

19. REPORT ON RUAPUNA MOTOR-SPORT NOISE ISSUES

General Manager responsible:	General Manager Strategy and Planning, DDI 941-8281
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PURPOSE OF REPORT

1. The purpose of this report is to report to the Council on the deliberations of the Ruapuna Noise Working Party and to provide options for addressing the potential adverse effects created by noise associated with motor-sport activities at Ruapuna.

EXECUTIVE SUMMARY

2. Ruapuna Raceway and Speedway are located on Ruapuna Reserve, Hasketts Road, Templeton. Ruapuna Reserve is located in the rural environment on the western boundary of the City (**Attachment 1**). The two larger adjacent neighbours are the Department of Corrections and Fulton Hogan. The Templeton Golf Course is located to the east of the Park. The remaining land to the south is rural-residential land. The area is located within the airport noise contours and directly below the approach path for the Christchurch International Airport.
3. Ruapuna Reserve is owned by the Christchurch City Council. There are two leases on the property; one is held by the Canterbury Car Club and the other by Christchurch Speedway. All of the terms of the lease are being complied with. 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 Christchurch Speedway sublease the land to the Canterbury Radio Control Car Club. A list of the lessees, sub-lessees and groups that use the track are provided in **Attachment 2**.
4. The provisions of the City Plan applicable to this area provide for motor-sport activities as a permitted activity, subject to controls on noise and hours of operation (**Attachment 3**). The Plan also prevents the development of any new residential dwellings within 400 metres of the track.
5. In April 2008 a report to the Council outlined the key issues associated with the noise environment created by motor-sport activities at Ruapuna Raceway and Speedway and identified a number of options for addressing this noise environment. The report to the Council included a report from Marshall Day Acoustics (MDA) on the noise environment at Ruapuna.
6. The MDA report established that a number of dwellings in the rural area surrounding Ruapuna are exposed to a “moderate-significant” and “significant-severe” noise environment (**Attachment 4**). It is noted that the MDA identifies anything above “moderate-significant” as being “unreasonable”. Further, the MDA report states that “noise levels up to 60dBA LAeq are not considered to be unreasonable.” A full copy of the Marshall Day Acoustics Report is provided in **Attachment 5**.
7. However, the motor-sport activities are lawfully established, operating within the noise limits set by the City Plan, and meet the conditions of their lease. Therefore, as the emissions comply with the Plan, which was arrived at through the appropriate First Schedule provisions of the Resource Management Act, there is no obligation on Council under section 16 of the RMA to take any further action to remedy or mitigate the effects of the noise emissions.
8. On the basis of the MDA report, the potential for further increases in the noise environment and concern raised by local residents, the Council resolved that a working party be established to meet with the affected parties and develop recommendations to Council for possible responses to the noise environment, noise mitigation measures at the track, land acquisition and noise attenuation. A copy of the Council’s resolution is provided in **Attachment 6**.
9. The Working Party met with the local residents on 2 July 2008 to provide residents with an opportunity to discuss their views in an open forum. A meeting with the users of the motor-sport facilities was held on the 16 July 2008. A follow-up meeting with residents was held on 15 October 2008.

10. The Working Party has considered the detailed legal advice, reviewed the issues and assessed a large number of options. The Working Party has taken the view that there are five options open to Council:

- (a) Maintain the status quo – maintaining the status quo will enable motor-sport activities to continue to operate in accordance with the provisions of the City Plan. 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. This option does not provide for the purchase of any of the affected properties or for the installation of noise attenuation or for any new maximum noise limits being established.
- (b) Cap the noise environment – this option seeks to limit the possible future increases to the noise environment by undertaking a change to the City Plan to restrict activities to the current noise levels, and duration and frequency of events. This would create new reduced maximum limits for the motor-sport activities. Additionally, this option may seek to widen the development setback and / or require acoustic attenuation for new housing within close proximity of the Park boundaries.
- (c) Purchase the properties of the most affected residents – this option seeks to either buy out affected rural-residential properties and / or provide attenuation packages to those properties most affected. This option would enable the “most affected” residents to move out of the area and remove the opportunity for future residential use of the property. The purchase would be on the basis of a willing buyer, willing seller approach. Council has no legal power to force a sale. The number of properties with dwellings defined as “most affected” is between seven and 32 properties, at a possible purchase cost of between approximately \$5.3 - \$26.3 million based on 2008-2009 rateable values:
 - (i) Seven rural dwellings are located within the 60dBA noise contour and are affected by “unreasonable” noise levels – rateable value \$5,301,000 (**Attachment 7**).
 - (ii) Nine rural properties (seven dwellings plus two vacant properties) are located within the 60dBA noise contour and are affected by “unreasonable” noise levels – rateable value \$6,239,000 (**Attachment 7**).
 - (iii) Thirty-two rural properties have been identified as potentially affected by maximum permitted activity during the day and night-time – rateable value \$26,304,000 (**Attachment 4**, Figure 3).

Twenty six rural properties are affected by the current night-time operations of the Speedway, these properties are a subset of the 32 properties referred to above. Discussions with the Christchurch Speedway Club have established that the number of activities are in decline and that Club is willing to investigate finishing motor-sport activities before 10pm. The closing of the Speedway at 10pm would ensure that the motor-sport activities are not occurring during the night-time noise period. It is for this reason that the option of purchasing these 26 affected rural properties has not been included.

There are a number of additional dwellings and properties within the 60dBA noise contour line that have not been included in the possible purchase options. There are two occupied dwellings located to the north of the Park on Fulton Hogan land. These have not been included in the purchase option as the property is held primarily as a quarry and the owner could cease from using these houses for residential purposes at any time. Additionally, the surrounding land owned by the Department of Corrections and the quarry land owned by Fulton Hogan have not been included in the purchase option as the land is held for purposes other than rural-residential use.

In terms of attenuation packages, advice received is that the cost of acoustically treating a house is approximately \$60,000 (based on research undertaken by the Lyttelton Port Company). The cost of this option would be between \$420,000 and \$1,860,000 depending on the number of dwellings. Note that noise attenuation does not assist with reducing the noise outside of the dwellings, though external noise was a concern to many residents.

