

**IN THE MATTER OF** section 71 of the Canterbury Earthquake Recovery Act 2011 and the Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014

**AND**

**IN THE MATTER OF** proposals notified for incorporation into a Christchurch Replacement District Plan

Date of hearing: 23 May 2016

Date of decision: 29 July 2016

Hearing Panel: Sir John Hansen (Chair), Environment Judge John Hassan (Deputy Chair), Mr Stephen Daysh

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**DECISION 32**

**Specific Purpose (Ruapuna Motorsport) Zone  
(and relevant definitions and associated planning maps)**

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**Outcomes: Proposals changed as per Schedule 1**

## COUNSEL APPEARANCES

Mr M Conway	Christchurch City Council
Ms A Dewar and Ms S Reese	Canterbury Car Club

## TABLE OF CONTENTS

<b>Introduction</b> .....	<b>3</b>
<i>Effect of decision and rights of appeal</i> .....	3
<i>Identification of parts of existing district plans to be replaced</i> .....	3
<b>Preliminary matters</b> .....	<b>4</b>
<i>Conflicts of interest</i> .....	4
<b>Reasons</b> .....	<b>4</b>
<b>Statutory framework</b> .....	<b>4</b>
<b>Decision</b> .....	<b>4</b>
<i>Replacement of provisions</i> .....	10
<i>Definitions</i> .....	10
<i>The Council's s 32 report</i> .....	10
<i>Our s 32AA evaluation</i> .....	10
<b>Overall evaluation and conclusions</b> .....	<b>11</b>
<b>Schedule 1</b> .....	<b>12</b>
<b>Schedule 2</b> .....	<b>29</b>

## INTRODUCTION

[1] This decision (‘decision’) continues the series of decisions made by the Independent Hearings Panel (‘Hearings Panel’/‘Panel’) concerning the formulation of a replacement district plan for Christchurch City (including Banks Peninsula) (‘Replacement Plan’/‘Plan’). It concerns a hearing on Chapter 21, which was notified in Stage 3 of our hearings process.<sup>1</sup>

[2] In this decision, the phrase ‘Notified Version’ describes the version notified by the Christchurch City Council (‘the Council’/‘CCC’) (submitter 2123) and to which, subsequent to consideration of submissions and conferencing, a number of changes were made. This was then ultimately produced in closing by the CCC as a red-line version (‘Revised Version’).<sup>2</sup>

[3] Where we refer to ‘Decision Version’, it is our redrafting of the Revised Version, as set out in Schedule 1, which will become operative upon release of this decision and the expiry of the appeal period.

[4] This decision follows our hearing of submissions and evidence. Further background on the review process, pursuant to the Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014 (‘the OIC’/‘the Order’) is set out in the introduction to Decision 1, concerning Strategic Directions and Strategic Outcomes (and relevant definitions) (‘Strategic Directions decision’).<sup>3</sup>

### Effect of decision and rights of appeal

[5] Our procedure and the rights of appeal are set out in our earlier decisions.<sup>4</sup> We concur in those.

### Identification of parts of existing district plans to be replaced

[6] The OIC requires that our decision also identifies the parts of the Existing District Plan<sup>5</sup> that are replaced by the changes that this decision makes to the Chapter. Those changes replace

<sup>1</sup> Members of the Hearings Panel who heard and determined this proposal are set out on the cover sheet.

<sup>2</sup> Closing submissions for the CCC, Appendix A.

<sup>3</sup> Strategic Directions and Strategic Outcomes (and relevant definitions), 26 February 2015.

<sup>4</sup> Strategic Directions decision at [5]–[9].

<sup>5</sup> Comprising the existing Christchurch City District Plan and Banks Peninsula District Plan.

all of the Existing Plan zoning Planning Maps to the extent that they are impacted by this decision.

## **PRELIMINARY MATTERS**

### **Conflicts of interest**

[7] We have posted notice of any potential conflicts of interest on the Independent Hearings Panel website.<sup>6</sup> No submitter raised any issue in relation to this.

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## **REASONS**

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### **STATUTORY FRAMEWORK**

[8] The OIC directs that we hold a hearing on submissions on a proposal and make a decision on that proposal.<sup>7</sup> Our Stage 1 Residential decision set out the relevant statutory framework which also applies to this decision.<sup>8</sup>

[9] No issue was taken with any of the higher order documents we must take into account and give effect to.

### **DECISION**

[10] This hearing related to the Specific Purpose (Ruapuna Motorsport) Zone (Chapter 21).

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<sup>6</sup> The website address is [www.chchplan.ihp.govt.nz](http://www.chchplan.ihp.govt.nz).

<sup>7</sup> OIC, cl 12(1).

<sup>8</sup> At [9]–[10]. Our decision does not set out the text of various statutory provisions it refers to, as this would significantly lengthen it. However, the electronic version of our decision includes hyperlinks to the New Zealand Legislation website. By clicking the hyperlink, you will be taken to the section referred to on that website. The repeal of the CER Act by the Greater Christchurch Regeneration Act 2016 (‘GCRA’) does not materially alter that position. That is because s 147 of the GCRA provides that the OIC continues in force. Further, Schedule 1 of the GCRA (setting out transitional, savings and related provisions) specifies, in cl 10, that nothing in that Part affects or limits the application of the Interpretation Act 1999 which, in turn, provides that the OIC continues in force under the now-repealed CER Act (s 20) and preserves our related duties (s 17).

[11] In 1961 motorsport activity in Christchurch was condensed into a motorsport park on land then owned by the Paparua District Council. Ultimately this was transferred to the Christchurch City Council. The Canterbury Car Club Incorporated is the lessee under a lease dated 28 April 1998.<sup>9</sup> Motorsport activity has taken place on the site for approximately 54 years.<sup>10</sup>

[12] Mr Cowan appeared as a witness for the Canterbury Car Club. He stated:<sup>11</sup>

At the Raceway, the Canterbury Car Club provides a facility for over 55 different forms of motorsport, and other non-motorsport and community activities including driver safety training, race engineering services, vehicle crash barrier testing, and rider licensing, as well as running and cycling races.

