

In the Matter of The Resource Management Act 1991**Adcock and Donaldson Properties Ltd****Stanley Brook Motorsport Park
Resource Consent Applications**

RM100848

Rm100872-rm100879

**Resource Consent hearing before the Tasman District Council
held 2012, March 12th to 14th****PLANNING EVIDENCE****Tony Quickfall**

List of Appendices

Appendix 1: Existing Drag Racing Consent

Appendix 2: Draft Fire and Wastewater Management Plans

Appendix 3: Power Point

Introduction

1. My name is Tony Grant Quickfall and I am director of the Nelson office of APL Property. I hold the qualification of Bachelor of Resource Studies (planning and transport planning) and I am a full member of the New Zealand Planning Institute and a member of the Resource Management Law Association. I am an accredited Hearings Commissioner.
2. I have 17 years planning experience, which includes extensive assessment of environmental effects on the environment (AEE). This includes preparing and processing a variety of resource consent and plan change applications for private clients and councils throughout New Zealand.
3. I have specific expertise in assessing environmental effects, involving the interpretation of expert reports and assessing overall environmental effects of a proposal. This includes assessing expert reports on traffic, noise, ecology, and engineering (e.g. services). I also have experience in undertaking noise monitoring and in preparing noise and traffic impact assessments in my own right.
4. I was engaged early on in the process by the previous project manager to provide a planning assessment of the initial concept proposal. I subsequently had input into the design and layout of the proposal, and I prepared the resource consent applications and assessment of environmental effects which are the subject of this hearing. I am familiar with the application site and I was part of the team that undertook the on-site noise monitoring.
5. I am aware of and accept my responsibilities as an expert witness in terms of the Code of Expert Witnesses – Code of Conduct (Consolidated Practice Note 20011). This evidence is within my area of expertise, except where I state I am relying on that which I have been told by another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

Background

6. A regional motorsport facility has been under investigation in the Nelson-Tasman region for at least 6 years. One of the key drivers for this is the existing "temporary"

situation of the drag strip sharing the Motueka Airfield, which has been identified as less than desirable for some time.

7. Drag racing is authorised under resource consent RM080583. This is an extension of a previous consent which expired after 10 years. A copy of the current consent is appended (Appendix 1). The conditions of consent include the following limitations:

- Maximum of 4 events per year with a maximum of 3000 people.
- Limitations on hours to accommodate other airfield operations.
- Minimum of parking spaces for 1000 cars.
- Resource consent expires on 8 May 2019

8. In the consent decision, restrictions on aerodrome operators and FOD (foreign object debris) on the runway were included in the issues identified. The commissioner also made the following comment:

“The commissioner gave serious consideration to a five year period of consent. However, on balance, the points made by the NDRA were accepted. Whilst it is desirable that an overall venue for motorsports is secured and used for this activity, the findings of fact made on this application are that this activity, limited as it is to only four days per year, is not causing effects on the environment that are more than minor...in saying this, it is expected that the NDRA will remain committed to seeking a new venue and will continue to take part in the investigations currently underway...”

9. Motueka airfield adjoins two residential zones and a number of residential properties. The closest house to the start of the drag strip is 100m. There are also residential houses at the end of the runway which serves as a run-out area for the drag cars (which can reach speeds in excess of 200mph).

10. Motueka Aerodrome is an important regional facility, used for commercial aviation and with a significant pilot training facility which attracts international students. Tasman District Council's Aerodromes Activity Management Plan (2009-2019) identifies the following issues:

The use of the Motueka Aerodrome for drag racing has effects that limit its suitability for this activity. Council has granted an extension of the agreement of the use of the runway for the drag racing events but the organisers are looking for a more suitable venue in the long term...

Significant negative effects:

There are potential significant negative effects with the operation of aerodromes. These include...

- *Noise and parking associated with other uses such as the drag racing events at Motueka...*

The effects are more significant at Motueka because of the proximity to residential housing...

The Council is mindful of the need to recognise these adverse effects on the local communities and therefore imposes on some uses appropriate conditions to promote airport users being good neighbours.

The key issues for the Motueka Aerodrome are:

...the current use of the aerodrome for drag racing events (up to 4 per year) that have both a safety and environmental effect and can cause localized damage to the runway...

The strategic approach to these issues are:

...limited tenure for the drag racing under strict operating conditions...

Drag racing at Motueka Aerodrome is limited to 4 events per year. All other users meet resource consent conditions.

11. The Civil Aviation Aerodrome Information Plate (Aviation Information Publication) for Motueka aerodrome includes the following notation:

Aerodrome closed periodically to all aircraft. Other than approved operators, for drag racing – refer NOTAM.

12. The current situation can be summarised as follows:

- Drag racing at Motueka Airport is less than desirable with conflicts between the aerodrome users and effects on nearby residents.
- The resource consent expires on 2019, and the consent decision records an expectation (and desirability) of a regional motorsport facility like Stanley Brook.
- The TDC Airport Management Plan identifies the current situation as temporary.

13. I attended a recent drag event held on 4th February 2012 and made the following observations:

- 400 cars were parked, approximately 1200 people in attendance, including families
- Restricted aviation activities were operating concurrently (parachuting and micro lights). Aircraft operating using grass runway 02/20 parallel to the main sealed runway used for drag racing.
- 5 portaloos (approximately 1/240 people), no apparent issues with capacity
- The vast majority of competitors were “off the street” road registered vehicles including “car enthusiasts”, rally cars, road legal motorbikes, and occasional family wagons (my estimate 80% private / street legal cars and motorbikes, and 20% competition cars).
- Closure of part of Queen Victoria Street
- No bunding or fuel spill containment measures, refuelling undertaken on-site.

- Competitors typically each had 3-4 x 20 litre fuel containers.
14. The Council has also had increasing interest (and complaints) relating to a range of other motorsport activities, including off-road racing, auto cross, motocross, and recreational trail riding. Currently, there are a number of different activities being undertaken throughout the district.
 15. The issues at Motueka Airfield and issues with the other dispersed motorsport events provided the genesis for a proposal for a motorsport park to consolidate all these activities into a central venue.
 16. Tasman District Council in their 2009-2019 2016 Long Term Plan (the current plan) subsequently identified regional funding for a motorsport park as follows:
\$630,500 in 2009/2010 towards the cost of providing a Motorsport facility within the district. An allowance of \$630,500 has been made in 2009/2010 towards the cost of providing a Motorsport facility within the District. This will be loan funded...
 17. Subsequent investigations identified two possible sites, one in Nelson North and Stanley Brook. Because of timing and the need for further feasibility studies, funding for the 2009/2010 financial year was deferred. The current funding provision for a regional motorsport park will be reviewed as part of the 2012 Long Term Plan review, through a separate process. To avoid any doubt, the application was lodged as a private initiative. Although the Council funding would assist in development of the Park, the Park is not dependent on the funding.
 18. In selecting a suitable site, proximity to neighbours was a primary consideration. The Stanley Brook site was identified by the applicants as the most appropriate because of its isolation from houses and immediate neighbours. A feasibility study was undertaken on the site, which formed the basis of the resource consent application.

The Application

19. The proposal and its component parts are set out in the application, which I will not repeat in detail. The resource consents being sought are as follows:
 - a. RM100848 - Land use consent for the activities in both stages 1 and 2 as identified in the application, schedule 1 and 2:
 - Commercial events
 - Conference centre
 - Sale of liquor
 - Airstrip and helipad
 - A range of accommodation
 - Buildings in excess of the height limit
 - Two off site signs, one at the SH6 intersection and one at the Olivers Rd entrance
 - b. RM100872 – storage of hazardous substances

- c. RM100873 – install culverts, bridges and dams
- d. RM100874 – earthworks and land re-contouring
- e. RM100875 – construction of bores
- f. RM100876 – Divert water
- g. RM100877 – Take water
- h. RM100878 – Discharge wastewater
- i. RM100879 – discharge greywater

20. The building are summarised as follows:

- a. 11 x Ablution / amenities blocks
 - Campground – 15 sites
 - Kids pee wee area
 - Off-road racing
 - Rally road
 - Motocross & lake
 - Supermoto
 - Confidence course
 - Luge area
 - Drag strip x 3
- b. Accommodation units - 19 units x 4 beds = 76 people
- c. Conference centre (incorporating office, bar and café), 200 person design capacity
- d. Caretakers house
- e. Clubrooms
- f. Pit buildings
- g. Lighting towers (number and location to be determined)

21. The activity overall is a discretionary activity. This is a significant point, and it also highlighted in the Council staff report (page 41) which concludes that because the activity is not prohibited or non-complying, "*..any activity is potentially acceptable as long as it meets the purpose of the RMA as defined under section 5*". This description may be a bit simplistic, but it encompasses my understanding of where a discretionary activity fits within the hierarchy of activities under the RMA.

22. Discretionary status is also important since a motorsport facility of the kind proposed has been contemplated (quite publicly) somewhere in the region for a number of years. Various sites have been subject to formal investigation and feasibility study, and the 2009-2019 TDC Long Term Plan has made funding provision for such a facility. The Council has therefore had the opportunity for a number of years to review the Tasman Resource Management Plan (TRMP) and the rural rules in anticipation of such a facility. No such review has been undertaken, so it is

reasonable to assume that Council is satisfied that the existing provisions of the TRMP are adequate to deal with a motorsport proposal.

23. There are two matters of clarification in terms of the activities applied for:

- a. *Whether the application includes consent for associated gravel extraction.*
Gravel extraction comes under “quarrying” in rule 18.5.2.1(n), with a total limit of 50m³. In any 12 month period. The definition for “quarrying” is “*land disturbance required for the extraction of any mineral including gravel and any on-site storage or processing of any mineral extracted on the site*”. From this definition, it would appear that gravel extraction falls under the TRMP definition for “quarrying”. Gravel extraction will clearly exceed 50m³,

Included within the application (pages 11 and 19) are estimates of total earthworks for stage 1 at 30,000m³ along with lake extraction of 72,000m³. The lake construction is described in the application (page 56) as “pit extraction”.

It is thus clearly explained in the application that the proposal includes “gravel extraction” as it is defined in the TRMP.

The Council’s public notice for the application had the following description:

To create and operate a Motorsport and Recreation Park comprising commercial events and conference centre, sale of liquor, airstrip and helipad, a range of accommodation and buildings in excess of the Rural 2 zone building height; to be developed in general accordance with the site Master Plan and activity and building schedules included in the application

The application site is a 203 hectare property on Stanley Brook, to be accessed via Olivers Road. The site is zoned Rural 2 as defined by the Tasman Resource Management Plan

The application also includes two off-site signs: one at the intersection of Olivers Road and Motueka Valley Highway and the other at the intersection of State Highway 6 and the Motueka Valley Highway (Kohatu Corner).

