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

---

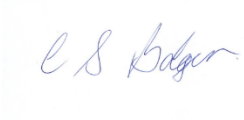
Gore District Plan - Decisions on Submissions

Topic 34: Noise

Hearings Panel Members

Keith Hovell

Glenys Dickson



Cliff Bolger

Date of Hearing
14 October 2024

Index

Page

1. Introduction

1.1 Scope of this Decision 1
1.2 Abbreviations 1
1.3 Statutory Considerations 2
1.4 Procedural Matters 2

2. The Hearings and Hearings Panel Minutes

2.1 The Noise Chapter Hearing 2
2.2 Minute 24 3
2.3 Minute 32 4
2.4 Other Relevant Hearings 4

3. Interpretation

3.1 Agricultural Aviation Activity 4
3.2 Construction Activity 5
3.3 Habitable Room 6
3.4 Helicopter Landing Area 6
3.5 Noise 7
3.6 Noise Sensitive Activity 7
3.7 Notional Boundary 8
3.8 Rural Airstrips 8
3.9 New Definitions Sought 9

4. Noise Chapter General, Objectives and Policies

4.1 Stand Alone Supporting Submissions 10
4.2 General Submissions 11
4.3 Objective NOISE-O2 12
4.4 Policy NOISE-P2 12
4.5 Policy NOISE-P3 13
4.6 Policy NOISE-P4 14
4.7 Notes 14

5. Noise Chapter Rules and Standards

5.1 Rule NOISE-R1 18
5.2 Rule NOISE-R2 18
5.3 Rule NOISE-R4 19

5.4 Rule NOISE-R6 20
5.5 Rule NOISE-R7 20
5.6 Rule NOISE-R8 22
5.7 Rule NOISE-R9 26
5.8 Standard NOISE-S1 31
5.9 Standard NOISE-S3 31
5.10 Additional Provisions Sought 32
5.11 Noise Maps 37

6. Noise Provisions in General Rural Zone

6.1 Policy GRUZ-P7 40
6.2 Rule GRUZ-R16 41
6.3 Standard GRUZ-S9 43

7. Noise Provisions in Rural Lifestyle Zone

7.1 Rule RLZ-R6 44
7.2 Standard RLZ-S8 44

8. Noise Provisions in Temporary Activities Chapter

8.1 Rule TEMP-R11 45

9. Other Matters

9.1 District Wide Submissions 45

Appendix A. Submissions (attached as a separate document)

Appendix B. Plan Chapter (attached as a separate document)

1 Introduction

1.1 Scope of this Decision

1.1.1 This document details the evaluation and decisions of the Hearings Panel on the submissions and evidence considered in relation to the Noise chapter and also to the noise provisions in the General Rural Zone, Rural Lifestyle Zone and Temporary Activities Chapter. The Hearings Commissioners comprising the panel for this hearing were Commissioners Cliff Bolger, Keith Hovell and Glenys Dickson.

1.1.2 This Decision focuses on the key issues in contention. Where there is no contention, such as submitter support for certain provisions, or minor matters where proposed changes are recommended in response to submissions, the Panel has adopted the recommendations, and the underlying evaluation contained in the s42A Report prepared by Victoria Woodbridge.

1.1.3 Attached is the updated provisions for the Noise chapter, referencing changes authorised by this and other Decisions of the Panel. Changes made in response to submissions are shown in normal black font, with text either underlined for additions or as ~~strikethrough~~ for deletions. A reference is also provided of the decision and paragraph number giving rise to the changes in response to submissions. Amendments made to the PDP pursuant to clause 16(2) are shown in the updated District Plan chapters in a green font. Shown in a red font are consequential numbering changes arising from provisions being added or deleted.

1.1.4 Appendix A lists the submissions considered in this decision and their outcome, described as accepted, accepted in part or rejected. For convenience, the Panel has chosen to make decisions on original submissions only. By implication, but not explicitly, it has also made decisions in relation to further submissions.

1.1.5 Attention is also drawn to Decision 2, Whole of Plan and Repeated Submissions that responds to submissions lodged to the District Plan as a whole, together with those lodged to multiple zones and/or chapters in the PDP. In some cases, these submissions may result in amendments to this chapter as well. Any such changes are annotated as a footnote in the updated provisions.

1.2 Abbreviations

1.2.1 In preparing this decision the Panel has used the following abbreviations:

Full Text	Abbreviation
Clause 16(2) of the First Schedule of the RMA	cl 16(2)
Fire and Emergency NZ	FENZ
Gore District Plan	Plan
Hearings Panel	Panel
Hokonui Rūnanga Incorporated	Hokonui Rūnanga
KiwiRail Holdings Ltd	KiwiRail
NZ Agricultural Aviation Association	NZAAA
NZ Helicopter Association	NZHA
NZ Transport Agency Waka Kotahi	NZTA
Proposed Gore District Plan	Proposed Plan or PDP
Report prepared under RMA section 42A	s42A Report
Resource Management Act 1991	RMA
RMA section	s
Southland Federated Farmers of NZ	Federated Farmers
Transpower NZ Ltd	Transpower

1.3 Statutory Considerations

1.3.1 The Panel's Decision1 Preliminary Matters and Statutory Requirements Relevant to Decisions sets out the legal framework and requirements for preparing a District Plan, as well as case law referred to in legal submissions and evidence provided to the Panel. This framework is not repeated in this Decision. Rather, this Decision should be read in conjunction with Decision1.

1.3.2 In s42A reports to the Panel, the authors are required to consider any alternative provisions put forward in the context of s32, and when changes are recommended, a further assessment under s32AA is provided if the change is a material departure from what was notified. That same obligation to make a further assessment under s32AA also applies to the Panel if it decides to make changes to the Plan in response to submissions which materially depart from the notified version.

1.3.3 Through Minute 5, the Panel requested submitters seeking changes to District Plan provisions to have regard to the s32 provisions and provide material to the Panel that would facilitate any additional s32AA assessment required if it was of a mind to accept the changes they sought.

1.3.4 Where the Panel has made amendments to the Proposed Plan that are consistent with the recommendations contained within the s42A Reports and associated evidence the Panel has adopted the s32AA analysis contained within those reports and evidence, unless expressly stated otherwise. Those reports are part of the public record and are available on the Council's website.

1.3.5 Where the Panel has made amendments to the Proposed Plan that are not contained within the s42A Report, or which were not subject to a s32AA assessment provided by submitters, the Panel has undertaken the required s32AA analysis and has incorporated it into the body of the decision, with the required assessment forming part of the evaluation. The Panel is satisfied that the required substantive assessment has been undertaken where required.

1.4 Procedural matters

1.4.1 There were no pre-hearing meetings or meetings undertaken in accordance with clause 8AA of Schedule 1, on the submissions relating to this Decision.

