OFFICER REPORT

TO: Commissioner Hearing

FROM: Mike Mackiggan, Consent Planner, Natural Resources
Jack Andrew, Consent Co-ordinator Land Use

REFERENCE: RM100848 and RM100872 - RM100879

SUBJECT: **ADCOCK & DONALDSON PROPERTIES LTD - REPORT REP12-03-02 -** Report prepared for the hearing of 19 March 2012

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1. SUMMARY OF THE PROPOSAL

The applicant is proposing to establish a national standard Motorsports Park on rural property in Stanley Brook, near Tapawera. The proposal is to create and operate a Motorsport and Recreation Park comprising commercial events and conference centre, sale of liquor, airstrip and helipad, and a range of accommodation and buildings in excess of the Rural 2 zone building height, to be developed in general accordance with a site Master plan and the activity and building schedules included in the resource consent application.

The applicant states that motorsports are a very popular form of recreation for all ages and genders, whilst acknowledging that due to the very nature of the sport it can generate noise nuisance for non-motorsport fans and nearby neighbours. The applicants' opinion is that the regions' noisy motorsports can be ideally accommodated in their secluded valley site thereby providing positive increased amenity effects elsewhere in the district, whilst any adverse effects created by the new facility can be sufficiently avoided, remedied or mitigated so that any effects upon adjoining neighbours will be less than minor.

Submitters opposing the proposed facility have raised concerns regarding possible noise, dust, fire, limited access, lack of water, pollution of water, commercial activity in a rural area, property and safety risks, location/remoteness, disposal of wastewater, effects upon ecology, the loss of productive potential, the sale of alcohol, flood risk, possible light pollution, and landscaping.

In the writers' opinion the suite of applications presents a classic example that strikes to the very heart of the Resource Management Act 1991 (RMA), and the fundamental "Purpose and Principles" as stipulated in Part 2 of the Act. The RMA is intended to be an enabling piece of legislation that allows people to undertake activities and provide for their wellbeing, as long as any adverse effects are within permitted or consented levels and any adverse effects upon the environment are avoided, remedied or mitigated.

1. INTRODUCTION

1.1 Reporting Officers

This report prepared in accordance with Section 42A of the RMA has been jointly authored by Jack Andrew, Co-ordinator Land Use Consents, who addresses the principle application RM100848 to create and operate a Motorsport and Recreation Park and associated land use activities; and by Mike Mackiggan, Consent Planner Natural Resource Consents, who addresses other resource consent components RM100872 -100879 as listed in Section 2.1.1 below.

1.2 Description of Proposed Activity

Due to the ambitious scope, size and multiple components of the proposed Motorsport Park, the application has been lodged on the basis of what is described as a Masterplan Concept.

The applicant's agents APL Property Nelson Limited (formerly known as ViaStrada at the time of lodging the application for consent) provided a description of the proposed activities within the application. To establish sufficient context, relevant sections of the application are reproduced here as follows:

"The proposal relates to the establishment of a multi-use, regional motorsport park as a community facility. A regional facility has been considered for a number of years with this site as one of the options. One of the primary drivers for the establishment of a regional facility is the relocation of the drag-strip currently utilising the Motueka airfield. The use of the airfield for motorsports conflicts with its designated purpose for aviation activities. A regional facility would also allow the establishment of a sealed racing circuit to cater for various car clubs and racing groups, in the absence of a specifically designed or dedicated sealed racing circuit in the region. Various other motorsport groups are spread throughout the region, including the kart club near Redwood Valley, motocross held at various locations, stock car club on Lansdowne Road with restrictions on operations, and a number of smaller groups with no "base" (or established) facilities. Essentially there are limited locations provided for motorsport activities due to conflicting uses, tight noise restrictions and tough health & safety regulations. The proposal presents an opportunity to consolidate motorsports into one site, in a way that avoids current restrictions, avoids or mitigates conflicts with competing land uses, and avoids or mitigates adverse effects.

"The applicant (Adcock Donaldson Properties Ltd) own a 203ha block of land in the mid–upper reaches of the Stanley Brook Valley, with access via Olivers Road and Rabbit Gully (off the Motueka Valley Highway). The site is approximately 62 kilometres from the centre of Nelson, 50 kilometres from Richmond and 55 kilometres from Motueka. The application site comprises flat river terraces along the upper Stanley Brook Valley with some east facing hill slopes currently used for forestry plantation. The 203ha site is split into two titles. Approximately 60ha of the site is in commercial forestry, which will be retained.

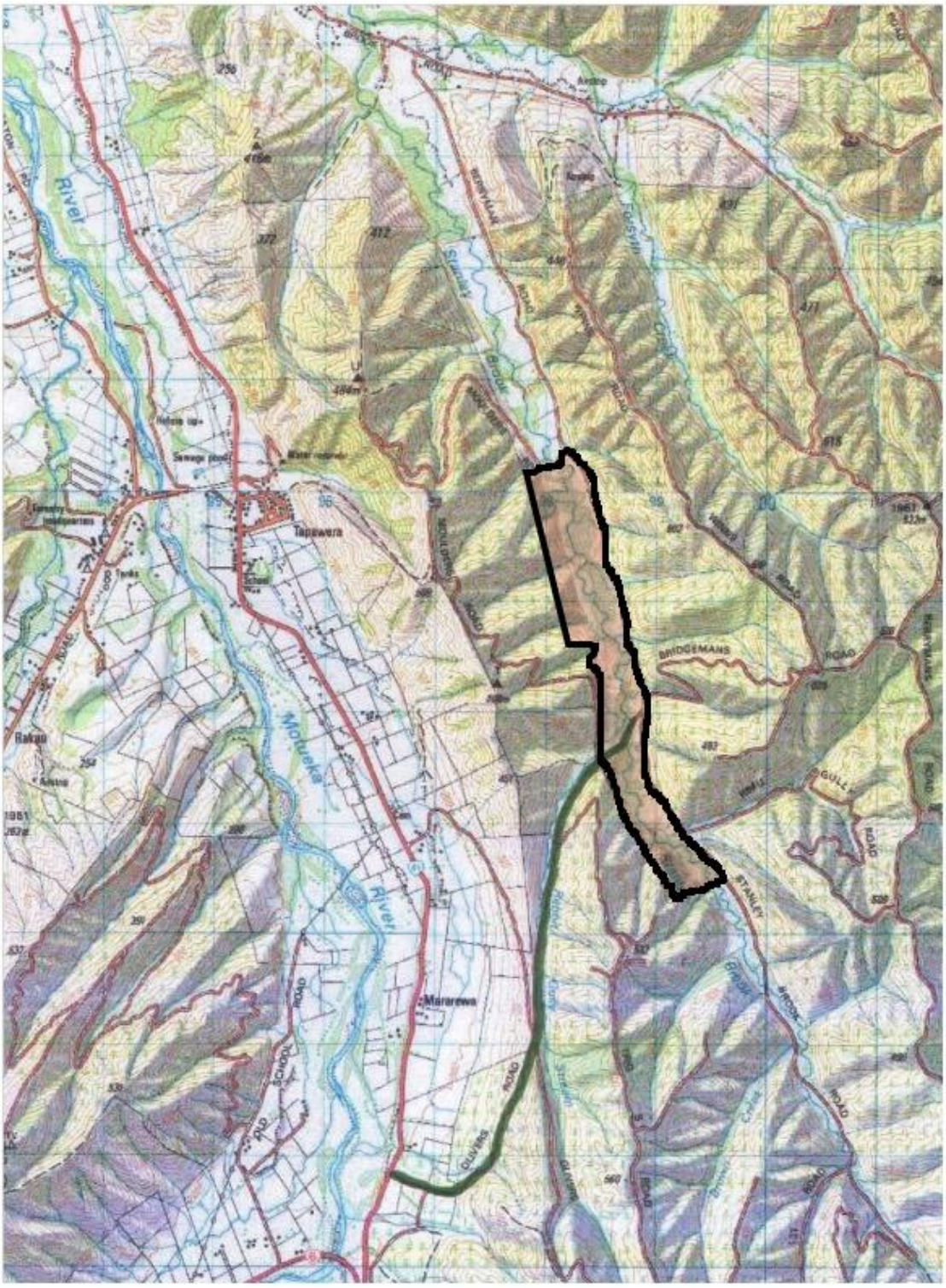


Figure 1: Proposed Motorsport Park site (highlighted orange) and Access Road (highlighted green)

This application is for a comprehensive and integrated suite of activities. Although focussed around motorsports, the proposal is to offer a range of non-motorsport activities for recreational and organised use. The overall vision is to create a recreational destination through complimentary activities and the use of shared facilities such as parking and amenities. Ultimately, it is envisaged that the facility could become a national facility designed to international FIA track standards.

The activities on the site are broadly separated into three distinct precincts, identified on the accompanying plans: Motorsport precinct (central and northern end of the site) Commercial precinct (central area) Non-motorsport precinct (southern end of the site) Some non-motorsport activities (such as mountain biking) will occur throughout the site.

It is proposed to stage the activities. Stage 1 comprises those activities which have an immediate demand, which are relatively simple to implement and which will provide a level of financial return to fund the rest of the proposal. It is anticipated that stage 1 roll-out will be over several years (5 or more), with some activities established faster than others. Stage 2 comprises those activities which either are not core to the proposal or which will require further detailed design (accommodation units). Stage 2 could be completed within 10 years of consent being granted, depending on demand and financing.

Development would commence with the drag strip, with the order of development for other activities being determined by funding and the levels of interest from operators or clubs.

"To avoid any doubt, consents are sought as follows:

a) consents are sought for the activities in both stages 1 and 2 as identified in the application, schedule 1 and 2 and on the accompanying plans;

b) consents are sought for the accompanying plans as the "masterplan";

c) consents are sought to locate proposed activities generally in the locations identified on the masterplan, and within the precinct areas, except for non-motorsport activities;

d) consents are sought to enable non-motorsport activities to operate outside the motorsport precinct, generally in the locations identified on the masterplan.

Feedback from Council staff is that it is preferable for a proposal of this nature to be designed (as a master plan) and assessed as a comprehensive development from the outset, rather than to on an incremental activity-by-activity basis. This allows an integrated assessment, and is in accordance with the underlying principle of the RMA which promotes integrated sustainable management. This also allows the site layout and design to accommodate future anticipated activities.

"..... It is accepted that there will be a level of uncertainty around final designs and final layouts of the activities. The proposal is to obtain consent for the masterplan and for the range of proposed activities. Detailed design is proposed to be addressed through appropriate consent conditions and the use of management plans and adaptive management. Any substantive variations from the masterplan or any activities found not complying during detailed design stage will require either new consents or a variation to consents granted." (emphasis added)

"It is also likely that additional activities may be added as further opportunities arise. In this case, new consents will be sought on an individual basis for any new activities, within the scope of the overall masterplan."

The applicants advise that should consent be granted then they would prepare an overall Operations Manual which will contain detailed management plans to address the following topics:

- Traffic Management Plan
- Fire Management Plan
- Hazardous Substances Management Plan
- Wastewater Management Plan
- Stormwater Management Plan
- Water Management Plan
- Environmental Management Plan
- Event and Noise Management Plan
- Ecology Management Plan
- Landscape Management Plan
- Aircraft Management Plan
- Construction Management Plan

1.3 Key Features of the Proposal

"The regional motorsport park features New Zealand's longest straight and a natural amphitheatre, these being the signature pieces of what will be New Zealand's newest and most scenic grand prix circuit. The site location facilitates a natural amphitheatre from which to view racing, rather than working against nature and flattening the site for ease of construction. This feature also mitigates effects to contain them within the site and the valley. The applicant's vision is to use the natural contours and flow of the valley as far as possible to minimise construction.

The masterplan and activity layout has been designed around motorised activities being located on the northern part of the site, with non-motorised activities being located on the southern part of the site. Siting the main grand prix circuit and drag strip at the entrance to the valley allows maximum car parking at the southern end as a buffer to the non motor sport activity on the property and also minimizes traffic through the length of the site.

"It is in this buffer area that commercial and accommodation activities will be established. The accommodation (stage 2) will have 96 beds centred around a day lodge/bar restaurant area. Adjacent to the accommodation units, there will also be a camping ground developed with the various associated amenities, to provide additional onsite accommodation for the large multiday events. These facilities will be designed to the approved camping ground standards. This area also has provision for on-site accommodation facilities for the connection to the regional cycle trail (route to be confirmed).

Near the entrance of the facility is a "peewee" family area (stage 1) allowing family groups to visit for day trips with their own children's motorbikes/quads or to rent from the on site manager a range of children's motorbikes/quads and enjoy a full day out including lunch and other non-motor sport activities... ... The drag strip (stage 1) is the cornerstone of the design providing the circuit with a back straight as the run-out area. The needs of the drag club have been met with regard to marshalling areas

and it is proposed to have sheltered pit areas to use before they move onto their track.
An airstrip will be located beside the drag strip, to provide easy and quick access not only from Nelson, but from other parts of New Zealand. This broadens transport and access options during events as well as conferences. It is envisaged that this will operate similar to Centennial Park Raceway in Taupo (refer cover photo), which combines a motorsport park, horse racing track and private aerodrome used by private and charter aircraft. The airstrip will be designed in accordance with CAA requirements as a non-certified and privately operated aerodrome.

Spectator viewing will be adjacent to the pit areas and along the wooded hillside parallel to the track which will be cleared and benched to allow spectator viewing of the start area and timed run. A burnout pad will be built in an area adjacent to the seated area again to maximize spectator viewing.

The main sealed circuit of approximately 3.5 kilometres has 7 undulating variations of varying lengths and can be split in 2 to allow different users on the track at concurrent times, both operating from their own pit areas. The main pit area on the south-west corner will be used for event days and hire days. The second smaller pit area could be an area for investors to build their own pit buildings and house cars full-time.

Connecting to the main circuit at the southern end is a rated kart circuit (stage 2) of 1.2 kilometres which will allow their full range of karts to use both the kart and the main circuit. It is envisaged that a full set of pit and club buildings will be required on site... ... The track facilities will also be available for driver training, vehicle testing (e.g. motoring reviews and alternative fuel tests), and corporate activities.

In the centre of the off road racing areas, a sizeable lake (stage 1) will be created by the removal of gravels required to construct the main circuit. Placing it approximately in this location allows a separation between the off road areas. This lake will also be available for cable wakeboarding, where a motorised cable pulls wakeboarding in a circular pattern. Jet skis and wakeboarding will not be operated simultaneously.

The rally cars (stage 2) will skirt the edge of the lake to a marshalling point before entering into a purpose-built 5.2 kilometre gravel surface valley and hill road. This road will be made up of a mix of straights, fast and tight corners, flat areas and forested hillside. Spectator viewing areas will be created around the course and positioned to provide maximum safety. This will also access onto the main circuit when required for rally-cross events.

To the north will be a large area set aside for off-road racing, quad bikes and super motard bikes (stage 1). These users can use a similar type of terrain and if designed and managed well will allow a larger area for common use... ... Alongside and with the possibility of sharing some of the off-road area will be a full motor-cross circuit (stage 1) with start area and ample parking for competitors and spectators. For those groups - off-road racing, super motard, quad bikes and motor-cross - being adjacent to and with access to the rally road allows even more flexibility to use the rally road but also access the main circuit for an element of tarmac racing.

On the northern boundary is an area of existing trees that will remain as a visual buffer to the northern neighbour and to assist to reduce the effects of dust and noise. If required in the future the area can be allocated to another user, for example

speedway, should the club choose to move. This does not form part of this application.

The southern end of the site is designed to attract non-motor sport users to the site to provide a full range of recreational opportunities. Activities include a mountain bike park, outdoor adventure park and walking tracks (stage 1), outdoor concert arena (stage 2) for community-sized concerts and events, and a luge track and zorb on the hill (stage 2). Concerts on the site are envisaged to be of a type and scale similar to "vineyard" concerts (e.g. jazz, blues) rather than major events.

Mountain bike tracks and zip-lining (flying foxes) will also be created throughout various areas of the park... ... Other recreational activities not sought in this application will be added as demand and opportunities arise."

1.4 Services

Water

There is no existing potable water supply. The applicant has been farming the site for over 10 years, and advises that there are ponds on the site which are permanently fed by groundwater flow from the hillsides. Unlike the stream, these ponds do not dry up during summer. The permanent water in the existing ponds indicates a reliable supply of groundwater is available.

Potable water will be provided from bore(s) established within the boundaries of the subject site. Water will be abstracted and then stored on site within appropriately located header tanks. From the header tanks, water will then be gravity fed via treatment facilities, and reticulated to the various buildings and facilities.

The lakes also provide a supply of water for supplementary use. Water storage in the lakes will be around 72,000m^3 in total (around 50,000m^3 for the jet ski lake at 3m deep, and around 22,000m^3 for both the smaller lakes). The lakes will be replenished by groundwater recharge (via a bore) and from diversion of Stanley Brook when it is flowing.

Roof water will be also collected from all buildings and stored in on-site tanks. This water will be used to supplement domestic supply and/or for irrigation. Treated trickle irrigation from the wastewater systems will also supply irrigation water to landscaped areas.

Water calculations are based on two major events running concurrently along with 100% occupancy of accommodation, along with recreational visitors. An assumed 5,000 person capacity has been used to calculate typical peak water demand on a busy weekend... ... Peak water demand is around 108m^3. A total storage capacity of 108m^3 would be easily achieved on-site using storage tanks... ... An overview of the water system is as follows

- *Primary source, bore*
- *Bore water pumped to header tanks then gravity fed via treatment plant (e.g. ozone, UV, chlorine or combination) to facilities*
- *Supplementary water abstracted from the lakes to storage tanks*
- *Supplementary water captured form roof runoff, and stored in tanks on-site for domestic use*

- *Treated wastewater used for irrigation of landscape areas"*

Stormwater

"Stormwater runoff from buildings will be collected and stored in on-site water tanks where possible. Where this is either not possible or feasible, stormwater from buildings will be discharged to ground and/or soak pits, to council standards.

The position and design of the various racing tracks are such that any runoff from hard-surfaces be controlled and diverted to appropriate separators and/or filters before entering the surface or ground water system. This includes the use of hydrocarbon separators for areas where there is a risk of fuel & oil spillage and grassed swales to service hard compacted gravel carparks and internal gravel roads. There will be no stormwater discharges directly to water from any hard surfaces.

Stormwater flow from dirt tracks (motocross) will be channelled via swale ditches to sediment detention ponds, prior to discharging to ground or groundwater. Sediment from the detention points will be collected as required and disposed of appropriately.

During construction, stormwater will be discharged to temporary detention ponds. Supplementary treatment systems / sediment traps (geotech filters etc) will be used as required to avoid any sediment discharge directly to any of the water bodies."

Wastewater

"Initially, wastewater is proposed to be managed through the use of temporary portaloos hired for events. Waste from portaloos will be taken off-site and disposed of appropriately. As funding allows and as demand requires, the proposal provides for 9 individual on-site wastewater systems. Each of these will be stand-alone and serviced by approved on-site sewage treatment and disposal systems, including large preliminary storage tanks to deal with shock loading, associated with large events. These systems will be sized and designed in accordance with council standards once final sewage volumes are calculated and toilet facilities positioned. It is anticipated that a system like an Oasis textile filtering system (or similar) will be used for each unit. This system comprises a treatment chamber and reticulated discharge. The textile filtering system cleans effluent through reticulation. Filtered effluent is pumped and sprayed through a further textile filter to achieve appropriate quality of discharge via irrigation. The resulting water exceeds both NZ and Australian standards for disposal of wastewater. Toilet facilities will be located at a number of convenient locations throughout the site to avoid contamination of surface and ground water from human waste. There are a number of options or providing power to the pumps (new power connection, generator or solar).

A decentralised reticulated wastewater system (e.g. Oasis SAFE, TEXAS, MBR or similar) will be designed for the accommodation units and the commercial area. This will be sized to accommodate shock (peak) loadings. Using a typical Oasis system the reticulated system will typically have an anaerobic treatment system as first receiver of the effluent. From this effluent may be either gravity fed or pumped via pressurized small diameter pipe to the final treatment plant. The system may incorporate a self cleaning filtering pump vault to further filter the effluent prior to pumping via either single stage or multistage submersible pumps, (depending on head requirement) to the decentralised treatment plant. Final treatment would be via

either membrane bioreactor or textile filtration / packed bed reactor. The decentralised system for will result in very high quality discharges, and be designed in accordance with Council requirements with Council having final approval of the design."

Power and phone

"There is currently no power or telephone services to the site. Initially during construction and for limited stage 1 events power will be supplied by generator... ... It has been confirmed that mains power can be provided to the site. It is proposed that an over-head three phase power supply be extended to the site. Although the route of this power line has yet to be determined, it is anticipated to be either run in adjacent to the proposed access road or up to Berryman Road from the Upper Stanley Brook Road to the subject site. The telephone cable would follow a similar route.

