

12. CHRISTCHURCH KART CLUB

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The purpose of this report is to inform the Council of the current position concerning the possible relocation of the Christchurch Kart Club at Carrs Road, Halswell, to Leggett Road, adjoining Ruapuna Park.

This report was considered at the August meeting of the Parks and Recreation Committee. As time did not permit the report to be referred to the Riccarton/Wigram Community Board prior to its consideration by the Committee, it was held over and referred to the September meeting of the Board.

BACKGROUND

At its April 2001 meeting the Parks and Recreation Committee considered a report concerning the problems associated with the operation of the Christchurch Kart Club from its site in Carrs Road. The Committee was advised that the club had occupied its site under lease since 1988 prior to the development of the neighbouring Westlake subdivision and had been operating within lease and City Plan requirements for noise level and operational use.

With the development of the neighbouring Westlake subdivision during the early 1990s the Kart Club operations had been the source of a number of noise complaints from residents within the subdivision. While there is currently a buffer between the Kart Club site and the subdivision, in the course of time it is envisaged that this land will eventually be taken up for residential purposes and as such it must be recognised that the continued operation of the facility by the Kart Club is under threat.

The only real solution to this problem is to relocate the Kart Club and for some time Council officers have been investigating a number of options with a view to relocating the facility to a more appropriate site.

At its July Financial Plan meeting the Council considered an application from the Christchurch Kart Club for \$1M to relocate its facilities and the following resolution was passed:

- (a) That it be noted the working party views with concern the implication that a contribution of \$600,000 from the Council is being contemplated.
- (b) That a report on the issue be prepared for the Parks and Recreation Committee.
- (c) That the Environmental Services Manager be asked to clarify the terms of the Kart Club's consent and confirm that the conditions are being adequately complied with.

This report addresses recommendations (a) and (b) above.

OPTION FOR RELOCATING KART CLUB NEXT TO RUAPUNA

Noise

Sound level monitoring of the Kart Club's existing activities indicates that provided a new site is engineered appropriately with the track placed below ground level then the kart noise received at residential and non-residential sensitive land uses should be at reasonable levels. The actual performance limits in monitoring requirements would need to be set by appropriate resource consents conditions. It should be noted that this would not necessarily mean that the noise is inaudible, as the noise is a distinctive tone and may carry further under certain wind conditions. However it is most unlikely that the noise would be unreasonably intrusive at any premises including residential areas of Templeton, Islington, Broomfield and Hei Hei.

Location and Zoning

The proposed City Plan rules for the Special Purpose (Awatea) Zone addresses the relocation of the Kart Club to a more acceptable site through a variation to the Plan to be notified before 1 October 2001. The intention of the zone was to signal its general appropriateness for urban development and to outline a number of matters to be considered as part of a new land use pattern to be brought into effect by way of variation to the plan. The zoning was to have been applied as an interim measure pending consultation and investigation towards a Variation, which would confirm the final zoning pattern, development plan and rules for this area. The zone states "that the Council is satisfied that the area should ultimately be urbanised". While the plan states that the Variation should be notified by 1 October 2001, until the issues relating to the relocation of the Carrs Road Speedway and the Wigram Airfield have been satisfactorily resolved the Variation cannot proceed. In the meantime the default zone is to remain Rural 2.

From a noise perspective a site adjacent to Ruapuna Park in the Rural Quarry Zone would be significantly more suitable than the Carrs Road reserve because of its relative isolation from sensitive land users and compatibility with the existing motor sport activities at Ruapuna Raceway. The closest rural residences to the south and east are approximately 700 metres away although those to the north (including undeveloped lifestyle blocks) are over 1 kilometre distance. Other sensitive users in the area are the Department of Corrections facility within 1 kilometre north and west of the site and the Templeton Country Club golf course to the south east which extends approximately 1200 metres from the site.

Resource Consent

Ruapuna Park lies in the Rural Quarry Zone of the Proposed City Plan. In that zone rules are provided for a rural activity, a mineral extraction activity and other activities. The establishment and operation of a kart track would be considered other activities. The rules provide that only where an activity complies with all relevant development standards, community standards and critical standards can it be deemed to be a permitted activity for which a land use resource consent does not need to be obtained.

