

Before the Independent Hearings Panel at Gore District Council

Under Schedule 1 of the Resource Management Act 1991

In the matter of Hearing Submissions and Further submissions on the Proposed
Gore District Plan.

Hearing Stream 6

Second Reporting Officer Right of Reply of Victoria Woodbridge

on behalf of Gore District Council

Date: 28 November 2024

Introduction:

1. My full name is Victoria Emily Jane Woodbridge. My Section 42A report sets out my qualifications and experience as an expert in planning.
2. I have prepared this right of reply in respect of Hearing Stream 6 to respond to Minute 24 issued by the Panel on 31 October 2024.
3. I confirm that we are continuing to abide by the Code of Conduct for Expert Witnesses set out in the Environment Court's practice Note 2023, as applicable to this independent hearing panel.
4. Minute 24 sought a Reporting Officer comment on the following matters:
 - a. **NOISE-S3 and NOISE-S4** – a request to provide a redrafting of the rule so that for existing buildings the requirements are only triggered when an existing or proposed habitable room is directly affected by the alterations or additions and compliance with the Standards is only required in those rooms.
 - b. **NOISE-R9** – Consider provision of 'infrequent' helicopter movements in consultation with Jon Styles (Styles Group) and Tony Michelle (New Zealand Helicopter Association).
 - c. **NOISE-R6** – New Zealand Defence Force (NZDF) provided matters of discretion for the rule.
5. The response to points (a) and (c) above were provided on 21 November 2024. This response therefore responds to point (b) above.

NOISE-R9 (Helicopter Movements)

Status of amendments and timeframe extension

6. I have consulted with Mr Michelle and Mr Styles in respect of the provision of infrequent helicopter movements. We have reached a level of agreement but remain at different positions in relation to one matter. As per the Minute direction Mr Michelle may provide further commentary on this matter.

Background consultation between parties

7. Mr Styles and I met with Mr Michelle on 12th November.
8. At our meeting Mr Michelle identified that other than for agricultural aviation purposes he is aware of helicopters being used in the district for construction activities, Southern Field Days event, Matura Crank Up event, Hydro surveys by Ministry of Business and Innovation, and for the activities provided for in TEMP-R11.
9. Mr Styles and I agree that the PDP cannot provide for every eventuality in relation to helicopter use. For activities such as the recent hydro surveying these are unique and

infrequent activities which it would be inappropriate to try and provide for through the PDP as it would make provisions unwieldy and unlikely to be practical.

10. Furthermore, providing for a bespoke list of activities as sought by Mr Michelle in his submitter statement is not considered to be appropriate because these activities would need to be defined and may have consequential issues for other chapters within the PDP.

Recommended amendments

11. Following discussions therefore I recommend a more general approach, which is supported by Mr Styles, as follows (for clarity rule numbers used below are the amended numbers recommended through my s42A report Appendix A):

- a. Amend NOISE-R2 to make it clear that noise from helicopters associated with construction work is covered by that rule and therefore not subject to the other limitations in the PDP in relation to helicopter movements:

Notes:

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[3. Noise from helicopters associated with construction work is provided for by NOISE-R2.](#)

- b. Amend TEMP-R11 to provide an alternative pathway for helicopter and aircraft movements which are not associated with the activities identified in TEMP-R11(1)(a)-(d) subject to a limit on the number of days, hours of day and restrictions on zones. It is not proposed to limit the number of movements per day, however, one movement would still count as a 'day' and a note has been added to aid interpretation of the rule.

I have also recommended that TEMP-R11(c) is amended as a consequential amendment to those proposed below for NOISE-R10. This amendment does not lead to a different outcome in terms which would need to involve any other submitter it is simply a mechanical amendment to the way the rule is structured.

I had recommended that the limit on number of movements per day, week, month provided in NOISE-R10 was simply carried over to TEMP-R11. However, Mr Michelle preferred that the limit only be in relation to 10 movements per month. I have agreed with this position. Whilst the limit on movements was something Transpower supported in their evidence at Hearing Stream 6 given the amendment is actually more enabling I do not consider they would be adversely affected by the recommended amendment. However, if the Panel is concerned with this matter they could either seek further comment from Transpower or retain the same movement restrictions as previously proposed in NOISE-R10(3) which were as reviewed by Transpower.

- c. Amend NOISE-R10 to:

- i. Add a new condition to permit noise from helicopter movements which are permitted under TEMP-R11.
- ii. Delete NOISE-R10(1) because it is no longer required given the intent now is to focus on limited numbers of movements which effectively means any more permanent base would need a resource consent and setbacks could be considered through that consent.
- iii. Delete NOISE-R10(3) because as noted above more permanent helicopter landing areas will require resource consent due to the level of activity not being permitted under TEMP-R11 and as such the condition is no longer required.

The amendments are considered an efficient means to dealing with noise from temporary helicopter activities. Relying only on TEMP-R11 could mean that noise from helicopter movements is captured by NOISE-R1 (as amended through the s42A report), therefore the amendment to NOISE-R10 is seen as appropriate and necessary.

Mr Styles has recommended some minor technical corrections to the matters of discretion as set out in Appendix 1.

- d. Amend NOISE-R11 to delete the recommendation to cross reference to TEMP-R11 given the recommended amendment to NOISE-R9.

- 12. Full amendments are provided within Appendix 1.
- 13. The one matter which Mr Michelle disagrees with is in relation to recommended TEMP-R11(2) which limits movements to 3 days every 12 months. Mr Michelle prefers a more enabling framework allowing greater number of movements. However, Mr Styles and I prefer the 3 days per 12 months to ensure the effects are limited in duration and temporary, the intent is to provide for occasional helicopter use from a site and any greater allowance we consider would not fall into the 'infrequent' category.
- 14. As per the Minute direction Mr Michelle may opt to provide a response in relation to this matter and present his preferred alternative.

Section 32AA Evaluation

- 15. The amendments are considered to be more effective than the notified version because they enable helicopter movements for non-specific purposes on a limited (infrequent) basis. This allows occasions where there are greater helicopter movements to be assessed through a resource consent process and as such consideration given to adverse effects such as noise. The amendments are also effective at achieving the objectives because they are clear, directive and will manage adverse effects whilst recognising and enabling limited movements.
- 16. There will be a benefit to those using helicopters for limited or occasional purposes in that they will not need to comply with setback requirements and the limits are sufficient to cater for a range of activities and purposes, in particular allowing for unlimited

movements in a 'day' will allow for a wide range of activities where helicopter use on a one off basis is required.

17. There is a risk that without these activities some occasional uses of helicopters are unreasonable captured and require resource consent. There is sufficient information to understand the potential effects and risks associated with the amendments.
18. Overall, the amendments are considered appropriate to achieve the Noise and Urban Form and Development Objectives as they provide a balance between enabling infrequent helicopter movements and protecting the health and well-being of the community from adverse noise effects.