

Before the Independent Hearings Panel at Gore District Council

Under

Schedule 1 of the Resource Management Act 1991

In the matter of

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

Statement of supplementary planning evidence of Victoria Woodbridge on behalf of Gore District Council for Hearing Stream 6 – Noise, Contaminated Land and Hazardous Substances

Date: 11 October 2024

Introduction:

1. My full name is Victoria Emily Jane Woodbridge. My Section 42A report sets out my qualifications and experience as an expert in planning.
2. I confirm that I am continuing to abide by the Code of Conduct for Expert Witnesses set out in the Environment Court's practice Note 2023, as applicable to this independent hearing panel.
3. I have prepared this statement of evidence to provide a response to expert evidence and statements presented in relation to Hearing Stream 6 – Noise, Contaminated Land and Hazardous Substances Chapters. This includes the evidence of:

Southland Federated Farmers (s126)

- a) Bernadette Hunt
- b) Rachel Thomas

NZTA (s112)

- a. Helen Dempster
- b. Stephen Chiles (Noise)

KiwiRail (s132)

- a. Michelle Grinlinton-Hancock
- b. Stephen Chiles (Noise)

Transpower (s101 & FS30)

- a. Ainsley McLeod

Ravensdown (s28)

- a. Carmen Taylor

4. I have also reviewed the submitter statements from Tony Michelle on behalf of The New Zealand Agricultural Aviation Association (NZAAA) (s156 & FS4) and New Zealand Helicopter Association (NZHA) (s63 & FS18).

Corrections to Section 42A reports

5. My evidence also seeks to correct the following errors within s42A report and associated appendices.
6. A correction to TEMP-R11(1)(c) is required to correctly reference NOISE-R10 which was previously NOISE-R9 as notified:

in relation to helicopters the maintenance, upgrade or installation of infrastructure associated with the National Grid where compliance with NOISE-R910(3); or

7. At paragraph 144 of my Noise Chapter s42A report I refer to 'temporary agricultural aviation' when the submitter sought inclusion of 'temporary aviation activity' and as such my response should have referenced that term and not 'temporary agricultural aviation'.
8. I have been advised by Mr Jon Styles (Acoustic Expert) that my s42A recommendation to replace NOISE-S3 with the noise provisions sought by NZTA and KiwiRail through their submissions creates a compliance issue for buildings which are required to have acoustic treatment due to their location within certain zones (refer to rule NOISE-R8).
9. I have therefore recommended to reinstate NOISE-S3 as notified, subject to amendments to bring it in line with new standard NOISE-S4. These amendments include a restricted discretionary activity status, greater clarity around mechanical ventilation requirements and an alternative option to compliance with ventilation requirements. The amended provisions are provided within Appendix 1 – Noise Chapter.

Recommendations Overview

10. My Section 42A reports for the Contaminated Land, Hazardous Substances and Noise Chapters provides an overview of issues raised in submissions and the changes recommended relating to those chapters. I do not propose to repeat those here but instead focus on responding to submitters evidence and in particular matters which remain in contention.
11. I acknowledge the support of Silver Fern Farms (s40) for the s42A report recommendations in relation to Contaminated Land, Hazardous Substances and Noise Chapters.
12. I acknowledge the support Alliance Group Limited (s121) for the s42A report recommendations in relation to Contaminated Land, Hazardous Substances and Noise Chapters.
13. I acknowledge the agreement from DOC (FS31) that final consideration of whether 'areas of indigenous biodiversity' should be part of the definition of 'sensitive environments' is deferred until hearing stream 9.
14. I acknowledge the support of Stoney Creek (s3) for the s42A report recommendations in relation to Noise Chapter and consequential recommendations for amendments to the General Rural Zone Chapter. The note regarding an update to the reference to the correct Noise rule (NOISE-R9) in GRUZ-R16 is accepted and an amendment to correct this error is proposed in Appendix 1.
15. Further recommended amendments to the Interpretation Chapter, General Rural Zone, Noise Chapter and Temporary Activities Chapter are provided in **Appendix 1** to reflect the recommendations made within this evidence.