- (d) Lease negotiations – this option would provide an opportunity for the Council to negotiate the lease conditions with the Car Club and Speedway to alleviate concerns of the surrounding residents by reducing the noise environment, imposing restrictions on night-time activities and introducing formalised noise free days.
11. The Working Party discussed and reviewed a number of additional options. These options included selling the park to the lessees, moving the park, creating barriers around the park, creating outdoor areas with noise attenuation and relocating the kart club. All of these options have been discounted by the Working Party as either too expensive or impracticable.
 12. The Working Party's preferred option is for the Council to enter into lease discussions with the Car Club to reduce the noise limits, restrict night-time operations and to introduce noise free days.
 13. The noise environment at Ruapuna is considered to be different from other noise sources for the following reasons:
 - (a) The noise characteristics of motor-sport activities are considered to be different from other noise sources. The noise is frequent and continuous, compared with the intermittent nature of airport operations.
 - (b) The noise from motor-sport activities has a different tonal characteristic, created by the rise and falling sound of the acceleration and deceleration of motors, the squealing of tyres and the intrusiveness of the public address systems.
 - (c) The noise is often continuous for many hours at a time during training and events.
 14. There are a range of matters that have influenced the recommendation for Council to intervene on the issue of the noise environment created by motor-sport activities. These issues are briefly summarised as follows:
 - (a) Ruapuna is a unique motor-sport facility providing for a wide range of motor-sport activities which both concentrates those activities, and their effects at Ruapuna for the benefit of the Christchurch and Canterbury community;
 - (b) The Council wishes to ensure the facility is protected from incompatible noise sensitive activities in close proximity to the track;
 - (c) The MDA report has established that the current noise environment created by the noise characteristics of motor-sport activities is "unreasonable" for seven residents and that further residents will experience an "unreasonable" noise environment should activities continue to increase;
 - (d) The motor-sport Clubs using the track wish to continue to use the facilities and extend their activities to meet the demands of motor-sport enthusiasts;
 - (e) The Council as landowner wishes to provide for motor-sport activities to continue at Ruapuna.
 15. Council intervention would represent a proactive approach to addressing the Ruapuna motor-sport noise issues.

16. A Council workshop recently raised all of these options for debate. It is proposed that Council pursue a combination of the options, incorporating the Working Party's preferred option of lease negotiations, together with a plan change and the buy-out of the seven most affected properties (rateable value of \$5,301,000). This option would enable the seven most affected residents within the 60dBA noise contour to leave the area. For those residents outside of the 60dBA contour, the noise environment would be limited to current levels through a plan change to ensure that those residents remaining in the area do not experience an increase in the noise environment. Additionally, the possible restrictions on motor-sport activities resulting from the lease negotiations may result in an improvement in the noise environment for these residents through the provision of noise free days and limited night-time activities. Finally, this option would ensure that new developments are required to respond to the nature of the area by either having restrictions on new residential buildings or by requiring new dwellings to be acoustically treated.

FINANCIAL IMPLICATIONS

17. The financial implications of the proposed options outlined in this report vary greatly.
18. Should the Council agree with maintaining the status quo, there will be no financial implications for Council. However, there is a possibility that residents in the surrounding area may take a civil claim in nuisance against the Council. The costs of defending this possible action cannot be predicted. Legal advice suggests that it is unlikely that a successful civil claim could be made against the Council.
19. Should the Council agree to undertake a change to the Plan to place limits on the noise environment, the financial implication will be those associated with a Plan Change. Costs can not be predicted accurately, but could be in the vicinity of \$250,000 if it proceeds to the Environment Court.
20. The cost of buying out or attenuating the properties of affected residents can not be predicted with accuracy and is dependent on which residents are deemed to be affected by the noise environment. The three groups of affected residents and the rateable value of the properties are as follows:
 - (a) The seven rural residential dwellings with the 60dBA noise contour and affected by the "unreasonable" noise have a rateable value of \$5,301,000.
 - (b) The nine rural properties (the seven dwellings above plus two vacant properties) within the 60dBA noise contour and affected by "unreasonable" noise have a rateable value of \$6,239,000.
 - (c) There are 32 properties that would be subjected to a "moderate-significant" or "significant-severe" noise environment should the park operate at the maximum permitted capacity of the park during the daytime and night-time. These properties have a rateable value of \$26,304,000.
21. It is considered that there is merit in the Council considering purchasing the seven dwellings experiencing "unreasonable" levels of noise on a willing seller, willing buyer basis. In pursuing this course of action the Council is not endeavouring to compensate any party. It recognises that the park is operating in a legally established and compliant framework, and that the Council is prepared to acquire properties in an open market situation from any of the identified residents who no longer wish to reside in such close proximity to the park.
22. Should the Council agree to purchase the most affected properties there are a number of opportunities for the use of the purchased land. These options are summarised below:

- (a) Reselling of properties – The Council could sell these properties after being retrofitted with acoustic attenuation materials and a “no-complaints covenant” registered on the titles. The properties may then be resold at such a price that is considered reasonable with the advice of a registered valuer. 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 “tagged” properties. Ultimately, these values will be determined by the market.
 - (b) Retain land for future development of the Park – The purchased land may be of use for the future development of the Park, by providing for the expansion of the facilities or additional car-parking. The land is currently zoned rural and any future development of the land would need to either comply with the rural provisions or the land would need to be rezoned.
 - (c) Retain 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, or for a cemetery. Preliminary discussions with Council staff have indicated that there are few, if any, community open spaces uses for this area. However, the close proximity of the golf course may provide an opportunity to integrate the sites into the golf course to either extend the existing fairways or for the development of a driving range.
 - (d) Quarrying of the land of affected properties – Twelfth Knight Consulting have been commissioned to investigate the possibility of using the nine most affected properties for quarrying. This report is provided in Attachment 8. The estimated quantity of useable materials is 3 million tonnes. Subject to a number of assumptions, it is considered that a royalty rate of approximately \$2 / tonne may be anticipated, resulting in a gross total revenue of approximately \$6 million.
23. There was also a suggestion that any newly acquired land be used for a cemetery, it is noted that under the Canterbury Regional Council’s Proposed Natural Resources Regional Plan (PNRRP) cemeteries are a non-complying activity in this location (over the unconfined aquifer), because of the concern of leachate.
24. Depending on the scope of the future uses identified for the land around Ruapuna Park for future recreational use or for quarrying, the Council would need to consider purchasing the additional two rural properties (which have no dwellings) but are within the “unreasonable” noise environment created by motor-sport activities, at some point in the future. This would create a more contiguous band of Council land immediately around the park itself.

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

25. The Council has made provision for strategic land purchases in its Draft 2009-19 LTCCP. If a decision is made to purchase land adjacent to the Ruapuna facility, the cost of doing so can be met from the existing budget for such purchases. The cost of any plan change could be incorporated within the City Plan programme and be prioritised within, and funded from that operational budget.

LEGAL CONSIDERATIONS

26. The present activities at Ruapuna are recognised as permitted activities in the City Plan. The maximum noise levels of the present operation are below the maximum permitted by the Plan.
27. A Council initiated plan change may be undertaken to place additional controls on noise environment and to limit the future development of land in the area for rural-residential activities. A plan change could include limiting the permissible noise levels, and the frequency and duration of events to mitigate the adverse affects of the noise environment created by motor-sport activities. Any proposed changes are subject to public review and submissions. Once these submissions have been received and reviewed, the Council then makes a decision on whether to decline or approval the plan change. This decision may be appealed to the Environment Court.

