

**BEFORE THE CHRISTCHURCH REPLACEMENT
DISTRICT PLAN INDEPENDENT HEARINGS PANEL**

IN THE MATTER of the Resource Management
Act 1991 and the Canterbury
Earthquake (Christchurch
Replacement District Plan) Order
2014

AND

IN THE MATTER of Chapter 21 (Stage 3) Specific
Purpose Zone (Ruapuna)
Proposal of the proposed
Christchurch Replacement
District Plan

CLOSING LEGAL SUBMISSION OF QUIETER PLEASE

(SUBMITTER NO: 3015)

24 MAY 2016

MAY IT PLEASE THE HEARINGS PANEL

1. Quieter Please's position on proposal 21, Specific purpose (Ruapuna Motorsport Zone) seeks to uphold the rulings of the Environment Court, in the matter of Plan Change 52

2. PC52 has been a lengthy process beginning at Council resolution in 2009 through to the court's final ruling March 2016. Considerable costs have been incurred by all parties and there have been many hundreds of unpaid hours of effort contributed by local residents. All parties to PC52 have had a stake in the lawful process of shaping the provisions and findings of the Environment Court.

3. The Environment Court has exercised its judgment on the matter of Plan Change 52 (PC52). The court's findings, provisions and rulings include two interim decisions with the final decision released in March 2016. Amongst the findings and provisions there are rulings on permitted activities, tables of operating limits as well as an objective. The Christchurch City Council (the Council) and the Canterbury Car Club (the Club) seek to introduce, through the Proposed Christchurch Replacement Plan, changes to some aspects of the Environment Court rulings.

4. QP is submitting on this matter (Proposal 21) to protect the respite provided for the community by Environment Court rulings. QP is not convinced that Environment Court wordings should be altered, adapted or added to, in any way, to accommodate the wants, desires and alleged needs of the Canterbury Car Club.

5. The Environment Court has already determined an objective and QP sees no reason to alter that objective. It includes the use of the park for training and recreational activities.

The objective also states that the adverse effects of activities at the Park on the surrounding community and environment are effectively managed to not increase and if practicable, are reduced and QP contends that this is a very important part of the objective

6. The objective of PC 52 as stated at Council resolution of meeting 25 June 2009 was to *"Initiate a plan change to restrict the noise levels and frequency of events and track usage to limit the use of Ruapuna Reserve to the current levels"* .

7. The community has been hopeful that the hard fought relief garnered through the Environment Court appeal process would return some balance to the Ruapuna area.

8. Evidence heard during Environment Court hearings confirmed that the Car Club has four paid staff working at Ruapuna, in 2009 there was only a track manager on site. That activities at Ruapuna can now support a staff of four demonstrates a growth in business since 2009. This is consistent with QP belief that compromise has not been part of the Car Club's agenda

9. QP had the privilege of a QC for legal counsel during PC52 environment court activity, we respected and followed QC directions including acknowledging court protocol on rebuttal. Our instructions on rebuttal were clear and simple: Rebuttal is not an opportunity to expand your statement. It is not an opportunity to repeat your statement but to rebut on facts, not because you believe it to be so. The Car Club and Council's rebuttal appear to be a combination of all of these things. Some of those statements need to be contested

10. The justification for new permitted activities and in some cases an expansion of existing activities appears to be firstly because of PC52 costs to the Car Club. It is our understanding that costs are not part of the RMA and in turn there appears to be little consideration of the impact of noise and increased activity to the community

11. The second justification is the new rules imposed by the Environment Court's PC52 decision. This amounts to 10 weekend free days during the summer and a handful of statutory holidays that most New Zealanders take for granted. The shutdown over the Christmas period has happened voluntarily at the track for many years, as longtime residents would testify, it is nothing new and so cannot be claimed to be onerous.

12. Ruapuna Park is indeed a busy track. It appears that the Car Club has not done a cost analysis that might factor in reducing overheads and it should be remembered that the amount they pay for the lease is less than most ratepayers pay in rates. We believe that in having access to exclusive use of public reserve land the Car Clubs are already treated very favourably. We note there is no mention of costs going out to the second part rental terms, that of payment to Council of 5% of (all) gate takings. (Deed of Lease Term 3,1).

13. The arguments used for commercial businesses on site are the same kind of arguments that any sporting code that leases a park from the council could use. If this was to occur, Public Reserves would turn into a collection of buildings catering for Retail, Commercial and Social activities. The local garage or auto painter would be placed in the unfair position of having to pay market rates for their premises while down the road on a Public Reserve a much different scenario plays out.

14. QP is asking for consistency in the built form for public reserves.

15. The contention that commercial activities would have to comply with noise levels for activities 3 and 4 is flawed. How does the noise logger differentiate between engine testing and noise from the track? Does a resident living close by feel less annoyed by the revving of a car outside a workshop than one twenty metres away on the track ?

16. There is only one noise logger at the Park which is on the southern boundary near the Speedway.

17. QP members and local residents know all too well that respite from activities at Ruapuna is vital. The permissive rules that lead to PC52 ultimately removed the gaps between activities. The gaps in activities that existed prior to 2004 provided natural respite and harmony in the area. The proposal to fill 'the gaps' recently given to the community by the Environment Court is of significant concern to QP. Arguments that suggest such activities are harmless because they fall within the realm of low noise permitted activities, totally ignores the impact on respite. QP fought for relief from the Nuisance occurring at Ruapuna and it does seem unfair that what little respite there is, will come under threat from more activities with Proposal 21: Specific Purpose Ruapuna Motorsport Zone. Quieter Please does not wish to see history repeat itself .

18. The rural roads leading up to the facility at Ruapuna are , apart from approximately 20 (weekend) nights in summer (when Speedway operates) very quiet roads after 6pm .

19. Traffic noise from vehicles being driven to and from the track is a significant issue for local residents (a large proportion of cars attending the track are noisy cars with "Big Bore Mufflers ") Any increase in traffic , especially at night, eats into resident's respite from noise and activity. A conference centre for a hundred would see up to (or over) one hundred extra cars (plus staff vehicles) using Barters and Hasketts Roads after 11pm.

20. A conference and function facility also goes hand in hand with the sale of liquor and it appears unlikely that after been granted consent for these facilities, a sale of liquor license would be declined. Given the often direct link with motor vehicles and alcohol and frequent nationwide campaigns to discourage mixing alcohol with driving , QP strongly objects to adding social and business function facilities to a motorsport venue.

21. QP is not opposed to un-motorised passive recreation such school duathlons and cycling events (as described in Keith Cowans evidence statement) . Without reservation QP fully supports such recreational activities and believes these are in keeping with the parks status as a public reserve.

22. We support and embrace a Community Liason Committee, indeed, in the very recent past local residents and QP members have taken time off from paid work to meet with Car Club members and Council at the track to discuss and work on issues. Our concerns are around whether or not that committee has teeth.

23. Consequently QP is opposed to an increase of activities at the Park, particularly Conference and Function facilities where the hours of operation would extend well beyond the limits placed on the Park by the Environment Court. Whilst QP acknowledges that the focus of PC52 was on what is an appropriate 'noise bucket' for activities undertaken at the Park, we consider that was the appropriate forum in which to consider the *entire* suite of noise generating activities, including from non-motorised activities.

Dated this 24th day of May 2016

S.Harnett on behalf of Quieter Please

