



IN THE MATTER AND IN THE MATTER

of the Resource Management Act
1991

AND

IN THE MATTER

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

Minute 24 of the Hearings Panel

**Additional Information Required
Noise Chapter**

31 October 2024

MINUTE OF THE HEARINGS PANEL

- 1 The hearing to consider submissions to the Noise chapter of the Proposed District Plan was held on 14 October 2024. The Hearings Panel received a Section 42A Report from Victoria Woodbridge, together with written material and oral presentations from various submitters.
- 2 The Hearings Panel wishes to receive additional feedback and advice from the Council advisers, KiwiRail and NZ Helicopter Assn as set out below.
- 3 Please note, with staff changes at the Council, feedback is to be sent to Bridget Sim at bsim@goredc.govt.nz and Shakaya Perkins at sperkins@goredc.govt.nz. Any telephone inquiries regarding this Minute should be directed to the Planning Department of the Gore District Council phone (03) 209 0330.
- 4 Standard S3 Acoustic Treatment for noise sensitive activities; and Recommended Standard S4 Acoustic Treatment for noise sensitive activities within the railway corridor and state highway noise control overlays

- (a) Victoria Woodbridge in her Supplementary Evidence recommends changes to Standard S3 and inclusion of a new standard NOISE-S4 in the PDP which in effect require internal noise levels referred to in the Standards to be met for any new building, and alterations or additions to any existing building, including relocated buildings, which will be occupied by a noise sensitive activity.

The Hearings Panel has concerns that as worded, alterations or additions to a dwelling (or other buildings used for noise sensitive activity) that have no direct impact on a habitable room (for example, renovating a kitchen, adding toilet facilities, or extending a deck) would trigger compliance with the standards throughout the building.

The Hearings Panel understands the purpose of the Standards for new buildings used for noise sensitive activities. For clarity, it requests Victoria Woodbridge by **21 November 2024** to provide a redrafting of the rule so that for existing buildings the Standards are only triggered when an existing or proposed habitable room is directly affected by the alterations or additions, and compliance with the Standards is only required in those rooms.

- (b) Both Standards S3 and S4 include Notes. The Hearings Panel requests advice from the Council's legal adviser by **28 November** as to the status of the Notes, and comment from a legal perspective on the request in submission S112.113 NZ Transport Agency to include the Notes as part of the Rule.

The Hearings Panel queries whether both Note 2 and clause (f) are required. Note 2 refers to a statement being submitted at the time of Building Consent, while clause (f) refers to submitting a statement prior to occupation of the building. In addition, an existing building will already be occupied, so is the trigger point in (f) appropriate?

The Government has also indicated a move to self-certification of some building works. The Hearings Panel queries whether linking to a Building Consent process is appropriate.

At the hearing, legal counsel for KiwiRail was invited to also comment on this matter, and that invitation still applies within the 28 November 2024 timeframe.

- (c) Also at the hearing, there was discussion with KiwiRail, regarding the following provision:

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.

The Hearings Panel envisages some confusion arising from the wording, particularly in the area between 40m and 48m from the railway network given 40 is not a multiple of 12. The Hearings Panel requests KiwiRail by **21 November 2024** to give consideration to drafting and submitting a table showing distance and assumed noise level.

5 KiwiRail Feedback on Supplementary Evidence

Following the receipt of expert evidence from submitters, Victoria Woodbridge prepared a statement of Supplementary Evidence that was not circulated to the relevant submitters prior to the hearing. At the hearing Michelle Grinlinton-Hancock requested the opportunity to provide feedback on the Supplementary Evidence as it related to the submissions and evidence prepared on behalf of KiwiRail. The Hearings Panel agreed to that request at the hearing and directs that any feedback be provided by **21 November 2024**.

6 Submission S63.011 NZ Helicopter Assn – Rule NOISE-R9

Rule NOISE-R9 provides for noise from the take-off and landing of helicopters (Other than for agricultural aviation) as a permitted activity subject to conditions. Condition 3 limits the number of movements from a helicopter landing area by the day (2), week (4) and month (10). Submission S63.011 NZ Helicopter Assn seeks deletion of that condition.

At the hearing, there was a useful discussion between the Hearings Panel, Tony Michelle representing the NZ Helicopter Assn, Victoria Woodbridge author of the S42A Report and Jon Styles, Acoustics & Vibration Consultant, adviser to the Hearings Panel. In the context of Rule NOISE-R9 as notified, this discussion highlighted the potential to adopt a refined approach to that in the rule in managing the take-off and landing of helicopters, other than for agricultural and construction purposes.

Victoria Woodbridge is to submit a further report by **21 November 2024** prepared in consultation with Jon Styles and Tony Michelle regarding the potential for a rule that differentiates, and exempts, use of areas for “infrequent” helicopter activity, from areas that experience “frequent” activity (including areas set aside for passenger pick-up and drop-off whether regular or irregular, and areas used as a base by the helicopter operator). If appropriate, the report is to include an analysis under RMA section 32AA.

The Hearings Panel has yet to reach a view on an appropriate outcome to the submissions to this rule and an agreed response to this request may provide a further option for consideration.

If the NZ Helicopter Assn disagrees with the content of the report, then the Hearings Panel is to be advised of this in writing by **28 November 2024**.

7 Submission S147.016 NZ Defence Force – Rule NOISE-R6

At paragraph 79 of her S42A Report, Victoria Woodbridge invited NZ Defence Force to submit a Restricted Discretionary rule for consideration. That was done by way of

a letter to the Hearings Panel dated 14 October 2024. The Hearings Panel, prior to making a decision on this submission, wishes to provide an opportunity to Victoria Woodbridge prior to **21 November 2024** to comment on the suitability of the draft submitted.

- 8 As noted above, any responses or queries regarding this Minute, should be directed to the Planning Department of the Gore District Council, phone (03) 2090330 or email Bridget Sim at bsim@goredc.govt.nz and Shakaya Perkins at sperkins@goredc.govt.nz.



Keith Hovell
Chair, District Plan Hearing Panel
Under delegated authority