

### 3. CHRISTCHURCH KART CLUB

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Corporate Plan Output: New Assets Reserve Purchase	

This report is being referred to the Riccarton/Wigram Community Board for its comment and to the Parks and Recreation Committee for its recommendation to the Council.

#### PURPOSE OF REPORT

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 Leggets Road adjoining Ruapuna Park.

#### BACKGROUND

At its October 2000 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 1990's 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 to a new site 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.

#### OPTION FOR RELOCATING KART CLUB NEXT TO RUAPUNA

##### 1. 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 from time to time, 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.

##### 2. 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. 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 residence 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.

##### 3. Resource Consent

The Ruapuna Park lies in the Quarry Zone of the Paparua Section of the Christchurch City Council Transitional District Plan. In that zone the following activities are listed as permitted activities.

- Quarrying and extraction of natural sands and gravels to a depth not greater than 1 metre above the maximum ground water level, processing of these materials, and building and plant accessories to those activities.

These activities are subject to a number of rules including landscape standards, noise standards and set back of building and equipment from zone boundaries. It includes a rule that requires where a new area is to be quarried a management plan detailing the staging timing and methods of rehabilitation of the area is to be submitted to the Council prior to the area being quarried, the full relevant standards are complied with the activities would be permitted to establish and operate from within the proposed site as of right, ie that no resource consent would be required under the Transitional District Plan.

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 Leggets Road and adjoining Ruapuna Park as depicted on the attached plan (Attachment 1). Immediately to the north of Leggets 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 Leggets 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 and adjoined 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 (Attachment 1 and Attachment 2).

Before proceeding with negotiations with the company it was necessary to determine the Council's rights in respective 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 1800's.
- (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 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 Leggets Road adjoining Ruapuna Park. However as negotiations have progressed it seems 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 Leggets Road

Discussions to this end are continuing with the Company and it would appear that agreement may well be reached within the next week or two at which time appropriate agreements will be concluded. This will provide for the extraction of minerals from the Leggets Road site in a three to five year time frame in order to provide a facility for the Halswell Kart Club.

Should negotiations be concluded within the next week a supplementary report outlining the full agreement will be prepared for consideration.

It should be noted, however, that consultation will also be required with the local Iwi over the proposed exchange and that the Department of Conservation's consent will also be required with the intention to proceed being publicly advertised calling for submissions in support of or objections to the proposal. This process will provide the opportunity for all affected parties to make their views known.

**Recommendation:** That the information be received.

**Chairman's**

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