1.4.2 No member of the Panel identified any conflicts of interest.

1.4.3 No procedural matters were raised at the hearings with regard to the Public Access chapter.

1.4.4 No matters of trade competition were raised.

2 The Hearings and Hearings Panel Minutes

2.1 The Noise Chapter Hearing

2.1.1 The hearing in relation to this topic was held on 14 October 2024 at the Gore District Council administration building, in Gore. Submissions with regard to the Noise chapter were heard together with the Public Access, Hazardous Substances, Subdivision and Contaminated Land chapters.

2.1.2 Prior to the hearing, the Panel received a s42A Report from Victoria Woodbridge that considered all submissions lodged to the Noise chapter and relevant definitions. Attached to that report was an assessment of the submissions lodged by NZTA and KiwiRail undertaken by Jon Styles, an acoustics consultant.

2.1.3 At the commencement of the hearing, the Panel received supplementary evidence from Victoria Woodbridge responding to matters raised in the evidence and additional information received by the Panel. The Panel sought clarification from her regarding matters contained in her s42A Report and supplementary evidence at various times during the hearing, and also from Jon Styles.

2.1.4 Submitters who appeared at the hearing are shown in Table 2.

No.	Submitter	Attendees	Nature of Evidence
	NZ Transport Agency	Helen Dempster Stephen Chiles	Video Link Video Link
	KiwiRail	Kristen Gunnell Michelle Grinlinton-Hancock Stephen Chiles	Video Link Video Link Video Link
S101	Transpower	Ainsley McLeod	Video Link
S156	NZ Agricultural Aviation Assoc	Tony Michelle	In Person
S63	NZ Helicopter Assn	Tony Michelle	In Person
S64	Jet Boating NZ	Eddie McKenzie	In Person
S126	Southland Federated Farmers	Rachel Thomas	Video Link

2.1.5 Submitters who submitted further information for the Panel to consider were:

- Ravensdown Ltd (S28)
- Alliance Group Ltd (S121)
- NZ Defence Force (S147)

2.2 Minute 24

2.2.1 Following the hearing, the Panel on 31 October 2024 issued Minute 24 seeking additional information and advice with regard to:

(a) Standard S3 Acoustic Treatment for noise sensitive activities; and Recommended Standard S4 Acoustic Treatment for noise sensitive activities within the rail corridor and state highway noise control overlays, including the legal status of Notes included in the Standards.

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

(c) Rule NOISE-R6 Noise from temporary military training and emergency services training activities involving live firing, firing of blank ammunition, and/or the use of explosives

2.2.2 The Minute also provided, in response to a request made at the hearing, for KiwiRail to provide a written response to the supplementary evidence prepared by Victoria Woodbridge that was not made available to KiwiRail prior to the hearing.

2.2.3 In response to the Minute, the Panel received:

(a) A document entitled “Hearing Stream 6 Reporting Officer Right of Reply of Victoria Woodbridge on behalf of Gore District Council” dated 21 November 2024 that responded to matters (a) and (c) above.

(b) A “Memorandum Of Counsel On Behalf Of KiwiRail Holdings Limited” dated 21 November 2024.

(c) A “Memorandum of counsel on advice notes following hearing of Noise Chapter” from Shelley Chadwick, Anderson Lloyd, dated 5 December 2024.

(d) A document entitled "Second Reporting Officer Right of Reply of Victoria Woodbridge on behalf of Gore District Council" dated 28 November 2024 that responded to the KiwiRail memorandum.

2.3 Minute 32

2.3.1 The document referred to in (d) above contained statements from Tony Michelle on behalf of the NZ Helicopter Association and from Victoria Woodbridge, author of the s42A Report. The Panel, in Minute 34 dated 11 December 2024 sought clarification as to the intent of several changes recommended to the noise rules and standards as they related to noise from aircraft both in the Noise Chapter and Temporary Activities chapter and to helicopters associated with construction work.

2.3.2 In response to the Minute, the Panel received:

(a) A document entitled "Response to Minute 32 – Aircraft and Helicopter Movements" from Victoria Woodbridge on behalf of Gore District Council dated 05 February 2025.

(b) A statement from Tony Michelle, on behalf of NZHA and NZAAA commenting on the matters contained in the response from Victoria Woodbridge.

2.4 Other Relevant Hearings

2.4.1 Submissions related to noise issues considered in this decision have also been lodged to the spatial zones, in particular to the Rural, Mixed Use, Town Centre and Local Centre Zones. The relevant submitters have all participated in the Noise chapter hearing. However, where they have submitted material to these other hearings that material is also being considered in this Decision.

2.4.2 Decision 2 lists the submissions lodged to the Whole of the Plan. Submission S139.040 Hokonui Rūnanga Inc raises issues relevant to this decision and in that regard, relevant evidence was received by the Panel during the hearings to consider submissions to the Mana Whenua and Sites of Significance to Māori chapters from:

- Courtney Bennett for the Gore District Council
- Amy Beran for Hokonui Rūnanga

2.4.3 The Panel received evidence in HS3 on 22 July 2024, HS8 on 5 December 2024 and HS9A on 19 February 2025 from Courtney Bennett and Amy Beran, which included recommendations on provisions in the CCZ that manage effects on Ngāi Tahu cultural values. For provisions where there were no matters in contention or further recommendations arising from evidence received in HS8 or HS9A, these are not discussed further in this decision. Otherwise, discussion the evidence is included in this decision in relation to particular provisions of the chapter.

2.4.3 All written material received by the Panel is available on the Council's web site.

3 Interpretation

3.1 Interpretation: Agricultural Aviation Activity

Submitter (S) Further Submitter (FS)	Decision Requested
S3.081 Stoney Creek Station Ltd S113.081 Trudy Bokser S116.081 Nathan Bokser S118.081 AW+ JA Johnston Family Trust S127.117 Peters Farm Ltd Karen Peters	Retain 'agricultural aviation activity' definition as drafted.

S18.083 Reaby Downs Farm Ltd S19.083 Karen Temple S20.083 Sarah and Peter Barclay S24.083 Helen McIntosh S68.085 John Baynes S117.081 Greg Bokser S87.014 Ballance Agri-Nutrients S156.019 NZ Agricultural Aviation Assn S28.002 Ravensdown Ltd	
FS18.5, FS18.6, FS18.7 NZ Helicopter Assn	*Allow S156.019 NZ Agricultural Aviation Assn, S28.002 Ravensdown Ltd*
S126.005 Southland Federated Farmers of NZ S115.006 Kevin Robertson S143.017 Rural Ratepayers Group S148.018 Alistair & Bernadette Hunt S60.008 Ronald Crispin S68.126 John Baynes	- ~~means the use of aircrafts or helicopters used ancillary and in Assn 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

3.1.1 A number of submitters support the definition of 'agricultural aviation activity'. As a minor change has been made to the provision these submissions are acknowledged and accepted in part.

3.1.2 Federated Farmers and others seek changes to the definition. In her s42A report, Victoria Woodbridge recommended rejecting the submissions on the basis that it was not concise, and 'aircraft' is also defined. Rachel Thomas in her evidence noted the definition of 'aircraft' does not refer to unmanned aerial vehicles (UAVs). In her supplementary evidence, Victoria Woodbridge noted the definition of 'aircraft' in the PDP comes from the RMA and cannot be changed. She did however accept the definition of agricultural aviation should refer to UAVs. A revised definition was accepted by Rachel Thomas at the hearing and given the level of agreement this has been adopted by the Panel.