...Land use consent Application RM 100874: Earthworks and land re-contouring

I consider that the wording of the public notice (“earthworks”) was general enough to have included quarrying / gravel extraction within the description, even though the application didn’t specifically apply for “quarrying”. Together with the description of earthwork volumes in the application, I consider that the application and public notice both include an application for gravel extraction as it applies under rule 18.5.2(n). However, if the commissioners

find that the application does not include quarrying in excess of 50m³, then this could be simply covered by a separate application in the event that the other consents are granted.

b. *Water Consents and rules triggered.* The application as notified sought water permits for the following:

- Water permit (application RM100876) to divert up to 1.05l/s of the Stanley Brook Stream (for the lakes, not for abstractive use) as a restricted discretionary activity (under rule 31.1.2.5)
- Water permit (applications RM100875 construction of bores and RM100877 taking water) to abstract water from new bores in the Upper Motueka Water Zone as a controlled activity for domestic use under rule 31.1.2.2

A review of the water consents being sought and water availability has resulted in the water consents being re-assessed as follows:

- *Water permit (application RM100876) to divert surface water from the Stanley Brook Stream.*

Rule 31.1.2.5 and rule 31.1.3.2 apply. This was publicly notified as “water permit to divert water”, with no identification in the public notice of the rules triggered.

Rule 31.1.2.5 includes a water allocation limit in figure 31.1F of 1.05l/s for Stanley Brook. This limit applies to water “take”. “Take” is not defined in the TRMP. Note 1 to table 31.1F refers to “*allocation limits for consumptive use*”. My reading of the TRMP is that the allocation limits apply to consumptive takes, but do not apply to diversions where the water is not consumed or taken.

On this basis, diversion of the Stanley Brook Stream is triggered by rule 31.1.2.5, but the amount of water diverted is not limited because it is not being diverted for “consumptive use”. The application is to divert no more than 1.05l/s.

- *Water permit applications RM100875 for the construction of bores and RM100877 to take water.*

Rules triggered are 31.2.5 (take water from the Stanley Brook Water Management Zone) and 31.1.2.4 (take water from storage). The rules triggered were not specified in the public notice.

Note 1 of figure 31.1F in the TRMP advises that the allocation limit of 1.05l/s refers to “*surface water or groundwater takes, but do not include takes from storage*”.

I note that the staff report at page 45 refers to a permitted domestic abstraction of 5m^3 per site per day. The domestic abstraction limits are set out in table 31.1A of the TRMP (page 31/3). Under that table, the site is located within the Upper Motueka water management zone. I have confirmed with Council staff that the permitted domestic abstraction in that zone is 10m^3 per site per day.

Rule 31.1.2.4 covers water takes from storage, with the taking of water from storage from a constructed pond, reservoir or dam being a controlled activity. There is no limit to the quantity of water than can be taken from storage.

Since the application as notified was for a water permit to “take water”, and the rules triggered were not specified in the public notice, I have assessed the water permit as including a controlled activity water take from storage under rule 31.1.2.4.

The rate of abstraction specified in figure 31.1F (1.05l/second) is for the whole Water Management Zone, and effectively limits daily abstraction from the zone to 90m^3 . Exceeding this is a non-complying activity. The applicants have not sought consent to exceed the maximum permitted abstraction.

I understand that the available water from the Stanley Brook Water Management Zone (1.05l/s or 90m^3 per day) is already fully allocated, and that no water is available for further allocation under the limits of table 31.1F.

The applicant has re-considered the water availability for the site and proposes to address this by storing rainwater in storage tanks, and taking from storage as required. This will be supplemented by the 20m^3 per day allowance for domestic take which is permitted under the TRMP.

Evidence has been provided for the applicant that water storage in this way is feasible and practical, and I address this further in my assessment of effects. The proposed water management regime is covered by the following plan rules:

- Rule 31.1.2.1 permits unlimited abstraction for stockwater and domestic abstraction up to 10m^3 per day, per point of take, per site. The applicants are permitted under their two existing titles (“sites”), to abstract up to 20m^3 per day for domestic use. Permitted baseline for water abstraction is $80\text{m}^3/\text{day}$ (four lots if the site was subdivided as a controlled activity).
- Resource consent RM100877 to take water includes taking water from storage which is not subject to the allocation limits.

There is no application for any dams (which I note are a permitted activity with catchments of less than 20ha) and bore testing is permitted under rule 31.1.2.1 Figure 31.1B.

24. Consents are sought for the site plans as the “masterplan”, with the ability to locate proposed activities generally in the locations identified on the masterplan. Some flexibility is sought for the final location of facilities and activities.
25. From the outset, the applicants had a desire to set out the concept at full development. For this reason, the application was lodged as a comprehensive application, rather than set of staged, individual applications for each activity. This approach has the benefit of avoiding any speculation about future activities, and more importantly allowing all activities to be considered together as one integrated package, with a range of recreational and other benefits available to the wider community and the region. Although the focus of submissions has been on the motorsport activities, the proposal involves a range of recreational and accommodation activities which are not dependent on any motorsport event.
26. The proposal will be developed over a number of years as funding becomes available for each component. The two stages identified in the application reflect the anticipated priorities in terms of which activities might be developed first.

Conditions and Management Plans

27. Conditions have been volunteered around limits on concurrent activities and hours of operation. These are set out in the application. Appendix 2 of my evidence sets out amendments to the volunteered consent conditions in response to consultation with submitters.
28. The nature of the proposal means that final design is still conceptual, and cannot be determined until development funding is secured. Because design details will be finalized as development proceeds, the application has adopted the use of management plans and an “adaptive management” approach. An extensive range of separate management plans is proposed, which together will form an overall Operations Manual. Management plans will be developed in consultation with affected parties and will require the approval of the Council. The proposal is that these management plans and the Operations Manual will provide a definitive checklist of the overall operation the park and individual activities. They will be able to be updated as development and operations progress, and offer the flexibility of adaptive management to respond to any issues which might arise over time. This approach has the following advantages:
 - The ability to fine tune mitigation through the development of the management plans.
 - A practical “how to” manual for individual operators and contractors.
 - A framework for compliance monitoring.
 - Ability for the plans to incorporate changing or updated designs.
 - Ability for the plans to be updated with best practice without needing to vary consent conditions.

29. The use of management plans and adaptive management as an RMA tool has been confirmed through the Environment Court. In *Crest Energy & Northland Regional Council v Others* (NZEnvC 26 and A123/09) the Court confirmed management plans and adaptive management for undersea electricity turbines. In *TrustPower & Marlborough District Council v others* (NZEnvC 403 2010), the Court approved the use of management plans and adaptive management for a hydroelectric scheme on the Wairau River. The proposed management plans are modelled on the TrustPower consents, whereby they must be prepared in consultation with key stakeholders and must be approved by Council.

The Application Site

30. The site is described in the application, and contains a number of pertinent features:
- 203ha in two titles, 4.6km long with an average width of around 480m.
 - Access via a legal Road (Olivers Road) and legal right of way over an existing forestry road (Rabbit Gully Road which also partly follows a legal road).
 - Separation from Tapawera and residents on the Motueka Valley Highway by a ridge (approximately 350m above the valley floor) and with 1.6km horizontal separation from the nearest residence on Motueka Valley Highway (Reynolds).
 - Over 4km horizontal separation from the nearest residence (in the same valley (Rowes).
 - Physical separation from roads, houses and towns to the south and east by the surrounding ridges and forestry land.
 - An ephemeral creek running through the property (Stanley Brook).
 - Generally easy grade valley floor topography with some hill slopes.
31. The land on which the access road is located is owned by the Crown. LINZ submitted in opposition in their capacity as landowner. I understand the land is part of the Treaty of Waitangi settlement and that Ngati Toa will acquire the land. I understand the settlement is not yet complete and that land ownership is somewhat in limbo. LINZ have advised they are not in a position to hold further discussion as a transfer to a new owner is imminent. The future owners are not in a position to engage because the land has not yet been transferred.
32. Clarification has been sought over legal access over the road by the applicant and users of the proposed park, and there are two legal opinions confirming legal access is available. These have been addressed by Mr. McFadden. The Council has also passed a resolution in 2008 whereby they have resolved to provide a public access road through to the application site via Olivers Road and Rabbit Gully Road as part of a land deal to sell an alternative unformed road access ("Cemetery Road") to a private land owner. Council has not advised of timing for creating a public road through to the site.
33. There is a separate private access to the site off Stanley Brook Road. This road crosses Crown forestry land, and is used as "informal" access for locals, hunters and the applicants is generally tolerated by the owners and Nelson Forests. It does

appear that this provides legal access along most of the Stanley Brook forestry road available by way of a Crown Forest Public Access Easement. This access would be physically and practically available as emergency access.

34. In terms of comparable sites, an alternative site at Nelson North was considered as the site for a regional motorsport park. I was not involved in investigations for that site, but I understand that it had issues around size and topography and proximity to neighbouring dwellings. I understand that initial investigations found that the site was not feasible.
35. I have however undertaken a comparative analysis of other similar venues in other parts of New Zealand which is summarised in the following table.

Table 1: NZ Motorsport Venues Comparative Site Analysis

Site	Size	Nearest non-motorsport residence	Activities
Stanley Brook	203ha	1.6km separated by 360m high ridge 4km down valley 2.7km to Tapawera (separated by ridge)	As per application – no speedway Includes a range of non-motorsport activities
Ruapuna, Christchurch	51ha	100m 1.7km to Hallswell and Templeton no topographical separation)	Drag strip, circuit, cart track, speedway
Mansfield, Fielding	46.5ha	50m 270m to Fielding residential area no topographical separation)	Circuit
Centennial Park, Taupo	100ha	96m 3.3km to Taupo residents No topographical separation	Circuit, airfield, race course
Hampton Downs, South Auckland	180ha	221m 2.8km to Meremere No topographical separation	Circuit, karting, skeet shooting, paintball, driving school, business and retail park, industrial park, 1000 person convention centre, restaurant, apartments

36. The application site has the biggest land area, and is the most physically separate from houses and towns by way of horizontal distance. It also has the advantage of topographical separation by high ridges on three sides of the site, and easy management of security and access because of the surrounding topography and limited access to the site. Both nationally and regionally, I consider the application site is ideally located for a regional facility of this kind (refer power point, Appendix 4).

