



IN THE MATTER AND IN THE MATTER

of the Resource Management Act
1991

AND

IN THE MATTER

of Hearing of Submissions and
Further Submissions on the
Proposed Gore District Plan

Minute 32 of the Hearings Panel

Aircraft and Helicopter Movements

11 December 2024

Minute 32 – Aircraft and Helicopter Movements

MINUTE OF THE HEARINGS PANEL

Purpose of Minute

- 1 In response to Minute 24 requesting additional information regarding noise issues, the Hearings Panel has received statements from Tony Michelle on behalf of the NZ Helicopter Association and from Victoria Woodbridge, author of the S42A Report. The Hearings Panel is seeking clarification as to the intent of several changes recommended and has additional questions arising from consideration of the statements.
- 2 The Panel has also received legal advice from Shelley Chadwick, Counsel advising the Hearings Panel, and that gives rise to an issue requiring further input from Victoria Woodbridge.

Structure of Rules Applying to Helicopters and Aircraft

- 3 The Hearings Panel seeks to ensure that the rules applying to helicopters and aircraft are integrated and coherent. The Panel notes the following provisions either unchanged from the Proposed District Plan or included in recommendations to amend provisions in reports:
 - GRUZ-R16 Agriculture Aviation Activity
 - GRUZ-S9 Rural Airstrips and Helicopter Landing Areas for Agriculture Aviation Activity
 - RLZ-R6 Agriculture Aviation Activity
 - GRUZ-S8 Rural Airstrips and Helicopter Landing Areas for Agriculture Aviation Activity
 - SETZ-S13 Helicopter Landing Area PREC8
 - Noise Advice Note 2 currently provides exemptions from the noise rules and standards (See comments below)
 - NOISE-R2 Noise from Construction Activities
 - NOISE-R8 Noise from Agriculture Aviation
 - NOISE-R9 Noise from Helicopters other than Agricultural Aviation
 - TEMP-R11 Aircraft and Helicopter Movements
- 4 Each Zone contains a rule stating activities not otherwise provided for are a discretionary or non-complying activity. On that basis, within the General Rural and Rural Lifestyle Zones Rural Airstrips and Helicopter Landing Areas for other than Agriculture Aviation Activities are a non-complying activity. The Hearings Panel seeks confirmation that this is the intent.
- 5 It is also noted Noise-R9 provides for Noise from Aircraft and Helicopters used for Agricultural Aviation in all zones and Noise-R10 provides for Noise from Helicopters other than Agricultural Aviation in all zones (except the Airport Zone), but no provision is made for associated landing areas in the zone rules. They are therefore a non-complying activity.

Consistency of Terms

- 6 It seems to the Hearings Panel that there is inconsistency in terminology, and the Panel seeks to ensure difficulties do not arise.

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- 7 Given Agriculture Aviation is a subset of Aviation Activity in the Nesting Tables is it correct for some provisions to refer to Agriculture Aviation Activity (GRUZ-R16, GRUZ-S9, RLZ-R6, RLZ-S8) while Aviation Activity is used in AIRPZ-R1?
- 8 Aircraft and Helicopters Movements are referred to in TEMP-R11 while NOISE-R10 refers to “take-off and landing”. “Aircraft landing, take off and taxiing” is part of the definition of Aviation Activity but there is no reference to “movements”, although in the context of some rules referring to intensity of use then “movements” may be appropriate.
- 9 The Hearings Panel as a minor change can adopt consistent wording replacing “take-off and landing” with “landing and take-off”.
- 10 “Temporary events” is a subset of “temporary activities” and therefore both terms are not required in the same provision, as in NOISE-R11. The Panel also doubts “temporary events” is the correct term within the rule. Rather, “temporary activity” appears to be the necessary term.

Noise Note 2

- 11 Shelley Chadwick, regarding an additional Advice Note recommended by Victoria Woodbridge to the rule notified as NOISE-R1, has advised the Hearings Panel as follows:

Advice notes are not intended to bind, but are included for the purpose of giving further guidance about processes associated with the application of a rule, or other information that is relevant to the operation, interpretation or application of a rule or standard.
- 12 That advice resolves the concerns of the Hearings Panel regarding that rule and two standards in the Noise chapter. However, Note 2 preceding the Rules in the Noise chapter purports to provide an exemption from the rules and standards in that chapter for eleven activities. Taking into account the legal advice received, it appears to the Panel that the list of exemptions should be provided for as a permitted activity, while the two paragraphs following that list can be retained as Advice Notes to that rule.
- 13 The Panel is aware of a recommendation to amend a similarly worded un-numbered provision in the Rules section of the Earthworks chapter entitled “Earthworks and Land Disturbance Exempt from District Plan Rules in this Chapter”.

