwise specified by special condition) and is sourced from the direct pump outlet, before the reticulation encounters pressure tanks/reservoir/treatment plant.

Where there is reticulation back pressure at the bore head, a one-way valve shall be fitted for maximum efficiency, and in that case the water sampling point shall be on the bore pump side of the one-way valve.

6. Bore construction shall provide adequate facility and access for future vertical lowering of a 3 centimetre diameter probe that allows water level readings to be taken.

## Lapsing of Consent

7. Pursuant to Section 125 of the Resource Management Act this consent shall lapse 10 years after the date of this consent unless either the consent is given effect to, or the Council is granted an extension pursuant to Section 125(1)(b) of the Act.

## Notification of the Council

8. For monitoring purposes, the Council's Resource Scientist, Water shall be notified of the intention to drill any new bore no less than 24 hours before drilling commences.

## Driller Copy

9. The Consent Holder shall provide a copy of this consent to their driller prior to any work commencing.

Issued this 13<sup>th</sup> day of June 2012



Malcolm Hunt  
**Commissioner Chair of Commissioner Panel**





## RESOURCE CONSENT

**RESOURCE CONSENT NUMBER:** RM100878  
RM100879

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

***Adcock and Donaldson Properties Ltd***  
(hereinafter referred to as "the Consent Holder")

### ACTIVITY AUTHORISED BY THIS CONSENT:

Discharge wastewater to land; and  
Discharge greywater to land

### LOCATION DETAILS:

Legal Description: Lots 1 and 2 DP 17074  
Certificate of Title: NL11A/1222 and NL11A/1223  
Valuation Number: 1925049701  
Easting and Northing: 2498638E 5978082N

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

### CONDITIONS

1. The design, construction and operation of the wastewater treatment and land application systems shall be in general accordance with the requirements of the Tasman Resource Management Plan (or its successor) and in addition with AS/NZS 1547:2000, unless inconsistent with the conditions of this consent, in which case these conditions shall prevail.
2. The applicant shall provide a full design of each individual on-site wastewater system to Council when applying for the building consent for each proposed stage of the Motorsport Park proposal. This shall define the maximum design loading daily discharge rate (MDL). The maximum rate of discharge shall be determined in accordance with AS/NZS 1547:2000 or TP58 (Auckland Council technical document).

#### **Advice Note**

Specific care must be taken to ensure that any individual wastewater treatment system can cope with the intermittent loads.

3. The treated wastewater entering the land application areas, as measured at the sampling point required to be installed in accordance with Condition 11, shall comply at all times with the following limits:

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RM100848, RM100872, RM100873, RM100874, RM100875  
RM100876, RM100877, RM100878, RM100879 - Adcock and Donaldson

- (a) the 5 day biochemical oxygen demand (BOD<sub>5</sub>) in any single sample shall not exceed 150 grams per cubic metre; and
  - (b) the concentration of total suspended solids (TSS) in any single sample shall not exceed 150 grams per cubic metre.
4. The wastewater treatment systems shall be fitted with an audible and visual alarm and the land application areas shall be located more than:
- (a) 20 metres from any surface water body, including the margin of a wetland but not including any stormwater drain that diverts water from the disposal field or any wetland constructed as part of the treatment system;
  - (b) 20 metres from any bore used for potable water supply;
  - (c) 5 metres from any adjoining property or road boundary;
  - (d) 20 metres from the edge of any other domestic wastewater disposal field.
5. There shall be no ponding of wastewater on the ground surface, or any direct discharge or run-off of wastewater to surface water.
6. The construction and installation of the wastewater treatment plant and land application systems shall be carried out under the supervision of a person who is suitably qualified and experienced.

That person shall provide a written certificate or producer statement to the Council's Co-ordinator Compliance Monitoring prior to the exercise of this resource consent. This certificate or producer statement shall include sufficient information to enable the Council to determine compliance with Conditions 1, 3, and 11 and shall also confirm the following:

- (a) that all components of the wastewater system (including the treatment plant and the land application area) have been inspected and installed in accordance with standard engineering practice and the manufacturer's specifications;
  - (b) that all components of the wastewater system are in sound condition for continued use for the term of this resource consent.
7. The Consent Holder shall submit a set of final "as-built" plans to the approval of the Council's Co-ordinator Compliance Monitoring, showing the location of all components of each wastewater treatment and land application system. For the purpose of this condition, the Consent Holder shall ensure that the "as-built" plans are drawn to scale and provide sufficient detail for a Council Compliance Monitoring Officer to locate all structures identified on the plans, including the sampling point required to be installed in accordance with Condition 10. For the avoidance of doubt, to facilitate staged development and up-scaling as development proceeds, final "as built" plans shall be submitted in stages for each stage of development, or for expansion of up-scaling of the wastewater treatment system
8. A sampling point to allow collection of a sample of the treated wastewater shall be provided at a point located after the final pump-out chamber and before the point where the wastewater discharges to the land application area on each proposed system.

#### **Maintenance and Monitoring**

9. Samples of the treated wastewater shall be collected 6, 12 and 24 months following the first exercise of this consent from the sampling point referred to in Condition 8. The samples

shall be tested for BOD<sub>5</sub> and TSS by an accredited environmental testing laboratory. Results of these tests shall be forwarded to the Council's Co-ordinator Compliance Monitoring within 10 working days of the results of each test being received by the Consent Holder.

The samples required by this condition shall be taken at times where the facilities are being used in a typical fashion. The samples shall be taken using laboratory supplied containers and according to the procedures directed by the accredited environmental testing laboratory and shall be transported to the laboratory under chain of custody.

10. The Consent Holder shall enter into, and maintain in force at all times, a written maintenance and monitoring contract with an experienced wastewater treatment plant operator, or a person trained in the wastewater treatment operation by the system designer, for the ongoing maintenance of the treatment and land application systems.

The contract shall specify the frequency of treatment plant inspections and maintenance during the term of this resource consent and shall include an inspection and maintenance schedule that is in accordance with the conditions of this consent.

A signed copy of this contract shall be forwarded to the Council's Co-ordinator Compliance Monitoring prior to the exercise of this consent.

