

REPORT

TO: Council

FROM: Cr T E Norriss

REFERENCE: A303

DATE: 7 January 2005

SUBJECT: Drag Racing – Motueka Airport

PURPOSE/REASON FOR REPORT

The following is a report to Council, and especially the members of the Council Enterprises Subcommittee, following the recent decision to stop drag racing at the Motueka Airport.

I believe the Subcommittee was put in an awkward position regarding the issue without the full facts and information needed to make an informed decision. As the only member on Council from the old Airport Subcommittee I believe I have a responsibility not only to Council, but also the Nelson Drag Racing Association and members of the public who have enjoyed and supported the events at Motueka Airport. The process that the Nelson Drag Racing Association was led to believe was to happen, has not happened and as a party to those negotiations, I believe Council has an obligation to follow this commitment through.

I have already signalled my intention to Council to have resolution **FN04/12/28** rescinded and the issue revisited, and have the required number of Councillors to do this at the earliest opportunity.

I note from the Chief Executive's report to the Council Enterprises Subcommittee, Thursday 9 December 2004, the following; Page 2 under the heading Modus Operandi (a) It will be important for the Subcommittee to gain a good understanding of the four delegated enterprises, etc.

To make the above decision at its first meeting without the necessary consultation and full facts would seem a negative start?

I would like to point out to Council that I haven't attended a drag racing event at the Airport, but have supported, over my six years on the Airport Subcommittee, all activities that take place at Motueka Airport, enabling the turnaround of income from this community/Council asset to a surplus of approximately \$17,000 last year. I have real concerns over continuing profitability with rising costs and restricting use!

BACKGROUND

The Motueka Airport Subcommittee minutes from 3rd August 1994 contain a recommendation ***Moved Crs Ruddenklau/Borlaze*** that it be recommended to the Works Committee that a trial Nelson Drag Racing Association meeting be held at the Motueka Airport, and Council's engineering staff be on hand to inspect the effects this has on the sealed runway surface.

This was approved.

The next application was March 1998. And I quote:

- From the Executive Officer's report May 1998 (C Prattley):

'The drag racing event at the Airport at Easter was a success for all parties'.

Also from the meeting 27th May 1998; ***'Frazer Walls, on behalf of the Motueka Environment Group, advised that he had been pleasantly surprised that noise levels from the drag racing was so reasonable'.***

The Nelson Drag Racing Association then applied for Resource Consent to operate up to 6 times per year - RM980181 Nelson Drag Racing Association.

I note upon looking at submissions from the time none of the other users at the airport opposed the application.

There was also one in support with conditions from Cliff Satherley (now Chairman of the Motueka Community Board).

The application was approved for up to 4 days per year for a period of 10 years. And I note:

- From the Executive Officer's (N Riley) report June 1999, quote:

'Firstly the Nelson Drag Racing Association have installed their warm-up concrete strip on the northern end of the runway and will have conducted their first drag racing meeting on the 19th June 1999'.

The events then took place up to four times per year on application on an annual basis to the Airport Subcommittee.

I note two other comments from Executive Officers of the era:

- 11th May 2000 (Mr Riley) ***'Since our last meeting we have had a successful drag racing Event at Easter'.***
- 28th February 2002 (Ms Blake) ***'A major drag racing meeting with visitors from overseas occurred on 2nd February 2002. This event was well attended and to date no negative feedback has been received from the general public'.***

These comments were valid then and should not be ignored now.

It was at this time the Nelson Drag Racing Association approached the Subcommittee regarding the widening and resealing of the runway to its full length. The Nelson Drag Racing Association had already invested \$45,000 for the concrete warm-up strip and the widening and resealing of the first 200 metres from the northern end.

It was also about this time things started to turn to custard. The other users of the airport did not require a widened strip and did not want to pay for it by increased charges. This was fair comment.

The Airport budget had allowed \$25,000 for resealing the existing strip (already overdue). This was revised to \$33,000 after getting up to date costs. As Engineering Chairman I agreed to try to get the other \$67,000 required!!!

This was eventually achieved with a commitment from the Nelson Drag Racing Association of \$20,000, \$17,000 from the Council's end of year surplus (this was the year's surplus from the Motueka Airport).