28. The majority of the residential use of the land adjoining the Ruapuna facility has occurred subsequent to the development of the motorsport facility (Attachment 9). The residential use of the land, beyond the 400 metre setback is a permitted activity in terms of the City Plan. The local noise environment is compromised by being under the flight path for the Christchurch International Airport. The Railway and State Highway 1 are in close proximity and there are a number of quarrying activities within the surrounding environment. The collective effects of these activities create a higher than usual background noise environment than would be otherwise experienced in a rural setting. The residents who chose to live there can be said to have moved into the area with knowledge that they were moving into a higher noise environment than normal for a rural area.
29. The clubs operating at Ruapuna are all operating within the terms of their various leases and subleases. These lease documents are contracts that are binding on the Council. There is no contractual basis for the Council to force a review. A consensual variation may be possible should the Clubs and Council be able to reach an agreement, however, the Council cannot contractually, at this time, force the Clubs to agree to vary their leases.
30. Council staff commissioned a legal opinion from Simpson Grierson in March 2008 that examines regulatory and non-regulatory options for controlling noise emissions from the Ruapuna Raceway and Speedway (Attachment 10). The advice is summarised below:
 - (a) Lawful use: The motor-sport activities were lawfully established and are operating within the noise limits set by the City Plan. Further, the City Plan provisions provide the opportunity for an increase in noise levels and in the frequency of motor-sport activities.
 - (b) City Plan: Change to the City Plan Noise Provisions – by lowering the noise below current levels, by a change to the plan provisions would be ineffective as the Park operators 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 City 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. No existing use rights attach to the noise levels and frequency of use that are not being exercised at present. The Clubs have no existing use rights under section 10 of the RMA for their present levels of noise as their activities are permitted.
 - (c) Enforcement: Using section 16 RMA powers by taking enforcement action– there is limited scope within the RMA to pursue enforcement proceedings for a purported breach of section 16 (this requires the adoption of the best practicable option for ensuring that the level of noise emitted is reasonable). Even if an enforcement order was sought, the Court still has the discretion to grant or decline the application in accordance with section 319 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 (under section 322) is unlikely to be upheld as it requires the lessees of the Park to be contravening section 16, again this is unlikely given that the lessees are acting in accordance with a rule in the plan.
 - (d) Reserves Act: Using 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.

- (e) Bylaw: Controls through the development of a new by-law to control the impact events have on a pre-existing noise environment – the use of by-laws 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 creation of such by-laws which would be subject to a public consultation process, including the lessees of the Park, motor-sport enthusiasts and ultimately all bylaws affecting reserves require approval from the Minister of Conservation. There are also questions about the Bylaw being contrary to the provisions of the Bylaws Act 1910 and the Local Government Act 2002.
 - (f) Strict enforcement of the lease terms: One of the lease agreements contains an “offensive activity” provision restricting activities that are likely to disturb adjoining occupiers of land. These clauses are usually used for activities not permitted by the lease itself or which are otherwise illegal. The primary purpose of the leases is to enable what is inherently noise activity to take place. The ability of the Council to enforce the “offensive activity” clause to control noise emissions from the permitted activities of the Park is very unlikely. Further, there is no provision regarding “offensive activities” in the lease for the Car Club. (It is important to note that while the legal opinion refers to the Car Club lease, it is the Speedway lease that has the “offensive activity” clause.)
 - (g) Health Act: Dealing with noise through the claims for criminal 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. However, it may be doubtful, given the number of affected properties, that the noise emissions were injurious to public health. The Medical Officer of Health at the Canterbury District Health Board has been approached by residents living near the Park, should the Medical Officer consider there to be a health issue they are entitled to act under his own powers.
 - (h) Nuisance: Private: The residents affected may argue that the Council is liable in the tort of public nuisance. In this context the “nuisance” is an “unlawful interference with the property owners use or enjoyment of the land”. Property owners as plaintiffs have to prove in a civil claim against the Clubs that the “excessive” noise is an unlawful interference with the property owners use or enjoyment of their land. This is problematic as the noise level is lawful in that it is recognised as such by the City Plan. Public Nuisance: There would be a threshold issue with regard to the standing of Council for any claim in private nuisance at common law. Council could not initiate a nuisance claim as Council is not suffering any loss and the use is lawful. While a legal process may be able to provide some temporary 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.
 - (i) Abuse of Power: As 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.
31. Additional legal opinions were commissioned in November and December 2008. In November, Simpson Grierson was asked to clarify statements regarding increasing numbers of residents in the area and whether this clarification would have change the original advice (**Attachment 11**). Mr James Winchester of Simpson Grierson confirmed that these facts were not material to the conclusions or reasoning in the previous advice.

32. In December 2008, the Working Party requested further clarity of issues that had arisen as part of the review (Attachment 12). A brief summary of the further advice from Simpson Grierson is as follows:
- (a) The Marshall Day definition of “reasonable” had no material effect on the conclusions of the original advice, and that the previous advice turned on the fact that the noise emissions from the Park comply with the City Plan standards.
 - (b) As the emissions comply with the City Plan, which has been arrived at through the appropriate First Schedule provisions of the Resource Management Act, there is no legal obligation on the Council to remedy or mitigate the effects of the noise emissions.
 - (c) Section 85 of the RMA provides that there is no compensation payable for controls on land. Case law has established that the controls / permission to use the land legally established under the RMA do not create a legal right to compensation where property rights are interfered with. The process for establishing the City Plan conditions was lawful and the situation that has arisen has not occurred due to any error on behalf of the Council. There are risks associated with the possible “one-off” payment option, in that it may be perceived as an acknowledgement of some liability on the part of the Council and set a precedent for other claims.
 - (d) That Council may not be required to include reference to the Marshall Day report in a LIM under section 44A(2) (a) but that recording the presence of the report in the LIM may be a prudent response to the issue.
33. Simpson Grierson were also asked to comment on whether taking action on this issue would set a precedent, their response is as follows:
- “If the council was to take action to mitigate the noise there is likely to be an adverse precedent set. It could be difficult for the Council to distinguish other areas where there is unwelcome noise, particularly if that noise is caused by an activity that complies with the provisions in the City Plan, and the Council has not breached any legal duties although in our view the particular circumstances are likely to be unique.*
- The Council should further consider whether taking action such as paying for sound insulation might mitigate the effects of a permitted activity is a responsible or reasonable application of ratepayer funds.”*
34. Anderson Lloyd, a firm of Lawyers in Christchurch, have been engaged by “Quieter Please (Templeton) Inc” which comprises a group of local residents currently living in the vicinity of Ruapuna. A legal opinion has been provided to Council on 3 March 2009 on behalf of the residents (**Attachment 13**). Anderson Lloyd has reviewed the Simpson Grierson advice. A brief summary of the Anderson Lloyd letter is as follows:
- (a) There is considerable doubt as to whether Ruapuna has existing use rights and that there is an evidential burden on the Clubs to prove this.
 - (b) Existing use rights do not prevent the application of section 16 of the RMA, nor do they prevent the Council from taking action as landlord or regulatory authority.
 - (c) Technical assessment indicate that the noise is unreasonable, resulting in a question mark over the appropriateness of the City Plan provisions.
 - (d) Therefore the Council must initiate a plan change.
35. In response to this legal opinion, Council staff requested that Simpson Grierson respond to the issues identified, a brief summary for their response, dated 10 March 2009 (**Attachment 14**), is as follows:

- (a) The question of whether or not Ruapuna currently has existing use rights is irrelevant given that the existing activities comply with the City Plan.
 - (b) There are significant difficulties with applying Section 16 (duty to avoid unreasonable noise) to a permitted activity.
 - (c) There are significant practical and legal difficulties in undertaking enforcement action.
36. In response to the Simpson Grierson opinion, Anderson Lloyd have provided a further response dated 25 May 2009 (**Attachment 15**). A brief summary of their response is as follows:
- (a) There is considerable doubt as to whether Section 10 (existing use rights) applies to the current activities at Ruapuna.
 - (b) That existing use rights are subject to the duties under sections 16 and 17 to avoid unreasonable noise and therefore any claim by the Clubs to existing use rights would be tenuous after a change to the Plan.
 - (c) Section 319(2) does not act as statutory bar when considering enforcement act against unreasonable noise. Further, section 319(3) enables an enforcement order to be issued if there has been a change in circumstances.
 - (d) According to both residents and MDA, Ruapuna is emitting unreasonable noise and that this is not a situation that Council as landlord or regulatory authority ought to condone or allow to continue indefinitely.

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

37. Yes as above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

38. 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 (page 145).
39. 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?

40. Yes

ALIGNMENT WITH STRATEGIES

41. Ruapuna is recognised in the Draft Metropolitan Sports Plan (April 2008) as a key metropolitan facility. Resolving issues with adjoining properties will assist in facilitating the continued investment in the park that supports its role as Canterbury's premier motorsports venue.
42. Continued national motor-sport at Ruapuna is also consistent with the goals of the Christchurch Events strategy.

Do the recommendations align with the Council's strategies?

43. Yes

CONSULTATION FULFILMENT

44. Council staff and elected members have consulted with people and organisations affected by, or with an interest in, this matter. Professional advice has been sought from external consultants. The views expressed and advice given is reflected in this report.
45. It is the view of the Legal Services Unit that the consultation carried out has been appropriate to the Council's assessment of the significance of this matter to the organisations involved in operating the Ruapuna facility and to adjoining residents.

RECOMMENDATION

It is recommended that the Council:

- (a) Receive the report.
- (b) 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 and to widen the development setback from 400 metres to correspond with the 60dBA contour line as identified by MDA.
- (c) Agree to investigate a plan change or other measures for placing restrictions on rural-residential development between the 55 and 60dBA noise contour lines through the City Plan.
- (d) Delegate to the Chief Executive authority to execute and complete agreements for the sale and purchase for any or all the affected properties detailed in Table 1 (below). The Chief Executive is delegated a discretion to determine the purchase price for each property, based on fair market value, willing buyer willing seller. Such agreement may include, subject to receipt and approval of invoices for payments, reimbursement of the vendors actual and reasonable legal costs and removal expenses up to \$5,000 (plus GST) per property.
- (e) Confirm that it does not intend to use any of the properties acquired around Ruapuna for permanent residential accommodation, and instructs the Chief Executive to investigate the range of land uses and financial options (including commercial, business and recreational development) to assist in offsetting the costs of its investment in additional land.
- (f) Agree to engage the Car Club and Speedway in formal discussions to vary the leases to reduce the maximum allowable noise limits including, impose restrictions on operating hours, introduce noise free days, and place limits on the future expansion of the track. That the Council grants the Chief Executive delegated authority to negotiate and conclude these variations on behalf of the Council.

TABLE 1: SEVEN MOST AFFECTED DWELLINGS

Address	Legal Description	Rateable Value
4 Hasketts Road	Lot 6 DP 23834	1030000
7 Hasketts Road	Lot 3 DP 403260	630000
14 Hasketts Road	Lot 5 DP 23834	675000
22 Hasketts Road	Lot 2 DP 24156	807000
30 Hasketts Road	Lot 1 DP 24156	700000
40 Hasketts Road	Lot 2 DP 23834	735000
48 Hasketts Road	Lot 1 DP 23834	724000

Total rateable value of affected dwellings 5301000

BACKGROUND (THE ISSUES)

46. Ruapuna Raceway and Speedway are located on Ruapuna Reserve, Hasketts Road, Templeton. Ruapuna Reserve is located in the rural environment on the western boundary of the City (**Attachment 1**). The two large landholdings in the immediate environment are the Department of Corrections and Fulton Hogan. The Department of Corrections owns land to the north and west of the site. Fulton Hogan operates two quarries in the immediate area, one immediately to the north of the Park on Leggett Road, and one to the north-east between Pound Road and Hasketts Road. The Templeton Golf Course is located to the east of the Park. The Golf Course is Crown owned land with administration vested in the Council as a recreation reserve and is subject to long term leases to the Golf Club. The remaining land to the south is rural-residential land. The area is located within the airport noise contours and directly below the approach path for the Christchurch International Airport.
47. Ruapuna Raceway and Speedway provides the City with a centre for a variety of motor-sport activities. Motor-sport has been formally occurring on the site since the 1960s.
48. Ruapuna Reserve is owned by the Christchurch City Council and is classified as a recreation reserve under the Reserves Act 1955. The use of the reserve for motor-sport activities began prior to the 1960s, at which time there were few residences close to the site (**Attachment 9**). There are two leases on the property; one is held by the Canterbury Car Club and the other by Christchurch Speedway. The Raceway track is leased and operated by the Canterbury Car Club and sub-leased for a variety of motorised and non-motorised activities. This lease is due to expire in 2016. 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 Speedway track is leased and operated by the Christchurch Speedway until 2020, with a right of renewal until 2053. The Christchurch Speedway sublease the land to the Canterbury Radio Control Car Club. All of the terms of the leases are being complied with. A list of the lessees, sub-lessees and groups that use the track are provided in Attachment 2.
49. The provisions of the City Plan were established through the First Schedule provisions of the Resource Management Act. The provisions provide for motor-sport activities as a permitted activity, subject to controls on noise and hours of operation (**Attachment 3**). Additionally, the Plan controls the development of any new residential dwellings within 400 metres of the track. There are five dwellings within this 400 metres setback.
50. Prior to the current City Plan provisions, motor-sport activities was a permitted activity under the Paparua District Planning Scheme (1985), with noise control provided by the Noise Control Act 1982. At this time 40 hectares was the minimum lot size for erecting a dwelling in this area. The earlier Paparua Planning Scheme (publicly notified in 1967, operative in 1974) required an 8 hectare minimum lot size for erecting a dwelling. It is noted that in 1965 both the Speedway and Raceway facilities were in existence and one rural-residential dwelling had been established (**Attachment 9**).
51. Monitoring of motor-sport activities in 2005-2006 established that the Park operates within the noise provisions of the Plan. Therefore, the activities at the Park are operating lawfully within the noise limits set by the City Plan, and meet the conditions of their lease. Therefore, as the emissions comply with the Plan, which was arrived at through the appropriate First Schedule provisions of the Resource Management Act, there is no obligation on the Council under section 16 of the RMA to take any further action to remedy or mitigate the effects of the noise emissions.
52. A report from Marshall Day Acoustics (MDA) established the 60dBA noise contour as a threshold for identifying unreasonable exposure to noise. Therefore, anything above 60dBA or above the "moderate to significant" level of annoyance is considered to be unreasonable. The current noise environment exposes a number of dwellings to an "unreasonable" noise environment as follows:

- (a) Daytime Raceway activities - seven dwellings and two rural properties are experiencing a “moderate to significant” noise environment (**Attachment 4**, Figure 1).
 - (b) Night-time Speedway activities - Three dwellings are exposed to a “severe” noise environment, eight dwellings and six rural properties are exposed to “moderate to significant” noise environment and 10 dwellings are exposed to a “moderate to significant” noise environment (**Attachment 4**, Figure 2).
 - (c) Maximum Permitted Capacity – Should the daytime and night-time activities of the park operate at the maximum permitted capacity provided by the provisions of the City Plan, three dwellings will be exposed to a “severe” noise environment, eight dwellings and six rural properties are exposed to “moderate to significant” noise environment, and 15 dwellings are exposed to a “moderate to significant” noise environment (**Attachment 4**, Figure 3).
53. Additionally, Marshall Day Acoustics proposed that the 400 metre building restriction around Ruapuna be extended to prevent “moderate” noise affects on dwellings in the area. A full copy of the Marshall Day Acoustics Report is provided in **Attachment 5**.
54. 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 number of residents 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 that established the present rules, which took place between 1995-1999 without the residents specifically being made aware of it.
55. The motor-sport activities that occur at Ruapuna Reserve provide social and economic benefits to the City. Raceway and Speedway events attract participants and car-enthusiasts from all over the country into the City. The motor-sport activities at Ruapuna provide economic benefits for motor-sport related industries and more indirect economic benefits to the hospitality industry.
56. On 24 April 2008 a report to Council outlined the key issues associated with the noise environment created by motor-sport activities at Ruapuna Raceway and Speedway and identified a number of options for addressing this noise environment. The resulting resolution of the Council is as follows:
- (a) That a working party be established to:
 - (i) Meet with the lessees of Ruapuna Park to discuss the implications of the Marshall Day Acoustics Report.
 - (ii) Meet with local residents to discuss the implications of the Marshall Day Acoustics Report.
 - (iii) Develop recommendations to the Council by the end of July 2008 for noise mitigation measures including:
 - 1. Any potential for measures at the track
 - 2. Land acquisition of some or all of the 24 most affected properties
 - 3. Noise attenuation of some or all of the 24 most affected properties.
 - (b) That the outcomes of the Working Party’s deliberations be fed into a section 32 assessment for a plan change specific to Ruapuna and that the section 32 assessment should also include imposing a greater separation distance to residential activities.
 - (c) That it be noted that current legal advice is that it is unlikely that any enforcement order would be granted by the Environment Court or an abatement notice being upheld by the Environment Court.

A copy of the Council’s resolution is provided in **Attachment 6**.

57. The Working Party met with the local residents on 2 July 2008 to provide residents with an opportunity to discuss their views in an open forum. A meeting with the users of the motor-sport facilities was held on 16 July 2008. A follow-up meeting with residents was held on 15 October 2008.
58. The majority of residents that attended these meetings stated that they do not generally accept the MDA's definition of reasonable. MDA consider that because the motor-sport facilities have been located at Ruapuna Reserve for a long period of time that it would be "reasonable for the residents to expect moderate noise effects of around 60dBA Leq (1 hour) for normal operations during normal wind conditions. Residents consider that this level should be significantly lower.
59. Legal advice from Simpson Grierson states that as the emissions comply with the Plan, which was arrived at through the appropriate First Schedule provisions of the Resource Management Act, there is no legal obligation on Council to remedy or mitigate the effects of the noise emissions.
60. The Working Party has reviewed the issues and assessed a large number of options. The following five options were considered:
 - (a) Maintain the status quo – maintaining the status quo will enable motor-sport activities to continue to operate in accordance with the provisions of the City Plan. 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.
 - (b) Cap the noise environment – this option seeks to limit the possible future increases to the noise environment by undertaking a change to the City Plan to restrict activities to the current noise levels, duration, and frequency of events. The Park is currently operating legally, therefore a plan change could only reduce the future noise environment as the Park has existing use rights.
 - (c) Additionally, a plan change may seeks to increase the development setback for new residential dwellings from the park boundaries.
 - (d) Buy out or attenuation packages for the most affected residents – this option seeks to either buy out affected rural-residential properties or provide attenuation packages to those properties most affected. This option would enable the "most affected" residents to move out of the area and remove the opportunity for future residential use of the property. The purchase would be on the basis of a willing buyer, willing seller approach. Council has no legal power to force a sale. The number of properties with dwellings defined as "most affected" is between 7 and 32 properties, at a possible purchase cost of between approximately \$5.3 - \$26.3 million based on 2008-2009 rateable values:
 - (i) Seven rural dwellings are located within the 60dBA noise contour and are affected by "unreasonable" noise levels – rateable value \$5,301,000 (Attachment 7).
 - (ii) Nine rural properties (seven dwelling plus two vacant properties) are located within the 60dBA noise contour and are affected by "unreasonable" noise levels – rateable value \$6,239,000 (Attachment 7).
 - (iii) Thirty two properties have been identified as potentially affected by maximum permitted activity during the day and night-time – rateable value \$26,304,000 (Attachment 4, Figure 3).

