


15. THE RUAPUNA PARK NOISE ENVIRONMENT



General Manager responsible:	General Manager Strategy and Planning, DDI 941-8177
Officer responsible:	City Plan Team Leader
Author:	Jane Anderson

PURPOSE OF REPORT

1. The purpose of this report is to provide the Council with information on the existing and potential noise environment in the surrounds of Ruapuna Park, and to provide options for addressing the potential adverse effects created by this noise environment.

EXECUTIVE SUMMARY

2. Ruapuna Raceway and Speedway are located on Ruapuna Reserve, Hasketts Road, Templeton (Attachment 1). The Raceway track is leased and operated by the Canterbury Car Club for motor-racing. The Canterbury Car Club sub-lease and hire the track to a number of other clubs including the Canterbury Motor Racing School Limited and the Pegasus Bay Drag Club Ltd. The lease on the Raceway track is due to expire in 2017. The speedway track is leased and operated by the Christchurch Speedway until 2020, with a right of renewal until 2053.
3. The provisions of the City Plan provide for motor-sport activities as a permitted activity, subject to controls on noise and hours of operation (Attachment 2). Additionally, the Plan controls the development of any new residential dwellings within 400 metres of the track. There are five dwellings within this 400m setback.
4. The rules for restricting noise at Ruapuna Reserve were first established in 1995, when the City Plan was notified. These rules were relaxed as a result of the submission process and were adopted by Council in 1999.
5. Since late 2005, Council officers have experienced a dramatic increase in the number of complaints regarding the noise created by motor-sport activities at Ruapuna Reserve. The members of "Quieter Please" have expressed their concern over what they feel to be excessive noise levels adversely affecting the health and wellbeing of residents in the area, and also their concerns about the City Plan process, which took place without them being specifically made aware of it.
6. In April 2006, Council's Environmental Effects Team completed their programme of noise monitoring at Ruapuna. This monitoring was undertaken over a season of racing (November 2005 until March 2006). The monitoring established that events at Ruapuna were operating within the noise provisions of the Plan.
7. On the 24th August 2006, Council received a deputation from "Quieter Please". A report on the matters raised by this deputation was considered by Council on the 30th November 2006. Council resolved to adopt Option 3 of the report, that *"the Council at this time make no decision and await the outcome of the pending staff report on possible future development changes in the area that may affect motor-sport activities"*.
8. Additionally, a proposal to relocate the Speedway and Raceway to the Pound Road Quarry was brought to Council officers by the Canterbury Car Club.
9. Council officers commissioned Marshall Day Acoustics to report on the noise issues associated with motor-sport activities in the Templeton area (Attachment 3). The Marshall Day report established criteria for assessing the "reasonableness" of noise created by activities at Ruapuna Park. The results of assessing the noise environment using the Marshall Day criteria are as follows:
 - (a) Current noise environment - Seven dwellings are exposed to a "moderate to significant" noise environment by the Raceway. Three dwellings are exposed to a "moderate to significant" noise environment by the daytime use of the Speedway, and 21 dwellings are exposed to night-time noise from the Speedway that is "moderate to severe". These noise environments are defined in the report as "unreasonable" (Attachment 4).

- (b) Maximum noise environment permitted by the provisions of the City Plan – Marshall Day Acoustics predict that the potential noise environment will be “significant to severe” for 10 dwellings in the Templeton area for daytime operations, “significant to severe” for 21 dwellings for night-time operations. An additional 24 dwellings would potentially experience “moderate to significant” noise effects for night-time operations. Marshall Day Acoustics considers that it is “unreasonable” for Ruapuna Park to operate at its maximum permitted capacity under the provisions of the City Plan (Attachment 5).
- 10. Additionally, Marshall Day Acoustics have established that the 400m building restriction around Ruapuna should be extended to 1300m to prevent moderate noise effects on new dwellings.
- 11. It is important to note that while the Marshall Day report refers to 21 dwellings affected by the existing noise environment, there are in fact 22 affected dwellings. Further, there are an additional two properties within the affected area where residential dwellings may be built. Therefore there are 24 affected properties.
- 12. There are a number of options for addressing the noise environment in the area surrounding Ruapuna. These options include, making a change to the City Plan to limit the activities to the existing level, constructing acoustic shields around the park, limiting the noise at point source, mitigating the noise at the receiving environment, possible buy-outs of affected residential dwellings and relocating the motor-sport activities into the Pound Road Quarry or elsewhere. The level of effectiveness of the majority of these options is low.
- 13. It is recommended that a combination of options are developed for addressing the noise environment at Ruapuna, this combination should include placing a cap on the noise environment to reflect current noise levels, restricting all new residential developments within 1300m of the Park boundary and to investigate the possible buy-out of the identified affected properties.

FINANCIAL IMPLICATIONS

- 14. The financial implications of the proposed options outlined in this report vary greatly.
- 15. Should Council agree with maintaining the status quo, there will be no financial implications for Council.
- 16. Should Council agree to undertake a change to the Plan to place limits on the noise environment and restrict residential dwellings within 1300 metres of the Park, the financial implication will be those associated with a Plan Change. Costs cannot be predicted accurately, but could be in the vicinity of \$250,000 if it proceeds to the Environment Court.
- 17. The financial implications of constructing acoustic shields around Ruapuna Park cannot be predicted. Further investigations into the appropriate design and materials would need to be undertaken before any costs could be supplied.
- 18. The financial implications for operators at the Park of mitigating the noise at point source cannot be predicted. The mitigation at point source may be an option, but the Council would need the agreement of the operators using the Park as there is no ability for the Council to require noise mitigation without an Environment Court Order. Further, the lessees of the Park may seek compensation for the restrictions this option may place on the motor-sport activities. It is anticipated that this option will create additional costs for Council for mitigation measures, monitoring and enforcement.
- 19. A preliminary assessment of the financial implication of possible purchase of the affected properties has been undertaken (Attachment 6 (public excluded section)). Three options for the use of the purchased affected land have been identified, these are summarised below:

- (a) Reselling of properties with covenants restricting noise complaints – The size of the adversely affected land is approximately 81.36 hectares with a rateable value of \$14.1 million. On preliminary investigation, a 5-10% value reduction range from the purchase price has been established as a reasonable estimate for the resale price of affected properties. (current rateable values have served as the basis for estimating the possible purchase price of all affected properties; all values include a consideration of holding costs and legal costs). These values require further research.
 - (b) Retain affected land for future use – The affected land may be of use for future use, such as reserves or for sporting activities complimentary to motor-sport activities. Preliminary discussions with Council staff have indicated that there are few, if any community open spaces uses for this area.
 - (c) Quarrying of the land of affected properties – Council staff have investigated the possibility of using the affected land for quarrying. The key direct risks associated with this option are the quality of the gravel, overall market prices and quantity of gravel and cost of extraction. The other key issue is obtaining consents to undertake quarrying activities. A brief assessment of this option suggests that a maximum loss of \$19 million would be incurred over the 12 year life of the activity, this is mainly due to high land costs and extraction costs.
20. The financial implication of mitigating the noise at the receiving environment is dependent on the threshold at which residents are assessed as being adversely affected by the noise to a level that requires acoustic treatment. According to the criteria used in the Marshall Day report, twenty-two dwellings are significantly affected by the current noise environment. However, should the Raceway operate to the maximum noise levels permitted by the Plan, it is anticipated that this number would increase to 46 dwellings. It is not possible to be certain of the costs without assessing the dwellings in the area. However, the research undertaken by Lyttelton Port Company has established a maximum cap of \$60,000 for acoustically treating a dwelling. Therefore, the costs to the Council to acoustically treat 22 dwellings would be approximately \$1.3 million, increasing to approximately \$2.8 million to treat all 46 dwellings.
21. The financial implications of relocating the motor-sport facilities from Ruapuna Park would be very extensive. Setting aside the difficulties of finding a suitable site, the cost of land purchase and construction would run to many millions of dollars.

Do the Recommendations of this Report Align with 2006-16 LTCCP budgets?

22. No. While the cost of any plan change could be incorporated within the City Plan budget, no funding has been identified within the LTCCP for the possible purchase of affected properties. Once investigation and research has been undertaken on this buy-out option, details would need to be included in the 2009-2019 LTCCP budget.

LEGAL CONSIDERATIONS

23. Council staff commissioned a legal opinion from Simpson Grierson regarding a number of the legal considerations associated with regulatory and non-regulatory options for controlling noise emissions from the Ruapuna Raceway and Speedway (Attachment 7). The outcomes of this legal opinion are summarised below:
- (a) Change to the City Plan Noise Provisions – in terms of lowering the noise below current levels, any change to the plan provisions would be ineffective as the Park could then rely on existing use rights under section 10 of the Resource Management Act 1991 (RMA). However, there is an opportunity to stop activities from reaching the maximum permitted noise level provided by the plan by changing the provisions to place a cap on the maximum permitted noise levels and days of activity to reflect the current usage levels.

- (b) Exercising powers pursuant to section 16 of the RMA by taking enforcement action requiring the adoption of the best practicable option for ensuring the level of noise emitted is reasonable – there is limited scope within the RMA to pursue enforcement proceedings for a purported breach of section 16. Further, any enforcement order is likely to be subject to a statutory bar preventing the Environment Court from granting an order due to the effect of section 319(2). Even if an enforcement order was sought, the Court still has the discretion to grant or decline the application and the Court is unlikely to make an order, given that the noise effects of the Ruapuna complex appear to have been expressly considered and authorised by the Council when approving the City Plan. Similarly, an abatement notice is unlikely to be upheld due to the effect of section 325(5) and for similar reasons as those for the enforcement action.
- (c) Exercising powers pursuant to Section 41 of the Reserves Act 1977 to adopt a reserves management plan to control the use of the Ruapuna Complex – there is no mechanism in the Reserves Act to enforce management plans, and accordingly prescribing noise limits or seeking to restrict activities by way of a management plan for the Park would be ineffective.
- (d) Controls through the development of a new bylaw to control the impact events have on a pre-existing noise environment – the use of bylaws under the Reserves Act or the Local Government Act 2002 have the potential to be able to control the noise effects, however there are practical and political difficulties with the passage of such bylaws which would be subject to the public scrutiny, including the lessees of the Park, and ultimately all bylaws affecting reserves require approval from the Minister of Conservation.
- (e) Exercising powers to alter or enforce lease agreements restricting the use of Ruapuna Park – the lease agreement for the Car Club contains an “offensive activity” provision restricting activities that are likely to disturb adjoining occupiers of land. It is arguable that the provision makes the emission of unreasonable noise a breach of the lease by the Car Club. However, this may be inconsistent with the primary purpose of the lease, which was to enable such activities and should be considered in the context. Further, the Council can be considered to have created the existing noise problem by allowing the encroachment of noise sensitive activities such as residential housing in the vicinity of Ruapuna. The ability of the Council to enforce the “offensive activity” clause to control noise emissions from the usual activities of the Car Club is limited. Further, there is no provision regarding “offensive activities” in the lease for the Speedway.
- (f) Dealing with noise through the claims for nuisance as a statutory nuisance under the Health Act 1956 – the statutory nuisance provisions under the Health Act require the purported nuisance to be injurious to public health. Further research would need to be undertaken to assess whether the noise environment is injurious to public health. With further evidence it may be possible to undertake statutory nuisance proceedings under the Health Act. However, it may be doubtful, given the number of affected properties, that the noise emissions were injurious to public health.
- (g) Dealing with the noise through claims of nuisance at common law – there would be a threshold issue with regard to the standing of the Council for any claim in private nuisance at common law. While the process may be able to provide some basis for control of the noise emissions in the form of an injunction, the Council is unlikely to have the standing to bring such proceedings. Further the claim in public nuisance would be difficult to establish, as the purported nuisance does not appear to affect a public right, rather it has a specific effect on private landowners.

Finally, the legal opinion states that given the Council has effectively created the current situation, by authorising the activities at Ruapuna as a landowner and as regulator under the RMA, a course of action that effectively seeks to remove the ability of the complex to lawfully continue those activities may raise issues of wrongful use of statutory powers, collateral purposes, illegality or unreasonableness with regard to the exercise of such powers by the Council.

Have you considered the legal implications of the issue under consideration?

24. Yes

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

25. This report is consistent with the programme of City Development under the LTCCP that seeks to provide an ongoing programme of improvements to enhance the planning documents of the City, to ensure an attractive built environment and minimise adverse effects on the environment (pg 145).
26. Additionally, this report is consistent with the programme of Liveable Cities under the LTCCP that seeks to provide a good built environment that improves people's quality of life.

Do the recommendations of this report support a level of service or project in the 2006-16 LTCCP?

27. Yes

ALIGNMENT WITH STRATEGIES

28. Liveable City Strategy and Healthy Environment Strategy

Do the recommendations align with the Council's strategies?