In addition to mains power, the proposal provides for solar water heating where required, with provision for Photo Voltaic panels wherever feasible and cost-effective."

Solid Waste

"A system of collection (rubbish bins and recycling bins) and disposal of solid waste will be established. The proposal presents an opportunity to design waste minimisation collection through the use of dispersed recycling bins and recycling collection points. All refuse will be collected and disposed of in a council approved rubbish collection areas."

Lighting

"Lighting will include a number of proposed light towers, up to 15m in height. The locations and number of light towers is to be determined, however they will be limited to the motorsport precinct."

1.5 Access Road

"The current access to the site is via a gravel forestry road off the end of Olivers Road. Olivers Road comes off the Motueka Valley Highway and is a formed gravel road. It is a legal road for approximately 500 meters before it enters a Crown Land block which is leased to Nelson Forests Ltd. From this point the gravel forestry road winds its way north, up to the ridgeline above Rabbit Gully, where it meets a legal paper road. This segment of forestry road is subject to a right of way agreement between the Crown and the various land owners in and around Rabbit Gully. From the top of the ridge above Rabbit Gully the road descends to the north either on or adjacent to a legal paper road to Bridgemans Road which bisects the subject site. It is proposed that the access road be upgraded, ultimately to a two lane sealed access road from the Motueka Valley Highway to the subject site.

The main access road will remain a private road from the subject site to the end of the current legal road section of Olivers Road, with the legal access granted to the same parties who currently have legal access. The legal part of Olivers Road will be sealed if required by TDC. A lockable gate will be installed at the beginning of the

private road section of the access road, and lockable gates/barriers on any forestry road, paper road, track, driveway or access point along the private access road through to the proposed motorsport park. These systems of gates will ensure control over access, and will ensure visitors to the site can not deviate on to any private property.

The new access road will be designed to appropriate NZS:4404 (2010) roading standards and have appropriate setbacks from forestry plantations, with a managed fire-break on either side of the access road throughout the entire length. There is opportunity for a cycle lane to be incorporated into the upgrade as part of the regional cycle trail... ... Maintenance of the private access road will be shared amongst the various property owners on a pre-agreed and level of use basis."

1.6 Waterways

"Stanley Brook at this location is ephemeral, and is often dry for significant periods of the summer and autumn. Currently the stream is open to stock grazing, and the applicant proposes as part of this proposal, to undertake stream improvements. These would include fencing off from stock and vehicles, establishment of shaded ponds for habitats, and the stream banks re-established in indigenous riparian plant varieties... ... The existing Stanley Brook alignment will require realignment past the lakes, with bank upgrades to ensure containment within a designated streambed channel to mitigate against flooding and also to minimize the risk of contaminants associated with motorsport discharging into the stream.

It is also proposed to create a number of water features including a lake for water sports and isolated ponds for water features used in motorsport activities. Although the design at this stage is not finalised, the lakes would effectively be created as part of the earthworks and gravel extraction along with some realignment of the Stanley Brook. The lakes will incorporate the features required to re-establish and maintain the stream's biodiversity, and will function as flood detention basins to reduce flood peaks. The proposed use of the main lake is for surface water activities, which is unlikely to significantly affect water quality. Since the proposed location is within the pervious gravels of the river flats, the lake would be lined (clay) to prevent the loss of water during the summer and autumn months.

Maintaining maintain water quality in the lakes will be established through groundwater recharge (diverted or pumped to the lake via a bore) during summer, and via diversion from the Stanley Brook stream (above minimum flows) when it is flowing.

On this site appropriate design of culverts and fords will be used to ensure construction allows for possible fish passage (when water flows) and avoids impeding floods or causing scour or erosion. By installing culverts and small bridges the amenity of the environment will be greatly improved from the current farming usage, where livestock cross the creek unimpeded.

There will be some "bed disturbance" via excavation, widening, and realignment of the watercourse during the construction phases and on-going maintenance activities. While there may be some effects during construction, the design is such that post-construction, existing in-stream habitats and values will be retained or enhanced.

Location of constructed lakes / ponds are identified on attached plans (RC04 and RC07)

- *Jet ski lake between motor cross and off road area to the Northern end of the site, where gravel would be reused on site*
- *An expansion of the existing smaller pond to the centre of the site adjacent to the visitor accommodation*
- *New bore(s) to be drilled, location(s) yet to be defined"*

2. THE APPLICATION

2.1 Status of the Proposed Activities

The site is located within a Rural 2 Zone and Land Disturbance Area 1 as defined by the Tasman Resource Management Plan (TRMP). The proposal requires a bundle of resource consents which have been allocated separate consent numbers, as listed in Table 1 below.

Table 1 List of Consents Required

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

RM100848 covers the principal District Land Use matters relating to the creation and operation of the Motorsport Park. The Rural 2 Zone provisions are contained in Chapter 17.6 of the TRMP. As the application contains a range of commercial activities, an airstrip, tourist activities and high buildings it breaches the Permitted Activity building standards in Rules 17.6.2.1(iii),(iv),(vi) &(vii) and Rule 17.6.3.1 and is a Discretionary Activity pursuant to Rule 17.6.2.9. The proposed off site signs also breach the permitted sign Rule 16.1.5.1 and are a Restricted Discretionary Activity pursuant to Rule 16.1.5.4.

All other activities that require resource consent have been allocated separate consent numbers, as listed in Table 1, because they are Regional consents or District consents that will have a specified duration of consent.

Because these proposed activities are part of an integrated package they have been ”bundled” together and consequently the application as a whole is assessed as a **Discretionary Activity** to be considered under sections 104, 104(B) and 107 of the RMA.

2.2 Statutory Considerations

Permitted Baseline

The actual and potential adverse effects on the environment of allowing an activity may be determined having regard to the “permitted baseline” concept in Section 104(2) of the RMA which states:

“*When forming an opinion for the purposes of subsection (1)(a), a consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard or the plan permits an activity with that effect.”*

The permitted baseline is not a mandatory concept as many district plans were drafted before the concept was contemplated and permitted activities were incorporated into plans without an awareness of the effect of the permitted baseline concept. This is the situation with the TRMP which was developed well before the Resource Management Amendment Act 2003.

Using the permitted baseline concept with many of the TRMP permitted activities could have unintended consequences and in some instances could be deemed “fanciful” which through case law has been determined as one of the tests to determine if the permitted baseline test may be applied. However, despite that, because the permitted baseline concept is an effects based concept it can be used as a method to determine the baseline for an assessment of the adverse effects where the TRMP has specifically prescribed permitted effects.

Section 104B

Section 104B of the RMA relates to the determination of applications for discretionary or non-complying activities” and states that:

“*After considering an application for a resource consent for a discretionary activity or non-complying activity, a consent authority—*

(a) may grant or refuse the application; and

(b) if it grants the application, may impose conditions under section 108.”

Sect ion 107

Section 107 of the RMA restricts the grant of certain discharge permits:

(1) Except as provided in subsection (2), a consent authority shall not grant a discharge permit or a coastal permit to do something that would otherwise contravene section 15 or section 15A allowing—

(a) the discharge of a contaminant or water into water; or
(b) a discharge of a contaminant onto or into land in circumstances which may result in that contaminant (or any other contaminant emanating as a result of natural processes from that contaminant) entering water; or
(ba) the dumping in the coastal marine area from any ship, aircraft, or offshore installation of any waste or other matter that is a contaminant,—

if, after reasonable mixing, the contaminant or water discharged (either by itself or in combination with the same, similar, or other contaminants or water), is likely to give rise to all or any of the following effects in the receiving waters:
(c) the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials:
(d) any conspicuous change in the colour or visual clarity:
(e) any emission of objectionable odour:
(f) the rendering of fresh water unsuitable for consumption by farm animals:
(g) any significant adverse effects on aquatic life.

(2) A consent authority may grant a discharge permit or a coastal permit to do something that would otherwise contravene section 15 or section 15A that may allow any of the effects described in subsection (1) if it is satisfied—
(a) that exceptional circumstances justify the granting of the permit; or
(b) that the discharge is of a temporary nature; or
(c) that the discharge is associated with necessary maintenance work—
and that it is consistent with the purpose of this Act to do so.

(3) In addition to any other conditions imposed under this Act, a discharge permit or coastal permit may include conditions requiring the holder of the permit to undertake such works in such stages throughout the term of the permit as will ensure that upon the expiry of the permit the holder can meet the requirements of subsection (1) and of any relevant regional rules.

3. NOTIFICATION

The bundled applications were **publicly notified at the applicants request** on 17 December 2010. It is noted that this request by the applicant precluded the need for Council to assess prior to notification, the degree of any environmental effects that the proposals might cause. However, 10 adjoining or adjacent landowners were served notice of the application on the basis that the proposed activities would have at least minor effects in terms of potential noise, fire risk, dust, increased traffic and reverse sensitivity issues.

There were 257 submissions to the application. A summary of all submissions is appended to this report as Appendix 1.

Three-quarters of the submissions (183) are in support of the proposals; six submissions are "neutral"; and 68 submissions are in opposition to the proposals.

A summary of issues raised in submissions opposing the application is appended as Appendix 2. There are a range of common themes recurring. The principal issues raised by submitters in opposition (and the number of times they were raised) regarding ***the notified application as presented to Council*** are summarised in Table 2 (see next page) and in our opinion they cover the main actual and potential adverse effects that could be expected from the bundle of consent applications.

Table 2: List of Issues Raised by Submitters in Opposition

Item	Issue	Number of submissions raising issue	Submission Numbers
a)	Noise from the proposed motorsports activities at the site, plus noise disruption from traffic accessing and exiting the site.	40	5, 40, 44, 56, 59, 83, 92,93,101, 104, 117, 119, 127, 128, 139, 140, 143, 144, 145, 146, 147, 148, 149, 150, 156, 157, 158, 160, 163, 170, 171, 174, 179, 182, 184, 185, 187, 213, 243, 251, 256.
b)	Environmentally Unsustainable -remoteness from main populated centres, use of fossil fuels, greenhouse gas issues/global warming	36	1, 24, 50, 83, 93, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 119, 139, 140, 141, 142,143,145,146,147,148156, 158, 181, 182, 185, 187, 197, 243, 252.
c)	Access -the limited and constrained access to the site via unsealed legal road, and by easement over private forestry right-of-way and farmland	22	52, 83, 104, 117, 127, 128, 144, 145, 146, 147, 148, 149, 150, 153, 158, 163, 179, 182, 184, 185, 186, 213.
d)	Water -the availability of water, the potential for pollution, the potential for downstream reduction in flows from Stanley Brook.	21	50, 93, 101, 104, 140, 145, 146, 148, 153, 156, 163, 171, 175, 182, 183, 185, 187, 213, 251, 252, 256
e)	Fire -the limited access through production forest and the incompatible use of motor racing vehicles in a dry rural environment.	18	44, 117, 139, 146, 147, 148, 149, 150, 153, 158, 170, 171, 182, 185, 186, 187, 197, 213
f)	Commercial Activity in Rural Area -the incompatible nature of the commercial motorsport park facility and ancillary activities in a remote rural valley.	17	24, 93, 101, 104, 139, 140, 145, 146, 147, 148, 149, 158, 171, 174, 185, 186, 187.
g)	Property and Safety Risk -from fire, increased passing traffic, possible hoon elements.	14	83, 93, 139, 140, 145, 146, 148, 149, 160, 182, 185, 186, 187, 243
h)	Location / Remoteness	11	1, 5, 56, 101, 104, 119, 148, 150, 179, 181, 184

Item	Issue	Number of submissions raising issue	Submission Numbers
i)	Dust -on the access road affecting adjoining property owners and their crops.	8	139, 140, 145, 146, 148, 160, 182, 185
j)	Air Pollution -from vehicles and on a global warming / greenhouse gas basis.	7	50, 92, 101, 156, 160, 182, 185
k)	Wastewater -insufficient detail regarding disposal options/proposals for disposal to land.	6	50, 104, 145, 153, 251, 252
l)	Ecology -concern that proposals will impact upon flora and fauna.	4	156, 170, 171, 183
m)	Loss of Productive Potential	4	93, 148, 171, 184
n)	Alcohol -remoteness / drink driving	3	1, 92, 119
o)	Flood Risk	2	145, 175
p)	Light Pollution -from spotlight towers	2	143, 148
q)	Landscaping	1	156

Numerical ranking of issue by the number of submissions received on that issue does not necessarily correlate to the actual importance of the issues raised. Also, submitters did not specifically comment on other aspects of the proposed activities, such as possible issues arising from the storage of hazardous substances, the extent of earthworks /land disturbance required to construct tracks and lakes, and the non-commercial quarrying elements of the land disturbance needed to construct the facilities.

Issues (effects) A, C, E, F, G, H, I, M, N, P, and Q in Table 2 above are addressed in the following Section 4 of this report authored by Mr Jack Andrew. The fifth principal section of this report has been authored by Mr Mike Mackiggan, and addresses the other aspects of the applications submitted and provides an assessment of the submitters issues A, D, J, K, L and O in Table 2.

4. ASSESSMENT OF PRINCIPAL ACTIVITY

4.1 Issues A and I - Noise and Dust Effects

The application seeks to provide for a wide range of motorsports, jet skiing, a private airstrip (for helicopters and aircraft), gravel extraction, concerts and events. These activities are potentially noisy and capable of generating considerable amounts of dust. Because of these two effects, motorsport activity has been difficult to accommodate near settlements, in horticultural areas, or in areas of rural residential or close to small rural settlements.

The RMA does not apply to the noise from any over-flying aircraft (refer RMA section 9(5)) but it does apply to the location of landing sites and aircraft noise on the ground.

For the Rural 2 zone, the permitted activity standards for dust and noise are contained in **Rules 17.6.2.1(c) and (d)** and are:

Air Emissions -Dust and Odour

(c) No activity may emit offensive and pervasive dust or odours that are discernible in a Residential Zone.

Noise

Proposed as at 26 September 2009 *(d) Except in the Richmond West Development Area, noise generated by the activity, when measured at or within the notional boundary of any dwelling in a Rural Zone (other than any dwelling on the site from which the noise is being generated), Rural Residential, Papakainga or Tourist Services zone, or at or within any site within a Residential Zone, does not exceed:*	*C10 10/07 D9/09*
Day ***Night***	
Proposed as at 24 September 2011 ***Leq 55 dBA 40 dBA*** ***L_{max} 70 dBA***	*C19 5/10 D9/11*
Proposed as at 5 May 2010 *Except as required by condition (ea), this condition does not apply to all noise from any intermittent or temporary rural activity, including noise from:* *i) Mobile horticultural and agricultural equipment;* *ii) Forest and tree harvesting activities;* *iii) Animals, except when associated with intensive livestock farming and animal boarding activities;* *iv) Bird scarers and hail canons.* ***NB*** *Day = 7.00 am to 9.00 pm Monday to Friday inclusive and 7.00 am to 6.00 pm Saturday (but excluding public holidays)* *Night = all other times, plus public holidays* *The measurement and assessment of noise at the notional boundary of a dwelling applies whether the measurement location is within Tasman District or in an adjacent district.*	*C14 5/09 D5/10*
Proposed as at 24 September 2011 *Noise must be measured and assessed in accordance with the provisions of NZS 6801:2008 Acoustics -Measurement of Environmental Sound and NZS 6802:2008 Acoustics -Environmental Noise*	*C19 5/10 D9/11*

The TRMP's objectives and policies generally seek to limit the potential adverse effects of dust and noise beyond the boundaries of the site (dust) or at the notional boundary of the nearest rural dwelling (noise). The main objectives and policies are:

Objective 5.1.2

Avoidance, remedying or mitigation of adverse effects from the use of land or the use and enjoyment of other land and on the qualities of natural and physical resources.

Policy 5.1.3.9

To avoid, remedy or mitigate effects of:

a) Noise and vibration;

b) Dust and other particulate emissions;

beyond the boundaries of the site generating the effect;

Objective 7.4.2
Avoidance, remedying or mitigation of the adverse effects of a wide range of existing and potential future activities, including effects on rural character and amenity values.

Policy 7.4.3.2
To provide for rural activities which may involve levels and types of effects, including noise, dust, smoke and odour, that may be permanent, temporary or seasonal, and that may not meet standards typically expected in urban areas.

Objective 7.4.2 and Policy 7.4.3.2 provide the rationale for Rules 17.6.2.1(c) & (d).

The application includes a proposal to create a lake for watersports like jet skiing. Those sports can also be very noisy for long periods of time. The process of extracting soil and gravel usually generates both noise and dust. The applicant proposes to use the extracted gravel in the construction of the various motorsport roads, car parks and building areas. However I also learned when visiting the site with the applicant that they intend to be able to crush some of the gravel for use on the access road from Olivers Road to the subject site. In the context of the overall application and given the remoteness of the subject property from dwellings, in my opinion crushing gravel for those purposes will involve less than minor effects. However if the applicant wants to crush gravel for use or sale off beyond the subject property or its access to Olivers Road then an additional consent would be required as the applicant has not applied for consent for commercial gravel extraction.

The applicant has indicated that the area described as Part One of the overall structure plan for the property, which is the northern portion of the property adjoining the Rowe property, will remain in trees as a visual buffer. The application also indicates that the area described as Part One will have part of a rally road and mountain biking tracks within the trees (refer plan RC03). The application also indicates that:

"On the northern boundary is an area of existing trees that will remain as a visual buffer to the northern neighbour and to assist to reduce the effects of dust and noise. If required in the future, the area can be allocated to another user, for example speedway, should the club choose to move. This does not form part of this application." (P18)

The applicant has commissioned a noise assessment and Council's Environmental Health Officers have reported on the application (refer Appendix 3). I understand their opinion is that the application is unlikely to breach the permitted activity noise standard for the Rural 2 zone. The hill between the motorsport park property and Tapawera township should provide an effective noise buffer. The distance of approximately 3.7 kilometres north to the Rowe's farm dwelling in Stanley Brook is also sufficient to provide an effective noise buffer.

Having visited the subject property, in my opinion the dust and odour standard for the Rural 2 zone will also be able to be met. Given the distance and intervening hill, it is unlikely that "offensive or pervasive odours" or dust will be discernible within the nearest residential zone at Tapawera Township.

Having visited the subject property and read the reports of Council's Environmental Health Officers, I consider that the concept of the permitted baseline is relevant to the effects of odour, dust and noise. The available evidence indicates that at the subject property the proposed activities will fall within the TRMP's permitted baseline for noise, dust and odour within the context of the Rural Zone 2 rules only. It should be noted that offensive or pervasive odours and dust are also dealt with in Part VI of the TRMP (Discharges).

I also consider that it is important to retain a generous visual and noise buffer area at the northern portion of the subject site as proposed in part one of the master plan (sheet RC03 of the application).

4.2 Issue C - Traffic Effects

Access to the proposed motorsport park site is from the Motueka Valley Highway (not a state highway) which is a sealed arterial road with a turnoff into Olivers Road which is a metalled unclassified public road. Olivers Road is approximately 600 metres long and then the access is over a metalled Right-of-Way (ROW) and portions of legal road reserve.

Legal advice has been obtained regarding the ability of the ROW to be used by all potential users of the motorsport park and Council's ability to impose conditions on it (if necessary for RMA purposes). The legal advice provided by Council's Solicitors, Fletcher Vautier Moore, is attached as Appendices 4 and 5.

The crux of this legal advice is that Council's Solicitors agree with the applicant's legal advice that the applicant can grant visitors to the motorsport and recreation park the right to access the site by travelling over the ROW easement through the forestry land. The ongoing legal availability of this right of access is fundamentally crucial to the applicant's ability to give effect to these consents if granted.

Should the landowner seek to amend the terms of the existing easement then the applicant will potentially lose all ability for motorsport participants to access the site via that ROW.

However, this issue requires to be considered and addressed under Property Law and cannot be addressed under the RMA because no subdivision is being proposed and therefore the provisions of section 106 RMA are not relevant; and because the RMA does not require the approval of landowners as a pre-requisite for granting resource consents.

The relevant TRMP objectives and policies in relation to traffic effects are mainly contained in Chapter 11 Land Transport Effects, although there are also some provisions in Chapter 5 Site Amenity Effects. The policies generally strive towards securing a safe and efficient roading network while also recognising amenity values in the environment through which vehicles pass.

Safe and Efficient Road Network

Objective 11.1.2
A safe and efficient transport system, where any adverse effects of the subdivision, use or development of land on the transport system are avoided, remedied or mitigated.

Policies
11.1.3.2 *To ensure that land uses generating significant traffic volume:*
a) are located so that the traffic has access to classes of roads that are able to receive the increase in traffic volume without reducing safety or efficiency;
b) are designed so that traffic access and egress points avoid or mitigate adverse effects on the safety and efficiency of the road network.