Consultation and The Application Process

37. Consideration was given to whether a plan change may be a preferable way of advancing the proposal. Preliminary discussions were held with Council policy staff but there was limited enthusiasm for a plan change, whether privately initiated or council initiated.
38. On assessment of the TRMP, it became apparent that the entire activity would be discretionary. Although the proposal represents a major change in rural land use, it was assessed that the proposal was not fundamentally out of step with the TRMP objectives and policies. There was also an issue of timing. Proceeding with a plan change would have meant a far longer process, and the likelihood of needing to go through the consent process at the end of a rezoning in any case. For these reasons, it was decided to proceed with the proposal through the resource consent process. This was acceptable to Council, and I note that the no submitters have challenged the resource consent process in any significant way.
39. The application process involved a number of pre-application consultation stages (refer section 4 of the application). As part of the initial feasibility, immediate neighbours and those considered to be potentially most affected were initially contacted. Subsequent consultation involved distributing a draft application to immediate neighbours and users of Olivers Road and the access road, and meetings were these parties were agreeable to a meeting. This consultation also involved several meetings with the Waimea Rural Fire Authority to discuss fire risk and mitigation measures. Note that references to the "Rowe and Harre" property refers to the adjoining farm owned by Mr and Mrs Rowe.
40. The application also summarises consultation undertaken with Mr McQueen and Ms Reitsma, who reside on Olivers Road. Mr McQueen and Ms Reitsma oppose the application, and have taken exception to some of the description of consultation. The consultation described in the application included that undertaken by the project's previous project manager, and I was not personally involved in this consultation. However, I did consult with Mr McQueen and Ms Reitsma as follows:
 - a. Pre-lodgement on-site visit and offer to provide a copy of the draft application for comment prior to lodging (described in the application). This offer was rejected.
 - b. Post-lodgement public meeting at Tapawera attended by Mr McQueen and Ms Reitsma.
 - c. Phone and email discussion with Mr McQueen and a further offer to meet to discuss any aspects of concern.
41. Pre-application consultation enabled the applicants to assess the key concerns and to consider mitigation measures which might address these concerns. It was identified early on that the application would be publicly notified.
42. The Waimea Rural Fire Authority and Nelson Forests were identified as key parties. The Waimea Rural Fire Authority is the statutory authority responsible for managing

all aspects of rural fire hazard identification, mitigation and control. Operationally, this function is sub-contracted to the Rural Fire Network Ltd for day to day operations. Nelson Forests Ltd, who are a key submitter in opposition, are also major funders of the Waimea Rural Fire Network. Although Rural Fire Network are contracted to provide day to day rural fire management (and advice / information), and although I understand that the Principal Rural Fire Officer has delegated authority to sign off on management plans, the Rural Fire Network have advised that they would need to liaise with Nelson Forests (as a key stakeholder) in providing any advice.

43. No submission was received from Waimea Rural Fire Authority or Rural Fire Network, who advised in a post application meeting that they neither supported nor opposed the application, but that they wished to see certain mitigation included (Neil Eders, pers comms). This position was confirmed via a pre-hearing meeting with the Principal Rural Fire Officer (Ian Reade) on January 20th 2012. I have also subsequently been working with the Deputy Principal Rural Fire Officer on the wording of the Draft Fire Management Plan.
44. I attach as appendix 3, a copy of the plan which is the version agreed to between myself and the Deputy Principal Rural Fire Officer. This plan format and content is based on Rural Fire Plans from other districts, modified for the proposed activity. It incorporates all the suggestions from the Principal and Deputy Principal Rural Fire Officers, and I am confident this plan addresses all the fire risks raised in submissions. At the time of preparing my evidence, the next step was for this plan to be presented to the Waimea Rural Fire Authority for approval.
45. A public meeting was held at Tapawera during the submission period. This provided an opportunity for the applicants to present the application, to clarify any aspects of the proposal, and for local residents to provide feedback to the applicants.
46. Finally, a pre-hearing meeting was held with the Nelson-Marlborough District Health Board Public Health Service (Geoff Cameron). This has resulted in amendments to the consent conditions and an acceptance of the mitigation measures proposed. Appendix 2 (amended conditions) and 3 (outline of the Wastewater Management Plan) has been reviewed by the PHS who have advised they are satisfied with the content of the conditions as appended.

Notification and Submissions

47. The application was lodged in November 2010 was notified with submission closing in February 2011. A total of 257 submissions were received.
48. Following the receipt of submissions, the applicants sought a time extension to engage with several submitters and to look into possible issues with the access. Processing recommenced in November 2011, with noise monitoring undertaken in December 2011.

49. I summarise submissions as follows:

Submissions in support:	198 (77%)
Submissions in opposition:	50 (19%)
Neutral submissions or conditions:	9 (4%)

50. Submissions in support from car clubs are not unexpected. However, what comes through clearly in submissions is the level of support and an identifiable need for a facility of this kind, somewhere in the wider region. Regardless of where this might be located, submissions in support demonstrate a demand for a centralized facility which caters for a range of motorsport activities

51. Reasons given for supporting the proposal include:

- economic
- multi-use facility
- place to go
- demand and need for facility

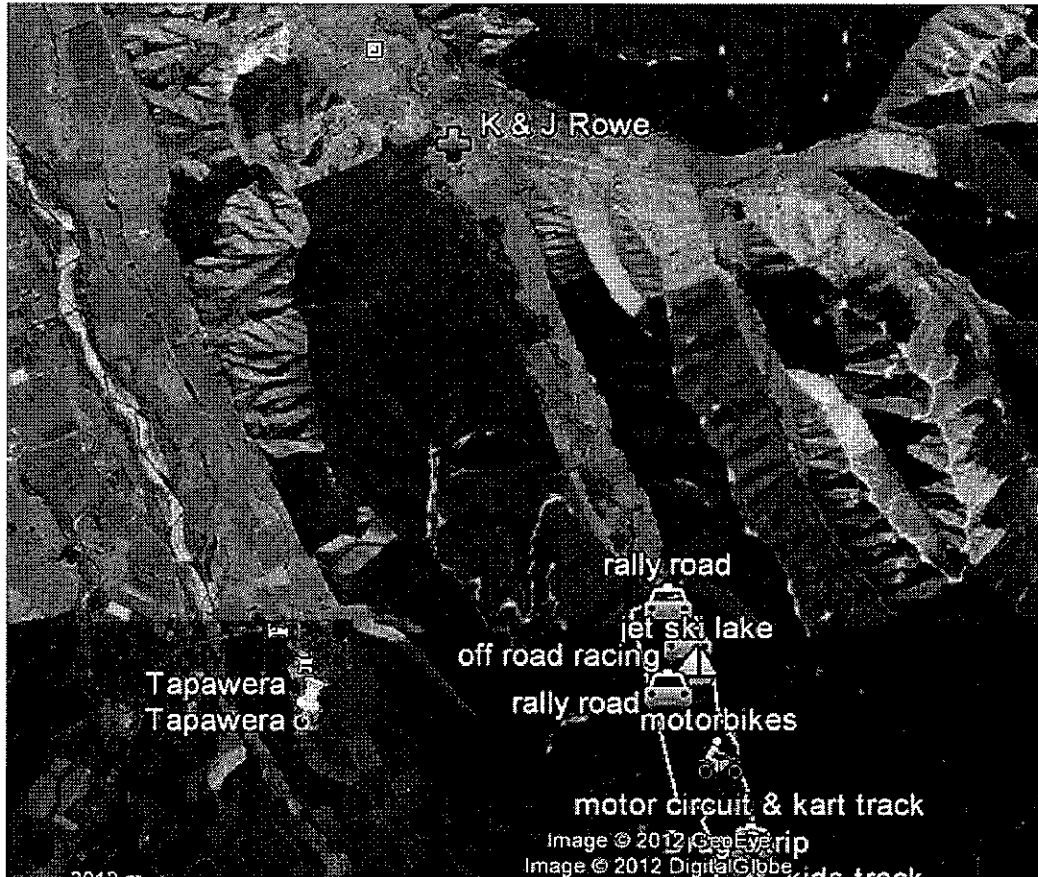
52. The key issues raised in opposition are summarised as follows:

- noise & rural amenity
- environmentally unsustainable & carbon emissions
- traffic, access, travel plan
- water security, availability and quality
- fire risk
- commercial activity in rural area
- property and safety risk
- remoteness
- dust
- air pollution
- wastewater
- ecology
- loss of productive land
- alcohol
- flood risk
- light pollution
- landscaping
- inadequate information, deficient application, does not meet plan or RMA

53. The single biggest issue identified by opposing submitters is noise. A number of submitters expressed concern that no noise monitoring was undertaken as part of the application. The application was lodged with a good understanding of noise characteristics from modeling undertaken at Ruapuna, and with the expectation of undertaking noise monitoring as further information.

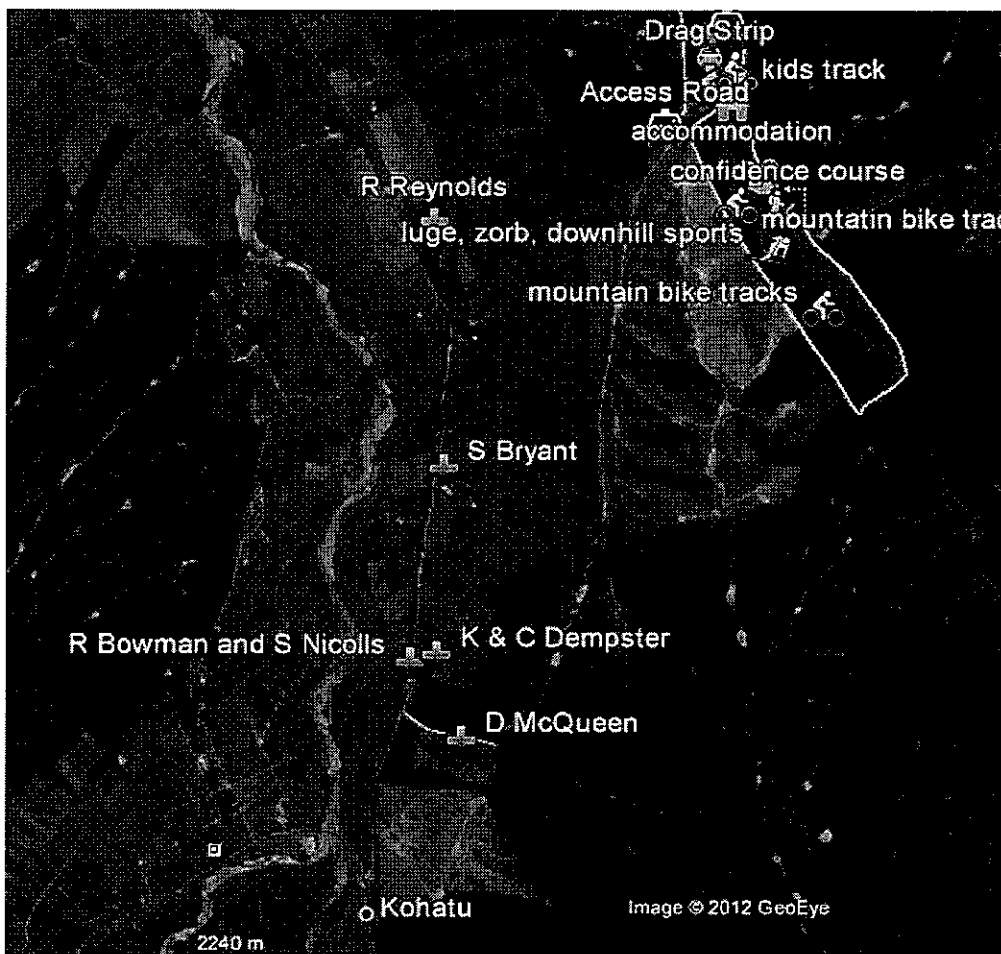
54. Noise monitoring was subsequently undertaken in December 2011, along with noise modeling. This has confirmed the initial assessment in the application that there will be no significant adverse noise effects, and that the noise provisions of the TRMP will be met, even at full development with multiple activities undertaken at the same time. This again reinforces the suitability of the site for this activity.
55. I will cover key issues these in my assessment of effects. However, there are several submissions which I would like to specifically refer to. I have identified these separately because of either their proximity to the site, or because of potential for effects.
56. *Nelson Forests Limited (submitter 149)*. Nelson Forests is a key party, with extensive forestry plantings surrounding the site as a key user of the access road. Nelson Forests oppose the application outright, although their submission is not consistent with verbal discussions during two meetings. The applicants have had a standing invitation to meet with Nelson Forests to discuss their concerns, and has provided Nelson Forests with a written response to each of their submission points with further mitigation offers.
57. *K and J Rowe (submitter 145)*. Mr. and Mrs. Rowe own the neighbouring farm in the valley, and their house is the closest residence in the valley (approximately 4km from the boundary).