29. Yes

CONSULTATION FULFILMENT

30. Yes

STAFF RECOMMENDATION

It is recommended that:

- (a) The report be received.
- (b) That the Council agree to consider the possible purchase of the twenty-four most affected properties or offer a mitigation package to the owners.
- (c) That the Council prepare a change to the City Plan to:
 - (i) prevent growth in noisy activities beyond a point that is reasonable,
 - (ii) impose greater separation distance to residential activities that is appropriate to the level of activity at Ruapuna,
- (d) That no further consideration is given to the enforcement option under Section 16.
- (e) That Council staff develop a detailed proposal for land purchase or mitigation package for consideration by Council, the community and user groups.

BACKGROUND (THE ISSUES)

31. Ruapuna Reserve is owned by the Christchurch City Council. Ruapuna Raceway and Speedway are located on Ruapuna Reserve, Hasketts Road, Templeton (Attachment 1). The Raceway track is leased and operated by the Canterbury Car Club for motor-racing activities. The Canterbury Car Club sub-lease and hire the track to a number of other clubs for a variety of motor-sport activities. The lease on the Raceway track is due to expire in 2016, with no right of renewal. The Speedway track is leased and operated by the Christchurch Speedway until 2020, with a right of renewal until 2053.
32. The Raceway tracks were established on the reserve in the 1960s. The tracks are used for activities such as racing, car trials, driver training and drifting. A number of clubs utilise the Raceway tracks, including the Canterbury Motor Racing School Limited, the Pegasus Bay Drag Club and the Canterbury Auto Cycle Club. The Canterbury Car Club organises a number of events for each racing season, these events include the Lady Wigram Trophy Race and the Southern Festival of Speed.
33. The Speedway tracks are used for the racing of a number of different classes of vehicles, including sprint cars and midjets. Speedway events generally occur in the evenings over the summer period.
34. Ruapuna Reserve is zoned Open Space 3 in the City Plan. The provisions of the Plan provide for motor-sport activities as a permitted activity, subject to controls on noise and hours of operation (Attachment 2). Additionally, the Plan controls the development of any new residential dwellings within 400 metres of the track. There are five dwellings within this 400m setback.
35. The rules for restricting noise at Ruapuna Reserve were first established in 1995, when the City Plan was notified. After public notification, Council received a number of submissions on these noise provisions from organisations and individuals seeking to have the provisions relaxed. When the summary of these submissions were published, Council received one submission opposing the relaxation of the rules. At the hearing, the Commissioner seems to have been influenced by the fact that the Raceway and Speedway were long established, that there was little or no history of complaints and that therefore the proposed changes could be justified. Council adopted the Commissioner's recommendation and publicly notified the changes in 1999. No appeals were lodged in the Environment Court. Therefore, the noise provisions for the Reserve have been in effect since June 1999. Residents now consider that the public notification process was not an adequate way of making them aware of the City Plan provisions, and they should have been directly consulted, especially after the submissions seeking relaxation were received and the officer's reports to the Hearings Commissioner were prepared. The residents say they were unaware of these processes.
36. The noise provisions of the City Plan provide for motor-sport activities as a permitted activity, subject to controls on noise and hours of operation (Attachment 2). Operational noise levels of 90dBA Lmax and 65dBA L10 (1 hour) apply between the hours of 0900 and 2200 hours throughout the year. Additional provisions allow for the site to operate until 2300 hours on up to 200 days per year, with permitted noise levels of 95dBA Lmax and 80dBA L10 (1 hour), for up to 15 days per year the site may operate until 2400 hours, and for up to 5 days per year no Lmax shall be applied. Additionally, the Plan controls the development of any new residential dwellings within 400 metres of the track. There are five dwellings within this 400m setback.
37. Since late 2005, there has been a dramatic increase in the number of complaints regarding the noise created by motor-sport activities at Ruapuna Reserve. A group of Templeton residents called "Quieter Please" have been corresponding with Councillors, local Members of Parliament and Council officers since late 2005. The members of "Quieter Please" have expressed their concern over what they feel to be excessive noise levels adversely affecting the health and wellbeing of residents in the area, and also their concerns about the City Plan process, which took place without them being specifically made aware of it.

38. In December 2005, the Riccarton-Wigram Community Board requested that Council officers provide a report regarding the City Plan noise provisions for Ruapuna. This report was presented to Council on the 14th February 2006.
39. In April 2006, Council's Environmental Effects Team completed their programme of noise monitoring at Ruapuna. This monitoring was undertaken over a season of racing (November 2005 until March 2006) and was part of the Environmental Effects Team's scheduled noise monitoring programme. The monitoring established that events at Ruapuna were operating within the noise provisions of the Plan. The Monitoring Report was presented to the Community Board on 11 April 2006.
40. The Riccarton-Wigram Community Board held a facilitated meeting between Templeton residents and motor-sport operators on the 24th April 2006. Both parties agreed to a number of measures for addressing the issues discussed.
41. On the 24th August 2006, Council received a deputation from "Quieter Please". A report on the matters raised by this deputation was considered by Council on the 30th November 2006. Council resolved to adopt Option 3 of the report, that *"the Council at this time make no decision and await the outcome of the pending staff report on possible future development changes in the area that may affect motor-sport activities"*.
42. Additionally, a proposal to relocate the Speedway and Raceway to the Pound Road Quarry was brought to Council officers by the Canterbury Car Club.
43. The motor-sport activities that occur at Ruapuna Reserve provide a number of social and economic benefits to the City. The Raceway facilities, leased by the Canterbury Car Club, are used for car racing, car trials, driver training and driver safety and education. The Car Club holds more than 50 events per season; these events attract participants and car-enthusiasts from all over the country into the City. The Speedway facilities, leased by Ruapuna Speedway, are used for Speedway events for a variety of vehicle classes in approximately 20 events per year. The motor-sport activities at Ruapuna provide economic benefits for motor-sport related industries and more indirect economic benefits to the hospitality industry.
44. The Canterbury Car Club has advised Council that since March 2006 the Club has undertaken a number of measures to mitigate the adverse effects associated with the noise of motor-sport activities, these measures include:
 - a) Limiting the opening hours of the track, to ensure that racing and/or vehicle testing may not occur prior to 0900 hours,
 - b) Placing more stringent controls on the use of the PA system, and
 - c) The training cars used by the Motor Racing School have been muffled
45. Council officers commissioned Marshall Day Acoustics to report on the noise issues associated with motor-sport activities in the Templeton area. The brief requested that the assessment investigate the "reasonableness" of the current and potential noise environment, possible noise mitigation options, and determine the potential noise effects from Ruapuna Raceway and Speedway if relocated 8 metres below ground in the Pound Road Quarry.
46. The report from Marshall Day Acoustics is provided as Attachment 3. As part of the report Marshall Day sought to define the levels of adverse effects created by motor-sport noise. It was established that any increase in noise effects above "moderate effects" should be considered "unreasonable" (Marshall Day Report, page 30). These parameters for defining "reasonableness", or the "annoyance criteria", were influenced by the a number of issues, including that the raceway and speedway have been in operation before most residents moved into the area, and the high levels of ambient noise from aircraft and quarry activities. Marshall Day Acoustics, having defined what constitutes a "reasonable" noise environment, established that:

- (a) According to the “annoyance criteria”, the report has established that seven dwellings have been identified as being “moderately to significantly” affected by noise from the Raceway and three dwellings have been identified as being moderately to significantly affected by noise from the Speedway. The exposure rates for these dwellings has been assessed as between 61-62dBAL eq (1 hour) during predominant winds (Marshall Day Report, page 49). It is in the view of Marshall Day Acoustics that it would be reasonable for these residents to expect noise levels to be reduced below 60dBAL eq (1 hour) or to have the number of events reduced. Twenty-one dwellings have been identified as being exposed to night-time noise from the Speedway that is moderate to severe and, therefore “unreasonable” (Marshall Day Report, page 50).
 - (b) The Park is not operating to the maximum capacity permitted by the noise rules. The predictions for the potential noise environment created by motor-sport activities operating at the maximum permitted capacity under the rules has been assessed as being “unreasonable” for a number of surrounding residents (Marshall Day Report, page 51). Thirteen dwellings have been assessed as potentially being exposed to moderate to significant noise effects from activities occurring at the Raceway in this noise environment, and seven dwellings potentially being exposed to significant to severe effects. For the night-time operations of the Speedway, 24 dwellings have been identified as potentially being exposed to moderate to significant effects and 23 dwellings potentially exposed to significant to severe effects. It is in the view of Marshall Day that it is “unreasonable” for Ruapuna Park to operate at the maximum capacity provided by the provisions of the City Plan.
 - (c) The current buffer distance of 400 metres is sufficient for preventing significant noise effects on new dwellings, however extending the building restriction to 1300 metres would prevent minor to moderate noise effects on new dwellings (Marshall Day Report, page 64).
 - (d) The possible relocation of the Ruapuna motor-sport facilities into the Pound Road quarry would increase the adverse effects of noise on the surrounding residents to an “unreasonable” level. The relocation would result in significant increases in noise at a number of locations. It is in the view of Marshall Day Acoustics that it would be reasonable for residents to not expect any perceptible increase in noise as a result of relocating the motor-sport activities (Marshall Day Report, page 58).
47. It is important to note that while the Marshall Day report refers to 21 dwellings affected by the existing noise environment, there are in fact 22 affected dwellings. Further, there are an additional two properties within the affected area where residential dwellings may be built. Therefore there are 24 properties affected by the current noise environment.
48. There are a number of options for addressing the noise environment in the area surrounding Ruapuna. These options include, making a change to the City Plan to limit the activities to the existing level, constructing acoustic shields around the park, limiting the noise at point source, mitigating the noise at the receiving environment, possible buy-outs of affected residential dwellings and possible relocation of the motor-sport activities into the Pound Road Quarry or elsewhere. Lowering the noise limits in the City Plan below the existing noise environment would not be an effective option because existing use rights have been established.

THE OBJECTIVES

49. The objective of this report is to provide Council with the results of an independent report of the “reasonableness” of the noise environment surrounding Ruapuna Park and to provide options for mitigating the adverse effects produced by the noise.

THE OPTIONS

OPTION 1

50. *The Status Quo*

The current City Plan noise provisions provide for motor-sport activities as a permitted activity. The status quo option involves maintaining the provisions as outlined in Attachment 2. The activities at Ruapuna Park are not currently operating at the maximum permitted capacity provided for by the noise provisions; therefore, there is scope for a substantial increase in the potential adverse affects of noise in this environment. A number of Templeton residents are increasingly voicing their opposition to the noise provisions for Ruapuna, stating that the activities are adversely affecting their health and well-being. It is in the view of Marshall Day Acoustics that the potential noise environment created by motor-sport activities at Ruapuna operating at the maximum permitted capacity as determined by the City Plan provisions would be “unreasonable” for the surrounding residential population.

REGULATORY OPTIONS

OPTION 2

51. *Changes to the City Plan Noise Provisions*

This option would seek to place restrictions on the use of the existing Ruapuna motor-sport facilities to help limit the potential adverse affects on the surrounding rural-residential environment through a change to the City Plan noise provisions. A Plan Change to place limitation on the noise provisions may be undertaken in a number of ways, including; lowering the permitted noise levels, changing the number of days of operation, limiting the number of events, and increasing the development setback for new housing from the Park boundaries.

It is important to note that any plan change will not extinguish “existing use rights”. It is in the view of Marshall Day Acoustics that the noise environment will become increasingly “unreasonable” for surrounding residents should the Park operate at the full permitted capacity provided for by the provisions in the City Plan. However, there is an opportunity to place a cap on the current noise by restricting activities to the current levels.

OPTION 3

52. *Legal Enforcement*

The use of section 16 of the Resource Management Act to ensure the level of noise emitted is reasonable has been explored as part of the legal opinion from Simpson Grierson. The legal opinion states that there is limited scope within the RMA to pursue enforcement proceedings for a purported breach of section. Further, any enforcement order is likely to be subject to a statutory bar preventing the Environment Court from granting an order due to the effect of section 319(2). Even if an enforcement order was sought, the Court still has the discretion to grant or decline the application and the Court is unlikely to make an order, given that the noise effects of the Ruapuna complex appear to have been expressly considered and authorised by the Council when approving the City Plan. Similarly, an abatement notice is unlikely to be upheld due to the effect of section 325(5) and for similar reasons as those for the enforcement action.

Exercising powers pursuant to Section 41 of the Reserves Act 1977 to adopt a reserves management plan to control the use of the Ruapuna Complex has also been explored as part of the legal opinion from Simpson Grierson. The legal opinion states that there is no mechanism in the Reserves Act to enforce management plans, and accordingly prescribing noise limits or seeking to restrict activities by way of a management plan for the Park would be ineffective.

OPTION 4

53. *Claims for statutory nuisance under the Health Act 1956*

This option would allow for Council to use the provisions of the Health Act 1956 to control the noise if a statutory nuisance was being committed. The statutory nuisance provisions under the Health Act require the purported nuisance to be injurious to public health. Further research would need to be undertaken to assess whether the noise environment is injurious to public health, to allow for the control of the noise at Ruapuna. However, it may be doubtful, given the number of affected properties, that the noise emissions were injurious to public health.