[13] ‘Raceway’ refers to all of the land occupied by the submitter, and ‘racetrack’ includes the circuit itself but does not include the area outside the Federation of Internationale Automobile (FIA) registered circuit. The motorsport park is recognised as a regional facility. Indeed, it is a significant facility that has catered to the motorsport needs of Christchurch, Canterbury and to a lesser extent New Zealand and internationally, for a long period of time. As such it generates economic benefit to Christchurch, but also promotes the social wellbeing of those in Christchurch who are interested in motorsport and other recreational activities being undertaken at the park.

[14] Prior to the notification of the CRDP, Plan Change 52 (PC52) had been initiated. Residents had been making complaints relating to the noise associated with the operation of Ruapuna, and this led to PC52. The objective of PC52 was to:<sup>12</sup>

... address the noise emissions from the Motorsport Park, which since 2004 have created problems for residents living nearby, whilst at the same time not unreasonably restraining the use of the Motorsport Park for its intended purpose.

[15] It can therefore be seen that the Environment Court was concerned with the question of noise emissions and not the wider concerns and considerations of matters pertaining to the

<sup>9</sup> Submitter 3679, further submitter 5035.

<sup>10</sup> Evidence in chief of Keith Cowan on behalf of the Canterbury Car Club Inc at para 11; Rebuttal evidence of Keith Cowan on behalf of the Canterbury Car Club Inc at para 7.

<sup>11</sup> Evidence in chief of Keith Cowan at para 13. Mr Cowan is a Life Member of the Canterbury Car Club, a former President of its Management Committee and acts as a consultant to the Canterbury Car Club in relation to noise processes and Plan Change 52.

<sup>12</sup> *Quieter Please (Templeton) Incorporated v CCC* [2015] NZEnvC 167 (First Interim Decision) at [1].

Specific Purpose (Ruapuna Motorsport) Zone. This notified provision seeks to address those wider matters.

[16] Both the Council and the Canterbury Car Club have worked constructively together to formulate objectives, policies and rules that address all matters. Incorporated into that is the final decision of the Environment Court on the hearing it conducted under PC52.<sup>13</sup>

[17] Before turning to those provisions we will deal with the submission and evidence of Quieter Please (Templeton) Incorporated.<sup>14</sup>

[18] Ms Harnett, the Chair of Quieter Please, gave evidence on behalf of the organisation. The position of this submitter was there should be no changes whatsoever to the Environment Court decision and that any additions would amount to a contravention of the provisions of the Environment Court. It was submitted that for the Council to give effect to cl 4(3) of the OIC, it cannot revise anything sought during the Court process.<sup>15</sup>

[19] It was further contended by the submitter that the additional activity included in the Notified Version, that went beyond the provisions considered in the Environment Court, would have serious effects relating to noise, traffic and other environmental effects, and that all motorsports covered in the Revised Version should be rejected. There was no objection to non-motorised recreation, excepting conference facilities and the expansion of mechanical workshops.

[20] There was a further complaint that the rebuttal evidence of the Council and the Canterbury Car Club goes well beyond rebuttal and seeks to revisit the Environment Court decision.<sup>16</sup>

[21] Changes to the existing district plan made operative by the Council under cl 20 of Schedule 1 of the RMA, while the OIC is in force, are deemed to be part of the CRDP. The Council is entitled to make changes of minor effect, without using the process set out in Schedule 1 of the RMA or of this Order.<sup>17</sup>

<sup>13</sup> *Quieter Please (Templeton) Incorporated v CCC* [2016] NZEnvC 44.

<sup>14</sup> Submitter 3015.

<sup>15</sup> Evidence in chief of Quieter Please, page 4.

<sup>16</sup> Transcript, page 43, lines 7 - 15 (Ms Harnett).

<sup>17</sup> OIC, cl 4(3) and (4).

[22] We agree with Mr Conway's submission that that does not empower the Panel to make minor changes to the PC52 provisions finalised by the Environment Court.<sup>18</sup> The only changes we can make relate to the Notified Proposal. This could be considered unfortunate, as it takes away the ability of the Panel to make changes for reasons of technical drafting and consistency with the rest of the CRDP. But that position is clear from the OIC, and if such changes were needed they must be carried out by the Council.

[23] Quieter Please do not seem to accept that the decision of the Environment Court has been fully transported into the provisions before us without change. It has been. It is not appealable in the context of this hearing. Any text from that process in this decision is for information only.

[24] We will deal with their individual complaints, but we are quite satisfied that rebuttal evidence from the Council and the Canterbury Car Club goes no further than properly responding to the evidence filed by Quieter Please.

[25] Furthermore, the matters covered by the additional objectives, policies and rules were clearly envisaged by the Environment Court. Tables 1, 2 and 3 of the Revised Version all deal with noise from motorised recreation. All other activities are covered by Table 4, which imposes the usual noise limits for rural and residential zones in Table 1 of Rule 6.1.4.1.1.1.<sup>19</sup> In this context the only difference between the Ruapuna noise limit and the proposed noise limit for all rural and residential zones is that the Ruapuna rules retain a daytime  $L_{Amax}$  control. That control has been removed from all other zones in the district. This is clearly an additional protection for residents.

[26] All other potential noise concerns raised by Quieter Please will have to comply with those limits unless they fall within Tables 1, 2 and 3.

[27] Concerns were expressed about the potential for go karts to operate at Ruapuna, but again this is covered by the Environment Court decision and the significant limitations in it.

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<sup>18</sup> Closing submissions for the Council at 2.1 – 2.7.

<sup>19</sup> Rebuttal evidence of Stuart Camp on behalf of the Council at 3.1.

[28] The expressions of concern around traffic are adequately addressed by the expert evidence of Mr Milne for the Council, which we accept. Quieter Please have not called any expert evidence to counter this. The expert evidence as to traffic and noise from Messrs Milne and Camp is accepted by the Panel.

[29] Mr Cowan, on behalf of the Canterbury Car Club, gave evidence that it receives no funding assistance from the Council and it is a self-funding organisation.<sup>20</sup> He also gave evidence in excess of \$400,000 was expended by the Club in PC52.<sup>21</sup> He said during the time the Club was engaged in PC52, a number of other motorsport facilities around New Zealand upgraded their facilities and consequently, their competitive appeal.