3.1.3 Submissions S126.005 Southland Federated Farmers of NZ and others are accepted in part by amending the definition of Agricultural aviation activity as follows:

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

3.2 Interpretation: Construction Activity

Submitter (S)	Decision Requested
S132.004 KiwiRail Holdings Ltd	Amend 'construction activity' definition: 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

3.2.1 The Panel agrees with Victoria Woodbridge at paragraphs 219 and 220 of her s42A Report where she notes listing individual components of the rail network is unnecessary as a generic term "rail" is used in the same way reference is made to "road". Further, Victoria Woodbridge advised the definition of construction activity aligns with the definition of construction work in the New Zealand Standard NZS6803:1999 Construction Noise.

3.2.2 KiwiRail in evidence did not respond to the s42A report on this issue. Accordingly, submission S132.004 KiwiRail Holdings Ltd is rejected.

3.3 Interpretation: Habitable Room

Submitter (S)	Decision Requested
S125.002 Ministry of Education	Retain habitable room definition as proposed.

3.3.1 The submitter supports the definition. There were no opposing submissions or submissions seeking change to the provision, so this submission is acknowledged and accepted.

3.4 Interpretation: Helicopter Landing Area

Submitter (S) Further Submitter (FS)	Decision Requested
S3.090 Stoney Creek Station Ltd S113.090 Trudy Bokser S116.090 Nathan Bokser S118.090 AW+ JA Johnston Family Trust S127.126 Peters Farm Ltd Karen Peters S18.092 Reaby Downs Farm Ltd S19.092 Karen Temple S20.092 Sarah and Peter Barclay S24.092 Helen McIntosh S68.094 John Baynes S117.090 Greg Bokser	Amend the definition for helicopter landing areas to read: 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
FS18.29, FS18.32 NZ Helicopter Assn	*Disallow S3.090 Stoney Creek Station Ltd*
FS17.096 Federated Farmers	*Allow S3.090 Stoney Creek Station Ltd*
S63.004 NZ Helicopter Assn	Helicopter landing area should have the words **'**for non-temporary or infrequent operations**'** added. Commercial Aviation Operators often require a temporary helicopter landing site which may require many movements in a day but that site may not be used again for an extended period of time
FS4.80 NZ Agricultural Aviation Assn	*Allow S63.004 NZ Helicopter Assn*
FS18.8 NZ, FS18.31NZ Helicopter Assn	*Allow S63.004 NZ Helicopter Assn, Allow S63.004 NZ Helicopter Assn in part*

3.4.1 The Panel agrees with Victoria Woodbridge at paragraph 61 of her s42A Report where she advises that inclusion of the word “temporary” in the definition would result in temporary use of a site being subject to rules in the Noise chapter that may result in the need for obtaining a consent. It was also her view that ‘wholly or partly’ captures areas of temporary use.

3.4.2 Rachel Thomas, on behalf of Federated Farmers, in her evidence disagreed with the s42A Report, suggesting if the intention is to include temporary use then it should be clarified in the Plan, as opposed to the ambiguous wording of ‘wholly or partly’. She sought amending the definition as follows:

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

3.4.3 The Panel does not agree with Victoria Woodbridge that “wholly or partly” relates to a length or time, rather in the context of the definition it encompasses the spatial area used for the activity, including sole use as a landing area or shared use with another activity. Having reviewed the rules applying to helicopter landing areas, as modified by decisions on submissions, the Panel concludes that the availability of use of a helicopter landing area whether temporary or permanently should be determined by the rules, and not the definition and the definition should be retained as notified. Accordingly, submissions S3.090 Stoney Creek Station Ltd and others is rejected.

3.4.5 With regard to submission S63.004 NZ Helicopter Assn, the Panel agrees with Victoria Woodbridge at paragraph 61 of her s42A Report where she expresses uncertainty as to the intent of the submission. As noted above, the Panel concludes that the availability

of use of a helicopter landing area whether temporary or permanently should be determined by the rules, and not the definition. Accordingly, submission S63.004 NZ Helicopter Assn is also rejected.

3.5 Interpretation: Noise

Submitter (S)	Decision Requested
S126.034 Southland Federated Farmers of NZ S115.035 Kevin Robertson S143.046 Rural Ratepayers Group S148.047 Alistair & Bernadette Hunt S60.037 Ronald Crispin S68.155 John Baynes	Retain noise definition as notified

3.5.1 The submitters support the definition. There were no opposing submissions or submissions seeking change to the provision, so these submissions are acknowledged and accepted.

3.6 Interpretation: Noise Sensitive Activity

Submitter (S) Further Submitter (FS)	Decision Requested
S121.010 Alliance Group Ltd S125.003 Ministry of Education S40.008 Silver Fern Farms S126.035 Southland Federated Farmers of NZ S115.036 Kevin Robertson S143.047 Rural Ratepayers Group S148.048 Alistair & Bernadette Hunt S60.038 Ronald Crispin S68.156 John Baynes	Retain noise sensitive activity definition as notified
S112.006 Waka Kotahi NZ Transport Agency	Amend as follows, or use words of similar intent: Noise sensitive activity means any: (c) residential activity.**,** <u>including student or retirement accommodation.</u>… <u>Excludes those rooms used solely for the purposes of an entrance, passageway, toilet, bathroom, laundry, garage or storeroom.</u>
FS19.1 NZ Defence Force *FS28.003 Kainga Ora*	*Allow S112.006 Waka Kotahi NZ Transport Agency*
FS29.005 Silver Fern Farms Ltd	Disallow S112.006 Waka Kotahi NZ Transport Agency
S132.009 KiwiRail Holdings Ltd	Noise sensitive activity means any <u>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.</u> ~~(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 or worship. (f) Marae or Papatipu Runanga complex (g) Grave or urupa~~
FS29.006 Silver Fern Farms Ltd	Disallow S132.009 KiwiRail Holdings Ltd

3.6.1 The Panel agrees with Victoria Woodbridge at paragraphs 225 - 227 of her s42A Report where she advises in response to NZTA, that reference to student or retirement accommodation is not required because they are a subset of residential activity, and that the rule structure achieves the additional exclusion sought by NZTA.

3.6.2 Similarly, the Panel agrees with Victoria Woodbridge at paragraph 229 of her s42A Report that the changes sought by KiwiRail are neutral in effect from what is proposed in the notified Plan. Neither submitter expanded on these issues at the hearing.

Accordingly, submissions S112.006 Waka Kotahi NZ Transport Agency and S132.009 KiwiRail Holdings Ltd are rejected.

3.6.3 Various submitters support the definition. As it remains unchanged, those submissions are acknowledged and accepted.

