

4. RUAPUNA NOISE ISSUES



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PURPOSE OF REPORT

1. The purpose of this report is to respond to the request for information from the Board regarding the noise levels at Ruapuna. The report refers to four attachments, a-d, which have been circulated separately.

EXECUTIVE SUMMARY

2. The Board has requested that the Council provide information related to the noise levels at Ruapuna. This report provides responses to the five issues raised by the Board in December.
 - (a) "Background to the changes to the City Plan relating to Ruapuna" – the rules were established in 1995 when the City Plan was publicly notified. When the Plan was publicly notified, a number of submissions were made, the majority of the submissions received requested that the noise standards be relaxed. The Council officers prepared reports on these submissions which were heard by a Hearings Commissioner (see attachments B and C). The Council then adopted the recommendations from the Commissioner in June 1999.
 - (b) "Whether mufflers are currently being used" – the Council's Environmental Effects team has confirmed that the use of mufflers varies between vehicles. However, the monitoring process has established that those vehicles without mufflers comply with the rules of the Plan.
 - (c) "What other sound-proofing opportunities are available" – some attenuation of noise at the boundary of the zone could be achieved by additional fencing or mounding, however, it is unlikely that any noticeable reduction would be achieved at a distance from the park.
 - (d) "Protection of the trees at the southern end of the site" – the mitigation of noise provided by the trees at the southern boundary is negligible. In order that these trees may provide a level of attenuation to the noise levels there would need to be a number of rows of trees around the boundaries of the entire park.
 - (e) "Information on the steps involved with a variation to the City Plan" – any party may apply for a plan change to modify the noise levels for Ruapuna, or for the Council itself to modify the rules. It should be noted that because the activities at Ruapuna are long-established, they have existing use rights under the Resource Management Act. This means that they would be entitled to continue at present levels, whatever the City Plan rules provided.

FINANCIAL AND LEGAL CONSIDERATIONS

3. None known.

BACKGROUND TO THE 1999 CHANGES TO THE CITY PLAN RELATING TO RUAPUNA

4. The rules concerned were established in 1995 when the City Plan was publicly notified. The City Plan is a document that the Council is required to produce under the Resource Management Act 1991. Its basic purpose is to control the environmental effects of land use. One of the many environmental effects the City Plan deals with is noise. Attachment "A" is a copy of the noise rules relating to Ruapuna in the 1995 City Plan.
5. When the City Plan was publicly notified people were entitled to make submissions on it, and to seek changes. Many organisations and individuals made submissions seeking that the noise standards for Ruapuna be relaxed. Although it would have been possible for people such as local residents to submit asking for greater restrictions, no one did so.
6. As required by the Resource Management Act, the Council then published a summary of all these submissions, giving people the opportunity to either support or oppose the first set of submissions. A number of people and organisations then supported the submissions seeking relaxed noise standards. Only one person opposed these submissions.
7. The Council officers then prepared reports on the submissions, and a hearing was conducted. The Council appointed a Hearings Commissioner to hear the submitters, consider the reports, and make a recommendation on the issues. Two hearings were held, on 17 December 1996 and 19 March 1997. In between a supplementary officers report was produced. Attachment "B" are copies of the officers reports to the hearings.
8. Following the hearings, the Commissioner produced a recommendation, Attachment "C". The Commissioner seems to have been influenced by the fact that the Raceway was long-established, there was little or no history of complaint about it, and that the limited changes proposed could be justified. The Council adopted his recommendation on 22 March 1999 and publicly notified the changes on 08 May 1999. No appeals were lodged with the Environment Court so this version of the rules has been in effect since June 1999. The current version of the rules is attachment "D".

