

Before the Independent Hearings Panel

In the Matter of the Resource Management Act 1991

And

In the Matter of the Canterbury Earthquake (Christchurch Replacement
District Plan) Order 2014

And

In the Matter of the Proposed Christchurch Replacement Plan
(**Proposal 21: Specific Purpose (Ruapuna
Motorsport) Zone**)

Closing Legal Submissions on behalf of
The Canterbury Car Club Incorporated

3679/FS5035

Dated: 25 May 2016

141 Cambridge Terrace
PO Box 2331
Christchurch
Solicitor Acting: A C Dewar
Email: amanda.dewar@laneneave.co.nz
Phone: 03 379 8370

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Introduction

1. These closing legal submissions are presented on behalf of The Canterbury Car Club Incorporated (**Car Club**) (submitter 3679/FS5035) on the Specific Purpose (Ruapuna Motorsport) Zone (**Zone**).
2. The Car Club has had discussions with the Council following the Hearing to address the matters raised by the Panel.
3. We understand the Council will provide an updated version of the provisions with its closing legal submissions to address as far as possible the drafting related matters raised by the Panel.
4. Therefore these submissions only briefly address the questions raised by the Panel regarding the use of the terms “ancillary”, “accessory” and “complementary” and the scope of the Noise Management Plans (**NMPs**) and Community Liaison Committee.

Ancillary Activities

5. At the Hearing the Panel questioned the use of the terms “ancillary”, “accessory” and “complementary” in Policy 20.10.1.1.3.¹
6. As outlined at the Hearing the additional words of “accessory” and “complementary” were included as there was some concern the term “ancillary” might not provide for the existing recreation activities and the limited range of proposed activities that may not be directly related to motorsport.²
7. The Panel in its decision on Stage 1 of the Definitions Chapter considered the meaning of “ancillary”. It found that “ancillary” should retain its ordinary dictionary definition meaning “*subservient, subordinate, auxiliary, providing support*”.³
8. The Car Club and the Council have agreed to delete the words “accessory” and “complementary” from the provisions on the basis the ordinary meaning of ancillary extends to these recreation and other non-motorsport related activities.

¹ Transcript dated 23 May 2016 at page 15, lines 26-29

² Transcript dated 23 May 2016 at page 30, lines 4-25

³ Independent Hearings Panel Decision 16 at paragraph 35

Noise Management Plan and Community Liaison Committee

9. At the Hearing the Panel asked whether the NMPs would cover the additional activities proposed.⁴
10. In our submission the NMPs provisions allow for the management of noise from all activities at the Motorsport Park, including the additional activities.
11. Rule 21.10.2.2.4(a) requires NMPs for the operation of the Speedway and the Raceway. The evidence of Mr Cowan outlines that the Raceway includes all the land occupied by the Car Club and the Racetrack refers to the race circuit itself.⁵ The Speedway includes the entire Speedway lease area which also contains the Remote Control Car Track.
12. Therefore the Raceway NMP addresses noise from the operation of all activities and facilities wherever they occur in the Raceway lease area. The same can be said for the Speedway NMP.
13. The Panel also asked whether the Car Club would “accept the sense” of the Community Liaison Committee looking across the board of all effects.⁶
14. The Car Club has always been of the view that the purpose of the Community Liaison Committee is to consider any adverse effects that may be raised by the community as a result of the operation of the Motorsport Park, be they noise related or otherwise.
15. We understand an additional clause will be added to the provisions by the Council to reflect this.

Conclusion

16. From Quieter Please’s evidence it is apparent that it is not satisfied with the outcome Plan Change 52 (PC52)⁷ and appears to be attempting to use this process to relitigate some of the issues decided by the Environment Court.
17. The Car Club is committed to implementing the outcome of PC52. The focus for the Car Club at this hearing is to obtain a complete stand-alone

⁴ Transcript dated 23 May 2016 at page 6, lines 41-45, and page 18, lines 37-42

⁵ Evidence in Chief of Mr Cowan dated 9 May 2016 at paragraph 11

⁶ Transcript dated 23 May 2016 at page 30, lines 33-34

⁷ Transcript dated 23 May 2016 at page 49, lines 1-2

zone which allows the Club to implement PC52 and enables non-noisy ancillary activities that will not disturb the nearby residents.

18. In our submission, the evidence of the Car Club and Council should be preferred as it has shown that provisions developed by the Car Club and Council are the most appropriate and give effect to the Statement of Expectations and Part 2 of the RMA.

Dated this 25th day of May 2016



Amanda Dewar | Sophie Reese
Counsel for The Canterbury Car Club Limited