11. Notwithstanding Condition 10, the wastewater treatment and land application systems shall be inspected and serviced at least every 6 months and a copy of the service provider's maintenance reports shall be forwarded to the Council's Co-ordinator Compliance Monitoring within 2 weeks of each inspection. The inspection reports shall include, but not be limited to, the following information:

- (a) the date the inspection was undertaken and the name of the service provider;
- (b) a list of all components of the treatment and land application systems that were inspected and the state of those components;
- (c) any maintenance undertaken during the visit or still required, and a timetable for the expected completion of this work;
- (d) a description of the appearance of the filter/s and tanks;
- (e) the location and source of any odour detected from the system; and
- (f) a description of the appearance of the land application area (ponding, vegetation growth, etc).

### **Review of Consent Conditions**

12. The Council may, during the month of July each year, review any or all of the conditions of the consent pursuant to Section 128 of the Act for all or any of the following purposes:
  - (a) to deal with any adverse effect on the environment which may arise from the exercise of the consent that was not foreseen at the time of granting of the consent, and which is therefore more 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 effects on the environment resulting from the discharge; and/or

- (c) to review the contaminant limits, loading rates and/or discharge volumes and flow rates of this consent if it is appropriate to do so; and/or
  - (d) to review the frequency of sampling and/or number of determinands analysed if the results indicate that this is required and/or appropriate;
  - (e) to require consistency with any relevant Regional Plan, District Plan, National Environmental Standard or Act of Parliament.
13. On the sale of the properties these consents shall be transferred to the new owners of the property.

### **Lapsing of Consent**

14. Pursuant to Section 125, this resource consent shall lapse 10 years after the date of this consent, unless either the consent is given effect to, or the Council has granted an extension pursuant to Section 125(1)(b) of the Act.

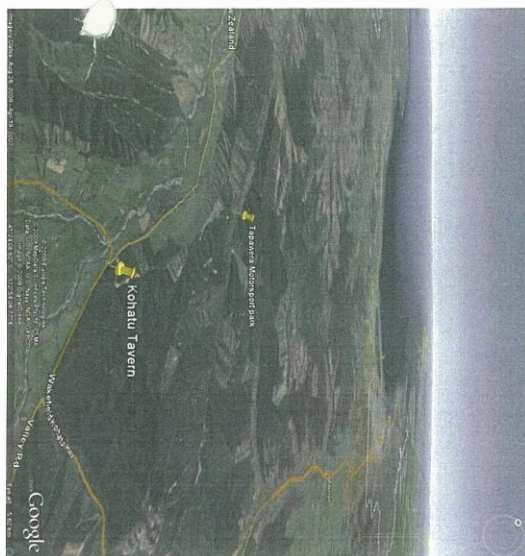
### **Expiry**

15. These consents shall expire on 1 June 2047

Issued this 13<sup>th</sup> day of June 2012

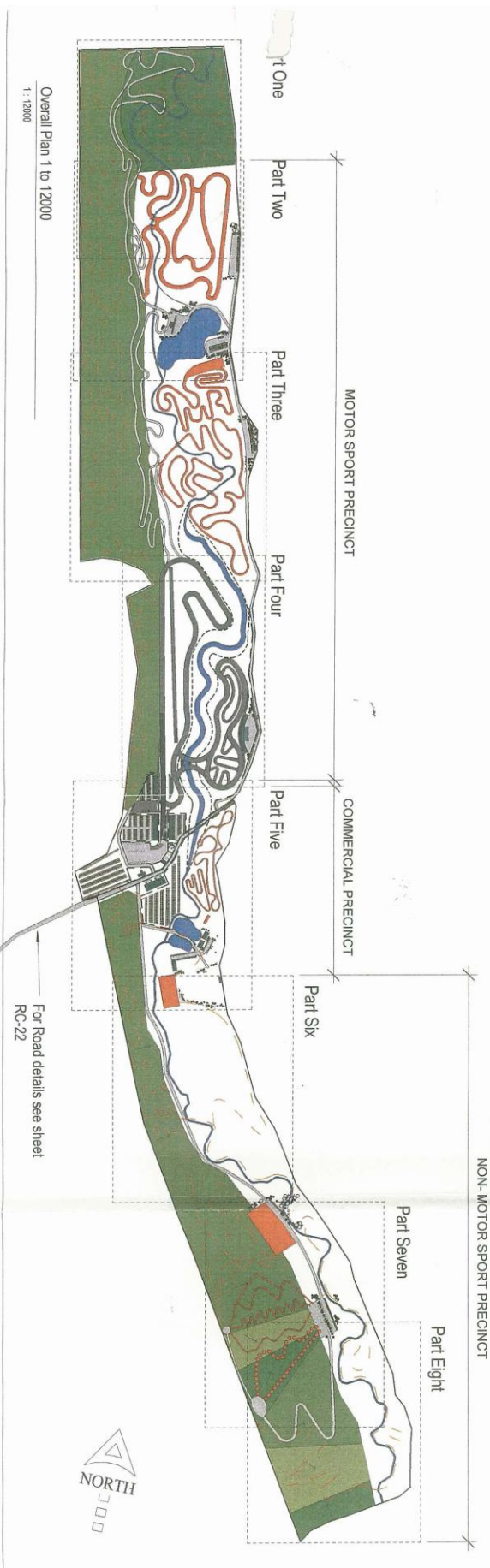


Malcolm Hunt  
**Commissioner Chair of Commissioner Panel**



- Stage One**
- Motorcross Track
  - Jet Ski Lake and Cable Winchlanding
  - Supernova Area
  - Off Road Racing, Buggies and Quads
  - Rally Road
  - Outdroom Pit Area (Drags)
  - Dragspit, outout and return road
  - Dragspit
  - 2 level building and Testing
  - Childrens Play Area
  - Mountain Bike Tracks
  - Regional Cycle Link (TRC)
  - 2/0 Line (Flying F'oo) Course
  - Confidence Course
  - Cafe/Rest House
  - Access Road
  - CPI Site Signs
  - Miscellaneous
- Total building area**
- Amenities 30 sqm
  - House 250 sqm
  - Storage and Amenities 375 sqm
- Stage Two**
- Kart Track
  - Clubsrooms
  - Commercial Buildings
  - Accommodation
  - Campground
  - Zoo, Luge, Buggy Track
  - Open Space
  - Overlook Parking
  - Access Roads
  - Miscellaneous
- Total building area**
- 2 level Museum and Childrens 800sqm per floor
  - 4 buildings 1475 sqm in total
  - Bar, Conference and Accommodation x 19 units 2600 sqm
  - Amenities and Kitchen 250 sqm
  - Office and Amenities 60 sqm
- Total Floor Area of all Buildings: 9,560m<sup>2</sup>**

