

Gore Proposed District Plan

Hearing Stream 6

Part 2: District Wide Matters - Noise

Section 42A of the Resource Management Act 1991

Section 42A Report – Noise

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Interpretation

Abbreviations

Resource Management Act 1991	RMA or 'the Act'
Gore District Council	GDC or 'the Council'
Operative District Plan	ODP
Proposed District Plan	PDP
National Planning Standards 2019	PS
Southland Regional Policy Statement 2017	RPS
National Policy Statements	NPS
National Policy Statement on Highly Productive Land	NPS-HPL
National Policy Statement for Freshwater Management	NPS-FM
National Policy Statement for Urban Development	NPS-UD
National Environmental Standards	NES
National Environmental Standard for Freshwater 2020	NES-F
National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011	NES-CS
Permitted Activity	PA
Controlled Activity	CA
Restricted Discretionary Activity	RDA
Discretionary Activity	DA
Non-complying Activity	NCA

Submitters and Further Submitters Names Abbreviations

Chorus New Zealand Limited	Chorus
Contact Energy Limited	Contact Energy
Department of Conservation	DOC
Environment Southland	ES
Fire and Emergency New Zealand	FENZ
Groundswell New Zealand	Groundswell
Heritage New Zealand Pouhere Taonga	Heritage NZ
Hokonui Rūnanga Incorporated	Hokonui Rūnanga
Kāinga Ora – Homes and Communities	Kāinga Ora
KiwiRail Holdings Limited	KiwiRail
Mercury New Zealand Limited	Mercury
Ministry of Education	MOE
New Zealand Agricultural Aviation Association	NZAAA
New Zealand Defence Force	NZDF
New Zealand Heavy Haulage Association	NZ Heavy Haulage
New Zealand Helicopter Association	NZHA
New Zealand Transport Agency Waka Kotahi	NZTA
Royal Forest and Bird Protection Society of New Zealand inc	Forest & Bird
Southland District Council	SDC
Southland Federated Farmers of New Zealand	Federated Farmers
Spark New Zealand Trading Limited	Spark
Stoney Creek Station Limited	Stoney Creek
Transpower New Zealand Limited	Transpower

List of Submitters and Further Submitters

Submitter Number	Submitter Name
S148	Alistair & Bernadette Hunt
S121 & FS27	Alliance Group Limited
S118	AW+ JA Johnston Family Trust
S87	Ballance Agri-Nutrients
FS24	Contact Energy
S124	Fire and Emergency NZ
S16	Fuel Companies
S128	Greenbriar Ltd.
S117	Greg Bokser
FS5	Hamish Weir
S24	Helen McIntosh
S108	HWR Property Limited
S64	Jet Boating NZ
S68	John Baynes
FS28	Kāinga Ora
S19	Karen Temple
S115	Kevin Robertson
S132	KiwiRail Holdings Ltd
S130	Mercury NZ Limited
S125	Ministry of Education
S116	Nathan Bokser
S156 & FS4	New Zealand Agricultural Aviation Association
S147 & FS1	New Zealand Defence Force
S63 & FS18	New Zealand Helicopter Association
S127	Peters Farm Ltd Karen Peters
S95	PowerNet Limited
S28	Ravensdown Limited
S18	Reaby Downs Farm Ltd
S140	Robina Johnston
S107	Ronald Ashby
S60	Ronald Crispin
S143	Rural Ratepayers Group
S20	Sarah and Peter Barclay
S40 & FS29	Silver Fern Farms
S146	Southland District Council
S126 & FS17	Southland Federated Farmers of New Zealand
S3	Stoney Creek Station Limited
S101	Transpower New Zealand Limited
S113	Trudy Bokser
S112	Waka Kotahi NZ Transport Agency
FS21	Yrless Limited

1. Executive Summary

1. The Proposed District Plan (“PDP”) for Gore District was publicly notified on 31 August 2023. The PDP includes a Noise Chapter, submissions on the Chapter are considered in this report
2. The noise chapter works in conjunction with the zone chapters to inform and control the noise effects that may reasonably be expected from the permitted activities in each zone. The noise chapter controls the timing, character and level of noise that is considered generally acceptable in each zone and from specific noise generating activities. The noise limits for each zone are designed for the anticipated purpose, character and amenity of that zone. The Noise Chapter contains provisions for certain activities which may generate higher or specific levels of noise, and also seeks to manage reverse sensitivity effects from noise generated on the state highway and rail network. This recognises the economic and social benefits the transport networks provide to the district.
3. A total of 289 submissions and 112 further submissions are addressed in this report. The submitters seek a range of amendments to the Noise Chapter although there is general support for the provisions and approach adopted within the Chapter. In particular, the objectives and standards which set the maximum noise levels. The key issues identified through submissions are:
 - a. Amendments to rules and standards within the Noise Chapter, as well as the General Rural Zone (GRUZ) Chapter, Rural Lifestyle Zone (RLZ) Chapter and Temporary Activities Chapter to be more enabling for agricultural aviation and helicopter movements. This includes amending or deleting the requirements for rural airstrip and helicopter landing area setbacks, flight path requirements and limits on the number of hours / movements for aircraft and helicopters.
 - b. Amend definitions for ‘rural airstrip’, ‘agricultural aviation’, ‘helicopter landing area’ and ‘construction work’ and add new definitions for ‘commercial aviation activity’, ‘audible bird scaring device’, and ‘non-temporary nature’.
 - c. Include a vibration alert overlay for the rail network.
 - d. Increase the width of the railway corridor noise overlay and amend the associated standard requiring acoustic treatment for noise sensitive activities within the overlay.
 - e. Amend the state highway noise control overlay to the modelled 100m overlay and update the associated standard requiring acoustic treatment for noise sensitive activities within the overlay, including for relocated, altered and extended buildings.
 - f. Amend Note 2 (Exemptions) to include a reference to events organised by Jet Boating NZ, allow for emergency helicopters and activities at emergency service facilities, exempt audible bird scaring devices and noise from wind farms.
 - g. Amend the chapter to clarify the application of the rules so it is clear that when a district wide rule applies the zone default doesn’t apply.
 - h. Amend NOISE-P2 to replace the requirement to ‘protect’ with ‘not adversely affecting’ the health and well-being of people and the community.
 - i. Amend provisions in relation to temporary military training activities to ensure the noise from the activities are provided for in all zones not just the GRUZ and provide for noise from helicopters for limited movements.

- j. Provide for noise from helicopter take-offs and landings for limited purposes, such as maintenance and upgrade of the national grid and emergency management purposes.
- 4. The report has been prepared in accordance with Section 42A of the RMA and outlines recommendations in response to the issues that have been identified through submissions. The report is intended to assist the Hearings Panel to make decisions on the submissions and further submissions on the PDP, and to provide submitters with an opportunity to understand how their submissions have been evaluated and the recommendations made by officers, prior to the hearing.
 - 5. As a result of submissions, a range of recommended changes have been made which are broadly summarised as follows:
 - a. Amendments to the GRUZ, RLZ, Temporary Activity Chapter and Noise Chapter to make the provisions relating to agricultural aviation and helicopter movements more enabling. Including removing requirements relating to flight path; providing for an exemption for the activity being undertaken on the same contiguous site as the rural airstrip or helicopter landing area; and providing for aircraft and helicopter movements associated with a range of temporary activities.
 - b. Including a definition of audible bird scaring device and allowing for an exemption for noise associated with these devices when used ancillary to rural production activities.
 - c. Including an information only rail corridor vibration alert layer.
 - d. Amending the state highway noise control overlay to incorporate the modelled overlay provided by NZTA.
 - e. Update the standard relating to acoustic treatment for noise sensitive activities to reflect the specific requirements of NZTA and KiwiRail in relation to the modelled noise effects from the state highway and rail corridor.

2. Introduction

2.1 Author and qualifications

- 6. My name is Victoria Emily Jane Woodbridge, I am the author of this report. I am employed by The Property Group as a Principal Planner. I hold a Bachelor of Arts (Honors) English and Media Studies from the University of Glamorgan, UK and a Masters in Urban and Regional Planning from the University of Westminster, UK. I am an Associate member of the New Zealand Planning Institute (NZPI) and I have over 15 years' experience in planning and resource management, including policy development and associated report and evidence preparation.
- 7. I have been engaged as a contractor by Gore District Council to assist in the District Plan review and prepare the draft and proposed District Plans. I have been the lead planner on the preparation of a number of other Zone and District Wide Matter Chapters and have been involved in the preparation and notification of the Noise Chapter, including drafting the Section 32 Evaluation Report for the Noise Chapter.
- 8. My experience includes Council initiated Plan Changes and variations for Tasman District Council and Far North District Council and private Plan Changes for several private clients.

9. Mr Jon Styles has provided me with expert advice on Noise and where stated in this report I have relied on the expert advice provided by Mr Styles both within Appendix C and also in the following reports prepared to supporting the drafting of the Noise Chapter:
 - a. Noise Chapter Review – Gore Proposed District Plan – 9 June 2023
 - b. Noise Chapter Review – Gore Proposed District Plan – 2 August 2023

2.2 Code of Conduct

10. I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023 and that I have complied with it when preparing this report. Having reviewed the submitters and further submitters relevant to this topic I advise there are no conflicts of interest that would impede me from providing independent advice to the Hearings Panel. The opinions expressed in this evidence are based on my qualifications and experience and are within my area of expertise. If I rely on the evidence or opinions of another my evidence will acknowledge that position.
11. I am authorised to give this evidence on the Council's behalf to the Proposed District Plan hearing commissioners ("Hearings Panel").

3. Scope of report and topic overview

12. This report considers the submissions and further submissions that were received by the Council in relation to the Noise chapter of the PDP. In addition, the provisions in the following chapters relating to the management of agricultural aviation and helicopter activities, definitions and mapping are also addressed:
 - a. Part 1: Interpretation – Definitions
 - b. Part 2: Temporary Activities
 - c. Part 3: General Rural Zone and Rural Lifestyle Zone
 - d. Planning maps
13. The assessment of submissions will generally follow this format:
 - a. Submission information
 - b. Analysis of submissions
 - c. Recommendation and any amendments
 - d. Where an amendment is recommended a section 32AA assessment is provided.
14. Recommendations are made to either retain provisions without amendment, delete, add to, or amend, by way of ~~strikeout~~ and red underlining. **Appendix A** of this report contains a copy of the Noise chapter, along with excerpts from the Interpretation, Temporary Activities, General Rural Zone and Rural Lifestyle Zone Chapters with all recommended amendments shown by way of ~~strikeout~~ and underlining.
15. Clause 16(2) of the RMA allows a local authority to make an amendment to a proposed plan without using a Schedule 1 process, where such an alteration is of minor effect, or may correct any minor errors.

16. Clause 10(2)b of the RMA allows decisions on the PDP to include matters relating to consequential alterations to the PDP which are necessary, relevant or arising from submissions.

4. Statutory considerations and planning framework

4.1 Resource Management Act 1991

17. The PDP has been prepared in accordance with the RMA and in particular, the requirements of:
- a. Section 74 – Matters to be considered by territorial authorities; and
 - b. Section 75 – Content of District Plans.
18. As set out in the Section 32 Evaluation Report for [topic] there are a number of higher order planning documents and other relevant plans which have provided direction and guidance for the preparation of the PDP. These documents and a comprehensive assessment of all relevant consultation and statutory considerations prior to public notification of the PDP are outlined in that Section 32 Report. The Section 42A Introduction, General Provisions and Strategic Direction Report also provides an overview of the relevant Statutory considerations, higher order planning documents and other relevant plans and policies.
19. It is not considered necessary to repeat the detail of the relevant RMA sections and higher order documents in this report as these are covered within the relevant Section 32 Evaluation Report.
20. In this instance there are not considered to be any other higher order documents, policy statements or plans which are not already covered within the Section 32 Evaluation Report for Noise.

4.2 Section 32AA evaluation

21. Any recommended amendments to provisions since the initial section 32 evaluation was undertaken are evaluated in accordance with section 32AA. Section 32AA states:

32AA Requirements for undertaking and publishing further evaluations

(1) further evaluation required under this Act-

- (a) is required only for any changes that have been made to, or are proposed for, the proposal since the evaluation report for the proposal was completed (the changes); and*
- (b) must be undertaken in accordance with section 32(1) to (4); and*
- (c) must, despite paragraph (b) and section 32(1)(c), be undertaken at a level of detail that corresponds to the scale and significance of the changes; and*
- (d) must—*
 - (i) published in an evaluation report that is made available for public inspection at the same time as the approved proposal (in the case of a national policy statement or*

a New Zealand coastal policy statement or a national planning standard), or the decision on the proposal, is notified; or

(ii) be referred to in the decision-making record in sufficient detail to demonstrate that the further evaluation was undertaken in accordance with this section.

(2) To avoid doubt an evaluation report does not have to be prepared if a further evaluation is undertaken in accordance with subsection (1)(d)(ii).

(3) In this section, proposal means a proposed statement, national planning standard, plan, or change for which a further evaluation must be undertaken under this Act.

22. The required section 32AA evaluation for changes proposed as a result of consideration of submissions with respect to the topics of this report is contained within the assessment of the relief sought in submissions in section 3, as required by s32AA(1)(d)(ii).
23. The Section 32AA further evaluation contains a level of detail that corresponds to the scale and significance of the anticipated effects of the changes that have been made. Recommendations on editorial, minor, and consequential changes that improve the effectiveness of provisions without changing the policy approach are not re-evaluated. To streamline this report and ensure ease of use a Section 32AA evaluation for all recommended amendments is provided within **Appendix D**.

5. Background

24. The Section 42A Introduction, General Provisions and Strategic Direction Report includes details of the PDP notification, submission statistics etc. The Section 32 Evaluation Report for Noise provides a comprehensive assessment of the issues relating to the management of noise and how the PDP Noise Chapter addresses those issues and provides objectives to achieve the purpose of the RMA.

5.1 Technical Reports

25. The Council commissioned Styles Group Acoustics & Vibration Consultants to undertake several reviews of the draft Noise Chapter prior to notification. The advice provided by Styles Group was incorporated into the Chapter and is summarised in the Section 32 Evaluation Report for Noise¹.
26. In particular, Styles Group provided expert advice on the following matters which informed the drafting of the Noise Chapter:
- a. Appropriate maximum noise levels for specific zones and receiving zones.
 - b. Vibration standards associated with construction activities.
 - c. Noise from take-off and landing of aircraft and helicopters.
 - d. Management of noise from airfields
 - e. Standards for wind turbines.
 - f. Mechanical ventilation standards.

¹ Section 32 Evaluation Report for Noise paragraph 4.4 page 15

g. Noise and vibration from state highways and rail activities.

27. Prior to notification of the PDP Styles Group also worked with the Noise expert for NZDF to refine the noise rules relating to temporary military training activities.

6. Consideration of submissions

6.1 Structure of the report

28. Submissions on Noise have raised a number of issues which have been grouped by issue and also Plan provision within this report, where there limited submissions on Plan provisions these may be grouped if there are common themes. I have considered substantive commentary on primary submissions and further submissions as part of my consideration of the primary submission(s) to which they relate.

29. In accordance with Clause 10(3) of the First Schedule of the RMA, I have undertaken the following evaluation on both an issues and provisions-based approach, as opposed to a submission by submission approach.

30. Due to the number of submission points, this evaluation is generic only and may not contain specific recommendations on each submission point, but instead discusses the issues generally. This approach is consistent with Clause 10(2)(a) of Schedule 1 to the RMA. Specific recommendations on each submission / further submission point are contained in **Appendix B**.

31. The following evaluation should be read in conjunction with the summaries of submissions and the submissions themselves. Where I agree with the relief sought and the rationale for that relief, I have noted my agreement, and my recommendation is provided in the summary of submission table in **Appendix B**. Where I have undertaken further evaluation of the relief sought in a submission(s), the evaluation and recommendations are set out in the body of this report. I have provided a marked-up version of the Noise Chapter and relevant excerpts of other Chapters, with recommended amendments in response to submissions as **Appendix A**.

32. This report only addresses definitions and submissions on mapping specifically relevant to this topic. Definitions that relate to more than one topic and general mapping submissions have been addressed in the Section 42A Introduction, General Provisions and Strategic Direction Report.

33. In this report I have recommended inclusion of a new rule within the Noise Chapter and recommended that rule be positioned at the top of the rule list, meaning it will have the numbering NOISE-R1. This will result in a consequential re-numbering of all rules within the Noise Chapter and those amended numbers are shown within Appendix A. However, for the sake of this report I have referred to rule numbers from the notified PDP to avoid any confusion with submissions and repeated explanation.

6.2 Overview of submissions

34. A total of 289 submissions and 112 further submissions are addressed in this report. A list of submitters is provided at the start of the report.
35. The submitters seek a range of amendments to the Noise Chapter although there is general support for the provisions and approach adopted within the Chapter. In particular to the objectives and standards which set the maximum noise levels. The key issues identified through submissions are:
- a. Amendments to rules and standards within the Noise Chapter as well as the General Rural Zone (GRUZ) Chapter, Rural Lifestyle Zone (RLZ) Chapter and Temporary Activities Chapter to be more enabling for agricultural aviation and helicopter movements. This includes amending or deleting the requirements for rural airstrip and helicopter landing area setbacks, flight path requirements and limits on the number of hours / movements for aircraft and helicopters.
 - b. Amend definitions for 'rural airstrip', 'agricultural aviation', 'helicopter landing area' and 'construction work' and add new definitions for 'commercial aviation activity', 'audible bird scaring device', and 'non-temporary nature'.
 - c. Include a vibration alert overlay for the rail network.
 - d. Increase the width of the railway corridor noise overlay and amend the associated standard requiring acoustic treatment for noise sensitive activities within the overlay.
 - e. Amend the state highway noise control overlay to the modelled 100m overlay and update the associated standard requiring acoustic treatment for noise sensitive activities within the overlay, including for relocated, altered and extended buildings.
 - f. Amend Note 2 (Exemptions) to include a reference to events organised by Jet Boating NZ, allow for emergency helicopters and activities at emergency service facilities, exempt audible bird scaring devices and noise from wind farms.
 - g. Amend the chapter to clarify the application of the rules so it is clear that when a district wide rule applies the zone default doesn't apply.
 - h. Amend NOISE-P2 to replace the requirement to 'protect' with 'not adversely affecting' the health and well-being of people and the community.
 - i. Amend provisions in relation to temporary military training activities to ensure the noise from the activities are provided for in all zones not just the GRUZ and provide for noise from helicopters for limited movements.
 - j. Provide for noise from helicopter take-offs and landings for limited purposes, such as maintenance and upgrade of the national grid and emergency management purposes.

6.3 Format for consideration of submissions

36. For each identified topic, I have considered the submissions that are seeking changes to the PDP in the following format:

- Matters raised by submitters;
- Assessment;
- Summary of recommendations; and
- Section 32AA assessment.

37. The recommended amendments to the relevant chapters are set out in **Appendix A** of this report where all text changes are shown in a consolidated manner.

7. Matters relating to Aircraft (including agricultural aviation) and Helicopter Noise

7.1 Definitions

Matters raised by submitters

Agricultural aviation

38. Stoney Creek (s3.081), Trudy Bokser (s113.081), Nathan Bokser (s116.081), AW + JA Johnston Family Trust (s118.081), Peters Farm Ltd Karen Peters (s127.117), Reaby Downs Farm Ltd (s18.083), Karen Temple (s19.083), Sarah & Peter Barclay (s20.083), Helen McIntosh (s24.083), John Baynes (s65.085), Greg Bokser (s117.081), Balance Agri-Nutrients (s87.014), NZAAA (s156.019) and Ravensdown (s28.002) support the definition of agricultural aviation and seek that it is retained as notified.
39. NZHA (FS18.5 & FS18.7) support the submission from NZAAA (s126.005) and Ravensdown (s28.002) and seek that it is allowed.
40. Kevin Robertson (s115.006), Rural Ratepayers Group (s143.017), Alistair & Bernadette Hunt (s148.018), Ronald Crispin (s60.008), John Baynes (s68.126), Federated Farmers (s126.005) oppose the definition of agricultural aviation and seek an amendment:

~~means the use of aircrafts or helicopters used ancillary and in association with primary production.~~ Agricultural aviation activity means the intermittent operation of an aircraft from a rural airstrip or helicopter landing area for primary production activities, and; conservation activities for biosecurity, or biodiversity purposes; including stock management, and the application of fertiliser, agrichemicals, or vertebrate toxic agents (VTA's). For clarity, aircraft includes fixed wing aeroplanes, helicopters, and unmanned aerial vehicles

41. NZHA (FS18.6) support the submission from Federated Farmers (s126.005) and seek that it is allowed.

Commercial Aviation Activity

42. NZHA (s63.005) seek a new definition for commercial aviation activity as follows:

A commercial aviation activity is an activity using helicopters and aircraft for construction or maintenance of infrastructure or public or private amenities or for the continuity of electrical, gas or telecommunication services or for development and construction activities.