Detailed Responses to Evidence seeking changes to s42A Recommendations

Southland Federated Farmers (s126)

16. I acknowledge the evidence of Ms Hunt and Ms Thomas on behalf of Southland Federated Farmers. I have reviewed the evidence and note the acceptance for my s42A report recommendations on their submissions relating to the following:
- a. Hazardous substances – overview which Federated Farmers sought to retain as notified (s126.064).
 - b. RLZ-R6 (s126.174) – Federated Farmers are satisfied with the amendments proposed in the s42A report.
 - c. Contiguous site – support for the new definition which will help improve clarity for plan users and enable agricultural aviation.
 - d. Note 2 – Exemptions (s126.134) – support for amendment to include an exemption from audible bird scaring devices.
 - e. NOISE-O1, NOISE-O2 and NOISE-P2 – support for the s42A assessment and recommendations.

Policy CL-P1

17. Federated Farms submission (s126.063) sought an amendment to CL-P1 to require that sites are identified in accordance with the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NESCS).
18. In my s42A report I rejected this amendment for the reasons set out in paragraphs 63-64.
19. Ms Thomas and Ms Hunt prefer the submission amendment as they consider it provides clarity for Plan users. I maintain my s42A position and reject the amendment as being unnecessary and consider that the overview makes it clear that the Chapter provisions align with the NESCS requirement thereby providing clarity for Plan users.

Noise - Definitions

20. Ms Thomas and Ms Hunt support the s42A recommendation for the inclusion of a definition for 'audible bird scaring device' and the recommendations in relation to the following definitions:
- a. Noise
 - b. Noise sensitive activity
 - c. Notional boundary

Agricultural aviation

21. Federated Farmers submitted (s126.005) on the definition of 'agricultural aviation' and sought a significant amendment to the definition. In my s42A report I rejected the submission in favour of retaining the notified definition on the basis that it was concise and effective on the basis that 'aircraft' is also defined.
22. Ms Thomas and Ms Hunt prefer the submission definition and consider that the RMA definition of 'aircraft' does not refer to unmanned aerial vehicles (UAVs) and they consider there is an opportunity to clarify this within the Plan.
23. In relation to the definition of 'aircraft' as this is an RMA definition there is no opportunity to make an amendment to that definition, however, if it is the case that agricultural aviation may be undertaken by UAVs then in the context of the definition it would be useful to include reference to those vehicles.
24. Whilst I do not accept the majority of the amendments sought by Federated Farmers and repeated by Ms Thomas and Ms Hunt in their evidence at paragraph 8, I agree that including reference to UAVs in the context of this definition is appropriate. As such I recommend the definition is amended as follows:

Agricultural Aviation means the use of aircrafts, unmanned aerial vehicles or helicopters used ancillary and in association with primary production.

Helicopter landing area

25. Federated Farmers submitted (FS17.096) in support of the submission from Stoney Creek (s3.090) to amend the definition of helicopter landing area to reference 'including temporarily'.
26. In my s42A report I rejected the submission for the reasons set out in paragraphs 61-63, the evidence provided by Ms Thomas and Ms Hunt have not convinced me to alter my position from my s42A report recommendation.
27. I am not entirely clear why the submitter, supported by Ms Thomas and Ms Hunt seeks to include the word temporary in the definition and it would be useful to understand the rationale for including it before I full respond.
28. However, I note the amendments to agricultural aviation provisions generally which I recommended in my s42A report have made helicopter use for the purposes of agricultural aviation more permissive by removing setback requirements for helicopter landing areas where the activity is undertaken on the same contiguous site as the landing area. This would allow for landings anywhere on that contiguous site without a need to meet setback requirements, these landings could be 'temporary' and therefore achieve the outcomes sought by the submitter without a need to amend the definition.