OPTION 5

54. *Nuisance at common law*

This option would seek to use a claim in nuisance at common law. It is in the view of the Simpson Grierson legal opinion that there would be a threshold issue with regard to the standing of the Council for any claim in private nuisance at common law. While the process may be able to provide some basis for control of the noise emissions in the form of an injunction, the Council is unlikely to have the standing to bring such proceedings. Further, the claim in public nuisance would be difficult to establish, as the purported nuisance does not appear to affect a public right, rather it has a specific effect on private landowners.

NON-REGULATORY OPTIONS

OPTION 6

55. *Mitigation measures at Ruapuna Park*

This option would seek to have additional noise barriers constructed around Ruapuna Park to mitigate the adverse effects of noise from Ruapuna Park. There is an existing bund around the southern side of Ruapuna Raceway and bunds surrounding the majority of the Speedway track, these bunds provide a line-of-sight screening to most residents and have been assessed by Marshall Day Acoustics as providing some effectiveness as a noise barrier.

Marshall Day Acoustics undertook an assessment of the noise reduction created by the construction of an additional fence or bund along the southern boundary of the Park. The results of this assessment established that a significant noise reduction would be produced close to the barrier. However, at the location of the surrounding dwellings the noise reduction would not be significant (less than 2dBA). Additionally, it has been determined that increasing the height of the existing bund would not provide an appreciable decrease in the noise level.

OPTION 7

56. *Mitigation measures at the Point Source*

This option would seek to place restrictions on the vehicles to meet a yet to be determined noise performance standard. This option would involve the testing of all vehicles and the fitting of mufflers and bafflers to all cars that do not meet a prescribed noise standard. Currently, vehicles using the Raceway are required to meet the current MotorSport New Zealand noise rules whereby no vehicle shall exceed the noise level of 95dBA. Similar restrictions are placed on the use of the Speedway. Preliminary research suggests that the use of mufflers for the reduction of noise "may have a limit of 5dBA"¹.

¹ Marshall Day Acoustics, Ruapuna Park and Christchurch Kart Club Noise Assessment, 2007.

OPTION 8

57. *Mitigation measures at the Receiving Environment*

This option would seek to acoustically treat the dwellings that are adversely affected by the noise environment. Acoustically treating the receiving environment usually includes the installation of double glazing, increasing the mass of internal walls and ceiling linings, installation of ventilation systems so that windows remain shut and treating external doors. It is important to note that outdoor recreational areas would continue to receive the same amount of noise.

OPTION 9

58. *Possible buy-out of affected residential dwellings or provision of a mitigation package to property owners*

This option would seek to minimise the number of residents exposed to the noise environment by seeking to buy out the properties most affected. It is in the view of Council staff that it is not appropriate to compulsorily acquire these properties under the Public Works Act 1981, as it is not a public works. However, if affected property owners are willing to sell, the Council may purchase these properties. The Public Works Act may be used to establish the purchase price where the property owner wishes to sell but agreement on price has not been reached. Alternatively, should affected property owners refuse to sell, there is an opportunity for a mitigation package to be provided to affected property owners in return for a no complaints covenant on the affected property. Should the Council agree that some form of mitigation package for this noise environment is justified, there are a number of issues arising from this issue that require further research, including establishing the criteria for determining which properties should be included in this proposal, whether this option would set a precedent for other potentially "unreasonable" activities and how such an option would be funded.

Council staff have identified three possible options available for the use of this land if purchased by Council:

- (a) Reselling of affected properties with covenants restricting noise complaints - It is anticipated that there will be a lowering of property values to be expected. Preliminary investigations suggest that the sale price with a no noise complaint covenant will be reduced by an average of 5-10% of the value of the property.
- (b) Using the land purchased for quarrying purposes - The land area associated with the 24 most affected properties is approximately 81 hectares. It is anticipated that the value of minerals in this block of land is approximately \$95 million. However, this option would require applying for a resource consent to allow for quarrying activities and may have a negative impact on the Templeton community in general.
- (c) Retain the land purchased for other future uses – The affected land may be of use for future use, such as reserves or for sporting activities complimentary to motor-sport activities. Preliminary discussions with Council staff have indicated that there are no known deficiencies on this area in the provision of parks, reserves and community facilities.
- (d) It is noted that there may be potential for the land to be used for the relocation of the Christchurch Kart Club (Carrs Road). However, there are a large number of issues that will require further investigation. Previous testing of the potential noise environment created by Kart Club in the Pound Road quarry has shown that the Kart Club generates significant noise. It is anticipated that if the Kart Club was relocated closer to Ruapuna Park, an additional group of residents, beyond the current 24 affected properties, are likely to be affected. The extent of this will need to be confirmed by additional modelling. If the noise issues associated with relocating the Kart Club can be resolved, the Club could only be relocated if all the affected residents were bought out or mitigated. The timing of this may extend beyond the proposed rezoning in Awatea, which may make any relocation an academic exercise.

OPTION 10

59. Possible relocation of Ruapuna to the Pound Road Quarry

This option would seek to relocate all motor-sport activities into the Pound Road quarry pit. The intention of the relocation options was to provide the Speedway and Raceway with larger facilities in the pit while utilising the quarry walls to mitigate the noise. Council officers have commissioned reports from URS on groundwater and stormwater and from Marshall Day Acoustics on noise to investigate the viability of this possible relocation option. Additionally, the Property Consultancy Team began discussions with Fulton Hogan over the possible purchasing of the quarry pit.

The URS report established that an engineered solution would limit any adverse effects of locating motor-sport activities vertically closer to the unconfined aquifers of Zone 1 of Environment Canterbury's Natural Resources Regional Plan (NRRP).

The Marshall Day Acoustics report established that relocating Ruapuna would not result in significant decrease in the noise environment. For a number of residents, there would be a significant increase in noise. Marshall Day Acoustics conclusion on this issue states that "the current location of Ruapuna currently represents the best practicable location in terms of noise effects on existing dwellings".

OPTION 11

60. Policy Options

There is an opportunity to place controls on the events occurring at Ruapuna through the Reserve Management Plan or the introduction of bylaws. These policy options have been explored by Simpson Grierson. The legal opinion states that the use of bylaws under the Reserves Act or the Local Government Act 2002 have the potential to be able to control the noise effects, however there are practical and political difficulties with the passage of such bylaws which would be subject to the public scrutiny, including the lessees of the Park, and ultimately all bylaws affecting reserves require approval from the Minister of Conservation.

OPTION 12

61. Lease Options

There is an opportunity for the Council to exercise its powers as landowner to alter or enforce lease agreements restricting the use of Ruapuna Park – the lease agreement for the Car Club contains an "offensive activity" provision restricting activities that are likely to disturb adjoining occupiers of land. It is arguable that the provision makes the emission of unreasonable noise a breach of the lease by the Car Club. However, this may be inconsistent with the primary purpose of the lease, which was to enable such activities and should be considered in the context. Further, the Council can be considered to have created the existing noise problem by allowing the encroachment of noise sensitive activities such as residential housing in the vicinity of Ruapuna. The ability of the Council to enforce the "offensive activity" clause to control noise emissions from the usual activities of the Car Club is limited. Further, there is no provision regarding "offensive activities" in the lease for the Speedway.