Twenty six rural properties are affected by the current night-time operations of the Speedway, these properties are a subset of the 32 properties referred to above. Discussions with the Christchurch Speedway Club have established that the number of activities is in decline and that Club are willing to investigate finishing motor-sport activities before 10pm. The closing of the Speedway at 10pm would ensure that the motor-sport activities are not occurring during the night-time noise period, limiting the effects of the motor-sport activities to the daytime noise period. It is for this reason that option of purchasing these 26 affected rural properties has not been included.

There are a number of additional dwellings and properties within the 60dBA noise contour line that have not been included in the possible purchase options. There are two occupied dwellings located to the north of the Park on Fulton Hogan land. These have not been included in the purchase option as the property is held primarily as a quarry and the owner could cease from using these houses for residential purposes at any time. Additionally, the surrounding land owned by the Department of Corrections and the quarry land owned by Fulton Hogan have not been included in the purchase option as the land is held for purposes other than rural-residential use.

In terms of attenuation packages, the cost of acoustically treating a dwelling is approximately \$60,000 (based on research undertaken by the Lyttelton Port Company). The cost of this option would be between \$420,000 and \$1,860,000 depending on the number of "affected" dwellings.

- (e) Lease negotiations – this option would provide an opportunity for the Council to negotiate the lease conditions with the Car Club and Speedway to alleviate concerns of the surrounding residents by reducing the noise environment, imposing restrictions on night-time activities and introducing formalised noise free days. The effectiveness of this option is dependent on the Council's ability to enforce restrictions on the noise environment.

61. The Working Party discussed and reviewed a number of additional options. These options are discussed in Table 2 below:

TABLE 2: REVIEW OF FURTHER OPTIONS DISCUSSED BY WORKING PARTY

Option	Explanation	Evaluation
Selling the Park to the lessees	Provide the opportunity for the Car Club to purchase the land to expand its commercial activities	The land was vested to Council for reserve purposes. Should the Council no longer want the land, it would be handed back to the Crown. Ngai Tahu would have first rights to purchase and any revenue would go to the Crown. The lease would then have to be either bought out by Council or handed to the Crown. Council would not inherit income from the sale, but would still inherit the noise issue.
Noise attenuation at the Park	Acoustically screen the park using noise barriers.	MDA advised that a noise barrier will only be effective for properties located in close proximity to the barrier.
Outdoor areas with noise attenuation	Acoustically screen an outdoor area at each of the affected properties to provide a recreational area.	MDA advised that the noise barrier would need to be relatively high (ideally 2.5metres +), solid with no gaps in the walls, be located close to the outdoor area and may need to run along all sides of the outdoor area. To be effective the outdoor area would have to be small.
Tree plantation as buffer to the noise	Should the Council decide to purchase the most affected properties it was suggested that this land could be planted in trees to act as a noise barrier whilst providing recreational space.	MDA undertook a literature review and established that high frequency noise levels will be reduced by the plantation. However, it is unlikely that overall noise will be reduced. Would require densely planted tall evergreen trees and not conducive to creating a recreational space. Not a viable option for obtaining carbon credits.
Introducing additional mufflers to the vehicles	Requiring users of the park to use additional mufflers on their vehicles.	MDA advised that customised mufflers will lower the noise by no more than 5dBA, this would be perceptible but not significant. There would be significant issues with enforcing this option.
Relocating the Park	Council staff have explored the possibility of relocating the Park. The only viable location identified is the Pound Road quarry pit.	MDA assessed the noise environment and established the noise would increase for a number of properties currently unaffected by the noise.
Relocating the Kart Club to Ruapuna	Should the Council decide to purchase the most affected properties it was suggested that the Kart Club could be relocated to Ruapuna.	MDA assessed the noise environment created by placing the Kart Club on the adjacent property to the south of the Park. An additional 13 properties will experience noise that is above the "no more than minor-moderate" threshold.

62. All of these options have been discounted by the Working Party. The technical reports and advice written to address each of these options are not appended to this report but are available for review.
63. The Working Party's preferred option is for the Council to enter into lease discussions with the Car Club to reduce the noise limits, restrict night-time operations and to introduce noise free days.
64. A further option has been explored whereby the Canterbury Car Club buy out the most affected residents. Accordingly, the Car Club would acquire the affected properties directly or via a Council loan or grant. The Car Club would then either acoustically treat the dwellings and resell them with a covenant, or develop the land commercially.

65. The noise environment at Ruapuna is considered to be different from other noise sources for the following reasons:
- (a) The noise characteristics of motor-sport activities are considered to be different from other noise sources. The noise is frequent and continuous, compared with the intermittent nature of airport operations.
 - (b) The noise from motor-sport activities has a different tonal characteristic, created by the rise and falling sound of the acceleration and deceleration of motors, the squealing of tyres and the intrusiveness of the public address systems.
 - (c) The noise is often continuous for many hours at a time during training and events.
66. There are a range of matters that have influenced the recommendation for Council to intervene on the issue of the noise environment created by motor-sport activities. These issues are briefly summarised as follows:
- (a) Ruapuna is a unique motor-sport facility providing for a wide range of motor-sport activities which both concentrates those activities, and their effects at Ruapuna for the benefit of the Christchurch and Canterbury community.
 - (b) The Council wishes to ensure the facility is protected from incompatible noise sensitive activities in close proximity to the track.
 - (c) The MDA report has established that the current noise environment created by the noise characteristics of motor-sport activities is “unreasonable” for seven residents and that further residents will experience an “unreasonable” noise environment should activities continue to increase.
 - (d) The motor-sport Clubs using the track wish to continue to use the facilities and extend their activities to meet the demands of motor-sport enthusiasts.
 - (e) The Council as landowner, wishes to provide for motor-sport activities to continue at Ruapuna.

Council intervention would represent a proactive approach to addressing the Ruapuna motor-sport noise issues.

67. A Council workshop recently raised all of these options for debate. It is proposed that the Council pursue a combination of the options, incorporating the Working Party's preferred option of lease negotiations, together with a plan change and the buy-out of the seven most affected properties (rateable value of \$5,301,000). This option would enable the seven most affected residents within the 60dBA noise contour to leave the area. For those residents outside of the 60dBA contour, the noise environment would be limited to current levels through a plan change to ensure that those residents remaining in the area do not experience an increase in the noise environment. Additionally, the possible restrictions on motor-sport activities resulting from the lease negotiations may result in an improvement in the noise environment for these residents through the provision of noise free days and limited night-time activities. Finally, this option would ensure that new developments are required to respond to the nature of the area by either having restrictions on new residential buildings or by requiring new dwellings to be acoustically treated.

THE OBJECTIVES

68. The objective of this report is to report to the Council on the findings of the Ruapuna Noise Working Party and provide recommendations on the best options for the Council to respond to the noise issues.

THE OPTIONS

OPTION 1

69. **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 3.