Rural airstrip

29. Federated Farmers (s126.043) sought an amendment to the definition of rural airstrip to exclude than which is primarily used for grazing but which is intermittently used as an airstrip or land area. I rejected the amendment for the reasons set out in paragraphs 66-67 of my s42A report. Reviewing the evidence from Ms Thomas and Ms Hunt I note that they consider that 'intermittently' would imply occasional use. However, I still consider this to be too subjective for a definition and could lead to disputes around interpretation and how the rules should be applied, i.e. when a strip of land is a rural airstrip or not.
30. As noted above the amendments proposed through my s42A to GRUZ-R16 and RLZ-R6 enable agricultural aviation activities where they are undertaken on the same contiguous site as the rural airstrip or helicopter landing area to be exempt from the setback standard. As such this would provide for intermittent use of a rural airstrip without a need for the definition to be amended and without undue restrictions such as setbacks.
31. In other words, I have agreed with Ms Thomas and Ms Hunt that intermittent / occasional agricultural aviation activities on rural properties should be enabled without undue control and this is articulated through amendments to GRUZ-R16 and RLZ-R6 as noted above. Therefore, in my opinion an amendment to the definition of rural airstrip is not required.

GRUZ-P7

32. Federated Farmers (s126.151) sought an amendment to GRUZ-P7 to delete reference to *"managing the noise effects through controlling the location of airstrips and scale of their use."*
33. In my s42A report I accepted in part the submission for the reasons detailed in paragraph 132.
34. The policy is enabling because there is a permitted activity pathway, however, as with many permitted activities there are performance standards to be complied with. For example, within the residential zone, residential activities are enabled but buildings are still subject to bulk and location performance standards.
35. The purpose of GRUZ-P7 is therefore to enable agricultural aviation subject to compliance with noise standards, this is articulated through the rule framework which require compliance with performance standards contained within the General Rural Zone and Noise Chapters.
36. I maintain my s42A position and do not recommend any further amendments to GRUZ-P7.

NOISE-P4

37. Federated Farmers sought an amendment to NOISE-P4 to include reference to temporary aviation activities. Ms Thomas and Ms Hunt acknowledge and accept my s42A recommendation on the basis that no definition of 'temporary aviation activities'.
38. However, Ms Thomas and Ms Hunt propose an alternative amendment as follows:

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

39. As identified in my s42A report at paragraph 142 NOISE-P4 relates to activities which are temporary, agricultural aviation is not considered to necessarily fall within the remit of 'temporary'. Any activity may be temporary but the purpose of NOISE-P4 was to specifically recognise and enable certain activities which are specifically identified as temporary in the PDP and provided for through the Temporary Activities Chapter.
40. For this reason, I do not agree with the amendment proposed by Ms Thomas and Ms Hunt and maintain my s42A position that NOISE-P4 should be retained as notified.

NOISE-R8

41. I acknowledge the support of Ms Thomas and Ms Hunt for the amendments recommended to NOISE-R8 and agree that there is a typo in NOISE-R8 (now NOISE-R9) which I recommend is corrected as follows:

2. Take off and landings do not occur for more than 315 hours in any 12 month period

NZTA (s112)

42. I acknowledge the evidence of Ms Dempster and Mr Chiles on behalf of NZTA in relation to submissions on the Noise Chapter. I have reviewed the evidence.

NOISE-R7 (renumbered to NOISE-R8)

43. Ms Dempster raises a concern that use of the word 'new' in the rule header could confuse the fact that the rule also applies to alterations and additions, she therefore recommends the amended wording sought through the NZTA submission, which was as follows:

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

44. I agree that my s42A recommended the wording could be misconstrued. I was seeking to avoid using the word 'building' twice and also to make it clear that additions or alterations would apply also to relocated buildings, however, I can appreciate the issue Ms Dempster identifies with my proposed amendment. Although I still do not favour the wording proposed by NZTA and on further review I consider that simply referring to buildings would be sufficient as this would include any new, existing or relocated building. The advice note that was sought by NZTA and recommended in my s42A report then provides clarity that in the context of this rule buildings include buildings that have been relocated onto the site.
45. I therefore recommend the following amendment (red text s42A recommendations and green text recommended in this supplementary evidence):

NOISE-R8 Construction of, additions to or alterations to ~~new and relocated~~
buildings occupied by a noise sensitive activity