11.1.3.3 *To avoid, remedy or mitigate adverse effects of high traffic-generating land uses on the community cost of the road network resource of the District.*

11.1.3.6 *To control the design, number, location and use of vehicle accesses to roads; including their proximity to intersections and any need for reversing to or from roads; so that the safety and efficiency of the road network is not adversely affected.*

11.1.3.7 *To ensure that adequate and efficient parking and loading spaces are provided, either on individual sites or collectedly, to avoid or mitigate adverse effects on the safety and efficiency of the road network.*

11.1.3.8 *To avoid, remedy or mitigate adverse effects from the location, design and operation of intersections.*

The following extract from the explanation in Chapter 11 is also considered relevant.

"Intensive traffic-generating activities such as commercial and industrial activities need convenient access to major routes."

Amenity Related Policies
5.1.3.9 *To avoid, remedy, or mitigate effects of:*
a) noise and vibration;
b) dust and other particulate emissions;
... ...
g) vehicles
beyond the boundaries of the site generating the effect.

5.2.3.8 *To avoid, remedy or mitigate the adverse effects of traffic on the amenity of residential, commercial and rural areas.*

11.1.3.4 *To avoid, remedy or mitigate adverse effects of traffic on amenity values.*

11.2.3.3 *To promote transport routes, and approaches and methods of design, construction, and operation which avoid, remedy, or mitigate adverse effects on:*
a) he health and safety of people and communities; in particular, cyclists and pedestrians;
b) amenity values of neighbourhoods and areas of special character;
c) air and water quality;

d) natural habitats and ecosystems;
e) landscapes and natural features;
f) aggregate and energy resources;
g) the productivity of land.

In summary, the above Objectives and Policies identify the need to avoid traffic conflict, having particular regard to issues of traffic safety and efficiency, including the effects on existing roads, intersections, provision of adequate parking and protection of amenity values. These matters are considered further below:

Traffic Generation and Road Capacity

While the applicant's proposal does not set a limit on traffic movements it is likely that it would become a major regional recreational facility capable of generating large amounts of traffic.

Council's Development Engineer, Mr Dugald Ley, has considered the application and the Transportation Assessment Report prepared by Mr Chris Pawson of Traffic Design Group. Mr Ley's report is attached as Appendix 6. The main conclusions from the Transportation experts are:

1) State Highway 6 and its intersection with the Motueka Valley Highway at Kohatu Junction can safely and efficiently accommodate increased traffic volumes up to 1000 vehicles per hour (vph). For events generating 1000 vph or more, queues are likely to develop and a Traffic Management Plan is recommended to manage traffic during the two hours before and after major events (Refer part 9.2 of Mr Pawson's report);

2) the Motueka Valley Highway intersection with Olivers Road has a sightline deficiency to the south along the Motueka Valley Highway. This can be remedied by lowering the level of the Motueka Valley Highway by 0.8m and developing the intersection so that it is in accordance with the TRMP Section 16.2 Diagram 3 (TRMP p 16/39). The applicant has undertaken to upgrade the intersection (refer condition 12d) on page 90 of the application). In my opinion, that intersection upgrade should be completed before any motorsport activity commences at the site.

Olivers Road

Mr Ley's report describes the current standard of Olivers Road. Essentially, Olivers Road is a relatively short, narrow rural lane that provides access to the McQueen-Reitsma property and to a private forestry road that provides access into a large forest estate and some private properties within the forest that are also presently used for forestry.

The McQueen-Reitsma dwelling has access to Olivers Road and is located approximately 130 metres to the south of the road. While the dwelling is well set back from Olivers Road, increased traffic associated with the motorsport park would be expected to generate some adverse dust and noise effects for that property. The application hints that the site access will eventually be sealed right through -"the legal part of Olivers Road will be sealed if required by TDC" (refer Application page 23) and "The upgraded road into the site is anticipated to be, ultimately, two lane and

sealed to enable the safe access of the public to and from the facility" (refer application page 37).

In my opinion, these effects would be mitigated to a considerable degree if Olivers Road was sealed before any motorsport activity commenced at the site. However dust mitigation could also be achieved by other means such as watering Olivers Road with a water cart for the two hour period before and from half an hour before major events finish until most traffic has left the subject site.

ROW

Access from Olivers Road to the subject site is via a combination of ROW and legal road reserve. The distance from Olivers Road to the subject site is approximately 4.5 km with the first 1.7 km from the end of the formed portion of Olivers Road being over a ROW and the remainder being over both legal road reserve and ROW.

The ROW is at least 20m wide and in places where it adjoins an unformed legal road reserve could achieve a much greater width. The applicant's intentions for the ROW (described as a private or access road in the application) are:

"A lockable gate will be installed at the beginning of the private road section of the access road, and lockable gates/barriers on any forestry road, paper road, track, driveway or access point along the private access road through to the proposed motorsport park. These systems of gates will ensure control over access and will ensure visitors to the site can not deviate onto any private property... ... The new access road will be designed to appropriate NZS: 4404 (2010) roading standards and have appropriate setbacks from forestry plantations, with a managed fire-break on either side of the access road throughout the entire length." (Refer application pages 23 and 24).

This intention for development of the access, and maintaining a forestry setback from it to help guard against the access ever being blocked off by fire or windthrow, is carried through in part in volunteered conditions 12 (b), (c) & (d):

"12. The access road shall be upgraded to the following standards:

... ...

b) The road shall be realigned to establish a 30 metre setback from the forest on the uphill side and 20 metre setback on the downhill side.

c)The access road shall be upgraded to provide a formed carriageway width of 8 metres with a target operating speed of 30 kph.

d)The intersection of Olivers Road and Motueka Highway shall be upgraded to ensure compliance with the intersection and sight line standards of the Tasman Resource Management Plan".

(Refer application page 90).

Condition 12(c) is supported by Council's Development Engineer, Mr Dugald Ley, who considers it will provide a safe public access into the Motorsport Park.

The volunteered conditions relating to the access from the end of Olivers Road into the motorsport park site are quite onerous on the applicant and will require the agreement of third parties before they can be given effect to. The applicant is aware of this. The Environment Court has a long history of not over turning volunteered

conditions and has also upheld what are now termed “Grampian conditions”. For example High Court Judge Fisher in *Westfield & Ors v Hamilton City Council* CIV2003 485 000956,954 &953 observed:

“[53] The Appellant's principal argument, however, was that any conditions imposed in that respect would or might be legally invalid since the Applicants would be powerless to bring about the requisite changes in roads on property beyond their own control. This lack of power was said to "negate the consent". The Appellants further pointed out that the approval of the roading authorities, whether the Council or Transit New Zealand, would place compliance with the condition beyond the control of the Applicants.
[54] I agree that the power to impose conditions for resource management consent is not unfettered. The conditions must be for a resource management purpose, relate to the development in question, and not be so unreasonable that Parliament could not have had them within contemplation: see, for example, *Newbury District Council v Secretary of State for the Environment* [1981] AC 578 and *Housing Nr-, Zealand Ltd v Waitakere City Council* [2001] NZRMA 202 (CA).
[55] Conditions attached to a consent will usually be regarded as unreasonable if incapable of performance. A classic example was consent to erect additional dwellings subject to a condition requiring access via a 4.8 metre wide strip when access to the Applicant's property was in fact possible only through an existing strip with a width of only 3.7 metres: *Residential Management Ltd v Papatoetoe City Council* (Planning Tribunal A62/86, 29 July 1986, Judge Sheppard); and see further *Ravensdown Growing Media Ltd v Southland Regional Council* (Environment Court, C194/2000, 5 December 2000, Judge Smith).
[56] On the other hand, a condition precedent which defers the opportunity for the Applicant to embark upon the activity until a third party carries out some independent activity is not invalid. There is nothing objectionable, for example, in granting planning permission subject to a condition that the development is not to proceed until a particular highway has been closed, even though the closing of the highway may not lie within the powers of the developer: *Grampian Regional Council v City of Aberdeen* [1983] P&CR 633, 636 (HL).”

Parking

The TRMP specifies parking ratios for various land use activities. The applicant has outlined the parking associated with each activity in Tables 1 and 2, pages 9 and 12 of the application. I agree with the applicant’s statement that sufficient car parks will be able to be provided on site to meet the TRMP requirement for 1972 car parks (refer application page 29) and the expected parking demand with an overflow parking area for 1135 cars and coaches (refer application page 12). The main car parking areas are centrally located within the property and convenient to the main access road.

The surface of the car parking areas are proposed to be finished in gravel and not sealed. Having large gravel car parking areas breaches Rule 16.2.2.3(o) (refer TRMP p 16/25) as in the rural zones where more than four car parks are needed the permitted activity standard is for the car park’s surface to be sealed and marked out.

The proposed car parks have a Restricted Discretionary Activity status pursuant to Rule 16.2.2.6 with Council’s discretion being restricted to two matters:

"9) Surface standard for parking areas
10) Any adverse effects from the scale or form of a parking area."
(refer TRMP p16/29)

The main potential adverse effects arising from a large gravel car parking area are those of dust and water pollution. In relation to dust mitigation the applicant proposes that: "*Any potential dust will be mitigated by selection of coarse gravel with minimal fines, as well as dust management (watering)"* and *"Stormwater from the car parks is expected to infiltrate into the gravel"* (refer application page 50).

In my opinion, on a development of the scale of the proposed motorsport park at this relatively remote location it is likely that the large scale car park will only rarely be fully utilised. Having gravel car parks that are designed to drain into rain gardens during heavy rain events and that are not located within 20m of any water course should help to reduce the potential for pollution of waterways and the Stanley Brook Stream.

The main car parks are sited well within the property and the surrounding land use is forestry. In this situation the main potential adverse effects of dust, noise and light spill from vehicles manoeuvring and parking within the main gravelled car parking areas are likely to most affect the motorsport park. Suppressing dust as required by use of a water cart and also having them drain to rain gardens rather than running off into watercourses and then the river is desirable and a practical proposal.

Signs

The application proposes establishing offsite directional signs to provide clear direction for access to the motorsport park from the Kohatu Junction of SH 6 and the Motueka Valley Highway, at the Olivers Road turnoff and at forestry road intersections. The signs are described as follows:

- *One directional sign at the intersection of SH 6 and the Motueka Valley Highway;*
- *One directional sign at the intersection of the Motueka Valley Highway and Olivers Road;*
- *"restricted access" or "no public access" signs along the side roads on Olivers Road;*

(refer application page 11)

and within the "suggested conditions", two conditions for signs are volunteered:

"9 *Directional road signs shall be designed in accordance with the NZ Transport Agency "Traffic Control Devices Manual : General requirements for Traffic Signs".*

10 "No public access" signs shall be erected at the entry to all side roads from the main access roads. No single sign shall exceed 2m^2 in size."
(refer application page 89)

The application acknowledges that "on site" signage will be required for stage one activities. The applicant proposes that "*resource consent for onsite signs will be applied for separately once sign locations and designs have been finalised" (*refer application page 12).

All of the signs -off-site and on-site signs - will be located within the Rural 2 Zone. The proposed off-site signs of up to $2m^2$ in area will breach the Rural Zone Permitted Activity Sign Rule 16.1.5.1 and Controlled Activity Rule 16.1.5.2 and are a Restricted Discretionary Activity pursuant to Rule 16.1.5.4 with Council restricting its discretion to the following matters:

1) *Location and legibility in respect to traffic safety.*
2) *Amenity effects on the surrounding area, including cumulative effects of signs.*
3) *The need for the sign to provide ready identification of the activity, event or property to which the sign relates, including alternative means to provide for it.*

The TRMP's objectives and policies generally seek to control a potential plethora of commercial and sports events signs from dominating the main road networks, attractive visitor destinations, and the rural environments of the Tasman District. The main relevant Objectives and Policies for signs are:

Objective 5.2.2
Maintenance and enhancement of amenity values on site and within communities throughout the District;

Policies
5.2.3.9 *To avoid, remedy or mitigate the adverse effects of signs on amenity values;*

5.2.3.10 *To allow signs in residential, rural residential, recreation and rural areas that are necessary for information, direction or safety;*

5.2.3.13 *To limit lighting of rural and residential subdivisions and development, including rural signs, to that which is necessary for safety and security, including public safety and security;*

11.1.3.11 *To ensure that signs do not detract from traffic safety by causing confusion or distraction to or obstructing the views of motorists or pedestrians.*

All of the proposed signs are considered to be consistent with these Policies as they are providing directional and safety information and are not proposed to be lit up at night by lighting.

Turning to the three matters of Council's discretion regarding signs:

1) The actual location of the signs is only given in a general way on page 96 of the application and on the general site location plan. Two of the offsite directional signs (near the Kohatu Junction and at the Olivers Road intersection with the Motueka Valley Highway) are close to important intersections where signs need to be carefully located to not interfere with visibility. In this situation it is prudent to impose a condition of consent so that any sign in these areas is sited and has details that are to the satisfaction of the relevant roading authority (NZ Transport Agency for State Highway 6, and Council's Transportation Manager for Motueka Valley Highway).

2) The proposed signs are not big bold commercial signs but simple directional signs that in my opinion will not detract from the amenities of the environment.

3) Without the proposed signs it would be quite difficult for visitors to find the Motorsport Park and could lead to inadvertent trespass onto private property. It would be helpful to include mileage information on the directional signs and on one to note the distance to and availability of 24 hour petrol at Tapawera.

Overall I consider that there is a need for the proposed directional signs and that with conditions requiring their certification by Council's Transportation Manager, then they should not jeopardise traffic safety or detract from the amenities of the area. In my opinion provided the signs at the intersections of the Motueka Valley Highway and Olivers Road and State Highway 6 are not used for sponsorship or other advertising then the application is consistent with the Objectives and Policies of the TRMP.

4.3 Issue E -Fire Risk

Fire can be a serious risk to motorsport participants, spectators and farming and forestry neighbours. The subject property is located within an exotic production forest in an area that can be very dry, hot and windy in summer. In addition, the legal access to the property is steep in places and largely through exotic forest which could be blocked by a forest fire.

(An alternative access out northwards could be utilised along the Stanley Brook forestry road which adjoins the eastern boundary of the subject property to join the formed public road (Stanley Brook Road) through the Rowe's farm yards and buildings. I am not sure of the legal right for public access to Stanley Brook Road but it appears that some form of public access was envisaged through Section 25 Crown Forest Assets Act 1989 on Certificate of Title NL9D/152 and easement 250767.1 on Certificate of Title NL71/262. While the applicant has not applied to utilise this access to Stanley Brook Road, in the event of a fire it would provide an emergency alternative exit option.)

The relevant TRMP Objective and Policies in relation to fire risk are:

Objective 5.5.2
Reduction of risks to public health and safety, property and the environment, arising from fire and hazardous substances.

Policies
5.5.3.1 *To avoid, remedy or mitigate the likely adverse effects on land uses from fire, arising from the location of buildings or flammable vegetation.*

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 general approach of this objective and policies is to reduce and mitigate the risk of fire to buildings and forestry. For example, in the Rural 2 zone, buildings are required to be set back 30 metres from a plantation forest (refer TRMP Rule 17.6.3.1(j)(v) p17/108) and for dwellings there is a requirement for onsite water storage of not less than 23,000 litres in a water tank filled with an accessible camlock

coupling to enable connection with fire fighting equipment (refer TRMP Rule 17.6.3.1(i) p17/109).

The proposed motorsport park is of quite a different nature and scale to most built development in the Rural 2 Zone and so the need for additional controls should be considered.

As the Tasman District Council has several forests I contacted Council's contract forest managers P F Olsen Limited and spoke to Mr Wilks (Nelson Manager) on 30 January 2012 about fire management in the Council's multiple use exotic forests.

Mr Wilks discussed the Rabbit Island forest which PF Olsen manages on Councils behalf as a multiple use resource for recreation, production forestry and other activities. The main public recreation area is accessed through the forest and has BBQ's, car parking areas, picnic areas and buildings all set within a pastoral farming and exotic forestry environment. The road access is flat, sealed and has a wide grass berm. The main alternative escape to the road in the event of a major fire is to the sea which adjoins the recreation area. Generally as the fire risk increases at Rabbit Island during the summer measures change from locking down the BBQs and banning their use, closing off vulnerable areas like Rough Island and restricting access hours. In extreme danger periods Rabbit Island has to be closed to the public.

Mr Wilks considered that while several factors made the proposed motorsport park site a different fire management proposition than Rabbit Island there are some matters that should be included in any fire management plan. The important matters included; having a defensive area around the park that is free of trees and long grass; ongoing maintenance of the access road edges and recreation areas by mowing or spraying and removal of dry vegetation, management of the fire risk must be ongoing with close liaison with the Waimea Rural Fire Authority (WRFA) and as the risk increases in summer the instructions of the WRFA must be followed even if that means closing down the park to the public.

I also spoke to Mr Doug Ashford, Deputy Principal Fire Officer for the Waimea Rural Fire Authority (WRFA) on 31 January 2012. He reiterated Mr Wilks advice and added that:

- supplying the WRFA with a calendar of the years main events with monthly updates would be useful and also the surrounding areas should be planted in a green crop such as Lucerne. This practice is carried out in production forests in the central North Island.
- February is traditionally a dangerous month for fire hazard and the yearly calendar should not program any major events in February. He also warned that the dangerous period is variable and in some years includes January and/or March.

Mr Ashford considered that an appropriate fire management plan must be developed for the site and its access, and approved by the Waimea Rural Fire Authority but even with that in place he still held reservations about locating the motorsport park at the proposed location.

In his view the motorsport park could attract some people who in a rural fire sense are quite difficult to manage and who would enter the forest illegally for biking and camping. The camping issue has arisen with music events when people arrive a day or two in advance of being permitted entry into a site and seek to freedom camp in the forest. Trail bikers enjoy riding in forests and are one of the main sources of fire call out in the districts forests. Often the biker is not aware that they have created a fire. Mr Ashford expects that bikers will be attracted to the motorsport park and will then seek to enter the forest without permission.

Having spoken with Mr Wilk's and Mr Ashford I consider that most of the fire concerns can be mitigated by a fire management plan that includes the matters they advise are important. I can appreciate Mr Ashford's concern about the increase in trespass and the fire risk that creates. The Commissioners will need to take that into consideration when deciding on the application.

The applicant has considered ways and means of mitigating the fire risk and hazard as follows:

"*To effectively deal with the risk of fire the motorsport park proposal adopts a number of key design and management features. These include:*

(a) Containing the public and users to specific "fire-safe" area. This includes the access road and specific areas within the facility. No access given to the public or users to go off into or near neighbouring plantation areas or farms by fencing off and providing locked gates.
(b) Establishing and maintaining adequate fire breaks around the entire property and access road, effectively creating an "island".
(c) Providing sufficient setbacks for facilities and activities for forested areas.
(d) Managing combustible vegetation within the premises and along the access road.
(e) Providing adequate fire fighting water supplies throughout the site.
(f) Providing fire fighting equipment and personnel on standby during events, etc.
(g) Ensuring only permitted fires are lit on site and proper barbeque facilities are located in appropriate areas.
(h) Having adequate fire insurance.
(i) Establishing and executing a Fire Management Plan, in conjunction with neighbouring forestry operators, to effectively manage and maintain the fire prevention and control initiatives outlined above.
(j) Providing an on-site mobile water tanker with pump, hose and associated fire fighting equipment (eg, modified land cruiser or similar) as a rapid-response vehicle to deal with any localised fire risks.

Any storage of fuel will need to comply with the relevant standards for the storing hazardous substances and located and used in a way that posed no risk of spills entering ground water, surface water or soils or causing fire. Significant fuel storage will be in approved storage vessels and refuelling areas would be located on impermeable surfaces ..." (refer application P 38).

The applicant has volunteered the following suggested conditions that either directly or indirectly relate to mitigation of the fire risk and hazard.

"12. The access road shall be upgraded to the following standards:

a) A gate shall be installed at the entrance to Olivers Road to restrict public access at the times the park is not open.
b) The road shall be realigned to establish a 30 metre setback from the forest on the uphill side and 20 metre setback on the downhill side.
c) The access road shall be upgraded to provide a formed carriageway width of 8 metres with a target operating speed of 30 kph.
d) The intersection of Olivers Road and Motueka Highway shall be upgraded to ensure compliance with the intersection and sight line standards of the Tasman Resource Management Plan.
e) Locked gates shall be installed on all private side roads.
f) Security fences and/or barriers shall be installed between the boundary of the site and Nelson Forests Ltd site to prevent unauthorised access to forestry areas.
g) All activities shall be undertaken in accordance with the approved Fire Management Plan."
(refer application p 90)

"Stanley Brook Regional Motorsport park: Resource Consent Application

Management Plan	***Content to include (but not limited to)***	***To be prepared in consultation with***	***Council to approve***
Fire	• *Risk mitigation* • *Emergency equipment* • *Safety and emergency procedures* • *Fuel storage* • *Evacuation procedures* • *Mobile water tank unit with pump*	*Waimea Rural Fire Authority* *Nelson Forests Ltd*	*Yes*

(refer application p 94)

Overall these proposed measures to create a perimeter fire break; develop and adopt a fire management plan; retain an on-site water tanker with pump as a rapid response vehicle; and have buildings well setback from property boundaries (and also set back at least 30 metres from any plantation forest within the property itself) should help to mitigate the fire risk within the subject property to a low level.