The final \$30,000 came from the Motueka Community Board by way of Motueka DIL's account ***Moved Wilkins/Satherley MK03/09/05, 25 September 2003.***

The job was then undertaken and completed with a few hiccups. Community support for this project and the continuation of drag racing events at the Airport seemed to be secured for the remainder of the consent term.

And I quote:

- Airport Subcommittee, Tuesday 5th November 2002 page 4

'Public Forum – Stuart Bean reported that the recent drag racing event was a fantastic success for simultaneous operations and believed there were no conflicts or issues of concern'.

- Special Airport Subcommittee, 2nd April 2002 page 4

'Mr V D'Ath referred to his written submission, and said he supported the drag racing activities, pointing out that the last meeting went without a hitch including some airport operations during the day'.

- Airport Subcommittee 28th November 2001 page 2

'Vincent D'Ath, representing Tasman Bay Aviation, felt that the Nelson Drag Racing Association should be looking at funding for improving length and width of the runways, he did not consider it to be a ratepayer responsibility'.

- Airport Manager's report dated 28th February 2002 contains a full Council resolution **CN01/12/10**. This was to enable Skydive Nelson to expand their operations after acquisition of a Turbine Fletcher aircraft.

Part b of this resolution reads:

'Skydive Nelson does not operate any aircraft out of Motueka Airport on days when the drag racing is to occur'.

There are many others.

It was after a number of incidents of concern were raised by the three main users at Motueka Airport, centred mainly around debris left on the grassed areas and reinstatement of damaged areas alongside and on the sealed runway that drag racing was put on hold by the Airport Subcommittee until the Nelson Drag Racing Association could put in place procedures to ensure that every attempt to address this problem and the concerns raised by Police regarding safety barriers, nets and making sure public safety at the southern end of the runway were implemented, following an incident where a dragster ended up outside the airport perimeter.

And therefore the McGregor and Co report.

I would like to point out that at no time was this report requested by either the Airport Subcommittee or Engineering Services Committee. Concern was expressed at the time that none of the Airport Subcommittee were interviewed by the Consultant!, including the Airport Subcommittee Chairman. I find this rather strange to say the least, but is probably backed up by the fact that this report was done in a hurry.

- Confidential Minutes Special Engineering Services Committee, Thursday 19th August 2004 page 4, - see confidential paper.

Personally, I believe this report and associated costs were unnecessary and did not tell us anything we were not aware of, and the issues concerning safety standards regarding drag racing could of, and were being, worked through with the Nelson Drag Racing Association.

It appears that the McGregor and Co report only focussed on drag racing and issues to do with dual risk use of the runway. It also clearly states that the use of the runway by the Ford Advanced Driving School was the major concern.

It did not mention Council's liability or risk with the other activities that occur at the Airport with which there have also been major accidents resulting in deaths.

The legal opinion presented to the Special Engineering Services Committee meeting on 19th August 2004 pointed out issues of safety and liability. **It should have also pointed out ways that Council could minimise or indemnify itself from any liability.**

The result from the above meeting was:

- ***'Moved Crs Kempthorn/Bryant
WK04/08/25***

That Council postpone drag racing events at the Motueka Airport until a satisfactory risk management process is identified and in place, and that the Nelson Drag Racing Association be advised of this in writing as soon as practicable'.

The key words in the above resolution are **postpone** and **until**.

The Nelson Drag Racing Association were informed of the above which backed up the position already taken by the Airport Subcommittee prior to the McGregor and Co report and the legal opinion.

The lesson in this to all Councillors old and new is that when delegating authority we need to make sure that there is political representation in these delegations!

The Nelson Drag Racing Association then confirmed with Council that they had engaged a consultant to identify a satisfactory risk management process as asked in resolution ***WK04/08/25***.

That report was in the hands of the Executive Officer on 30 November 2004 and was delivered to the members of the Council Enterprises Subcommittee at their meeting with the exception of 2 members who received it the day before. This should be a major concern to Council and Subcommittee members. The Subcommittee did not have the time to go through the Nelson Drag Racing Association report, nor did the Association or their consultant have the opportunity to present this report and answer questions.

This was an unfortunate departure from the process that the Nelson Drag Racing Association, the members of both the Airport Subcommittee and Engineering Services Committee had agreed to. A quick read of the minutes of the Airport Subcommittee Wednesday 8th September 2004 and Special Engineering Services Committee Thursday 19th August 2004 will confirm this.