OPTION 13

62. Memorandum of Understanding with Lessees of Ruapuna Reserve

There is an opportunity for Council staff to meet with the lessees of Ruapuna Reserve to reach a memorandum of understanding to place restrictions on the noise environment. However, it is in the view of staff that there would need to be a significant reduction in motor-sport activities at the site to achieve a decrease in the noise environment. Therefore, a memorandum of understanding with the lessees of the reserve may prove difficult.

ASSESSMENT OF OPTIONS

Option 1 - Maintain the Status Quo

63. The Status Quo provides for the opportunity for motor-sport activities to continue to operate at the current levels, with the potential for noise to reach the maximum level permitted as determined by the City Plan noise provisions.

	Benefits (current and future)	Costs (current and future)
Social	Continued use of the motor-sport facilities Retaining facilities of great social importance to motor-sport enthusiasts from Christchurch and the wider South Island	Actual and perceived adverse effects related to noise for residents living within close proximity of the Park, including impacts on health and wellbeing Does not mitigate the noise at the seven dwellings currently experiencing moderate to significant noise effects from the raceway. Does not mitigate the noise at 22 dwellings currently experiencing moderate to severe noise effects from the speedway. Does not place any limits on the existing or potential noise environment Possible future urban growth in the area may increase the number of people affected by the noise
Cultural		Potential for increase in the noise environment resulting in increase in adverse affects on lifestyle of residents.
Environmental	Retaining facilities that contribute to the local economy	Does not place any limits on the existing or potential noise environment
Economic	No costs associated with a plan change No costs associated with relocating the motor-sport facilities No costs associated with developing noise mitigation measures	Potential negative effect on property values in the area
<p>Extent to which community outcomes are achieved: Primary alignment to – “A Healthy City” and “A City for Recreation, Fun and Creativity”</p> <p>Impact on the Council’s capacity and responsibilities: May potentially impact on Council’s role, and the community’s perception of Council’s role, in providing the City’s population with a healthy living environment.</p> <p>Effects on Maori: It is not known if there are cultural issues affecting Maori.</p> <p>Consistency with existing Council policies: Consistent with Council’s Recreation and Sport Policy and supports the Council 2006/16 LTCCP</p> <p>Views and preferences of persons affected or likely to have an interest: Members of “Quieter Please” are unlikely to be supportive of this option as they wish to have noise and operational limits placed on motor-sport activities occurring at Ruapuna. The Canterbury Car Club, Ruapuna Speedway and other motor-sport clubs and enthusiasts are likely to be supportive of retaining the status quo as it would allow for possible increases in the noise environment and days of operation, providing flexibility for future motor-sport activities.</p>		

Option 2 - Changes to the City Plan Noise Provisions

64. Changes to the City Plan Noise Provisions seeking to place limits on the permitted noise levels, lower the number of days of operation or place limits on the number of events occurring at Ruapuna Park to the current levels, and increase the minimum separation distance of new dwellings from Ruapuna to 1300 metres.

	Benefits (current and future)	Costs (current and future)
Social	Provides for capping the noise environment at current levels Places limits on rural-residential development and thus the number of people affected by the noise Continued use of the motor-sport facilities	Little change to the existing noise environment Possible future urban growth in the area may increase the number of people affected by the noise Does not mitigate the noise at the seven dwellings currently experiencing moderate to significant noise effects from the raceway. Does not mitigate the noise at 22 dwellings currently experiencing moderate to severe noise effects from the speedway.
Cultural		
Environmental	Provides for capping the noise environment at current levels	Little change to the existing noise environment
Economic	No costs associated with relocating the facilities No costs associated with developing noise mitigation measure	Costs involved in a plan change Costs associated with placing limits on motor-sport activities Costs involved in removing the opportunity for developing new housing in the vicinity of Ruapuna
<p>Extent to which community outcomes are achieved: Primary alignment to – “A Healthy City” and “A City for Recreation, Fun and Creativity”</p> <p>Impact on the Council’s capacity and responsibilities: Costs associated with changing the Plan with potentially limited change to the existing noise levels.</p> <p>Effects on Maori: It is not known if there are cultural issues affecting Maori</p> <p>Views and preferences of persons affected or likely to have an interest: Members of “Quieter Please” are likely to be supportive of this option as they wish to have noise and operational limits placed on motor-sport activities occurring at Ruapuna. The Canterbury Car Club, Ruapuna Speedway and other motor-sport clubs and enthusiasts are likely to oppose any changes to the current provisions.</p> <p>Other relevant matters: A change to the City plan noise provisions for Ruapuna may be undertaken to seek to lower the permitted noise levels, change the number of days of operation or place limits on the number of events. It is important to note that any proposed plan change will not extinguish “existing use rights” held by Ruapuna Raceway and Speedway. Therefore, should Council seek to cap the noise provisions below the existing use rights, the motor-sport activities may legally continue at the current noise levels and days of operation. Any change in the character and intensity of the activities would extinguish the existing use rights and enable Council to enforce the more restrictive conditions. The other option available is for Council to cap the noise provisions at the existing level of operation, ensuring that there are no increases to the existing noise environment.</p>		

Option 3, 4, 5 and 11 –Enforcement Options

65. Options 3, 4, 5 and 11 have been grouped together for assessment as “enforcement options” as they will each have similar costs and benefits. These four enforcement options seek to use either the RMA, the Reserves Act, the Health Act, the common law of nuisance or bylaws to place limits on the noise environment. Each option has been discussed in the Simpson Grierson legal opinion.

	Benefits (current and future)	Costs (current and future)
Social	Potential to provide for limiting the noise environment around Ruapuna. Continued use of the motor-sport facilities	Potentially places restrictions on the motor-sport activities at Ruapuna
Cultural		
Environmental	Potentially provides for limiting the noise environment around Ruapuna.	
Economic		Costs involved in enforcement Costs associated with placing limits on motor-sport activities
Extent to which community outcomes are achieved: Primary alignment to – “A Healthy City” and “A City for Recreation, Fun and Creativity” Impact on the Council’s capacity and responsibilities: Costs associated with enforcement. Effects on Maori: It is not known if there are cultural issues affecting Maori Views and preferences of persons affected or likely to have an interest: Members of “Quieter Please” are likely to be supportive of this option as they wish to have noise and operational limits placed on motor-sport activities occurring at Ruapuna. The Canterbury Car Club, Ruapuna Speedway and other motor-sport clubs and enthusiasts are likely to oppose any changes to the current provisions. Other relevant matters:		

Option 6 - Mitigation Measures at Ruapuna Park

66. Mitigation measures at Ruapuna Park seeks to develop additional acoustic noise barriers around Ruapuna Park to limit the noise environment.