Figure 1: J & J Rowe



58. They have lodged a “blanket” submission opposing all aspects of the proposal. Several meetings and discussions were held with the Rows during preparation of the application and after it was lodged, in an attempt to fully understand their concerns and see if their concerns could be mitigated. While these meetings were amicable, no agreements could be reached. Noise monitoring and noise modeling have confirmed that the TRMP noise standards will not be exceeded at the Rowe’s house, even under multiple activities occurring on the site at the same time.
59. *D McQueen and L Reitsma (submitter 148)*. Mr. McQueen and Ms. Reitsma reside off Olivers Road. Their dwelling is approximately 145m from Olivers Road.

Figure 2: McQueen, Dempster, Bowman & Nicolls, Bryant and Reynolds

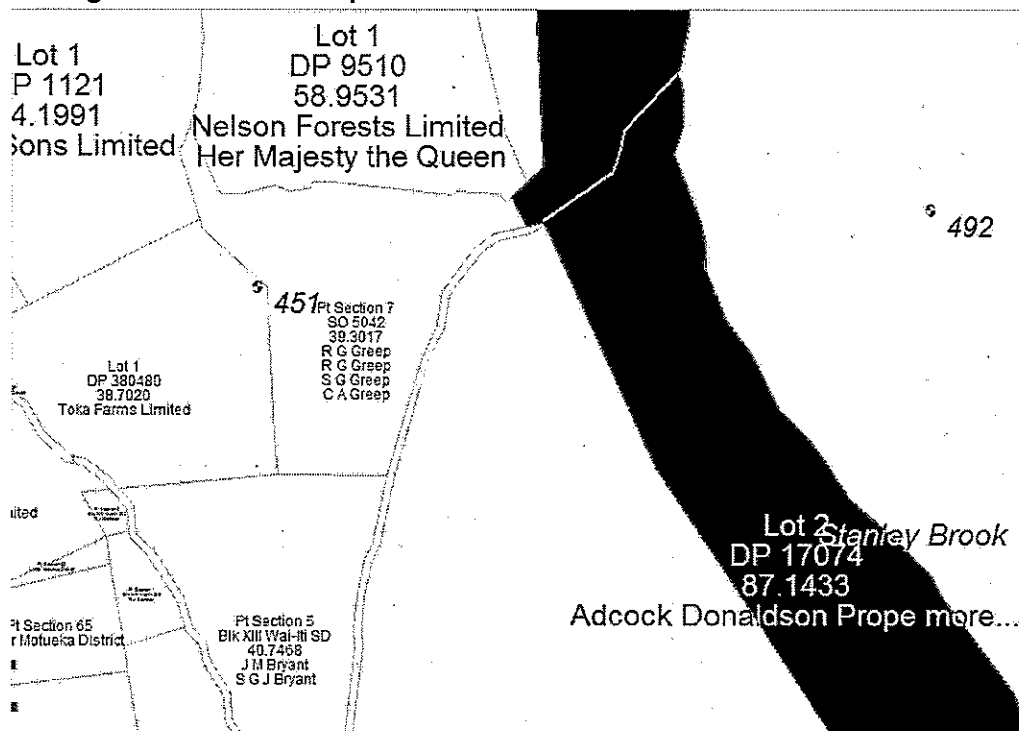


60. They have submitted in opposition, and along with Mr. and Mrs. Rowe are part of a joint submission with other parties. During preparation of the application, the applicant offered a draft application for their review (which was declined) and also left a standing invitation to meet with Mr. McQueen and Ms. Reitsma. Following notification, limited email and telephone discussions were held. Mr. McQueen and Ms. Reitsma remain opposed to the proposal entirely, with traffic and noise being

they main concerns. Noise monitoring and noise modeling have confirmed that the TRMP noise standards will not be exceeded at their property, even under multiple activities occurring on the site at the same time.

61. *Stuart Bryant (submitter 120)*. Mr. Bryant owns a farm with shared right of way over the access road (refer figure 2). Several consultation meetings have been held with Mr. Bryant in his capacity as a neighbours and user of the shared access. He has provided a neutral submission, seeking conditions on the resource consent. The applicants are agreeable to accommodate his proposed conditions.
62. *R Greep (submitter 39)*. Mr. Greep has a forestry block with no dwelling adjoining the applicants and also has rights of way over the access road.

Figure 3: R Greep



63. He has submitted in support of the application provided that certain conditions are imposed in respect of the access. The applicants are agreeable to the conditions by Mr. Greep. Mr. Greep has not expressed any concerns over fire risk.
64. *R Bowman and S Nicholls (submitter 59)*. Mr. Bowman and Ms. Nicolls own the property closest to the entrance to Olivers Road on the west side of the highway (refer figure 2). They have submitted in opposition, with their main concern around noise. Noise monitoring and noise modeling have confirmed that the TRMP noise standards will not be exceeded at this property, under all operating scenarios.
65. *K Renton and C A Dempster (submitter 160)*. Mr. Renton and Ms. Dempster own the property closest to Olivers Road on the east side of the highway (refer figure 2). They have submitted in opposition, with concerns around traffic, noise, and pollution.

66. *R Reynolds (submitter 185)*. Mr. Reynolds owns Toka Farms which is separated from the site by the Greep's property (refer figures 2 and 3). He has lodged a blanket submission opposing all aspects of the proposal including statutory concerns (RMA and TRMP). A historic bullock trail ("Cemetery Road") traverses Mr. Reynolds property. Part of this road is formed as a trail and is road reserve. The legal road extends fully through Mr. Bryant's property as a formed farm track. The unformed part of Cemetery Road is in dispute, and the applicant understands that Mr. Reynolds has claimed private ownership of the road. The 2008 Council resolution to open Rabbit Gully road as a public road is part of a settlement agreement for the Council to divest Cemetery Road to Mr. Reynolds. The applicant has investigated historic land titles, which show the full length of Cemetery Road was originally surveyed as legal road. The unformed part through Mr. Reynolds property was never gazetted, so it doesn't appear currently as legal road.
67. The applicants did give some consideration to using Cemetery Road as an alternative legal access into the property. However, this is less desirable because of the formation required and current ownership issues.
68. I note that the survey plan cross section attached to Mr. Reynolds submission identifies the ridge between Mr. Reynolds house and the application site as being 237m in height (782 feet high) with a base of approximately 1.5km. The noise mitigation that this provides is clearly demonstrated by the noise monitoring and noise modeling which have confirmed that the TRMP noise standards will not be exceeded at this property, under all operating scenarios.
69. *Marshall Day Acoustics (submitter 57)*. Marshall Day expressed concerns over the use of a report prepared by them in the application. The applicants have confirmed that this report is public information available from Christchurch City Council, and that no breach of copyright or incorrect application of the report has occurred. Their concerns have since been resolved through direct consultation with Marshall Day, and they have undertaken noise modeling for the applicant.
70. *Nelson Marlborough District Health Board - Public Health Service (submission 126)*. The PHS requested a pre-hearing meeting, which has been held. They were provided with further details around the use of management plans to detail the final design of wastewater and water treatment, hazardous facilities and environmental health. The appended conditions have been modified to include changes sought by PHS, and they are satisfied with the amended conditions.
71. *Land Information NZ (submission 186)*. LINZ have submitted in opposition, expressing concerns that the proposal may compromise the sale of the adjoining forestry land to Ngati Toa. Both LINZ and Ngati Toa have been contacted with a view to further discussion over their concerns. This contact has been made officially via the relevant Ministers of the Crown and also directly via email and phone. Neither party has been willing for enter into further discussion.

72. *Tiakina te Taiao (submission 252)* Tiakina represents 5 manawhenua iwi, and is the only iwi submission. Their submission is neutral and they have proposed certain conditions around water quality and discharges. The applicant is agreeable to their conditions.
73. *Tasman Cycling Academy (submission 114)*. This submission supports the application with the potential for off-road cycle racing on the racing circuit. This is the exact kind of multi-use and non-motorised activity envisaged by the applicant.
74. *Nelson Tasman Tourism (submission 246)*. Tourism Nelson Tasman Ltd (trading as Nelson Tasman Tourism) is the Regional Tourism Organisation for the Nelson Tasman region. It is a Council Controlled Organisation funded by both Nelson City and Tasman District Council. Boundaries include Nelson city, Richmond, Motueka, Golden Bay, St Arnaud, Murchison as well as the Nelson Lakes, Abel Tasman and Kahurangi national parks. The Board of Nelson Tasman Tourism has submitted in support of the proposal.
75. Finally, I note that no submissions have been received from Waimea Rural Fire Authority or NZ Transport Agency. Both these parties were contacted directly over the application, so an absence of any submission can be taken to mean that neither the rural fire authority oppose the proposal.

Effects on the Environment

Permitted Baseline

29. Section 104(2) provides that a consent authority may disregard an adverse effect if a national standard or the plan permits an activity with that effect.

Are any activities Permitted in the Rural 2 Zone?

Yes. The following activities are permitted:

- a) Commercial plantation forests and harvesting activities
- b) Farming
- c) Noise from any intermittent or temporary rural activity, including agricultural and horticultural machinery, forest and tree harvesting activities, bird scarers and hail cannons (including no restrictions on night time noise from these sources)
- d) Subdivision of the site into 4 lots (as a controlled activity) with 2 complying housekeeping units as permitted activities (i.e. 8 units in total) and farm buildings on each lot
- e) Visitor accommodation up to 6 visitors per dwelling
- f) Home occupations
- g) Rural selling place
- h) Unrestricted building coverage for sites larger than 25ha (including no building coverage restrictions on subdivided sites)
- i) Private (not marked or constructed) helipad and airstrip
- j) Unrestricted outdoor storage
- k) Unlimited water take for stormwater, domestic water take up to 20m³ per day

(80m³ per day if subdivided as a controlled activity)

- l) Establishment of motor-sport circuits (within the earthworks slope and river setback limitations)
- m) Private (i.e. non-commercial or club) use of the site for recreational and motorsport activities (including mountain biking, motocross, off-road, club racing, and private aircraft fly-ins)
- n) Earthworks on land which is: not steeper than 20 degrees; not within a flood plan; or not within 20m of a river bank if exceeding 50m³.
- o) Recontouring of the site is a controlled activity

Do these activities give rise to adverse effects?

Yes. Effects from permitted activities include:

- Noise from permitted rural activities including forest harvesting.
- Traffic, including harvesting and forestry activities with no restriction on vehicle generation, and traffic from 8 additional dwellings and home stays.
- A range of earthworks.
- Noise and traffic from private motorsport activities (e.g. motocross practice track).
- Private unmarked airstrip or helipad for multiple aircraft.