[30] He further said that financially it is necessary for the Club to explore all ways of raising money. He stressed that community activities remain an important part of activities at Ruapuna.

[31] As a permitted cultural activity, the Canterbury Car Club is exploring the possibility of a motorsport museum.<sup>22</sup> It has previously hosted weddings, funerals, birthday parties, business meetings, annual meetings and other small conferences. Mr Cowan noted that he was unaware of any complaints about these functions during the PC52 process.

[32] He noted also that fabrication and repair facilities have existed at Ruapuna since 1992, and he is unaware of any complaints about noise or other concerns, either during the PC52 process or otherwise.<sup>23</sup>

[33] Quieter Please expressed concerns about alcohol at events in the past. Mr Cowan accepted that there are a couple of events a year where alcohol is served on a larger scale, but that the Canterbury Car Club serves alcohol in compliance with the liquor licensing laws, and he considers the Club to be a responsible host.<sup>24</sup> We accept all of Mr Cowan's evidence and rebuttal evidence.

<sup>20</sup> Evidence of Keith Cowan at paras 15 and 52.

<sup>21</sup> Evidence of Keith Cowan at para 88.

<sup>22</sup> Rebuttal evidence of Keith Cowan at para 7.

<sup>23</sup> Rebuttal evidence of Keith Cowan at paras 14-15.

<sup>24</sup> Rebuttal evidence of Keith Cowan at paras 18-19.

[34] We are quite satisfied on the evidence of Messrs Thomson, Milne, Camp and Cowan that Ruapuna is a motorsport facility of regional significance. All matters of noise have been appropriately dealt with through the PC52 process and the Environment Court decision.

[35] We are also satisfied on that evidence that it is appropriate to establish Ruapuna as a Specific Purpose (Ruapuna Motorsport) Zone. It would be nonsensical to add nothing to the Environment Court noise decision. On the evidence it is appropriate to recognise the ancillary and other functions that occur at Ruapuna and to bring them within the CRDP. The Decision Version achieves that.

[36] We note that it is the Council's intention that the Noise Management Plan (NMP) and the Community Liaison Committee (CLC) will also address the ancillary issues added to the proposal as a result of the Canterbury Car Club's submission.<sup>25</sup> We accept that should be the case, but noting the primary concern of the NMP and CLC will be the noisier activities included in Tables 1–3.

[37] We also note that there is nothing in the provisions that limits the scope of matters the CLC can raise. The Canterbury Car Club confirmed this is their understanding as well.<sup>26</sup>

[38] However, in the course of the hearing some suggestions were made for consolidation, drafting improvement and reformatting of those provisions. That has been taken on board, and the final provisions received by the Panel incorporated the various concerns we expressed.

[39] We have made minor drafting changes for reasons of clarity and consistency.

[40] We accordingly confirm our Decision Version, attached hereto.

[41] For the sake of completeness, for the reasons given by Mr Thomson in his evidence, we reject the submission of Mr Kerr.<sup>27</sup> He appears to have been the only submitter other than Quieter Please and the Canterbury Car Club.

<sup>25</sup> Closing submissions for the Council at 4.2.

<sup>26</sup> Closing submissions for Canterbury Car Club at para 14.

<sup>27</sup> Timothy Kerr (3012). Mr Thomson addressed Mr Kerr's submission at 7.1-7.2 of his evidence in chief on behalf of the Council.

## **Replacement of provisions**

[42] Our decision is required to identify those parts of the existing plan that are to be replaced. This decision is confined to Stage 3 provisions relating to the Specific Purpose (Ruapuna Motorsport) Zone.

## **Definitions**

[43] Definitions associated with the Specific Purpose (Ruapuna Motorsport) Zone proposal will be addressed in the Stage 2 and 3 Chapter 2 Definitions decision, in due course.

## **The Council's s 32 report**

[44] Mr Thomson, giving evidence as the Council's planning expert, provided an updated s 32 report attached to his evidence in chief which reflected changes made to Council's proposal.<sup>28</sup> We are satisfied that the Council's s 32 analysis is generally robust and well supported by the evidence.

## **Our s 32AA evaluation**

[45] We have already referred in earlier decisions to matters we must address.

[46] We have evaluated the various options and approaches put to us, in accordance with the matters in ss 32 and 32AA. We are satisfied that our consideration of the evidence and our findings are sufficient assessment of those matters.

[47] In reaching our decision, we have considered the submissions and further submissions made on the Notified Version, and had regard to the Council's recommended acceptance or rejection of those submissions, as filed.<sup>29</sup> Except to the extent that those recommendations have been modified by this decision, we accept the Council's 'Accept/Reject Table', which is supported by the evidence.

<sup>28</sup> Evidence in chief of Ivan Thomson on behalf of the Council, Attachment C 'Section 32 evaluation'.

<sup>29</sup> Evidence in chief of Ivan Thomson, Attachment B 'Accept/Reject Table'.

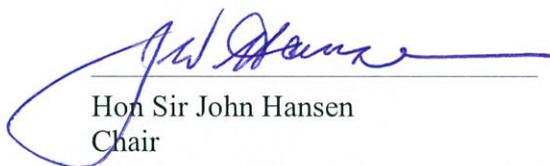
[48] Furthermore, we have made a number of minor edits to the provisions for the Specific Purpose (Ruapuna Motorsport) Zone. These edits have been made for clarity and to bring the chapter into line with other parts of the pCRDP.

[49] We consider that ss 32(1)(c) and 32AA(1) have been met by our amendments.

## OVERALL EVALUATION AND CONCLUSIONS

[50] Based on our evidential findings, we are satisfied that Decision Version, as amended from the Revised Version, gives effect to the RMA and properly responds to other higher order documents.

For the Hearings Panel:



Hon Sir John Hansen  
Chair



Environment Judge John Hassan  
Deputy Chair



Mr Stephen Daysh  
Panel Member

## **SCHEDULE 1**

Changes that the decision makes to the proposals

### **Chapter 21.10 Specific Purpose (Ruapuna Motorsport) Zone**

#### **Chapter 6.1 General Rules (Noise)**

#### **Chapter 2 Definitions**

The notified proposal is amended by our decision as follows.

The text that is shown in grey relates to PC52 and is shown for context only.