Developing the ROW access and portions of legal road from Olivers Road through to the subject property so that the ROW carriageway is upgraded and widened to 8m with a 30kph minimum standard and with a 30m uphill firebreak and a 20m downhill firebreak should enable safe evacuation to occur while at the same time providing accessibility for inbound emergency vehicles.

Because the applicant also wants to provide a helicopter and aircraft landing strip and a drag racing strip it would be prudent for the Fire Management Plan to address: the need for any special fire suppressants to be held at designated places close to these activities; the width and type of firebreak buffer around them; and the intended management regime for these and all other firebreaks.

I understand from the applicant's planner Mr Quickfall that he met with Mr Ashford before I did and that the applicant will be submitting an expanded list of matters for the content of the Fire Management Plan.

These proposed measures in relation to access, fire management plan and having an onsite rapid response water vehicle with pumps should be established prior to the holding of any motorsport activity on the subject property.

Having reached a general conclusion that the fire risk can be mitigated to a relatively low level the question is how to weigh that up in accordance with the RMA provisions. The Commissioners are required by section 104(1)(a) to have regard to any actual and potential effects of allowing a proposed activity.

"Effect "is defined by Section 3 of the RMA to include any positive or adverse effect; any cumulative effects; and also <u>any potential effect of low probability which has a high potential impact</u>.

How risk should be handled in RMA terms has been summarised in an article in the "Resource Management Journal" by Trevor Gould and John Hassan of Chapman Tripp Sheffield Young . They advise:

"On the matter of the approach to risk assessment, the Court determined that whether a risk exists is a matter of judgment not proof and, as such, the standard of proof is not relevant (following a Court of Appeal decision in Commissioner of Police v Ombudsman [1988] 1 NZLR 385)"

The Court in this case emphasised that its assessment of the risk was not a scientific assessment, as this was impossible in the present state of knowledge. Its assessment was of the risk which it must assess as an effect (or product of effects) under section 5(2) of the Act. "It is a reasonable assessment of the risks on the evidence presented to us."

The Shirley Primary School case is significant for the perspective it brings on the issue of risk and how it ought to be assessed under the RMA. The decision confirms the inherent relevance of risk assessment under the RMA, particularly in terms of section 3(f). Applicants whose proposals pose any risk, particularly to human health, would need to approach risk assessment with considerable vigour.

On the other hand, the Court's conclusion that the RMA is not a risk free statute is an important one for new technologies and industries and for society as a whole. Perfect safety is a chimera, knowledge is never perfect."

Overall I conclude that the fire risk to the safety of people at motorsport park events will be extremely low. If a forest fire occurs there are practical escape routes from the site and the site being large, grazed and having large ponds when developed will have areas of safe shelter on site from most fires.

The fire risk to the region's main exotic forest estate through having a motorsport park operated within it with a developed Fire Management Plan is also likely to be extremely low.

In my opinion, the fire risk to people and the exotic forest estate can be mitigated to such a low level of risk that on balance it should not stop the granting of consent to the motorsport park application.

I am confident that conditions can be imposed upon the applicant to ensure that any adverse effects of fire upon the site and adjoining properties can be avoided, remedied or mitigated accordingly.

4.4 Issue M - Land Productivity Including Reverse Sensitivity Effects

Tasman District's land resource is largely rural. The use of rural land for land based productivity largely underpins the economic base of the district. Because the rural land area is so large and covers a wide-range of climates and resources, the TRMP recognises that in some areas it is practical to provide opportunities for a range of non soil-based productive activities where reverse sensitivity effects can be mitigated.

The relevant TRMP objectives and policies in relation to the use of rural land for activities other than soil-based production and management of potential reverse sensitivity effects are:

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

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

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.*

Objective 7.4.2
Avoidance, remedying or mitigation of the adverse effects of a wide range of existing and potential future activities, including effects on rural character and amenity values.

Policies
Refer to Policy sets 5.1, 5.2, 5.3, 5.5, 7.1, 7.2, 7.3, 9.1, 9.2, 11.2, 14.1, 14.3
Refer to Rule sections 16.3, 17.5 -17.12, 18.1 -18.13.

7.4.3.1 *To ensure that there is sufficient flexibility for a wide range of productive rural activities to take place, while avoiding, remedying or mitigating adverse effects.*

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

Councils Resource Scientist (Land), Mr Andrew Burton, has addressed land productivity and reverse sensitivity issues in a report that is attached as Appendix 7.

Although the subject property is currently being used for soil-based primary production through its forestry and farming activity, it does not fall within the Council's description of highly versatile land. The motorsport park will be developed as a mixed land use property with some limited grazing and forestry, although the main activity will be for recreation. The nature of the recreational activity is such that it is really dependent on a relatively isolated or secluded rural area where the main impacts of noise and dust are not likely to create cross boundary land use conflicts. At this particular site the main potential reverse sensitivity effects relate to dust from traffic travelling to and from the motorsport events for the McQueen-Reitsma's nut production and future diversification and also fire risk for the surrounding exotic forest. To a large degree both reverse sensitivity effects have been addressed in the earlier consideration of traffic and fire effects and the conditions arising from that consideration.

In summary the TRMP places less weight on the retention of land with limited versatility in primary production and recognises that less versatile land can help to provide for the social, economic and cultural well being of the wider regional community

4.5 Issues F, G, H, N, O and P - Amenity

Amenity values, as defined in Section 2 of the RMA, mean: "*Those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes."*

The site is a relatively remote large Rural 2 property of 203 ha surrounded by a large forest estate (mainly exotic but also some significant areas of indigenous forest) or large pastoral farms. The subject site is used for pastoral farming and exotic forestry.

Submitters have raised concerns that the development of the motorsport park will detract from the general rural amenity of the area by introducing commercial development (buildings, accommodation, camping and alcohol sales), light spill from lighting towers and lead to an increase in crime and loss of some recreational hunting opportunities.

The relevant introduction, objectives and policies of the TRMP to these attributes of amenity include:

Chapter 5 Site Amenity
"Land use frequently has effects which cross property boundaries. Those effects may add to or detract from the use and enjoyment of neighbouring properties. They may also affect natural resource values, such as air and water quality, or common goods such as views or local character.

The health and safety of people, communities and property is a significant part of site amenity, both within the site and between sites. Contaminants, including noise, and fire, hazardous substances and natural hazards, are factors in maintaining or enhancing amenity values.

Adverse cross-boundary effects are commonly noise, dust, vibration, odour, contamination, shading and electrical interference. Amenity values such as privacy, outlook, views, landscape, character and spaciousness may also be affected.

Objective 5.1.2
Avoidance, remedying or mitigation of adverse effects from the use of land on the use and enjoyment of other land and on the qualities of natural and physical resources.

Policies
5.1.3.4 *To limit the intensity of development where wastewater reticulation and treatment are not available.*

5.1.3.9 *To avoid, remedy, or mitigate effects of:*
a) noise and vibrations;
b) dust and other particulate emissions;
c) contaminant discharges;
d) odour and fumes;
e) glare;
f) electrical interference;
g) vehicles;
h) buildings and structures;
i) temporary activities;
beyond the boundaries of the site generating the effect.

5.1.3.14 *To provide sufficient flexibility in standards, terms and methods for rural sites to allow for the wide range of effects on amenities which are typically associated with rural activities, and which may vary considerably in the short or long term.*

Tourist Development in Rural Areas

Objective 6.6.2.1 *Effective accommodation of a wide range of commercial activities on appropriately located sites...*

Policy 6.6.3.3 *To ensure that the intensity and scale of tourist development in rural areas does not adversely affect the character, amenities and image of surrounding rural resources.*

Policy 6.6.3.4 *To provide opportunity for tourist activities to be grouped, and their effects contained, in key tourist areas.*

Rural Area Amenity

Further relevant explanation and objectives and policies for the rural area are contained in Chapter 7 of the TRMP as follows:

"*Rural areas are working and living environments. They also provide much of the amenity value and character of the District as a whole.*

If rural character is to be protected, it is essential that productive rural activities are not overly constrained by standards and conditions based on amenity value that are set at a much higher level than biophysical necessity. Nevertheless, activities in rural

areas should not involve effects that significantly adversely impact on rural character and amenity values. This set of objectives and policies aims to provide a balanced approach.

Inevitably some activities, by their scale, intensity or other effect, have the potential, individually or cumulatively, to adversely affect the environmental qualities and other aspects of the environment that this section protects. Such potential effects can be identified on the basis of activity types, and the effects of individual proposals can be evaluated through the application process."

The Rural 1, Rural 2 and Rural 3 zones include threshold rules, standards and conditions which enable a wide range of activities in rural areas. The rules and standards for subdivision and development (including servicing) also avoid or mitigate cross-boundary effects and provide for maintenance of rural character. Effects management in rural zones is also addressed by other methods besides rules.

Recognition and appreciation of the character and amenity of rural areas and the overall value that these add to the District's economic, social and cultural attributes, is a relatively recent phenomenon. The District's diverse rural landscape, including the working rural landscape, requires careful consideration in terms of this objective whenever an activity or development is proposed that requires consent. Because of the variety of rural character and landscape types in the District's rural areas, derived from natural features overlain by decades of cultural change, effects on rural character and amenity landscape values beyond those provided for by the Plan's rules, need to be assessed on a case-by-case basis in a local or sometimes regional context. As a result of zoning and decision-making on specific applications, all parts of both the Rural 1 and 2 zones are expected to largely retain their current rural character and amenity landscape values ..."

Objective 7.4.2
Avoidance, remedying or mitigation of the adverse effects of a wide range of existing and potential future activities, including effects on rural character and amenity values.

Policies
7.4.3.1 *To ensure that there is sufficient flexibility for a wide range of product rural activities to take place, while avoiding, remedying or mitigating adverse effects.*

7.4.3.2 *To provide for rural activities which may involve levels and types of effects, including noise, dust, smoke and odour, that may be permanent, temporary or seasonal, and that may not meet standards typically expected in urban areas.*

7.4.3.3 *To provide for the maintenance and enhancement of local rural character, including such attributes as openness, greenness, productive activity, absence of signs, and separation, style and scale of structures.*

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

7.4.3.6 *To ensure that adequate physical or spatial buffers or other techniques are applied when allowing new allotments or buildings primarily or exclusively for residential purposes in rural areas, so that productive land use opportunities are not compromised.*

Landscape

Objective 9.2.2 *Retention of the contribution rural landscapes make to the amenity values and rural character of the District, and protection of those values from inappropriate subdivision and development.*

Policy 9.2.3.4 *To encourage landscape enhancement and mitigation of changes through landscape analysis,... ..., planting proposals, careful siting of structures and other methods, throughout rural areas.*

Commercial Development including Sale of Liquor in a Remote Location

By their very nature, motorsports and large-scale outdoor events are best located on large properties in those parts of the district where the main potential adverse cross boundary effects of traffic, noise and dust can be mitigated or managed so that they only have a very minor effect on neighbours. The nearest town with a range of commercial services that participants and spectators are likely to need are approximately 11.5 km away at Tapawera.

In this situation, providing an option for some onsite accommodation and food and beverage facilities is sensible and is likely to remain ancillary to the main motorsport activities rather than becoming an attraction in its own right. Using the motorsport facilities when established for commercial activities like driver training is also unlikely to generate any significant new adverse cross boundary effects.

In this regard I support in principle granting consent to the motorsport/events park and its related accommodation and food and beverage for visitors (participants and spectators). The driver training facility is also supported.

In relation to **sale of liquor** although it is not stated in the application I understand that on the days when alcohol is sold at the property it is the intention that all drivers be breath tested before they exit the motorsport site and reach the formed portion of Olivers Road. I support this approach.

If that were not the approach then I would only support the sale of liquor if it was restricted to evening hours and only for those who have booked to stay overnight on the property. In my opinion it would not be sensible or safe to permit the general sale of liquor or to allow people to bring large amounts of alcohol onto the property without breath testing at this property which has only one unsealed fairly steep access in and out through an exotic forest.

While I have described the site as relatively remote from a main urban area to motorsport people whose sport revolves around vehicles, driving for approximately 30 to 40 minutes from Nelson, Richmond or Motueka that relative remoteness is not likely to be considered a hindrance.

The motorsport park will be a tourist attraction for them. It is not unusual for limited commercial activities to be located near tourist attractions in locations well away from towns whether they are located near natural attractions (for example the hot springs at Maruia) or man-made attractions (for example Quinney's Bush).

The development of a man-made tourist attraction at Rabbit Gully can also be expected to attract some degree of commercial activity. Provided the commercial development associated with the motorsport is carefully sited as is the case with the accommodation, restaurant and camping area which have been located across the ROW in a quite separate area to where the motorsport activity is located, then the "tourist attraction" aspect of the motorsport should not be jeopardised by the commercial development area.

Buildings and Lighting

The application includes several buildings that are generally located towards the centre of the property. All of the buildings are to be finished in recessive colours (refer application page 50) and are within the permitted or controlled activity bulk and location standards for buildings in the Rural 2 zone. The Permitted building height is 7.5m and the Controlled building height is 12.5m.

The exceptions are two buildings which exceed 12.5m. The two buildings are a commentary box of up to 15m high on top of the clubrooms, building and lighting towers of up to 15m. Because of the location and setting of the property I do not consider that these buildings will detract from the general visual amenity of the area. However, a concern has been raised by a submitter about possible light pollution. Measures can be undertaken to minimise light spill from lighting towers and lights by the provision of hoods and directional lighting so that light does not spill upwards into the night sky.

Flooding is a common hazard in the rural areas of the Tasman District. Care needs to be taken in siting any building in the lower levels of river valleys with adjoining forested land. Councils Resource Scientist Rivers Mr Verstappen advised as follows:

"Council has no records of flooding or flooding patterns in the Stanley Brook valley. However, flooding of low lying land adjacent to the main stream channel can be expected during periods of prolonged or intense rainfall. During extreme rainfall events, the full width of the valley floor may act as a flood plain, depending on topography. In the general area where the master plan proposes building developments (principally south and east of the ROW crossing the property), a number of sufficiently elevated sites are likely to be available that reduce or eliminate flood hazard risk to these structures from the main channel and its tributaries. Other than for very minor structures such as small sheds and the like, it is both prudent and recommended that flood hazard risk to structures be assessed by a suitably qualified and experienced chartered professional engineer or hydrologist, with the hazard report accompanying any building consent application sought."

The concerns in relation to buildings and lighting can be mitigated by conditions which are recommended in the staff report.

Landscaping

The applicant is correct in identifying that the subject property is not part of an outstanding landscape. It is in the lower portion of a rural valley that is hidden from the view of the public. Nevertheless it is a pleasant rural landscape. It has rough pasture, a scattering of clumps and individual native trees, a small stand of indigenous forest, and a meandering stream along the valley floor. The small stand of indigenous forest is located on the lower hill slope and not within the areas to be developed for motorsport activities or commercial development.

In the course of developing the motorsport park the applicant intends ... "*Landscaping around facilities and riparian landscaping* ..." (refer application p44). Because the development of the motorsport park is located generally in areas of pasture along the valley floor and is not visible from public places (roads or reserves) the proposed landscaping and finishing the building in recessive colours should be sufficient in the lower portion of the property. However, the small stand of indigenous forest an important part of the property's landscape quality and in my opinion it should be retained for its contribution to the landscape.

Property Security

The general neighbourhood about the subject property and its access is that of a relatively low density rural neighbourhood. Some submitters are concerned that with large numbers of participants and visitors the risks of vandalism, stock disturbance, trespass and petty crime, will increase, and detract from the present "lifestyle" amenity of the neighbourhood.

While it cannot be totally discounted that large numbers of people coming into an area will also bring in some of the more light-fingered members of society, it is not automatically true that petty theft, trespass and vandalism will increase. Larger numbers of people will also include many people who abhor such behaviour and along with the site caretaker they will provide a level of surveillance and assistance.

The more popular larger motorsport events will be major events that the participants and visitors will prepare for in advance. While some people may still be ill-prepared, in respect of food, drink and fuel that will not necessarily result in an increase in petty crime. Virtually all sports clubs including motorsports clubs take the opportunity at large events to raise funds through the sale of food and drink. Fuel is available 24 hours a day, 7 days a week though the card machine at Wadsworth Motors in Tapawera. One would expect the site caretaker to be able to assist people who run out of fuel at the motorsport park.

If my assessment is incorrect and there is an increase in threats to property and security such as theft does arise from the motorsport park activity, then that would need to be brought to the attention of the NZ Police at the time it occurs.

Hunting

Recreational hunting is a sport that can be done with one or two friends with dogs and is well suited to and popular in, the less populated forested and reverting land areas of the Tasman District. The subject property and the adjoining forests have hunting value.

The subject property is presently grazed by stock and the landowners have the right to live on it and to stop hunting on it.

The development and operation of the motorsport park and presence of a caretaker will scare wary game from the subject property and its boundaries. However, I understand that the landowners still intend to allow hunters through the subject property to access hunting areas in the surrounding forest.

Overall, in my opinion while access for hunters through the motorsport park and adjoining exotic forest is allowed by landowners then it is unlikely that the motorsport park will adversely affect or compromise hunting in the adjoining forest estate to a more than a minor degree.

Tapawera

Tapawera is the closest town to the proposed motorsport park site. Tapawera is a rural service centre town with a small shopping centre, community facilities, a garage, hotel and accommodation (motel camp ground). It was the former Forest Service base for the region and has the ability to grow as demand requires.

The TRMP objectives and policies for Tapawera are in chapter 6.20 (p6/10). Cross boundary effects of noise and dust from the motorsport park are unlikely to be heard or reach Tapawera which is separated by a large hill.

In my opinion, the application does not conflict with the objectives and policies for Tapawera and is likely to provide some additional customers for the existing businesses at Tapawera and Kohatu.

5. ASSESSMENT OF OTHER ACTIVITIES

This section of the report addresses the other aspects of the applications including the associated Regional consents that are required, as listed in Table 1 (refer page 12 of this report). This section of the report addresses submitter issues:

A) Environmental Unsustainability;
D) Water;
J) Air Pollution;
K) Wastewater;
L) Ecology; and
O) Flood Risk.

It also considers other issues not specifically referred to by submitters:

- the storage/containment of hazardous substances and how these can be prevented from contaminating land or water ;
- the extent of earthworks required; and,
- the non-commercial quarrying aspects of the earthworks proposals for lake construction.

5.1 Issue A -Environmental Unsustainability

The submissions in opposition share similar themes and focus on perceived inconsistencies with the purpose of the RMA 1991, conflict with climate change issues and fossil fuel sustainability matters.

The distance requiring to be travelled by participants and spectators was a central theme. Submitters mention aspects such as:

"there is no public transport to the area and the huge amounts of fossil fuels required for the activity and getting thousands of people to and from the park would be a scandalous waste of finite resources as well as increasing Tasman's carbon footprint";

"the application is not sustainable in light of carbon emissions"; and

"locating any motorsport park a significant distance from the population centres using it, is in direct conflict with RMA 5(2)(c) as negative effects on the environment are increased through fuel usage and carbon emissions, instead of being avoided, remedied or mitigated."

The submissions in opposition to the proposal on the grounds of environmental unsustainability make broad and possibly subjective statements on issues of a global nature and upon which there is scientific uncertainty with as many positive as speculative arguments on both sides of the debate. This regrettably does not help us in dealing with the specific application before us, which can only be assessed in terms of the RMA and the TRMP.

Statutory Provisions

The RMA's purpose is defined in Part 2 Section 5 which states:

(1) The purpose of this Act is to promote the sustainable management of natural and physical resources.

*(2) In this Act, **sustainable management** means the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while -*

- *(a) Sustaining the potential of natural and physical resources* ***(excluding minerals)*** *to meet the reasonably foreseeable needs of future generations; and*
- *(b) Safeguarding the life-supporting capacity of air, water, soil and ecosystems; and*
- *(c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment."* (emphasis added)

Part 1 of the Act, Section 2 Interpretation defines minerals as follows:

"mineral has the same meaning as in section 2(1) of the Crown Minerals Act 1991."

The Crown Minerals Act 1991 Section 2 Interpretation states:

"mineral means a naturally occurring inorganic substance beneath or at the surface of the earth, whether or not under water; and includes all metallic minerals, non-metallic minerals, fuel minerals, precious stones, industrial rocks and building

stones, and a prescribed substance within the meaning of the Atomic Energy Act 1945"

This is important because fuel (petrol, ethanol or diesel etc) is specifically excluded from any consideration of the definition of sustainable management of resources in the RMA.