Are these effects similar to those from the proposed activities?

Yes. Forestry harvesting in particular has the potential to generate a level of activity with effects similar to a motorsport event, in terms of noise and traffic movements. Although forestry harvesting typically occurs at each 25-30 year harvest, the level of intensity of activity could occur over a period of several months or longer, and would be likely to operate 5-6 days a week. This would involve frequent traffic movements including heavy trucks along Olivers Road, and noise associated with the harvesting.

Should the consent authority take into account permitted baseline?

In my opinion, permitted baseline does have some relevance. I note in particular that that “intermittent or temporary” rural noise (including night time noise) is not restricted (there is no definition for “intermittent or temporary”).

Positive Effects

30. Under section 2 of the RMA “effect” is defined as including positive effects. Section 104 requires that the consent authority “must” have regard to “any actual or potential effects”. The proposed park has a number of positive effects which I summarise as follows:

- a. Positive economic effects. Economic effects will arise during construction of the park, and also from the operation of the park. An economic assessment undertaken by Dr. Wheeler confirms that a regional facility of this nature has considerable potential to contribute positively to the local and regional economy.
- b. Positive recreational effects. The proposal provides a centralised, managed facility for motorsport effects. The benefits of this include a purpose built facility, a multi-use facility which will cater for a range of users, and a facility

which also provides a venue and outlet for private car enthusiasts. The park will also provide for a centralised venue for number of non-motorsport recreational activities, including adventure type activities (such as a confidence course) and leisure type activities (such as mountain bike tracks). Combined with an on-site camp ground, the park will also cater for groups and will provide positive team building recreational opportunities.

- c. Positive water quality effects. Stanley Brook stream is currently un-fenced for most of its length through the site, with unrestricted stock access to the stream. The farm is stocked with cattle. A direct benefit of the proposal will be some de-stocking and fencing of a large section of Stanley Brook creek. There will be direct benefits in terms of reduced animal faecal discharges into the stream, and an overall reduction in faecal coliform levels and improvement in water quality.
- d. Positive access effects. Olivers Road will be upgraded (sealed) and existing forestry access road will also be upgraded and maintained to a higher standard. This will benefit all users of the existing access road.
- e. Positive fire risk mitigation effects. A requirement of the Rural Fire Authority during consultation was for a fire fighting appliance (with water pump and fire fighting equipment) to be located permanently on the site. The applicants have agreed to this as part of the fire management plan and a consent condition, along with a range of other fire management measures. As a result, the wider community will have access to an additional fire appliance which will be available to assist with local emergencies.
- f. Positive community effects. The proposal is expected to establish a regional and national profile. This will have positive benefits for Tapawera and the immediate area, in terms of attracting visitors and permanent residents, and strengthening local communities. Some of the park facilities will be available to local residents for local events and functions, such as the conference facilities and the outdoor events area. At full development, the facility will also include a trauma centre. It is expected that this facility will be available to the local community.

31. I have no doubt that the proposal will provide a number of potentially significant positive effects, which will be measurable both locally and regionally.

Adverse Effects

32. For convenience, I have used the same numbering for effects the same as used in the staff report.

Issue A – Noise

33. Noise monitoring was undertaken in December 2011. Noise modelling has also been undertaken for various scenarios, including a high-use scenario at full development with multiple events operating concurrently.
34. The noise evidence is that there will be no significant adverse noise effects, and noise rules of the TRMP will not be breached (even at highest modelled use). This confirms the “noise containment” topography of the site, and I accept the expert evidence. While some noise during certain events may be *audible* at the nearest residences, this does is not a significant adverse effect in RMA terms.
35. In respect of traffic noise, the main affected party is Mr. McQueen and Ms. Reister. Olivers Road is an existing legal road, and there are permitted effects arising from any forest harvesting activities. The proposal will avoid and mitigate effects by sealing Olivers Road. I also note that this submitters’ house is setback 145m from the road which provides further mitigation.
36. Noise from aircraft using the airstrip and helipad will be temporary and of short duration. Although provision has been included for both an airstrip and helipads, in reality the use of these facilities is expected to be limited.
37. Aircraft noise is also not subject to section 16 of the RMA (duty to avoid unreasonable noise) which is limited to land based activities, and similarly section 322(c) limits the issue of abatement notices for aircraft noise. Aircraft are excluded from the meaning of “excessive noise” under s327.
38. I agree with the staff report conclusions and I do not consider any other parties will be affected by noise.

Rural Amenity

29. Within the application site, there will be a change in rural amenity. However, this change will be “internalised” within the site, and will not affect other parties / neighbours because of their distance and separation from the site. The site is not visible from a public place or public road, and is not visible from any neighbouring dwellings.
30. Although the current use of the site for cattle farm results in a high level of rural amenity, an alternative permitted use (e.g. viticulture, commercial forestry or subdivision with 8 houses) could result in less rural amenity through additional machinery movements and associated activities. This site is one which is genuinely “out of sight, out of mind”.

Issue B - Environmental and carbon emissions

31. A number of submitters expressed concern over the use of fossil fuels, carbon emissions and sustainability of the park. As set out in the application, the proposal includes a number of non-motorised activities.
32. In opening, I agree with the staff report assessment of the statutory weight under RMA consent processes and the conclusion that the RMA “*specifically excludes sustaining supplies of fossil fuel from the definition of sustainable management*” (pg40). Notwithstanding this, I would like to address this aspect since it has been raised in submissions and since it is in fact a consideration of the applicants.
33. Calculating potential carbon emissions from the park is highly complex and impossible to achieve with any level of accuracy because of wide range of the variables involved (traffic movements, vehicle types, car occupancies, alternative transport such as buses and minivans, improvements in vehicle efficiency and reducing emissions, origin of the trip and single purpose destination trips vs multi-purpose destination trips).
34. Some submitters have lost sight of the fact that many visitors and users of the park are currently using other facilities which are distributed throughout the region and will be relocated to the park. For example, the park will relocate the existing drag strip from Motueka, so drag spectators and participants will not be “new” carbon. Similarly, the cart club will be relocated. The venue is likely to become a centralised hub of a range of activities currently undertaken throughout the region, including motocross, rally and off-road. For some activities (mountain biking) the park will provide an alternative venue to existing activities. There are also a number of motorsport participants whose travel to other venues will reduce as a result of having a local venue available for practicing and racing. It is simply not correct to suggest that all visitors (i.e. all carbon emissions) will be new. .
35. I further note that the use of the Park for accommodation, community music events and recreational activities is not dependent on a motorsport activity. I would expect the park to become a popular weekend venue where families and outdoor-minded people could experience a range of outdoor activities in the one central location.
36. The property is also located one valley to the north of the proposed route of the Great Taste Cycle Trail which will pass through Motueka Valley. This is part of the NZ Cycle Trail Network, and the Park could be readily incorporated into national and international promotional material to attract visitors to the Great Taste Trail. The Park will provide an easily accessible side-visit for some cycle trail users, with camping and accommodation facilities on-site.
37. Carbon emissions from the site are also permitted, and I note that one tonne of methane from cattle is the equivalent of 20 tonnes of carbon emissions. Not only are a certain level of carbon emissions from farming permitted, but de-stocking of cattle along with additional landscaping / planting will improve the carbon balance.

Currently, 73ha of the site is in pine trees, 13ha of which have current rights belonging to other parties. The applicant currently has carbon credits for 60ha of pine plantation which have not been claimed, and which could be used to offset carbon associated with the park. It is anticipated that the Environmental Management Plan will establish an on-site carbon trading system whereby carbon emissions are offset by on-farm planting.

38. Submitters opposing the proposal on environmental grounds have also assumed that motorsport will continue with a focus on fossil fuelled vehicles. There is a realistic opportunity for the park to adopt alternative forms of motorsport. The applicants have researched intention motorsport venues, and one which could provide a suitable model is Infineon Raceway¹. Infineon is located in San Francisco, and includes a race track and drag track. The raceway hosts NASCAR and Indy Car races and has events scheduled for 340 days of the year. Infineon has adopted an “Accelerating Sustainable Performance Programme”, and hosts electric drag racing and electric car and motorcycle racing, and uses hybrid or bio-fuel pace cars and support vehicles. Sustainability features incorporated into Infineon which could readily be adopted at Stanley Brook include the following:

- major solar installation that accounts for 41-percent of the raceway’s overall energy usage with 1,700 of solar panels and a capacity of 350 kilowatts
- hosting a summit of sustainability industry leaders at the Accelerating Sustainable Performance Summit
- recycling of more than 141 tons of materials with the raceway recognized by the State of California Department, Division of Recycling for its recycling efforts
- green technology on-track, with the first zero-emission motorcycle race in the USA in 2011 and low or zero carbon races
- no mechanical grass mowing (sheep)
- participation in NASCAR’s “Green Clean Air” project which plants ten trees for each green flag dropped during NASCAR races, capturing 100% of the carbon produced by the on track racing at the events
- recycling used oil products at its NASCAR and NHRA events
- environmentally-friendly cleaning products
- waterless urinals in restrooms, with an independent water system and sewage treatment plant with all landscaping watered with recycled and reclaimed water
- recycling of old tires to help create rubber-based asphalt, playground padding and other purposes.
- hybrid pace car and vehicle fleet
- all paper products (paper plates, napkins, flat ware, cups, etc.) either made from recycled or biodegradable materials.

39. The Stanley Brook venue also has the opportunity for the wastewater system to incorporate methane recapture technology and wastewater gardens.

¹ <http://www.infineonraceway.com/raceway/about/sustainability/>

40. The site offers a number of solar opportunities including rooftop solar, on-track and around track solar, as well as separate solar energy capture. The applicants have consulted with Meridian Energy who have provided advice on solar installation and confirm that they would be willing to purchase any spare generation for redistribution into the national grid.
41. Transport to and from the site is expected to involve people car-pooling, with the opportunity for organised bus, coach and mini-van transport to and from the venue during events.
42. Finally, submitters have also overlooked the on-site accommodation which will be available. Participants and visitors will not all be travelling to and from events each day, and will have the opportunity to stay on site or at other local venues (Tapawera / Kohatu).
43. The sustainability aspects of the park are incorporated into the volunteered conditions and the environmental management plan.
44. To summarise the environmental effects:
 - Carbon emission modelling is highly complex and dependent on a range of variables.
 - Incorrect assumptions have been made in submissions in terms of carbon emission and vehicle kilometres travelled.
 - Consideration needs to be given to:
 - centralising and relocating existing dispersed activities with greater transport efficiencies and organised transport
 - fewer vehicle kilometres by avoiding out of region travel to other centres
 - carbon emissions from permitted activities
 - fossil fuel carbon off-set "at the pump"
 - ability for the on-site forestry Carbon credits to be used to offset park activities
 - internal carbon offsets within the site
 - improving vehicle efficiencies
 - racing using electric and alternative-fuel vehicles
 - the non-motorsport components of the site
 - The park provides an opportunity to incorporate best practice sustainability features which the applicants are willing to adopt.
 - The proposed consent conditions and the environmental management plan will ensure sustainability features are incorporated

Issue C - Traffic and access & signs

45. Expert evidence has been presented on traffic aspects. This concludes that traffic associated with events can be managed without causing significant adverse effects. The method of implementing traffic management will be through the Traffic Management Plan.