(The provisions from the Environment Court's decision on PC52 are deemed to be part of the replacement district plan under cl 4(3) of the Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014 and cannot be revisited through this process.)

## Chapter 21.10 Specific Purpose (Ruapuna Motorsport) Zone

### 21.10.1 Objectives and Policies

#### 21.10.1.1 Objective — Motorsport

Ruapuna Motorsport Park continues to operate as a facility of regional importance servicing motorsport, as well as training and recreational activities, whilst ensuring the adverse noise effects of activities at the Park on the surrounding community and environment are effectively managed to not increase and, if practicable, are reduced.

##### 21.10.1.1.1 Policy — Motorsport

- a. To ensure that motorsport activities operate in a manner which do not result in an unreasonable level of noise being received by activities which are noise sensitive; and
- b. To manage noise sensitive activities where they would be affected by noise from motorsport activities.

##### 21.10.1.1.2 Policy — Other environmental effects of activity at Ruapuna Motorsport park

- a. To ensure that activities associated with the Ruapuna Motorsport Park do not have the effect of giving rise to adverse effects (noise, glare, visual detracting), including through incremental increases in scale and intensity, without separation or mitigation measures.

##### 21.10.1.1.3 Policy — Use and development of Ruapuna Motorsport Park

- a. Provide for the use and development of the land and buildings at Ruapuna Motorsport Park in a manner that:
  - i. recognises the regional importance of the park as a motorsport facility; and
  - ii. enables a range of uses that are ancillary to the park's use as a motorsport facility.

#### 21.10.1.2 Objective — Ancillary activities

A range of ancillary uses that will assist in maintaining the viability of the Motorsport Park, contributes towards providing for the social and cultural wellbeing of the community, and ensures any adverse effects on the environment are avoided, remedied or mitigated.

## 21.10.2 Rules — Specific Purpose (Ruapuna Motorsport) Zone

### 21.10.2.1 How to use the rules

- a. The rules that apply to activities in the Specific Purpose (Ruapuna Motorsport) Zone are contained in:
  - i. General Rules - Noise in Rule 21.10.2.2.
  - ii. The activity status tables (including activity specific standards) in Rule 21.10.2.3.
  - iii. Built form standards in Rule 21.10.2.4.
- b. The activity status tables and standards in the following chapters also apply to activities in the Specific Purpose (Ruapuna Motorsport) Zone:
  5. Natural Hazards
  6. General Rules and Procedures
  7. Transport - see in particular 7.2.3
  8. Subdivision, Development and Earthworks
  9. Natural and Cultural Heritage
  11. Utilities and Energy
  12. Hazardous Substances and Contaminated Land
- c. Where the word "facilities" is used in the rules (e.g. cultural facilities), it shall also include the use of a site/building for the activity that the facilities provide for, unless expressly stated otherwise. Similarly, where the word/phrase defined includes the word activity or "activities", the definition includes the land and/or buildings for that activity unless stated otherwise in the activity status tables.

### 21.10.2.2 General Rules — Noise

21.10.2.2.1 There shall be a minimum of 10 weekend calendar days scheduled between 31 October and 31 March per annum, of which at least 4 shall be scheduled between 2 January and 31 March, where there shall only be activities permitted in Rule 21.10.2.3 Table 4.

21.10.2.2.2 For the purposes of these rules:

- a. Noise from Ruapuna Motorsport Park shall be measured in accordance with New Zealand Standard NZS 6801:2008 Acoustics – Measurement of environmental sound, and assessed in accordance with NZS 6802:2008 Acoustics - Environmental noise, except that any penalty for special audible characteristics and/or duration (paragraphs 6.3 and 6.4) shall not apply.
- b. A permanent noise logger shall be established at Ruapuna Motorsport Park, at a position selected by the Council, and shall be operated and maintained by the Council.
- c. The noise limits specified in Rule 21.10.2.3 Table 1 and Table 2 apply at the permanent noise logger. Data from the permanent noise logger will be deemed sufficient to determine compliance with Rule 21.10.2.3 Table 1 and Table 2, subject to verification that noise is attributable to activities at the Ruapuna Motorsport Park. Verification is to be confirmed by the Council.

- d. The noise limits specified in Rule 21.10.2.3 Table 3 and Table 4 apply at the boundary of the Ruapuna Motorsport Park.
- e. The lessees of the Ruapuna Motorsport Park shall maintain a log of racing, training, practicing, testing, and all other events. The log is to be made available to the Council upon request and should include as a minimum: the type of activity, event name if applicable, and start/finish times.
- f. A year shall mean the 12 month period from 1 July to the following 30 June.

**21.10.2.2.3** The following exemptions will apply to the rules in 21.10.2.3 and 21.10.2.2.1:

- a. Rule 21.10.2.3 shall not apply to emergency services vehicles;
- b. Where the need to wait for a replacement ambulance to arrive on site causes the start or finish time of any activity on the track to be delayed, the hours of operation may be extended for up to an hour.
- c. Where a New Zealand Speedway title event has experienced unavoidable delays, the hours of operation may be extended for up to an hour to complete the New Zealand Speedway title event on up to 4 occasions per year;
- d. Where the Speedway race programme for a New Zealand Speedway title event is unable to be completed due to adverse weather conditions, the programme may be completed the following calendar day, and may commence from 2pm, on up to 4 such events per year.

**21.10.2.2.4** Noise Management Plans

- a. The lessee or lessees of facilities within the Ruapuna Motorsport Park shall prepare, maintain and operate in accordance with a Noise Management Plan for the operation of the Speedway (including the Remote Control Car Track) and a Noise Management Plan for the operation of the Raceway. Each initial Noise Management Plan shall be submitted to the Head of Planning and Strategic Transport for certification by a suitably qualified and experienced person (appointed by the Head of Planning and Strategic Transport) in writing that the Noise Management Plan gives effect to this rule within three months of this rule becoming operative. Any subsequent iterations of the Noise Management Plans will not require certification.
- b. Notwithstanding the process and timing for review of the Noise Management Plans specified in the Plans, the Council may review either one or both Noise Management Plans in consultation with the lessees and the Community Liaison Committee. The Council shall provide adequate notice and state the reasons for the review, and any reviewed plan shall be recertified by the suitably qualified and experienced person appointed by the Head of Planning and Strategic Transport.
- c. The respective Noise Management Plans shall each address and include:
  - i. Objectives which are consistent with and which will contribute to achievement of Objective 21.10.1.1 and Policy 21.10.1.1.1 to maintain the operation of the facility whilst not increasing, and if possible reducing adverse noise effects on the environment.
  - ii. A clear description of the physical resources and facilities located at the Raceway or Speedway.