With respect to the establishment and operation of a kart track on the site it is noted that the Proposed Plan contains a critical standard relating to site coverage for other activities in the Rural Quarry Zone. This provides that the maximum area of a site covered by building impervious surfaces and outdoor storage shall be 100 square metres. The rules provide that if an activity does not comply with a relevant critical standard a non-complying activity resource consent is required. In this instance the area of impervious surface of a kart track means the rule would not be complied with and a non-complying activity land use resource consent would need to be obtained for the establishment and operation of the kart track. Other non-compliances identified in relation to a final proposal would need to be included in the required application for resource consent.

POSSIBLE SITE

Discussions have been held with Fulton Hogan for some time over the potential acquisition by way of exchange of the property that they own lying to the south of Leggett Road and adjoining Ruapuna Park as depicted on the tabled plans. Immediately to the north of Leggett Road lies the Justice Department property on which the Department of Corrections facility is located. Fulton Hogan's quarry lying between Hasketts Road and Pound Road is located immediately to the east of the respective properties. Fulton Hogan have secured the rights to quarry the Justice Department land although at this point in time it is not known when the company intends to commence quarrying operations on this site given that they still have considerable extraction available from their existing quarry.

EXCHANGE PROPOSAL

In exploring the potential acquisition of the Leggett Road site from the company it has expressed an interest in securing by way of an exchange two Council reserves held by for gravel purposes. One of the reserves is located in Hasketts Road lying immediately adjacent to the north of the company's existing quarry operation and containing an area of 2.0234 hectares. The other Council reserve adjoins the company's operations in Miners Road and again surrounded on three sides by the company's quarrying operation. The respective reserves are depicted on the attached plans.

Before proceeding with negotiations with the company it was necessary to determine the Council's rights in respect of both of the reserves and to this end an opinion was received from the Council solicitors, Buddle Findlay, who have concluded as follows.

- (a) Reserves 328 and 2529 were invested in the Council in fee simple for gravel pit purposes subject to the Reserves Act in the late 1800s.
- (b) Ownership of the fee simple in the reserves includes full rights to all minerals on or under the surface of the land except for gold, silver, petroleum, uranium and iron sands. Accordingly the Council has the right subject to the Reserves Act and the Resource Management Act to extract and sell those minerals on or under the land.
- (c) Under Section 61 of the Reserves Act the Council has the power to do all things it considers necessary and desirable for the use of the reserves for the purposes specified in its classification. In the case of gravel pit reserves this will extend to extracting gravel from the reserve using its own staff or granting a third party right to extract gravel from the reserve.

At the time this opinion was commissioned it was envisaged that only the minerals would be sold for extraction as part of the proposal to secure the Fulton Hogan land in Leggett Road adjoining Ruapuna Park. However, as negotiations have progressed it became clear that the best option available to the Council would be to effect an exchange under Section 15 of the Reserves Act 1977 whereby the two Council reserves would be exchanged for the Company's land in Leggett Road

ROAD STOPPING

It became evident during discussions with the company that there would be clear and distinct advantages in stopping Leggett Road which has only remained open in order to service the Department of Corrections facility. If stopped, the road will provide a larger site in which to accommodate the Kart Club facilities which would be somewhat confined and restricted within the perimeters of the new site to be acquired from Fulton Hogan, given the setback requirements that would be imposed on any mining operations. With the added dimension of the road, coupled with the fact that the company holds the mining rights to the Department of Justice land lying immediate to the north of the road it became apparent a much larger site would be available given that it would obviate the need to provide a setback and also release a considerable quantity of minerals for extraction for which the Council would receive a royalty. It also improved the viability of the operation from the company's point of view.

In order to explore this opportunity, a meeting was convened with the representatives of the speedway, raceway, Department of Corrections and the adjoining landowner. It became evident that both Leggett and Barkers Road had been a source of nuisance to the Ruapuna Raceway and the adjoining landowner for many years, being a point of trespass to the facilities which the clubs found difficult to police.