Sheet Number	Sheet Name
RC01	NOT INCLUDED
RC02	Overall Plan
RC03	Part One
RC04	Part Two
RC05	Part Three
RC06	Part Four
RC07	Part Five
RC08	Part Six
RC09	Part Seven
RC10	Part Eight
RC11	Off Road Amenities Area
RC12	Rally Road Amenities Area
RC13	Motorcross Area
RC14	Supernova Area
RC15	Outdroom Pit Area
RC16	Main Straight Pit Lane
RC17	Drag Way Facilities
RC18	Accommodation Area
RC19	Mountain Bike Park
RC20	Confidence Course Area
RC21	Granly Buggy/Zoo Area
RC22	Road to Site
RC23	Road Part One
RC24	Road Part Two
RC25	Road Part Three
RC26	Road Part Four
RC27	Road Part Five
RC28	Road Part Six



**PROJECT**  
LIMITED

P.O. Box 1406  
1/63 Collingwood St Nelson  
T (03) 528 1332  
F (03) 528 1316

Tasman Motor Sport Park.  
Concept Plans  
Lot 1 DP 17074  
Rabbit Gully Road,  
Tapawera

Overall Plan

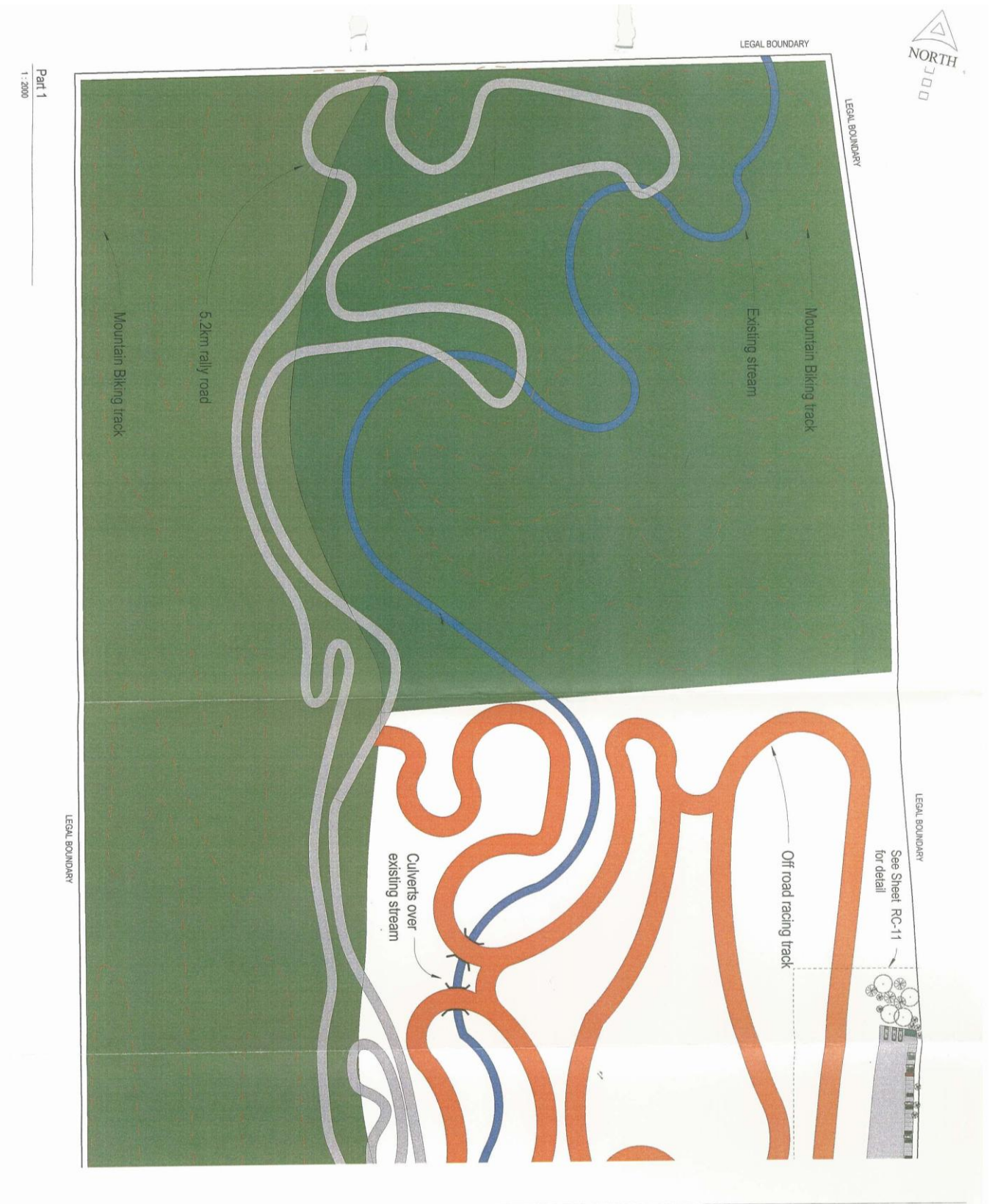
IF IT ISN'T DIMENSIONED - DO NOT SCALE!

REVISIONS:

REV.	DESCRIPTION	DATE
RC-22	For Road details see sheet	

DATE	SCALE	@A3
22-11-2010	1:12000	
JOB NUMBER	DRAWN BY	DESIGNED BY
ADM 07-59	DM	DM

**RC02**



Part 1  
1:2000



Tasman Motor Sport Park  
Concept Plans

Lot 1 DP 17074  
Rabat Gully Road,  
Tasman

REVISONS:  
Rev: Description: Date:

IF IT ISN'T DIMENSIONED - DO NOT SCALE

Part One

DATE: 22-11-2010  
SCALE: 1:2000 @A3  
JOB NUMBER: ADM 07-59  
DRAWN BY: DM  
DESIGN BY: DM

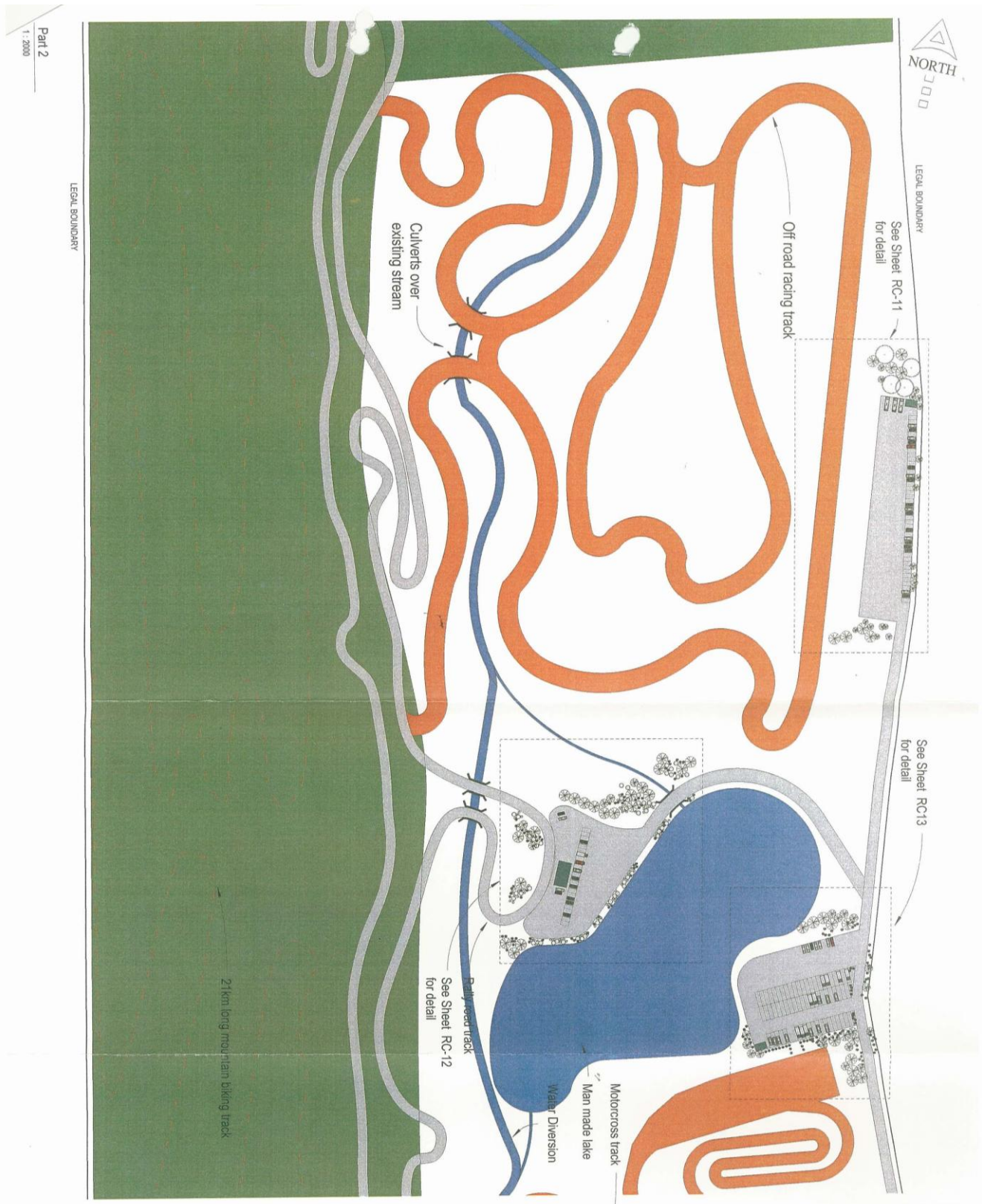
**PROJECT HOMES LIMITED**

P.O. Box 1406  
1163 Collingwood St Nelson  
P (03) 539 0092  
F (03) 548 1316

**RC03**

RM100848, RM100872, RM100873, RM100874, RM100875  
RM100876, RM100877, RM100878, RM100879 - Adcock and Donaldson

Consent dated 13 June 2012



LEGAL BOUNDARY

See Sheet RC-11 for detail

Off road racing track

See Sheet RC13 for detail

Culverts over existing stream

See Sheet RC-12 for detail

Pump and track

Water Diversion

Man made lake

Motorcross track

21km long mountain biking track

LEGAL BOUNDARY

Part 2  
1:2000

Tasman Motor Sport Park  
Concept Plans

Lot 1 DP 17074  
Rahui Gully Road,  
Tapawera

REVISIONS:  
Rev: Description: Date:

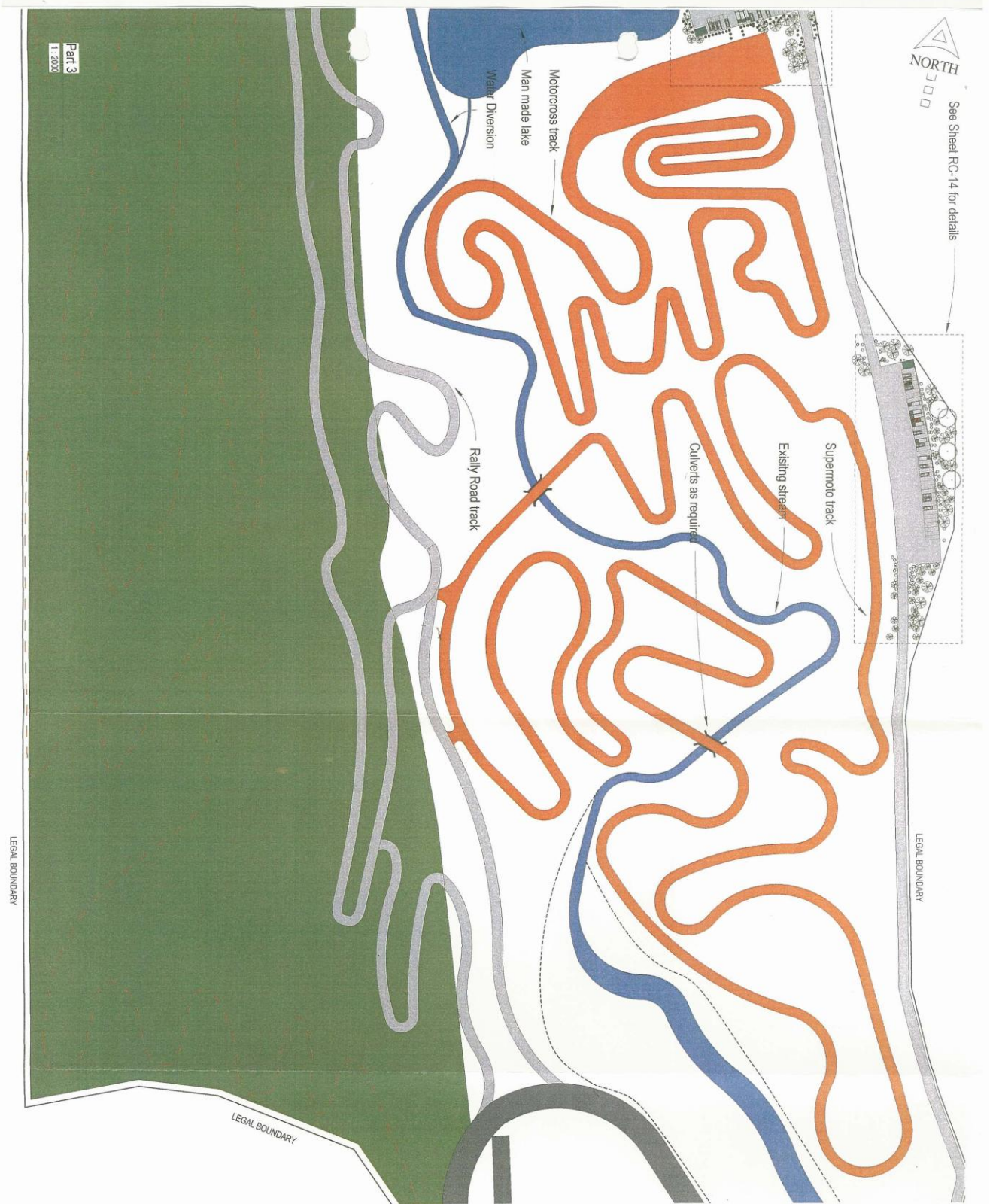
# FIT IN/T DIMENSIONED - DO NOT SCALE

Part Two

DATE: 22-11-2010  
SCALE: 1:2000 @A3  
JOB NUMBER: ADM 07-59  
DRAWN BY: DM  
DESIGN BY: DM

**PROJECT HOMES LIMITED**  
P.O. Box 1408  
1/63 Collingwood St Nelson  
P (03) 533 0082  
F (03) 548 1316

**RC04**



Part 3  
1:2000

Tasman Motor Sport Park  
Concept Plans  
Lot 1 DP 17074  
Rahli Gully Road,  
Tapawera

REVISIONS:  
Rev. Description: Date:

IF IT ISN'T DIMENSIONED - DO NOT SCALE

Part Three

DATE: 22-11-2010  
SCALE: 1:2000 @A3  
JOB NUMBER: ADM 07-59  
DRAWN BY: DM  
DESIGN BY: DM

**PROJECT**  
HOMES LIMITED

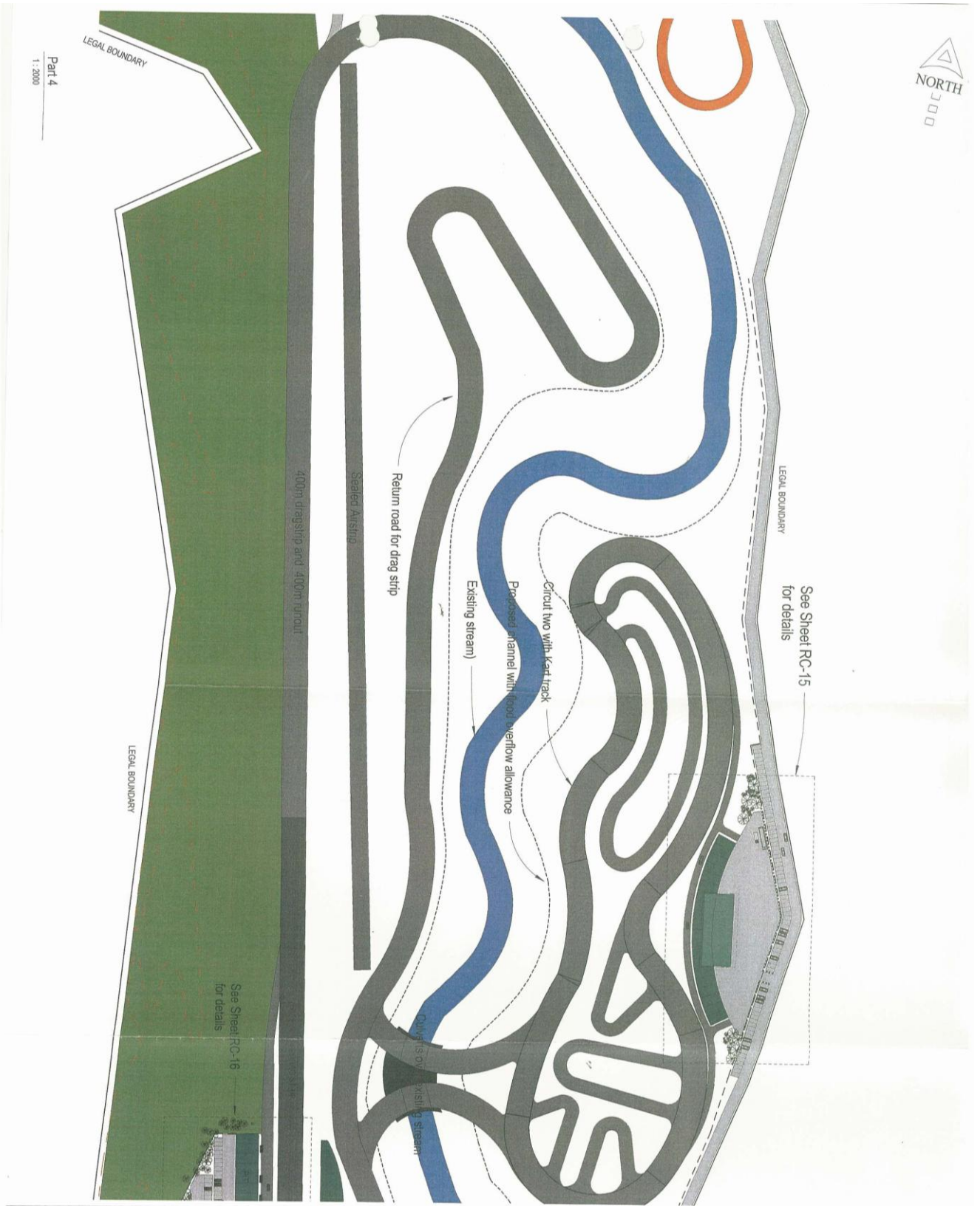
P.O. Box 1406  
1/63 Collingwood St Nelson  
F (03) 538 0052  
F (03) 540 1316