3.7 Interpretation: Notional Boundary

Submitter (S)	Decision Requested
S121.011 Alliance Group Ltd S40.009 Silver Fern Farms S126.036 Southland Federated Farmers of NZ S115.037 Kevin Robertson S143.048 Rural Ratepayers Group S148.049 Alistair & Bernadette Hunt S60.039 Ronald Crispin S68.157 John Baynes	Retain notional boundary definition as notified

3.7.1 The submitters support the definition. There were no opposing submissions or submissions seeking change to the provision, so these submissions are acknowledged and accepted.

3.8 Interpretation: Rural Airstrips

Submitter (S)	Decision Requested
S3.100 Stoney Creek Station Ltd S113.100 Trudy Bokser S116.100 Nathan Bokser S118.100 AW+ JA Johnston Family Trust S127.136 Peters Farm Ltd Karen Peters S18.102 Reaby Downs Farm Ltd S19.102 Karen Temple S20.102 Sarah and Peter Barclay S24.102 Helen McIntosh S68.104 John Baynes S117.100 Greg Bokser	Retain 'rural airstrip' definition as notified.
S126.043 Southland Federated Farmers of NZ S115.044 Kevin Robertson S143.055 Rural Ratepayers Group S148.056 Alistair & Bernadette Hunt S60.046 Ronald Crispin S68.164 John Baynes	Amend rural airstrip definition and make any necessary consequential amendments: 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. <u>This does not include land which is primarily used for grazing but intermittently as an airstrip or land area.</u>

3.8.1 The use of aircraft as part of agricultural operations was a key issue at the hearing. The Panel is swayed by the evidence received from farmers, aircraft and helicopter operators, and interest groups, and through a series of responses to submissions in this Decision has provided for aircraft operations associated with agriculture as a permitted activity. The Panel anticipates that by itself achieves the outcome sought by Federated Famers and others in the submissions above.

3.8.2 The Panel does not consider it good practice to include what is in effect a rule as part of the definition. Any qualifications or exemptions should be provided through the rules and standards, not as part of the definition. Accordingly, submissions S126.043 Southland Federated Farmers of NZ and others are rejected.

3.8.2 Various submitters support the definition. These submissions are acknowledged and accepted.

3.9 Interpretation: New Definitions Sought

Submitter (S)	Decision Requested
S132.013 KiwiRail Holdings Ltd	New Definition: 'Vibration Alert Overlay' means the area potentially affected by vibration between a railway corridor boundary and a distance of 60m.

3.9.1 In response to submission S132.240 by KiwiRail, at paragraphs 5.11.3 to 5.11.8 of this Decision, the Panel has rejected a request to include a Vibration Alert Overlay into the District Plan. It has however included additional text referring to vibration in proximity to the rail line from passing trains. As a consequence, and as a corollary to that decision, a definition is not required and this submission is rejected. Even if a vibration alert overlay was included in the Plan as an Information Only Layer, the Panel considers the definition is not required.

Submitter (S)	Decision Requested
S126.135 Southland Federated Farmers of NZ S115.136 Kevin Robertson S143.147 Rural Ratepayers Group S148.148 Alistair & Bernadette Hunt S60.138 Ronald Crispin S68.256 John Baynes	Include a definition for 'audible bird scaring device' as: 'Gas guns and avian distress alarms used for the purposes of disturbing or scaring birds'

3.9.2 The Panel agrees with the assessment of Victoria Woodbridge at paragraph 218 of her s42A Report and accepts submissions S126.135 Southland Federated Farmers of NZ and others by including the following definition in the PDP:

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

Submitter (S) Further Submitter (FS)	Decision Requested
S63.003, S63.024 NZ Helicopter Assn	Seek to include of a "non-temporary nature" of aviation activity. Aircraft that are used for temporary activities often require some maintenance, loading/ unloading cargo and refueling at remote landing sites. These temporary and infrequent operations should have a separate definition to aviation activity.
S63.005 NZ Helicopter Assn	Inclusion of new definition: 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.
FS4.78, FS4.79 NZ Agricultural Aviation Assn *FS18.3, FS18.4 NZ Helicopter Assn*	*Allow S63.003, S63.005 NZ Helicopter Assn*

3.9.3 At paragraph 3.4.5 above the Panel rejected submission S63.004 NZ Helicopter Assn seeking reference to non-temporary or infrequent operations within the definition of helicopter landing area. Submissions S63.003, S63.024 NZ Helicopter Assn are rejected for the same reasons.

3.9.4 Victoria Woodbridge at paragraphs 57 – 60 of her s42A Report recommended rejecting submission S63.005 NZ Helicopter Assn because the need for a definition of commercial aviation activity is unclear when there are no existing or proposed rules related to that activity.

3.9.5 Tony Michelle on behalf of NZHA, in evidence presented at the hearing, suggested inclusion of a wider specific list in the proposed definition. The Panel considers several of the items in that list (Aerial spotting, asset management and infrequent transportation of people) could not be administered with certainty, and having regard to the structure of the rules in the PDP relating to aircraft and helicopters did not consider there to be

any benefit or need for the definition. Accordingly, S63.005 NZ Helicopter Assn is rejected.

Submitter (S) Further Submitter (FS)	Decision Requested
S132.010 KiwiRail Holdings Ltd	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.
FS29.004 Silver Fern Farms Ltd	*Disallow S132.010 KiwiRail Holdings Ltd*

3.9.6 The Panel considers it inappropriate for a definition to reference a standard. That is the purpose of rules. The Panel also agrees with Victoria Woodbridge at paragraph 180 of her s42A Report where she states:

> 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.

3.9.7 The Panel accepts the recommendation of Victoria Woodbridge at paragraph 180 of her s42A Report, for clarity, to amend the description of the "Railway Noise Control Overlays" in Part 1 – How the Plan Works. To provide consistency within the Plan reference is also made to "rail corridor". The Panel notes KiwiRail did not comment on this recommendation in their evidence or presentation to the hearing.

3.9.8 Submission S132.010 KiwiRail Holdings Ltd is accepted in part by amending the description of "Railway Noise Control Overlays" in "How the Plan Works" as follows:

Rail~~way~~ Corridor Noise Control Overlay Identifies a buffer along the rail corridor where acoustic treatment for *noise sensitive activities* is required.