70. 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 effects of noise in this environment. The MDA report has identified seven residential properties currently experiencing an “unreasonable” noise environment. Should Ruapuna be allowed to operate to full capacity, 32 existing properties within 1.3 kilometres of the Park will experience an “unreasonable” noise environment. Additional residential dwellings may be built within 1.3 kilometres of the park as a permitted activity. Therefore, this option does not provide any mitigation for dwellings currently experiencing “unreasonable noise” nor does it provide protection from the future noise environment.

71. The status quo option would enable the continued use and growth of motor-sport activities at Ruapuna. The facilities are of social importance to motor-sport enthusiasts from Christchurch and the wider South Island. Further, there are a number of businesses that directly or indirectly benefit from motor-sport activities.

OPTION 2

72. **Address the noise environment through a Plan Change**

This option would seek to place restrictions on the use of the existing Ruapuna motor-sport facilities to help limit the potential adverse effects 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 would seek to lower the permitted noise levels, reduce the number of days of operation, and limit the frequency and duration of events. This would create new reduced maximum limits for motor-sport activities.

73. It is important to note that any plan change will not extinguish “existing use rights”. It is 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.

74. This option has been discussed with representatives of the Canterbury Car Club, they were not particularly concerned about it, as they are not anticipating that overall noise levels will increase in the future. Many residents would prefer the noise limits to be lowered more than this. In the opinion of staff, this would be unrealistic because the present noise levels are lawfully established and have existing use rights.

75. Additionally the plan change may also include an increase in the development setback from the Park Boundaries or require acoustic attenuation for new dwellings. Currently the Plan places a “no build” restriction on all new dwellings within 400 metres of the park boundary. There are three options for extending this option:

- (a) Extend the “no build” restriction to the 60dBA contour line - the 60dBA contour line is slightly larger than the existing 400 metre setback and includes all seven of the most affected dwellings identified in the MDA report (**Attachment 17**). This setback would ensure that no new dwellings are built within an area that experiences “unreasonable” noise at the current level of activity.
- (b) Restrict all new dwellings within 1300 metres of the park boundary – should the Council decide not to restrict the noise environment to the current level, a further increase in the “no build” area is recommended. The MDA report established that should the noise environment continue to grow to the maximum permitted capacity, all those within 1300 metres of the Park would experience an “unreasonable” noise environment, 1300 metres is approximately equivalent to the 55dBA contour line. Restricting all new dwellings within 1300 metres of the park boundary (**Attachment 17**) would ensure that no further dwellings are subjected to this potential future noise environment.

- (c) Require acoustic attenuation within the 55dBA contour line – similar to the airport noise contour, a plan change could seek to require all new dwellings within the 55dBA contour line are acoustically treated (**Attachment 16**). This option, in conjunction with placing a cap on the current noise environment, would limit the effects of the noise environment to the seven most effected dwellings.

76. It is important to note that none of these options provide any relief for the seven most effected properties. Undertaking a plan change to cap the noise environment would provide for motor-sport activities to continue at the present levels and restrict any growth in noisy activities. The inclusion of increased restrictions on building would restrict the development of new dwellings in the area. There are only a small number of properties that could currently be subdivided within 1300 metres of the Park, however it is noted that there would be considerable potential for subdivision of the Fulton Hogan quarry land once it is worked out and rehabilitated in the next few years.

OPTION 3

77. Purchase the properties of the most affected residents

This option seeks to either buy out affected rural residential properties and/or provide attenuation packages to those properties most affected. This option would seek to minimise the number of residents exposed to the noise environment by seeking to buy out or provide noise attenuation packages to the properties most affected. This option would enable the “most affected” residents to move out of the area and remove the opportunity for future residential use of the property. This process would be on the basis of a willing seller, willing buyer. Council has no legal power to force a sale.

78. In terms of identifying the “most affected” residents, three options have been identified; dwellings that currently experience “unreasonable” noise of 60dBA and above from the current level of use of the track, all rural properties currently experiencing “unreasonable” noise of 60dBA and above from the current use of the track, and all rural-residential properties that would be subjected to an “unreasonable” noise environment should the park operate at the maximum permitted capacity during the day and night-time. The cost of these three options is as follows:

- (a) Seven rural dwellings within the 60dBA noise contour that are affected by “unreasonable” noise levels have a rateable value of \$5,301,000 (**Attachment 7**).
- (b) Nine rural properties (seven dwelling plus two vacant properties) within the 60dBA noise contour that are affected by “unreasonable” noise levels have a rateable value of \$6,239,000 (**7**).
- (c) Thirty two dwellings and rural properties that would be subjected to an “unreasonable noise environment” should the park operate at the maximum permitted capacity of the park during the daytime and night-time. These properties have a rateable value of \$26,304,000 (**Attachment 4, Figure 3**).

Twenty six rural properties are affected by the current night-time operations of the Speedway, these properties are a subset of the 32 properties referred to above. Discussions with the Christchurch Speedway Club have established that the number of activities are in decline and that Club are willing to investigate finishing motor-sport activities before 10pm. The closing of the Speedway at 10pm would ensure that the motor-sport activities are not occurring during the night-time noise period, limiting the effects of the motor-sport activities to the daytime noise period. It is for these reasons that option of purchasing these 26 affected rural properties has not been included.

There are a number of additional dwellings and properties within the 60dBA noise contour line that have not been included in the possible purchase options. There are two occupied dwellings located to the north of the Park on Fulton Hogan land. These have not been included in the purchase option as the property is held primarily as a quarry and the owner could cease from using these houses for residential purposes at any time. Additionally, the surrounding land owned by the Department of Corrections and the quarry land owned by Fulton Hogan have not been included in the purchase option as the land is held for purposes other than rural-residential use.

79. It is important to note that should the Council decide to not place any limits on the noise environment, the number of affected residents will continue to increase. The Marshall Day report has modelled the future noise environment created by the maximum permitted capacity and predicts that 32 properties that would be affected by the noise environment. However this number may increase in reality, should no restrictions be placed on the future noise environment.
80. There are a number of options that have been explored regarding the use of the land once purchased. These options are briefly summarised in the table below:

TABLE 3: OPTIONS FOR USE OF PURCHASED LAND

Option	Explanation	Evaluation
Reselling properties with covenants	The dwellings may be retrofitted with acoustic attenuation materials and a "no complaints covenant" registered on the titles.	There is a key question as to whether this is appropriate given that the MDA report has identified these dwellings as experiencing noise that is "unreasonable". Further, the efficacy of no-complaint covenants is questionable in a situation where the noise environment may increase.
Retain land for future development of the Park	Provide the opportunity for the Car Club to purchase the land to expand its commercial activities or to use it for parking.	The land is currently zoned rural and any future development of the land would need to either comply with the rural provisions or the land would need to be rezoned.
Retain land for reserve use	The land may be of use for future reserves or for sporting activities complimentary to motor-sport activities.	Council staff in the Greenspace unit have advised that there is no demand for reserves in this area. However, the acquisition of land on the eastern side of Hasketts Road may provide the possibility of expanding the Templeton Golf Course for extending fairways or for the development of a driving range.
Retain land for cemetery use	The land may be retained for use as a cemetery.	The Council currently owns reserve land on Hasketts Road that is designated for cemetery purposes. However, under the Canterbury Regional Council's Proposed Natural Resources Regional Plan (PNRRP) cemeteries are a non-complying activity in this location (over the unconfined aquifer).
Retain land to quarry	The land in this vicinity has a high value for quarrying.	The estimated quantity of useable materials is 3 million tonnes. Subject to a number of assumptions, it is considered that a royalty rate of approximately \$2 / tonne may be anticipated, resulting in a gross total revenue of approximately \$6 million (Attachment 8). There are likely to be issues relating to the aquifer for this option.