- iii. A comprehensive description of the range of activities conducted at the Raceway or Speedway, including a requirement that an annual calendar of Race Dates be prepared and made publicly available for both the Raceway and Speedway prior to the commencement of each raceway season. In addition a calendar of all the activities proposed for each calendar month showing the times and noise category of each activity shall be prepared, maintained, and made publicly available prior to the beginning of that calendar month. The calendars should:
  - A. specifically identify dates for those weekend days required by Rule 21.10.2.2.1;
  - B. where possible, the calendar should include provision of late starting times at the Raceway on days when the Speedway is also holding a race event and identify dates for Special Interest Vehicles; and
  - C. be updated as soon as possible following the cancellation of any activity.
- iv. Operating procedures for the Raceway or Speedway. These procedures are to ensure activities at the Raceway and Speedway comply with the rules in 21.10.2.2 and 21.10.2.3.
- v. Measures and initiatives for the management of vehicle noise and public address systems to achieve the Noise Management Plan objectives, including to ensure, where relevant, consistency with the requirements of the New Zealand Motorsport Manual.
- vi. A description of the methods proposed to record the type, scale, frequency and duration of activities and events, including the monitoring of noise levels.
- vii. Protocols for the sharing of data from noise monitoring. This shall include a requirement to provide regular reporting of activities to the public, Council and Community Liaison Committee with regard to compliance with the rules in 21.10.2.2 and 21.10.2.3, including a running tally of each category of event held in each year.
- viii. Protocols for responding to, addressing, and reporting on noise exceedances recorded by noise monitoring.
- ix. Identification of management responsibilities and personnel, including contact details.
- x. The protocol for receiving, processing and responding to noise complaints. This shall include a requirement that the complainant be advised of the outcome of any complaint.
- xi. The process and timing for review of the respective Noise Management Plans.
- xii. As a schedule, a copy of the Council's Monitoring Guidelines for Ruapuna Motorsport Park. The Guidelines shall record the methodology that the Council will utilise for:
  - A. how monitoring at the boundary is to occur for the activities undertaken in accordance with Rule 21.10.2.3 Tables 3 and 4; and
  - B. analysing noise data from the boundary noise logger for the purpose of assessing compliance with the rules in 21.10.2.2 and 21.10.2.3 (for example, to eliminate outliers in the data set, such as overflying aircraft); and
  - C. subsequently investigating any non-compliances identified in that analysis, including through discussion with the lessees of facilities within the Park; and
  - D. ensuring that the boundary noise logger is calibrated to accurately record noise at the Raceway and the Speedway.

- xiii. The matters required by Rule 21.10.2.2.5 below.

#### 21.10.2.2.5 Community Liaison Committee

- a. The lessees, with support from the Council, shall form and operate a Community Liaison Committee. The following matters shall be set out in each Noise Management Plan:
- i. Committee membership, roles, and appointment procedures. The Committee shall comprise an independent chairperson appointed by the Council, 3 members from the local Templeton residents, 2 members from the Canterbury Car Club, 1 member from Christchurch Speedway Association, and 1 member from the Council;
  - ii. The frequency of meetings, which shall be a minimum of four times per year, or as agreed by the Committee;
  - iii. Administration responsibilities, and procedures;
  - iv. Dispute resolution procedures.
- b. If local Templeton residents do not wish to form a Community Liaison Committee that shall not comprise a breach of these rules on the part of the Council or the lessees.
- c. The Community Liaison Committee may consider any adverse effect arising from activities at the Motorsport Park.

### 21.10.2.3 Activity status tables — Ruapuna Motorsport Activities

#### 21.10.2.3.1 Permitted activities

In the Specific Purpose (Ruapuna Motorsport) Zone the activities listed below are permitted activities if they comply with any activity specific standards set out in this table and the built form standards in Rule 21.10.2.4.

Activities may also be restricted discretionary, discretionary or non-complying as specified in Rules 21.10.2.3.2, 21.10.2.3.3 and 21.10.2.3.4.

Activity		Activity specific standards
<b>P1</b>	Motor vehicles using the Racetrack except motor racing vehicles, and not operating above 100 km/h.	a. Shall occur in accordance with the raceway noise standards in Table 1.
<b>P2</b>	Motor racing vehicles using the Racetrack.	a. Shall occur in accordance with the raceway noise standards in Table 1. b. The activities in Table 1 shall not be scheduled to occur at the same time as the activities in Table 2.
<b>P3</b>	Drag racing vehicles using the Racetrack.	a. Shall occur in accordance with the raceway noise standards in Table 1. b. Where Drag Racing is scheduled to occur on a day where there are other activities scheduled to occur on the racetrack, it shall be allowed to occur on the same day

