

## Appendix 4: Joint Witness Statement EMRC and Council

**Before a Hearings Panel appointed  
by the Selwyn District Council**

**Under** the Resource Management Act  
1991

**And**

**In the Matter** a hearing on the submissions to the  
Proposed Selwyn District Plan

Hearing 24: General Rural Zone

**Joint Witness Statement (Planning and  
Acoustic)**

Dated: 30 June 2022

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## INTRODUCTION

1. In the minute dated 15 March 2022 associated with Hearing 24: General Rural Zone (**GRUZ**), the Hearings Panel (the **Panel**) directed the following planning witnesses confer and produce a Joint Witness Statement (**JWS**). That JWS is to establish and document consideration of the Ellesmere Motor Racing Club (**EMRC**) relief in relation to the GRUZ Hearings (together, **The Witnesses**):
  - (a) Tim Joll (Planning), and Jon Farren (Acoustic) on behalf of EMRC.
  - (b) Jon Trewin (Planning) and Jeremy Trevathan (Acoustic) on behalf of Selwyn District Council (**Council**).
2. The Witnesses confirm that the sessions have been conducted in accordance with the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014. The JWS has been prepared in accordance with Appendix 3 to that document.
3. A meeting was held at the Ellesmere Motor Racing Club on 1 June 2022 with locally affected members of the community. The purpose of the meeting was to consult property owners on the implications of the noise contours and proposed provisions. The consultation requirement was set out in Minute 16. Present were Gordon Rattray (EMRC President), Tim Joll, Andrew Schulte (counsel for EMRC), Gary Walton (representing Marshall Day Acoustics) and Jon Trewin. A record of the consultation outcome is included as **Appendix 2**.
4. In addition to the above, Mr Joll separately contacted the adjoining owner of the neighbouring site at 61 Southbridge Dunsandel Road, Gary Power. Following receipt of Mr Joll's correspondence, Mr Power rang and Mr Joll and advised that he had no concerns with the noise contours and proposed provisions.
5. Caucusing between the acoustic experts took place in the weeks of 20 and 27 June 2022. The JWS was finalised by parties the week beginning 27 June 2022.
6. Changes to text in the Proposed District Plan (PDP), where agreed or otherwise, are located in **Appendix 1**.

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**Issues Discussed**

The expert caucusing was to respond to the matters set out in Minute 16 'EMRC Matters', specifically the appropriate PDP provisions that would give effect to the requested Inner and Outer Noise boundaries.

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## THE ISSUES

### Matters Agreed (Noise)

7. The Experts agree that if EMRC activities are to be recognised in the District Plan, it is appropriate to provide mechanisms to protect EMRC against potential reverse sensitivity effects, and to protect existing and future dwellings against potential future changes to EMRC operations
8. We agree that the Inner and Outer Noise Boundaries identified in the Marshall Day Acoustics memo<sup>1</sup> [**MDA Memo**], identify areas where noise effects are potentially greater than anticipated by the permitted activity standards in the proposed Selwyn District Plan.
9. We agree the proposed noise control provisions within the Inner and Outer Boundaries will offer future noise sensitive activities reasonable protection against noise. With these provisions in place, noise levels during within living spaces of new dwellings constructed very close to the EMRC or just outside the Inner Boundary may still exceed guidance relating to ongoing, day to day noise emissions. There is no standardised methodology in New Zealand for assessing intermittent motorsport noise however we agree that the potential outcome will be reasonable in this case when considering a number of factors including the anticipated number of racing events, the proposed hours of operation, the existing measured noise levels and the feedback from existing adjacent landowners.
10. We agree that potential future changes to EMRC operations, such as an increase in vehicle noise level, or an increase in twilight race meetings, could negatively impact adjacent existing or future residences. To address this, we agree that EMRC noise emissions should be managed on an ongoing basis through Rules and an effective Noise Management Plan [**NMP**] that address as a minimum:
  - (a) Hours of operation
  - (b) Number of anticipated race days, practice days, twilight race meetings etc per year, and the number of hours on these days that race car noise will be produced
  - (c) Types of permitted vehicles and a noise limit for individual vehicles
  - (d) Race vehicle noise level scrutineering procedure

<sup>1</sup> EMRC - Noise control boundaries - For consultation, Marshall Day Acoustics, 10 May 2022

- (e) Staff/volunteer training
  - (f) Public communication
  - (g) Noise monitoring
  - (h) Complaints procedure
  - (i) Management plan review process
11. Mr Joll<sup>2</sup> has proposed a NMP is prepared as part of an Event Management Plan and we agree this is appropriate.
12. We recommend that an additional advisory note is added to Mr Joll's proposed rules<sup>3</sup> to provide additional assistance for those constructing future dwellings within the Outer Boundary (Area B).