43. NZAAA (FS4.79) and NZHA (FS18.4) support the submission and seek that it is allowed.

Helicopter landing area

44. Stoney Creek (s3.090), Trudy Bokser (s113.090), Nathan Bokser (s116.090), AW + JA Johnston Family Trust (s118.090), Peters Farm Ltd Karen Peters (s127.126), Reaby Downs Farm Ltd (s18.092), Karen Temple (s19.092), Sarah and Peter Barclay (s20.092), Helen McIntosh (s24.092), John Baynes (s68.094), Greg Bokser (s117.090) seek an amendment to the definition of helicopter landing area as follows:

Any area of land, building or structure outside of the Airport Zone intended or designed to be used (including temporarily), whether wholly or partly, for helicopter movement or servicing, including heliports and helipads.

45. NZHA (FS18.29 & FS18.32) have further submitted in opposition of the submission from Stoney Creek (s3.090) and Federated Farmers (FS17.096) have submitted in support of the submission from Stoney Creek (s3.090).
46. NZHA (s63.004) opposes in part the definition of helicopter landing area and seeks that the words “for non-temporary or infrequent operations” are added to allow commercial aviation operators to undertake temporary helicopter landings. NZAAA (FS4.80) further submitted in support of this submission and NZHA (FS18.8 & FS18.31) and further submitted in support and support in part on their own submission.

Non-Temporary Nature

47. NZHA (s63.003 & s63.024) seek to include a ‘non-temporary nature’ definition for agricultural aviation because aircraft that are used for temporary activities often require some maintenance, loading/unloading cargo and refuelling at remote landing sites. These temporary and infrequent operations should have a separate definition to aviation activity. NZAAA (FS4.78 & FS4.77) and NZHA (FS18.3 & FS18.2) support the submission and seek that it is allowed.

Rural Airstrip

48. Stoney Creek (s3.100), Trudy Bokser (s113.100), Nathan Bokser (s116.100), AW + JA Johnston Family Trust (s118.100), Peters Farm Ltd Karen Peters (s127.136), Reaby Downs Farm Ltd (s18.102), Sarah & Pater Barclay (s20.102), Helen McIntosh (s24.102), John Baynes (s68.104) and Greg Bokser (s117.100) support the definition of rural airstrip and seek that is retained as notified.
49. Federated Farmers (s126.043), Kevin Robertson (s115.044), Rural Ratepayers Group (s143.055), Alistair & Bernadette Hunt (s148.056), Ronald Crispin (s60.046), John Baynes (s68.164) support in part the definition of rural airstrip and seek the following amendment:

Means any area of land in the rural environment intended or designed to be used, whether wholly or partly, for aircraft movement or servicing, excluding helicopters. This does not include land which is primarily used for grazing but intermittently as an airstrip or land area.

Agricultural aviation

50. The support from Stoney Creek (s3.081), Trudy Bokser (s113.081), Nathan Bokser (s116.081), AW + JA Johnston Family Trust (s118.081), Peters Farm Ltd Karen Peters (s127.117), Reaby Downs Farm Ltd (s18.083), Karen Temple (s19.083), Sarah & Peter Barclay (s20.083), Helen McIntosh (s24.083), John Baynes (s65.085), Greg Bokser (s117.081), Ballance Agri-Nutrients (s87.014), NZAAA (s156.019) and Ravensdown (s28.002) for the definition of agricultural aviation is acknowledged and accepted.
51. The further submissions from NZHA (FS18.5 & FS18.7) supporting NZAAA (s126.005) and Ravensdown (s28.002) is also acknowledged and accepted.
52. In response to Kevin Robertson (s115.006), Rural Ratepayers Group (s143.017), Alistair & Bernadette Hunt (s148.018), Ronald Crispin (s60.008), John Baynes (s68.126), Federated Farmers (s126.005) I do not recommend any amendment to the definition. The definition as proposed is concise and references other defined terms 'aircrafts', 'primary production' and 'conservation activity'.
53. These other definitions (provided below) essentially cover the same elements which the submitters seek to include in the definition.

Aircraft

Has the same meaning as per the Resource Management Act - aircraft means any machine that can derive support in the atmosphere from the reactions of the air otherwise than by reactions of the air against the surface of the earth

Conservation Activity

Means the use of land for the management, maintenance and enhancement of ecological values for indigenous vegetation and fauna and their habitats. It includes:

- (a) both western Science or mātauranga Māori;
- (b) weed and pest control;
- (c) fencing; and
- (d) restoration planting.

Primary production

Has the same meaning as per the National Planning Standards – means:

- (a) any aquaculture, agricultural, pastoral, horticultural, mining, quarrying or forestry activities; and
- (b) includes initial processing, as an ancillary activity, of commodities that result from the listed activities in (a);
- (c) includes any land and buildings used for the production of the commodities from (a) and used for the initial processing of the commodities in (b); but
- (d) excludes further processing of those commodities into a different product.

Rural Airstrip

Means any area of land in the rural environment intended or designed to be used, whether wholly or partly, for aircraft movement or servicing, excluding helicopters.

54. I do not consider it necessary to refer to operating from a rural airstrip or helicopter landing area because the PDP provisions make it clear where agricultural aviation can operate from as a permitted activity, and this also includes the Airport Zone (which is not a rural airstrip). In my opinion, limiting agricultural aviation to these locations could create issues if a person sought a resource consent to operate the activity from somewhere other than a rural airstrip or helicopter landing area, because they may not meet the definition and so fall to another category of activity.
55. For these reasons I do not accept the submissions and recommend that the definition is retained as notified.
56. I note that NZHA (FS18.6) support the submission from Federated Farmers (s126.005) and seek that it is allowed, however, as they have also further submitted in support of NZAAA (s126.005) and Ravensdown (s28.002) who seek that the definition is retained as notified, therefore, it is unclear whether NZHA prefer the definition as notified or the relief sought by Federated Farmers.

Commercial Aviation Activity

57. In response to NZHA (s63.005), who seek a new definition for commercial aviation activity, it is unclear what the purpose of the definition is and how such a definition would fit within the PDP. Currently there are no provisions relating to commercial aviation activity and the submitter has not sought to add any provisions through their submission. Therefore, as the definition would not be associated any provision within the PDP, I do not consider it is necessary or adds value to the PDP.
58. Furthermore, in my opinion, the PDP definition of 'aviation activity' covers a similar purpose as the proposed definition as it provides for both commercial and non-commercial activities associated with aircraft operation, including aircraft landing, take off and taxiing:

Aviation Activity

Means the use of land and / or buildings for commercial and non-commercial activities associated with aircraft operation, maintenance, navigation and / or education, including: aircraft landing, take off and taxiing; airport freight, luggage and passenger facilities; airport navigational, control and safety equipment; aviation education, training and recreational facilities and activities; maintenance, servicing and manufacturing of aircrafts and associated parts; refuelling of aircrafts; warehouse and storage.

59. Overall, there does not appear to be any benefit or merit from a separate definition which limits commercial aviation activities to those prescribed in the definition proposed, particularly as there is no scope (given there are no submissions) to add any rules relating to commercial aviation activities.
60. For these reasons, I reject the submission from NZHA (s63.005), and also reject their further submission (FS18.4) and the further submission of NZAAA (FS4.79).

Helicopter landing area

61. In response to Stoney Creek (s3.090), Trudy Bokser (s113.090), Nathan Bokser (s116.090), AW + JA Johnston Family Trust (s118.090), Peters Farm Ltd Karen Peters (s127.126), Reaby Downs Farm Ltd (s18.092), Karen Temple (s19.092), Sarah and Peter Barclay (s20.092), Helen McIntosh (s24.092), John Baynes (s68.094), Greg Bokser (s117.090) I do not accept the addition of 'including temporarily' to the definition. I consider this would have the consequence of meaning any temporary landing area for a helicopter would be captured by rules relating to helicopter landing areas. I consider the use of the term 'partly' does capture areas where there is more limited use but indicates a higher degree of permanence than the word 'temporary'.
62. Therefore, I reject the submissions listed above and the further submission in support from Federated Farmers (FS17.096). I accept the further submissions from NZHA (FS18.29) and NZHA (FS18.32) opposing those submissions listed above.
63. In response to NZHA (s63.004) it's not clear what is meant by 'non-temporary or infrequent operations'. The definition provides for landing areas which are 'wholly' (which would allow for non-temporary activities) and 'partly' (which would allow for infrequent operations) used for helicopter movements etc. Therefore, I do not accept the submission or the further submission also by NZHA (FS18.8 & FS18.31) and by NZAAA (FS4.80).

Non-Temporary Nature

64. In response to NZHA (s63.003 & s63.024) it is unclear how a 'non-temporary nature' definition would work with the PDP provisions. The definition of agricultural aviation itself allows for temporary use, and the rule framework which includes provisions relating to where the activity make take place in terms of take-offs and landings. Later in this report I recommend a new rule, within the Temporary Activity Chapter, to relate to temporary use of aircraft and helicopters for certain purposes. Otherwise, in relation to noise effects, rules within the General Rural Zone, Rural Lifestyle Zone and Noise Chapter provide permitted conditions for the temporary use of aircraft and helicopters. For these reasons I reject the submission and do not recommend a new definition for 'non-temporary nature' be added to the PDP. I also reject the further submissions from NZAAA (FS4.78 & FS4.77) and NZHA (FS18.3 & FS18.2).

Rural Airstrip

65. The support from Stoney Creek (s3.100), Trudy Bokser (s113.100), Nathan Bokser (s116.100), AW + JA Johnston Family Trust (s118.100), Peters Farm Ltd Karen Peters (s127.136), Reaby Downs Farm Ltd (s18.102), Sarah & Pater Barclay (s20.102), Helen McIntosh (s24.102), John Baynes (s68.104) and Greg Bokser (s117.100) is acknowledged and accepted.
66. In response to Federated Farmers (s126.043), Kevin Robertson (s115.044), Rural Ratepayers Group (s143.055), Alistair & Bernadette Hunt (s148.056), Ronald Crispin (s60.046), John Baynes (s68.164) I do not consider the amendment sought is necessary. The definition provides for use of land which is wholly or partially used. What occurs on the land at other times would fall within the permitted activity criteria of the zone rules. For example, in the General Rural Zone, if a rural airstrip were used partially for aircraft movements it could be

used as a permitted activity for grazing at other times given primary production is a permitted activity. In my view the definition does not need to make this explicit.

67. Furthermore, as it is unclear what 'intermittent' use might be, the rules provide a framework for establishing and operating from a rural airstrip and so even if it is defined as having intermittent use, the rules would still be applicable to the rural airstrip. I do not consider there is any benefit to the amendment sought, instead it has the potential to create confusion in terms of interpretation. I therefore reject the submission and recommend the definition is retained as notified.

Recommendation

68. For the reasons given above I do not recommend amendments to the following definitions:

- a. Agricultural aviation
- b. Helicopter landing area
- c. Rural Airstrip

69. Furthermore, I do not recommend, for the reasons detailed above, that new definitions for 'commercial aviation' and 'non-temporary nature' are included in the PDP.

70. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

7.2 General Submissions and Noise Chapter Exemptions

Matters raised by submitters

General and Whole Plan

71. Alistair & Bernadette Hunt (s148.011 & s148.012) oppose the GRUZ & RLZ generally as they do not support the new rules restricting agricultural aviation because the noise is temporary and tolerated by the rural community. Landing areas are based on proximity to water sources and tanks are often close to roads. The submitter considers the rules are not needed. NZAAA (FS4.22) supports the submission on the GRUZ (s148.011) and seeks that it is allowed.
72. NZAAA (s156.001) oppose in part the whole PDP and seek that provisions are amended to ensure they are justified in the Section 32 report as the approach taken to setback rules for agricultural aviation are not justified. Hamish Weir (FS5.1) further supports and NZHA (FS18.1) further supports in part the submission and both seek that it is allowed.

Noise Chapter Exemptions

73. NZHA (s63.010) supports in part the exemptions in Note 2(3) but seek that the exemptions are expanded to cover the use of helicopters after the state of emergency has expired when there may still be a need to use helicopters as the only means of getting supplies into rural towns and homes. Additionally, a helicopter removing or repairing a broken power pole that hinders a road should be exempt. NZAA (FS4.12) and Yrless Ltd (FS21.086) further support the submission and seek that it is allowed.

74. The following amendment is sought:

- a. Emergency helicopter landings and take offs which are associated with the function of the hospital in terms of patient care. Emergency helicopters taking off and landing conducting emergency operations during and after a state of emergency.

Assessment

General and Whole Plan

75. In response to Alistair & Bernadette Hunt (s148.011 & s148.012) the rules relating to agricultural aviation are intended to manage actual and potential adverse effects from noise generated by the activity. It is considered appropriate that the PDP manage these effects through a rule framework to align with best practice management of noise and give effect to the purpose of RMA. The Section 32 Evaluation for the Noise Chapter provides an analysis of the PDP provisions and whether the objectives are the most appropriate means to achieve the purpose of the RMA.
76. For these reasons I disagree that rules are not needed. I note though, within this report, I recommend a number of amendments to the GRUZ & RLZ rules and Noise rules relating to agricultural aviation, to provide a more enabling framework. Therefore, I reject the submission in part acknowledging the amendments recommended elsewhere in this report. The further submission from NZAAA (FS4.22) is therefore also rejected in part.
77. In response to NZAAA (s156.001) the Section 32 Evaluation report for the Noise Chapter is supported by technical advice from Styles Group in relation to the noise effects for agricultural aviation. As noted above, the provisions have been adequately justified within the Section 32 report. Furthermore, later in this report, I recommend amendments to provide a more enabling rule framework. The submission is therefore rejected as are the further submissions from Hamish Weir (FS5.1) and NZHA (FS18.1).

Noise Chapter Exemptions

78. In response to NZHA (s63.010) Note 2, exemption (1) provides an exemption from helicopter take off and landings during an emergency response. As the wording is 'emergency response' rather than 'during a state of emergency' I do not consider the exemption is limited only to a state of emergency but as needed during an emergency response.
79. However, it's unclear whether this sufficiently addresses the submitters relief sought. Therefore, in response to the submission, instead of amending Note 2 to provide an exemption I recommend that a new rule be added to the Temporary Activity Chapter, this is considered later in this report at paragraph 150 as it forms part of the assessment of additional submissions.
80. Overall, the submission from NZHA (s63.010) and further submissions from NZAA (FS4.12) and Yrless Ltd (FS21.086) are accepted in part.

Recommendation

81. For the reasons given above I do not recommend any amendments to the PDP or Noise Chapter Note 2 to specifically respond to the submissions identified above. Note, my recommendations in relation the Temporary Activity Chapter are detailed later in this report.
82. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

7.3 General Rural Zone, Rural Lifestyle Zone, Temporary Activity Chapter and Noise Chapter Policies, Rules and Standards

Matters raised by submitters

General Rural Zone - GRUZ-P7

83. NZAAA (s156.013) seek an amendment to GRUZ-P7 as follows:

Enable agricultural aviation activities and rural airstrips and helicopter landing areas to support primary production and conservation activities. ~~whilst managing the noise effects through controlling the location of airstrips and scope of their use~~

84. Stoney Creek (s3.059), Trudy Bokser (s113.059), Nathan Bokser (s116.059), AW + JA Johnston Family Trust (s118.059), Peters Farm Ltd Karen Peters (s127.095), Reaby Downs Farm Ltd (s18.061), Karen Temple (s19.061), Sarah and Peter Barclay (s20.061), Helen McIntosh (s24.061), John Baynes (s68.063), Greg Bokser (s117.059) and Ravensdown (s28.014) seek an amendment to GRUZ-P7 as follows

Enable agriculture aviation activities, and rural airstrips to support primary production and conservation activities, whilst avoiding, remedying or mitigating any adverse ~~managing the noise effects through controlling the location of airstrips and scale of their use.~~

85. NZAAA (FS4.35 & FS4.36) support the submission from Ravensdown (s28.014)

86. Federated Farmers (s126.151), Kevin Robertson (s115.152), Ronald Crispin (s60.154), John Baynes (s68.272), Rural Ratepayers Group (s143.163), Alistair & Bernadette Hunt (s148.164) seek an amendment to GRUZ-P7 as follows:

Enable agriculture aviation activities, and rural airstrips to support primary production and conservation activities., ~~whilst managing the noise effects through controlling the location of airstrips and scale of their use.~~

87. NZAAA (FS4.34, FS4.37 & FS4.38) further supports the submissions from Federated Farmers (s126.151), Rural Ratepayers Group (s143.163), Alistair & Bernadette Hunt (s148.164) respectively and seeks that they are allowed.

88. NZHA (s63.017) supports in part GRUZ-P7 and seeks an amendment as follows:

Enable agricultural aviation activities, ~~and rural airstrips~~ and helicopter landing areas to support primary production and conservation activities, whilst managing the noise effects through controlling the location of airstrips and scope of their use

89. NZAAA (FS4.33) and NZHA (FS18.21) further support the submission and seek that it is allowed.

General Rural Zone - GRUZ-R16

90. The following submitters and further submitters sought amendments to GRUZ-R16

Submitter & Submission No.	Position	Reason / Relief	Further submission
NZAAA (s156.015)	Support in part	The setbacks do not enable provision of services to support primary production and	
NZHA (s63.019)	Support in part	the reference to NOISE-R8 should be deleted, condition 2 retained subject to the amendments to NOISE-R8 and the default activity status amended to Restricted Discretionary: 1. The takeoff and landings are to ~~or~~ from a rural airstrip or helicopter landing area	NZAAA (FS4.44) and NZHA (FS18.19) – support and allow submission
Ballance Agri-Nutrients (s87.010)	Support in part	~~which complies with General Rural Zone standard GRUZ-S9~~ Activity status where compliance not achieved:	NZAAA (FS4.45) – support and allow submission
Ravensdown (s28.016)		~~Discretionary~~ <u>Restricted Discretionary</u> <u>1. Any mitigation of noise proposed in accordance with best practicable options.</u> <u>2. Hours of operation.</u>	NZAAA (FS4.47) – support and allow submission

91. Stoney Creek (s3.072), Trudy Bokser (s113.072), Nathan Bokser (s116.072), AW + JA Johnston Family Trust (s118.072), Peters Farm Ltd Karen Peters (s127.108), Reaby Downs Farm Ltd (s18.074), Karen Temple (s19.074), Sarah and Peter Barclay (s20.074), Helen McIntosh (s24.074), John Baynes (s68.076), Greg Bokser (s117.072) support GRUZ-R16 and seek that it is retained as notified.

92. NZAAA (FS4.46, FS4.48, FS4.49, FS4.50, FS4.51, FS4.52, FS4.53, FS4.54, FS4.55, FS4.56, FS4.57) further submitted on the above submissions and supported them in part but considered the setback requirements should be deleted.

General Rural Zone - GRUZ-S9

93. NZAAA (s156.016), NZHA (s63.020), Ravensdown (s28.017) and Ballance Agri-Nutrients (s87.011) seek to delete GRUZ-S9 because they consider that it does not consider the

practicality of siting rural airstrips, creating access tracks to the airstrips, or the increased potential health and safety risks that may result from this. Setbacks, as proposed, do not enable the provision of services to support primary production. NZAAA (FS4.58, FS4.59 & FS4.61) further supports the submissions from NZHA (s63.020), Ravensdown (s28.017) and Ballance Agri-Nutrients (s87.011) and NZHA (FS18.18) supports their own submission.

94. Stoney Creek (s3.080), Trudy Bokser (s113.080), Nathan Bokser (s116.080), AW + JA Johnston Family Trust (s118.080), Peters Farm Ltd Karen Peters (s127.116), Reaby Downs Farm Ltd (s18.082), Karen Temple (s19.082), Sarah and Peter Barclay (s20.082), Helen McIntosh (s24.082), John Baynes (s68.084), Greg Bokser (s117.080) oppose GRUZ-S9 and seek an amendment:

Rural Airstrips and Helicopter Landing Areas

1. Any rural airstrip or helicopter landing area is separated by at least 500m from any notional boundary to a noise sensitive activity on a site not being serviced by the use of the rural airstrip or helicopter landing area.; and 2. ~~The flight path to the helicopter landing area is not within a horizontal distance of 250m of any notional boundary to a noise sensitive activity.~~

95. NZAAA (FS4.60, FS4.62, FS4.63, FS4.64, FS4.65, FS4.66, FS4.67, FS4.68, FS4.69, FS4.70, FS4.71) oppose the above submissions and seek that they are disallowed. The submitter states, Council does not control in flight aircraft and it is not appropriate to include inflight horizontal setbacks in the PDP.
96. NZHA (FS18.33) opposes the submission from Stoney Creek (s3.080) and seeks that it is disallowed in part because removing condition 2 is not supported.