With regard to discharge of greenhouse gases and climate change within the RMA framework, a requirement to have particular regard to the effects of climate change was introduced into the Resource Management Act 1991 (the RMA) by the Resource Management (Energy and Climate Change) Amendment Act 2004. Section 7 of the RMA relevantly states:

"In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to— …
(i) the effects of climate change:"

It is also worth reviewing the definition of "effect" in Section 3 of the RMA to reiterate how wide the definition is:

In this Act, unless the context otherwise requires, the term effect includes—

(a) Any positive or adverse effect; and
(b) Any temporary or permanent effect; and
(c) Any past, present, or future effect; and
(d) Any cumulative effect which arises over time or in combination with other effects—
regardless of the scale, intensity, duration, or frequency of the effect, and also includes—
(e) Any potential effect of high probability; and
(f) Any potential effect of low probability which has a high potential impact.

Regarding applications relating to discharge of greenhouse gases, Section 104E of the RMA states:

"When considering an application for a discharge permit or coastal permit to do something that would otherwise contravene section 15 or section 15B relating to the discharge into air of greenhouse gases, a consent authority must not have regard to the effects of such a discharge on climate change, except to the extent that the use and development of renewable energy enables a reduction in the discharge into air of greenhouse gases, either—
(a) in absolute terms; or
(b) relative to the use and development of non-renewable energy."

Section 104E of the RMA directs that a consent authority must not have regard to the effects of greenhouse gases on climate change when considering applications for discharge or coastal permits, except in very limited circumstances. It applies only to resource consent applications involving the use of renewable sources of energy production. The prohibition applies in all other cases.

The decision of the Court of Appeal was upheld by a majority of the Supreme Court in Greenpeace NZ Inc v Genesis Power Ltd (2008) 15 ELRNZ 15. The majority relied on the "clear legislative policy" of the Resource Management (Energy and

Climate Change) Amendment Act 2004 ("2004 Act") as set out in the purpose clause of that Act and the overall scheme of the new provisions. Moreover, the complementarity of the language of sections 70A and 104E was held to demonstrate the "implicit premise" that the exception expressed in those two sections is intended to be confined to proposals that involve the use and development of renewable energy.

On the issue of consistency with purpose of the 2004 Act, the Court noted that the underlying policy of that Act is "to require the negative effects of greenhouse gases causing climate change to be addressed not on a local but on a national basis, while enabling the positive effects of the use of renewable energy to be assessed locally or regionally".

Therefore, irrespective of the relative merits of submissions relating to the use of fossil fuels for motorsports the RMA specifically excludes sustaining supplies of fossil fuel from the definition of sustainable management.

I would comment that the proposed motorsport park is intended as a national facility for motorsport users throughout New Zealand. Any location will have advantages and disadvantages in terms of the distance requiring to be travelled by participants and spectators. Those parties are the ones best placed to determine whether or not they wish to travel the distances required in order to provide for their social, economic and cultural wellbeing as well as for their health and safety. The RMA is intended to be an enabling and facilitating piece of legislation, not a restrictive and prohibitive one.

The above being the case the issues of carbon footprint, fossil fuel use, and distance from either Nelson or Motueka, rightly or wrongly, have to be removed from any issue of whether or not the proposal is environmentally sustainable or not.

The other aspect of whether or not the proposal is environmentally sustainable or not relates to issues of loss of productive potential and whether or not the applicant (who is also the landowner in this case) is seeking to utilise their land in a way that meets the purpose of the RMA.

Mr Jack Andrew and Mr Andrew Burton have addressed the loss of productive potential of the land resource in greater detail in their respective sections of this report. However I would comment that only a portion of the total land area will be given over to motorsport park usage, with the remaining land available for forestry and/or arable farming purposes.

The RMA does not seek to direct or influence whether or not one crop or species is more productive/profitable than another. Crop and livestock prices rise and fall, and one generations practice can soon be replaced by the next under the influence of market forces.

Therefore the issue remaining is whether or not the applicants proposed use of his land meets the definition of sustainable management and thereby the Purpose of the RMA as defined in Section 5.

The applicant, as owner of the land, is entitled to provide for their social, economic, and cultural well-being, and to undertake as of right any activity that is identified as a Permitted Activity in the Rural 2 zone.

The majority of other activities are not "Non-Complying or "Prohibited" Activities, they are invariably either "Controlled", Restricted Discretionary, or fully Discretionary Activities. They must go through a resource consent application and evaluation process to ensure that any adverse effects on the environment are avoided, remedied or mitigated. That does not mean that there can be no adverse effects, just that those effects must be avoided, remedied or mitigated.

Many "Permitted Activities" in the Rural area have adverse effects, just as do activities that require resource consent approvals before being allowed to proceed. The Stanley Brook site is zoned Rural 2 in the TRMP. In the Rural 2 Zone any land use is a Permitted Activity that may be undertaken without resource consent if it complies with the conditions specified in Rule 17.6.2.1. Any land use that does not comply with the conditions of Rule 17.6.2.1 is a Restricted Discretionary Activity under Rule 17.6.2.4 or 17.6.2.8, or a fully Discretionary Activity under Rule 17.6.2.9.

There are no identified Non-Complying, or Prohibited Activities for the Rural 2 Zone. Therefore any activity is potentially acceptable as long as it meets the purpose of the RMA as defined under Section 5.

The applicants proposals must constitute sustainable management of their land if they can be shown to provide for the applicants social , economic, and cultural wellbeing, and for their health and safety, whilst safe-guarding the life-supporting capacity of air, water, soil and ecosystems, and whilst avoiding, remedying, or mitigating any adverse effects of their activities on the environment.

The TRMP contains several references to sustainability in various Objectives and Policies with those considered relevant by the writer as follows:

Chapter 5 - Site Amenity Effects

Objective 5.1.2
Avoidance, remedying or mitigation of adverse effects from the use of land on the use and enjoyment of other land and on the qualities of natural and physical resources.

Policies
5.1.3.1 *To ensure that any adverse effects of subdivision and development on site amenity, natural and built heritage and landscape values, and contamination and natural hazard risks are avoided, remedied, or mitigated.*

5.1.3.2 *To protect the quality of groundwater and surface water from the adverse effects of urban development and rural activities.*

5.1.3.4 *To limit the intensity of development where wastewater reticulation and treatment are not available.*

5.1.3.8 *Development must ensure that the effects of land use or subdivision activities on stormwater flows and contamination risks are appropriately managed so that the adverse environmental effects are no more than minor.*

5.1.3.9 *To avoid, remedy, or mitigate effects of:*
(a) noise and vibration;
(b) dust and other particulate emissions;
(c) contaminant discharges;

(d) odour and fumes;
(e) glare;
(f) electrical interference;
(g) vehicles;
(h) buildings and structures;
(i) temporary activities;
beyond the boundaries of the site generating the effect.

5.1.3.11 *To avoid, remedy, or mitigate the likelihood and adverse effects of the discharge of any contaminant beyond the property on which it is generated, stored, or used.*

5.1.3.14 *To provide sufficient flexibility in standards, terms and methods for rural sites to allow for the wide range of effects on amenities which are typically associated with rural activities, and which may vary considerably in the short or long term. "*

As can be clearly seen from the above Objective 5.1.2 the TRMP recognises and acknowledges that the rural environment is a dynamic working one and not a bucolic idyllic one. Rural activities and land uses can and do occur that may have adverse effects, and that this is acceptable as long as those adverse effects do not adversely compromise the use and enjoyment of other land or compromise the natural and physical resource of the land in question. The subsequent policies elaborate on how effects should be avoided, remedied or mitigated.

Chapter 7 -Rural Environment Effects

Objective 7.1.3
Provision of opportunities to use rural land for activities other than soil-based production, including papakainga, tourist services, rural residential and rural industrial activities in restricted locations, while avoiding the loss of land of high productive value.

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

7.2.3.2 *To enable sites in specific locations to be used primarily for rural industrial, tourist services or rural residential purposes (including communal living and papakainga) with any farming or other rural activity being ancillary, having regard to:*

(a) the productive and versatile values of the land;
(b) natural hazards;
(c) outstanding natural features and landscapes, and the coastal environment;
(d) cross-boundary effects, including any actual and potential adverse effects of existing activities on such future activities;
(e) servicing availability;
(f) the availability of specific productive natural resources, such as aggregates or other mineral sources;
(g) transport access and effects;
(h) potential for cumulative adverse effects from further land fragmentation;
(i) maintaining variety of lot size;
(j) efficient use of the rural land resource;

(k) cultural relationship of Māori to their land.

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."*

Objective 7.4.2
Avoidance, remedying or mitigation of the adverse effects of a wide range of existing and potential future activities, including effects on rural character and amenity values.

Policies
7.4.3.2 *To provide for rural activities which may involve levels and types of effects, including noise, dust, smoke and odour, that may be permanent, temporary or seasonal, and that may not meet standards typically expected in urban areas.*

7.4.3.3 *To provide for the maintenance and enhancement of local rural character, including such attributes as openness, greenness, productive activity, absence of signs, and separation, style and scale of structures.*

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

7.4.3.9 *To avoid, remedy or mitigate servicing effects of rural subdivision and development, including road access, water availability and wastewater disposal.*

7.4.3.10 *To ensure the maintenance or enhancement of natural drainage features within rural catchments, and to avoid, remedy, or mitigate any adverse effects of stormwater run-off.*

As can be clearly seen from the above Objective 7.4.2 the TRMP again as in Chapter 5 recognizes and acknowledges that the rural environment is a dynamic working one and not a bucolic idyllic one. The subsequent policies elaborate on how effects should be avoided, remedied or mitigated.

The applicants have applied for a suite of required resource consents to recognise the extent and nature of the potential effects that their proposals may have, however as can be seen from the above policies, as long as those effects can be avoided, remedied or mitigated then the activities must therefore constitute acceptable activity that will not detrimentally affect site amenity or the natural and physical land resource.

I will address the specifics of the various resource consents required further below, however I would close this section on the issue of whether or not the proposal constitutes environmentally unsustainable development of Rural 2 zoned land with the conclusion that the RMA and the TRMP both allow for such activity as long as any adverse effects are sufficiently avoided, remedied or mitigated.

5.2 Issue D - Water

The submissions in opposition shared similar themes and focused on concerns regarding water availability, diversion, downstream effects, and possibilities for pollution. Submitters mention aspects such as:

" the application contains no hydrological investigation of the proposed activity. The amount of water required has been underestimated and not all required applications for water consents (e.g. consents to take and use; abstraction consents) have been applied for. The lack of analysis of the hydrological requirements of the activities and of the water sources have resulted in consent applications for water in circumstances where it has not been established that the water is available…

The proposal will create an adverse effect on the Stanley Brook Stream water quality and water quantity.

The proposed diversion and use (including the proposed water harvesting) will adversely affect the recharge rate and quality of the Stanley Brook aquifer. Inadequate investigation has been undertaken by the Applicant and the application lacks sufficient detail (including but not limited to diversion rates, source of lake recharge water , bore drawdown and area of influence , number and location of bores, flood flows) to enable the Council to determine the effects of what is being sought.

The proposed bundle of activities will reduce the security of water supply for the Rowes' downstream property. The water needs of the application could limit the Rowe's ability to receive water that they have a legal right to in respect of both their domestic and stock water requirements. Granting of this consent will derogate from the Rowe's permitted statutory right to obtain water for stock and personal use, as well as fire fighting.

The proposal is inconsistent with the purpose and principles of the Resource Management Act 1991. In particular it fails to safeguard the life-supporting capacity of water and soil on the Rowes' farm due to its adverse impacts." (Submission 145)

Further…
"Reduction in water quantity

- *Potential to compromise existing water users*
- *The Upper Motueka Water Zone is already fully allocated*
- *Our domestic and stock water supplies are obtained from springs feed from the Rabbit Gully gravels during the winter months.*
- *The Upper Motueka aquifers are already under pressure and a reduction in bore levels have been observed in the last twenty years.*
- *The applicant has not acknowledged that the Rabbit Gully gravels feed the Tapawera aquifer.*
- *Lack of details as to how the proposed 70,000m^3 dams will be filled or recharged, as an adequate consent to extract the required level of (water) has not been made at this time. A consent to extract the ground water required to recharge two relatively shallow dams has not been made. If a consent to extract the required level of water to recharge and maintain 70,000m^3 of water* ***would not be granted under current TDC rules within the Stanley Brook catchment*** *(personal communications with TDC water office) . These rules are in place to protect the dry Stanley Brook catchment.*
- *Application for domestic water consent when it is clear that the water will be* ***utilized for commercial and non agricultural use****. A consent is not required to extract water for domestic or stock supply in the TDC rules."* (Submission 185).

And…

"Reduction in water quality and quantity of the Stanley Brook
The application underestimates the level of adverse effects the proposal will have on the receiving environment. There is no hydrological investigation included with the application. The adverse economic effect on the downstream farms and lifestyle properties due to the reduced water quality and/or flow in the Stanley Brook or aquifer water sources would be significant.

Contamination of the water resources of the Stanley Brook and Motueka valleys would be likely due to vehicle oil, fuel leaks and other contaminants from the proposed Motorsport and Recreation Park. Contamination of the Stanley Brook and local aquifers would cause long-term adverse effects.

The greater effects on the Stanley Brook and the Motueka River have not been taken in account nor have they been assessed. This is despite the Stanley Brook downstream of the Sunday Creek Road bridge being scheduled as "Waters to be protected for contribution to outstanding features" (Schedule 3) under the Motueka Water Conservation Order.

Preliminary assessment from a hydrologist familiar with the Motueka River catchment states that if the proposed Motorsport and Recreation Park proceeds, there is no doubt it would have an adverse effect on the catchment and downstream receiving waters including the Motueka River.

In his opinion sedimentation would be the biggest issue both during construction and in the long term with ongoing stormwater runoff. The short term impact during the construction of bridges, culverts and dams etc would cause major sedimentation downstream. The proposed stream diversion, land contouring and gravel extraction would exacerbate the longer term sedimentation problems.

He was concerned that the proposal contains very little detail about how the applicant intends to control this problem and his opinion is that adequate control would be near impossible with the site modifications proposed" (Submission 187)

Before discussing these issues I will briefly return to the issue of Permitted Baseline for Rural 2 land as set out in Chapter 17.6 of the TRMP.

The applicant as of right can plant the entire available pasture land in exotic forestry, or increase the stock numbers capable of being sustained on the land. Either of these permitted actions would have significant and entirely unavoidable effects upon the water use of the property, and the resultant potential reduction in downstream flow accordingly. Increasing stock numbers would additionally result in increased discharge of animal effluent to land which would potentially impact upon any Stanley Brook aquifer.

Chapter 31.1.2 of the TRMP sets out the Permitted Activity Standards for water take, diversion and use. Without repeating that whole section of the Plan, in the rural area, the amount of water taken and used for stock drinking is not limited, up to $5m^3$ per day can be taken for per site for domestic consumption and use, the taking or diversion of water does not cause any stream or river flow to cease, and the taking or diversion of water does not prevent any other individual from taking water for their domestic or stock drinking water supply needs.

The recent addition of Part IV of the TRMP allows for the construction of culverts, fords and bridges as Permitted Activities subject to complying with the stated standards. Similarly Part IV makes dams up to 5,000m^3 Permitted Activity (subject to complying with conditions).

Returning now to the main concerns raised in submissions which were focused on concerns regarding water availability, diversion, downstream effects, and possibilities for pollution:

Water Diversion and Construction Effects Resulting in Downstream Effects

The proposal does not involve the creation of any dams, rather it intends to create two lakes/ponds which will be lined to prevent loss of water to ground and hence ensure sufficient volume for aquatic motorsports, and these two ponds will not disrupt the downstream flow exiting the property, after an initial buffering period as the ponds fill. Timing of construction works can ensure that the drier summer months are utilized for excavation when the ephemeral nature of the stream will mean that no flow is exiting the property in any event, with the wetter months allowing for filling and resumed downstream flow. Compensating for lake surface evaporation during summer will require to be considered by the applicant as more detailed plans are drawn up.

Construction techniques and standard earthworking conditions of consent will ensure that sedimentation of the watercourse is avoided, remedied or mitigated.

Possible Water Pollution

Bunding of fuel storage and refueling areas, and conditions regarding stormwater run-off can require detailed design of all facilities, sealed surfaces and track and include pads of concrete, coarse sediment and bark traps, fine sediment bays, and sand filters. Subject to regular maintenance of these systems, it is concluded that they can ensure efficient and effective operation of the motorsport park facility thereby avoiding, remedying or mitigating any adverse effects of the discharge of any stormwater and the risk of any hydrocarbons entering either the Stanley Brook or the aquifer.

Water Availability

The applicants proposals must constitute sustainable development whilst safe-guarding the life-supporting capacity of air, water, soil and ecosystems, and whilst avoiding, remedying, or mitigating any adverse effects of their activities on the environment.

Chapter 30 of the TRMP relates to the taking, using, damming, and diversion of Water. The TRMP contains several references to sustaining water quality in various Objectives and Policies of Chapter 30 with those considered relevant by the writer as follows:

Objective 30.1.2.1
The maintenance, restoration and enhancement, where necessary, of water flows and levels in water bodies that are sufficient to:

(a) preserve their life-supporting capacity (the mauri of the water);

(b) protect their natural, intrinsic, cultural and spiritual values, including aquatic ecosystems, natural character, and fishery values, including eel, trout and salmon habitat, and recreational and wildlife values; and
(c) maintain their ability to assimilate contaminants.

Water Body Management

Policy 30.1.3.1
To maintain and enhance the uses and values of rivers, aquifers, wetlands and lakes that may be adversely affected by reduced water flows or levels including:

(a) the uses and values of water bodies identified in Schedule 30A, particularly the internationally, nationally and regionally significant uses and values of water bodies;
(b) the customary and traditional uses and values of iwi, including wāhi tapu, mahinga kai and her taonga, particularly in relation to sustaining the mauri of the water;
(c) the capacity of water bodies to dilute contaminants; by taking into account the management objectives specified for each of the water bodies in Schedule 30A.

Policy 30.1.3.2
To establish a minimum flow regime or minimum water level regime for rivers, wetlands and lakes where there is a threat to uses and values of the water body or a connected water body, taking into account:
(a) the range and significance of the existing and potential water body values and uses;
(b) adverse effects from existing and potential abstractive water users and land use activities affecting water quantity;
(c) natural flow characteristics;
(d) practical monitoring and enforcement needs;
(e) contributions to water flows and levels from dams.

Policy 30.1.3.3
To recognise the seasonal limitations of the surface water flows of Moutere gravel catchments by seeking to maintain residual water flow downstream of any abstraction point.

Policy 30.1.3.4
To establish the sustainable yield of aquifers taking into account:
(a) depletion of aquifer yields;
(b) reduction of connected surface water flows, including coastal springs and wetlands;
(c) potential for compression of the aquifer;
(d) potential contamination of the aquifer by seawater intrusion;
(e) potential for excessive drawdown of groundwater levels;
(f) presence and significance of living organisms naturally occurring in the aquifer;
(g) effect of land use activities on recharge of the aquifer; to avoid:

(i) long term aquifer depletion;
(ii) drying up of surface waters;
(iii) compression of the aquifer;
(iv) irreversible seawater contamination of the aquifer;
(v) over-allocation of water from the aquifer.

Policy 30.1.3.6

To ensure that the water allocation limits take into account effects of other activities and events on availability or yield of water, including:

(a) potential water yield reduction effects arising from land cover changes such as changes to tall vegetation or urbanisation;
(b) climate change, including changes to drought frequency;
(c) effects of dams and other water augmentation or storage schemes;
(d) effects of gravel extraction.

Policy 30.1.3.16

Except:

(i) as otherwise provided by a water conservation order, or
(ii) for rivers in the Moutere gravel catchments;

to manage the allocation of water for consumptive uses from rivers that:

(a) have no established minimum flow or allocation limit; and
(b) do not have regionally or nationally significant aquatic habitat value as identified in Schedule 30.1;

so that the cumulative abstraction between November and April inclusive, other than in relation to hydro power, from the proposed and all existing authorised takes from the river does not exceed 10 percent of the 5-year, 7-day low flow, provided that up to 33 percent of the 5-year, 7-day low flow may be allocated if the cumulative adverse effects listed in Policy 30.1.9 from the proposed take in combination with any other authorised take are avoided, remedied or mitigated.

Gravel Extraction

Policy 30.1.3.20

To avoid, remedy or mitigate adverse effects on the uses and values of the water body from the extraction of gravel from riverbeds, taking into account adverse effects on:

(a) groundwater levels and water yields in adjacent aquifers;
(b) the flow regime of the river;
(c) aquatic ecosystems and riparian habitat;
(d) cultural, spiritual, natural and intrinsic values;

to avoid reducing the:

(i) desirable security of supply of existing water users;
(ii) diversity and abundance of aquatic organisms.