3.9.9 A consequential amendment to Rule NOISE-R7(1)(a) is also made.

4 Noise Chapter General, Objectives and Policies

4.1 Standalone Submissions in Support

4.1.1 The following submissions support various provisions in the Noise chapter.

Provision	Submitters (S)
NOISE-O1	S156.002 NZ Agricultural Aviation Assn; S121.071 Alliance Group Ltd; S147.009 NZ Defence Force; S40.053 Silver Fern Farms; S87.001 Ballance Agri-Nutrients; S126.131 Southland Federated Farmers of NZ; S28.003 Ravensdown Ltd; S132.094 KiwiRail Holdings Ltd; S115.132 Kevin Robertson; S143.143 Rural Ratepayers Group; S148.144 Alistair & Bernadette Hunt; S60.134 Ronald Crispin; S68.252 John Baynes; S63.006 NZ Helicopter Assn (supported by FS4.82 NZ Agricultural Aviation Assn)
NOISE-O3	S112.109 Waka Kotahi NZ Transport Agency; S121.073 Alliance Group Ltd; S147.011 NZ Defence Force; S16.046 Fuel Companies; S40.055 Silver Fern Farms; S132.096 KiwiRail Holdings Ltd
NOISE-P1	S121.074 Alliance Group Ltd; S40.056 Silver Fern Farms
NOISE-R5	S147.015 NZ Defence Force S124.034 Fire and Emergency NZ

NOISE-S2	S121.079 Alliance Group Ltd; S40.060 Silver Fern Farms

4.1.2 There were no opposing submissions or submissions seeking change to the provisions referred to above. Accordingly, these submissions are acknowledged and accepted.

4.2 General Submissions

Submitter (S)	Decision Requested
S128.032 Greenbriar Ltd.	No amendments required, subject to below as a consequence of relief for New Vale Special Purpose Zone.

4.2.1 The Panel understands the purpose of this submission was to enable the inclusion of provisions in the Noise chapter should the request by Greenbriar Ltd to include bespoke provisions in the Plan applying to the New Vale coal mine. The Panel, on the recommendation of Joanne Skuse and with the support of Greenbriar Ltd has introduced the New Vale Precinct in Decision 26. That decision has made additions to Noise Standards S1 and S2, in effect providing the relief enabled by this submission. The updated provisions are included in the attached updated Noise chapter plan provisions. In effect, the Panel has accepted submission S128.032 Greenbriar Ltd.

Submitter (S)	Decision Requested
S146.068 Southland District Council	The submitter supports this section.
S147.024 NZ Defence Force	Clarify the application of the various rules so it is clear that where a district-wide rule applies, then there is no need to refer to the zone rules.

4.2.2 The Panel acknowledges the submission in support of the chapter. As changes have been made to various provisions submission S146.068 Southland District Council is accepted in part.

4.2.3 The Panel accepts the assessment of Victoria Woodbridge at paragraphs 242 – 245 of her s42A Report where she acknowledges a general default rule was omitted in the drafting of this chapter. She has recommended the addition of a new rule to provide the clarity sought by NZ Defence Force and the Panel agrees.

4.2.4 Submission S147.024 NZ Defence Force is accepted by inclusion of the following rule:

NOISE-R11 Noise from activities not otherwise provided for:
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.

Submitter (S)	Decision Requested
S140.007 Robina Johnston	Consider the effects of terrain reflecting and amplifying noise. Variance needs to be allowed for terrain elevation and reflecting noise. The Hokonui's & Kaiwera ranges needs consideration as activity can cause stress due to reflection of noise and levels of noise amplifying. Considers noise from existing industrial and commercial activities is a problem and can have stress and health effects.

4.2.5 The Panel accepts the assessment of Victoria Woodbridge at paragraphs 248 - 249 of her s42A Report where she notes the noise standards in the PDP are based on technical advice and in the Panel's view reflect a common approach adopted in district plans nationally.

4.2.6 The Hearing Panel is of the view that if local topography amplifies noise at a site and there is non-compliance with the noise standards, then that is a matter for enforcement

in the same way as any non-compliance from existing industrial activities. They are not matters that can be dealt within the PDP and consequentially submission S140.007 Robina Johnston is rejected.

Submitter (S)	Decision Requested
S40.052 Silver Fern Farms	Retain Noise Overview as notified

4.2.7 The Panel acknowledges the submission in support of the Overview. As changes have been made to the provision submission S40.052 Silver Fern Farms is accepted in part.

4.3 Objective NOISE-O2

Submitter (S)	Decision Requested
S121.072 Alliance Group Ltd S147.010 NZ Defence Force S40.054 Silver Fern Farms S87.002 Ballance Agri-Nutrients S28.004 Ravensdown Ltd S132.095 KiwiRail Holdings Ltd S63.007 NZ Helicopter Assn S156.003 NZ Agricultural Aviation Assn	Retain NOISE-O2 as notified
FS4.83 NZ Agricultural Aviation Assn	*Allow S63.007 NZ Helicopter Assn*
FS18.11 NZ Helicopter Assn	*Allow S156.003 NZ Agricultural Aviation Assn*
S126.132 Southland Federated Farmers of NZ S115.133 Kevin Robertson S143.144 Rural Ratepayers Group S148.145 Alistair & Bernadette Hunt S60.135 Ronald Crispin S68.253 John Baynes	Amend NOISE-O2: 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.

4.3.1 The Panel agrees with Victoria Woodbridge at paragraphs 280 - 283 of her s42A Report where she outlines that NOISE-O2 and NOISE-O3 manage different matters. While NOISE-O2 relates to adverse effects from noise generated by all activities, 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. Rachel Thomas representing Federated Farmers stated in her evidence she accepts that explanation. Accordingly, submissions S126.132 Southland Federated Farmers of NZ and others are rejected.

4.3.2 Various submitters support the Objective. These submissions are acknowledged and accepted.

4.4 Policy NOISE-P2

Submitter (S)	Decision Requested
S121.075 Alliance Group Ltd S125.038 Ministry of Education S147.012 NZ Defence Force S16.047 Fuel Companies	Retain as notified NOISE-P2
S126.133 Southland Federated Farmers of NZ S115.134 Kevin Robertson S60.136 Ronald Crispin S68.254 John Baynes S63.008 NZ Helicopter Assn S87.003 Ballance Agri-Nutrients S28.005 Ravensdown Ltd S143.145 Rural Ratepayers Group S148.146 Alistair & Bernadette Hunt S156.004 NZ Agricultural Aviation Assn	Amend NOISE-P2: Ensure the health and wellbeing of people and the community is not adversely affected ~~protected~~ by (...)
FS18.10, FS18.12 NZ Helicopter Assn	*Allow S156.004 NZ Agricultural Aviation Assn*
FS4.1, FS4.2, FS4.3, FS4.4, FS4.5, FS4.6 NZ Agricultural Aviation Assn	*Allow S63.008 NZ Helicopter Assn, S87.003 Ballance Agri-Nutrients, S126.133 Southland Federated Farmers of NZ, S28.005 Ravensdown Ltd,*

	S143.145 Rural Ratepayers Group, S148.146 Alistair & Bernadette Hunt

4.4.1 Victoria Woodbridge recommended at paragraph 302 of her s42A Report rejecting the submissions seeking replacement of "protected" with "not adversely affected". In reaching this view she relied on the technical advice from the Styles Group in commenting on feedback to the draft of the PDP that "*the noise provisions have a primary focus on protecting people from adverse noise effects…..".* Rachel Thomas, on behalf of Federated Farmers, in her evidence accepted the recommendation.

4.4.2 Carmen Taylor in her evidence on behalf of Ravensdown Ltd expressed the view that there was an inconsistency between Objective NOISE-O2 and Policy NOISE-P2. That was not accepted by Victoria Woodbridge.