**RC05**

RM100848, RM100872, RM100873, RM100874, RM100875  
RM100876, RM100877, RM100878, RM100879 - Adcock and Donaldson

Consent dated 13 June 2012





Part 4  
1:2000

Tasman Motor Sport Park  
Concept Plans

Lot 1 DP 17074  
Rabbit Gully Road,  
Taparewa

REVISIONS:

Rev.	Description:	Date

IF IT ISN'T DIMENSIONED - DO NOT SCALE

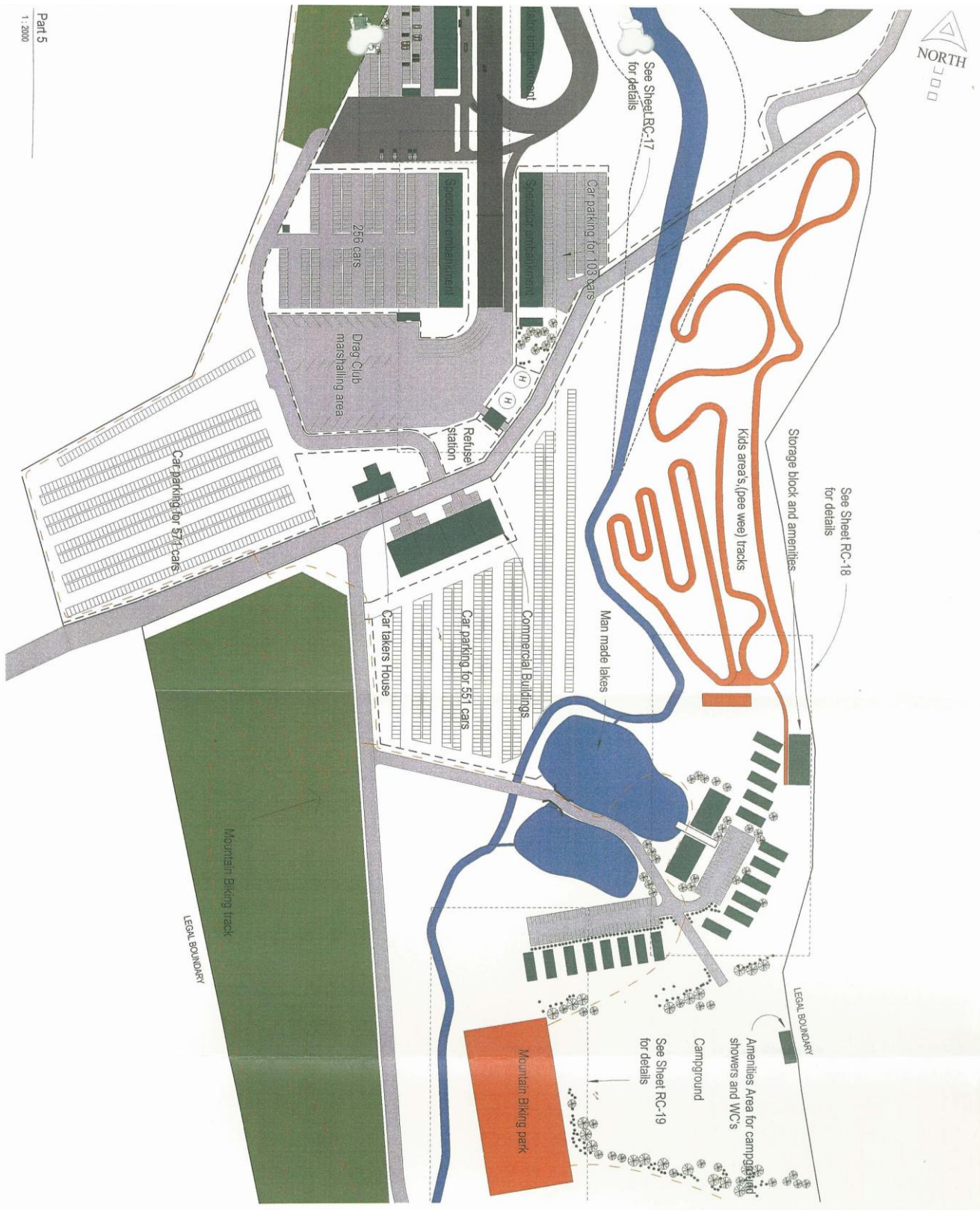
Part Four

DATE: 22-11-2010  
SCALE: 1:2000 @A  
JOB NUMBER: ADM 07-59  
DRAWN BY: DM  
DESIGN BY: DM



P.O. Box 1406  
1163 Collingwood St Nelson  
P (03) 539 0082  
F (03) 548 1316

RC06



Part 5  
1:2000



Tasman Motor Sport Park  
Concept Plans

Lot 1 DP 17074  
Rabbit Gully Road,  
Tapawera

REVISIONS:  
Rev. Description: Date:

IF IT ISN'T DIMENSIONED - DO NOT SCALE

Part Five

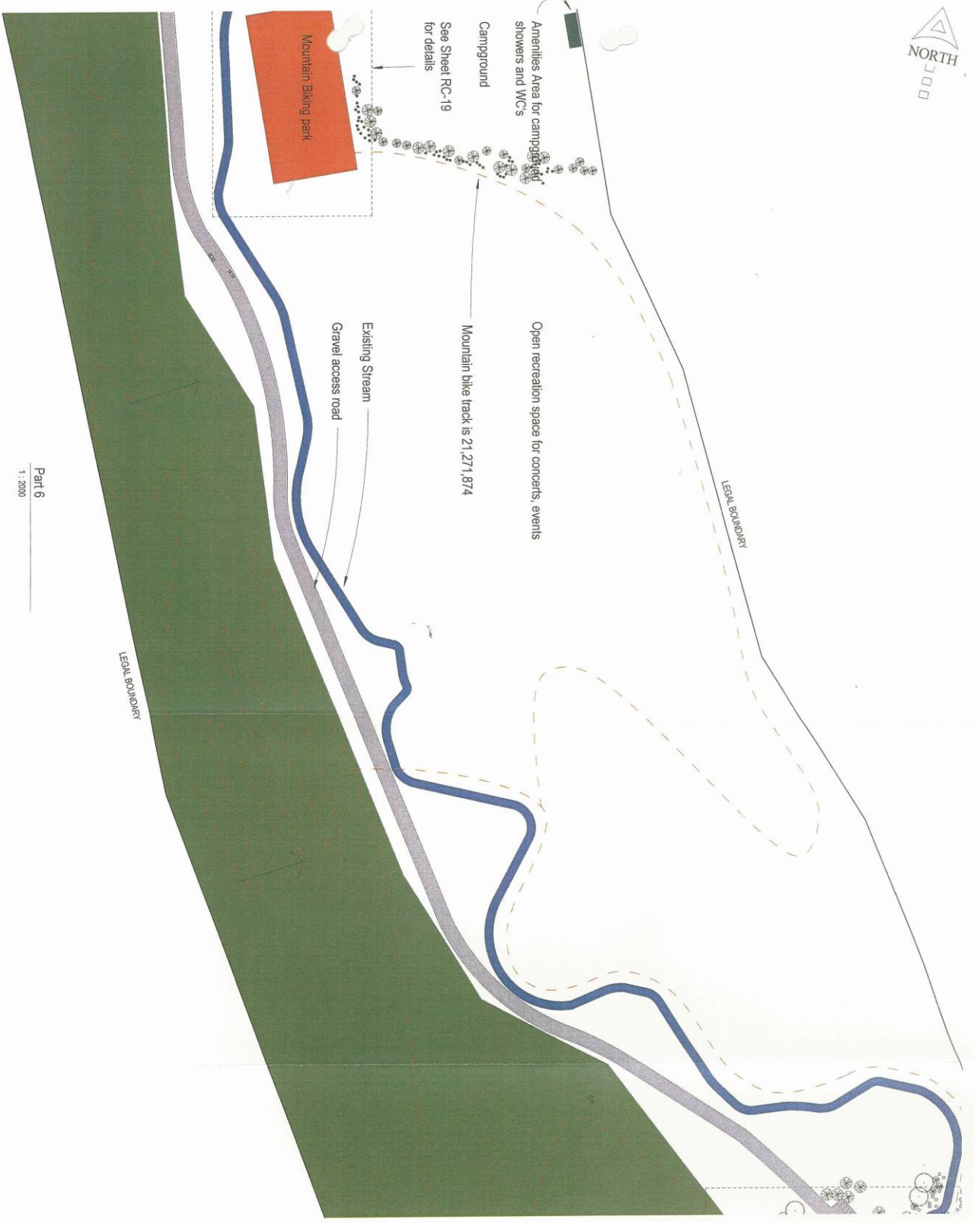
DATE: 22-11-2010  
SCALE: 1:2000 @A3  
JOB NUMBER: ADM 07-59  
DRAWN BY: DM  
DESIGN BY: DM

PROJECT  
H O M E S T I M I T E D

P.O. Box 1406  
1/63 Collingwood St Nelson  
P (03) 539 0082  
F (03) 548 1316

RC07

RM100848, RM100872, RM100873, RM100874, RM100875  
RM100876, RM100877, RM100878, RM100879 - Adcock and Donaldson



Part 6  
1:2000

Tasman Motor Sport Park  
Concept Plans

Ltd 1 DP 17074  
Rabbit Gully Road,  
Tapawera

REVISIONS:	Rev:	Description:	Date:

IF IT ISN'T DIMENSIONED - DO NOT SCALE

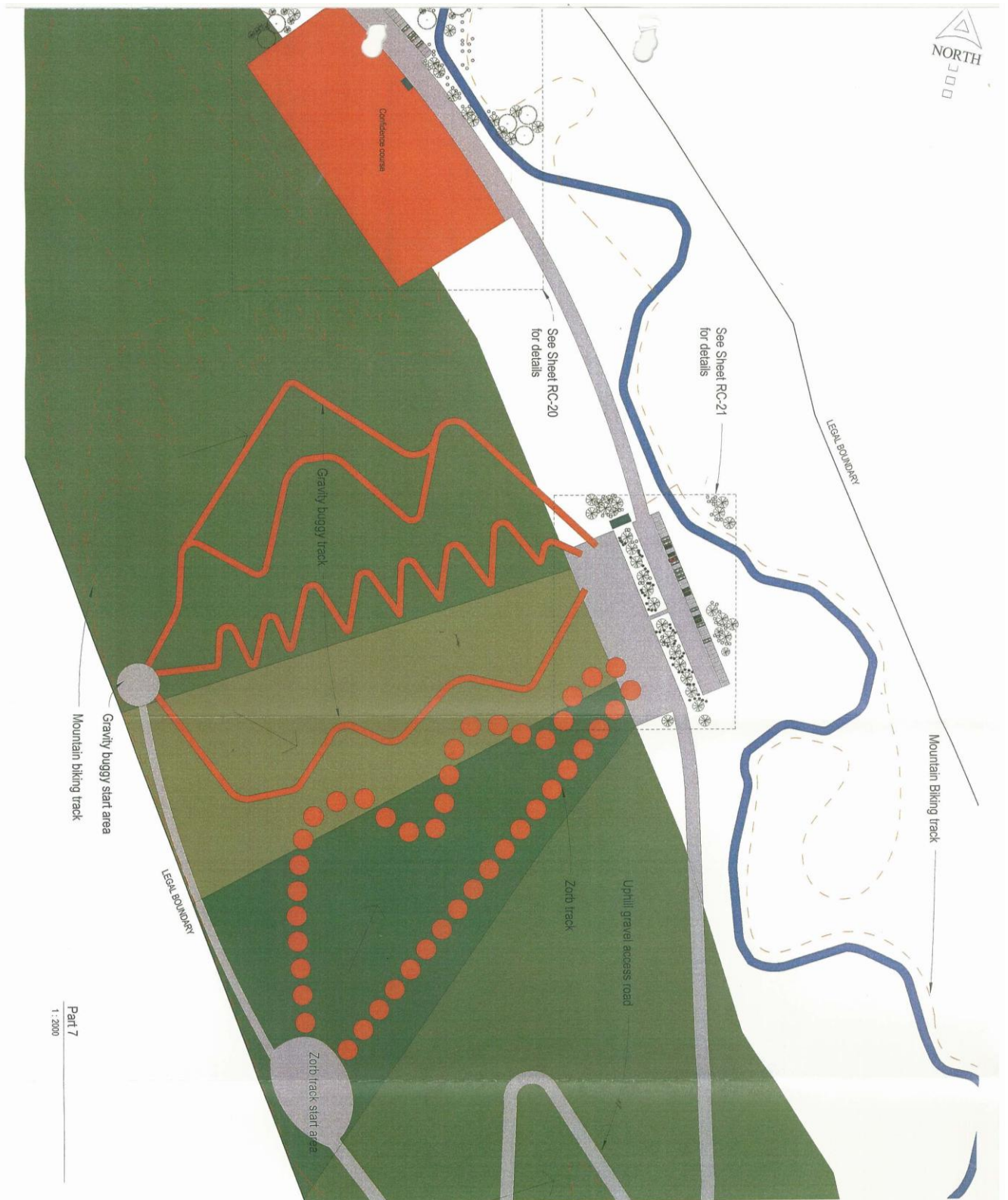
Part Six

DATE:	22-11-2010
SCALE:	1:2000 @A3
JOB NUMBER:	ADM 07-59
DRAWN BY:	DM
DESIGN BY:	DM



P.O. Box 1406  
1/63 Collingwood St Nelson  
P (03) 538 0062  
F (03) 549 1316

**RC08**



Tasman Motor Sport Park  
Concept Plans

Lot 1 DP 17074  
Rabbit Gully Road,  
Tapanera

REVISIONS:	Rev:	Description:	Date:

ALL DIMENSIONS DIMENSIONED - DO NOT SCALE

Part Seven

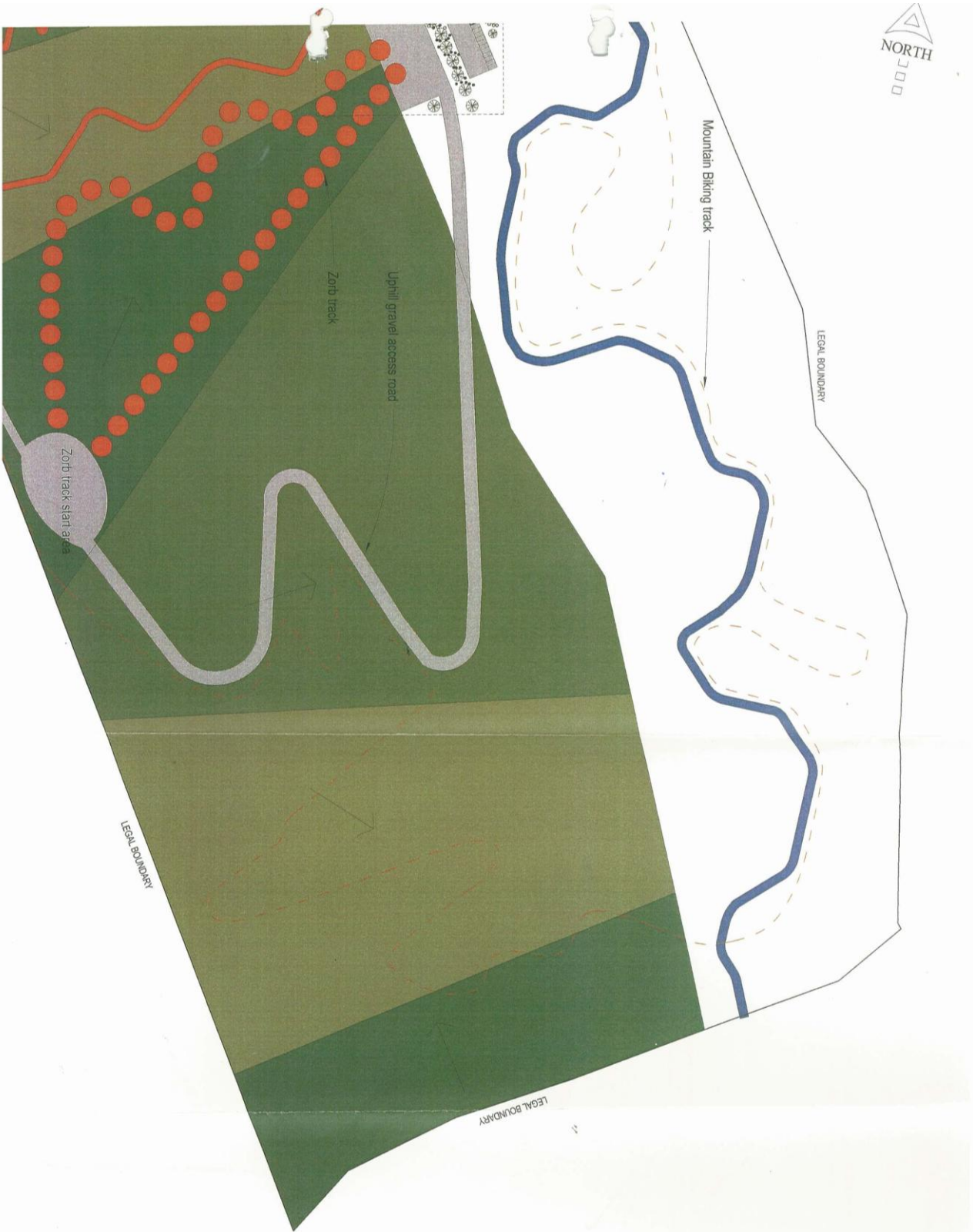
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SCALE:	1:2000 @A3
JOB NUMBER:	ADM 07-59
DRAWN BY:	DM
DESIGN BY:	DM



P.O. Box 1406  
1163 Collingwood St Nelson  
P (03) 538 0052  
F (03) 546 1316

RC09

Part 7  
1:2000



Tasman Motor Sport Park  
Concept Plans


Lot 1 DP 17074  
Rabbit Gully Road,  
Tapawera

REVISIONS:	Rev.	Description:	Date
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IF IT ISN'T DIMENSIONED - DO NOT SCALE

Part Eight

DATE:	22-11-2010
SCALE:	1 : 2000 @A
JOB NUMBER:	ADM 07-59
DRAWN BY:	DM
DESIGN BY:	DM



P.O. Box 1406  
1/63 Collingwood St Nelson  
F (05) 548 1316

RM100848, RM100872, RM100873, RM100874, RM100875  
RM100876, RM100877, RM100878, RM100879 - Adcock and Donaldson