NOISE-S3

46. Ms Dempster raises a concern that the 'notes' may be viewed as being advice only rather than a requirement, which should be the case. She therefore recommends that NOISE-S3 is amended to include each of the notes as a new clause which would ensure they are legally enforceable by Council.
47. I agree that note 1 could be incorporated into the rule as a condition. I have proposed an amendment in Appendix 1 – Noise Chapter.
48. However, note 2 is a direction as to when compliance is demonstrated this need not be a condition which has the potential to trigger a resource consent. Compliance with the standard would be assessed through a building consent PIM check and if compliance with the standard is not demonstrated a request would be made to provide the information, therefore note 2 simply provides advice that the information is provided at building consent stage. However, it may equally be provided as part of a resource consent if a consent is sought for a breach of this or any other standard or rule. Therefore, I recommend note 2 remain as notified.
49. Note 3 would be difficult to include as a condition as it requires ongoing compliance and therefore cannot be assessed at a single point in time i.e. through a building consent compliance check. I do not think, therefore, that it is practical to have this requirement as a condition of the standard but instead prefer that it remain a note to advise Plan users of their ongoing obligations.

KiwiRail (s132)

50. I acknowledge the evidence of Ms Grinlinton-Hancock and Mr Chiles on behalf of KiwiRail in relation to submissions on the Noise Chapter. I have reviewed the evidence.

Rail Corridor Noise Control Overlay

51. KiwiRail (s132.239) sought to increase the rail corridor Noise Control Overlay from the 70m width proposed in the PDP to a width of 100m. In my s42A report I rejected this submission for the reasons set out in paragraphs 180-189.
52. In her evidence Ms Grinlinton-Hancock provides information on the current train volumes travelling on the Main South Line through Gore District. She advises that at present there are 50 trains per week and 8 trains per day for five days of the week. It isn't made clear what times of day the trains run.
53. The evidence provided to support the submission from KiwiRail was based on 2 freight trains per hour which would be a significant increase compared to existing levels. Based on a 'day' being 24 hours the current volumes would be 0.33... trains per hour, or over a 12 hour 'day' 0.66... trains per hour.

54. Whilst I acknowledge Ms Grinlinton-Hancock's point that train volumes may increase over the 10 year life of the plan I am sceptical that they would increase to a level on which the submission evidence is based.

Vibration Alert Layer

55. Ms Grinlinton-Hancock disagrees that the vibration alert layer should sit outside the PDP maps. However, as the layer is for 'information purposes only' as requested by KiwiRail and does not have any planning provisions I consider it appropriate that it sits in an information only layer outside the PDP.
56. As noted in my s42A report this is consistent with the approach adopted in respect of the Archaeological alert layer. It also achieves the outcome KiwiRail seek which is to alert people to potential vibration effects and therefore I maintain my s42A position and recommend the layer is referenced in Part 1 – How the Plan Works but that the mapping layer sits outside the PDP maps.

NOISE-S3

57. Ms Grinlinton-Hancock considers that "the outcome of any consultation undertaken with KiwiRail" should be included as a matter of discretion to ensure that KiwiRail's views are sought on any application to infringe the noise standard. The RMA requires that adverse effects are assessed and if those adverse effects are identified as being minor or more than minor then sections 95D & 95E sets out the requirements for notification. Seeking views from any party, including KiwiRail is not an RMA requirement or an appropriate direction to include in a PDP in my view.
58. Therefore, I maintain my s42A recommendation that this submission matter is rejected on the basis that adverse effects will be assessed on a case by case basis with notification of KiwiRail required if there are deemed to be adverse effects which are minor or more than minor.
59. I acknowledged Mr Chiles' comment that matter of discretion (2) for NOISE-S3 (now proposed NOISE-S4) erroneously implies that a design that does not achieve the internal noise levels required by NOISE-Table 4 might be adequate to mitigate effects. I do not consider the matter of discretion need be deleted. I have considered and in my view the matter of discretion is appropriate to allow for a situation where acoustic treatment of the building may not be required due to other factors which allow for compliance with the required standards, for example there may be some acoustic treatment along the boundary or other means which achieves compliance. As the proposal would be in a resource consent process, evidence would need to be provided to demonstrate compliance with the standards and so the same outcomes would be achieved.
60. However, I consider that use of the word 'or' should actually be 'to' meaning that alternatives may be proposed provided they meet the standards in Table 4. The use of 'or' was in error and does change the meaning of the matter.