46. I accept this evidence and have incorporated recommendations in amendments to the conditions. I also agree with the staff report and the conclusions reached, which includes an assessment of signs. I note the reference to the applicant's on-going ability to achieve legal access. I agree with the reporting officer that any changes to the right of way terms will be addressed under property law. I further note Council's legal opinion that the consent can be granted subject to conditions around access.
47. Myself and the applicants have attempted in good faith to engage with LINZ as agent of the Crown (as landowner) as well as engaging with the iwi recipient of the land over access (in an attempt to address their concerns). Processing times were extended to enable us to try and engage over access, which we did at ministerial level, management level, as well as direct correspondence with both LINZ and Ngati Toa. Our attempts to undertaken meaningful consultation have been somewhat frustrated by an unwillingness of these parties to engage. Council staff, the applicant's legal counsel and the Council's legal advisors all share the following views:
- a. That legal access for all proposed activities is available under the existing right of way agreement.
 - b. That consent can be granted subject to conditions around certainty of access.
 - c. That any changes to the right of way conditions fall outside the scope of RMA consent considerations.

Issue D - Water security, availability and quality

48. Since lodging, the applicants have revised their water system as follows:
- a. Abstraction of a permitted 20m³ per day for domestic use.
 - b. Installation of rainwater capture and elevated storage tanks.
 - c. Supplementary water storage for stock using permitted small-scale dams, if necessary.
 - d. Use of water saving devices.
 - e. Reticulation of stored water via a purpose designed system with treatment.
49. These changes are all within scope of the application as notified. The staff report concludes that water can be managed without causing significant adverse effects. Although water management has been amended, the staff conclusions are still valid.
50. Water demand has been revised, since the application as lodged incorrectly identified a demand calculation as 250 litres per *household* per day. The applicants have expert evidence which confirms that water supply can be sourced from rainwater harvest and permitted abstraction.
51. To summarise:
- a. There is sufficient reliable rainfall to harvest for the expected peak water demand on the site.

- b. This would be augmented by permitted domestic take.
- c. Rainwater harvest would be stored in tank on-site and treated.
- d. Rainwater harvest will not affect catchment hydrology or rainwater recharge.

52. Adverse effects on the environment (including other water permit holders and downstream users) are avoided by relying on on-site storage. The proposed water management plan and consent conditions will ensure that the final system is designed to Council approval.

Issue E - Fire Risk

53. The Waimea Rural Fire Authority neither supports nor opposes the proposal. Fire risk has been identified, and an agreed draft management plan (Appendix 3) reflects input from the Deputy Principal Rural Fire Officer. All the mitigation measures sought during consultation have been included within the fire management plan.

54. Several fire risks have been identified by the Rural Fire Authority, including On-site risk; risk from increased users on the access road; and Risk of unauthorised entry and freedom camping. I consider that all the fire risks identified are able to be managed through the consent conditions and Fire Management Plan so that it is a minor adverse effect in RMA terms.

55. I agree with the staff report conclusions in respect of fire. I note that Rabbit Island provides an actual model for managing fires risk on a site heavily used by the public, although I acknowledge the differences between Rabbit Island and Stanley Brook. Mr. Mackiggan in his planning report identifies the potential issues around increased in trespass and associated fire risk. Camping is managed under the Tasman District Council Freedom Camping Bylaw 2011. Under that bylaw, freedom camping is generally permitted, except in specified circumstances. This bylaw already allows freedom camping in and around forests, so the motorsport park does not establish a "new" risk.

56. While I accept that the proposal will increase the number of users to the site (and the risk of trespass through forests), I consider this can be adequately managed / mitigated in several ways:

- a. Firstly, the forest landowners have some ability to control unlawful access as it exists, including locked gates. I understand that the forest public access easements are limited to specific entry points and that the forest managers do allow access (subject to prior permission) via an informal gentleman's agreement.
- b. Secondly, the proposal includes a camping site, which I would expect would be available early on in the development. The availability of the camp site will avoid the need for people visiting the site to camp outside Stanley Brook.

- c. Thirdly, I would expect that the Event and Noise Management plan would include requirements around on-site security. For larger events, this could be extended to include security personnel posted at main entrances into the forest areas where spectators may try to “jump the fence”.
 - d. Fourthly, there are a range of promotional and educational measures which the applicant / event organisers could undertake to reiterate to visitors that this is only one legal point of entry. This includes advice on access requirements on brochures, websites and media advertising during events.
57. Taken together, although there is still the potential for trespass, I consider this and the associated fire risk will be avoided and mitigated by the measures above.
58. There are three important “safeguards” in terms of volunteered fire conditions before any works are able to commence.
- a. Firstly, the Fire Management Plan is required to be complete in consultation with the PRFO.
 - b. Secondly, the TDC as the consenting authority is proposed to have authority for final sign off / approval of the Fire Management Plan. This has been amended following consultation with the Rural Fire Network so that approval can only occur on the recommendation of the PRFO. IN this way, no works or activities can be undertaken until the Fire Management Plan is completed and until it has been received and accepted by the PRFO and approved by the TDC.
 - c. Finally, there is the review condition whereby the Council can review the effectiveness of conditions in avoiding, remedying and mitigating adverse effects, and can cancel or impose new conditions to deal with any effects which are found not be adequately managed.
59. I consider this total package of measures – specific mitigation actions along with the Fire Management Plan, Events Management Plan and review conditions - will be more than sufficient to ensure that adverse effects of any increased fire risk, in RMA terms, are minor.

Issue F - Commercial Activity in a Rural Location

60. Some submitters are opposed on the grounds that the proposal is a commercial activity within a rural location. The TRMP permits some commercial activities in rural locations, and other commercial activities (such as cellar doors and cafes) have been routinely established in rural locations with no significant adverse effects. The establishment of a commercial activity in a rural location in itself not a significant adverse effect. The effects of commercial activities I have discussed elsewhere, and I cover the TRMP objectives and policies in a separate section.

Issue G - Property and safety risk

61. A number of submitters raise concerns over property security and safety. I do not consider this is a significant adverse effect, and the incidence of unlawful entry is likely to be low. The application includes a range of security measures, including a permanent on-site caretaker. If anything, the proposal will improve security of the site and surrounds by increasing surveillance (more eyes), through specific security controls during events, and with a permanent caretaker on the site.

Issue I - Dust

62. The only parties who are potentially affected by dust will be Mr. McQueen and Ms. Reitsma on Olivers Road. All other houses are sufficiently distant not to be affected, and I note that their dwelling is around 140m setback from Olivers Road.

63. The proposed mitigation of sealing Olivers Road will avoid any dust nuisance. This still is an improvement on the existing situation, whereby any vehicle is permitted on Olivers road including forestry trucks during harvest.

Issue J - Air Pollution

64. My comments in respect of fossil fuel use and carbon emissions apply to submitter concerns around air pollution.

65. Air discharges will be limited to localised dust and vehicle emissions. Heating of buildings will be from clean heat sources, and apart from the single permanent residence, the Environmental Management Plan will stipulate low emission and clean heating such as pellet wood burners, passive and active solar, and gas. Emissions from the proposal will not significantly affect any submitters.

66. I also note that the TRMP permits wood burners in the Rural Zones of any type (not limited to clean heat burners) and permits outdoor burning and rural burn-offs.

67. I agree with the conclusions of the staff report that discharges to air will not cause significant adverse effects.

Issue K - Wastewater

68. Expert evidence has been presented from Mr. Dakers on the proposed wastewater system. Final design is subject to consent conditions and Council approval, and will be addressed through the use of the Wastewater Management Plan.

69. The evidence demonstrates that the site can be adequately serviced for wastewater with no adverse effects, and I accept that evidence.

70. I also note that the staff report identifies permitted baseline as including animal discharges as well as disposals of all human waste by way of a long drop as a

permitted activity. Long drops would clearly be substandard to what is proposed, however this does form part of the mix of considerations of permitted baseline.

Issue L - Ecology

71. Some submitters have raised concerns around ecological values. The site does not contain any significant habitats or significant ecological values. However it does contain ecological values associated with a rural land use, and Stanley Brook contains inherent ecological values. Stanley Brook Stream is also ephemeral so those values are typically not present during no-flow conditions.
72. While there are no significant ecological values which will be adversely affected, the proposal makes provision for those ecological values which do exist. This assessed through the avoidance and mitigation of any effects arising from discharges and stream realignment. In addition, the proposal includes an Ecology Management plan which includes stream reinstatement, riparian planting, lake habitat and monitoring. This is to be prepared in consultation with TDC and iwi.
73. In my view, the absence of any significant ecological values along with consent conditions and a volunteered Ecology Management Plan are such that there will be no adverse ecological effects. This is also the conclusion reached in the staff report. I consider the proposal is likely to enhance ecological values through measures like additional riparian plantings and fencing stock from stream access.

Hazardous Substances

74. Hazardous substances will be managed as part of the Hazardous Substances Management Plan, which will also address contingencies for accidental spills and will determine the design of refuelling areas. The Public Health Service is now included as a consultee in preparing the plan.
75. I have reviewed the hazardous substances anticipated on the site, and list these as follows:

Table 2: Hazardous Substance List

Substance	Risk	Expected quantity stored on site permanently	Expected temporary storage quantity during events	Storage location
Agrichemicals for farming operation	Toxic Corrosive	400 litres stored in original containers	n/a	Shipping container
Fuels and oils for farm operation	Flammable	400 litres	n/a	Shipping container
Gas / LPG	Flammable	Portable gas bottles 45kg 90kg 210kg	n/a	Outside key buildings - Caretakers house - Campground amenities block - Accommodation /conference centre - Pit buildings - Clubrooms
Motor fuels and oils for event participants	Flammable	none	Fuel 60 litres per participant Oil 10 litres per participant	In pits Dedicated refuelling areas Bunded
Fire extinguishers	Corrosive	In portable extinguishers	n/a	In vehicles In buildings

76. The storage of motor fuels for competitors is consistent with my observation at the drag club meeting on February 4th.

77. Storage of hazardous substances for events will not be permanent – there is no proposal or application for underground storage of fuel for example – and all competitors will be required to adhere to strict race safety requirements. All fuel storage and handling will also be subject to Occupational Health and Safety requirements. For these reasons, I do not consider there will be any adverse effects from storage of hazard substances on the site. This conclusion is also reached in the staff reports.

Issue M – Land productivity

78. Expert evidence has been presented on the loss of productive land. This concludes that there will be no significant effects on productive potential from land used for non-productive activities. I agree with the staff report, and staff assessment that the site is not highly versatile land.

79. Rule 17.6.3.1(o) of the TRMP is also relevant, as this rule limits building coverage in the Rural 2 Zone only to sites less than 25ha. For sites larger than 25ha in area, there is no limit on building coverage.

80. As I have indicated, a motorsport facility has been publicly contemplated with funding provision since 2009, and the Council has chosen not to review site coverage rules in anticipation of such a facility. The fact is that total building coverage (including all sealed roads) is within the TRMP permitted baseline. Notwithstanding this, the total coverage of all buildings is estimated around 1ha which is 0.5% of the site. Seen in this context, the "loss" or productive land to buildings is minor. In addition, the vast majority of the site will continue to be available for a range of rural productive uses.