	Benefits (current and future)	Costs (current and future)
Social	Minimal reduction (approx 2dBA) to the noise environment for dwellings located in close proximity to the Park May help to mitigate the noise at the seven dwellings currently experiencing moderate to significant noise effects from the raceway. May help to mitigate the noise at 22 dwellings currently experiencing moderate to severe noise effects from the speedway.	Minimal reduction to noise environment may be barely discernable for the majority of residents Possible future urban growth in the area may increase the number of people affected by the noise
Cultural	Potential for improvement to the lifestyles of residents through reduction in noise levels	
Environmental	Minimal reduction to the noise environment for dwellings located in close proximity to the Park	Does not place any limits on existing and potential noise environment
Economic	No costs associated with a plan change No costs associated with relocating the motor-sport facilities	High level of costs associated with the construction and maintenance of the noise barriers
<p>Extent to which community outcomes are achieved: Primary alignment to – “A Healthy City” and “A City for Recreation, Fun and Creativity”</p> <p>Impact on the Council’s capacity and responsibilities: Marshall Day Acoustics undertook an assessment of the noise reduction created by the construction of an 8 metre fence or bund along the southern boundary of the Park. The results of this assessment established that the noise reduction would not be significant at the surrounding dwellings. However, the construction costs of developing an acoustic fence or bund around the park would be significant.</p> <p>Effects on Maori: It is not known if there are cultural issues affecting Maori.</p> <p>Consistency with existing Council policies: Provision would have to be made in the LTCCP for funding the construction</p> <p>Views and preferences of persons affected or likely to have an interest: Consultation with residents regarding this option has not been undertaken; it is likely that the residents would only support this option if there would be a substantial reduction in noise.</p> <p>Other relevant matters:</p>		

Option 7 - Mitigation Measure at Point Source

67. The development of mitigation measures at the point source would seek to place restrictions on the vehicles using the facilities to meet a yet to be determined noise performance standard.

	Benefits (current and future)	Costs (current and future)
Social	Potential reduction to the noise environment for dwellings located in close proximity to the Park	Minimal reduction to noise environment may be barely discernable for many residents Possible future urban growth in the area may increase the number of people affected by the noise
Cultural	Potential improvement to the lifestyles of residents through reduction in noise levels	
Environmental	Potential reduction to the noise environment	
Economic	No costs associated with a plan change No costs associated with relocating the motor-sport facilities	Costs associated with muffling and baffling cars Costs associated with enforcement
<p>Extent to which community outcomes are achieved: Primary alignment to – “A Healthy City” and “A City for Recreation, Fun and Creativity”</p> <p>Impact on the Council’s capacity and responsibilities: The vehicles using the Speedway and Raceway facilities are subject to rules on noise emissions provided by their governing bodies. Any additional restrictions would possibly require Council to develop bylaws or place conditions on the lease of the Park. Additionally, these mitigation measures would need to be monitored and enforced by Council.</p> <p>Marshall Day Acoustics have assessed the efficacy of placing additional controls on the noise levels at point source and suggest that the use of mufflers for the reduction of noise may have a limit of 5dBA. Should Council favour this option further investigation into noise reduction at point source will need to be undertaken.</p> <p>Effects on Maori: It is not known if there are cultural issues affecting Maori.</p> <p>Consistency with existing Council policies: Consistent with Council’s Recreation and Sport Policy</p> <p>Views and preferences of persons affected or likely to have an interest: Consultation with residents regarding this option has not been undertaken; it is likely that the residents would only support this option if there would be a substantial reduction in noise. The Car Club, Speedway and other users of the facilities are unlikely to support this option due to the associated costs</p> <p>Other relevant matters:</p>		

Option 8 - Mitigation Measures at the Receiving Environment

68. Mitigation measures at the receiving environment would seek to acoustically treat dwellings that are adversely affected by the noise environment.

	Benefits (current and future)	Costs (current and future)
Social	<p>The insulation of some dwellings may mitigate the inside noise levels</p> <p>Potential improvement to the health and well being of residents</p> <p>May help to mitigate the noise at the seven dwellings currently experiencing moderate to significant noise effects from the raceway.</p> <p>May help to mitigate the noise at 22 dwellings currently experiencing moderate to severe noise effects from the speedway.</p>	<p>Issues associated with defining which dwellings should be treated</p> <p>Does not place any limits on the existing and potential noise environment</p> <p>Not effective in mitigating noise in outdoor living spaces.</p> <p>May not provide relief for the residents who are highly sensitised to the noise</p> <p>Possible future urban growth in the area may increase the number of people affected by the noise</p>
Cultural	<p>Potential improvement to the lifestyles of some residents through reduction in inside noise levels</p>	
Environmental		<p>Does not place any limits on existing and potential noise environment</p>
Economic	<p>No costs associated with a plan change</p> <p>No costs associated with relocating the motor-sport facilities</p>	<p>Costs associated with acoustically treating affected homes</p>
<p>Extent to which community outcomes are achieved: Primary alignment to – “A Healthy City” and “A City for Recreation, Fun and Creativity”</p> <p>Impact on the Council’s capacity and responsibilities: It is anticipated that Council will be responsible for the assessment and costs associated with acoustically treating affected dwellings, should Council support this option. Marshall Day Acoustics view this mitigation option as a last resort once other noise control measures have been exhausted.</p> <p>Effects on Maori: It is not known if there are cultural issues affecting Maori.</p> <p>Consistency with existing Council policies: Additional expense of purchasing of affected dwellings not provided for within the LTCCP.</p> <p>Views and preferences of persons affected or likely to have an interest: Consultation with residents regarding this option has not been undertaken; it is likely that the residents would only support this option if there would be a substantial reduction in noise, both indoor and outdoor.</p> <p>Other relevant matters: One of the key issues arising from this possible noise mitigation option is that it may set a precedent that other Christchurch City residents living in other noise affected environments may seek to follow (e.g. along busy roads, near the airport etc).</p> <p>Would not improve outdoor living environments</p>		

Option 9- Buy-out of affected residential dwellings

69. This option would seek to minimise the number of residents exposed to the noise environment by either seeking to buy out the properties most affected in return for a no complaints covenant.