Consideration should also be given to installing mechanical ventilation so that windows can be kept closed

#### **Matters Disagreed (Noise)**

13. There are no matters of disagreement.

#### **MATTERS NOT CONFERENCED**

14. The Experts are of the view that the matters raised in Minute 16 have been addressed.




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Tim Joll




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Jon Farren

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<sup>2</sup> Paragraph 48 of Mr Tim Joll's evidence dated 2 March 2022

<sup>3</sup> Paragraph 48 of Mr Tim Joll's evidence dated 2 March 2022



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Jon Trewin



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Jeremy Trevathan

## Appendix 1 Amendments to the PDP

*The Panel directs that the parties develop specific wording for the proposed 55 and 65 dB Noise Contours as developed by EMRC, setting out agreed wording where that is the outcome of the caucusing and alternatively setting out different wording supported by each party where agreement is not reached.*

### Amendments to GRUZ as agreed

Additional changes recommended by the Experts and agreed, extending beyond those identified in Mr Joll's Evidence in Chief are in **red text**.

### Insert Map



Noise R-XXX	Ellesmere Speedway	
Ellesmere Speedway Inner Noise Boundary (Area A)	<b>Activity status: PER</b> 1. Within the inner noise boundary:	<b>Activity status when compliance not achieved:</b> When compliance with any of NOISE R-XXX.1.a. i and ii is not achieved: RDIS
Noise Control Overlay	i. New noise sensitive activities	<b>Matters for discretion:</b>

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	<p>shall be designed and constructed to achieve a minimum external to internal noise reduction of 30 dB D<sub>tr 2m nT w</sub> to any internal habitable space, excluding bedrooms.</p> <p>ii. The noise reduction shall be achieved at the same time as the ventilation requirements of the New Zealand Building Code.</p>	<p>The exercise of discretion in relation to NOISE-RXXX.2. is restricted to the following matters:</p> <p>a. The extent to which the site is predicted to be affected by noise from motorised speedway activities carried out at the Ellesmere Speedway.</p> <p>b. The extent to which any noise from outdoor motor racing activities carried out at the Ellesmere Speedway Club will have on all habitable spaces, excluding bedrooms.</p> <p>c. The extent to which noise sensitive activities will give rise to reverse sensitivity in relation to the activities undertaken at the Ellesmere Speedway.</p> <p>d. The extent of environmental effects as a result of any noise mitigation measures required in order to meet the standards</p>
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#### Advisory Note

**1:** To demonstrate compliance, a design report (including calculations) prepared by a suitably qualified acoustic engineer shall be submitted to the Council with the application for Building Consent.

**2:** Within the Inner Boundary (Area A) there are Rules to mitigate the effects of motorsport noise within internal building spaces. Within the Outer Boundary (Area B) there are no Rules, but residents are encouraged to consider installing mechanical ventilation so that windows can be kept closed. Within both Areas A and B, noise from motor sport activities will also be audible outside of buildings to a varying degree. ~~These rules and the identification of noise boundaries are intended to mitigate the effects of motorsport noise within internal building spaces only. Noise from motor sport activities will also be audible outside of buildings to a varying degree.~~ When constructing new dwellings, residents are encouraged to consider orientating outdoor living spaces away from the Ellesmere Motor

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Racing Club. Where this is not practical, ~~the use of~~ solid continuous walls or fencing encircling the outdoor space, can be used to help mitigate noise.