4.4.3 The Panel considers there is a disjoint between the objective and policy, and this arises primarily from the inclusion of the word "ensure" in the policy, a word usually associated with an objective rather than a policy. The Panel accepts the advice of Victoria Woodbridge that it is appropriate to protect the health and well-being of people rather than avoid adverse effects altogether and as a consequence it is appropriate to reword the policy. This does not alter its intent and in the Panel's view is consistent with the provisions of S32AA of the RMA.

4.4.4 Various submissions in support of the policy are acknowledged. As changes have been made to the wording, but not the intent, these submissions are accepted in part.

4.4.5 Submissions S28.005 Ravensdown Ltd and others are accepted in part by rewording Policy NOISE-P2 as follows:

~~Ensure~~ Protect the health and well-being of people and the community ~~is protected~~ by managing noise effects generated by an activity, having regard to: ….

4.5 Policy NOISE-P3

Submitter (S)	Decision Requested
S121.076 Alliance Group Ltd S125.039 Ministry of Education S40.057 Silver Fern Farms S132.097 KiwiRail Holdings Ltd	Retain NOISE-P3 as proposed.
S112.110 Waka Kotahi NZ Transport Agency	Amend NOISE-P3 as follows, or words of similar intent: Require acoustic treatment within new buildings and additions to and alterations to buildings used by noise sensitive activities in the following locations:
FS28.054 Kainga Ora	*Allow in part S112.110 but limit this to habitable rooms only and to buildings exceeding 50m² GFA. Requiring all buildings of a smaller nature to meet these standards is overly onerous.*

4.5.1 The Panel agrees with Victoria Woodbridge at paragraphs 303 - 305 of her s42A Report where she advised that at the policy level the generic term "buildings" is appropriate, with the rules including the detail referring to both existing and new buildings and to circumstances when additions and alterations are undertaken. Accordingly, submission S112.110 Waka Kotahi NZ Transport Agency is rejected. The Panel notes acceptance of this outcome by NZTA.

4.5.2 Having regard to the provisions of RMA S32AA, in particular the cost of undertaking acoustic treatment of buildings, the Panel considers there is merit in limiting the provision to buildings with a floor area greater than 50 square metres. However, the further submission by Kianga Ora goes beyond the scope of the original submission by NZTA and is unable to be adopted.

4.5.3 Various submitters support the Policy. These submissions are acknowledged and accepted.

4.6 Policy NOISE-P4

Submitter (S) Further Submitter (FS)	Decision Requested
S147.013 NZ Defence Force S124.031 Fire and Emergency NZ S64.013 Jet Boating NZ	Retain as drafted NOISE-P4.
S126.183 Southland Federated Farmers of NZ S115.184 Kevin Robertson S60.186 Ronald Crispin S68.304 John Baynes S148.200 Alistair & Bernadette Hunt S87.004 Ballance Agri-Nutrients S28.006 Ravensdown Ltd S143.195 Rural Ratepayers Group S148.196 Alistair & Bernadette Hunt S156.005 NZ Agricultural Aviation Assn	Amend NOISE-P4: Enable the infrequent noise levels associated with temporary activities, <u>temporary aviation activities</u>, temporary military training activities and emergency services training activities provided that the level, timing and duration of noise is reasonable.
FS4.7, FS4.8, FS4.9, FS4.10, FS4.11 NZ Agricultural Aviation Assn	*Allow S87.004 Ballance Agri-Nutrients, S28.006 Ravensdown Ltd, S143.195 Rural Ratepayers Group, S148.196 Alistair & Bernadette Hun*
S63.009 NZ Helicopter Assn	The policy is inconsistent with NOISE-O2 which is that people are not adversely affected. It should be amended to be consistent.
FS4.84 NZ Agricultural Aviation Assn	*Allow S63.009 NZ Helicopter Assn*

4.6.1 The Panel accepts the recommendation of Victoria Woodbridge to reject the submissions seeking changes to the policy, at paragraph 306 of her s42A Report. Ravensdown was accepting of that outcome, while NZHA (in the evidence of Tony Michelle) was silent in this regard. Accordingly, these submissions are rejected and those supporting the policy accepted.

4.6.2 Rachel Thomas at paragraph 33 of her evidence suggested, as an alternative, reference be made to “agricultural aviation activities”. Victoria Woodbridge at paragraph 39 of her supplementary evidence recommended against this on the basis aviation associated with agricultural activities is not temporary and the Panel agrees. The Panel views agricultural aviation as an intermittent activity, rather than a temporary one. As set out elsewhere in this Decision, it is the view of the Panel that agricultural aviation is an accepted part of the rural amenity of the Gore district and an activity that should be permitted without constraint.

4.7 Note 2

4.7.1 As a consequence of legal advice from Shelley Chadwick, counsel for the Council, in response to Minute 24 regarding the status of Notes, what was notified as Note 2 has been included under the Rule heading to provide certainty as to the intent of the Note. This change is made pursuant to Clause 16(2) of the First Schedule.

4.7.2 The Panel has further considered the notes to this chapter as part of decision to remove unnecessary duplication within the Plan and determined that Note 1 can be deleted because reliance can be placed on the introductory sections of the Plan. Note 3 is deleted in favour of relying on text already in the Overview to the chapter. These changes are also made as an amendment under Clause 16(2) of the First Schedule.

Submitter (S)	Decision Requested
S64.014 Jet Boating NZ	Retain as proposed, noting submitters point requesting noise related to JBNZ temporary events are exempt as well.

S64.015 Jet Boating NZ	Amend the list of noise sources exempt from specific rules and standards as follows. 7. Motorcraft operating on the surface of waterbodies <u>including organized JBNZ activities that may constitute a Temporary Event.</u>

4.7.2 Submission S64.014 Jet Boating NZ supports Note 2. As referred to above the location of the Note is being changed. The intent remains the same however, but as minor changes in wording are being made, submission S64.014 Jet Boating NZ requesting the provision be retained is accepted in part.

4.7.3 Victoria Woodbridge at paragraph 261 of her s42A Report highlighted that it is generally inappropriate for a district plan provision of this type to apply to a particular organisation. The Panel agrees and further notes that it is the effects of activities that are managed under the RMA, regardless of person or organisation generating that effect. Accordingly, submission S64.015 Jet Boating NZ is rejected. Malcolm Smith, representing Jet Boating NZ, attended the hearing and the Panel understands from his response to questions an acceptance of this outcome.

Submitter (S)	Decision Requested
S63.010 NZ Helicopter Assn	Note 2(3) should be expanded to include <u>Emergency helicopters taking off and landing conducting emergency operations during and after a state of emergency.</u>
FS4.12 NZ Agricultural Aviation Assn *FS21.086 Yrless Ltd*	*Allow S63.010 NZ Helicopter Assn*

4.7.4 At paragraph 73 of her supplementary evidence to the hearing, Victoria Woodbridge in responding to a submission of Transpower referred to the District Plan definition of 'emergency management', which reads 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; and
> iii disaster/emergency event management.