NOISE LEVELS IN THE RUAPUNA ENVIRONMENT

9. The Council's Environmental Effects team has been monitoring the noise levels at a number of points around the Ruapuna area. Throughout this process, the team has measured the noise levels produced by a number of different activities occurring in the area. Specifically related to the questions from the Riccarton Wigram Community Board:
10. **The use of mufflers:** The use of mufflers varies between vehicles. A number of the vehicles using the Ruapuna Park do have mufflers, however, the monitoring process has established that those vehicles without mufflers do comply with the noise standards established by the rules of the Plan (Volume 3, Part 11, Rules 1.3.1-1.3.4).
11. **Other soundproofing options:** The 4-5 metre bunds that surround both the race track and the speedway provide a high level of noise mitigation. The noise from the park is generated from a number of sources, and as such further noise mitigation is difficult. As the "Supplementary Report", provided in "B", states "although some attenuation of noise at the boundary of the zone could be achieved by additional fencing or mounding, it is unlikely that any noticeable reduction would be achieved distant from the park". Therefore, due to the nature of the activities occurring at Ruapuna, there are limited options available for soundproofing.
12. The Environmental Effects team is continuing to monitor the noise levels and a report regarding its findings will be available later in the year.

PROTECTION OF THE TREES AT THE SOUTHERN END OF THE SITE

13. The trees that are located on the southern boundary of the Ruapuna Park are not protected by the Plan. The trees are sparsely planted, with a maximum of two rows in places. The level of noise mitigation provided by these trees for surrounding residents is negligible. In order that trees provide a level of attenuation to the noise levels, there would need to be a number of rows around the boundaries of the entire park. The bunds are a more effective approach in mitigating noise.

14. The five kowhai trees, located in the south of the Park, have been identified as notable trees and as such are protected by the rules of the Plan.