Water Diversion

Policy 30.1.3.23

To avoid, remedy or mitigate adverse effects of diversion of water, including

(a) diversion of floodwater by stopbanks and other structures;
(b) water augmentation schemes;
(c) hydro-electric power generation; and
(d) instream diversion of water;

taking into account effects of the diversion on:

(i) uses and values of water bodies identified in Schedule 30A;
(ii) fish and eel passage;

(iii) actual or potential risks of flooding or erosion;
(iv) actual or potential impact on river sediment and gravel transport processes;
(v) water quality;
(vi) aquatic and riparian ecosystems, including wetlands and habitats for indigenous vegetation or fauna;
(vii) any relevant water allocation limits;
(viii) other water users.

In summary, through Objective 30.1.2.1 the TRMP emphasises the maintenance, restoration or enhancement of water flows and levels, whilst allowing the use of water in ways which preserves the quality of the water. Certain consumptive uses are permitted as of right - e.g. stock consumption, fire fighting, and up to $5m^3$ per day of domestic consumption. Non-consumptive use and diversion is allowed as long as it does not have detrimental in-stream or downstream effects. The subsequent policies elaborate on how effects should be avoided, remedied or mitigated.

The applicants have applied for a suite of required resource consents to recognize the extent and nature of the potential effects that their proposals may have upon the surface and ground water of the application site, however as can be seen from the above policies, as long as those effects can be avoided, remedied or mitigated then the use and diversion of that water constitutes acceptable activity that will not detrimentally affect the quantity and quality of the water resource.

The application does envisage/intend relatively significant levels of earthworks for track construction, and gravel quarrying (non-commercial) to win gravel to assist in construction on-site and to create sufficiently deep volumes to facilitate aquatic motorsport activity lakes. Those works will require to be undertaken by skilled operatives to ensure that sedimentation of the Brook or contamination of any groundwater from quarrying into the water table does not occur.

The applicant's principal business involves heavy construction and earthworking. The applicant has considerable experience therefore in mitigating any effects during the earthworking and gravel quarrying periods.

I am confident therefore that conditions can be imposed upon the applicant to ensure that any adverse effects upon surface and ground water can be avoided, remedied or mitigated accordingly.

5.3 Issue J - Air Pollution

The submissions in opposition shared similar themes and focused on concerns regarding air pollution created by the events at the Motorsport Park itself, plus additional traffic vehicle emissions created by travelling to and from the site, and odour and fumes generated by vehicles (Mr Andrew has addressed the issue of road dust generation above).

One Submitter (156) mentions aspects such as:
"The application suggests that when fully developed the site will attract some 4,000 visitors for a large event, equivalent to some 2,000 vehicles. A conservative assumption that the vehicles travel on average 100km per round trip (i.e. Richmond - Tapawera return), this is equivalent to 200,000 km road travel per event day.

Assuming that a vehicle uses 8 litres of fuel to travel 100km, then vehicles travelling to/from the venue will burn some 16,000 litres of fuel. On average 2.33kg CO2 is released per one litre of fuel burned. The total CO2 emitted by vehicles travelling to/from the venue will be 37,920kg CO2 which is equivalent to 10.34 tonnes of carbon.

This could be offset by planting some 52 trees for every event day."

"The application gives no consideration to any other emissions to air resulting from use of the facilities. For example, it has been suggested that a dirt bike with a two-stroke engine produces eight times as much carbon monoxide as an average car. Neither is there any evidence of consideration of wind flows through/over the site or how these might affect emissions to air and the management of potential effects."

I refer to my earlier comments regarding the consumption of fossil fuels being excluded from any consideration of sustainability, and to my reference to Part 2 of the RMA. In my opinion this submission is beyond the scope of the RMA.

The participants and spectators have a right to use the public road network for their travel and recreational needs and enjoyment as long as they do so in legally valid vehicles -i.e. with both current Registration and Warrants of Fitness (WoF). The background levels of pollutants will be low. The products of combustion and fine dust from traffic will lead to an increase in PM10 however the resultant levels will in my opinion be significantly less than the relevant air quality standard.

Discharges to Air are considered in Part VI Chapter 34 of the TRMP which identifies the following Issues:

Issue 34.1.1.1 *Actual and potential adverse health, safety and amenity effects from discharge of contaminants to air.*

Issue 34.1.1.2 *Maintenance and enhancement of air quality, in both rural and urban areas."*

The resulting **Objective 34.1.2** states:
"The discharge of contaminants to air in such a way that avoids, remedies or mitigates adverse effects while:
(a) maintaining existing air quality; and
(b) enhancing air quality where existing quality is degraded for natural or human uses or values."

It should be noted that this Objective does not seek no new or additional discharges to air, instead it seeks to allow them as long as they are not adversely affecting air quality and recognizes that measure can be taken to remedy or mitigate air discharge effects. The **Policies** considered relevant to the Motorsport Park proposal are:

34.1.3.1 *To ensure that any discharges of contaminants to air are undertaken in a way that avoids, remedies or mitigates any adverse effects on the receiving environment or surrounding activities.*

34.1.3.2 *To allow or regulate contaminant discharges to air in relation to their actual or potential contamination effects, including:*
(a) adverse effects on human health;

(b) adverse effects on amenity values;
(c) contamination of adjacent sites;
(d) degradation of water quality;
(e) the production of objectionable, noxious or offensive odours.

34.1.3.3 *To provide for contaminant discharges to air while maintaining or enhancing the ambient air quality.*

34.1.3.4 *To provide for management of some actual and potential adverse effects of discharges to air particularly odour and dust effects as ancillary to land use activities, and to take them into account when resource consent applications are being considered.*

34.1.3.7 *To consider other resource management techniques such as buffer areas, separation distances, landscaping or planting requirements, or covenants over the land's title as an alternative means of protecting sensitive areas or activities from the adverse effects of discharges to air.*

34.1.3.10 *To work with other agencies with responsibility for managing air quality, to recognise other statutes regulating discharges to air, and to support nationally co-ordinated policies for the management of motor vehicle emissions, ozone layer depleting substances and substances contributing to global warming.*

34.1.3.11 *To manage air quality to meet National Environment Standards for ambient air quality, especially in relation to concentrations of PM10.*

34.1.3.14 *To take into account national guidelines for air quality when considering applications to discharge contaminants into the air."*

Again, it should be noted that these Policies do not seek no new or additional discharges to air, instead they seek to allow them as long as they are not adversely affecting air quality and recognize that measure can be taken to remedy or mitigate air discharge effects.

In my opinion the proposed Motorsport Park activities at the subject site can be undertaken and conditioned in a manner which will avoid, remedy or mitigate any adverse discharge to air effects, and that the quantities generated will be no greater than could occur as of right through commercial exotic forestry operations, or the grazing and effluent generated by cattle should the property be maximized for stock production -either beef or milk with daily tanker trips. The proposals are not therefore considered to be contrary to the above Objective and Policies.

5.4 Issue K -Wastewater

The issue of wastewater disposal generated by the motorsport park was raised in six submissions with four submitters stating that they wished to be heard.

The submissions in opposition shared similar themes and focused on concerns regarding the general lack of detail regarding wastewater disposal and concerns regarding effluent discharges to land adversely affecting ground and surface water.

One Submitter (145) mentions: *"the amount of wastewater that will be generated by the activity has been incorrectly calculated and its disposal has not adequately been provided for",* whilst another submitter (251) suggests that *"all sewage and any other*

acceptable waste be pumped to the hilltop and gravity fed to the Tapawera Sewage Ponds"

As stated above discharges of contaminants into the environment including wastewater into land or into water is covered by Section 15 of the RMA 1991 -s15 (1).

Chapters 33 and 36 of the TRMP address contaminant discharges to land. The site is zoned Rural 2 and is not identified as being in either a Special Domestic Wastewater Disposal Area or a Wastewater Management Area. Any wastewater discharge to land must therefore meet the standards and requirements of Rule 36.1.2.4 which states:

"The discharge of domestic wastewater into land from an on-site wastewater treatment disposal field is a permitted activity that may be undertaken without a resource consent, if it complies with the following conditions:

(a) Any discharge first commencing after 19 September 1998 is not in any Special Domestic Wastewater Disposal Area.

(b) Any discharge first commencing after 20 December 2003 is not within the Wastewater Management Area.

(c) The volume of effluent discharged is not more than a weekly averaged flow of 2,000 litres per day.

(d) There is no discharge or run-off of effluent into surface water.

(e) The disposal field is located not less than:

- *(i) 20 metres away from any surface water body, or the coastal marine area;*
- *(ii) 20 metres from any bore for domestic water supply;*
- *(iii) 1.5 metres from any adjoining property.*

(f) The design and operation of the system must result in the depth of unsaturated soil between the effluent disposal field and the average winter level of groundwater or of the basement rock being no less than 500 millimetres or sufficient to ensure that the discharge does not result in any bacterial contamination of groundwater beyond the property boundary.

(g) There is no discharge of effluent from the disposal field to the ground surface.

(h) The septic tank must be regularly desludged so that the liquid volume (excluding sludge and scum) is maintained at not less than one-third of the tank volume.

(i) The discharge does not create an offensive or objectionable odour discernible beyond the property boundary.

(j) An access point to allow sampling of the effluent being discharged to the disposal field must be provided with any on-site wastewater disposal system installed after 19 September 1998.

(k) The quality of the effluent being discharged into the disposal field does not exceed the following standards:

BOD-5:	*150 milligrams per litre*
Total suspended solids:	*150 milligrams per litre*

Notes:

(1) Compliance with the New Zealand Standards for on-site domestic wastewater management will help ensure compliance with the above standards.

(2) The use of garbage grinders is not recommended for use with septic tank treatment units. Both the current NZS 4610 and the proposed AS/NZ standards also note that these appliances are unsuited to use with septic tank

systems, and the standards do not account for their use in the design of on-site wastewater disposal systems. Therefore, for any new building where it is proposed to have this appliance installed, Council may require evidence that the design of the effluent treatment disposal system takes into account its effects."

Whilst the application does not go into detail regarding the specifics of the wastewater disposal systems to be installed, I am confident that at an overall site size of 203 hectares there is more than sufficient area available to be able to disposed of treated effluent to land to meet the majority of the above standards with the exception of the maximum permitted activity volume of a weekly averaged flow of 2000 litres per day. Discharges in excess of this volume are a Discretionary Activity under Rule 36.1.5.2.

I would comment that this is due to an arbitrary reading of Rule 36.1.2.4 which does not specify whether or not the daily limit of 2000 litres per day weekly averaged flow is per site (irrespective of size) or per system (again irrespective of site size).

As an interesting aside, should the applicant propose do dispose of all human effluent (apart from the proposed caretakers house) by way of "Long Drops" then that discharge into land would be a Permitted Activity under Rule 36.1.2.7 subject to complying with the distance from groundwater rule.

Similarly, again the Permitted Baseline can be considered by which the applicants could increase the stock levels of cattle on their property with no provision of any effluent treatment.

The application has submitted implies that after an initial reliance on portaloos formal wastewater treatment plants that are capable of producing effluent to a secondary standard will be supplied. These systems are reliant on continuous power, and cater best for constant flows. They are not best suited to shock loadings from large events, followed by potentially months of low flow during winter season etc. In these circumstances primary treatment of sewage effluent is preferable.

I am satisfied that the site is of sufficient size that all effluent can be dealt with in an environmentally sustainable manner and that conditions can be attached to any consent to avoid , remedy or mitigate any potential effluent discharge effects.

5.4 Issue L - Ecology

The submissions in opposition again shared similar themes and focused on concerns regarding the potential noise impacts upon local ecology, native habitat disruption, the lack of detailed biodiversity survey and reports, and the potential for adverse effects upon eels in the ephemeral Stanley Brook stream.

One Submitter (183) mentions concerns regarding the potential impact on adjoining QEII National Trust covenanted native forest and agrees that while in-stream ecological values are not high, a bio-diversity survey of the stream should be conducted prior to any earthworks to establish a baseline for future monitoring and also that downstream areas should be included to benchmark and monitor the downstream effects of the proposal.

Submitter 183 does not acknowledge that the consent of the downstream owner would be required to facilitate this downstream study and monitoring.

I refer to my above comments re Part 2 of the RMA -Purpose and Principles - Section 5 (2)(b) -the requirement to safe-guard the life-supporting capacity of air, water soil and ecosystems, and (2)(c) avoiding, remedying or mitigating any adverse effects of activities on the environment.

Section 6 of the RMA lists Matters of National Importance, none of which the writer considers applicable here. Again, Section 7 refers to Other Matters and states that:
"In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use , development, and protection of natural and physical resources, shall have particular regard to -[amongst other aspects]
(d) the intrinsic values of ecosystems:
(f) maintenance and enhancement of the quality of the environment: and,
(h) the protection of the habitat of trout and salmon"

Chapter 10 of the TRMP addresses Significant Natural Values and Historic Heritage, and specifically Biodiversity and Indigenous Ecosystems. Objectives and Policies seek to protect and enhance indigenous biological diversity and the integrity of terrestrial, freshwater and coastal ecosystems, communities and species.

Chapter 17.6.5 of the TRMP contains the Rules and Standards regarding the Destruction or Removal of Indigenous Vegetation and Forest in the Rural 2 zone.

The application site being a working farmscape contains only small stands of native vegetation. The proposals seek to maintain and enhance these through further planting, and do not propose the removal or destruction of any indigenous vegetation on-site or on adjoining /neighbouring land downstream.

I am therefore satisfied that the proposals are not contrary to the RMA or the relevant sections of the TRMP and that conditions of consent will be able to avoid, remedy or mitigate any adverse effects upon the ecology of Rabbit Gully and the Stanley Brook.

5.5 Issue O - Flood Risk

The issue of flood risk generated by the motorsport park proposal was raised in two submissions with one submitter stating that they wished to be heard.

The submissions state that *"the flood risk analysis is inadequate"* (Submission 145) and express concerns regarding *"the ability of the site to withstand flash flooding"* (Submission 175).

I refer to Mr Andrew's assessment regarding Building and Lighting (page 35 above) in which he discusses flooding and quotes the professional views of Council's Resource Scientist - Rivers & Coast Eric Verstappen regarding the issue of flooding.

In my reading of the proposal there is no current issue of flooding in Rabbit Gully (hence no requirement for an adequate flood risk analysis), and the proposals will be constructed to engineered calculations regarding stormwater run-off to meet the requirements of the Building Act 2004.

Flash flooding of the likes experienced in December 2011 where "rain bombs" subjected very localised areas to significantly high and intense rainfall can and will occur at unforecastable times, and the District needs to both accept this, and be prepared for it within reason.

Chapter 16.10 of the TRMP deals with Flood Hazards, the proposals are considered to not be contrary to these, and conditions of consent will be able to avoid, remedy or mitigate any adverse effects from flooding of Rabbit Gully and the Stanley Brook.

5.6 Other Issues

The other remaining issues from the application which require some further consideration have been mentioned briefly in the above analysis, principally in 5.2 Water regarding the submitters concerns regarding :

- the storage/containment of hazardous substances and how these can be prevented from contaminating land or water ;

- the extent of earthworks required;

and one further issue ;

- the possibility of some potential commercial quarrying aspects of any surplus gravels resulting from the earthworks proposals for lake construction (a possibility raised by the applicants only recently and therefore no included within the notified resource consent applications).

The applicant has applied for consent for *"Temporary storage of competitor motorfuels and oil, limited to 200 litres per competitor. All other controls will be complied with."*

There is no indication within the application as submitted that quantities of fuel in any greater quantities is intended , for example, bulk storage in containers of petrol, diesel, methanol, aircraft fuel, oils etc. If significant quantities of fuel are stored in bulk storage containers in excess of 5000 litres per container then additional resource consents will require to be applied for under the Hazardous Facilities provisions of the TRMP.

I am satisfied that until such limits are breached the draft conditions suggested for RM100872 are satisfactory to avoid , remedy or mitigate any accidental spills of any fuels or lubricants and that any risks to the environment will be no greater in this location than anywhere else in the region where fuel is being transported, stored, or poured to refill tanks.

Similarly the applicant has applied for recontouring earthworks which may/will exceed 1m height or depth (for lake construction) over an area in excess of 1 hectare within a 12 month period. The proposed construction works breach the permitted activity standard outlined in Rule 18.5.2.1 (p).

Given that the site is some 200 hectares, not visible from any adjoining residential property, the works will be undertaken over an extended timeframe, and the resultant holes will be filled with water, I am satisfied that any overall effects from the earthworks will be less than minor, and that any construction effects will be relatively short-term and can be avoided, remedied or mitigated by the proposed draft conditions attached to RM100874 accordingly.

The final issue requiring to be addressed is that of any possible off-site commercial sale of any surplus gravel quarried during the above lake construction. This was not envisaged by the application as submitted, and as has been addressed by Mr Andrew above, would require additional application for resource consent so that full consideration of any potential effects could occur, and suitable conditions of consent be attached should the application be determined favourably.

6. CONCLUSION

As a consequence of the bundling principle the proposed Motorsport Park activities are required to be considered as Discretionary Activities.

Having considered each component of the Motorsport Park activities Mr Andrew and I consider that the adverse effects resulting from the proposals are able to be avoided, remedied or mitigated by conditions of consent should the Hearing Commissioners determine that the overall proposal be approved. Mr Andrew and I have attached suggested conditions accordingly.

7. RECOMMENDATION

If pursuant to Pursuant to Section 104 (B) of the Resource Management Act 1991 the Hearing Commissioners determine to approve applications RM100848 and RM100872 - 879, Mr Andrew and I recommend the following:

a) **APPROVAL** under RM100848 to **Create and operate a Motorsport Park at Stanley Brook** ;

b) **APPROVAL** of RM100872 for the **Storage of Hazardous Substances**;

c) **APPROVAL** of RM100873 for the **Installation of culverts, bridges & dams;**

d) **APPROVAL** of RM100874 for the **Earthworks & land recontouring;**

e) **APPROVAL** of RM100875 for the **Construction of bores**;

f) **APPROVAL** of RM100876 for the **Diversion of water**;

g) **APPROVAL** of RM100877for the **Taking of water**;

h) **APPROVAL** of RM100878 for the **Discharge of wastewater**;

i) **APPROVAL** of RM100879 for the **Discharge of greywater**;

Mike Mackiggan
Consent Planer - Natural Resource Consents

CONDITIONS

General

1. The Motorsport Park shall be developed and operated in accordance with the documentation submitted in the application and in general accordance with the attached Plans RC02 to RC10 dated 22 November 2010.

Northern Buffer Area

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

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

Noise

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

	Day	Night	Saturdays 6.00 pm to 9.00 pm Sundays and Public Holidays
L_{Aeq} (15 minutes)	55dB	40dB	40dB
L_{AFmax}		70dB	

   Note:
   Night = 9.00 pm to 7.00 am inclusive.
   Day = all other times but excluding Saturdays 6.00 pm to 9.00 pm, Sundays and Public Holidays.
   Noise must be measured and assessed in accordance with the provisions of NZS6801:2008 Acoustics -measurement of environmental sound and NZS6802:2008 Acoustics -environmental noise.

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

   (a) a line 20 metres from the façade of any rural dwelling that is most exposed to the noise source; or

(b) the legal boundary of the site of the dwelling, where this is closer to the dwelling than (a).

Roading -Intersection Upgrades

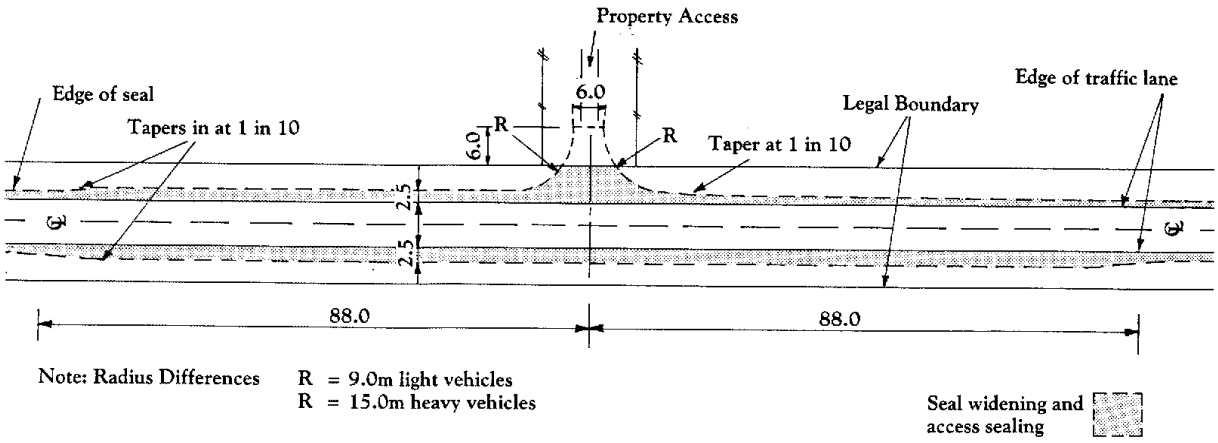
4. **Motueka Valley Highway and Olivers Road Intersection**

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

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

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

Olivers Road -Motueka Valley Road Intersection



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

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

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

5. **Olivers Road Upgrade**

(k) Prior to the commencement of any motorsport park activities or buildings, the consent holder shall undertake the following upgrades to the 600 metre length of Olivers Road:

- road carriageway widened to a minimum width of 5 metres;
- sloped side edges of 600mm;
- side drains on both sides of the road with regular cut off/break outs to these drains and draining to an approved system;
- vegetation clearance to at least 1.0 metres outside the side drain;
- a 16.0 metre diameter turning head shall be formed at the eastern end of Olivers Road.