Activity		Activity specific standards
		<p>provided that the events do not occur at the same time. For the avoidance of doubt, a day of Drag Racing that occurs on the same day as one of the other 120 high noise days in Table 1 will be treated as two separate days for the purpose of accounting for the maximum number of calendar days per year allocated for these activities.</p> <p>c. The activities in Table 1 shall not be scheduled to occur at the same time as the activities in Table 2.</p>
<b>P4</b>	Special Interest Vehicles using the Racetrack.	<p>a. Shall occur in accordance with the raceway noise standards in Table 1.</p> <p>b. The activities in Table 1 shall not be scheduled to occur at the same time as the activities in Table 2.</p>
<b>P5</b>	Speedway race meeting.	<p>a. Shall occur in accordance with the speedway noise standards in Table 2.</p> <p>b. The activities in Table 1 shall not be scheduled to occur at the same time as the activities in Table 2.</p>
<b>P6</b>	Speedway practices.	a. Shall occur in accordance with the standards in Table 2.
<b>P7</b>	Electric remote controlled vehicles using the Track.	a. Shall occur in accordance with the remote controlled vehicle track noise standards in Table 3.
<b>P8</b>	Non-electric remote controlled vehicles using the Track.	a. Shall occur in accordance with the remote controlled vehicle track noise standards in Table 3.
<b>P9</b>	Driver training	a. Shall occur in accordance with the noise standards for all other activities in Table 4
<b>P10</b>	Road safety testing	a. Shall occur in accordance with the noise standards for all other activities in Table 4
<b>P11</b>	All other activities associated with a motorised sports facility at Ruapuna including operation of any PA system, maintenance or management of the Motorsport Park, pilot vehicles used to manage or control activities, vehicles entering, parking within or leaving the Motorsport Park, and car storage.	a. Shall occur in accordance with the noise standards for all other activities in Table 4.
<b>P12</b>	Facilities to accommodate the activities permitted by rules P1 - P11	Nil
<b>P13</b>	Ruapuna club rooms	<p>a. Shall occupy no more than 400m<sup>2</sup> of gross floor area.</p> <p>b. Shall occur in accordance with the noise standards for all other activities in Table 4</p>
<b>P14</b>	Public amenities	a. Any building containing toilets and/or changing rooms shall be setback a minimum of 20 metres from the boundary with any rural or residential zone and/or Accommodation and Community Facilities Overlay, except on the northern boundary where the setback shall be a minimum of 10 metres.

Activity		Activity specific standards
<b>P15</b>	Offices ancillary to permitted activities listed in this table.	<ul style="list-style-type: none"> <li>a. Shall cumulatively occupy no more than 250m<sup>2</sup> of gross floor area</li> <li>b. Shall occur in accordance with the noise standards for all other activities in Table 4</li> </ul>
<b>P16</b>	Retail activity ancillary to permitted activities in this table.	<ul style="list-style-type: none"> <li>a. Shall cumulatively occupy no more than 200m<sup>2</sup> of gross floor area;</li> <li>b. Shall occur in accordance with the noise standards for all other activities in Table 4</li> </ul>
<b>P17</b>	Emergency service facilities ancillary to permitted activities in this table.	Nil
<b>P18</b>	Parking areas for motorised sports events	<ul style="list-style-type: none"> <li>a. Parking shall be provided at the rate shown in row 1 of Chapter 7 Transport Appendix 7.1 Parking space requirements.</li> </ul>
<b>P19</b>	Cultural facilities	<ul style="list-style-type: none"> <li>a. Shall be ancillary to the motorised sports facility in the Specific Purpose Ruapuna Motorsport Zone and shall cumulatively occupy no more than 500m<sup>2</sup> of site area</li> <li>a. Shall occur in accordance with the noise standards for all other activities in Table 4</li> </ul>
<b>P20</b>	Motor racing vehicle fabrication and repairs facilities ancillary to motor racing activities in the Specific Purpose Ruapuna Motorsport Zone.	<ul style="list-style-type: none"> <li>a. Shall cumulatively occupy no more than 1500 m<sup>2</sup> of site area.</li> <li>b. Shall occur in accordance with the noise standards for all other activities in Table 4</li> </ul>
<b>P21</b>	Conference and function facilities	<ul style="list-style-type: none"> <li>a. Shall be ancillary to the motorised sports facility in the Specific Purpose Ruapuna Motorsport Zone.</li> <li>b. Shall occur in accordance with the noise standards for all other activities in Table 4</li> <li>c. There shall be no more than 100 delegates present in the facility at any one time.</li> <li>d. The hours of operation when the facility is open to visitors, clients and deliveries shall be limited to between the hours of 0700 - 2300.</li> </ul>
<b>P22</b>	Recreation activities	<ul style="list-style-type: none"> <li>a. Shall be ancillary to the motorised sports facility in in the Specific Purpose Ruapuna Motorsport Zone.</li> <li>b. Shall occur in accordance with the noise standards for all other activities in Table 4</li> </ul>

### 21.10.2.3.2 Restricted discretionary activities

The activities listed below are restricted discretionary activities.

Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in Rule 21.10.2.5, as set out in the following table.

Activity		The Council's discretion shall be limited to the following matters:
<b>RD1</b>	Buildings that do not meet Rule 21.10.2.4.1 – Maximum impervious surface	a. Impervious surface – 21.10.2.5.1
<b>RD2</b>	Buildings that do not meet Rule 21.10.2.4.2 – Maximum site coverage	a. Maximum site coverage – 21.10.2.5.2
<b>RD3</b>	Buildings that do not meet Rule 21.10.2.4.3 – Minimum building setbacks from internal boundaries	a. Minimum building setbacks from internal boundaries – 21.10.2.5.3
<b>RD4</b>	Buildings that do not meet Rule 21.10.2.4.4 – Road boundary building setback	a. Road boundary building setback – 21.10.2.5.4
<b>RD5</b>	Buildings that do not meet Rule 21.10.2.4.5 – Building height	a. Building height – 21.10.2.5.5
<b>RD6</b>	Buildings that do not meet Rule 21.10.2.4.6 – Service, storage and waste management spaces	a. Service, storage and waste management spaces – 21.10.2.5.6

### 21.10.2.3.3 Discretionary activities

The activities listed below are discretionary activities.

Activity	
<b>D1</b>	Any activity listed in Rule 21.10.2.3.1 P1 to P22 that does not meet one or more of the activity specific standards, unless otherwise specified.
<b>D2</b>	Any activity not meeting the requirements of Rule 21.10.2.2 General Rules – Noise, except as provided for in Rule 21.10.2.3.4 NC1 below

### 21.10.2.3.4 Non-complying activities

The activities listed below are non-complying activities.

Activity	
<b>NC1</b>	Any activity at the Raceway, Speedway, or Remote Controlled Vehicle Track exceeding 40dB $L_{Aeq}(15min)$ and 65dB $L_{AFmax}$ on the following days: <ul style="list-style-type: none"> <li>a. Good Friday</li> <li>b. Easter Monday</li> <li>c. Between 25 and 31 December</li> <li>d. New Years Day</li> <li>e. ANZAC Day</li> </ul> This rule applies in addition to any allowance for noise free Mondays in Rule 21.10.2.3.1 Table 1
<b>NC2</b>	Any activity not provided for as a permitted, controlled, restricted discretionary, discretionary, or prohibited activity.