Also attached is a memo from the Executive Officer to Nelson Drag Racing Association dated 30 November 2004, and an email that John Gourdie sent on 1st December 2004.

Also a number of other documents (please read).

- Aerodrome Activity Management Plan July 2004 page 10

Discretionary Uses with Special conditions:

- Parachuting
- Helicopter pilot training
- Drag racing
- Gliding
- Model aircraft

- Microlight aircraft
- Gyrocopters and similar aircraft
- Hang gliding activities

It is my understanding that any changes to this plan have to go through a public consultation process?

We have just been through this regarding Motueka Airport.

There must be a way through this! (Note the Nelson Drag Racing Association attachments regarding insurance and indemnity, which would help provide a solution to some of the issue raised).

ATTACHMENTS

- Fax transmission to Cr T E Norriss from John Gourdie dated 16 December 2004.
 - Nelson Drag Racing Association Public Liability Insurance cover.
 - Nelson Drag Racing Association agreement to indemnify Council's risk.
- Supplementary Report to Engineering Services Committee from Cr T E Norriss dated 14 December 2004.
- Email to John Gourdie from Executive Officer (D Blake) dated 1 December 2004 11.48am.
- Email to Airport Users email list from Executive Officer (D Blake) dated 1 December 2004 10.13am.
- Letter to John Gourdie from Executive Officer (D Blake) dated 30 November 2004.
- Letter to John Gourdie from Engineering Manager (P Thomson) dated 19 October 2004.
- Letter to Chief Executive (R Dickinson) from Nelson Drag Racing Association dated 12 October 2004.
- Letter to Chief Executive (R Dickinson) from Nelson Drag Racing Association dated 7 October 2004.
- Letter to John Gourdie from Chief Executive (R Dickinson) dated 13 September 2004.
- Letter to Chief Executive (R Dickinson) from Nelson Drag Racing Association dated 3 September 2004.

- Letter to John Gourdie from Chief Executive (R Dickinson) dated 1 September 2004.
- Letter to John Gourdie from Engineering Manager (P Thomson) dated 19 August 2004.

SEPARATE CONFIDENTIAL ATTACHMENTS

A separate confidential paper has been prepared in conjunction with relevant confidential minute. (Only available to Councillors and Management).

RECOMMENDATION

- (a) To rescind Council Enterprises Subcommittee resolution FN04/12/28, 9 December 2004.**
- (b) Reconfirm Engineering Committee Services Committee resolution WK04/08/25.**

***'Moved Crs Kempthorn/Bryant
WK04/08/25***

That Council postpone drag racing events at the Motueka Airport until a satisfactory risk management process is identified and in place, and that the Nelson Drag Racing Association be advised of this in writing as soon as practicable'.

- (c) Council gets legal opinion finding a way to fully indemnify Council from any liability issues.**

COMMENT

At the end of the day I believe that with the goodwill of all the users and Council, Council can allow the Nelson Drag Racing Association to continue to operate at Motueka Airport providing safety and liability issues are addressed. All parties have continually said that simultaneous operations on drag racing days are not a problem (please remember that the Nelson Aviation College do not operate at weekends).

The Motueka community has supported the drag racing events.

Yes there will always be an element of risk associated with many activities regarding recreational and normal day to day living. It should not and does not stop people participating in many gravity defying events.

All the reports, legal opinions, rules, etc., could not and would not have prevented the recent Tsunami events in Asia. We should be looking at providing areas for

motorsports in our region and look at this as an opportunity for the future and the advantages to all the community of such events.

This report has taken up a huge amount of time, please read it and the associated attachments.

Regards

Cr T E Norriss
Chairman
Engineering Services Committee

REPORT – ADDITIONAL CONFIDENTIAL INFORMATION

TO: Council
FROM: Cr T E Norriss
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We may need to move into “Committee” to discuss the below and other relevant details.

- Confidential Minutes Special Engineering Services Committee, Thursday 19th August 2004 page 4, quote:

‘It is important to emphasise that the work done has been done with rigid time constraints. The McGregor and Co report has basically said there is a lot more that could be done in terms of risk assessment’.

Cr T E Norriss
Chairman
Engineering Services Committee