81. Alternatively, the Council may seek to provide attenuation packages for the most affected residents. In terms of attenuation packages, advice received is that the cost of acoustically treating a house is approximately \$60,000 (based on research undertaken by the Lyttelton Port Company). Therefore, the cost of this option is between \$420,000 and \$1,920,000, depending on the number of dwellings identified by Council as being "affected" and the number of existing houses within 1300 metres of the Park.
82. This attenuation option has been rejected as it provides only limited relief to the most affected residents. Of particular relevance is that the attenuation option does not assist with reducing the noise outside of the dwelling.

OPTION 4

83. **Lease Negotiations**

This option would provide an opportunity for the Council to negotiate the lease conditions with the Car Club and Speedway to alleviate concerns of the surrounding residents. The options for addressing the noise issues may include reducing the number of events, imposing restrictions on night-time activities, introducing formalised noise free days and limiting extensions of motor-sport facilities. However, restrictions on motor-sport activities should not be too stringent, or they may be inconsistent with the primary purpose of the lease, which was to enable such activities and should be considered in the context.

84. The possible reduction of noisy activities through lease negotiations is an option that is reliant on the cooperation of the lessees. It would also be necessary to ensure that the amended lease successfully and unambiguously prevented growth in the noise environment to the limits prescribed by the City Plan, without creating unintended consequences. It is not possible to predict the outcome of the lease negotiations and whether the objectives will be achieved or not. Should the Council be successful in achieving greater controls on activities through the lease, this will result in the lease being incompatible with the more permissive provisions in the City Plan.
85. The negotiation of the lease may provide a perceptible improvement in the quality of life for the residents in the area. The key concerns raised by residents relate to the lack of noise free days, the increased frequency in use of the facilities and the cumulative effects of motor-sport activities over the racing season. The lease negotiation option enables the Council to discuss ways of addressing these concerns with the Park users and to seek the reduction of activities below the plan provisions and below the current operational levels. These options may include introducing noise free days, reducing the night-time operations, reducing the number and/or frequency of events and placing restrictions on the future development of the facilities.
86. The Ruapuna Noise Working Party has identified Option 4 Lease Negotiations as its preferred option.

OPTION 5

87. **Undertake a Plan Change, negotiate the lease and buy out the seven most affected properties**

Council staff propose a combination of the options, incorporating the Working Party's preferred option of lease negotiations, with a plan change and the buy-out of the seven most affected properties (rateable value of \$5,301,000).

Plan Change

88. As discussed in Option 2, a plan change is an effective way to restrict the future growth in noisy activities and restrict the development of new house in the vicinity whilst still enabling motor-sport activities to operate at the current levels. This plan change would ensure that no additional residents will experience an "unreasonable" noise environment in the future by limiting the noise levels and frequency of events to the current operation level. This would require a change to the existing City Plan noise provisions for Ruapuna to create new maximum limits for motor-sport activities. For those residents outside of the 60dBA contour, the noise environment would be limited to current levels through a plan change to ensure that those residents remaining in the area do not experience an increase in the noise environment.
89. Further, it is considered that changes to the 400 metre "no build" setback are required. The MDA report identifies the 60dBA noise contour line as the threshold for "unreasonable" exposure to the current noise environment. This 60dBA contour is slightly larger than the existing 400 metre setback and includes two more houses (Attachment 16). This proposed change would ensure that the development setback corresponds with the current noise environment.

90. Additionally, it is proposed that the plan change include a requirement for new dwellings to have acoustic attenuation within the 55dBA contour line, similar to the airport noise provisions (**Attachment 16**). This option would ensure that any new dwellings within close proximity to the park are not adversely affected by the noise environment created by motor-sport activities, by requiring that new developments respond to the nature of the area by either having restrictions on new residential buildings or by requiring new dwellings to be acoustically treated.
91. The combined application of these changes to the Plan would ensure that the Plan is updated to reflect the current noise environment and that the effects of the noise environment are limited to the seven most effected dwellings.
92. Therefore, it is proposed that the plan change would seek to reduce the noise levels and frequency of events and track usage to limit the use of Ruapuna Reserve to current levels, and to widen the development setback from 400 metres to correspond with the 60dBA contour line as identified by MDA. Further, that Council investigate the possibility of placing additional restrictions on rural-residential development between the 55 and 60dBA noise contour line in the City Plan.

Lease Negotiations

93. Lease negotiations provide an opportunity to reduce motor-sport activities to below the current level of operation. The options for addressing the noise issues through the lease may include reducing the number of events, imposing restrictions on night-time activities, introducing formalised noise free days and limiting extensions of motor-sport facilities.
94. These possible restrictions on motor-sport activities resulting from the lease negotiations may result in an improvement in the noise environment for the residents outside the 60dBA noise contour line.
95. Therefore, it is proposed that lease negotiations are undertaken to address the noise environment.

Buy out

96. There are seven rural-residential properties located within the 60dBA contour line identified by the MDA report (Attachment 7). The report identifies these dwellings as experiencing a noise environment that is "unreasonable". Further, five of these house are located within the City Plan's 400 metre "no build" setback. Therefore, both the MDA report and the City Plan identify this area as not being suitable for residential accommodation. It is for these reasons that it is considered that the Council should consider the purchase of the seven most affected rural-residential properties to remove these residents from this noise environment and ensure that these dwellings are not used for residential purposes in the future.
97. This option would provide relief for the owners and occupants of the seven most affected properties from the "unreasonable" noise environment. However, it should be noted that this will not eliminate all the complainants, but it will remove the residents identified in the MDA report as subject to an "unreasonable" noise environment.
98. Therefore, in order to provide relief for the seven most affected properties it is proposed that the Council seek to acquire these properties.
99. This combination of the options would limit the noise environment to current levels, restrict new development in the area, provide the opportunity to have noise-free days and provide a remedy for the seven most affected dwellings.