**3. Outside the Outer Boundary (Area C), no requirements or advice notes apply.**

GRUZ-Rxxx	Event Management Plan
	<p>.....</p> <p>Noise - the EMP will specifically include a Noise Management Plan which, as a minimum, should address the following components:</p> <p>(a) Hours of operation</p> <p>(b) Number of anticipated race days, practice days etc per year</p> <p>(c) Types of permitted vehicles</p> <p>(d) Race vehicle noise level scrutineering procedure</p> <p>(e) Staff/volunteer training</p> <p>(f) Public communication</p> <p>(g) Noise monitoring</p> <p>(h) Complaints procedure</p> <p>(i) Management plan review process</p> <p>.....</p>

## Appendix 2 Consultation at Public Meeting on 1 June 2022

### COMMUNITY MEETING RE PROPOSED ELLESMERE MOTOR RACING CLUB NOISE CONTOURS

#### Introduction

- Following the directions of the Selwyn District Plan Hearings Panel (re GRZ: **Panel**) to: conduct further testing; provide a forum for community feedback; and, report back to the Panel, the Ellesmere Motor Racing Club (**EMRC**) arranged for further noise testing at a meeting held on 24 April 2022. The resulting noise report was then forwarded, with an explanation of the proposal, to potentially affected landowners (i.e. those within the

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proposed noise contours). EMRC then arranged a community meeting for those landowners to advise of their views or seek clarification. The meeting was held on Wednesday 1 June 2022 at the EMRC clubrooms, 38 Southbridge-Dunsandel Road.

#### **Attendees**

2. The meeting was attended by most of the affected landowners, while landowners who did not attend had already mostly advised EMRC (via planner Tim Joll)<sup>4</sup> that they had no issues with the proposal. EMRC were represented by Gordon Rattray (club president), Tim Joll (planner for EMRC), Gary Walton (noise expert from Marshall Day Acoustics) and Andrew Schulte (lawyer for EMRC).
3. Jon Trewin, a planner from the Selwyn District Council (**Council**), also attended.

#### **Description of proposal**

4. After an introduction from EMRC's lawyer, Mr Joll and Mr Walton gave a description of the EMRC proposal for the District Plan. This included the impact of the noise contours and how they would (and would not) effect the landowners. It was made clear that what was proposed was intended to secure the current activities by EMRC, not to expand them, and that any subsequent expansion of any note would require further resource consent. In other words, there was no intention by EMRC to change what was already occurring – even though some flexibility existed, for example to hold some additional practices.
5. In any event the proposal provided a clear cap to the EMRC activities that the landowners could rely on into the future, but which meant that anyone coming to the area would be aware of the club and that it had been provided for. This 'future proofing' for the advent of future residential development was stressed as a key driver of the EMRC making the proposal for the District Plan.

#### **Discussion**

6. Having described the proposal, EMRC opened the floor to any queries from the landowners.

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<sup>4</sup> This included the nearest neighbour Gary Power (61 Southbridge-Dunsandel Road) who subsequently contacted Tim Joll advising that he also had no issues with what EMRC have proposed.

7. From the outset, it became clear that none of the landowners present had any issues with EMRC or its activities and, therefore, had no problem with what was being proposed. The key queries asked why the EMRC was being “required to do this”.
8. It was explained that it wasn’t strictly a requirement, though the proposal had been developed, in part, on the suggestion of the Council, but rather was seen as the best way of future proofing EMRC and ensuring its survival into the future. A future that could contain developments not yet envisaged that might otherwise result in a conflict with EMRC and potentially threaten it.
9. At times it did feel like the majority of the landowners saw their attendance as an opportunity to stand-up for EMRC against perceptions of rampant bureaucracy. However, it was emphasised that under its proposal EMRC would be safeguarded and would not have to worry about its ability to continue operating from its site (subject of course to its underlying lease that is not relevant to the Proposed District Plan process).
10. One specific point raised, in defence of EMRC, was a query about the need for the level of traffic planning that the proposal could require. Given its remote location and the availability of parking on neighbouring land or even the broad road verges that exist, it was felt that such traffic management would only be required in very rare circumstances. We indicated to the landowners that the thresholds for requiring traffic management plans would be reviewed and if agreed with Council could be varied.

### **Conclusion**

11. The feedback from affected landowners, both those present at the meeting and those who did not attend but responded to Mr Joll’s consultation letter or were contacted subsequently, was unanimously supportive of the EMRC proposal and raise no concerns regarding the proposed noise contours.
12. On that basis, it may be concluded that the EMRC proposal, if otherwise acceptable to the Council and its experts could be included in the proposed Selwyn District Plan with no concerns that it will adversely affect landowners whose land will be subject to the proposed plan provisions, including the proposed noise contours.

Ends.

*Prepared by Andrew Schulte for EMRC, and confirmed for accuracy by Gordon Rattray, Tim Joll and Jon Trewin.*

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