	Benefits (current and future)	Costs (current and future)
Social	May reduce the number of affected residents May help to mitigate the noise at the seven dwellings currently experiencing moderate to significant noise effects from the raceway. May help to mitigate the noise at 22 dwellings currently experiencing moderate to severe noise effects from the speedway.	Issues associated with defining which properties should be bought out or compensated Does not make any changes to the existing or potential noise environment
Cultural	Potential improvement to the lifestyles of some residents through relocation or provisions of a mitigation package	
Environmental		Does not place any limits on existing and potential noise environment
Economic	No costs associated with a plan change No costs associated with relocating the motor-sport facilities No costs associated with developing noise mitigation measures	Costs associated with buy out the properties of residents most affected, estimated cost of \$60,000 per dwelling and \$1.4 million for 22 dwellings currently affected.
<p>Extent to which community outcomes are achieved: Primary alignment to – “A Healthy City” and “A City for Recreation, Fun and Creativity”</p> <p>Impact on the Council’s capacity and responsibilities: It is anticipated that Council will be responsible for the assessment and purchase of these dwellings, should Council support this option. Further research will need to be undertaken to identify appropriate funding sources for this option.</p> <p>Effects on Maori: It is not known if there are cultural issues affecting Maori.</p> <p>Consistency with existing Council policies: Additional expense of purchasing of affected dwellings not provided for within the LTCCP. Potential to use the Strategic Land Purchase Fund to acquire the land, however, it is questionable whether such a purchase would align with the primary purpose of the fund and Council’s priorities for protecting strategic land (refer to the draft Strategic Land Protection Policy).</p> <p>Views and preferences of persons affected or likely to have an interest: One resident has suggested to officers that Council consider buying out his property. However, it is not certain that the rest of the residents would be interested in selling their properties to the Council.</p> <p>Other relevant matters: One of the key issues arising from this possible noise mitigation option is that it may set a precedent that other Christchurch City residents living in other noise affected environments may seek to follow.</p>		

Option 10 - Possible relocation of Ruapuna to the Pound Road Quarry

70. This option would seek to relocation of all motor-sport activities into the Pound Road quarry pit.

	Benefits (current and future)	Costs (current and future)
Social	Development of new motor-sport facilities, allowing for expansion, and possibility of attracting national and Australasian level events	Motor-sport activities remain within close proximity to rural-residential areas No substantial decrease in the noise environment Potential to increase the noise environment experienced by many residents Possible future urban growth in the area may increase the number of people affected by the noise
Cultural		Potential for increase in the noise environment resulting in increase in adverse affects on lifestyle of residents.
Environmental	Upgrade environmental protection in new development, potentially providing an engineered solution for protecting the unconfined aquifer.	Potential for having adverse effects on the groundwater quality due to closer vertical proximity to the unconfined aquifers. Potential increase in the noise environment
Economic	Provide for the development and expansion of motor-sport activities in the greater Christchurch area.	Costs associated with the relocation of the motor-sport facilities Costs associated with a plan change Costs associated with developing appropriate noise mitigation measures
<p>Extent to which community outcomes are achieved: Primary alignment to – “A Healthy City” and “A City for Recreation, Fun and Creativity”</p> <p>Impact on the Council’s capacity and responsibilities: The key driver for the proposed relocation option was to minimise the noise environment created by motor-sport activities. However, a report from Marshall Day Acoustics has established that the potential reduction in the noise levels produced by motor-sport activities at 8 metres below ground level will be minimal. Further, Marshall Day has predicted a substantial increase in the noise environment for a number of residents. The conclusion of the Marshall Day Acoustics report on this issue is that “the current location of Ruapuna currently represents the best practicable location in terms of noise effects on existing dwellings”.</p> <p>Should Council support the relocation option, a Plan Change would need to be undertaken to rezone the quarry to allow for motor-sport activities. The noise provisions for the quarry would be notified and it is likely that they would be heavily contested by landowners and residents in the area. Additionally, Council would need to continue to negotiate with Fulton Hogan over the purchase of the quarry.</p> <p>Effects on Maori: It is not known if there are cultural issues affecting Maori.</p> <p>Consistency with existing Council policies: The additional expenses involved with the possible relocating the motor-sport facilities is not provided for within the LTCCP.</p> <p>Views and preferences of persons affected or likely to have an interest: The Canterbury Car Club, the Speedway and other motor-sport clubs and enthusiasts are likely to be supportive of this option as it has the potential to provide improved facilities. The surrounding residents are unlikely to be supportive of this option in light of the Marshall Day report that predicts the potential for an increase in the noise environment. However, further consultation would be required to establish the views of the residents. Council officers have been discussing the opportunity of purchasing the quarry from Fulton Hogan; the Company has yet to express an official view of the proposal, but requires a rapid decision from Council if it wishes to pursue this option.</p> <p>Other relevant matters: Should Council wish to pursue this option further, there are a large number of other relevant matters that will need to be investigated, including; Transpower’s plans to develop additional transmission lines in the area, financial viability, noise mitigation options, ECan’s view of locating a restricted activity vertically closer to the unconfined aquifers, and addressing the issues associated with the possible quarrying of Ruapuna Reserve.</p>		

Option 12 – Lease Options

71. This option would provide an opportunity for Council to exercise its powers as landowner to alter or enforce lease agreements restricting the use of Ruapuna Park.

	Benefits (current and future)	Costs (current and future)
Social	Potential to provide for limiting the noise environment around Ruapuna. Continued use of the motor-sport facilities	Potentially places restrictions on the motor-sport activities at Ruapuna
Cultural		
Environmental	Potentially provides for limiting the noise environment around Ruapuna.	
Economic	No costs associated with relocating the facilities	Costs involved in enforcement Costs associated with placing limits on motor-sport activities
Extent to which community outcomes are achieved: Primary alignment to – “A Healthy City” and “A City for Recreation, Fun and Creativity” Impact on the Council’s capacity and responsibilities: Costs associated with enforcement Effects on Maori: It is not known if there are cultural issues affecting Maori. Views and preferences of persons affected or likely to have an interest: Members of “Quieter Please” are likely to be supportive of this option as they wish to have noise and operational limits placed on motor-sport activities occurring at Ruapuna. The Canterbury Car Club, Ruapuna Speedway and other motor-sport clubs and enthusiasts are likely to oppose any changes to the current provisions. Other relevant matters:		

CONCLUSION AS TO OPTIONS

72. It is recommended that a combination of options are developed for addressing the noise environment at Ruapuna, this combination should include placing a cap on the noise environment to reflect current noise levels, restricting all new residential developments within 1300m of the Park boundary and to investigate the possible buy-out of the identified affected properties. No further consideration should be given to relocation of Ruapuna or to developing acoustic shields around the Park.