Rural Lifestyle Zone - RLZ-R6

97. NZAAA (s156.017), NZHA (s63.021), Balance Agri-Nutrients (s87.012) and Ravensdown (s28.018) oppose the RLZ-R6 in part because the setbacks proposed in GRUZ-S9 do not enable the activity to support primary production and Council controls land not aircraft in flight. The submission seeks the following amendment with condition 2 being retained subject to the amendments sought by the submitter to NOISE-R8:

Activity Status: Permitted

Where:

~~1. The take-off and landings are to and from a rural airstrip or helicopter landing area permitted under GRUZ-S8.....~~

98. NZAAA (FS4.72, FS4.73 & FS4.74) further support the submission from NZHA (s63.021), Balance Agri-Nutrients (s87.012) and Ravensdown (s28.018) and seek that they are allowed. NZHA (FS18.17) further support their own submission (s63.021)
99. Federated Farmers (s126.174), Kevin Robertson (s115.175), Ronald Crispin (s60.177), John Baynes (s68.295), Rural Ratepayers Group (s143.186), Alistair & Bernadette Hunt (s148.187) support in part RLZ-R6 subject to the amendments being accepted for GRUZ-S8.

Rural Lifestyle Zone – RLZ-S8

100. NZAAA (s156.018), NZHA (s63.023) and Ravensdown (s28.019) oppose RLZ-S8 and seek that it is deleted because the setbacks as proposed do not enable the provision of services to support primary production. Council does not control aircraft in flight, and it is inappropriate to include inflight horizontal setbacks as proposed. NZAAA (FS4.75 & FS4.76) further submit in support of NZHA (s63.023) and Ravensdown (s28.019) and NZHA (FS18.16) further submit in support of their own submission (s63.023).

Noise Chapter - NOISE-P4

101. NZAAA (s156.005), Kevin Robertson (s115.184), Ronald Crispin (s60.186), John Baynes (s68.304), Alistair & Bernadette Hunt (s148.196 & s148.200), Ballance Agri-Nutrients (s87.004), Ravensdown (s28.006), Federated Farmers (s126.183), Rural Ratepayers Group (s143.195) support in part NOISE-P4 but seek an amendment to recognise that aviation activities that are infrequent are provided for.

To enable the infrequent noise levels associated with temporary activities, temporary aviation activities, temporary military training activities and emergency training activities provided that the level, timing and duration of noise is reasonable

102. NZAAA (FS4.7, FS4.8, FS4.9, FS4.10, FS4.11) further submit in support of the submissions from Ballance Agri-Nutrients (s87.004), Ravensdown (s28.006), Federated Farmers (s126.183), Rural Ratepayers Group (s143.195) and Alistair & Bernadette Hunt (s148.196).
103. NZHA (s63.009) oppose in part NOISE-P4 as they consider the policy is inconsistent with NOISE-O2 and that aviation activities that are infrequent should be provided for. NZAAA (FS4.84) further submit in support of the submission and seek that it is allowed.

Noise Chapter - NOISE-R8

104. Submissions which support in part or oppose, and further submissions, on NOISE-R8 as outlined in the table below:

Submitter & Submission point	Reason & Relief sought	Further submission
Ravensdown (s28.008 & s28.007)	Seek provisions the same as the Selwyn District Plan. Oppose the setback requirement which will result in take offs and landings being undertaken further away from the treatment areas thereby increasing aircraft time which increases cost and noise. The submitter accepts the limit of 315 aircraft hours per year and refers to Selwyn, New Plymouth and Clutha as preferred approaches. Relief sought – amend the rule as follows: 1. The take-off and landing is to ~~and~~ <u>or</u> from a rural airstrip, a helicopter landing areas located in the rural environment ~~or the Mandeville Aviation and rail Precinct.~~	NZAAA (FS4.19) on s28.007 – support and allow submission.

	2. Take off and landing do not occur for more than 315 <u>aircraft</u> hours in any 12 month period. 3. ~~The rural airstrip or helicopter landing area is separated by at least 500m from any notional boundary on a site not being serviced by the use of the airstrip; and~~ 4. A record of take offs and landing times and dates is maintained <u>by the landholder</u> and available to the Council upon request.	
Kevin Robertson (s115.137)	Activity status: Permitted ~~Where: 1. The take-off and landing is to and from a rural airstrip, a helicopter landing area located in the rural environment, or the Mandeville Aviation and Rail Precinct; 2. Take off and landings do not occur for more 315 hours in any 12 month period; 3. The rural airstrip or helicopter landing area is separated by at least 500m from any notional boundary on a site not being serviced by the use of the airstrip; and 4. A record of take offs and landing times and dates is maintained and available to the Council upon request.~~	
Ronald Crispin (s60.139)		
John Baynes (s68.257)		
Federated Farmers (s126.136)		NZAAA (FS4.15) – support, allow submission
Rural Ratepayers Group (s143.148)		NZAAA (FS4.16) – support, allow submission
Alistair & Bernadette Hunt (s148.149 & s148.008)		NZAAA (FS4.17 & FS4.14) – support, allow submission
Ballance Agri-Nutrients (s87.005)	The take off and landing should be an ‘or’ not an ‘and’, the reference to hours should be ‘aircraft’ hours to avoid ambiguity and condition 3 is unjustified and inconsistent with NOISE—P2 and would result in significant costs for farmers as well as health and safety risks. Condition 4 does not state who should keep the records. Relief sought - to amend the rule as follows: 1. The take-off and landing is to ~~and~~ or from a rural airstrip, a helicopter landing areas located in the rural environment or the Mandeville Aviation and rail Precinct.	NZAAA (FS4.18) – support, allow submission
NZHA (s63.022)		NZAAA (FS4.13)

	2. Take off and landings do not occur for more than 315 <u>aircraft</u> hours in any 12 month period. ~~3. The rural airstrip or helicopter landing area is separated by at least 500m from any notional boundary on a site not being serviced by the use of the airstrip; and~~ 4. A record of take offs and landing times and dates is maintained <u>by the landholder</u> and available to the Council upon request.	
NZAAA (s156.006)	The take-off and landing should be an 'or' not an 'and', the reference to hours should be 'aircraft' hours to avoid ambiguity and condition 3 is unjustified and inconsistent with NOISE—P2 and would result in significant costs for farmers as well as health and safety risks. The setback is not justified by the s32 report. The limit of 315 aircraft hours per year is accepted. The exemptions in the Selwyn District Plan which allow for aircraft and / or helicopter movements for activities ancillary to rural production undertaken on the same site as the landing area and/or airfield to be exempt from the setback standards. Relief sought - to amend the rule as follows: 1. The take-off and landing is to ~~and~~ <u>or</u> from a rural airstrip, a helicopter landing areas located in the rural environment or the Mandeville Aviation and rail Precinct. 2. Take off and landings do not occur for more than 315 <u>aircraft</u> hours in any 12 month period. ~~3. The rural airstrip or helicopter landing area is separated by at least 500m from any notional boundary on a site not being serviced by the use of the airstrip; and~~ 4. A record of take offs and landing times and dates is maintained <u>by the landholder</u> and available to the Council upon request.	NZHA (FS18.13) – support and allow submission NZAAA (FS18.14) – support in part and allow in part

NOISE-R9

105. NZAAA (s156.007) oppose the NOISE-R9 but provide no information on the submission or relief sought.

106. NZHA (s63.011) support in part NOISE-R9 and seek an amendment to condition 1 because helicopters may have travelled from other locations to land or take off to depart to other locations. The submitter seeks to delete conditions 2 and 3 because the setbacks are not justified in the Section 32 Report and would be inconsistent with NOISE-P2. The use of helicopters and drones should be considered in the temporary category:

1. The take-off ~~and~~ or landing are to ~~and~~ or from a *helicopter landing area* which is:
 - (a) separated from the *notional boundary* on another site by a minimum distance of 300m; and

- (b) separated from any occupied building that does not contain a *noise sensitive activity* on another site in any zone by a minimum distance of 200m; and
- ~~2. The flight path to the helicopter landing area is not within a horizontal distance of 250m of any notional boundary on any other site; and~~
- ~~3. The number of movements to and from the helicopter landing area does not exceed:~~
 - ~~(a) 2 movements per day; and~~
 - ~~(b) 4 movements per week; and~~
 - ~~(c) 10 movements per month.~~

107. NZAAA (FS4.20) further submits in support of the submission because they consider helicopters are critical in establishing, maintaining and repairing infrastructure including energy and communication systems. NZHA (FS18.27) further submits in support of their own submission.

108. NZDF (s147.017) seeks an amendment to NOISE-R9 as it is unclear how the rule relates to helicopter landing / take off when it is not in a helicopter landing area which would be relevant for Temporary Military Training Activities (TMTA) where helicopters may be used for a one-off or intermittent basis. An exception to the rule or an additional permitted activity standard is sought:

Option 1:-

Noise from the take-off and landing of helicopters (Other than for agricultural aviation and TMTA)

Activity status: Permitted Where:

....3. The number of movements to and from the helicopter landing area does not exceed:

- (a) 2 movements per day; and
- (b) 4 movements per week; and
- (c) 10 movements per month.

Option 2, add the following permitted activity standard:-

4. The number of helicopter movements associated with temporary activities including TMTA does not exceed:

- (a) 6 movements per day; and
- (b) 30 movements per year

109. NZAAA (FS4.21) and NZHA (FS18.15) further submitted on the submission from NZDF (s147.017) and seek that it is allowed in part. NZAAA supports that agricultural aviation activities are exempt from the rule. However, they consider the alternative limitation proposed by the submitter would limit the ability to adequately support primary production. The proposed permitted activity standard for helicopter movements for temporary activities would limit the ability for helicopters to respond to the need to support the establishment, maintenance and repair of critical infrastructure such as energy and communication sector. NZHA agrees that the definition is unclear but does not support the limited numbers of movements.

110. Transpower (s101.073) supports in part NOISE-R9 but seeks an amendment because the rule does not contemplate the use of helicopters for inspections, maintenance and upgrading of the national grid. The submitter seeks an amendment to explicitly allow for such use to give effect to Policies 2 & 5 of the NPSET:

Activity status: Permitted

Where:

x. The take-off and landing are to and from a location adjacent to the National Grid where the helicopter use is for the operation, maintenance and upgrading of the National Grid; or

1. The take-off and landing are to and from a helicopter landing area which is:.....

111. NZHA (FS18.30) supports the submission and seeks that it is allowed.

TEMP-R1

112. NZHA (s63.012) supports in part TEMP-R1 and seeks an amendment to include the use of helicopters as a permitted activity which are exempt from NOISE-R9(3) (movements).

113. NZAAA (FS4.85) further submitted in support of the submission from NZHA (s63.012) and NZHA (FS18.24) further submitted in support of their own submission.

Assessment

114. The above submissions all relate to the way in which agricultural aviation and helicopter landings (both associated with agricultural aviation and generally) are managed within the PDP. There are provisions within the General Rural Zone (GRUZ) and Rural Lifestyle Zone (RLZ) in relation to agricultural aviation activity (GRUZ-R16 & RLZ-R6) and the location of the rural airstrips and helicopter landing areas (GRUZ-S9 & RLZ-S8). Noise from agricultural aviation and helicopters are also managed within the Noise Chapter (NOISE-R8 & NOISE-R9). The purpose of providing for the activity within the GRUZ and RLZ Chapters is to avoid the activity being captured by the general default rule and therefore becoming non-complying. The purpose of the noise chapter rules is to manage noise effects from the activity rather than the activity itself, however, the rules are generally interlinked and aligned.

115. The submitters generally seek the following outcomes:

- a. Amend GRUZ-P7 so that it does not refer to managing noise effects and references helicopter landing areas.
- b. Amend GRUZ-R9 by deleting reference to GRUZ-S9 (the rural airstrip & helicopter landing setback requirement) and providing for non-compliance with the rule as a restricted discretionary activity.
- c. Delete or amend GRUZ-S9. Where an amendment is sought the submitters seek to reference 'noise sensitive activity' and delete GRUZ-S9(2) which refers to flight paths.
- d. Amend RLZ-R6 to delete RLZ-R6(1) which references GRUZ-S8.
- e. Delete RLZ-S8 (the rural airstrip & helicopter landing setback requirement).
- f. Amend NOISE-R8 to:
 - i. align with other Council's approaches, such as Selwyn, New Plymouth or Clutha;

- ii. have no conditions;
 - iii. delete the setback requirement.
- g. Amend Noise-R9 to:
 - i. Delete the flight path requirements and movement limitations;
 - ii. Exclude helicopter movements associated with temporary activities including temporary military training activities.
 - iii. Permit take off & landings adjacent to the National Grid where the use is for the operation, maintenance and upgrading of the national grid.
- h. Amend TEMP-R1 to provide for use of helicopters which are exempt from NOISE-R9(3).

116. In considering a response to the submitters I have reviewed the expert technical advice Council obtained to inform drafting of the provisions and also the approach taken by other Councils in relation to agricultural aviation and helicopter activities, given some submitters prefer those other approaches.

117. I have considered the approach taken by Selwyn District Plan, Timaru District Plan and New Plymouth District Plan given they are recent district plans and Selwyn & New Plymouth were identified by the submitters as an approach which might be appropriate. Clutha District Plan was also identified by submitters as adopting an appropriate approach, however, as this Plan was made operative in 1998 I do not consider it would necessarily be comparable to the PDP nor adopt current best practice approach to management of noise.

Other Councils' Approach

Partially Operative Selwyn District Plan (Appeals Version)

118. The Partially Operative Selwyn District Plan (Appeals Version) includes rules which relate to noise associated with agricultural aviation and helicopters as follows:

- a. Noise from aircraft or helicopters which are subject to TEMP-R7, GRUZ-R27 or GRUZ-R28 is permitted.
- b. TEMP-R7 permits aircraft and helicopter movements for emergency work, military or law enforcement work, or conservation activities.
- c. GRUZ-R27 permits aircraft and helicopter movements ancillary to rural production activities, including topdressing, spraying, stock management, fertiliser application and frost mitigating and includes the incidental landing and take-off of helicopters during their normal course of action.
- d. GRUZ-R28 permits the establishment of a new, or expansion of an existing, helicopter landing area or airfield subject to four rule requirements relating to setbacks, movements, hours of operation and flight log as follows:
 - i. Airfields and helicopter landing areas shall be located a minimum of:
 - 2km from any residential zone
 - Airfields – 1km from any notional boundary of a sensitive activity or other areas consented for a sensitive activity not within the same site in the rural zone.
 - Helicopter landing areas – 500m from any notional boundary of a sensitive activity or other areas consented for a sensitive activity not within the same site in the rural zone.

- 50m from any state highway.
- ii. No more than 4 aircraft and helicopter movements per day
- iii. Any aircraft or helicopter movements shall only occur between 0700 and 1900
- iv. A log with the date and time of all aircraft and helicopter movements shall be maintained and made available to the Council at its request.
- e. However, aircraft movements and / or helicopter movements ancillary to rural production (provided for in GRUZ-R27) are exempt from the above rule requirements where they are undertaken on the same site as the site of the helicopter landing area and/or airfield.

New Plymouth Proposed District Plan – Appeals Version

119. The New Plymouth Proposed District Plan – Appeals Version includes rules which relate to noise associated with agricultural aviation and helicopters as follows:

- a. Noise from helicopter landing areas is permitted in the Port Zone and Hospital Zone PREC2 – Taranaki Base Hospital Campus where the noise meets the recommended limits and noise management provisions set out in NZS 6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas.
- b. Noise from helicopters and aircraft (other than in flight) must comply with the maximum noise levels for each zone, except for the Airport Zone where there are specific standards.

Proposed Timaru District Plan

120. The Proposed Timaru District Plan includes rules which relate to noise associated with agricultural aviation and helicopters as follows:

- a. Noise from aircraft using airstrips and helicopter landing sites for activities in the rural zone that comply with GRUZ-R14 is permitted.
- b. GRUZ-R14 permits the use of airstrips and helicopter landing areas where:
 - i. the flights are for emergency purposes; or
 - ii. the use is for primary production:
 - for a maximum of 7 days within any 3 month period where the airstrip or helicopter landing site is setback 500m-1000m from a residential zone and notional boundary of a building containing a noise sensitive activity located on a different site from the airstrip or landing area; or
 - the airstrip or helicopter landing areas is setback greater than 1km from a residential zone and notional boundary of a building containing a noise sensitive activity located on a different site from the airstrip or landing area; or
 - iii. There are no more than 10 take offs or landings per month and the airstrip or landing site is setback a minimum of 500m from residential zone and notional boundary of a building containing a noise sensitive activity located on a different site from the airstrip or landing area.
- c. Any helicopter landing site not addressed by GRUZ-R14 is permitted where:
 - i. the flight movements are for emergency purposes; or
 - ii. the helicopter landing area is not in a residential zone; and

- iii. there are no more than 10 take offs from any site per month; and
- iv. noise from flight movements does not exceed 70 dB LAF_{max} between 10pm and 7am or 90 dB LAF_{max} between 7am and 10pm at any residential zone or notional boundary of a building containing a noise sensitive activity.

Technical Advice

121. The Styles Group Noise Chapter Review report provided commentary and advice² on the management of noise associated with agricultural aviation and noted that the intermittent and seasonal nature of agricultural aviation activities warrants flexibility in terms of noise standards.
122. The report recommended that *“exemptions provide for an appropriate level of agricultural aviation activity but that airstrips or landing areas that are used to service farms or horticulture on other sites are not exempt.”*³ Styles Group provided recommendations which informed the drafting of NOISE-R8 in relation to hours of activity and setbacks for airstrips and landing areas.⁴
123. The report also supported provisions that exempt noise from helicopters where they are used for very short periods of time, such as emergencies, however, formal landing areas which might be used on a more regular basis should be managed through a reasonable noise standard. The report provided the recommendations to inform NOISE-R9 (as notified).⁵

Assessment

124. I consider the key issues raised by the submitters relate to the setback requirements for rural airstrips and helicopter landing areas, the limit on movements and restriction on flight paths.
125. Having reviewed the New Plymouth District Plan approach, I do not consider it to be directly comparable as it does not appear to provide specifically for agricultural aviation or helicopter movements within the rural zones. Furthermore, I do not consider a permitted standard which requires compliance with a New Zealand Standard that sits outside the PDP to be an efficient or effective approach as it can be difficult for Plan users and decision makers to access and interpret technical New Zealand standards.
126. I consider the approach adopted by the Timaru District Plan and Selwyn District Plan to be comparable to the PDP, noting that there are limits on the location of airfields (rural airstrips in the PDP), helicopter landing areas and limitations on movements as well as requirements relating to record keeping.
127. The key difference between the Selwyn District Plan and the PDP is that the Selwyn District Plan provides an exemption from noise standards for aircraft movements ancillary to primary

² Noise Chapter Review – Gore District Council, Styles Group, 9 June 2023, pages 36-37

³ Noise Chapter Review – Gore District Council, Styles Group, 9 June 2023, paragraph 4.11.1.1, page 37

⁴ Noise Chapter Review – Gore District Council, Styles Group, 2 August 2023, pages 13-14

⁵ Noise Chapter Review – Gore District Council, Styles Group, 2 August 2023, paragraph 10.2.1, page 14

production where they are undertaking an activity on the same site as the airfield (rural airstrip) or landing area.

128. I consider the PDP should include appropriate restrictions to align with best practice management of noise effects or achieve the objectives and purpose of the RMA. Whilst the ODP does not have any noise limits specifically relating to agricultural aviation and helicopter movements, I consider that to achieve the Noise Chapter objectives⁶, and therefore achieve the purpose of the RMA, some controls are warranted to manage adverse effects.
129. I acknowledge there is a need to ensure the provisions provide a balance. A balance between mitigating potential and actual adverse effects from noise generated by aircraft and helicopters; and ensuring rural landowners can undertake their primary production activities, in a practical and efficient manner. I also recognise there may be occasions and situations where movements from aircraft and helicopters are temporary in nature and these should be provided for through the PDP.
130. I highlight though, that the provisions provide a permitted activity standard. Landowners are able to seek resource consent if they propose a location for the rural airstrip or helicopter landing area which does not meet setback requirements. The specifics of the proposal can then be assessed to determine if there are adverse effects on other persons. The intent of the provisions, as amended, is to allow for those more limited activities, such as a rural landowner who is only undertaking agricultural aviation on his own property or for limited periods, but to also ensure other operators, where there are higher rates of take-offs / landings, such as commercial operators, are managed in relation to amenity effects, which includes the generation of noise.
131. To address the submissions received, taking account of technical advice and other District Plan approaches, I recommend a series of amendments to the GRUZ, RLZ, Noise Chapter and Temporary Activity Chapter provisions as they relate to agricultural aviation and helicopter movements and associated noise. These are detailed individually below.