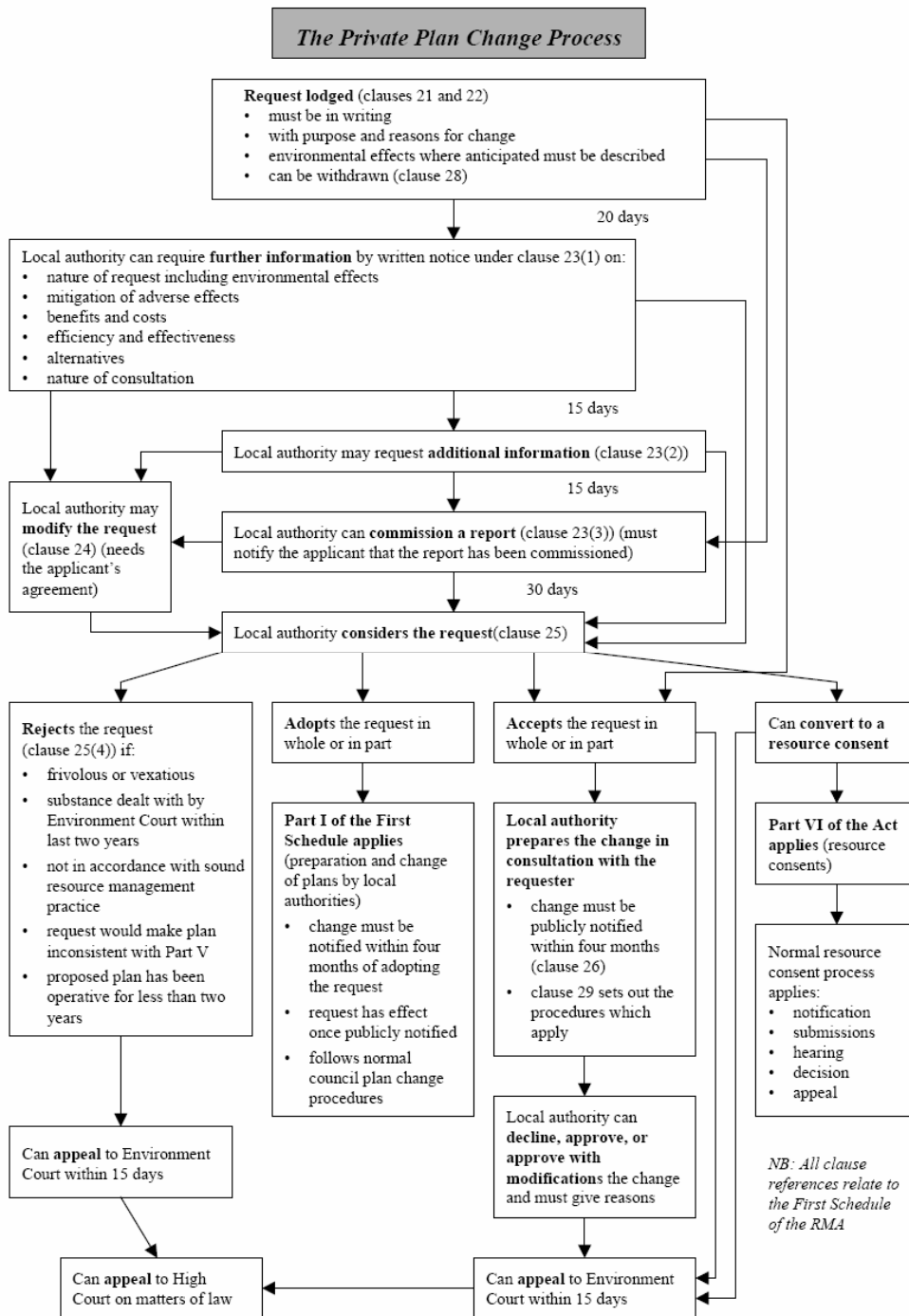
COUNCIL LED PLAN CHANGE

15. It is possible for the Council to investigate a plan change regarding the noise rules at Ruapuna. A Council led proposed plan change would be assessed against the Council's prioritisation process as outlined in the table below. According to this assessment, it is likely that the plan change would be assessed as being priority 1. However, according to Section 10 of the Resource Management Act, land may be used in a manner that contravenes a rule in the district plan if the use was lawfully established before the rule become operative (existing use rights). The activities occurring at Ruapuna have lawfully established existing use rights. Therefore, any proposed change to the noise rules would be subject to the influence of Section 10, creating difficulties for enforcing changes to the noise level rules.

<p>Prioritisation Process for Plan Change Workloads</p> <p>The approach to prioritising workload is as follows;</p> <p>Priority 1</p> <ul style="list-style-type: none">• Environment Court Process• Council statutory process• Existing Council commitments• Essential Projects• Investigations involving matters with either significant environmental effects or significant community or public benefits <p>Priority 2</p> <ul style="list-style-type: none">• Private Plan changes• Other investigations <p>Priority 3</p> <ul style="list-style-type: none">• Database of potential plan changes (approx 400 items)

WHAT STEPS ARE INVOLVED IN A PRIVATE PLAN CHANGE PROCESS?

16. The Christchurch City Plan was made partially operative on 21 November 2005. As a result, any changes to the Plan may be made under the processes established in Part 2 of the First Schedule of the Resource Management Act. Whilst the Council may reject applications for Plan Changes within two years of the City Plan becoming operative, it will consider any applications in the manner set out in the First Schedule of the Act.
17. Under the First Schedule, any person (including companies and incorporated organisations) may request a change to the District Plan. The form of this request should be made to the Council in writing, outlining the purpose and reasons for the proposed plan change. Where it is anticipated that the proposed plan change may have environmental effects, these must be described in an 'Assessment of Environmental Effects' report. This is outlined in the Fourth Schedule of the Act. The degree of information provided is at the discretion of the applicant, however, the Council may request that further information is provided. The Council staff will provide the applicant with constructive guidance on their request. This will ensure that this process remains transparent and that costly delays are avoided wherever possible.
18. Once all information has been received, the Council will make a decision within thirty working days. The decision will either; adopt the plan change request as its own, accept the request in whole or part, decide to deal with it as a resource consent, or reject the request on certain grounds. However, these decisions may be appealed in the court system. The diagram below shows the path a private plan change progresses through:



Source: MFE, 2000.

19. It would therefore be possible for any party to apply for a plan change to modify the noise rules for Ruapuna. Whether this was to increase or reduce the noise limits, it can be almost guaranteed that this would be extremely controversial. It should also be noted that because the activities at Ruapuna are long-established, they have existing use rights under the Resource Management Act. This means that they would be entitled to continue at present levels, whatever the City Plan rules provided.

STAFF RECOMMENDATIONS

It is recommended that the report be received.

CHAIRPERSON'S RECOMMENDATION

That the information be received.