Helicopters Associated With Construction Work

- 14 Victoria Woodbridge, with the support of Jon Styles and Tony Michelle, recommends adding an Advice Note to Rule NOISE-R2 that states:

3. Noise from helicopters associated with construction work is provided for by NOISE-R2.
- 15 As a consequence, the provisions in renumbered Tables 2 and 3, measured in accordance with NZS6803:1999 will apply. The Hearings Panel seeks clarification this is the intent and that no difficulties will arise in administering the provisions, taking into account Advice Note 2 and NZS 6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas.
- 16 The Hearings Panel also notes an inconsistency in the rule heading, referring to “construction activities” while the rule content refers to “construction work”. The Panel assumes the wording in the heading is correct and should apply throughout the Plan, notwithstanding the word “work” appears in the definition of “construction activity”.

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Rule NOISE-R10

- 17 Victoria Woodbridge in her second statement has recommended three changes to this rule, although the second and third deleting paragraphs (1) and (3) are not shown in Appendix 1 attached to her statement, which is headed “Recommended Amendments to the Noise Chapter – Right of Reply – First Response”. (Emphasis added)
- 18 The first recommendation adding a new condition to permit noise from helicopter movements which are permitted under TEMP-R11 has been included in Rule NOISE-R11.
- 19 The Hearings Panel has therefore relied on the wording for Rule NOISE-R10 as submitted by Tony Michelle as reflecting the agreement between NZ Helicopter Assn and the Panel advisers.
- 20 Given the content of TEMP-R11 referring to both aircraft and helicopter “movements”, it would appear a consequential change is required to NOISE-R10 to also refer to both aircraft and helicopter landing and take-off. That would provide consistency with NOISE-R9.

Rule NOISE-R11

- 21 The Hearings Panel does not understand the intent, and seeks a clearer explanation, of paragraph 11(d) in the Second statement dated 28 November from Victoria Woodbridge that states:

Amend NOISE-R11 to delete the recommendation to cross reference to TEMP R11 given the recommended amendment to NOISE-R9.
- 22 In part, the confusion of the Hearings Panel arises from NOISE-R11 and TEMP-R11 dealing with Temporary Events and Temporary Activities while NOISE-R9 refers to Noise from the take-off and landing of helicopters (Other than for agricultural aviation).

Rule TEMP-R11

- 23 The Hearings Panel interprets the recommended changes to TEMP-R11 as intending to have the following effect (notwithstanding comment above regarding “movements”):

TEMP - R11 Aircraft and Helicopter Movements

Activity Status: permitted

Where:

1. Aircraft and helicopter movements for the purposes of:
 - a. emergency works management, including fire and rescue;
 - b. military or law enforcement; or
 - c. in relation to helicopters the maintenance, upgrade or installation of infrastructure associated with the National Grid where:
 - i. there are no more than 10 movements per month
 - d. temporary military training where there are no more than
 - i. 6 movements per day; and
 - ii. 30 movements per year
2. Other than provided for in (1):
 - a. movements from or to a site are undertaken on no more than 3 days (either consecutively or non-consecutively) over a [*in dispute*] period;
 - b. movements are only undertaken between the hours of 7am and 7pm
 - c. the site is not within the General Residential Zone or Medium Density Residential Zone.

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Note: For the purpose of TEMP-R11(2) a 'day' is counted where there is at least one movement although there is no limit on the number of movements which may be undertaken on that 'day' subject to compliance with TEMP-R11(3).

- 24 To be consistent with other rules, the Hearings Panel would anticipate non-compliance with TEMP-R11(1)(c) and (d) to be a restricted discretionary activity, requiring the drafting of additional provisions.
- 25 The Hearings Panel considers non-compliance with the matters listed in (2) above is potentially problematic. Paragraph (2)(a) provides a limit of what is a temporary activity and it may not be appropriate for any level above that to be dealt with in the Temporary Activities chapter. As currently worded any level of activity beyond the level stated is a discretionary activity and exempt NOISE-R10, although the latter can be rectified by amending that rule to refer to TEMP-R11(1) and potentially TEMP-R11(2)(a). Relying on non-compliance with a Temporary Activity rule would enable commercial and other aircraft and helicopter activities in all zones as a discretionary activity.
- 26 The Hearings Panel queries whether a different approach might provide clarity, including a rule in each of the zones where it is considered appropriate incorporating (2)(a) and (2)(b) above. Within those zones where aircraft and helicopter activity is not considered appropriate, such as General Residential and Medium Density Residential (and there may be others) the default non-complying rule would apply.

Next Steps

- 27 The Hearings Panel directs Victoria Woodbridge, in consultation with Tony Michelle, to prepare a further report including the matters referred to above, to be submitted to the Council no later than **5 February 2025**.
- 28 If Tony Michelle disagrees with the content of the report, then the Hearings Panel is to be advised of this in writing by **12 February 2025**.
- 29 If Victoria Woodbridge or Tony Michelle wish to make any oral presentations to the Hearings Panel on these issues that is to be requested as part of any response made and will take place during the week of 24 February 2025. In any case, if the Hearings Panel requires additional assistance after receipt of responses it will reconvene the hearing.

Any queries regarding this Minute, should be directed to the Planning Department of the Gore District Council, phone (03) 2090330 or email hearings@goredc.govt.nz.



Keith Hovell
Chair, District Plan Hearing Panel
Under delegated authority