GRUZ-P7

132. I generally reject the submissions to delete reference to managing of noise through controlling the location of airstrips. However, I consider that the policy could more generally refer to management of noise rather than being specific about the measures which manage noise as the means of mitigation could vary through a consent process. I accept that referring to helicopter landing areas would be appropriate and note that policy aligns with GRUZ-R16 and GRUZ-S9 and should therefore be retained. I recommend the following amendments⁷:

⁶ NOISE-O1 Recognise and provide for activities that generate noise whilst ensuring that the character, timing and duration of noise levels are compatible with the purpose and character of each zone.

NOISE-O2 Activities do not generate unreasonable noise effects which adversely affect amenity values and health and wellbeing of people and communities.

⁷ The Section 42A Report for Rural Zones recommended amendments to GRUZ-P7 to address submissions considered in that report, the recommended amendments in this report align with those amendments.

Enable agricultural aviation activities, ~~and~~ rural airstrips and helicopter landing areas to support primary production and conservation activities, whilst managing ~~the~~ noise effects ~~through controlling the location of airstrips and scale of their use.~~

GRUZ-R16 & RLZ-R6

133. I generally reject the deletion of the reference to GRUZ-S9 and the submission to amend the activity status for non-compliance to Restricted Discretionary. I note the activity status for NOISE-R8 (noise from the take off and landing of aircraft and helicopters used for agricultural aviation) is Discretionary when the permitted activity conditions are not met and therefore, I consider a discretionary activity status to be consistent with this approach.
134. The reference to GRUZ-S9 should remain to ensure that the effects of the activity are managed through setback distances for rural airstrips and helicopter landing areas. One of the reasons for providing limitations on the location of rural airstrips and helicopter landing areas is that they may be used for multiple purposes including servicing of other sites on a commercial (or non-commercial) basis. However, I recognise that for larger rural properties, where the aircraft or helicopter movements are only associated with activities on that property, the noise effects are likely to be more limited and temporary, given they are only servicing a single property.
135. For this reason, and taking account of technical advice, I recommend a similar exemption as the Selwyn District Plan. I recommend that GRUZ-R16 is amended as follows:

GRUZ-R16 *Agricultural Aviation Activity*
Activity Status: Permitted
Where:
1. The take-off and/or landings are to and/or from a *rural airstrip or helicopter landing area* which complies with General Rural Zone standard GRUZ-S9.
2. The activity complies with NOISE-R8 (Noise from the take-off and landing of aircraft and helicopters used for agricultural aviation).
Except that where the agricultural aviation activity is undertaken on the same contiguous site as the rural airstrip or helicopter landing area then compliance with GRUZ-S9 and NOISE-R9 is not required.

136. I recommend that RLZ-R6 is amended as follows and note that the rule also incorrectly refers to GRUZ-S8 and NOISE-R10, the amendment therefore corrects these errors under Schedule 1, Clause 16 :

RLZ-R6 *Agricultural Aviation Activity*
Activity Status: Permitted
Where:
1. The take-off and/or landings are to and/or from a *rural airstrip or helicopter landing area* ~~permitted under GRUZ-S8 which~~ complies with Rural Lifestyle Zone standard RLZ-S8.

2. The activity complies with NOISE-R108 (Noise from the take-off and landing of aircraft and helicopters used for agricultural aviation).

Except that where the agricultural aviation activity is undertaken on the same *contiguous site* as the *rural airstrip* or *helicopter landing area* then compliance with RLZ-S8 and NOISE-R9 is not required.

137. The inclusion of the word 'contiguous site' in GRUZ-R16 & RLZ-R6 requires a new definition which I recommend as follows:

Contiguous site means two or more sites which share a common boundary or are separated only by a road, railway, drain or river and which are held as a single rating unit. Where 'rating unit' has the same meaning as rating unit under the Local Government (Rating) Act 2002.

138. When drafting the Noise Chapter I initially had concerns about the workability of an exemption for aircraft and helicopter landing areas where the activity was being undertaken on the same site because often large rural properties are comprised of multiple sites⁸. This would, in my view, create compliance issues because it would depend on those within the helicopter or aircraft knowing where a site boundary is, something which may be problematic from an aerial perspective. However, research indicated that often larger rural properties are held together in a common rating unit by the District Council in accordance with the Local Government (Rating) Act 2002. This allows for two or more rating units to be treated as one unit for assessing a rate, if the units are owned by the same person(s); and used jointly as a single unit; and contiguous or separated only by a road, railway, dam, water race, river or stream. Within Gore, it is relatively common for larger rural sites to be held together in a larger rateable unit. Linking the definition of 'contiguous site' to rating units is a practical means to allow for larger properties comprised of multiple sites to be treated as one.

GRUZ-S9 & RLZ-S8

139. I consider that in order to mitigate the effects of noise from a rural airstrip or helicopter landing area, it is appropriate that GRUZ-S9(1) & RLZ-S8(1) are retained. The setback distance was recommended by Styles Group⁹ and I accept this technical advice, to ensure adverse effects from noise associated with aircraft and helicopter take-offs and landings is mitigated in relation to noise sensitive activities. Furthermore, when considering other District Plan

⁸ Gore PDP, Part 1 – Interpretation “*site has the same meaning as per the National Planning Standards – means: (a) an area of land comprised in a single record of title under the Land Transfer Act 2017; or (b) an area of land which comprises two or more adjoining legally defined allotments in such a way that the allotments cannot be dealt with separately without the prior consent of the council; or (c) the land comprised in a single allotment or balance area on an approved survey plan of subdivision for which a separate record of title under the Land Transfer Act 2017 could be issued without further consent of the Council; or (d) despite paragraphs (a) to (c), in the case of land subdivided under the Unit Titles Act 1972 or the Unit Titles Act 2010 or a cross lease system, is the whole of the land subject to the unit development or cross lease.*”

⁹ Noise Chapter Review – Gore District Council, Styles Group, 2 August 2023, pages 13-14

approaches it is my view that the setback distance proposed is appropriate and in fact more enabling than both the Selwyn or Timaru District Plan provisions.

140. I accept the submissions in relation to GRUZ-S9(2) & RLZ-S8(2) which manage flight paths. I consider this requirement may create some compliance and enforcement issues given helicopter flight paths are more generally controlled by civil aviation, and there may be occasions when a variation to the permitted flight path is required. I also consider monitoring and enforcing this standard could be problematic for Council staff. As such, I recommend that GRUZ-S9(2) is deleted.

141. Overall, I recommend the following amendments to GRUZ-S9 and RLZ-S8 to address the submissions and make the standard easier to interpret:

GRUZ-S9

Rural Airstrips and Helicopter Landing Areas

1. Any rural airstrip or helicopter landing area is ~~separated by~~ setback at least 500m from ~~any the notional boundary of a noise sensitive activity not located on the same a site not being serviced by the use of the rural airstrip or helicopter landing area; and~~
2. ~~The flight path to the helicopter landing area is not within a horizontal distance of 250m of any notional boundary to a noise sensitive activity.~~

RLZ-S8

Rural Airstrips and Helicopter Landing Areas

1. Any rural airstrip or helicopter landing area is ~~separated by~~ setback at least 500m from ~~any the notional boundary of a noise sensitive activity not located on the same a site not being serviced by the use of the rural airstrip or helicopter landing area; and~~
2. ~~The flight path to the helicopter landing area is not within a horizontal distance of 250m of any notional boundary to a noise sensitive activity.~~

NOISE-P4

142. I do not consider the amendment sought by the submitters, to reference temporary agricultural aviation, is appropriate in the context of this policy. NOISE-P4 relates to activities which are defined as temporary. Agricultural aviation may be undertaken for limited durations, however, this is not the same as being a temporary activity.

143. The rule framework allows for the activity to be undertaken on an ongoing basis albeit with limits on the number of movements which I consider to be different from a temporary activity. I consider that agricultural aviation is managed by NOISE-P1 and NOISE-P2 with the rule framework enabling the activity in a manner where adverse effects are managed, i.e. in a manner which is consistent with the policy direction.

144. Further, there is no definition of 'temporary agricultural aviation' and so I consider use of that term in the policy would be misleading and confusing for Plan users and decision makers. I therefore, do not recommend any amendments to NOISE-P4 as I consider agricultural aviation is adequately provided for in the directions of policies NOISE-P1 and NOISE-P2.

NOISE-R8

145. I do not accept that all permitted condition clauses within the rule should be deleted. I consider a degree of management of noise from agricultural aviation is appropriate, and this is best managed through the Noise Chapter.
146. The limit on hours was proposed by NZAAA and supported by NZHA through engagement on the draft district plan. I therefore consider it appropriate to retain. I note that Ballance Agri-Nutrients (s87.005), NZHA (s63.022) and NZAAA (s156.006) seek to add the word 'aircraft' before hours. It is unclear to me how 'aircraft' hours differ from other 'normal' hours. Thus, if the submitter seeks this amendment, further evidence should be provided to justify the inclusion, so that consideration can be given to the appropriateness of any amendment.
147. As noted above, I consider the setback distance, which was recommended by Styles Group, is appropriate to mitigate noise effects from aircraft and helicopters. I do not consider that NOISE-R8(3) is inconsistent with NOISE-P2 as it seeks to manage the effects of noise on the health and well-being of people and the community, by locating the rural airstrips or helicopter landing areas away from a noise sensitive activity, to reduce noise effects and disturbance.
148. Overall, in response to the submissions, I recommend the following amendments to NOISE-R8 to address matters raised by submitters and provide clearer interpretation, including alignment with GRUZ-S9 and RLZ-S8:

NOISE-R8	<i>Noise from the take-off and landing of <u>aircraft</u> and helicopters used for <u>agricultural aviation</u></i> 1. The take-off and/or landing is to and/or from a rural airstrip, a helicopter landing area located in the rural environment, or the Mandeville Aviation and Rail Precinct; 2. Take off and landings do not occur for more 315 hours in any 12 month period; 3. The <i>rural airstrip or helicopter landing area</i> is ~~separated by~~ <u>setback at least 500m from any the notional boundary of a noise sensitive activity not located on the same a site not being serviced by the use of the rural airstrip or helicopter landing area</u> 4. A record of take-offs and landing times and dates is maintained <u>by the landowner of the site where the rural airstrip and/or helicopter landing area is located and the record is made available to the Council upon request.</u>
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NOISE-R9

149. This rule relates to helicopter movements which are not associated with agricultural aviation and could cover commercial or private helicopter uses. I recognise that for certain temporary purposes, use of helicopter movements may be limited and so should not be required to comply with the rule or noise standards.
150. Therefore, in response to NZDF (s147.017) and Transpower (s101.073) I recommend a new rule in the Temporary Activity Chapter which would address the matters raised in their

submission. I consider this amendment also addresses the further submission from NZAAA (FS4.20).

TEMP-R11 Aircraft and Helicopter Movements

Activity Status: permitted

Where:

1. Aircraft and helicopter movements for the purposes of:

- a. emergency works, 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 compliance with NOISE-R9(3); or
- d. temporary military training where there are no more than
 - i. 6 movements per day; and
 - ii. 30 movements per year

Activity status where compliance is not achieved: Discretionary

151. This new standard provides a permitted activity pathway for certain temporary uses for helicopters, including for emergency work rather than providing an exemption. I have recommended the wording 'emergency works' to align with the wording of section 330 of the RMA which provides for emergency work. As a consequence of this recommended new rule, however, I also recommend that Note 2(1) is amended as follows given there is now a permitted activity pathway through the new rule for helicopter landings and take-offs associated with emergency works.

1. Any warning device, siren or fixed plant used by emergency services during an emergency response or for routine testing and maintenance, ~~including noise from helicopter take off and landings during an emergency response~~. This exemption does not apply to the noise generated at permanent emergency services depots or bases, such as fire stations, police stations or the base for emergency aircraft.

152. Further, in order to then ensure temporary aircraft and helicopter activities are not captured by noise standards I recommend an amendment to NOISE-R10 to reference the new temporary activity rule as follows:

NOISE-R10 Noise from *Temporary Events* and *Temporary Activities*

Permitted

Where:

.....

3. The *temporary activity* is permitted under TEMP-R11

Activity status where compliance is not achieved with NOISE-R11(1) and (2):

Restricted Discretionary

.....

Activity status where compliance is not achieved with NOISE-R11(3):

Discretionary

153. In response to NZHA (s63.011) I accept the submission to delete NOISE-R9(2) because as noted above it could be inappropriate for a District Plan to try and manage a helicopter flight path. However, I consider the limit on movements should remain as a means of mitigating potential noise effects from helicopters during take-off and landing. The limit on the number of movements are based on the recommendation from the Styles Group¹⁰ and I consider the limit necessary and appropriate to manage potential and actual adverse effects. Any person wishing to undertake additional movements can seek resource consent as a restricted discretionary activity.

154. I recommend the following amendment to NOISE-R9:

- | | |
|----------|--|
| NOISE-R9 | Noise from the take-off and landing of helicopters (other than for agricultural aviation)
Activity status: Permitted
Where: <ol style="list-style-type: none">1. The take-off and/or landing are to and/or from a <i>helicopter landing area</i> which is:<ol style="list-style-type: none">(a) separated from the <i>notional boundary</i> on another site by a minimum distance of 300m; and(b) separated from any occupied building that does not contain a <i>noise sensitive activity</i> on another site in any zone by a minimum distance of 200m; and~~2. The flight path to the <i>helicopter landing area</i> is not within a horizontal distance of 250m of any <i>notional boundary</i> on any other site; and~~3. The number of <i>movements</i> to and from the <i>helicopter landing area</i> does not exceed:<ol style="list-style-type: none">(a) 2 <i>movements</i> per day; and(b) 4 <i>movements</i> per week; and(c) 10 <i>movements</i> per month. |
|----------|--|

155. **TEMP-R1** - In response to NZHA (s63.012) TEMP-R1 relates to temporary events which are defined as follows:

Means the use of land, buildings, tents and marquees and structures, for a limited duration, including for the following activities:

- (a) carnivals;*
- (b) fairs;*
- (c) public art;*

¹⁰ Noise Chapter Review – Gore District Council, Styles Group, 2 August 2023, paragraph 10.2.1, page 14

- (d) festivals;
- (e) fundraisers;
- (f) galas;
- (g) markets;
- (h) meetings;
- (i) exhibitions (Including Southern Field Days);
- (j) concerts;
- (k) community, recreation, or ceremonial events;
- (l) parades;
- (m) rallies;
- (n) shows (including the A&P Show);
- (o) musical and theatrical entertainment;
- (p) uses similar in character.

Note: Temporary Events do not include Temporary Military Training Activities

156. The amendment sought by the submitter would mean that any of the above activities could have unlimited helicopter movements, for example an exhibition or festival could have unlimited helicopters landing and taking off from the site associated with the event.
157. I do not consider the amendment sought would be appropriate because cumulatively this permitted level of helicopter activity could result in a substantial amount of noise from helicopter movements in areas close to noise sensitive activities. Although temporary events themselves have limited duration there could be a cumulative effect from helicopter noise associated with multiple events if limitations, such as those in NOISE-R9(3) are not provided.
158. As noted above I have recommended to include a new rule in the Temporary Activity Chapter to permit helicopter and aircraft movements for limited purposes and then amend NOISE-R10 to permit noise from those activities would allow for noise from helicopters for certain purposes to be permitted without limits on the number of movements.
159. I consider this recommended amendment will address submission points in relation to the temporary use of helicopters and aircraft for certain purposes. However, overall, I reject the submission from NZHA (s63.012) on the basis that allowing for helicopter take-offs and landings for temporary events without any further controls will not give effect to the objectives and policies which seek to protect people and communities from the adverse effects of noise.

Recommendation

160. For the reasons detailed above I recommend the following amendments to GRUZ-P7, GRUZ-R16, GRUZ-S9, RLZ-R6, RLZ-S8, NOISE-R8, NOISE-R9, NOISE-R10, the Temporary Activity Chapter and Interpretation Chapter:

General Rural Zone Chapter

- | | |
|---------|--|
| GRUZ-P7 | Enable agricultural aviation activities, ~~and~~ rural airstrips <u>and helicopter landing areas</u> to support primary production and conservation activities, whilst managing ~~the~~ noise effects ~~through controlling the location of airstrips and scale of their use.~~ |
|---------|--|

- GRUZ-R16 *Agricultural Aviation Activity*
Activity Status: Permitted
Where:
1. The take-off and /or landings are to and /or from a *rural airstrip or helicopter landing area* which complies with General Rural Zone standard GRUZ-S9.
 2. The activity complies with NOISE-R8 (Noise from the take-off and landing of aircraft and helicopters used for agricultural aviation).
- Except that where the agricultural aviation activity is undertaken on the same contiguous site as the rural airstrip or helicopter landing area then compliance with GRUZ-S9 and NOISE-R8 is not required.

- GRUZ-S9 Rural Airstrips and Helicopter Landing Areas
1. Any rural airstrip or helicopter landing area is ~~separated by setback~~ at least 500m from ~~any the~~ *notional boundary of a noise sensitive activity not located on the same a site not being serviced by the use of the rural airstrip or helicopter landing area; and*
 2. ~~The flight path to the helicopter landing area is not within a horizontal distance of 250m of any notional boundary to a noise sensitive activity.~~

Rural Lifestyle Zone Chapter

- RLZ-R6 *Agricultural Aviation Activity*
Activity Status: Permitted
Where:
1. The take-off and /or landings are to and /or from a *rural airstrip or helicopter landing area* ~~permitted under GRUZ-S8 which complies with Rural Lifestyle Zone standard RLZ-S8.~~
 2. The activity complies with NOISE-R~~108~~ (Noise from the take-off and landing of aircraft and helicopters used for agricultural aviation).
- Except that where the agricultural aviation activity is undertaken on the same contiguous site as the rural airstrip or helicopter landing area then compliance with RLZ-S8 and NOISE-R8 is not required.

- RLZ-S8 Rural Airstrips and Helicopter Landing Areas
1. Any rural airstrip or helicopter landing area is ~~separated by setback~~ at least 500m from ~~any the~~ *notional boundary of a noise sensitive activity not located on the same a site not being serviced by the use of the rural airstrip or helicopter landing area; and*
 2. ~~The flight path to the helicopter landing area is not within a horizontal distance of 250m of any notional boundary to a noise sensitive activity.~~

Temporary Activity Chapter

TEMP-R11 Aircraft and Helicopter Movements

Activity Status: permitted

Where:

1. Aircraft and helicopter movements for the purposes of:

- a. emergency works, 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 compliance with NOISE-R9(3); or
- d. temporary military training where there are no more than
 - iii. 6 movements per day; and
 - iv. 30 movements per year

Activity status where compliance is not achieved: Discretionary

Noise Chapter

Note 2

1. Any warning device, siren or fixed plant used by emergency services during an emergency response or for routine testing and maintenance, ~~including noise from helicopter take off and landings during an emergency response~~. This exemption does not apply to the noise generated at permanent emergency services depots or bases, such as fire stations, police stations or the base for emergency aircraft.

NOISE-R8 *Noise from the take-off and landing of aircraft and helicopters used for agricultural aviation*

1. The take-off and /or landing is to and /or from a rural airstrip, a helicopter landing area located in the rural environment, or the Mandeville Aviation and Rail Precinct;
2. Take off and landings do not occur for more 315 hours in any 12 month period;
3. The *rural airstrip* or *helicopter landing area* is ~~separated by setback~~ at least 500m from ~~any the~~ notional boundary of a noise sensitive activity not located on the same a site not being serviced by the use of the rural airstrip or helicopter landing area
4. A record of take-offs and landing times and dates is maintained by the landowner of the site where the rural airstrip and/or helicopter landing area is located and the record is made available to the Council upon request.

NOISE-R9 Noise from the take-off and landing of helicopters (other than for agricultural aviation)

Activity status: Permitted

Where:

1. The take-off and or landing are to and or from a *helicopter landing area* which is:
 - (a) separated from the *notional boundary* on another site by a minimum distance of 300m; and
 - (b) separated from any occupied building that does not contain a *noise sensitive activity* on another site in any zone by a minimum distance of 200m; and
- ~~2. The flight path to the *helicopter landing area* is not within a horizontal distance of 250m of any *notional boundary* on any other site; and~~
3. The number of *movements* to and from the *helicopter landing area* does not exceed:
 - (a) 2 *movements* per day; and
 - (b) 4 *movements* per week; and
 - (c) 10 *movements* per month.

NOISE-R10 Noise from *Temporary Events* and *Temporary Activities*
Permitted

Where:

.....

3. The *temporary activity* is permitted under TEMP-R11

Activity status where compliance is not achieved with NOISE-R11(1) and (2):

Restricted Discretionary

.....

Activity status where compliance is not achieved with NOISE-R11(3):

Discretionary

Interpretation Chapter

.....

Contiguous site means two or more sites which share a common boundary or are separated only by a road, railway, drain or river and which are held as a single rating unit. Where 'rating unit' has the same meaning as rating unit under the Local Government (Rating) Act 2002.

161. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

8. Vibration Alert Area Overlay and Rail Corridor Noise Control Overlay

8.1 Vibration Alert Area Overlay

Matters raised by submitter

162. KiwiRail (s132.013) seeks to add a new definition for 'vibration alert overlay' as follows to provide clarity to Plan users:

'Vibration Alert Overlay' means the area potentially affected by vibration between a railway corridor boundary and a distance of 60m.

163. KiwiRail (s132.002) seek to amend the planning maps to include a vibration alert area overlay which is 60m either side of the rail corridor boundaries.

164. KiwiRail (s132.240) oppose in part the Noise Chapter and seek amendments to include a new vibration alert area overlay to inform landowners that they may experience vibration effects from the adjacent rail corridor. However, the submitter does not seek to impose any resource consent obligations on landowners. The submitter seeks to insert the following into the Noise Chapter:

The Rail Corridor Vibration Alert Area Overlay should read: The Rail Corridor Vibration Alert Area identifies the vibration-sensitive area within 60metres each side of the rail corridor. Properties within this area may experience rail vibration. No specific district plan rules or notification requirements apply as a result of this Rail Corridor Vibration Alert Area.

Assessment

165. In response to KiwiRail (s132.013, s132.002 & s132.240) I note that the submitter does not seek to include any new provisions relating to the 'vibration alert area overlay', the overlay would be an information only overlay which would inform those within the overlay that they may experience vibration effects from the use of the railway network.

166. I agree that this information could provide useful information for Plan users and those living closer to the railway corridor and given the submission does not seek to place any restrictions on landowners / occupiers I consider that adding the overlay would be appropriate.

167. I note that the PDP includes other 'information only' layers, notably the archaeological alert layer and that this overlay would serve a similar purpose. I recommend the Rail Corridor Vibration Alert Area Overlay be integrated into the PDP in a similar manner as follows:

Amend the Noise Chapter overview:

A rail corridor vibration alert layer, for information purposes only, identifies an area where rail vibration may be experienced.

Add a Note to the Noise Chapter:

Note 3 Rail Corridor Vibration Alert Layer

The Rail Corridor Vibration Alert Layer identifies the vibration-sensitive area within 60 metres each side of the rail corridor. Properties within this area may experience rail vibration. No specific district plan rules or notification requirements apply within the Rail Corridor Vibration Alert Layer.

168. I have recommended the 'overlay' is referred to as a layer to avoid confusion with overlays which are part of the PDP mapping and also to be consistent with the approach taken to the archaeological alert layer.

169. The Planning maps do not need updating to include the rail corridor vibration alert layer as the layer is only for information and therefore sits outside the PDP. However, it is recommended that Council's public viewer GIS maps include the layer in the 'information only layer' section.

Recommendation

170. For the reasons detailed above I recommend that the Noise Chapter is amended as follows and that the Panel direct Council to include mapping for the 'Rail Corridor Vibration Alert Layer' within the public GIS map viewer available on Council's website:

Overview

.....

A rail corridor vibration alert layer, for information purposes only, identifies an area where rail vibration may be experienced.

.....

Notes

.....

Note 3 Rail Corridor Vibration Alert Layer

The Rail Corridor Vibration Alert Layer identifies the vibration-sensitive area within 60 metres each side of the rail corridor. Properties within this area may experience rail vibration. No specific district plan rules or notification requirements apply within the Rail Corridor Vibration Alert Layer.

171. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

8.2 Rail Corridor Noise Control Overlay

Matters raised by submitter

172. KiwiRail (s132.010) seek to add a new definition for rail corridor noise control overlay as follows to provide clarity for Plan users.

Rail Corridor Noise Control Overlay: means the area potentially affected by noise between a railway corridor boundary and a distance of 100m. Rail Corridor Noise Control Overlay shown on the planning maps identifies areas that have the potential to experience high noise levels from rail traffic. New buildings and alterations to habitable rooms in buildings used for sensitive land uses are required to demonstrate that adverse noise effects have been appropriately managed by demonstrating compliance with the standards specified in section '2.1 Railway Noise' of Appendix A attached.

173. Silver Fern Farms (FS29.004) opposes the definition and seeks that it is disallowed because the rail corridor noise control overlay is already defined on the maps. No justification has been provided for a 100m buffer corridor and the PDP 70m corridor is considered sufficient.

174. KiwiRail (s132.101 & s132.102) seek to insert additional provisions to ensure an appropriate level of amenity provided within buildings containing noise sensitive activities which are within 100m. KiwiRail also notes that there are currently no standards in the PDP which relate to reverse sensitivity for noise and vibration.

<u>NOISE-SX</u>	<u>Activity sensitive to noise within 100m of a railway corridor</u>												
<u>All zones – at any point within 100 metres from the legal boundary of any rail network being the ‘Rail Corridor Noise Control Boundary’</u>	<u>Activity status: Permitted</u> <u>Indoor railway noise</u> 1. <u>Any new building or alteration to an existing building that contains an activity sensitive to noise where the building or alteration:</u> (a) <u>Is designed, constructed and maintained to achieve indoor design noise levels resulting from the railway not exceeding the maximum values in the following table: or</u> <u>Table 1 – Maximum indoor design noise levels for rail corridor noise</u> <table border="1"> <thead> <tr> <th><u>Building type</u></th><th><u>Occupancy / activity</u></th><th><u>Maximum railway noise level LAeq(1hr)</u></th></tr> </thead> <tbody> <tr> <td rowspan="2"><u>Residential</u></td><td><u>Sleeping spaces</u></td><td><u>35dB</u></td></tr> <tr> <td><u>All other habitable rooms</u></td><td><u>40dB</u></td></tr> <tr> <td><u>Education facility</u></td><td><u>Lecture rooms/theatres,</u></td><td><u>35dB</u></td></tr> </tbody> </table>	<u>Building type</u>	<u>Occupancy / activity</u>	<u>Maximum railway noise level LAeq(1hr)</u>	<u>Residential</u>	<u>Sleeping spaces</u>	<u>35dB</u>	<u>All other habitable rooms</u>	<u>40dB</u>	<u>Education facility</u>	<u>Lecture rooms/theatres,</u>	<u>35dB</u>	Activity status when compliance not achieved: Restricted discretionary Matters of discretion are restricted to: 1. . Adverse effects on health and amenity of people indoors within the ‘Rail Corridor Noise Control Boundary’ 2. Alternative options for building design
<u>Building type</u>	<u>Occupancy / activity</u>	<u>Maximum railway noise level LAeq(1hr)</u>											
<u>Residential</u>	<u>Sleeping spaces</u>	<u>35dB</u>											
	<u>All other habitable rooms</u>	<u>40dB</u>											
<u>Education facility</u>	<u>Lecture rooms/theatres,</u>	<u>35dB</u>											

		<u>music studios,</u> <u>assembly halls</u>		or location that would achieve compliance with the standards in Table 'x' 3.Adverse effects on the continuing operation of the railway corridor as a result of non-compliance with the standards in Table 'x' 4.Any reverse sensitivity effects on the rail network 5.Any natural or built features of the site or surrounding area that will mitigate noise effects 6. The outcome of any consultation undertaken with KiwiRail Notification: Application for resource consent under this rule will be decided without public notification. KiwiRail are likely to be the only affected person determined in accordance with section 95B of the Resource
		<u>Teaching areas,</u> <u>conference rooms,</u> <u>drama studios,</u> <u>sleeping areas</u>	<u>40dB</u>	
		<u>Libraries</u>	<u>45dB</u>	
<u>Health</u>	<u>Overnight medical care, wards</u>	<u>40dB</u>		
	<u>Clinics, consulting rooms, theatres, nurses' stations</u>	<u>45dB</u>		
<u>Cultural</u>	<u>Places of worship, marae</u>	<u>35dB</u>		
(b) <u>is at least 50 metres from any railway network, and is designed so that a noise barrier completely blocks line-of-sight from all parts of doors and windows to all points 3.8 metres above railway tracks, or</u>				
(c) <u>is a single storey framed residential building with habitable rooms designed, constructed and maintained in accordance with the construction schedule in Schedule XX.</u>				
2. <u>The source level for railway noise is 70 LAeq(1h) at a distance of 12 metres from the nearest track;</u>				
<u>(b) The attenuation over distance is:</u>				
<u>i. 3 dB per doubling of distance up to 40 metres and 6 dB per doubling of distance beyond 40 metres; or</u>				
<u>ii. As modelled by a Suitably Qualified and Experienced Acoustic Consultant using a recognised computer modelling method for freight trains with diesel locomotives</u>				
<u>(c) Barrier attenuation may be incorporated into the prediction of noise levels by a Suitably Qualified and Experienced Acoustic Consultant, having regard to factors such as the location of the dwelling relative to the orientation of the track, topographical features and any intervening structures.</u>				
<u>2.1B Mechanical ventilation</u>				
1. <u>If opening windows must be closed to achieve the design noise levels in 2.1.A. Table 1 or if a building is constructed in accordance with the construction schedule in Schedule XX, the building must be designed, constructed and</u>				

	<u>maintained with a mechanical ventilation system that:</u> <u>(a) For habitable rooms located within the Rail Corridor Noise Control Boundary containing a residential activity, achieves the following requirements:</u> <u>(i) Provides mechanical ventilation that can operate continuously to satisfy clause G4 of the New Zealand Building Code and that provides at least 1 air changes per hour, but no less than 7.5L/s per occupant;</u> <u>(ii) Provides cooling and heating that is controllable by the occupant and can maintain the inside temperature between 18°C and 25°C when assessed using a 2.5% design weather condition for the applicable location. An acceptable design weather set would include IRHACE Yearbook 2009 NIWA weather data; and</u> <u>(iii) HVAC system installed in compliance with (a) and (b) above, must not generate more than 35 dB LAeq(30s) when measured 1 metre away from any grille or diffuser. The noise level must be measured after the system has cooled the rooms to the temperatures in (ii), or after a period of 30 minutes from the commencement of cooling (whichever is the lesser).</u> <u>(b) Alternatively, in lieu of section (1)a. above, a design verified by a suitably qualified and experienced HVAC expert stating the design proposed will provide ventilation and internal space temperature controls to meet or exceed the outcomes described in parts (2)a.</u> <u>(3) A commissioning report must be submitted to the Council prior to occupation of the building demonstrating compliance with all of the mechanical ventilation system performance requirements in '2.1B'</u>	Management Act 1991.
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175. KiwiRail (s132.239) seek an amendment to the planning maps to redefine the railway noise control overlay to be 100m either side of the KiwiRail Holdings Limited Designation KRH-1. The PDP overlay varies in distances.

176. KiwiRail (s132.001) seeks an amendment to the 'How the Plan Works' Chapter to reference that the Railway Noise Control Overlay is 100m either side of the railway corridor boundaries.
177. Hamish Weir (FS5.7) opposes the submission and seeks that it is disallowed because a 100m buffer corresponds to approximately 780 hectares of land which seems to place an unreasonable restriction on the District and would need to be justified by specific evidence. Silver Fern Farms (FS29.003) also opposes the submission and seeks that it is disallowed on the basis that no justification has been provided for increasing the buffer from 70m to 100m.
178. KiwiRail (s132.100) seeks an amendment to NOISE-R7 to reference the 100m railway corridor not just the railway corridor overlay, the submission also seeks to correct a technical error with the spacing of NOISE-R7(1)(b):

.....Where:

1. Any habitable room within a building used for a noise sensitive activity which is located within the:

- (a) railway corridor overlay (within 100m of the railway corridor)
- (b) the state highway noise control overlay complies with NOISE-S3

~~Complies with NOISE-S3~~

179. Alliance Group (FS27.020) and Silver Fern Farms (FS29.047) oppose the submission and seek that it is disallowed because specific reference to the 100m corridor is not needed and they oppose the increase from 70m to 100m.

Assessment

180. In response to the submission from KiwiRail (s132.010) to add a new definition for rail corridor noise control overlay, I do not consider this is necessary. Part 1 - How the Plan Works includes an explanation as to the function and purpose of overlays as well as identifying each overlay provided within the PDP. I note that other overlays within the PDP do not have a definition within the Interpretation section of the PDP and therefore consider it would be inconsistent with the approach adopted in the PDP (which is consistent with the National Planning Standards) to add a definition for the Rail Corridor Noise Control Overlay. The description of the Railway Noise Control Overlay broadly aligns with the definition sought by KiwiRail but provides a more succinct description in keeping with the general drafting style of the PDP. I therefore reject the submission.
181. However, in response to KiwiRail (s132.001) which seeks an amendment to Part 1 – How the Plan Works I do recommend that the reference to the Railway Noise Control Overlay is updated to refer to 'Rail Corridor Noise Control Overlay' and that the description is updated as follows:
- Identifies a buffer along the rail corridor where acoustic treatment for *noise sensitive activities* is required.
182. In response to the submissions from KiwiRail (s132.101, s132.102, s132.239) to increase the Rail Corridor Noise Overlay from 70m wide to 100m wide, I acknowledge the level of information provided with the submission which includes a Section 32 analysis and supporting information to justify the increased noise overlay width. However, I note that the information provided is generic and based on an assumption that there are two freight trains passing along

the network per hour. It is unclear whether this is the case in Gore and how the generic assessments specifically relate to the situation within Gore.

183. Advice is provided at **Appendix C** from Jon Styles, Acoustic Expert, in response to the KiwiRail submission. Mr Styles has reviewed the submission and supporting information and recommends that KiwiRail provide further information on the number of freight trains that could be reasonably expected on the Main South Line (which passes through Gore) in one hour over the next 10 years (the life of the PDP). I agree with this assessment and recommend that KiwiRail provide evidence which specifically relates to Gore, to allow for a more detailed understanding of the appropriateness of the submission.
184. In response to KiwiRail's submission that there are no standards in the PDP which relate to reverse sensitivity for noise and vibration, I note that the Noise Chapter includes acoustic treatment requirements in NOISE-R7 and NOISE-S3. These provisions give effect to NOISE-P3 and seek to ensure that reverse sensitivity effects on the state highway and rail corridor are managed by providing for acoustic treatment to reduced internal noise levels from these areas.
185. However, notwithstanding the fact that I do not accept the railway corridor noise control overlay width should be increased, I accept in part the submission from KiwiRail (s132.101 & s132.102) to include their specific standard relating to the internal noise levels received by certain activities located within the railway corridor noise control overlay. However, rather than include a new rule or standard I consider that NOISE-S3 should be amended to reflect the relief sought by both KiwiRail and NZTA (which is considered below). Therefore, recommendations in response to KiwiRail to include their specific standard is provided at paragraph 347.
186. Overall, I accept in part the submission from KiwiRail (s132.101 & s132.102) and therefore, accept in part the further submissions from Silver Fern Farms (FS29.003, FS29.004) and Hamish Weir (FS5.7).
187. In response to KiwiRail (s132.100) I do not consider the amendment is necessary. In the first instance I have not recommended increasing the overlay width to 100m, however, notwithstanding this recommendation I do not see any value in adding text to explain the overlay width when it is mapped. I don't agree that there is a spacing error with NOISE-R7(1)(b), the intent is that both (a) and (b) comply with NOISE-S3 which is why the rule has been formatted and expressed as notified.
188. I do recommend a minor correction to NOISE-R7(1)(a) to amend the reference to 'railway corridor overlay' to 'Rail Corridor Noise Overlay' to align with the recommendation to amend the overlay name in the How the Plan Works section of the PDP, as noted above. Therefore, I recommend the following amendments to NOISE-R7:

.....Where:

1. Any habitable room within a building used for a noise sensitive activity which is located within the:

(a) ~~railway~~ corridor noise control overlay

(b) the state highway noise control overlay

Complies with NOISE-S3

189. Overall, for the reasons identified above I reject the submission (s132.100) and accept the further submissions from Alliance Group (FS27.020) and Silver Fern Farms (FS29.047).

Recommendation

190. For the reasons outlined above I do not recommend an amendment to the railway corridor overlay to increase the width to 100m, however, I do recommend that the overlay name is amended to make it more consistent with the state highway noise control overlay and ensure the purpose is more clearly articulated through the name. I therefore, recommend that the overlay is renamed to the 'rail corridor noise control overlay'. This requires a consequential amendment to NOISE-R7 as follows:

.....Where:

1. Any habitable room within a building used for a noise sensitive activity which is located within the:

- (a) rail~~way~~ corridor noise control overlay
- (b) the state highway noise control overlay

Complies with NOISE-S3

191. Whilst I do not recommend a specific standard for the rail corridor noise control overlay as I consider it can be adequately addressed through NOISE-S3, as is the case in the notified PDP, I do accept that it would be appropriate to incorporate the noise limits sought by KiwiRail in their new standard into NOISE-S3. The recommended amendments are provided at paragraph 347 in association with amendments to NOISE-S3 to respond to a submission from NZTA also seeking amendments to the noise limits expressed through that standard.

192. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

9. NZTA Noise Buffer Overlay

9.1 Definitions

Matters raised by submitters

193. NZTA (s112.186) seek to amend the noise control overlay as the 40m buffer proposed in the PDP is insufficient to protect sensitive activities from noise arising from the state highway. The submitter seeks a buffer based on modelling which shows that the noise buffer area varies along the state highway influenced by variables such as land topography, barriers to noise created by existing buildings and structures and the surface material the highway is constructed from. NZTA have modelled the effects of state highway noise out to 100m (a capped distance).

194. Hamish Weir (FS5.200) further submits on the submission in opposition and seeks that it is disallowed. Kainga Ora (FS28.072) further submits and supports in part the submission as it considers the modelled noise layer is more appropriate than a generic distance buffer.

Assessment

195. In response to NZTA (s112.186) I have reviewed a comparison in the area between the notified overlay (blanket 40m width either side of the state highway) and the modelled overlay proposed by the submitter. I acknowledge that within the urban area there is some degree of consistency between the notified overlay and the modelled overlay, although in some areas the modelled overlay is larger, this tends to correspond with urban periphery areas where the speed limits are higher. Figures 1 and 2 below show a high level comparison.

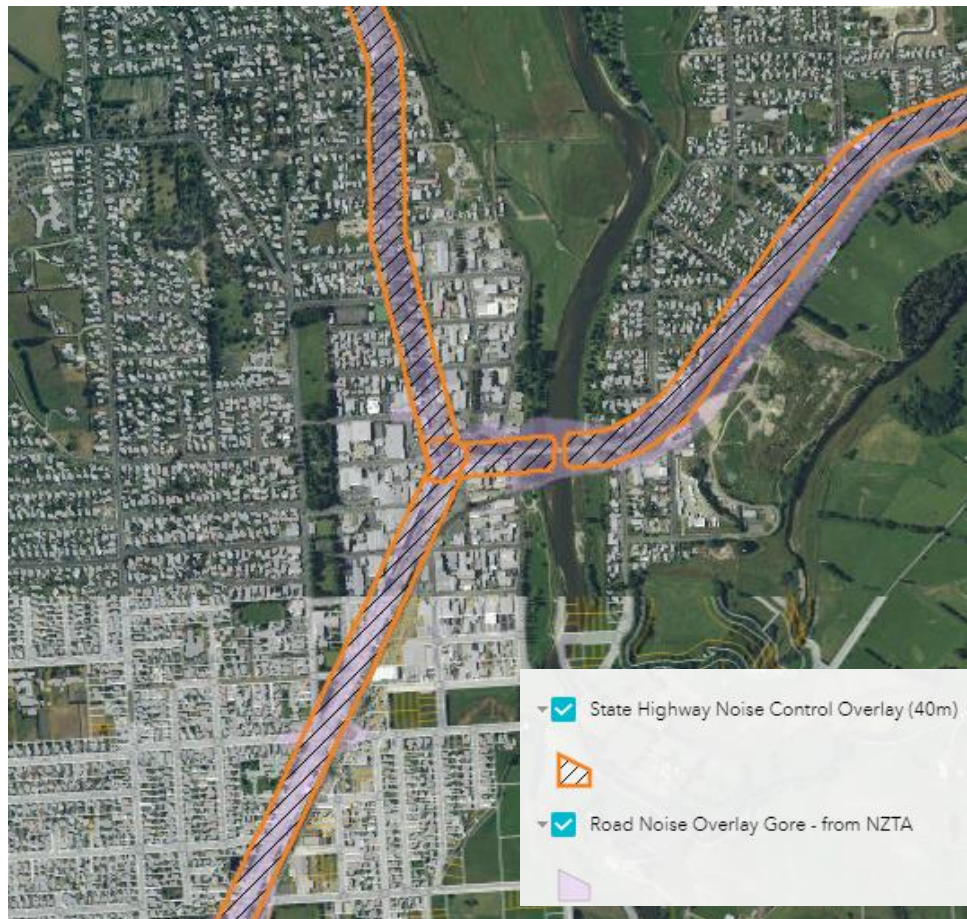


Figure 1 – Gore urban area



Figure 2 – Mataura urban area

196. Within the rural environment there is a greater difference between the notified 40m overlay and the NZTA modelled overlay. However, Appendix D provides a breakdown of the difference in property numbers and land area affected by the notified overlay versus the amended modelled overlay.
197. The data in Appendix D indicates that whilst the amended modelled overlay does cover greater land area (approx. 831ha vs 608ha) the distribution of properties affected by the amended overlay varies between zones.
198. Although the data is provided for all zones, some zones do not enable noise sensitive activities and therefore this should be taken into consideration when assessing the data in relation to affected properties. The overlay only applies to noise sensitive activities in relation to requiring acoustic treatment. For example, within the General Industrial Zone there is an increase in properties affected, however as noise sensitive activities are not enabled, other than on a very limited basis, the number of properties identified does not necessarily accurately reflect the level of effect from the amended overlay.
199. Within the General Residential Zone (GRZ) and Medium Density Residential Zone (MRZ) there is an increase in properties which would be affected by the NZTA modelled overlay, however, the increases are relatively low:
 - a. GRZ - 324 vs 353 = 29 additional properties or 8% increase
 - b. MRZ - 71 vs 77 = 6 additional properties or 7.8% increase

200. Within the General Rural Zone (GRUZ) and Rural Lifestyle Zone (RLZ) there is also an increase in properties which would be affected by the NZTA modelled overlay, however, within the Settlement Zone (SETZ) there is a decrease in properties affected:

- a. GRUZ – 378 vs 397 = 19 additional properties or 4.8% increase
- b. RLZ – 9 vs 16 = 7 additional properties or 43% increase
- c. SETZ – 108 vs 102 = 6 fewer properties or a 5.5% decrease

201. However, it is worth also noting that within the GRUZ the PDP as notified includes a requirement for dwellings to be setback 100m from state highways, this requirement is recommended to be amended to 50m through the supplementary evidence from Ms Skuse for Hearing Stream 3 (Rural Zones).