(b) Dust suppression on Olivers Road -until Olivers Road is sealed the consent holder shall ensure that dust suppression is undertaken on Olivers Road before and during any motorsport event.

(c) The consent holder shall ensure that traffic counts are undertaken on Olivers Road on a yearly basis over the two weekends that are expected to be the busiest in the year. These counts are to be undertaken by a traffic counting firm approved by Council's Transportation Manager. An analysis is to be undertaken to estimate the daily vehicle count (vpd). Each year a copy of the traffic count and analysis are to be forwarded to Councils Coordinator of Compliance.

Olivers Road Sealing

6. Once traffic counts on Olivers road reach 700 vehicles per day (ie 350 vehicles in, 350 vehicles out) then the approximately 600 metre length of Olivers Road and turning head shall be sealed with a two coat seal as per the current Tasman District Council Engineering Standards and Policies 2008. The minimum width of the sealed surface shall be 5.0 metres.

Engineering Plans

7. All engineering works required by conditions 4, 5 and 6 shall be shown on engineering plans and to the requirements as set out in the Tasman District Council Engineering Standards and Policies 2008. No work shall commence until the Engineering plans have been received and approved by Council's Engineering Manager. The consent holder shall meet the Council's costs of certification and inspection of those works.

Roading - right of way and legal road reserve upgrade from eastern end of Olivers Road to subject site

8. Right of way and legal road reserve access upgrade

(a) Prior to the commencement of any motorsport park activity the consent holder shall undertake improvements to the new right of way and legal road reserve from the eastern end of Olivers Road to the subject site to provide an access that meets the following standards:

(i) a minimum 6.0 metre wide gravel carriageway with -4% crossfall and with a minimum operating speed of 30 kph:

- two x1.0 metre feather edges;
- purpose built side drains;
- adequate delineation(eg fencing) of the downside slope of the track;
- constructed to comply with NZS:4404 (2010) road standard (volunteered by the applicant and amended by Council's Engineering Department).

(ii)
- a gate shall be installed at the eastern boundary end of Olivers Road to restrict public access at the times the park is not open;
- the road shall be realigned to establish a 30 metre setback from the forest on the uphill side and 20 metre setback on the downhill side;
- locked gates shall be installed on all private side roads;
- security fences and/or barriers shall be installed between the boundary of the site and Nelson Forests Ltd site to prevent unauthorised access to forestry areas.

(volunteered by applicant)

(b) In dry conditions - the consent holder shall suppress dust from vehicles travelling to and from the motorsport park.

Grampian Condition

9. Prior to the commencement of any motorsport park activity or buildings authorised by this consent the consent holder shall implement condition 8(a)(i) & (ii).

Signs

10. "No public access" signs shall be erected at the entry to all side roads off the main access from the intersection of Motueka Valley Highway and Olivers Road to the subject site. No single sign shall exceed 2 m^2 in size.

Directional Signage

11. The consent holder may erect a Tasman District Council Tourist Facility Directional (Brown) sign on the existing sign post supports or at the intersection of State Highway 6 and the Motueka Valley Highway having first obtained the written approval of the New Zealand Transport Agency.

12. The consent holder shall erect directional signs at all access intersection places from the intersection of the Motueka Valley Highway and Olivers Road to the motorsport park property. Each sign shall only contain directional information including distance to the motorsport park to direct traffic into the on site parking area. Each sign shall be between 0.5 m^2 and 1 m^2 in the area. Sign post locations on legal TDC roads shall be approved by the Councils Transportation Manager.

13. All directional signs shall be erected prior to any motorsport taking place at the motorsport park and one sign shall note the 24 hour availability of petrol at Tapawera and distance to it.

14. The consent holder may erect traffic safety and warning signs at any time and at any place along the ROW and Rabbit Gully Road to identify any natural, road repair work or other hazard including fire and forestry operations risks. No single sign shall exceed 2 m^2 in size.

Car Parks

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

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

Car Park Setback and Formation

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

Dust and Odour

17. The emission of dust and odours from the construction and operation of the motorsport park on the subject site shall be so controlled that it is not pervasive, objectionable or offensive at the notional boundary of any dwelling existing at 19 March 2012 (or substitute the date of the consent if granted).

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

    (a) a line 20 metres from the façade of any rural dwelling; or

    (b) the legal boundary of the site of the dwelling where this is closer to the dwelling than (a).

Gravel Extraction and Crushing

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

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

Location and Height of Buildings

19. The location and height of all buildings shall be restricted to within the general locations for buildings identified on the master plan for the subject property and in Schedule 2 "Proposed Buildings" of this consent (taken from pages 100 and 101 of the application). Within the building areas all buildings shall be set back a minimum of 30 metres from the drip line of trees in an exotic forest plantation and 30 metres from any internal property boundary.

20. Any application to Council for a building permit shall be accompanied by a report assessing the flood hazard risk to the proposed building site(s) during rainfall events having a range of magnitudes up to at least a 2% annual exceedence probability of occurrence. This assessment shall include the possible depth, duration and velocity of flood flows over any proposed building site and shall be undertaken by a suitably qualified and experienced chartered professional engineer or hydrologist. The report shall, where necessary, indicate if any flood hazard risk to buildings in rainfall events up to 2% AEP will be mitigated and if so, how this will be undertaken.

21. The height of any building shall not exceed 7.5 metres except for buildings that are specifically identified by a greater height in Schedule 2 of this consent.

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

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

    (a) radio and television aerials, provided that the maximum height normally permitted by the rules for the zone is not exceeded by more than 2.5 metres;

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

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

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

Colour

22. The exterior of the building shall be finished in colours that are recessive and which blend in with the immediate environment. The consent holder shall submit to the Council's Consent Planner, Richmond for approval prior to

applying for building consent the following details of the colours proposed to be used on the walls and roof of the building:

(a) the material to be used (eg paint, colour steel);

(b) the name and manufacturer of the product or paint;

(c) the reflectance value of the colour;

(d) the proposed finish (eg matt, low-gloss, gloss); and

(e) either the BS5252:1976 (British Standard Framework for Colour Coordination for Building Purposes) descriptor code, or if this is not available, a sample colour chip.

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

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

Lighting Control

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

Sale of Liquor

24. The consent holder shall ensure that whenever liquor is sold within the motorsport park all drivers of vehicles leaving the motorsport park are given a breathalyser test. The breathalyser test shall be administered within the subject property.

Indigenous Bush

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

Aerodrome and Heliports

26. The aerodrome and heliports shall be constructed and operated in strict compliance with New Zealand Civil Aviation requirements and standards at all times.

27. During all drag racing events and all racing circuit events (including practices) the aerodrome shall be closed for operation half an hour prior to the starters flag and half an hour after the last vehicle has crossed the finish line.

28. There shall be no public access to any part of the aerodrome or heliport at any time. Public access shall be controlled by fencing and/or barriers, and by signage in prominent locations. The operator shall supply at least one on site marshal at the aerodrome and heliport during events to direct passengers and to control public access to aircraft and operational areas. The marshal(s) shall be in radio communication with aircraft.

    Advice note: conditions 26, 27 and 28 were volunteered by the applicant.

Operations Plan

29. The consent holder shall at all times have an up to date site operations plan. The scope of the operations plan shall include the matters listed in Schedule 1 of this consent and "New Activity Management Plans" produced under condition 30 of this consent.

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

    The operations plan shall be maintained and updated by the park operator.

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

    (i) park operations company

    (ii) event organisers

    (iii) clubs and organisations using the park

    (iv) construction project managers and contractors

    (v) Tasman District Council.

    Advice Note: the matters for the operation plan are listed in Schedule 1 of this consent.

New Activity Management Plan

30. That prior to the commencement of any individual activity authorised by this consent a management plan shall be submitted to the Council's Coordinator of Compliance or his/her delegate, for approval. The individual activity management plans shall as a minimum detail include:

    (a) a description of the activity

    (b) the hours of operation

    (c) a plan showing the location of the area to be used and identification of buildings, parking areas, rainwater gardens and any lighting proposals

(d) a fire management plan

(e) dust management proposals for Olivers Road until it is sealed

(f) any other details that the Council's Coordinator of Compliance considers necessary and which are reasonably related to the proposed activity in the motorsport park

(g) for any activity or event expected to generate 1000 vehicles per day a large event management plan is to be prepared by a qualified Traffic Engineer and Environmental Health professional. The large event plan shall address the matters outlined in condition 31 of this consent.

Large Event Management Plan

31. Prior to the holding of events of any sort, motorsport activities, music festivals or other events at the subject property that will, or is expected to, generate 1000 vehicles per day or more, a Large Event Management Plan will be prepared by a suitably qualified Traffic Engineer and an Environmental Health Officer. The Large Event Management Plan shall be prepared in consultation with the New Zealand Transport Agency, NZ Police, Waimea Rural Fire Service and the Council's Transportation Manager and Council's Coordinator of Regulatory Services and a Council Compliance Monitoring Officer and then shall be submitted to the Council's Coordinator of Compliance or his delegate for approval.

The Large Event Management Plan shall include the following:

(a) the resources and equipment to be employed to manage the safe and efficient movement of traffic through the State Highway 6/Motueka Valley Highway intersection and Olivers Road/Motueka Valley Highway Road intersections;

(b) emergency vehicle access;

(c) estimates of the volumes of traffic, numbers of people and hours of operation;

(d) event site layout, parking, location of food stalls, toilet, rubbish (including requiring security staff to take all reasonable steps to exclude glass from the subject property and ROW access), potable water facilities, accident and emergency personnel and equipment, and adequate shelter to provide relief from the effects of extreme heat or cold that can occur at the site;

(e) a fire and dust management plan for both the site access from Olivers Road/Motueka Valley Highway intersection and for within the site;

(f) location and manning of checkpoints for drug and alcohol checking and breathalysing;

(g) a single point of contact to field general enquiries and complaints and the procedures for dealing with them.

Lapsing of Consent

32. The consent RM100848 may be undertaken in stages with the Section 125 lapse date for Stage 1 being within 10 years of the consent becoming effective and for Stage 2 within 20 years.

Advice Note: the general outline of Stages 1 and 2 are in Schedule 3 of this consent.

Review

33. That pursuant to Section 128(1)(a) and 128(1)(c) of the Resource Management Act 1991, the consent authority may review any conditions of the consent (within two years from the date of issue of this consent and thereafter within one month of the anniversary of the date of this consent) for any of the following purposes:

(a) to deal with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage; or

(b) to deal with inaccuracies contained in the consent application that materially influenced the decision made on the application and are such that it is necessary to apply more appropriate conditions; or

(l) to assess the appropriateness of imposed compliance standards, monitoring regimes and monitoring frequencies and to alter these accordingly.

Cost Recovery

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

SCHEDULE 1 - OPERATIONS PLAN CONTENT

Management Plan	Content to include (but not limited to)	To be prepared in consultation with	Council to approve
Aircraft	• Local approach and departure procedures and height limitations • Facilities schedule • Operating restrictions • Runway group rating and aircraft restrictions • Aircraft parking capacity limitations • Security • Marshalling procedures	CAA	No
Construction	• Fire prevention and risk mitigation • Sedimentation mitigation and stormwater management • Traffic management • Dust suppression • Riverbed works • Affected party notification • Accidental discovery of heritage/archaeological artefacts	Waimea Rural Fire Authority Fish & Game Tasman District Council Nelson Forests Ltd	Yes
Ecology	• Stream reinstatement programme • Riparian planting programme • Lake habitat programme • Monitoring programme	Tasman District Council staff Iwi	Yes
Environmental	• Waste minimisation • Green building requirements • Carbon offset programme • Solar capture • Rain harvesting	Sustainable Business Network	No
Event and Noise Management	• TRMP noise standards • Noise mitigation measures • Sale of liquor management • Noise monitoring • Complaints record • Complaints procedure	Owners of Lot 2 DP6891(Rowe) TDC staff Liquor licensing authority	Yes
Fire	• Risk mitigation • Emergency equipment • Safety and emergency procedures • Fuel storage • Evacuation procedures • Mobile water tank unit with pump	Waimea Rural Fire Authority Nelson Forests Ltd	Yes
Hazardous substances	• Storage requirements and design standards • Refuelling restrictions • Spill kit and safety equipment locations and requirements • Emergency procedures	Owners of Lot 2 DP 6891(Rowe)	Yes
Landscape	• Planting plan (separate plan for each activity as it is developed) • Riparian planting plan • Maintenance programme		No
Stormwater	• Design standards and specification • Sediment removal programme • Maintenance programme	Owners of Lot 2 DP6891(Rowe)	Yes
Traffic	• Intersection control • Marshalling • Parking • Speed restrictions	NZ Transport Agency Nelson Forests Ltd	Yes

Management Plan	Content to include (but not limited to)	To be prepared in consultation with	Council to approve
	• Dust suppression • Evacuation procedures • Compliance and enforcement measures	Users of the shared access road	
Wastewater	• Design standards and specification including treatment and water quality standards • Maintenance programme	Owners of Lot 2 DP6891(Rowe)	Yes
Water	• Design standards and specification including treatment • Maintenance programme • Abstraction limits	Owners of Lot 2 DP6891(Rowe)	Yes

SCHEDULE 2: PROPOSED BUILDINGS

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

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

SCHEDULE 3: PROPOSED ACTIVITIES

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

Activity	Associated Facilities	Ablutions	Parking
Motorsport Activities			
Motocross track (refer plan RC05 and RC13)	• parking • ablutions • landscaping	Shared	Shared, 64 cars and trailers, 14 cars
Main lake, activities in the surface of water (jet ski, cable wakeboarding, provision for water skiing -plan RC04 and RC13)	• parking • ablutions • launch ramp • landscaping		
Supermoto area (plan RC05 and RC14)	• parking • ablutions • landscaping	Dedicated	Dedicated, 40 cars and trailers
Off-road racing track (buggies and quad bikes -plan RC04)	• parking • ablutions	Dedicated	Dedicated, 45 spaces plus 3 coach parks
Rally road (5.2km plan RC03 and RC12)	• parking • ablutions • office	Dedicated	Dedicated, 24 spaces
Clubroom pit area stage 1 (plan RC15)	• parking • first level 20 x pit buildings • ablutions • landscaping	Dedicated	Dedicated, 36 cars plus coach parking
Dragstrip (400m), runout (400m) and return road which forms a basic sealed circuit (plans RC06, RC07, RC16, RC17)	• parking • 13 x pit buildings • spectator embankments x 2 • ablutions block • refuse station • helipads x 2 • marshalling area • meeting rooms • first aid centre (future trauma centre)	Dedicated	Dedicated 75 competitor spaces 256 visitor spaces east side 103 visitor spaces west side
Non-Motorsport Activities			
Sale of liquor (special licences for temporary events and on licences for accommodation providers)	• initially temporary	Shared	N/A
Airstrip (500 metres, plan RC06)	• aircraft parking	Shared (all facilities)	Dedicated aircraft parking area
Driver training school using various tracks	• parking • ablutions	Shared	Shared
Vehicle testing on various tracks	• ablutions	Shared	N/A
Children's pee wee track (motocross plans RC07, RC18)	• parking • ablutions • storage shed • amenity lakes • children's playground	Dedicated playground	Shared with drag strip parking west sides (103 spaces)
Mountain bike tracks (various plans and RC19)	• parking • ablutions	Shared with other activities	Shared with other activities

Regional Cycle Trail Link ***(to be confirmed)***	• ablutions • accommodation	Shared with other activities	Shared with other activities
Mountain bike park (plan RC07, RC19)	• parking • ablutions	Shared with campground (stage 2)	Dedicated, 62 cars
Zip line (flying fox) course (location to be determined)	• parking • ablutions	Shared	Shared
Confidence course (plan RC09, RC20)	• parking • ablutions block • landscaping	Dedicated	Dedicated, 24 cars
Caretaker's house (plan RC07)	• landscaping	Dedicated in-house	Dedicated, 2 cars
Access roads	• Motueka Valley Highway upgrade • access road upgrade	N/A	N/A
Off-site signs	• one directional sign at the intersection of State Highway 6 and the Motueka Valley Highway • one directional sign at the intersection of the Motueka Valley Highway and Olivers Road • "restricted access" or "no public access" signs along the side roads on Olivers Road	N/A	N/A
Infrastructure	• Sewage. Portaloos and 5 x ablution blocks plus caretaker's house. • Water. Collection and use of roof water on all buildings. Abstraction from bores for centralised storage and domestic use. • Stormwater. Discharge to ground and use of swales from impervious surfaces. • Earthworks. Estimated approximately 30,000m^3 required in stage 1, plus lake excavation. • Culverts/bridges. 7 x culverts/bridges (2 x off-road racing; 2 x rally road; 2 x supermoto; 1 x main access road).		

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

Activity	Associated Facilities	Ablutions	Parking
Motorsport Activities			
Kart track (plan RC06, RC15)	• parking • ablutions	Shared with club pit rooms	Shared with club pit rooms (36 spaces)
Clubroom pit area stage 2 (plan RC15)	• second level museum, display and corporate boxes • third level clubrooms and commentary box	Dedicated stage 1	Dedicated stage 1
Non-Motorsport Activities			
Commercial buildings (plan RC07)	• 4 x buildings • Parking	Shared with drag strip	Dedicated 12 spaces plus overflow
Accommodation (plan RC07, RC18, RC19)	• 19 self-contained accommodation unites, 6-8 people each • bar and restaurant • conference facility	Communal facilities	Dedicated 36 spaces plus shared overflow parking
Campground (plan RC07, RC19)	• ablutions block	Dedicated	Dedicated on-site
Zorb and luge/buggy track (plan RC09, RC21)	• parking • ablutions block • access road	Dedicated	Dedicated, 44 spaces
Open recreation space for community concerts and events (plan RC08)	• ablutions • parking	Shared with campground and temporary portaloos	Shared, overflow
Overflow parking (plan RC07)			Overflow parking for 1135 cars and provision for coaches
Access roads	• internal link roads		
Infrastructure	• Sewage. 4 x individual on-site systems plus communal system for accommodation. • Water. As for stage 1. • Stormwater. As for stage 1. • Earthworks. • Culverts/bridges. 3 culverts/bridges (2 x access between drag return road and kart track; 1 x access to accommodation).		

RM100872 -STORAGE OF HAZARDOUS SUBSTANCES - DRAFT CONDITIONS

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

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

   - dedicated storage areas
   - on-site containment and bunding
   - fire fighting equipment and facilities
   - restrictions on the storage quantities (200 litres per competitor)
   - On-site storage (e.g. fuel-trailers) will be stored in dedicated areas with bunding and appropriate setbacks from Stanley Brook Stream.
   - Refuelling will be limited to dedicated areas within the site with are out-of-stream and which contain bunding.
   - On-site accidental spill kits will be required, which will include equipment to contain and clean up any accidental spills.
   - Access to storage areas will also be restricted to competitors and officials only.
   - All operators will also be required to comply with a Hazardous Substances Management Plan (HSMP), forming part of the Operations Manual. This HSMP shall be submitted for approval to the Council's Co-ordinator Compliance Monitoring within 6 months of the granting of this consent.

Site Design and Layout

2. Any surface or container used to store or contain any hazardous substances must be sealed and impervious to the hazardous substance.

3. The maximum quantity and type of hazardous substances stored and/or used on site shall not exceed those as specified in Table 1 below (details to be provided by the applicants) .

Table 1

Substance	Quantity (litres)	Mass
Methanol	Xx, 000	X tonnes
Diesel	xx,000	x tonnes
Diesel	xx,000	x tonnes
Diesel	xx00	x tonnes
Diesel	X00	x tonnes

Substance	Quantity (litres)	Mass
Diesel	xx0	x tonnes
Petrol	xx,000	x tonnes
LPG	x,000	x tonnes
Miscellaneous cleaning chemicals	8,000	8 tonnes
Smaller quantities of miscellaneous hazardous substances stored and used on site include boiler water treatment product and compressed gases such as Oxygen, Acetylene, Ethylene and Argon.		

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

Emergency and Spill Management

4. Any part of the site where a hazardous substance spill may occur shall be serviced by a spill containment system that is:

   (a) constructed from impervious materials resistant to the hazardous substances used or stored on the site; and

   (b) able to prevent the discharge of any spill or other unintentional release of any hazardous substance, or the discharge of any contaminated stormwater or water used in firefighting into any surface or groundwater system.