Issue N - Alcohol

81. Many submitters expressed concerns about the impact of alcohol, in particular the risk of impaired and "tanked-up" drivers trying to replicate race events on local roads.

82. The applicants have liaised with NZ police, and as a result the following mitigation is proposed:

- a. Promote alcohol free at events.
- b. Limiting the sale of alcohol to conferences and overnight accommodation (the proposal is to include a conference centre and accommodation).
- c. Issue licenses to those who want to use the facility for private use (burn outs, drifts etc) with a clause to rescind their user licenses if they play up on the road.
- d. Regional Road Police Manager has been added to the list of people to be consulted in preparing the Traffic Management Plan

83. During pre-application consultation, NZ Police also expressed an interest in using the facility for police driver training.

84. I also note that any club or event organiser will be required to provide suitable control and mitigation against impaired drivers. This could include random breath testing and close coordination with the police for enforcement.

Issue O - Flood Risk

85. Mr Stocker has provided evidence for the applicant that a 2% AEP flood would be contained within the channel and berm area, and that buildings can be located outside the flood risk area. I rely on this evidence and the similar conclusions reached in the staff reports, and note that minimum building floor heights could also be required at the time of building consent if required.

86. On this basis, I do not consider there are any adverse effects from flood risk.

Issue P - Light pollution

87. I agree with some submitters that the proposal will change lighting levels in the valley, particularly during night time events. However, I do not agree that this will be a significant adverse effect in RMA terms. Light spill within the site will be contained fully within the upper valley, and I cannot see how any residents will be affected by

light spill or light emissions from events within the site. I agree with the conclusions in the staff report.

88. Vehicles travelling at night will alter light levels in the rural environment but this will be limited to the access road and public roads. The locations of the nearest residents in relation to the access road (i.e. setbacks and screening), along with the infrequent night-time events means that there will be no significant adverse effects from vehicle lights.

Landscape

89. A few submissions have objective on the grounds of landscaping. Other submitters are concerned with wider amenity values form increased use of the site. As previously indicated, the location is truly "out of sight-out of mind" and the only parties affected by landscaping will be those who proactively undertake a visit to the site. These are limited to the owners and their guests, and hunters who access the site via private forestry roads. There are no direct lines of site into the application site from either residences or from public places/roads.

90. Notwithstanding this, the applicants have volunteered a Landscape Management Plan, which incorporates a planting plan for each activity, riparian planting and a maintenance programme. I also endorse the retention of the area of indigenous forest as recommend in the staff report. Although no parties will be affected, the Landscape Management Plan will ensure landscape values are not only maintained, but enhanced.

Inadequate Information, does not meet plan or RMA

91. Some submitters raise concerns over inadequate information, particularly in respect of noise. At the time sufficient information was available enable an informed assessment of noise. The Council has not formally requested further information, and the applicant voluntarily undertook noise monitoring in December 2011 with subsequent noise modelling. This aspect of the submitter concerns has now been addressed.

92. The application also proposed a concept master plan layout, with details around final location, design and servicing to be developed through the construction process. I have already referred to this process being accepted by the Environment Court, which has endorsed adaptive management as a legitimate planning approach where final details of an application have not, or cannot be determined. A final design at this stage would be impractical to complete without the certainty of resource consent. The RMA does not require or specify final detailed designs, and only requires information which is relevant and necessary to determine an application.

93. In this case, I consider that the information supplied, supplemented by expert evidence, consent conditions, and management plans, is more than sufficient to enable a full assessment of the proposal and its effects.

94. I will address submitter concerns around the TRMP and RMA in my statutory assessment.

Reverse Sensitivity

95. Nelson Forests had raised concerns about reverse sensitivity. These include:

- Loss of productive forestry through road widening.
- Inability to undertake forest harvesting.
- Security issues.

96. I have appended consent conditions (Appendix 2) which includes a series of mitigation measures addressing Nelson Forest's concerns. These were emailed to Nelson Forests in draft form. The applicants have sought to specifically address each of Nelson Forests concerns to ensure they are not affected.

97. I accept that Nelson Forests and their activities are a key consideration, and that the proposal has the potential for reverse sensitivity effects. However, I consider that the proposed set of conditions, management plans (to be prepared in consultation with Nelson Forests), and final sign off for management plans are more than sufficient to ensure reverse sensitivity effects can be avoided or mitigated. The applicant is prepared to be bound by comprehensive and strict conditions, and these will address Nelson Forest's concerns.

Cumulative Effects

98. The only potential cumulative effect will be from forest harvesting and associated traffic in conjunction with traffic from the park. I am uncertain when the next harvest round in this area is programmed for.

99. The traffic evidence addresses this and concludes there are no significant cumulative traffic effects.

Precedent

100. This application represents a regional "one-off". The range and mix of activities will not be replicated anywhere else in Tasman, Nelson or probably the top of the South Island, so there will be no precedent effects.

Section 104(1)(b)(iii) - Regional Policy Statement

101. The Tasman Regional Policy Statement (RPS) became operative on 1 July 2001. The current RPS is a "first generation" document, prepared shortly after the introduction of the RMA. This is reflected in a broad framework of quite generic objectives and policies. The objectives and policies are general in nature, with the overall aim of protecting significant areas, and "avoiding, remedying or mitigating" adverse effects on the environment.

102. Accordingly, the proposal fits within the overall policy framework of the RPS. I am confident that the suite of conditions and management plans will ensure that effects are avoided, remedied or mitigated, and that the objectives and policies for the RPS can be met.
103. I note in particular Objective 12.2 - *Conservative and efficient use of energy and reduced dependence on non-renewable energy resources*. The proposal will incorporate energy efficient design, and I refer to my earlier comments in respect of fossil fuels and sustainability, in particular that the proposal involves the relocation for existing motorsport activities.
104. On my assessment, the proposal is not contrary to the RPS, and in some instances will give effect of the RPS.

Section 104(1)(a)(iv) – TRMP Objectives and Policies

105. Submissions have opposed the proposal as being contrary to relevant objective and policies of the TRMP. The RMA section 104D threshold test for non-complying activities do not apply for this application, which is discretionary. Accordingly, the correct statutory assessment is under section 104 which requires the consent authority to “have regard to” objectives and policies, rather than an assessment of contrariness.
106. The TRMP is being updated by way of rolling review, but remains very much a “first generation” plan. Accordingly, much of the plan’s policy framework reflects the general wording of the RMA around avoiding, remedying or mitigating adverse effects, as well as reflecting the hierarchy of the RMA’s part 2 principles. The objectives and policies remain current as a major motorsport facility has been contemplated since at least 2009 with the opportunity to review the policy framework.
107. I have set out a full assessment of objectives and policies as part of the application (page 34) and I cover these as follows.
108. Chapter 5 – Site Amenity Effects. This chapter relates to amenity form development and subdivision, and seeks to protect natural character and significant features. Other considerations are discharges, privacy, daylight, visual amenity, health and safety and amenity. The policy wording is very much “avoid, remedy and mitigate” with some effects like discharges, to be avoided altogether.
109. My assessment of chapter 5 is that the proposal can be undertaken in a way which achieves the objectives and policies. Site amenity effects can be avoided where they are required to be, or otherwise remedied or mitigated.
110. Chapter 6 – Urban Environment effects. This chapter relates to urban settlements and zones and is not relevant. However, it does contain objectives and policies promoting sustainable development, which is incorporated within the proposed motorsport park.

111. Chapter 7 –Rural; Environment Effects. This chapter is clearly relevant and it contains the following objective and policy framework:

- Avoid loss of productive potential and effects of subdivision and land fragmentation.
- Provision of “non-soil based:” activities. The following are particularly relevant:

Objective 7.2.2: Provision of opportunities to use rural land for activities other than soil-based production, including papakainga, tourist services, rural residential, ad rural industrial in restricted locations, while avoiding the loss of land of high productive value.

*Policy 7.2.3.1: To **enable** activities which are not dependent on soil productivity to be located ion land which is not of high productive value.*

Policy 7.2.3.3: To use a whole catchment approach to the management of stormwater...

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.

The TRMP explanations and reasons go on to say the following:

...This objective and associated policies establishes a framework within which Plan provisions such as rules and zones can be developed, and consent applications can be evaluated. The policy is supported by methods to encourage responsible management by resource users...

...Policies and thresholds allow for the consideration of activities and effects which are not otherwise provided for in rural zones...

...not all demands or needs for land for activities other than soil-based production in the rural environment will necessarily be able to be met over the life of the Plan within zoned areas. The Council will consider these needs over time or assess consent applications or plan changes proposed by others...

- Rural amenity and character within an “appropriate” level of protection

*Policy 7.4.3.4: To exclude from rural areas uses or activities...which would have adverse effects on rural activities, health or amenity values **where those effects cannot be avoided, remedied or mitigated.***

- Environmental Results including minimal cumulative loss of productive land and maintenance of rural character and amenity

112. The rural objectives and policies are not protectionist, and they generally seek to avoid, remedy and mitigate adverse effects. The contain specific provision for non-rural activities. Rural productivity is a focus, but only on the highly productive land, and not to the total exclusion of non-productive land uses. In addition, the objectives and policies do not differentiate activities based on scale or land use, but on effects. In this way the rural policy framework is outcomes based. The rural policies give a motorsport park an equal opportunity of being assessed on its merits as say a vineyard cafe. Finally, a large part of the site will continue to remain in, and be available for, rural production. Assuming 10ha of building coverage, tracks and facilities, 95% of the site will remain available for productive use.
113. For these reasons, I do not share the assessment of some submitters that the proposal is contrary to objectives and policies. I again base my assessment on the statutory test for a discretionary activity which is to “have regard” to the objective and policies. I am of the view that the proposal, even at full development, does fit within the overall rural policy framework.
114. Chapter 8 – Margins of Rivers and Lakes. This chapter seeks to maintain and enhance public access to and along rivers, to maintain and enhance natural character of rivers, and to avoid, remedy and mitigate adverse effects. There is currently no public access to or along Stanley Brook on the application site. The accessibility offered through the proposal, public access to Stanley Brook will be enhanced. In addition, the proposed riparian reinstatement and creation of a new lake will give effect to chapter 8 objectives and policies.
115. Chapter 9 – landscape. This chapter relates to outstanding landscapes (there are none on the site), and retention of rural landscape amenity and character. Although the valley landscape will be altered, the site is large enough, and located within a valley setting, so that a high level of development can be absorbed into the overall scale of the site and the valley. Even at full development, the site will still have rural amenity and characteristics. The Landscape Management Plan will also provide the opportunity for enhancement.
116. Chapter 10 – Significant Natural Values and Historic Heritage. This site does not contain any significant natural or heritage values that the applicant is aware of, and no submitters have raised this as a particular concern. The standard TDC accidental discovery conditions, along with the Ecology Management Plan will allow the proposal to meet the objectives and policies.
117. Chapter 11 – land transport effects. Chapter 11 seeks to promote a safe, efficient and functional land transport network and to avoid, remedy and mitigate adverse effects on the network. Specific areas of focus are on access, traffic volumes, road capacity and design, and parking. The traffic evidence is that the proposal can be developed in a way that achieves the land transport objectives and policies. Consent conditions along with the Traffic Management Plan will ensure that this is achieved.
118. Chapter 12 – land disturbance effects. This chapter contains one objective and policies seeking to avoid, remedy or mitigate adverse effects arising from land

disturbance (earthworks). Areas of focus are rivers, soil erosion and discharges. The proposal is able to be constructed and operated in a way that meets the objective and policies.