202. Retaining the requirement for a 100m setback would mean that without resource consent there would not be any dwellings within the NZTA modelled noise control overlay, however, the recommended amended setback would allow for residential dwellings to be located within the overlay provided they were acoustically treated in accordance with Noise standard NOISE-S3. Given rural properties are typically larger there is greater flexibility for landowners to site dwellings and other noise sensitive activities outside of the state highway noise control overlay if they would prefer to avoid acoustic treatment requirements.

203. Furthermore, there may be benefits from the amendments where they mean that properties which would not experience noise levels due to the more bespoke modelling are not required to acoustically treat. Although there would be some increased economic costs associated with the amendment, as there are greater numbers of properties affected, there would also be a social benefit from the amendment. The amenity values achieved from lower internal noise levels, as a result of acoustic treatment, would be improved.

204. Advice is provided at **Appendix C** from Jon Styles, Acoustic Expert, in response to the NZTA submission. Mr Styles has reviewed the submission and supporting information and supports the relief sought by NZTA in relation to the amended State Highway Noise Control Overlay. Mr Styles states that *“using noise modelling ensures that only the parts of the community that are or will be affected by high levels of road traffic noise are captured by the controls, and the extent of affected land would be clearly visible on the District Plan maps.”*

205. Based on the technical advice from Mr Styles and the comparison analysis between the notified overlay and modelled overlay including the numbers of properties affected and taking account of PDP setback requirements within the GRUZ, I accept the submission and recommend that the planning maps are amended as sought by the submitter.

Recommendation

206. For the reasons given above I recommend that the state highway noise control overlay is amended on the PDP planning maps to the modelled overlay provided by NZTA.

207. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

10. Other Submissions on Noise Chapter

10.1 Definitions

Matters raised by submitters

Audible Bird Scaring Device

208. Federated Farmers (s126.135), Kevin Robertson (s115.136), Rural Ratepayers Group (s143.147), Alistair & Bernadette Hunt (s148.148), Ronald Crispin (s60.138) and John Baynes (s68.256) seek to add a new definition for 'audible bird scaring device' as follows:

Audible bird scaring device means gas guns and avian distress alarms used for the purposes of disturbing or scaring birds.

Construction Activity

209. KiwiRail (s132.004) seek an amendment to the definition to expand the list of activities to protect all aspects of KiwiRail activities:

In relation to noise means any work in connection with the construction, erection, installation, carrying out, repair, maintenance, cleaning, painting, renewal, alteration, dismantling, or demolition of: ...

b) Any road, motorway, harbour works, rail network, including level crossings, railway tracks and facilities

Habitable Room

210. MOE (s125.002) support the definition and seek that it is retained as notified because it is consistent with the National Planning Standards.

Noise

211. Federated Farmers (s126.034), Kevin Robertson (s115.035), Rural Ratepayers Group (s143.046), Alistair & Bernadette Hunt (s148.047), Ronald Crispin (s60.037), John Baynes (s68.155) support the definition of noise and seek that it is retained as notified.

Noise Sensitive Activity

212. Alliance Group (s121.010), Silver Fern Farms (s40.008), MOE (s125.003), Federated Farmers (s126.035), Kevin Robertson (s115.036), Rural Ratepayers Group (s143.047), Alistair & Bernadette Hunt (s148.048), Ronald Crispin (s60.038), John Baynes (s68.156) support the definition and seek that it is retained as notified.

213. NZTA (s112.006) support in part the definition and seeks an amendment to explicitly include student and retirement accommodation to provide certainty for plan users. The submitter also seeks that specific rooms in a building which are not used for habitable accommodation are excluded so that they are exempt from the mitigation measures required by plan provisions

for noise sensitive activities. The submitter seeks an amendment as follows or using words of similar intent:

Noise sensitive activity means any:

- (a) health care centre or hospital where overnight accommodation is provided.
- (b) educational facility, excluding trade and industrial training facility.
- (c) residential activity, including student or retirement accommodation.
- (d) visitor accommodation.
- (e) places of worship.
- (f) marae or Papatipu Rūnanga complex.
- (g) Graveyard or urupā.

Excludes those rooms used solely for the purposes of an entrance, passageway, toilet, bathroom, laundry, garage or storeroom.

214. NZDF (FS19.1) and Kāinga Ora (FS28.003) support the submission from NZTA (s112.006) and seek that it is allowed. Silver Fern Farms (FS29.005) oppose the submission and seek that it is disallowed because the definition as notified is appropriate.

215. KiwiRail (s132.009) seek an amendment to the definition to assist with clear interpretation:

means any lawfully established:

- (a) Residential activity including activity in visitor accommodation or retirement accommodation, including boarding houses, residential visitor accommodation and papakainga;
- (b) Educational activity;
- (c) Health care activity, including hospitals;
- (d) Congregation within any place of worship; and
- (e) Activity at a marae.

- ~~(a) Health care centre or hospital where overnight accommodation is provided.~~
- ~~(b) Educational facility, excluding trade and industrial training facility.~~
- ~~(c) Residential activity.~~
- ~~(d) Visitor accommodation.~~
- ~~(e) Places of worship.~~
- ~~(f) Marae or Papatipu Runanga complex~~
- ~~(g) Grave ar or urupa~~

216. Silver Fern Farms (FS29.006) opposes the submission from KiwiRail as the definition as notified is appropriate.

Notional Boundary

217. Alliance Group (s121.011), Silver Fern Farms (s40.009), Federated Farmers (s126.036), Kevin Robertson (s115.037), Rural Ratepayers Group (s143.048), Alistair & Bernadette Hunt (s148.049), Ronald Crispin (s60.039), John Baynes (s68.157) support the definition and seek that it is retained as notified.

Audible Bird Scaring Device

218. In response to Federated Farmers (s126.135), Kevin Robertson (s115.136), Rural Ratepayers Group (s143.147), Alistair & Bernadette Hunt (s148.148), Ronald Crispin (s60.138) and John Baynes (s68.256) to add a new definition for ‘audible bird scaring device’ as follows. I agree that a definition would assist Plan users and decision makers in understanding what constitutes an audible bird scaring device. I note that the submitters have sought to amend the Noise Chapter exemptions to include an exemption for noise from audible bird scaring devices in relation to primary production activities. As I have recommended accepting that submission, I consider it appropriate to also accept the submission to include a definition as follows:

Audible bird scaring device means gas guns and avian distress alarms used for the purposes of disturbing or scaring birds.

Construction Activity

219. In response to KiwiRail (s132.004) I do not consider that the amendment sought is necessary. The definition refers to rail network which, in my opinion, is sufficient to protect all aspects of KiwiRail’s network and there is no need to specifically refer to parts of the network. I note that ‘road’ is referred to rather than the individual components and so expanding the definition in relation to the rail network would be inconsistent with the approach taken within the definition.

220. Furthermore, the definition of construction activity aligns with the definition of construction work in the New Zealand Standard NZS6803:1999 Construction Noise. Given the construction noise limits in the PDP are taken from the NZ standard and construction noise must be measured in accordance with the NZ standard I consider it appropriate that the definition of construction activity as it relates to noise aligns with the definition of construction work within the standard.

221. Therefore, I recommend that the definition is retained as notified.

Habitable Room

222. The support from MOE (s125.002) for the definition of habitable room is acknowledged and accepted.

Noise

223. The support from Federated Farmers (s126.034), Kevin Robertson (s115.035), Rural Ratepayers Group (s143.046), Alistair & Bernadette Hunt (s148.047), Ronald Crispin (s60.037), John Baynes (s68.155) for the definition of noise is acknowledged and accepted.

Noise Sensitive Activity

224. The support from Alliance Group (s121.010), Silver Fern Farms (s40.008), MOE (s125.003), Federated Farmers (s126.035), Kevin Robertson (s115.036), Rural Ratepayers Group

(s143.047), Alistair & Bernadette Hunt (s148.048), Ronald Crispin (s60.038), John Baynes (s68.156) for the definition of noise sensitive activity is acknowledged and accepted.

225. In response to NZTA (s112.006) residential activity includes student and retirement accommodation by virtue of the definition of residential activity¹¹ and the fact that the nesting table indicates that retirement villages are a subset of residential activity. The PDP does not have any definition, or reference to student accommodation. For these reasons I do not consider the amendment to clause (c) of the definition necessary.

226. In terms of the exclusions sought, the rule and standard (NOISE-R7 and NOISE-S3) refer to 'habitable rooms' which is defined in the PDP as follows:

means any room used for the purposes of teaching or used as a living room, dining room, sitting room, bedroom, office or other room specified in the Plan to be a similarly occupied room.

227. Therefore, those areas included by NZTA would already be excluded from the rule and standard requirements and as such I do not consider the definition requires amending as sought by the submitter.

228. NZDF (FS19.1) and Kāinga Ora (FS28.003) support the submission from NZTA (s112.006) and seek that it is allowed. Silver Fern Farms (FS29.005) oppose the submission and seek that it is disallowed because the definition as notified is appropriate. Therefore, I accept Silver Fern Farms submission and reject the submission from NZDF and Kāinga Ora.

229. In response to KiwiRail (s132.009) it is unclear why the submitter has proposed to amend the definition because the amended wording has the same outcomes as the notified definition, albeit expressed in a different manner. The reference to lawfully established is, in my view, unnecessary in relation to the definition. I do not consider the proposed amendment necessary and therefore reject the submission and accept the further submissions from Silver Fern Farms (FS29.006).

Notional Boundary

230. The support from Alliance Group (s121.011), Silver Fern Farms (s40.009), Federated Farmers (s126.036), Kevin Robertson (s115.037), Rural Ratepayers Group (s143.048), Alistair & Bernadette Hunt (s148.049), Ronald Crispin (s60.039), John Baynes (s68.157) for the definition of notional boundary is acknowledged and accepted.

Recommendation

231. For the reasons given above I do not recommend any amendments to the following definitions:

- a. Construction activity.
- b. Habitable room.

¹¹ PDP Part 1: Interpretation – Residential Activity has the same meaning as per the National Planning Standards – means the use of land and building(s) for people's living accommodation.

- c. Noise.
- d. Noise sensitive activity.
- e. Notional boundary.

232. However, I do recommend a new definition of ‘audible bird scaring device’ is included in Part 1 – Interpretation:

Audible bird scaring device means gas guns and avian distress alarms used for the purposes of disturbing or scaring birds.

233. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

10.2 General Submissions and Submissions on the Overview

Matters raised by submitters

234. Greenbriar Ltd (s128.032) support the Noise Chapter and do not seek any amendments subject to the relief sought for New Vale Special Purpose Zone as appropriate noise standards are necessary to manage the effects of activities.

235. SDC (s146.068) supports the Noise Chapter.

236. NZDF (s147.024) seek an amendment to the Noise Chapter to clarify the application of various rules so it is clear that where a district wide rule applies, there is no need to refer to zone rules, because if an activity is addressed in district wide rules but not identified in zone rules it could default to non-complying.

237. Robina Johnston (s140.007) seeks that the Noise Chapter consider the effects of terrain reflecting and amplifying noise. The submitter notes that the Hokonui & Kaiwera ranges need consideration as activities can cause stress due to reflection of noise and levels of noise amplifying. Noise from existing industrial and commercial activities is a problem and can have stress and health effects.

238. Silver Fern Farms (s40.052) support the overview and seek that it is retained as notified. In particular, reference to controlling the potential for reverse sensitivity effects is supported.

Assessment

239. In response to Greenbriar Ltd (s128.032) the support is acknowledged and accepted. I note that in her Section 42A report for Rural Zones (Hearing Stream 3) Ms Skuse recommended an amendment to NOISE-S1 and NOISE-2 to include the New Value Precinct (PREC14) which addressed the consequential relief sought by the submitter in a manner consistent with Ms Skuse’s recommendation for a precinct as opposed to a special purpose zone.

240. I accept these amendments recommended by Ms Skuse and consider that they address the submission (s128.032). For completeness the amendments are shown again in Appendix A, however, no further section 32AA is provided as I defer to the evaluation provided by Ms Skuse in her Section 42A report.

241. The support from SDC (s146.068) for the Noise Chapter and Silver Fern Farms (s40.052) for the overview is acknowledged and accepted.
242. In response to NZDF (s147.024) I accept that there may be some confusion as to how the noise chapter functions in relation to activities provided for by zone rules. I therefore recommend a new general rule be included:

<u>NOISE-RX</u>	<u>Noise from activities not otherwise provided for in this Chapter</u> <u>Activity Status: Permitted</u> <u>Where:</u> <u>1. The activity complies with NOISE-S1 and NOISE-S2</u> <u>Activity status where compliance not achieved: Restricted</u> <u>Discretionary</u> <u>Matters of discretion:</u> <u>1. The extent and effect of non-compliance with any noise standards and the matters of discretion for the relevant infringed standard.</u>
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243. This rule will make it clear that any activity not specifically provided for within other rules in the Chapter would need to comply with the noise standards to be permitted. This approach is consistent with the general PDP approach whereby standards are triggered by rules rather than as standalone provisions. This approach is also consistent with how other District Plans have approached this matter.
244. The new rule will give effect to the existing objectives and policies within the Noise Chapter, specifically, NOISE-O1 and NOISE-O2 which refer to activities generally and NOISE-P1 which requires that the character and amenity of zones is maintained by controlling the types of activities (managed through zone provisions) and the levels of noise that is permitted. NOISE-P2 also provides direction for activities generally in relation to managing noise effects.
245. As I recommend the rule sit at the top of the rule list, to reflect its general nature and ensure plan users review this rule before considering any more specific rules, placing the rule at the end of the rule list could result in it being overlooked by Plan users and decision makers. Therefore, consequential re-numbering of rules through the Chapter will be required and there may also be consequential amendments to other Chapters which refer to Noise rules to ensure cross referencing is correct. For the sake of this report any rule referenced is in relation to the notified numbering, however, the amended numbering is provided within **Appendix A**.
246. An audit of the PDP has identified that consequential amendments will be required to the following:
- a. TEMP-R1 – Temporary Events – references NOISE-R10
 - b. GRUZ-R16 – Agricultural aviation activity – references NOISE-R8
 - c. RLZ-R6 – agricultural aviation activity – references NOISE-R10
247. Amendments to GRUZ-R16 and RLZ-R6 are proposed through this report and therefore the consequential numbering amendment is captured as part of the recommended amendments

to those rules and shown in Appendix A. However, a consequential amendment to TEMP-R1 is recommended as follows, the amendment also reflects the amendment to NOISE-R11 to include temporary activities:

TEMP-R1 Temporary Events

.....

Note: Noise limits apply, refer to NOISE-R101 Noise from Temporary Events and activities

.....

Note: Noise limits apply, refer to NOISE-R101 Noise from Temporary Events and activities

248. In response to Robina Johnston (s140.007) the maximum noise levels included within NOISE-S1 and NOISE-S2 are based on technical advice from Styles Group and take account of the anticipated types of activities and characteristics of the relevant zones. The Hokonui & Kaiwera ranges are likely to be predominantly General Rural Zone and any resource consent to breach noise standards could consider terrain as a mitigating or amplifying factor.

249. The submitter raises concerns with noise from industrial and commercial activities, however, as detailed in NOISE-S2 the noise received within other zones with more sensitive activities, such as residential, would be lower than the noise received within the industrial and commercial zones, and this will ensure noise effects are managed and mitigated to appropriate levels to protect people's health and well-being.

250. I do not recommend any amendments in response to this submission.

Recommendation

251. For the reasons identified above I recommend a new rule be added to the Noise Chapter as follows:

NOISE-R1 Noise from activities not otherwise provided for in this Chapter

Activity Status: Permitted

Where:

1. The activity complies with NOISE-S1 and NOISE-S2

Activity status where compliance not achieved: Restricted

Discretionary

Matters of discretion:

1. The extent and effect of non-compliance with any noise standards and the matters of discretion for the relevant infringed standard.

252. To account for the new rule which I recommend sits at the start of the rule table, I recommend consequential renumbering of the other rules, along with amendments to other rules throughout the PDP which cross reference Noise Chapter rules.

253. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

10.3 Note 2 - Exemptions

Matters raised by submitters

254. Jet Boating NZ (s64.014 & s64.015) support the noise exemptions, however, they seek an amendment to point (7) to include activities which are organised by Jet Boating NZ which are a temporary activity:

7. Motorcraft operating on the surface of waterbodies including organized JBNZ activities that may constitute a Temporary Event.

255. Mercury (s130.029) oppose the noise exemptions and seek an exemption from assessment against the objectives and policies of the noise chapter due to a lack of consideration for the functional need for wind farms to be located where wind resources are. Noise would be assessed in compliance with NZS6808:2010 Acoustics:

.....12. Noise effects from operation of wind electricity generation activities. Compliance is achieved through assessment of NZS6808:2010 Acoustics - Wind farm noise ("insert rule reference" Energy Chapter -Rule ## operation of wind electricity generation activities - Noise Assessment).

256. Contact Energy (FS24.052) further submits in support of the submission and seeks that it is allowed.

257. Federated Farmers (s126.134), Kevin Robertson (s115.135), Rural Ratepayers Group (s143.146), Alistair & Bernadette Hunt (s148.147), Ronald Crispin (s60.137) and John Baynes (s68.255) support Note 2 point (9) but seek an amendment to reference audible bird scaring devices:

9. Noise from vehicles, machinery or equipment undertaking agricultural, horticultural and pastoral activities including noise from stock, other outdoor animals and working dogs, and audible bird scaring devices but excluding noise from stationary processing activities.

258. KiwiRail (s132.098) support Note 2 and seek that it is retained as notified.

259. FENZ (s124.032) support in part Note 2 as it exempts noise from warning devices, sirens or fixed plant used by emergency services. However, the submitter seeks further exemptions for activities at emergency service facilities including noise associated with fire appliance movements, use of generators and mobile equipment for emergency response or emergency response training:

1. Any warning device, siren or fixed plant used by emergency services during an emergency response or for routine testing and maintenance, including noise from helicopter take off and landings during an emergency response. This exemption does not apply to the noise generated at permanent emergency services depots or bases,

such as ~~fire stations~~, police stations or the base for emergency aircraft.

.....

12. Activities at emergency service facilities associated with emergency response and emergency response training.

13.Noise associated with fire appliance movements to / from site.

14.The use of generators and mobile equipment (including vehicles) for emergency purposes, including testing and maintenance not exceeding 48 hours in duration, where they are operated by emergency services or lifeline utilities.

260. Powernet (s95.025) support in part the exemptions in Note 2 and seek an amendment to exempt the noise from mobile substations as the noise is temporary:

.....11. Noise generated by the use of a mobile substation.

Assessment

261. In response to Jet Boating NZ (s64.014 & s64.015) the support for the noise exemptions is acknowledged. I do not accept the amendment to exemption point (7) as sought by the submitter. I do not consider it appropriate that the exemption specifically referencing Jet Boating NZ, the exemption is generally for motorcraft operating on the surface of waterbodies, by any person, and this would include Jet Boating NZ. The reference to temporary event confuses the manner in which temporary events are dealt with through the Noise Chapter as there is a specific rule for temporary events. The exemption is not for noise from the entire temporary event but only for noise from the motorcraft. The amended wording as sought by the submitter creates confusion in this respect in my opinion. I therefore, reject the submission.