61. Mr Chiles considers that the notes included as part of NOISE-S3 (Now NOISE-S4) should be a mandatory part of the standard, although no reason is provided for this. However, I have addressed this matter above at paragraphs 47-49.

Transpower (s101 & FS30)

62. I have reviewed the evidence of Ainsley McLeod on behalf of Transpower and acknowledge her support for the s42A report recommendations in relation to Contaminated Land, Hazardous Substances and Noise provisions as set out in Attachment A of her evidence.
63. However, there are several matters which Ms McLeod has specifically provided evidence on which are discussed below.

Definition of Sensitive Environments

64. Transpower further submitted (FS30.51) in support of Mercury's submission (s130.007) to delete reference to 'areas of indigenous biodiversity' from the definition of 'sensitive environments'.
65. Ms McLeod supports the recommendation with the Hazardous Substances s42A report to accept the submission from Mercury, however, she notes that the definition has not been amended in Appendix A.
66. I acknowledge this omission which was due to the submission being accepted subject to a final recommendation through hearing stream 9 once consideration has been given to submissions on the Ecosystems and Indigenous Biodiversity (ECO) Chapter. Therefore, I reiterate my s42A recommendation to accept the submission to amend the definition as follows, however, this is subject to further consideration through hearing stream 9:

Means land identified with: Outstanding Natural Features and Landscapes or Significant Natural Area ~~or Areas of Indigenous Biodiversity.~~

67. However, for the sake of clarity, I have added the amended definition to Appendix 1 – Interpretation Chapter with a note to make it clear this may be subject to future consequential amendments.

NOISE-R9 (Noise from the take-off and landing of helicopters) and TEMP-R11 (helicopter movements)

68. Transpower submitted (s101.73) to provide for noise from helicopter take-offs and landings as a permitted activity where they are to and from a location adjacent to the National Grid and for the purpose of the operation, maintenance and upgrading of the National Grid.
69. In my s42A report I accepted in part the submission and recommended a new rule in the Temporary Activity Chapter to provide for those helicopter movements associated with operation, maintenance and upgrading of the National Grid subject to limits on movements which are contained in NOISE-R10(3). NOISE-R11 then permits noise from activities enabled by the new rule (TEMP-R11).

70. Ms McLeod supports the recommendation and notes that whilst a limit on movements is proposed this should be suitable for Transpower on the basis that emergency works would cover some movements. Ms McLeod does query why the movement limit is lower than that provided for Temporary Military Training Activities (TMTA). The limit for TMTA was sought by that submitter and I recognise that TEMP-R5 sets overall limits for the TMTA, therefore, TEMP-R5 anticipates the overall permitted activity would last no more than 31 days per year, TEMP-R11 applies to movements associated with TMTA and as such those movements have been considered in relation to the overall restriction on the activity.
71. It is assumed that Transpower may undertake helicopter movements at any time during the year and therefore the limit proposed by NOISE-R10(3) is considered appropriate.
72. Whilst Ms McLeod supports the inclusion of emergency works in TEMP-R11 she considers there would be merit in including a definition of 'emergency works' in the PDP. I agree that this would assist Plan users and decision makers.
73. However, I note that the PDP includes a definition for 'emergency management' as follows:

Activities required in response to a situation that:

- (a) is the result of any happening, whether natural or otherwise, including any accident, explosion, earthquake, eruption, tsunami, land movement, flood, storm, tornado, cyclone, fire, leakage or spillage of any dangerous gas or substance, technological failure, infestation, plague, epidemic, failure or disruption to any emergency service or lifeline utility, or actual or imminent attack or warlike act; and*
- (b) causes or may cause loss of life or injury or illness or distress or in any way endangers the safety of the public or property in New Zealand or any part of New Zealand. And includes the erection and use of tents or buildings in response to an emergency situation, for the purpose of temporary accommodation, shelter or facilities for:*
 - i. people required to work as part of the immediate disaster/emergency relief efforts or post disaster/emergency development team;*
 - ii. people displaced by the disaster/emergency event; and*
 - iii. disaster/emergency event management*