The primary need, however, was to continue to provide appropriate access to the Department of Corrections facility. It was proposed therefore to provide a new road running between the Ruapuna site and the proposed Kart Club site to link up with the Department of Corrections' existing access way lying to the western end of the site. This would not only overcome the existing problems but would also provide improved access to all of the facilities and allow far more control to be exercised over the usage of the road.

COSTS

The estimated cost of relocating the Christchurch Kart Club together with the formation of the new road are as follows:

1. Close and replace Leggett Road	\$150,000
2. Relocate Kart Club track and associated facilities	\$274,000
3. Clubhouse/toilets/landscaping and developing	<u>\$240,000</u>
	\$664,000

GENERAL

Negotiations over the exchange have almost been completed and reached the point where Council approval is now required to proceed further. Full details of the financial implications are included in the Public Excluded section of this report and it is believe that a favourable result has been achieved.

It is important to recognise, however, that this is only the first step in an involved process and that should appropriate consents be subsequently obtained it will be a five year excavation programme before the Kart Club can be relocated. As a consequence, no funding to relocate the Kart Club facility will be required until the 2007/2008 financial year.

To proceed forward therefore it will be necessary to:

1. Consult with Iwi over the exchange of the reserves.
2. Seek the Department of Conservation's approval to the exchange under Section 15 of the Reserves Act 1977 which will require public notification and a hearing if objections are received.
3. Obtain Resource Consents for:
 - (a) The quarrying of the site (non-notified)

(b) To the subsequent use of the site for the Kart Club's facility (notified)

4. Legally stop Barkers and Leggett Road by consent under the Public Works Act 1981. This cannot be implemented until alternative access has been provided to the Department of Corrections facility.

CONCLUSION

The Ruapuna site is significantly more suitable than the Carrs Road Reserve in relation to: noise, distance from rural residences, isolation from sensitive land uses, and compatibility with existing motor sport activities at Ruapuna Park.

Siting the kart track in a quarry below ground level with earth moulding above ground level will provide suitable mitigation for noise to reasonable levels that will accommodate residential and non-residential sensitive land users.

The existing site of the Kart Club will become an increasing problem with encroachment of Council approved subdivision development within the proximity of the Kart Club. As outlined in the Proposed Plan, relocation of the Kart Club will be an enhancement to any future residential development.

The impervious surface of the kart track means that in the Proposed Plan the 'Critical Standard' rule would not be complied with and a non-complying activity land use Resource Consent would need to be obtained for the establishment and operation of the Kart track.

The cost of relocating the Kart Club will need to be budgeted before any relocation can occur. In this regard it is not anticipated that any funding will be required until the 2007/2008 financial year, given that if the company is to undertake the new road construction in approximately 18 months' time the royalties payable to the Council for the mineral extraction will be off-set against the roading costs.

As stated above, the foregoing report was referred to the September meeting of the Riccarton/Wigram Community Board. Councillor Keast addressed the Board regarding the relocation proposal and emphasised the need to consult the local community and affected residents. The Board, in supporting the proposal, also acknowledged the need for a robust consultation process. Accordingly, it has requested staff to initiate early meetings with the Awatea and Templeton Residents' Associations and local residents.

- Recommendation:**
1. That, pursuant to Section 15 of the Reserves Act 1977, the Council resolve to proceed to notify its intention to exchange the reserves described in the first schedule for the land described in the second schedule below:

First Schedule

- (i) Part Reserve 328 containing 2.0234 hectares and being the land contained within Gazette Notice 1864 page 221.
- (ii) Part Reserve 2529 containing 4.0469 hectares and being the land contained within Gazette Notice 1881 page 1484.

Second Schedule

- (i) Lot 1 DP16841 containing 5.3039 hectares and being all of the land contained and described in Certificate of Title 679/96.
 - (ii) Lot 2 DP16841 containing 4.0468 hectares and being all of the land contained and described in Certificate of Title 584/10.
2. That the exchange as outlined in the Public Excluded section of this report be approved, subject to the appropriate consents being obtained.

(Note: Councillor Buist abstained from the discussion and voting on this clause.)