262. In response to Mercury (s130.029) I do not recommend an exemption be added to the Noise Chapter, however, I accept and acknowledge that noise from wind farms should be assessed and measured in accordance with NZS6808:2010 Acoustics - Wind farm noise. Through the PDP wind farms currently require a resource consent as a Discretionary or Non-Complying Activity under ENRG-R2. I note that Mercury and others have submitted on ENRG-R2 seeking amendments.

263. In my opinion it would be appropriate to consider adding a note to ENRG-R2 to require that noise associated with a wind farm is assessed and measured in accordance with NZS6808:2010 Acoustics - Wind farm noise. However, this additional should be considered in the context of the submissions on that rule and therefore I recommend that the submission from Mercury (s130.029) and further submission from Contact Energy (FS24.052) are considered as part of the Energy Section 42A report in hearing stream 7.

264. In response to Federated Farmers (s126.134), Kevin Robertson (s115.135), Rural Ratepayers Group (s143.146), Alistair & Bernadette Hunt (s148.147), Ronald Crispin (s60.137) and John Baynes (s68.255) I agree that bird scaring devices generate noise and are an anticipated part of the rural environment and rural activities. I therefore, accept the amendment sought and recommend exemption point (9) is amended as follows:

9. Noise from vehicles, machinery or equipment undertaking agricultural, horticultural and pastoral activities including noise from stock, other outdoor animals and working dogs, and audible bird scaring devices but excluding noise from stationary processing activities.

265. The support from KiwiRail (s132.098) for Note 2 is acknowledged and accepted.

266. In response to FENZ (s124.032) the submitter seeks to expand the exemption relating to emergency service facilities and responses. I have addressed each amendment sought below:

Amendment sought through submission	Assessment
1. Any warning device, siren or fixed plant used by emergency services during an emergency response or for routine testing and maintenance, including noise from helicopter take off and landings during an emergency response. This exemption does not apply to the noise generated at permanent emergency services depots or bases, such as ~~fire stations~~ , police stations or the base for emergency aircraft.	I do not consider it appropriate to delete the reference to 'fire stations' in relation to there not being a general exemption for noise generated at permanent fire stations. Whilst I acknowledge that fire stations play a critical role in emergency service response the exemption does provide for activities associated with an emergency response, however, exempting <u>any</u> noise from a fire station could result in adverse effects on surrounding landowners. I consider it appropriate that other noise from fire stations is managed through the rule framework to protect the health and well-being of people and communities.
<u>12. Activities at emergency service facilities associated with emergency response and emergency response training.</u>	The exemption provides for warning device, sirens and fixed plant used during any emergency response which is considered appropriate – it is unclear what other 'activities' the submitter considers should be exempt. Further, NOISE-R4, NOISE-R5 and NOISE-R6 provide a permitted activity pathway for noise from emergency services training activities. This is considered more appropriate than a blanket exemption.
<u>13. Noise associated with fire appliance movements to / from site.</u>	Exemption 4 exempts noise from vehicles on roads managed by a road controlling authority. It is unclear whether noise from a fire appliance (excluding the siren which is provided for in exemption 1) would actually breach the permitted activity maximum noise levels and therefore require an exemption.
<u>14. The use of generators and mobile equipment (including vehicles) for emergency purposes, including testing and</u>	Exemption 1 provides for noise from fixed plant during an emergency response or for routine testing and maintenance. I consider

<u>maintenance not exceeding 48 hours in duration, where they are operated by emergency services or lifeline utilities.</u>	that this would include generators and as such this further exemption is not needed as it is already provided for within exemption 1. However, I do consider it may be appropriate to reference 'mobile equipment' in exemption 1 and so recommend an amendment to that effect.
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267. For the reasons identified above I recommend the following amendment to Exemption 1:

1. Any warning device, siren, mobile equipment or fixed plant used by emergency services during an emergency response or for routine testing and maintenance, including noise from helicopter take off and landings during an emergency response. This exemption does not apply to the noise generated at permanent emergency services depots or bases, such as fire stations, police stations or the base for emergency aircraft.

268. In response to Powernet (s95.025) I do not consider it appropriate to provide a blanket exemption for noise from mobile substations, I acknowledge that the noise may be temporary. However, the submitter has not provided any certainty as to what would constitute temporary and without such parameters or understanding of the level of noise generated by the mobile substation it is difficult to understand whether an exemption from the noise standards would be appropriate.

269. The purpose of the Noise Chapter is to manage the adverse effects of noise on the health and well-being of people and the community, without some clearer understanding of the duration and noise levels associated with this activity I do not recommend exempting them from compliance with the Noise Chapter provisions. I therefore reject the submission.

Recommendation

270. For the reasons given above I recommend the following amendments to Note 2:

1. Any warning device, siren, mobile equipment or fixed plant used by emergency services during an emergency response or for routine testing and maintenance, including noise from helicopter take off and landings during an emergency response. This exemption does not apply to the noise generated at permanent emergency services depots or bases, such as fire stations, police stations or the base for emergency aircraft.

.....

9. Noise from vehicles, machinery or equipment undertaking agricultural, horticultural and pastoral activities including noise from stock, other outdoor animals and working dogs, and audible bird scaring devices but excluding noise from stationary processing activities.

271. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

10.4 Objectives NOISE-O1, NOISE-O2 and NOISE-O3

Matters raised by submitters

NOISE-O1

272. NZAAA (s156.002), NZHA (s63.006), Ravensdown (s28.003), Alliance Group (s121.071), Silver Fern Farms (s40.053), NZDF (s147.009), Ballance Agri-Nutrients (s87.001), Federated Farmers (s126.131), Kevin Robertson (s115.132), Rural Ratepayers Group (s143.143), Alistair & Bernadette Hunt (s148.144), Ronald Crispin (s60.134) and John Baynes (s68.252) and KiwiRail (s132.094) all support the objective and seek that it is retained for the reasons set out in their submission and summarised in Appendix B.

273. NZAAA (FS4.82) further submits in support of the submission from NZHA (s63.006)

NOISE-O2

274. Alliance Group (s121.072), Silver Fern Farms (s40.054), NZDF (s147.010), Ballance Agri-Nutrients (s87.002), Ravensdown (s28.004), NZHA (s63.007), NZAAA (s156.003) and KiwiRail (s132.095) all support the objective and seek that it is retained for the reasons set out in their submission and summarised in Appendix B.

275. NZAAA (FS4.83) further submits in support of the submission from NZHA (s63.007) and NZHA (FS18.11) further submits in support of the submission from NZAAA (s156.003).

276. Federated Farmers (s126.132), Kevin Robertson (s115.133), Rural Ratepayers Group (s143.144), Alistair & Bernadette Hunt (s148.145), Ronald Crispin (s60.135) and John Baynes (s68.253) support in part NOISE-O2 and seek an amendment to recognise reverse sensitivity effects may occur to zones adjacent to rural zones or to residential sites within rural zones:

Outside of reverse sensitivity exclusions in NOISE-O3, activities do not generate noise effects which adversely affect amenity values, the health and wellbeing of people and communities.

NOISE-O3

277. NZTA (s112.109), Alliance Group (s121.073), Silver Fern Farms (s40.055), NZDF (s147.011), Fuel Companies (s16.046) and KiwiRail (s132.096) all support the objective and seek that it is retained for the reasons set out in their submission and summarised in Appendix B.

Assessment

NOISE-O1

278. The support from NZAAA (s165.002), NZHA (s63.006), Ravensdown (s28.003), Alliance Group (s121.071), Silver Fern Farms (s40.053), NZDF (s147.009), Ballance Agri-Nutrients (s87.001), Federated Farmers (s126.131), Kevin Robertson (s115.132), Rural Ratepayers Group (s143.143), Alistair & Bernadette Hunt (s148.144), Ronald Crispin (s60.134) and John Baynes

(s68.252) and KiwiRail (s132.094) and further submission in support from NZAAA (FS4.82) for NOISE-O1 is acknowledged and accepted and no amendments are recommended.

NOISE-O2

279. The support from Alliance Group (s121.072), Silver Fern Farms (s40.054), NZDF (s147.010), Ballance Agri-Nutrients (s87.002), Ravensdown (s28.004), NZHA (s63.007), NZAAA (s156.003) and KiwiRail (s132.095) and further submission in support from NZAAA (FS4.83) and NZHA (FS18.11) for NOISE-O2 is acknowledged and accepted.

280. In response to Federated Farmers (s126.132), Kevin Robertson (s115.133), Rural Ratepayers Group (s143.144), Alistair & Bernadette Hunt (s148.145), Ronald Crispin (s60.135) and John Baynes (s68.253) I do not consider the amendment proposed by the submitters necessary or appropriate. NOISE-O2 and NOISE-O3 manage different matters.

281. NOISE-O2 relates to adverse effects from noise generated by all activities and is given effect to by NOISE-P1, NOISE-P2, the rules and NOISE-S1 and NOISE-S2. It essentially requires that activities have a duty to manage noise effects.

282. NOISE-O3 recognises that noise sensitive activities can generate reverse sensitivity effects if located in the wrong location, for example, a residential unit within an industrial zone. The objective also directs that noise sensitive activities are managed to safeguard occupants from noise associated with certain activities, such as road and rail noise. NOISE-O3 is predominantly given effect to by NOISE-P3, NOISE-R7 and NOISE-S3.

283. In my opinion the proposed amendment creates confusion and in my view is unnecessary as it is unclear what it seeks to achieve. I do not consider NOISE-O3 provides reverse sensitivity exclusions and so the amendment sought by the submitter would not support efficient and effective decision making, or provide Plan users with clear direction. Therefore, I reject the submissions.

NOISE-O3

284. The support from NZTA (s112.109), Alliance Group (s121.073), Silver Fern Farms (s40.055), NZDF (s147.011), Fuel Companies (s16.046) and KiwiRail (s132.096) for NOISE-O3 is acknowledged and accepted and no amendments are recommended.

Recommendation

285. For the reasons given above I do not recommend any amendments to NOISE-O1, NOISE-O2 or NOISE-O3 and instead recommend that they are retained as notified.

286. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

10.5 Policies NOISE-P1, NOISE-P2, NOISE-P3, NOISE-P4

Matters raised by submitters

NOISE-P1

287. Alliance Group (s121.074) and Silver Fern Farms (s40.056) support NOISE-P1 and seek that it is retained as notified because it recognises the varying activities and noise levels anticipated within different zones.

NOISE-P2

288. Alliance Group (s121.075), MOE (s125.038), NZDF (s147.012) and Fuel Companies (s16.047) support NOISE-P2 and seek that it is retained as notified for the reasons set out in the submissions and summarised in Appendix B.

289. Federated Farmers (s126.133), Kevin Robertson (s115.134), Rural Ratepayers Group (s143.145), Alistair & Bernadette Hunt (s148.146), Ronald Crispin (s60.136), John Baynes (s68.254) NZHA (s63.008), Ballance Agri-Nutrients (s87.003), Ravensdown (s28.005) and NZAAA (s156.004) support in part NOISE-P2 and seek an amendment to avoid confusion and misinterpretation, the wording of the policy should align with and be consistent with NOISE-O2 which refers to 'not adversely affected':

Ensure the health and wellbeing of people and community is not adversely affected ~~protected~~ by managing noise effects generated by an activity having regard to:.....

290. NZAAA (FS4.1, FS4.2, FS4.3, FS4.4, FS4.5 & FS4.6) further submits in support of the submissions from NZHA (s63.008), Ballance Agri-Nutrients (s87.003), Ravensdown (s28.005), Federated Farmers (s126.133), Rural Ratepayers Group (s143.145) & Alistair & Bernadette Hunt (s148.146) and seeks that the submissions are allowed.

291. NZHA (FS18.10 & FS18.12) submits in support of NZAAA (s156.004) and seeks that the submission is allowed.

NOISE-P3

292. Alliance Group (s121.076), MOE (s125.039), Silver Fern Farms (s40.057) & KiwiRail (s132.097) support NOISE-P3 and seek that it is retained as notified for the reasons set out in their submission and summarised in Appendix B.

293. NZTA (s112.110) supports in part NOISE-P3 and seeks an amendment to clearly identify that buildings include both new buildings as well as additions and alterations to existing buildings for noise sensitive activities may require acoustic treatment. The amendment aligns with NOISE-R7 and will reflect the importance of managing the impacts of noise from the state highway and railway on noise sensitive activities that establish in existing buildings:

Require acoustic treatment within new buildings and additions to and alterations to buildings used by noise sensitive activities in the following locations:.....

294. Kāinga Ora (FS28.054) further submits, supporting in part the submission provided they apply to habitable rooms only and the policy and associated rule only apply to buildings exceeding 50m² floor area otherwise the requirements are too onerous.

NOISE-P4

295. NZDF (s147.013), FENZ (s124.031) and Jet Boating NZ (s64.013) support NOISE-P4 and seek that it is retained as notified for the reasons set out in their submission and summarised in Appendix B.

Assessment

Submissions in Support

296. The submissions in support of NOISE-P1 and NOISE-P2 from Alliance Group (s121.074 & s121.075), Silver Fern Farms (s40.056) MOE (s125.038), NZDF (s147.012) and Fuel Companies (s16.047) are acknowledged and accepted.

297. The submissions in support of NOISE-P3 from Alliance Group (s121.076), MOE (s125.039), Silver Fern Farms (s40.057) & KiwiRail (s132.097) are acknowledged and accepted.

298. The submissions in support of NOISE-P4 from NZDF (s147.013), FENZ (s124.031) and Jet Boating NZ (s64.013) are acknowledged and accepted.

NOISE-P2

299. In response to Federated Farmers (s126.133), Kevin Robertson (s115.134), Rural Ratepayers Group (s143.145), Alistair & Bernadette Hunt (s148.146), Ronald Crispin (s60.136), John Baynes (s68.254) NZHA (s63.008), Ballance Agri-Nutrients (s87.003), Ravensdown (s28.005) and NZAAA (s156.004) and the further submissions from NZAAA (FS4.1, FS4.2, FS4.3, FS4.4, FS4.5 & FS4.6) and NZHA (FS18.10 & FS18.12) I consider that the use of the word 'protected' is more appropriate than 'not adversely affected'.

300. The technical advice from Styles Group considered feedback from Te Whatu Ora on the draft district Plan and agreed¹² with their recommendation that NOISE-P2 was redrafted to elevate the protection of public health from environmental noise. Styles Group also recommended that *"the noise provisions have a primary focus on protecting people from adverse noise effects....."*¹³

301. I agree with the technical advice and consider that protecting the health and well-being of the community is more appropriate than requiring they are not adversely affected. Protect indicates that noise should not harm health and well-being. In contrast 'avoid adverse effects', when read in association with the requirement to manage noise effects provides a lower level

¹² Styles group – 9 June 2023

¹³ Noise Chapter Review – Gore District Council, 9 June 2023, para 4.2.2 page 14

of control that may not be sufficient to safeguard the health and well-being of people and communities.

302. Therefore, when read as a whole the policy direction to 'protect by managing....having regard to' aligns with the rule framework which sets standards for maximum noise levels that relate to the characteristics of zones. For these reasons I reject the submissions and do not recommend any amendments to NOISE-P2.

NOISE-P3

303. In response to NZTA (s112.110) I accept that both new and extended buildings should require acoustic treatment, however, I think amending the policy as requested by NZTA is overly prescriptive for a policy. The rule framework contains the detail to give effect to the policy and the rules specify that it is not only new buildings but also altered and extended buildings, the rule also specifies that only certain rooms within the building must be acoustically treated and that is not specified in the policy.

304. Overall, whilst I accept the intent of the outcome NZTA is seeking I do not consider the amendment to NOISE-P3 is necessary as it makes the policy unnecessarily verbose and includes matters which are more appropriately articulated in the rule framework.

305. In response to the further submission from Kāinga Ora (FS28.054), as I have not suggested any amendment, the further submission is rejected.

Recommendation

306. For the reasons given above I do not recommend any amendments to NOISE-P1, NOISE-P2, NOISE-P3 or NOISE-P4, instead I recommend that they are retained as notified.

307. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

10.6 Rules NOISE-R1 and NOISE-R2

Matters raised by submitters

NOISE-R1

308. NZTA (s112.111) support in part NOISE-R1 and seek an amendment to ensure the rule refers to the correct tables as there is no Table 4. However, NZTA generally supports the rule as it provides a permitted activity status for noise from construction activities where specified noise management parameters are met.

309. KiwiRail (s132.099) seeks an amendment to NOISE-R1 which refers to Table 4 when no Table 4 is provided.

NOISE-R2

310. NZTA (s112.189) supports in part NOISE-R2 as it generally provides for vibration from construction activities where specified limits are met. However, the submitter considers that

the location of the measurement should not be restricted to the nearest corner of the floor of a habitable room within a building used for a noise sensitive activity. Instead, the submitter considers the rule should be changed to relate to where people might experience the adverse effect, which is potentially any location within the habitable room. The submitter seeks the following amendment:

.....(b) Amenity limits - the limits in the table below when measured at any point on ~~in the nearest corner of the floor of a habitable room within a building used for a any storey within a multi-storey building,~~ or within 500mm of ground level at the foundation of a ~~single-storey building containing any~~ noise sensitive activity that is occupied during the construction activity.

Assessment

NOISE-R1

311. The submissions from NZTA (s112.111) and KiwiRail (s132.099) correctly identify an error in the naming of the tables in NOISE-R1. I accept that this error should be corrected as follows:

Activity status: Permitted

Where:

1. Noise from construction work complies with the following limits in Table ~~32~~ when measured and assessed at 1m from the nearest external wall of any building containing a Noise Sensitive Activity that is occupied during the work; and
2. Noise from construction work complies with the following limits in Table ~~43~~ when measured and assessed at 1m from the nearest external wall of any other building that is occupied during the work; and

NOISE-R2

312. In response to NZTA (s112.189) Mr Styles has provided technical advice, attached at **Appendix C**, on the appropriateness of the amendment sought by NZTA. Mr Styles states the amendments would result in vibration being measured in the floor of the room(s) where the occupants could experience it, however, ground borne vibration received in buildings may vary in level depending on where it is measured in the building. Mr Styles considers that *“vibration measured in the corner position is also more closely related to the vibration level in the ground and is easier to predict than vibration at another position elsewhere on the floor of the building....We therefore disagree with the amendments sought by Waka Kotahi and recommend the notified text be retained”*.

313. I agree with the expert advice from Mr Styles and consider that the rule, as notified, provides for a more efficient and effective means of measuring and managing the effects of vibration. Therefore, I recommend that the rule is retained as notified.

Recommendation

314. For the reasons detailed above I recommend the following amendments to NOISE-R1:

NOISE-R1 Activity status: Permitted

Where:

1. Noise from construction work complies with the following limits in Table ~~32~~ when measured and assessed at 1m from the nearest external wall of any building containing a Noise Sensitive Activity that is occupied during the work; and
2. Noise from construction work complies with the following limits in Table ~~43~~ when measured and assessed at 1m from the nearest external wall of any other building that is occupied during the work; and

315. I also recommend that, as a consequential amendment, the tables are named to assist Plan users and prevent confusion. It is recommended that the tables are labelled as follows:

Table 1 – Noise levels for temporary military training and emergency service training activities involving mobile noise sources

Table 2 – Construction work noise limits for buildings containing a noise sensitive activity

Table 3 – Construction work noise limits for any building which is not a noise sensitive activity

316. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

10.7 Rules NOISE-R4, NOISE-R5 and NOISE-R6

Matters raised by submitters

NOISE-R4

317. NZDF (s147.014) seek an amendment to NOISE-R4 to recognise that Temporary Military Training Activities (TMTA) may occur in any zone:

~~General Rural Zone~~ All zones

Activity status: Permitted

Where:

1. The noise generated complies with Noise Standard NOISE-S1. ~~for the General Rural Zone.~~

.....

318. FENZ (s124.033) supports NOISE-R4 and seeks that it is retained as notified.

NOISE-R5

319. NZDF (s147.016) supports NOISE-R5 and seeks that it is retained as notified or with wording to a similar effect.

320. FENZ (s124.034) supports NOISE-R5 and seeks that it is retained as notified.

NOISE-R6

321. NZDF (s147.016) seeks an amendment to NOISE-R6 to amend the activity status where compliance is not achieved with the permitted activity conditions to Restricted Discretionary as opposed to Discretionary as they consider the effects could be identified through matters of discretion.

Assessment

NOISE-R4

322. In response to NZDF (s147.014) I accept that TMTA may occur in any zone and I note that TEMP-R5 which enables TMTA subject to conditions relates to all zones. Therefore, I recommend an amendment to NOISE-R4 to ensure that the rule relates to all zones as requested by the submitter.