4.7.5 The Panel agrees it is appropriate to recognise and provide for activities, and not just helicopters, associated with operations during and after a state of emergency and it is also appropriate to consider the submission lodged in this wider context.

4.7.6 At paragraphs 78 - 79 of her s42A Report, Victoria Woodbridge referred to clause 1 of the Note expressing the view that reference to "emergency response" may be sufficient to cover the issues. However, given the potential for uncertainty, she also recommended a new rule that amongst other matters provides as a permitted activity "Aircraft and Helicopter Movements" associated with emergency works, including fire and rescue. In her reply to Minute 32 she recommended amending "emergency work" to read "emergency management".

4.7.7 The Panel doubts the recommendations of Victoria Woodbridge adequately respond to the issue raised by NZ Helicopter Assn. Part of the concern of the Panel relates to the wording in clause 1 referring to "used by emergency services during an emergency

response". The Panel considers an additional clause is required to clearly exempt the noise associated from the full range of 'emergency management' activities and for the duration of a state of emergency. As a corollary the wording of clause 1 should also be amended as it results in duplication.

4.7.8 Submission S63.010 NZ Helicopter Assn is accepted in part by adding to the list of exemptions to the Noise Rules:

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.

2 Noise associated with emergency management activities.

4.7.9 This decision only relates to noise. The status of the activities as permitted is provided for in paragraph 5.7.11 below.

Submitter (S)	Decision Requested
S132.098 KiwiRail Holdings Ltd	Retain NOISE Note 2 as proposed.
S130.029 Mercury NZ Ltd	Add 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). While the above noise sources are exempt from meeting the noise standards, any potential and actual adverse effects associated with the character, timing, duration or level of noise shall be considered for any discretionary or non-complying activity.
FS24.052 Contact Energy Ltd	*Allow S130.029 Mercury NZ Ltd*

4.7.10 The submission in support of the Note is acknowledged. As changes have been made to the list of exemptions, submission S132.098 KiwiRail Holdings Ltd is accepted in part.

4.7.11 Victoria Woodbridge at paragraph 263 of her s42A Report, and Mishka Banhidi at paragraphs 680 – 681 of her s42A Report on submissions to the Energy chapter are in agreement that it is appropriate to acknowledge the codified manner in which noise associated with wind farms is assessed. Rather than including an exemption to the Noise chapter they both recommended an addition to Rule ENG-R2. Shirley Chamberlain in written evidence presented at the Energy chapter hearing, on behalf of Mercury, in paragraph 4.21 agreed with that approach. The Panel accepts the agreed outcome as an appropriate response to the submission and notes the same submission is considered in Decision 38 Energy.

4.7.11 Submission S130.029 Mercury NZ Ltd is accepted in part by amending the Note to Rule ENG-R2 in Decision 38 at paragraph 3.2.8.

Submitter (S)	Decision Requested
S126.134 Southland Federated Farmers of NZ S115.135 Kevin Robertson S143.146 Rural Ratepayers Group S148.147 Alistair & Bernadette Hunt S60.137 Ronald Crispin S68.255 John Baynes	Amend NOISE-Note 2 #9: 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.

4.7.12 The Panel agrees with Victoria Woodbridge at paragraph 264 of her s42A Report where she accepted that bird scaring devices are an anticipated part of the rural environment and rural activities and recommended accepting these submissions.

4.7.13 Submissions S126.134 Southland Federated Farmers of NZ and others are accepted by revising Note 2(9) 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.

Submitter (S)	Decision Requested
S95.025 PowerNet Ltd	Amend Note 2 as follows: 11. Noise generated by the use of a mobile substation.

4.7.14 The Panel agrees with Victoria Woodbridge at paragraph 268 of her s42A Report where she highlighted that the addition sought by PowerNet could result in extended use of mobile substations and generators. The Panel also considers such an exemption would be available to be relied on by any person or organisation and that is undesirable but notes that should an emergency arise then under RMA s330 network utility providers such as PowerNet would be able to utilise generators and mobile equipment necessary to respond to that emergency. Further, a number of situations that may require use of a mobile substation are already provided for by the listed exemptions.

4.7.15 The Panel notes no correspondence was received from PowerNet providing any additional information for the Panel to have regard to. Accordingly, submission S95.025 PowerNet Ltd is rejected.

Submitter (S)	Decision Requested
S124.032 Fire and Emergency NZ	Amendment sought to 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. Add the following: 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.

4.7.16 The Panel agrees with the assessment undertaken by Victoria Woodbridge at paragraph 266 of her s42A Report where she concluded that the additions sought by FENZ are generally provided for, either in the notified list of exemptions and/or in the rules of the Noise chapter. She did however, recommend a minor addition to clause 1 of the exemptions referring to "mobile equipment" and the Panel accepts this.

4.7.17 FENZ also sought an exemption in relation to noise originating from fire station bases. With stations in the Gore District being located within or adjoining residential areas it is the view of the Panel this is not appropriate. The Panel agrees with Victoria Woodbridge at paragraph 266 of her report where she stated:

> 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 any noise from a fire station could result in adverse effects on surrounding landowners.

4.7.18 No additional information or response was submitted by FENZ to the hearing. As a consequence, the first limb of the FENZ submission is rejected.

4.7.19 Submission S124.032 Fire and Emergency NZ is accepted in part by amending clause 1 of the exemptions as follows:

1. Any warning device, siren, mobile equipment or fixed plant used by emergency services during an emergency response or for routine testing and maintenance, …

5 Noise Chapter Rules and Standards

5.1 Rule NOISE-R1

Submitter (S)	Decision Requested
S112.111 Waka Kotahi NZ Transport Agency	Amend this rule to ensure that clauses 1 and 2 refer to the correct Tables in the Noise chapter and make any consequential changes to other provisions including the NOISE Tables as necessary. If Table 4 has been accidentally omitted from the notified Plan, Waka Kotahi would like the opportunity to review and comment on it given its potential to impact upon construction activities undertaken by Waka Kotahi.
S132.099 KiwiRail Holdings Ltd	Provide clarification on limits and the missing table for review and submission point. Noise-R1 2 refers to limits in Table 4, the noise chapter does not contain a Table 4.

5.1.1 As noted at paragraph 311 of the s42A Report and noted by the submitters there is an error in the naming of the tables in NOISE-R1 that requires correction.

5.1.2 Submissions S112.111 Waka Kotahi NZ Transport Agency and S132.099 KiwiRail Holdings Ltd are accepted by amending Rule NOISE-R1 as a minor change as follows:

Activity status: Permitted
Where:

1. Noise from construction work complies with the following limits in Table ~~3~~2 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 ~~4~~3 when measured and assessed at 1m from the nearest external wall of any other building that is occupied during the work; and

5.2 Rule NOISE-R2

Submitter (S)	Decision Requested
S112.189 Waka Kotahi NZ Transport Agency	Amend clause 1(b) of the rule as follows: (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.