74. Emergency management is referred to in AIRZ-P1 which seeks to "recognise the Gore Airfield as a strategic asset in *emergency management* events".
75. In my opinion using the term 'emergency management' in relation to TEMP-R11 is more appropriate than 'emergency works' and I recommend therefore that TEMP-R11 is amended as follows:

Activity Status: permitted

Where:

1. Aircraft and helicopter movements for the purposes of:
 - a. emergency ~~works~~ management, including fire and rescue;
 - b. military or law enforcement; or

- c. in relation to helicopters the maintenance, upgrade or installation of infrastructure associated with the National Grid where 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
76. I consider this a more appropriate outcome than providing a definition of emergency works which may cross over with the definition of emergency management when the intent of both is to provide for activities associated with emergencies.

Ravensdown (s28)

77. I have reviewed the evidence of Carmen Taylor on behalf of Ravensdown and acknowledge her support for the s42A report recommendations in relation to Noise provisions as set out in paragraph 1.7(a) of her evidence.
78. However, there are several matters which Ms Taylor has specifically provided evidence on which are discussed below.

NOISE-P2

79. Ravensdown supported the policy in part (s28.005) but considered the policy wording to be inconsistent with NOISE-O2 which requires that *“Activities do not generate unreasonable noise effects which adversely affect amenity values and health and well-being of people and communities.”* Policy NOISE-P2 seeks to ensure the health and well-being of people and the community are protected by managing noise effects generated by activities, having regard to various matters.
80. Ms Taylor supports my s42A recommendation not to amend reference to ‘protected’ in NOISE-P2, however, considers there remains an inconsistency between NOISE-O2. Ms Taylor considers this inconsistency could be addressed by replacing ‘protected’ with ‘not adversely affected’ or ‘safeguarded’.
81. I don’t agree that replacing protected with ‘not adversely affected’ or ‘safeguarded’ would be appropriate for the reasons set out in my s42A report. Further, I don’t consider there to be an inconsistency between NOISE-O2, which I consider provides overarching direction. Therefore, I retain my s42A position that NOISE-P2 should be retained as notified on the basis that the protect direction is qualified by a set of criteria which are outlined in the policy (1-8).
82. I consider there is limited scope to amend NOISE-O2 based on the submissions received which were predominantly in support of retaining NOISE-O2 as notified.

NOISE-P4 and GRUZ-P7

83. I acknowledge Ms Taylor’s support for the retaining NOISE-P4 as notified and the recommended amendments to GRUZ-R7.

NOISE-R8 (now NOISE-R9), GRUZ-R16, GRUZ-S9, RLZ-R6 and RLZ-S8

84. I acknowledge Ms Taylor's support for the recommended amendments to NOISE-R8 (now NOISE-R9, GRUZ-R16, GRUZ-S9, RLZ-R6 and RLZ-S8.
85. I note the corrections to numbering and recommend the following amendments in accordance with Ms Taylor's evidence at paragraph 2.14:

Activity status where compliance is not achieved with:
NOISE-R79(1) to (4): Discretionary

Activity Status: Permitted

Where:
.....

The activity complies with NOISE-R89 (Noise from the take-off and landing of *aircraft* and helicopters used for *agricultural aviation*).

New Zealand Agricultural Aviation (s156 & FS4)

86. I have reviewed the statement provided by Tony Michelle on behalf of NZAAA.

Aircraft Hours

87. I acknowledge the point Mr Michelle makes with regard to aircraft hours vs normal hours, however, I have concerns that noise from aircraft engines which Mr Michelle states are left idling while refuelling or loading occurs could contribute to noise effects, the purpose therefore of limiting the rule to 'hours' rather than aircraft hours is to capture noise from aircraft as they land and take-off or when idling. It does not capture noise from aircraft in flight because that is outside the scope of the PDP.
88. Therefore, I consider 315 hours of take-off and landing should be sufficient, however, if Mr Michelle prefers, an alternative option would be to either consider increasing the number of hours (still referred to as hours) or provide a separate limitation on hours relating to aircraft idling prior to take-off or following landing. Mr Michelle should support any recommended amendment with evidence from a suitably qualified noise expert to understand the potential adverse effects from the level of noise which might be experienced as a result of increasing the hours.