119. Chapter 13 – natural Hazards. Chapter 13 relates to all natural hazards. Potential flood risk of buildings is the only natural hazard relevant to the proposal. Expert evidence is that flood risk is able to be mitigated through appropriate building location and controls. This will also be considered in detail at the time of building consent.

120. Chapter 14 – reserves and open space. This chapter relates to council reserves and open spaces (and zones) so is not relevant. However, the nature of the proposal will provide a high level of open space recreation opportunities. As such, although not zoned for this purpose, the proposal will give effect to the objective of chapter 14: *Adequate area and distribution of a wide range of reserves and open spaces to maintain and enhance recreation, conservation, access and amenity values.*

121. TRMP Objectives and Policies Summary. On my assessment, the proposal fits within the TRMP overall policy framework (including the Rural Zone policies). This is the same conclusion reached in the staff report. On a policy spectrum of laidez faire (anything goes) to total protection, the TRMP policies err towards the laidez faire end of the spectrum. Accordingly, the proposal, even at full development, is not “out of left field”, and it does not compromise or undermine the integrity of the TRMP. In RMA terms, I can see no policy reasons for declining the application “having regard” to the relevant objectives and policies.

Part 2, Purpose and Principles

122. Turning to the purpose and principles of the Act, in my view and for reasons discussed elsewhere in my evidence, the proposal promotes “sustainable management” (section 5 RMA) at several levels:

- It enables people and communities to provide for their social and economic well-being;
- It sustains the potential of natural and physical resources to meet reasonably foreseeable needs of future generations;
- It safeguards the life-supporting capacity of air, water, soil and ecosystems;
- It avoids or mitigated adverse effects on the environment.

Section 6

123. The following section 6 matters of national importance apply to this proposal:

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

(d) the maintenance and enhancement of public access to and along... rivers:

(e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:

124. In my opinion, the proposal can be developed in a way which recognises and provides for these matters of national importance. There are no outstanding natural features (6b), no significant vegetation or fauna (6c), no historic heritage(6f) and no recognised customary activities (6g).

Section 7

125. The following section 7 "other matters" to be "had particular regard" to are relevant.

(a) kaitiakitanga:

(aa) the ethic of stewardship:

(b) the efficient use and development of natural and physical resources:

(ba) the efficiency of the end use of energy (only as it relates to on-site solar installations)

(c) the maintenance and enhancement of amenity values:

(d) intrinsic values of ecosystems:

(f) maintenance and enhancement of the quality of the environment:

(g) any finite characteristics of natural and physical resources (as it applies to fossil fuels and cycling as an alternative means of transport):

(i) effects of climate change.

(j) the benefits to be derived from the use and development of renewable energy (as it applies to proposed solar installations):

126. Note that section (i) relates to the effects "of" climate change, and not the effects "on" climate change. This is an important distinction, and section 7(i) requires particular regard be had to effects like sea level rise and changing weather patterns. Section 7(i) does not require particular regard be had to effects from the proposal "on" climate change. According to the Ministry for the Environment Climate Change Impacts Report², the projected changes in temperature and rainfall in the Nelson-Tasman region to 2040 are as follows:

² Ministry for the Environment: *Climate Change Effects and Impacts Assessment 2nd edition*, 2008

Mean annual temperature increase of 0.9⁰C

Mean annual increase rainfall of 4%

127. Although there is a high margin of error in such projections, the current best estimate is for an increase in temperature and an increase in rainfall at the site. The effects of climate change would therefore be a positive effect of an increase in available rainfall for water use.

Section 8

128. Section 8 requires the consent authority to “take into account” the principles of the Treaty of Waitangi. LINZ have submitted in opposition that the proposal may affect treaty settlement negotiations (the principal of redress) by adversely affecting the valuation of the Crown Forest around the site. However, this is speculative, and there is insufficient information available to make an informed decision of any effect from the Park on settlement negotiations. No iwi have submitted on this basis (the only iwi submission from Tiakina is neutral and requests appropriate conditions).
129. In my view, the only matter that can be “taken into account” is whether the proposal would adversely constrain the ability of the new iwi owners to continue with the current forestry operations, or any other permitted activity. This is more a matter of reverse sensitivity, which I consider has been adequately addressed through the conditions and management plans.
130. For this reason, I do not consider the proposal will affect any of the Treaty Principles under section 8.

Section 107

131. Section 107 provides for restriction on the granting of certain discharge permits. Referring to my assessment of effects, I do not consider there to be any matters under section 107 which would restrict to granting of discharge permits.

National Environment Standards

132. Section 104 requires regard to be had to any relevant provisions of a National Environment Standard. The following NES's are in effect.
- Air quality standards. Not relevant – covers seven standards banning activities that discharge significant quantities of dioxins and other toxics into the air; five standards for ambient (outdoor) air quality; a design standard for new wood burners installed in urban areas; a requirement for landfills over 1 million tonnes of refuse to collect greenhouse gas emissions.
 - Sources of human drinking water standard. This standard is relevant and it requires regional councils to ensure that effects on drinking water sources are considered in

decisions on resource consents and regional plans. Specifically, councils are required to:

- decline discharge or water permits that are likely to result in community drinking water becoming unsafe for human consumption following existing treatment
- be satisfied that permitted activities in regional plans will not result in community drinking water supplies being unsafe for human consumption following existing treatment
- place conditions on relevant resource consents requiring notification of drinking water suppliers if significant unintended events occur (e.g. spills) that may adversely affect sources of human drinking water.

I consider that the drinking water standard will be achieved by the proposed water management systems.

- Telecommunications facilities. Not relevant, controls new telecommunications installations
- Electricity transmission. Not relevant, controls effects from electricity installations.
- Assessment and Managing Contaminants in Soil to Protect Human Health, Not relevant, site has no history of possible soil contamination.

National Policy Statements

133. The current NPS's in effect are discussed as follows.

Electricity transmission. Not relevant

Renewable energy generation 2011. Not relevant to this proposal

NZ coastal policy statement 2010. Not relevant

Freshwater management 2011. The preamble to the NPS states that it “sets out objectives and policies that direct local government to manage water in an integrated and sustainable way while providing for economic growth within set water quantity and quality limits”.

The water quality objectives and policies in the NPS will be achieved through the avoiding and mitigating adverse effects as set out in my evidence.

The NPS also contains the following relevant water quantity objectives and policies:

Objective B1 – To safeguard life-supporting capacity, ecosystem processes and indigenous species including their associated ecosystems of fresh water in sustainably managing the taking, using, damming and diverting of fresh water.

Objective B2 – To avoid any further over-allocation of fresh water and phase out existing over-allocation.

Objective B3 – To improve and maximise the efficient allocation and efficient use of water.

Objective B4 – To protect significant values of wetlands.

Policy B5 – By every regional council ensuring that no decision will likely result in further over-allocation, including managing fresh water so that the aggregate of all amounts of fresh water in a water body that are authorised to be taken, used, dammed or diverted, does not over allocate the water in the water body.

Policy B7 – by changing regional plans to include the following:

1. *When considering any application the consent authority must have regard to the following matters:*
 - a. *The extent to which the change would adversely affect safeguarding the life-supporting capacity of fresh water and any associated ecosystem and;*
 - b. *The extent to which it is feasible and dependable that any adverse effect on the life-supporting capacity of fresh water and any associated ecosystem resulting from the change would be avoided.*
2. *This policy applies to:*
 - a. *Any new activity that involves taking, using, damming, or diverting of fresh water.... the*

The freshwater NPS objectives and policies around water quantity are met since the proposal does not rely on any water abstraction beyond its permitted domestic abstraction. Rain harvesting will not affect life supporting capacity or other water users.

Long Term Plan

134. As already identified, the TDC long term plan includes provision for a regional motorsport park of the kind proposed. The Council has public indicated they propose to drop the funding provision or the motorsport park from the 2012 LTP. In my view, no weight can be attached to this for two reasons:
- a. Firstly, at the time of the hearing the 2012 LTP has not been released for submissions. Its content will change following submission and cannot be relied upon.
 - b. Secondly, although funding support in the LTP would assist the proposal, the applicants do not rely on this funding. Council funding in the LTP has no bearing on the RMA merits of the proposal. Just as the inclusion of funding is not a reason to grant consent, the absence of Council funding for the Park would not be a valid RMA reason for declining consent.

Regional Land Transport Strategy

135. The 2010 RLTS identifies the following relevant transport issues:

Issue 15: Greenhouse Gas emissions. The majority of work will be achieved at national level, Short trips are a regional issue.

Issue 16: Land use planning impacts on transportation network.

136. The RLTS also includes a number of “targets” for implementation. For greenhouse gas emissions, these relate to single occupancy vehicles (not an issue of the Motorsport Park); daily work trips (not an issue for the Park), and work trip public transport (not an issue for the Park). The RLTS also includes a target of reducing greenhouse gas emissions by 10-20% by 2020, relative to 2007 emissions. This is expected to be achieved by a range of national measures, including improved vehicle efficiency’s. I consider the proposal will make a contribution towards meeting this target through consolidating a number of motorsport activities in one location (avoiding dispersed travel patterns), and the range of environmental initiatives identified earlier.

137. The RLTS policies around workplace travel demand management and maintenance of road function will be met.

138. Overall, I consider the proposal, together with the package of proposed traffic mitigation measures and the Management Plans, will meet the policies of the RLTS.

Conditions

139. I have reviewed the conditions proposed by staff, and I generally agree with all the conditions, except where I have identified changes in Appendix 2.

140. I note that there are various lapse dates and expiry dates. I would recommend an extended laps date under s125 RMA of 10 years, to allow sufficient time for funding and legal organisational structures to be put in place. It is likely to aspects of the proposal will not be started within 10 years.

141. I would also recommend a standard 35 year expiry date for all regional consents. This would allow for easier management and administration and allow all regional consents to be renewed together at the same time.

Conclusions Summary

142. My overall conclusions are as follows:

- the proposal meets the statutory requirements of the RMA
- any adverse effects can be avoided, remedied or mitigated such that they are no more than minor
- The suite of conditions and use of management plans will ensure effects are avoided, remedied or mitigated
- The proposal is not contrary to the overall policy framework of the Tasman Regional Policy Statement or the Resource Management Plan, and is not

contrary to objectives and policies in the relevant National Environment Standards and National Policy Statements.

- The proposal is in accordance with RMA Part 2 matters
- Council staff have reached the same conclusions and I agree with their conclusions and recommendation to grant consent.

Tony Quickfall

Appendix 1: Existing Drag Racing Resource Consent

Appendix 2: Draft Fire and Wastewater Management Plans

Appendix 3: Power Point