323. The support from FENZ (s124.033) for NOISE-R4 is acknowledged and accepted in part due to the amendment recommended above.

NOISE-R5

324. The support from NZDF (s147.016) and FENZ (s124.034) for NOISE-R5 is acknowledged and accepted.

NOISE-R6

325. In response to NZDF (s147.016) I accept that if the effects can be identified through matters of discretion, then a restricted discretionary pathway may be more appropriate than discretionary. However, as the submitter has not provided any matters of discretion it is unclear whether this is the case. I recommend that either the submitter provides matters of discretion which can be considered through the hearing process, or the activity status remain discretionary to allow a broad range of matters to be considered.

Recommendation

326. For the reasons given above I recommend that NOISE-R4 is amended as follows:

~~General Rural Zone~~ All zones

Activity status: Permitted

Where:

1. The noise generated complies with Noise Standard NOISE-S1. ~~for the General Rural Zone.~~

.....

327. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

10.8 Rule NOISE-R7

Matters raised by submitters

328. Alliance Group (s121.077), MOE (s125.040) and Silver Fern Farms (s40.058) support NOISE-R7 and seek that it is retained as notified for the reasons set out in their submission and summarised in Appendix B.

329. NZTA (s112.112) support in part NOISE-R7 but seek an amendment to the rule to refer to relocated buildings to ensure they are included in the rule requirements:

Construction of, additions to or alterations to buildings, and relocated buildings, for a noise sensitive activity

And/or, include an advice note, as follows or using words to similar effect:

Advice Note: NOISE-R7(1) includes buildings that have been constructed offsite and subsequently relocated and placed within the railway corridor overlay and/or the state highway noise control overlay.

Assessment

330. The support from Alliance Group (s121.077), MOE (s125.040) and Silver Fern Farms (s40.058) for NOISE-R7 is acknowledged and accepted.

331. In response to NZTA (s112.112) I accept that relocated buildings should be subject to acoustic treatment requirements if they will be used for a noise sensitive activity and positioned within the state highway noise control overlay. I recommend the following amendment to respond to the submission:

NOISE-R7 Construction of, additions to or alterations to new and relocated buildings ~~for occupied by~~ a noise sensitive activity

.....

Advice Note: NOISE-R7(1) includes buildings that have been constructed offsite and subsequently relocated and placed within the railway corridor noise control overlay and/or the state highway noise control overlay.

Recommendation

332. For the reasons identified above I recommend the following amendment to NOISE-R7:

NOISE-R7 Construction of, additions to or alterations to new and relocated buildings ~~for occupied by~~ a noise sensitive activity

.....

Advice Note: NOISE-R7(1) includes buildings that have been constructed offsite and subsequently relocated and placed within the rail corridor noise control overlay and/or the state highway noise control overlay.

333. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

10.9 Standards

Matters raised by submitters

NOISE-S1

334. HWR Property (s108.001), Alliance Group (s121.078), Greenbriar Ltd (s128.033), NZDF (s147.023), Silver Fern Farms (s40.059) support NOISE-S1 and seek that it is retained as notified for the reasons set out in their submissions and summarised in Appendix B.

335. Ronald Ashby (s107.002) opposes NOISE-S1 and seeks that the maximum noise level is reduced because the proposed noise increase is in the range of 20% which is substantial and will apply across various zones of the town.

NOISE-S2

336. Alliance Group (s121.079), Silver Fern Farms (s40.060) support NOISE-S2 and seek that it is retained as notified.

NOISE-S3

337. Alliance Group (s121.080), Silver Fern Farms (s40.061) support NOISE-S3 and seek that it is retained as notified for the reasons set out in their submissions and summarised in Appendix B

338. NZTA (s112.113) supports in part NOISE-S3 as it stipulates internal design noise levels to be achieved through acoustic treatment. However, the submitter is concerned that the standard only relates to new buildings and should apply to buildings which are altered or relocated. The submitter also seeks that the standard is amended to apply a correct metric and allow for specification of noise limits for other types of activities, not just habitable rooms or sleeping areas (bedrooms). The submitter therefore seeks to amend NOISE-S3 as follows:

1. The following internal noise levels shall be met for any new building, or alterations to or additions to any existing building, including relocated buildings, containing a noise sensitive activity:

.....

<u>Occupancy /activity</u>	<u>Maximum road noise level note 1</u> <u>L_{Aeq}(24h)</u>
<u>Building type: Residential</u>	
<u>Sleeping spaces</u>	<u>40dB</u>
<u>All other habitable rooms</u>	<u>40dB</u>
<u>Building type: Education</u>	
<u>Lecture rooms / theatres, music studios, assembly halls</u>	<u>35dB</u>
<u>Teaching areas, conference rooms, drama studios, sleeping areas</u>	<u>40dB</u>
<u>Libraries</u>	<u>45dB</u>
<u>Building type: Health</u>	
<u>Overnight medical care, wards</u>	<u>40dB</u>
<u>Clinics, consulting rooms, theatres, nurses' stations</u>	<u>45dB</u>
<u>Building type: Cultural</u>	
<u>Places of worship, marae</u>	<u>35dB</u>

Note 1: The design road noise is to be based on measured or predicted external noise levels plus 3 dB.

2: Include a lower limit of 18 degrees Celsius into (a); and Add a minimum air flow of 1 change per hour into (b); and Change (c) so that the noise limit applies at 1 metre and not 2 metres, and delete the following text from (c) "once the room temperature has been achieved"; and Change the three notes so that they become explicitly part of the standard rather than potentially being advice.

Assessment

Submissions in support

339. The support from HWR Property (s108.001), Alliance Group (s121.078), Greenbriar Ltd (s128.033), NZDF (s147.023), Silver Fern Farms (s40.059) for NOISE-R1 is acknowledged and accepted.

340. The support from Alliance Group (s121.079 & s121.080), Silver Fern Farms (s40.060 & s40.061) for NOISE-R2 & NOISE-R3 is acknowledged and accepted.

NOISE-S1

341. In response to Ronald Ashby (s107.002) I understand from the presentation of Mr Ashby at Hearing Stream 2 that he resides within the PDP Light Industrial Zone. This area is currently zoned Mixed Use under the Operative District Plan (ODP). In responding to Mr Ashby, I think it is important to consider a comparison between the ODP and PDP maximum noise levels:

ODP – Mixed Use Zone

On any day:	At any time	55dBA <i>L_{eq}</i>
	10.00pm-7.00am	85dBA <i>L_{max}</i>

Measured: at or beyond the zone boundary

PDP – Light Industrial Zone

1. The *Noise* (rating) level arising from any activity shall not exceed:
 - (a) At any time – 65 dB *LAeq*

When measured and assessed at or within the boundary of any other site in the LIZ or Mandeville Aviation and Rail Precinct (PREC8).

342. As can be seen above although the maximum noise level under the PDP within the Light Industrial Zone is greater than the level in the ODP, the ODP only requires those noise levels to be achieved at the zone boundary, indicating that within the zone there is no noise limit for sites within the Mixed Use Zone. The PDP will, therefore, actually provide better controls for noise received at sites within the Light Industrial zone as a result of the way in which the PDP directs noise to be measured.

343. The maximum noise levels within NOISE-S1 were developed in consultation with Styles Group who provided expert advice in their review of the Noise Chapter.¹⁴ The levels are therefore considered appropriate to enable activities anticipated within the zones and manage adverse effects on noise sensitive activities. In my view, the PDP will, overall, provide for better outcomes in relation to noise management, than the ODP, due to the manner in which noise must be managed within the zone.

NOISE-S3

344. In response to NZTA (s112.113) I accept that amending NOISE-S3 would provide for better outcomes for the range of activities incorporated into the definition of noise sensitive activity. The amendment to NOISE-S3 has been considered in Appendix C by Styles Group who are also supportive of the amendment, including to refer to the correct noise metric.

345. However, as recommended in paragraphs 185 & 195, I consider that NOISE-S3 should be amended to incorporate the standard proposed by KiwiRail (s132.101 & s132.102). I consider it would be efficient to have a single standard for both the rail corridor noise control overlay and state highway noise control overlay. The outcomes sought by both overlays are the same, and the standards sought are comparable. Therefore, I recommend an amendment to NOISE-S3 to address both the NZTA and KiwiRail submissions.

Recommendation

346. For the reasons identified above, no amendments are recommended to NOISE-S1 or NOISE-S3.

¹⁴ Noise Chapter Review, Gore District Plan, Styles Group 9 June 2023 and 2 August 2023

347. However, for the reasons identified above, to address both the submission from NZTA (s112.113) and KiwiRail (s132.101 & s132.102), I recommend the following amendment to NOISE-S3:

NOISE-S3	Acoustic treatment for <i>noise sensitive activities</i>										
All Zones	1. The ~~following~~ internal noise levels <u>contained in Table 4</u> shall be met for any new building, <u>alterations or additions to any existing building, including relocated buildings, which will be occupied by, containing</u> a noise sensitive activity: <table border="1"> <thead> <tr> <th>~~Room~~</th><th>~~Time~~</th><th>~~Internal design noise level~~</th></tr> </thead> <tbody> <tr> <td>~~Bedrooms or rooms used for sleeping~~</td><td>~~10.00pm – 7.00am~~</td><td>~~35dB LAeq(15min)~~</td></tr> <tr> <td>~~All other habitable rooms~~</td><td>~~At all times~~</td><td>~~40dB LAeq(15min)~~</td></tr> </tbody> </table> ~~The internal noise levels in the table above must be achieved based on the maximum level of noise permitted in the zone or from any adjacent zone, when measured and assessed at the exterior wall of the building. Road noise shall be calculated based on measured or predicted noise levels plus 3dB.~~ <u>Railway noise shall be assumed to be 70 LAeq(1h) at a distance of 12m from the railway network and shall be deemed to reduce at a rate of 3 dB per doubling of distance up to 40m and 6 dB per doubling of distance beyond 40m.</u> 2. Where external windows and / or doors are required to be closed to meet the internal design noise levels in <u>Table 4(1)</u>, a mechanical ventilation and cooling system shall be installed that complies with the following requirements: (a) ~~Mechanical cooling to achieve an internal temperature no greater than 25 degrees celsius based on external design conditions of dry bulb 25.1 degrees celsius and wet bulb 20.1 degrees celsius;~~ (a) <u>Provides m</u>Mechanical ventilation to enable compliance with clause G4 of the New Zealand Building Code <u>and that</u>	~~Room~~	~~Time~~	~~Internal design noise level~~	~~Bedrooms or rooms used for sleeping~~	~~10.00pm – 7.00am~~	~~35dB LAeq(15min)~~	~~All other habitable rooms~~	~~At all times~~	~~40dB LAeq(15min)~~	Activity status where compliance is not achieved: <u>Discretionary</u> <u>Restricted discretionary</u> <u>Matters of discretion are restricted to:</u> <u>1. Adverse effects on health, well-being and amenity of building occupants.</u> <u>2. Alternative options for building design, layout or location that would achieve compliance with the standards in Table 4 or mitigate the effects of noise from the state highway or rail network.</u> <u>3. Any reverse sensitivity effects on the state highway and rail network.</u> <u>5. Any natural or built features of the site or surrounding area that will mitigate noise effects.</u> <u>Notification: Applications for resource consent under this rule will</u>
~~Room~~	~~Time~~	~~Internal design noise level~~									
~~Bedrooms or rooms used for sleeping~~	~~10.00pm – 7.00am~~	~~35dB LAeq(15min)~~									
~~All other habitable rooms~~	~~At all times~~	~~40dB LAeq(15min)~~									

	<u>provides at least 1 air change per hour, but no less than 7.5L/s per occupant; and</u> (b) <u>Provides cooling and heating that is controllable by the occupant and can maintain the inside temperature between 18°C and 25°C; and</u> (c) <u>Provides a All mechanical ventilation and/or cooling systems that does not must generate a noise level no greater than 35 dB L_{Aeq} when measured 21m from the any grille or diffuser at the minimum air flows required to maintain the design temperatures and air flows above once the room temperature has been achieved. The noise level must be measured after the system has cooled the rooms to the temperatures in (b), or after a period of 30 minutes from the commencement of cooling (whichever is the lesser).</u> <u>Or:</u> (d) <u>Alternatively, in lieu of (a) - (c) above, a design verified by a suitably qualified and experienced HVAC expert certifying that the design will provide ventilation and internal space temperature controls to meet or exceed the outcomes described in (a) - (c).</u> (e) <u>A commissioning report must be submitted to the Council prior to occupation of the building demonstrating compliance with (a) – (c) or (d).</u> <i>Notes:</i> <i>1. Mechanical cooling must be provided for all habitable rooms (excluding bedrooms) provided that at least one mechanical cooling system must service every level of a dwelling that contains a habitable room (including bedrooms).</i> <i>2. Compliance shall be demonstrated at the time of application for building consent. The application shall be accompanied by a statement prepared by a suitably qualified acoustic consultant that demonstrates the internal design levels will be achieved.</i> <i>3. Any required acoustic treatment must be designed, constructed and maintained in an acoustically effective state.</i>	<u>be decided without public notification.</u>
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<u>NOISE -Table 4</u>	<u>Internal Noise limits for buildings containing a <i>noise sensitive activity</i></u>	
	<u>Maximum Noise Limit within the State Highway Noise Control Overlay LAeq (24h)</u>	<u>Maximum Noise Limit within the Rail Corridor Noise Control Overlay LAeq (1h)</u>
<u>Residential activity</u>		
<u>Bedrooms / Sleeping spaces</u>	<u>40dB</u>	<u>35dB</u>
<u>All other habitable rooms</u>	<u>40dB</u>	<u>40dB</u>
<u>Education facility</u>		
<u>Lecture rooms / theatres, music studios, assembly halls</u>	<u>35dB</u>	<u>35dB</u>
<u>Teaching areas, conference rooms, drama studios, sleeping areas</u>	<u>40dB</u>	<u>40dB</u>
<u>Libraries</u>	<u>45dB</u>	<u>45dB</u>
<u>Healthcare activity</u>		
<u>Overnight medical care, wards</u>	<u>40dB</u>	<u>40dB</u>
<u>Clinics, consulting rooms, theatres, nurses' stations</u>	<u>45dB</u>	<u>45dB</u>
<u>Place of Worship, Marae, Papatipu Rūnanga complex</u>		
<u>Place of Worship, Marae, Papatipu Rūnanga complex</u>	<u>35dB</u>	<u>35dB</u>

348. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

11. Consequential and Minor Amendments

349. Clause 10(2)b of the RMA allows decisions on the PDP to include matters relating to consequential alterations to the PDP which are necessary, relevant or arising from submissions. The following are recommended consequential amendments to the PDP based on previous Section 42A report recommendations.

350. The Section 42 Introduction, General Provisions and Strategic Direction Report considered and assessed a submission point from Southland Federated Farmers (s126.181), Kevin Robertson (s115.182), Ronald Crispin (s60.184), Rural Ratepayers Group (s143.193), Alastair and Bernadette Hunt (148.194) and John Baynes (s68.302) to amend the wording of “wellbeing” to “well-being” to be consistent with the manner in which the word is expressed in Section 5 of the RMA. The recommendation in the report was to accept the submission point and

throughout the PDP amend “wellbeing” to “well-being”. This requires some consequential minor amendments to the Noise Chapter. These amendments are reflected in **Appendix A**.

351. As noted in paragraph 252 as a result of a new rule NOISE-R1 there are consequential numbering amendments to the rules within the Chapter and consequential amendments to rules within the GRUZ, RLZ and Temporary Activity Chapter where there is a cross reference to a rule within the Noise Chapter. The renumbering is shown in full in **Appendix A**.

352. Clause 16(2) of the RMA allows a local authority to make an amendment to a proposed plan without using a Schedule 1 process, where such an alteration is of minor effect, or may correct any minor errors.

353. I note that in NOISE-S2 the Rural Industry Precinct (PREC13) is referenced twice, once in condition 1 and again in condition 4. I consider it would be more appropriate to only reference PREC13 in relation to condition 1 to avoid confusion. I do not consider there to be any effects on any person from making this amendment as the noise levels are the same for condition 1 and 4 therefore the amendment simply corrects an error which could create confusion rather than changing the mechanism for which noise is managed within and from PREC13.

354. I therefore recommend the following amendment to NOISE-S2 as a minor amendment under cl16(2):

Noise levels from the GRUZ, SPZ-Field Days & SPZ-Camp Columba ~~and Rural Industry Precinct (PREC13)~~ received in any other GRUZ, LRZ, SETZ, GRZ, LLRZ, MRZ

1. The *Noise* (rating) level and maximum noise level arising from any activity shall not exceed:
 - (a) 7am to 10pm – 55 dB LAeq
 - (b) 10pm to 7am – 45 dB LAeq and 75 dB LAFmax

When measured and assessed at or within the *boundary* of a *site* in any GRZ, LLRZ, MRZ or notional boundary of a site in GRUZ, RLZ, SETZ.

355. I note that in the How the Plan Works the State Highway Noise Control Overlay is incorrectly described as “*Identifies buffers along the rail corridor state highways where acoustic treatment for noise sensitive activities is required.*” The Overlay only relates to the state highway and so reference to the rail corridor should be deleted as follows, I also recommend several other minor amendments to ensure the wording has more appropriate grammatical syntax:

Identifies a buffers ~~along the rail corridor~~ adjacent to the state highways where acoustic treatment for noise sensitive activities is required.

12. Conclusions

12.1 Conclusions

356. This report has provided an assessment of submissions received on the Noise Chapter and associated definitions of the PDP, submissions relating to aircraft and helicopter movements on the GRUZ, RLZ and Temporary Activity Chapter are also assessed in this report.

357. There were a range of submissions which sought amendments to provisions as follows:

- a. Amendments to rules and standards within the Noise Chapter as well as the General Rural Zone (GRUZ) Chapter, Rural Lifestyle Zone (RLZ) Chapter and Temporary Activities Chapter to be more enabling for agricultural aviation and helicopter movements. This includes amending or deleting the requirements for rural airstrip and helicopter landing area setbacks, flight path requirements and limits on the number of hours / movements for aircraft and helicopters.
- b. Amend definitions for rural airstrip, agricultural aviation, helicopter landing area and construction work and add new definitions for commercial aviation activity, audible bird scaring device, and non-temporary nature.
- c. Include a vibration alert overlay for the rail network
- d. Increase the width of the railway corridor noise overlay and amend the associated standard requiring acoustic treatment for noise sensitive activities within the overlay.
- e. Amend the state highway noise control overlay to the modelled 100m overlay and update the associated standard requiring acoustic treatment for noise sensitive activities within the overlay, including for relocated, altered and extended buildings.
- f. Amend Note 2 (Exemptions) to include a reference to events organised by Jet Boating NZ, allow for emergency helicopters and activities at emergency service facilities, exempt audible bird scaring devices and noise from wind farms.
- g. Amend the chapter to clarify the application of the rules so it is clear that when a district wide rule applies the zone default doesn't apply.
- h. Amend NOISE-P2 to replace the requirement to 'protect' with 'not adversely affecting' the health and well-being of people and the community.
- i. Amend provisions in relation to temporary military training activities to ensure the noise from the activities are provided for in all zones not just the GRUZ and provide for noise from helicopters for limited movements.
- j. Provide for noise from helicopter take-offs and landings for limited purposes, such as maintenance and upgrade of the national grid and emergency management purposes.

358. Overall, I recommend that the provisions are amended as shown in **Appendix A** for the reasons set out in this report. The main changes recommended include:

- a. Amendments to the GRUZ, RLZ, Temporary Activity Chapter and Noise Chapter to make the provisions relating to agricultural aviation and helicopter movements more enabling. Including removing requirements relating to flight path; providing for an exemption for the activity being undertaken on the same contiguous site as the rural airstrip or helicopter landing area; and providing for aircraft and helicopter movements associated with a range of temporary activities.
- b. Including a definition of audible bird scaring device and allowing for an exemption for noise associated with these devices when used ancillary to rural production activities.
- c. Including an information only rail corridor vibration alert layer.
- d. Amending the state highway noise control overlay to incorporate the modelled overlay provided by NZTA.
- e. Update the standard relating to acoustic treatment for noise sensitive activities to reflect the specific requirements of NZTA and KiwiRail in relation to the modelled noise effects from the state highway and rail corridor.

359. I consider that the amended provisions will be efficient and effective in achieving the purpose of the RMA, the relevant objectives of the PDP and other relevant statutory documents, for the reasons set out in the Section 32AA evaluations undertaken throughout this report.

12.2 Closing Recommendation

360. The Hearing Panel accept, accept in part, or reject all submissions (and associated further submissions) as outlined in **Appendix B** of this report.

Signed:

Name and Title	Signature	Date
Victoria Woodbridge Consultant Planner		16 September 2024