Rural Airstrip and Helicopter Landing Setbacks

89. Mr Michelle raises concerns in relation to the rural airstrip and helicopter landing area setbacks. I have addressed this matter in my s42A report, the provisions were drafted in consultation with Styles Group who provided expert advice and supported the setback requirement. Mr Michelle has not provided any noise expert advice to support an alternative setback.

90. I note the reduced setback proposed by the reporting officer for the Timaru District Plan, however, I also note that as mentioned in my s42A report other Plans (notably the Selwyn District Plan) have a larger setback.
91. Mr Michelle has identified a number of other district plans which do not include setback requirements for agricultural aviation, I have not had time to review all these plans, however, I note that of the list Mr Michelle provided both Selwyn District Plan and Hawkes Bay Central District Plan do include setback requirements as follows:
- a. Selwyn District Plan requires (at GRUZ-REQ12) that helicopter landing areas are setback 500m from any notional boundary of any sensitive activity, any building platform with building consent, or proposed building platform subject to an application for consent lodged prior to the date of the application that triggers this rule, for any sensitive activity not located on the same site in the Rural Zone and 50m from a State Highway.
 - b. Central Hawkes Bay (GRUZ-R5) requires that helicopter landing areas are located 500m from the notional boundary of any building associated with an existing or consented noise sensitive activity not located on the same site and 50m from a State Highway.
92. As no evidence has been provided from a suitably qualified noise expert and considering the potential for noise effects, I maintain my s42A position that the setback is appropriate. However, I would point out that the amendments I have recommended in my s42A to GRUZ-R16 and RLZ-R6 report mean that no setback is required if the take-off and landings are associated with an activity on the same contiguous site, meaning farmers seeking to undertake agricultural aviation for the purpose of maintaining their own farm will not be required to have their rural airstrip or helicopter landing area setback as per the rule requirements.
93. If people are undertaking agricultural aviation activities to serve multiple properties and propose a new airstrip or landing area less than the setback then resource consent can be sought and the noise effects assessed through that process.
94. Mr Michelle has identified a number of existing airstrips and helicopter landing areas which would not be compliant with the requirements, however, as he correctly identifies existing use rights would be applicable to areas. I acknowledge that if not used for 12 months then existing use rights would be lost, however, Mr Michelle has not considered the exemption provided for within the s42A recommendations relating to agricultural aviation undertaken on the same contiguous site as the take-off and landing area.
95. Given the setbacks have been informed by expert acoustic advice and Mr Michelle has not provided any such advice, in order to ensure provisions align with the objectives and policies in the Noise Chapter and to manage the adverse effects of noise I do not recommend any further amendments to the Noise, General Rural Zone or Rural Lifestyle Zone Chapters.

New Zealand Helicopter ((s63 & FS18)

96. I have reviewed Mr Michelle's statement on behalf of NZHA.
97. Mr Michelle raises concerns around the justification for the limit on the number of movements contained in Rule NOISE-R10 (previously NOISE-R9) and considers these too stringent and seeks that these are deleted.
98. These provisions were recommended by Styles Group based on their expert experience in assessing noise effects. NZHA have not provided any expert evidence to justify an alternative number of movements. My Michelle appears to be seeking to allow for a wide range of helicopter activities which he refers to as temporary commercial helicopter activities without any limitations. Mr Styles has advised in his technical report that helicopter noise can become a nuisance¹ and I agree that it is appropriate to manage potential nuisance effects from helicopter noise in the district plan.
99. I note a range of approaches in other district plans to managing the noise from helicopters, however, in the PDP we have sought to provide a clear permitted pathway to avoid any confusion or dispute about what is enabled and what is not, which is something I have experienced in other district plans where there are no provisions provided.
100. Instead of the restrictions on the number of movements Mr Michelle recommends that the following is included in NOISE-R10 (previously NOISE-R9):

"The helicopter landing area is not used on a regular basis as a depot or base for commercial aviation activity"

101. I do not agree with this amendment as it would be unclear for Plan users and decision makers what 'regular basis' might entail and trying to interpret this is likely to lead to confusion and disputes. A limit on movements is a clearer and more easily enforceable mechanism. Further, it is not clear what commercial aviation activity is as this is not defined in the PDP.
102. If Mr Michelle is able to provide evidence from a suitably qualified Noise Expert to consider noise effects from a greater number of movements then this could be considered as an alternative. However, as no such evidence has been provided to date, I prefer the evidence of Mr Styles given his expertise in the area of noise management.