**Table 1: Raceway Noise Standards**

Permitted Activity	Days of the Week	Maximum Number of calendar days per year	Boundary Noise Logger Noise Limits		Hours of Operation
			L <sub>Aeq</sub> (15min)	L <sub>AFmax</sub>	
Motor vehicles using the Racetrack except motor racing vehicles, and not operating above 100 km/h	Mondays	50	65 dB	85 dB	0900 – 1800
Motor racing vehicles using the Racetrack	Any day except Mondays	90	65 dB	90 dB	Except on 5 days Friday to Sunday 0900 – 2000
		75	70 dB	90 dB	
		120 of which no more than 50 days shall occur from Tuesday to Friday inclusive	80 dB	95 dB	
Drag racing vehicles using the Racetrack	Any day except Mondays	5	80 dB	105 dB	0900 – 1800
Special Interest Vehicles using the Racetrack	Any day except Mondays	6 as part of any permitted activity listed in this table	90 dB	105 dB	Maximum of 90 minutes per day 1000 – 1700

**Table 2 Speedway Noise Standards**

Permitted Activity	Days of the week	Maximum Number of calendar days per year	Boundary Noise Logger Noise Limits		Hours of Operation
			L <sub>Aeq</sub> (15min)	L <sub>AFmax</sub>	
Speedway race meeting	Any day except Mondays	15	80 dB	95 dB	1800 – 2200
Speedway practices	Any day except Monday	5	80 dB	95 dB	1200 – 1800

**Table 3 Remote Controlled Vehicle Track Noise Standards**

Permitted Activity	Days of the week	Maximum Number of calendar days per year	Boundary Noise Limits		Hours of Operation
			L <sub>Aeq</sub> (15min)	L <sub>AFmax</sub>	
Electric remote controlled vehicles using the Track	Any day except Mondays	No limit	65 dB	90 dB	0900 – 1800
Non-electric remote controlled vehicles using the Track	Any day except Mondays	50	65 dB	90 dB	0900 – 1800

**Table 4 All other activities Noise Standards**

Permitted Activity	Days of the week	Maximum Number of calendar days per year	Boundary Noise Limits		Hours of Operation
			L <sub>Aeq</sub> (15min)	L <sub>AFmax</sub>	
Activities not listed in Tables 1, 2, and 3 including operation of any PA system, maintenance or management of the Motorsport Park, pilot vehicles used to manage or control activities, vehicles entering, parking within or leaving the Motorsport Park	Any day	No limit	50 dB	75 dB	0700 – 2200
	Any day	No limit	40 dB	65 dB	2200 – 0700

### 21.10.2.4 Built form standards

#### 21.10.2.4.1 Maximum impervious surface

- a. The maximum percentage of the net site area covered by impervious surfaces shall be 30%.

#### 21.10.2.4.2 Maximum site coverage

- a. The maximum area of the site covered by a single building shall be 1500m<sup>2</sup>.
- b. The maximum percentage of the net site area covered by buildings shall be 5%.

#### 21.10.2.4.3 Minimum building setbacks from internal boundaries

- a. The minimum building setback from an internal boundary shall be 20 metres, except at the northern boundary where the minimum building setback shall be 10 metres.

#### 21.10.2.4.4 Road boundary building setback

- a. The minimum building setback from a road boundary shall be 10 metres.

#### 21.10.2.4.5 Building height

- a. The maximum height of any building shall be 20 metres.

#### **21.10.2.4.6 Service, storage and waste management spaces**

- a. Outdoor storage areas shall be screened from adjoining sites and roads by either planting, wall(s), fence(s) or a combination to at least 1.8m in height along the length of the storage area. Where such screening is by way of planting it shall be for a minimum depth of 3 metres.

#### **21.10.2.5 Matters of discretion**

##### **21.10.2.5.1 Impervious surface**

- a. Whether the proposed means of collecting, conveying, treating, attenuating and disposing of surface water from all impervious surfaces, including the management of potential contaminants on industrial sites, is adequate.

##### **21.10.2.5.2 Maximum site coverage**

- a. Whether the scale of the building/s is compatible with the layout, scale and appearance of other buildings within the site and/or on adjoining sites.
- b. The extent to which the provision of planting or screening may mitigate adverse effects of the encroachment. Reference should be made to General Rules and Procedures, Appendix 6.11.6, Part B for guidance and information on tree species
- c. Whether the development is designed and laid out to promote a safe environment and reflects principles of Crime Prevention through Environmental Design (CPTED).

##### **21.10.2.5.3 Minimum building setbacks from internal boundaries**

- a. The extent to which a reduced internal boundary setback will result in:
  - i. Adverse visual effects on open space and/or adjoining residents;
  - ii. Potential for activities within the building to give rise to disturbance to neighbours or nuisance effects;
  - iii. A more efficient, practical and better use of the balance of the site.
- b. Whether the scale and height of the building/s is compatible with the layout, scale and appearance of other buildings within the site and/or on adjoining sites.
- c. The extent to which the provision of planting or screening may mitigate adverse effects of the encroachment. Reference should be made to General Rules and Procedures, Appendix 6.11.6, Part B for guidance and information on tree species
- d. Whether the development is designed and laid out to promote a safe environment and reflects principles of Crime Prevention through Environmental Design (CPTED).

##### **21.10.2.5.4 Road boundary building setback**

- a. The extent to which the reduced setback will detract from the pleasantness, coherence, openness and attractiveness of the site as viewed from the street and adjoining sites, including consideration of:

- i. Compatibility with the appearance, layout and scale of other buildings and sites in the surrounding area;
  - ii. The classification and formation of the road, and the volume of traffic using it in the vicinity of the site;
  - iii. The provision of planting or screening to mitigate adverse effects of the encroachment. Reference should be made to General Rules and Procedures, Appendix 6.11.6, Part B for guidance and information on tree species.
- b. Whether the development is designed and laid out to promote a safe environment and reflects principles of Crime Prevention through Environmental Design (CPTED).
  - c. The extent to which the reduced setback will result in a more efficient, practical and better use of the balance of the site.