5. Appropriate, clearly visible signage indicating the type and properties of hazardous substances held on-site shall be located on or near all storage containers holding hazardous substances (including the storage tanks, and any sheds containing any assortment of cleaning chemicals) to inform emergency services.

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

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

Operation, Monitoring and Maintenance

7. All secondary containment facilities for hazardous substances held on-site shall be regularly checked to ensure their integrity. Written records of these inspections shall be held on-site and presented to the Co-ordinator Compliance Monitoring on request.

8. At least one copy per location of an Emergency and Spill Contingency Plan prepared for the site shall be located in a visible and accessible location with the spill kits required by Condition 11. An additional copy of this plan shall be held in a central,

accessible location in the office area. The emergency and spill contingency plans shall be accompanied by a full copy of all material safety data sheets for all hazardous substances held on site. The spill kit shall reflect the requirements of Condition 11.

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

9. The Emergency and Spill Contingency Plan required by Condition 8 shall contain, but not be limited to, at least two site contact names and contact telephone numbers (including after hours), contact telephone numbers for all emergency services, detailed procedures for dealing with spills, contact numbers for liquid waste collection and removal companies and contact details for the Council (including after hours). A copy of this plan shall be forwarded to the Council's Co-ordinator Compliance Monitoring within 6 months of the granting of this consent.

10. Any changes to the site's Emergency and Spill Contingency Plan shall be in accordance with the conditions of this consent and shall be submitted in writing to the Council's Co-ordinator Compliance Monitoring prior to their implementation.

11. Spill kits shall be provided on-site in all areas where hazardous substances are stored. These kits shall be visible, appropriately labelled and readily accessible by all staff. These kits shall contain absorbent materials, cleanup materials, personal protective equipment and the locations shall be clearly identified in the site's Emergency and Spill Contingency Plan required by Condition 8.

12. Any spillage of hazardous substances on-site shall be dealt with in a manner that minimises risk to human health and the environment. In the event of a spill, the Consent Holder shall take all practicable measures to minimise contaminants' entry to the stormwater system.

13. The Consent Holder shall keep an accurate written record of all accidents or incidents involving the spillage of hazardous substances and shall supply these to the Council's Co-ordinator Compliance Monitoring on request. Any spillage of hazardous substances where the substance is not collected and removed from site shall be reported immediately (within 24 hours) to the Council's Co-ordinator Compliance Monitoring.

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

Monitoring Bores

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

General Conditions

16. The facility shall be operated in accordance with the relevant Hazardous Substances & New Organisms Act 1996 (HSNO) requirements, and the operators handling the substances shall have current Approved Handler Certificates.

17. The Council may, during the month of July each year, review any or all of the conditions of the consent pursuant to Section 128 of the Resource Management Act 1991. The purpose of such a review would be:

    (a) to deal with any adverse effect on the environment which may arise from the exercise of the consent that was not foreseen at the time of granting of the consent, and which is therefore more appropriate to deal with at a later stage; or

    (b) to require the Consent Holder to adopt the best practical option to remove or reduce any adverse effects on the environment resulting from the exercise of this consent and/or to alter information collection and reporting requirements of this consent; or

    (c) to require consistency with any relevant Regional Plan, District Plan, National Environmental Standard or Act of Parliament.

Expiry

18. This consent shall expire on X X 20XX

RM100873 - INSTALL CULVERTS AND BRIDGES - DRAFT CONDITIONS
AND
RM100876 - DIVERT WATER - DRAFT CONDITIONS

CONDITIONS

1. The installation of any culverts and bridges, and any diversion of water to facilitate their construction shall be in general accordance with the information in support of applications RM100873 & RM100876. Where there are any apparent conflicts or inconsistencies between the information provided and the conditions of this consent, the conditions shall prevail.

2. The Consent Holder shall contact Council's Co-ordinator Compliance Monitoring at least 24 hours prior to commencing works for monitoring purposes.

3. Any intended culverts and bridges shall not alter the natural course of the Stanley Brook or reduce the channel's capacity to convey flood flows in more than a minor way.

4. Any culverts and bridges shall not cause any increase in upstream water levels, which may cause flooding on neighbouring properties.

5. Any culverts and bridges shall be installed under the design and supervision of a chartered professional civil engineer.

6. The Consent Holder shall ensure that any culverts and bridges are constructed in such a manner as to minimise sedimentation and contamination to the Stanley Brook during construction.

7. The Consent Holder shall ensure that for the duration of this consent any debris build-up in the vicinity of any culverts and bridges is promptly removed, to prevent obstruction of the bed and banks of the watercourse and ensure that adequate scour protection measures such as rock armouring are installed and maintained as necessary, to prevent scouring of the bed and banks of the watercourse.

8. A sediment control plan shall be determined and implemented prior to construction of the works commencing and maintained until revegetation of bare soil surfaces occurs.

9. The Consent Holder shall ensure that the minimum of works in the water shall be undertaken.

10. All machinery on the work site shall be refuelled, and any maintenance works undertaken, in such a manner as to prevent contamination of land and surface water. Spillage of contaminants into any watercourse or onto land shall be adequately cleaned up so that no residual potential for contamination of land and surface water run-off from the site occurs. If a spill of more than 20 litres of fuel or other hazardous substance occurs, the Consent Holder shall immediately inform Council's Co-ordinator Compliance Monitoring.

11. All construction equipment, machinery, plant, and debris are to be removed from the site at completion of the works.

12. The Consent Holder shall ensure that a copy of these resource consents RM100873 & RM100876 are provided to all parties undertaking the work authorised by these consents and that copies shall be on-site at all time during construction.

13. Council may, for the duration of these consent, during the month of July, review the conditions of the consent pursuant to Section 128 of the Resource Management Act 1991 to:

    (a) deal with any adverse effect on the environment that may arise from the exercise of the consent and which it is appropriate to deal with at a later stage; or

    (b) to require compliance with operative rules in the Tasman Resource Management Plan or its successor; or

    (c) when relevant national environmental standards have been made under Section 43 of the Resource Management Act 1991.

14. Pursuant to Section 125 of the Act, this consent shall lapse 5 years after the date of this consent unless either the consent is given effect to, or the Council has granted an extension pursuant to Section 125(1)(b) of the Act. Once the consents have been given effect to, all works shall be completed within 6 months.

    Advice Note:
    The consents are given effect to once the works commence.

15. This consent expires on xx XXXX 2047.

RM100874 -EARTHWORKS AND LAND RECONTOURING - DRAFT CONDITIONS

CONDITIONS

1. That works associated with the land disturbance are completed out in general accordance with the application submitted.

2. The Consent Holder shall contact Council's Co-ordinator Compliance Monitoring at least 24 hours prior to commencing any works, to enable compliance with Condition 1 above.

3. The Consent Holder shall ensure that the proposed earthworks and land recontouring shall have no increase in upstream or downstream flooding.

4. Any work undertaken on culverts shall be in such a manner as to minimise sedimentation and contamination of any water flows from these culverts during and after construction. Adequate scour prevention measures such as rock armouring shall be constructed as necessary, to prevent scouring at the culvert outlets.

EROSION, SEDIMENT AND DUST CONTROL

5. An Erosion, Sediment and Dust Control Plan for each stage of any earthworks shall be prepared by the Consent Holder and forwarded to the Council's Co-ordinator Compliance Monitoring for approval prior to the commencement of works to confirm that adequate mitigation of potential sediment, erosion and dust effects in respect of the proposed works shall be implemented.

   The Erosion, Sediment and Dust Control Plan shall:

   (a) be prepared in accordance with Tasman District Council Engineering Standards & Policies 2008;

   (b) clearly define the sediment and erosion control measures and dust control measures to be implemented for each stage of the works authorised by these consents. The plan shall include, but not be limited to:

      (i) a locality map detailing as a minimum the location of roads, property boundaries, surface waterways and crossings, stormwater management measures and the direction of stormwater flows, and the erosion, sediment and dust control measures proposed;

      (ii) a site description;

      (iii) a detailed programme of works identifying:

         (a) each stage of construction;
         (b) the volume of earthworks proposed.

      (iv) contour information at suitable intervals to show the contour of the land within and around the area of works;

(v) detailed drawings and specifications of all designated erosion and sediment control measures including contingency measures, on-site catchment boundaries, and off-site sources of run-off and design information as is necessary to demonstrate that run-on water is controlled, "clean" and "dirty" water is separated, and the receiving networks are protected from uncontrolled discharges;

(vi) remediation of the site following completion of the works.

6. Run-off and sediment control measures shall be of sufficient size, be suitably constructed for the purpose and maintained, so that adverse effects of stormwater run-off are no more than minor.

7. The Consent Holder shall adopt the best practical means to ensure that run-off and sediment control measures shall not cause the production of conspicuous oil or grease films, scums or foams, or floatable or suspended material in any receiving water.

8. As far as is practicable, any earthworks should not be carried out during periods of wet weather.

9. The Consent Holder shall ensure that all machinery is maintained and operated in a manner which minimises to the greatest extent practicable any spillage of fuel, oil and similar contaminants to water or land, particularly during machinery refuelling, servicing and maintenance. Maintenance, refuelling and lubrication of machinery shall not be carried out within 20 metres of any surface water body.

10. Spillage of contaminants into any watercourse or onto land shall be remediated so that no residual potential for contamination of land and surface water run-off occurs. If a spill of more than 20 litres of fuel or other hazardous substance occurs, the Consent Holder shall immediately inform Council's Co-ordinator Compliance Monitoring. The Consent Holder shall ensure that all contractors working under this consent are informed of and understand this requirement.

Monitoring Bores

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

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

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

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

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

Noise Levels

14. The Consent Holder shall ensure that all activities are designed and conducted and that the equipment used on site is maintained so that the noise generated by activities on the site shall not exceed an uncorrected noise level of 55 dBA L_{10} and 80 dBA L_{max} measured at the notional boundary of any adjacent dwelling over a measurement period of 15 minutes during the hours of operation as controlled by the condition above.

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

15. The Consent Holder shall ensure that all excess soil, vegetation and other materials resulting from the works are removed from the site on completion of the works to the satisfaction of the Council's Co-ordinator Compliance Monitoring, and that the site is left in a neat and tidy condition. No soil material or vegetation shall be left where it may enter water or result in the contamination or destruction of any natural/stream habitat.

16. In the event of Maori archaeological sites (eg, shell midden, hangi or ovens, garden soils, pit depressions, occupation evidence, burials, taonga) or koiwi (human remains) being uncovered, activities in the vicinity of the discovery shall cease. The Consent Holder shall then consult with the New Zealand Historic Places Trust's Central Regional Office (PO Box 19173, Wellington, telephone (04) 801 5088, fax (04) 802 5180), and shall not recommence works in the area of the discovery until the relevant Historic Places Trust approvals to damage, destroy or modify such sites have been obtained.

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

17. Pursuant to Section 128 of the Resource Management Act 1991, the Consent Authority may review the conditions of these consents for any of the following purposes:

(a) to deal with any adverse effect on the environment which may arise from the exercise of these consents, and which it is appropriate to deal with at a later stage;

(b) to require the Consent Holder to adopt the best practicable option to remove or reduce any adverse effect on the environment;

(c) to assess the appropriateness of imposed compliance standards, monitoring regimes and monitoring frequencies and to alter these accordingly; and

(d) to change the compliance standards imposed by conditions of this consent to standards which are consistent with any relevant regional plan, district plan, or Act of Parliament.

18. Once the consent has been given effect to, all works at that site shall be completed within 24 months.

Expiry

19. This resource consent expires on xx XXXX 2017.

RM100875 - CONSTRUCTION OF GROUNDWATER MONITORING BORES - DRAFT CONDITIONS (THERE IS NO UNALLOCATED GROUNDWATER AVAILABLE FOR EXTRACTION)

CONDITIONS

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

   Maximum Bore Depth (m): xx metres deep
   Bore Diameter: xxx millimetres

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

Yield Test

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

Monitoring Bores

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

Soil and Water Testing

5. The Consent Holder shall forward the results of any soil and water testing to Council within three months of being undertaken.

6 **Notwithstanding Condition 5, any risk identified to any nearby drinking water or surface water of leaching from this site arising from the monitoring being undertaken shall be notified to Council immediately.**

Records to be Kept

7. The Consent Holder or their agent shall supply fully completed bore logs to the Council's Resource Scientist, Water as soon as is practicable, but not later than three months, following completion of the construction of the bores. The bore logs shall be in a form and to a standard satisfactory to the Council, and shall include where available:

(a) results of any step pump test carried out on the bores;
(b) results of any chemical analyses performed on underground water taken from the bores; and
(c) results of any pressure test(s) carried out on the bores.

Measuring and Sampling Facilities

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

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

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

Lapsing of Consent

10. Pursuant to Section 125 of the Act this consent shall lapse 1 year after the date of this consent unless either the consent is given effect to, or the Council has granted an extension pursuant to Section 125(1)(b) of the Act. In addition, once the consent has been given effect to, all works shall be completed within 1 year.

Notification of the Council

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

Driller Copy

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

RM100876 - DIVERT WATER - DRAFT CONDITIONS
&
RM100877 - TAKE WATER - DRAFT CONDITIONS

CONDITIONS - GENERAL

1. Pursuant to Section 128 of the Resource Management Act the Council may, at any time for the duration of these consents, review any or all of the conditions of the consents for all or any of the following purposes:

   (a) dealing with any adverse effect on the environment which may arise from the exercise of the consents that was not foreseen at the time of granting of the consent, and which is therefore more appropriate to deal with at a later stage; or

   (b) requiring the Consent Holder to adopt the best practicable option to remove or reduce any adverse effect on the environment resulting from the water take or discharge; or

   (c) reviewing the frequency, duration, quantity of the discharge authorised by this consent if it is appropriate to do so; or

   (d) to comply with national environmental standards made under Section 43 of the Resource Management Act 1991.

2. The diversion and taking of water from the Stanley Brook is for the purpose of filling the man-made aquatic motorsport park lakes only and is not for abstraction or consumptive uses. Rainwater harvesting from building roofs or trucking in of potable water shall be required to provide for human consumption.

3. The Consent Holder shall ensure that any abstraction of water from the Stanley Brook is to lined and sealed recreational aquatic motorsport lakes and that after their initial buffering filling period that flow into and subsequent flow out of the lakes achieves hydraulic neutrality ie. there shall be no net loss of downstream water flow as a result of the lake construction and water detention; nor loss of Stanley Brook stream flow to ground.

4. All erosion and sediment control measures shall be installed prior to the commencement of any disturbance or deposition in riparian margins, and shall be maintained until all disturbed areas are stabilised and/or revegetated.

5. The Consent Holder shall adopt the best practical means to contain or prevent the movement of disturbed soil or vegetation into water, which may include, but are not restricted to:

   (a) run-off controls around the area of disturbance, such as filter fences, cut-offs, culverts and water tables to prevent scour, gullying or other erosion;

   (b) providing undisturbed buffers between the land disturbance and any waterbody -including filter fences;

   (c) sediment traps of size adequate to contain and treat sediment-laden run-off water;

(d) any other measures appropriate to the nature and scale of the land disturbance.

6. The resource consents RM100876 and RM100877 shall expire 2 years after the commencement of construction.

7. These consents if unimplemented shall lapse on 13 November 2014.

RM100878 -DISCHARGE WASTEWATER - DRAFT CONDITIONS
&
RM100879 -DISCHARGE GREYWATER - DRAFT CONDITIONS

CONDITIONS

1. The design, construction and operation of the wastewater treatment and land application systems shall be in general accordance with the requirements of the Tasman Resource Management Plan (or its successor) and in addition with AS/NZS 1547:2000, unless inconsistent with the conditions of this consent, in which case these conditions shall prevail.

2. The applicant shall provide a full design of each individual on-site wastewater system to Council when applying for the building consent for each proposed stage of the Motorsport Park proposal. This shall define the maximum design loading daily discharge rate (MDL). The maximum rate of discharge shall be determined in accordance with AS/NZS 1547:2000 or TP58 (Auckland Council technical document).

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

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

   (a) the 5 day biochemical oxygen demand (BOD_5) in any single sample shall not exceed 150 grams per cubic metre; and

   (b) the concentration of total suspended solids (TSS) in any single sample shall not exceed 150 grams per cubic metre.

   (as opposed to secondary treated effluent standards as suggested by the applicants.)

4. The wastewater treatment systems shall be fitted with an audible and visual alarm and the land application areas shall be located more than:

   (a) 20 metres from any surface water body, including the margin of a wetland but not including any stormwater drain that diverts water from the disposal field or any wetland constructed as part of the treatment system;

   (b) 20 metres from any bore used for potable water supply;

   (c) 5 metres from any adjoining property or road boundary;

   (d) 20 metres from the edge of any other domestic wastewater disposal field.

5. There shall be no ponding of wastewater on the ground surface, or any direct discharge or run-off of wastewater to surface water.

6. The construction and installation of the wastewater treatment plant and land application systems shall be carried out under the supervision of a person who is suitably qualified and experienced.

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

   (a) that all components of the wastewater system (including the treatment plant and the land application area) have been inspected and installed in accordance with standard engineering practice and the manufacturer's specifications;

   (b) that all components of the wastewater system are in sound condition for continued use for the term of this resource consent.

7. The Consent Holder shall submit a set of final "as-built" plans to the approval of the Council's Co-ordinator Compliance Monitoring, showing the location of all components of each wastewater treatment and land application system. For the purpose of this condition, the Consent Holder shall ensure that the "as-built" plans are drawn to scale and provide sufficient detail for a Council Compliance Monitoring Officer to locate all structures identified on the plans, including the sampling point required to be installed in accordance with Condition 10.

8. No grazing stock shall be allowed access to the land application areas at any time. In the event that such stock are held elsewhere on the properties, suitable fences shall be installed around the land application areas to prevent access by such animals.

9. Suitable reserve land application areas shall be kept available for future use of wastewater disposal in each proposed effluent field area. These reserve areas shall be at least 5 metres from the property boundary and remain undeveloped. For the purpose of this condition, "undeveloped" means that no buildings or structures shall be constructed on the area set aside as reserve land application areas, however the reserve areas may be planted with trees or other vegetation.

10. A sampling point to allow collection of a sample of the treated wastewater shall be provided at a point located after the final pump-out chamber and before the point where the wastewater discharges to the land application area on each proposed system.

Maintenance and Monitoring

11. Samples of the treated wastewater shall be collected 6, 12 and 24 months following the first exercise of this consent from the sampling point referred to in Condition 10. The samples shall be tested for BOD_5 and TSS by an accredited environmental testing laboratory. Results of these tests shall be forwarded to the Council's Co-ordinator Compliance Monitoring within 10 working days of the results of each test being received by the Consent Holder.

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

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

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

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

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

    (a) the date the inspection was undertaken and the name of the service provider;

    (b) a list of all components of the treatment and land application systems that were inspected and the state of those components;

    (c) any maintenance undertaken during the visit or still required, and a timetable for the expected completion of this work;

    (d) a description of the appearance of the filter/s and tanks;

    (e) the location and source of any odour detected from the system; and

    (f) a description of the appearance of the land application area (ponding, vegetation growth, etc).

Review of Consent Conditions

14. The Council may, during the month of July each year, review any or all of the conditions of the consent pursuant to Section 128 of the Act for all or any of the following purposes:

    (a) to deal with any adverse effect on the environment which may arise from the exercise of the consent that was not foreseen at the time of granting of the consent, and which is therefore more appropriate to deal with at a later stage; and/or

(b) to require the Consent Holder to adopt the best practical option to remove or reduce any adverse effects on the environment resulting from the discharge; and/or

(c) to review the contaminant limits, loading rates and/or discharge volumes and flow rates of this consent if it is appropriate to do so; and/or

(d) to review the frequency of sampling and/or number of determinands analysed if the results indicate that this is required and/or appropriate;

(e) to require consistency with any relevant Regional Plan, District Plan, National Environmental Standard or Act of Parliament.

15. On the sale of the properties these consents shall be transferred to the new owners of the property.

Lapsing of Consent

16. These consents will lapse five years unless the consent is either:
a) given effect to; or
b) the Council has granted an extension pursuant to Section 125(1)(b) of the Act.

Expiry

17. These resource consents expire fifteen years after the commencement of any approved discharge.

Mike Mackiggan
Consent Planner, Natural Resources

Jack Andrew
Consent Co-ordinator Land Use

Appendix 1: Summary or Total Submissions

Appendix 2: Summary of Opposing Submitters

Appendix 3: TDC Environmental Health Officer Noise Reports (x3 -Graham Caradus, Pete Harcom, Zoe Moulam)

Appendix 4: Fletcher Vautier Moore Letter 30 November 2011

Appendix 5 Fletcher Vautier Moore Letter 2 December 2011

Appendix 6: TDC Engineering Services Development Engineer Report (Dugald Ley)

Appendix 7: TDC Resource Scientist -Land Report (Andrew Burton)

Attached Motorsport Park Plans RC04 & RC07: Location of constructed lakes / ponds