TEMP-R11

103. Mr Michelle notes that NZHA sought helicopters are provided for as a permitted activity in TEMP-R1 and exempt from NOISE-R9(3) (now NOISE-R10(3)). I rejected this submission for the reasons set out in my s42A report at paragraphs 156-159.

¹ Styles Group Noise Chapter Review, Gore District Plan Review, Section 4.12.1.1 page 38.

104. Mr Michelle has provided the following list of activities which would be temporary commercial helicopter activity, although I note this is not an exhaustive list and therefore it seems that temporary commercial helicopter activity could be very broad:

Temporary commercial helicopter activities are intermittent activities that are of limited duration including but not limited to:

- Infrastructure repairs and development
- Construction
- Aerial spotting
- Asset management
- Disaster relief work (when State emergency has ended)
- Flight training
- Science and research
- Surveillance
- Survey operations
- Infrequent transportation of people

105. Mr Michelle notes that there would need to be related definitions but has not provided definitions for any of the above. I consider some of these terms would be problematic to define and may have potential implications for other provisions across the PDP. In my view the above list is far too broad and has the potential to result in adverse noise effects unless there are controls on noise from those activities.

106. It is worth noting, however, that there are no restrictions on helicopter activities taking-off or landing within the Airport Zone or the Mandeville Aviation and Rail Precinct² and therefore any helicopter base which established in the Airport Zone could undertake any of the above without limits. The intention of the PDP is to direct helicopter activities to the Airport Zone or allow for them on a limited basis in other zones (hence the restrictions in NOISE-R10 and the setback requirements in the General Rural and Rural Lifestyle Zones). If it was proposed to establish a helicopter base in another zone or undertake more movements than provided for in NOISE-R10 then resource consent could be sought and a noise assessment considered.

107. Overall, I consider the PDP provisions as amended through my s42A report remain appropriate as I consider noise from helicopters should be managed through the PDP, noting that there is unrestricted ability for take-off and landings from helicopters within the Airport Zone.

108. Mr Michelle considers that the reference in TEMP-R11 of emergency works is too limiting, I have addressed the use of the word 'emergency works' in relation to TEMP-R11 at paragraphs 74-76 of this evidence and recommended this is amended to 'emergency management' which is defined in the PDP and would allow for a wider range of emergency related matters. I consider this also addresses the concern raised by Mr Michelle.

² Refer to Note 2, point 6 "Overflying aircraft and noise from aircraft taking-off and landing in the Airport Zone and Mandeville Aviation and Rail Precinct."

Section 32AA Evaluation

109. A s32AA evaluation is required for the amendment to definition of agricultural aviation and in relation to the amendments to NOISE-S3 and NOISE-S4. No s32AA is considered necessary for correcting errors in relation to numbering as these are technical corrections

Definition of agricultural aviation and Amendment to TEMP-R11

110. The amendment to 'emergency works' to 'emergency management' in TEMP-R11 and the amendment to the definition of agricultural aviation are considered to be minor technical changes. These amendments primarily focus on enhancing the clarity and comprehensibility of the existing recommended provisions. The amendments do not significantly alter the intent of the existing provision framework. Instead, they seek to clarify existing rules and requirements, making it easier for decision makers and plan users to understand and implement them. The changes do not have any substantive impacts on the environment, social or economic conditions, or community well-being.

Amendment to NOISE-S3

111. Amending NOISE-S3 to a restricted discretionary activity aligns with the pathway sought by NZTA and KiwiRail in their submission and provides an efficient and effective consenting pathway because the matters are relatively confined which provides greater certainty for Plan users.
112. There would be no increased costs from the amendment, however, there would be benefits due to the certainty and restricted matters of discretion. The changes do not have any substantive impacts on the environment, social or economic conditions, or community well-being.
113. Overall, the amendment is considered to be more appropriate to achieving the objectives.