#### **21.10.2.5.5 Building height**

- a. The extent to which the increased building height will result in:
  - i. Visual dominance;
  - ii. Loss of privacy and outlook for adjoining residents;
  - iii. Incompatibility with the character and scale of buildings within and surrounding the site;
  - iv. Adverse visual effects that are mitigated by landscaping. Reference should be made to General Rules and Procedures, Appendix 6.11.6, Part B for guidance and information on tree species.
- b. Whether the increased height will result in any benefits in terms of retention of open space, significant trees or the satisfaction of specialised recreational needs.
- c. Whether the development is designed and laid out to promote a safe environment and reflects the principles of Crime Prevention through Environmental Design (CPTED).

#### **21.10.2.5.6 Service, storage, and waste management spaces**

- a. The extent to which planting or screening will mitigate any adverse visual effects of outdoor storage. Reference should be made to General Rules and Procedures, Appendix 6.11.6, Part B for guidance and information on tree species;
- b. The extent to which the materials or goods stored within the setback have an adverse visual effect.

## Chapter 6.1 General Rules — Noise

### 6.1.5 Activities near infrastructure

#### 6.1.5.1 Activity status tables

##### 6.1.5.1.1 Permitted activities

The activities listed below are permitted activities if they comply with any activity specific standards set out in this table.

Activity	Activity specific standards
<b>P1</b>	<i>To be confirmed in the Panel's decision for Chapter 6 General Rules</i>
<b>P2</b>	<i>To be confirmed in the Panel's decision for Chapter 6 General Rules</i>
<b>P2</b>	<i>In any Rural zone other than the Rural Quarry Zone, any new noise sensitive activity and any addition to an existing noise sensitive activity proposed between the Ruapuna Inner and Outer Noise Boundary relating to Ruapuna Motorsport Park as shown on the relevant planning maps.</i>
	<p>a. Shall be designed and constructed to ensure compliance with the indoor design sound levels in Rule 6.1.5.3.1.</p> <p>Advice note:</p> <p>These rules are intended to mitigate the effects of motorsport noise within internal building spaces only. Noise from motorsport activities will also be audible outside of buildings to a varying degree. When constructing new dwellings, residents are encouraged to consider orientating outdoor living spaces away from the Motorsport Park. Where this is not practical, the use of solid continuous walls or fencing encircling the outdoor space, can be used to help mitigate noise.</p>

##### 6.1.5.1.2 Restricted discretionary activities

The activities listed below are restricted discretionary activities.

*To be confirmed in the Panel's decision for Chapter 6 General Rules*

##### 6.1.5.1.3 Non-complying activities

The activities listed below are non-complying activities.

Activity	Activity specific standards
<b>NC1</b>	<i>To be confirmed in the Panel's decision for Chapter 6 General Rules</i>
<b>NC2</b>	<i>To be confirmed in the Panel's decision for Chapter 6 General Rules</i>
<b>NC3</b>	<i>To be confirmed in the Panel's decision for Chapter 6 General Rules</i>
<b>NC4</b>	<i>To be confirmed in the Panel's decision for Chapter 6 General Rules</i>

Activity	
NC5	In any rural zone, any new noise sensitive activity located within the Ruapuna Inner Noise Boundary surrounding Ruapuna Motorsport Park as shown on the relevant planning maps.
NC6	In any Rural zone other than the Rural Quarry Zone, any new noise sensitive activity or any addition to an existing noise sensitive activity proposed between the Ruapuna Inner and Outer Noise Boundary relating to Ruapuna Motorsport Park as shown on the relevant planning maps that does not comply with the Activity Specific Standard of Rule 6.1.5.1.1 P2.

#### 6.1.5.1.4 Prohibited activities

The activities listed below are prohibited activities.

*To be confirmed in the Panel's decision for Chapter 6 General Rules*

#### 6.1.5.2 Sensitive activities near roads and railways

*To be confirmed in the Panel's decision for Chapter 6 General Rules*

#### 6.1.5.3 Activities near Christchurch Airport

*To be confirmed in the Panel's decision for Chapter 6 General Rules*

## Chapter 2 Definitions

### Motor racing vehicle

means a vehicle purpose built or modified to compete in motor racing.

### Noise sensitive activities

in relation to the Specific Purpose (Ruapuna Motorsport) Zone means:

- a. Residential activities other than those existing in conjunction with rural activities that comply with the rules in the relevant district plan as at 23 August 2008;
- b. Education activities including pre-school places or premises, but not including flight training, trade training or other industry related training facilities;
- c. Guest accommodation except that which is designed, constructed and operated to a standard that mitigates the effects of noise on occupants;
- d. Healthcare facilities and any elderly persons housing unit.

### Road safety testing

in relation to the Specific Purpose (Ruapuna Motorsport) Zone means the physical testing of safety hardware for road use and includes the impact of motor vehicles against the hardware.

### Ruapuna club rooms

in relation to the Specific Purpose (Ruapuna Motorsport) Zone, means any building or part thereof which is ancillary accessory to motorsport and which is intended to be used by members of a motorsport club for locker facilities, amenities, meetings and/or social events.

### Special interest vehicle

means historical vehicles for which it is impracticable to achieve noise limits associated with standard racing vehicles, and shall include a F5000 vehicle.

### Drag racing

means vehicles which race over 400 metre distance, with a maximum of 2 vehicles at a time.

## Planning Maps

Amend Planning Maps 28, 29, 35, 36 of the Christchurch District Plan to show the Ruapuna Inner and Outer Noise Boundary contour (as attached).

**SCHEDULE 2**

This list has been prepared from the index of appearances recorded in the Transcript and from the document register of evidence and submitter statements, as shown on the Independent Hearing Panel's website.

Submitter Name	No.	Person	Expertise or Role of Witness	Filed/Appeared
Christchurch City Council	3723	Mr I Thomson	Planner	Filed/Appeared
		Mr A Milne	Traffic Engineer	Filed/Appeared
		Mr S Camp	Acoustics Engineer	Filed/Appeared
Canterbury Car Club Incorporated		Mr K Cowan		Filed/Appeared
Quieter Please (Templeton) Incorporated		Ms S Harnett		Filed/Appeared