5.2.1 The submission to Rule NOISE-R2 Vibration from Construction Activities deals with a purely technical issue, one that the Panel accepts is the domain of the experts. However, the Panel has been presented with divergent views from Jon Styles advising the Council and Stephen Chiles appearing on behalf of NZTA and it is necessary for the Panel to make a determination.

5.2.2 Stephen Chiles in his statement of evidence at paragraph 5.3 noted vibration criteria in NOISE-R2.1.b are taken from BS 5228-2 6, which is based on how people respond to vibration measured at the location it is experienced. In his opinion, the notified PDP and the advice from Jon Styles have erroneously applied these vibration criteria to a different location, which is likely to underrepresent vibration experienced by people.

5.2.3 Jon Styles on the other hand in the report attached to the s42A Report stated:

> It is common for ground borne vibration being received in buildings to vary in level depending on where it is measured in the building. Mid-floor spans of buildings with raised floors (on

> piles and bearers for example) can experience an increase in vibration levels due to the flexibility of the floor system. In contrast, a position in the corner of a building with 500mm of the ground will typically experience a low level of vibration relative to other parts of the building.
>
> …
>
> We accept that controlling vibration only in the corner of the building within 500mm of the ground may mean that the vibration level in the floors elsewhere in the building may be higher, and that could have an effect on the amenity of the occupants. However, we consider that the difficulties associated with measuring in the floor are significant, and that the minor trade-off arising from measuring in the corner of the building outweigh the difficulties of measuring elsewhere in the floor.

5.2.4 The Panel is aware that the measurement of vibration in RMA plans is a relatively new tool intended to protect amenity and building integrity. The approach promoted by NZTA is adopted in some District Plans including the Gore PDP. Where the NZTA preferred approach is used there is additional technical information provided and this has not been included in the NZTA submission or evidence provided to the Panel. In the absence of that, the Panel is reluctant to make the change sought. Further, the Panel anticipates a potential for ongoing litigation in determining compliance with the rule when there is no set standard on where measurement takes place, in that compliance may be achieved at one point in a room but not another.

5.2.5 Compliance with Rule NOISE-R2 is most unlikely to arise from day-to-day activities and will be referred to either in response to complaints or in assessing major construction projects.

5.2.6 On balance, the Panel considers that until the science and experience in measuring and assessing vibration has developed further, the current provision should be retained and rejects submission S112.189 Waka Kotahi NZ Transport Agency. The Panel accepts that over time, with the development of best practice, this is an issue that may require and justify revisiting.

5.3 Rule NOISE-R4

Submitter (S)	Decision Requested
S147.014 NZ Defence Force	~~General Rural Zone~~ All zones Activity status: Permitted, Where: 1. The noise generated complies with Noise Standard NOISE-S1. ~~for the General Rural Zone.~~
S124.033 Fire and Emergency NZ	Retain NOISE-R4 as notified

5.3.1 The Panel agrees with Victoria Woodbridge at paragraph 322 of her s42A Report where she acknowledged the rule should apply to all zones.

5.3.2 The support from FENZ (s124.033) for NOISE-R4 is acknowledged and accepted in part due to the change made to the rule.

5.3.3 Submission S147.014 NZ Defence Force is accepted by amending Rule NOISE-R4 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.~~

5.4 Rule NOISE-R6

Submitter (S)	Decision Requested
S147.016 NZ Defence Force	Activity status NOISE-R6 where compliance is not achieved: Restricted Discretionary

5.4.1 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 Panel dated 14 October 2024. Victoria Woodbridge recommended this be accepted and the Panel agrees for the reasons set out in paragraph 23 of the First Response of Victoria Woodbridge to Minute 24.

5.4.2 Submission S147.016 NZ Defence Force is accepted by including the following in Rule NOISE-R6:

Activity status where compliance not achieved: Restricted Discretionary

Matters of Discretion

1. The level, duration, and character of the noise, including the ambient noise levels.
2. The nature and location of nearby activities and the adverse effects they may experience from the noise.
3. Whether the noise levels are likely to cause alarm or adversely affect the character or amenity values of the location and adjacent activities.
4. Whether the noise generated is likely to cause sleep disturbance or result in adverse health or well-being effects.
5. The effectiveness of any mitigation or noise attenuation measures proposed, such as reduction of noise at the source, alternative techniques or machinery available, insulation or enclosure of the noise source, mounding or screen fencing/walls, hours of operation.
6. The extent to which alternative locations and methods have been considered to avoid, remedy or mitigate any adverse effects recognising functional need, operational need, and any technical, and practical constraints.

5.5 Rule NOISE-R7

Submitter (S)	Decision Requested
S112.112 Waka Kotahi NZ Transport Agency	Clarify whether this rule is intended to apply to relocated buildings used for noise sensitive activities. If it is, amend the title of the rule as follows, or using words of similar intent, and make consequential changes to other related provisions as necessary: Construction of, additions to or alterations to buildings, and relocated buildings**,** for a noise sensitive activity And/or, include an advice note, as follows 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.
S121.077 Alliance Group Ltd S125.040 Ministry of Education S40.058 Silver Fern Farms	Retain NOISE-R7 as notified

5.5.1 The Panel acknowledges the submissions in support. As changes have been made to the provision these submissions are accepted in part.

5.5.2 Victoria Woodbridge at paragraph 331 of her s42A Report recommended accepting in part the NZTA submission, noting this rule links to Standard NOISE-S3 and recommended new Standard NOISE-S4. The Panel highlighted potential difficulties in recommendations made with regard to these provisions in Minute 24. Arising from consideration of that Minute, Victoria Woodbridge recommended a further change to Rule NOISE-R7, and noting all parties are in agreement, the Panel accepts the later

recommendation from Victoria Woodbridge for the reasons she gives in her first reply to Minute 24.

5.5.3 Submission S112.112 Waka Kotahi NZ Transport Agency is accepted in part in conjunction with consequential changes to Standards NOISE-S3 and NOISE-S4 by amending Rule NOISE-R7 as follows:

Construction of, additions to or alterations to *buildings* ~~for~~ occupied by a *noise sensitive activity*
All zones
Activity status: Permitted
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; and / or
   (b) the State highway noise control overlay
   complies with NOISE-S~~3~~4.

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.

Activity status where compliance is not achieved for NOISE-R7(1):
~~Discretionary~~ Restricted Discretionary Activity Matters of Discretion:

1. The matters of discretion for NOISE-S4

Town Centre Zone, Local Centre Zone, Mixed Use Zone, Light Industrial, General Industrial Zone, Airport Zone
Activity status: Permitted
Where:

2. Any *habitable room* within a *building* for a *noise sensitive activity* complies with NOISE-S3.

Activity status where compliance is not achieved for NOISE-R7(2):
Restricted Discretionary Activity Matters of Discretion:
The matters of discretion for NOISE-S3

Submitter (S)	Decision Requested
S132.100 KiwiRail Holdings Ltd	Amend as follows: 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~~
FS27.020 Alliance Group Ltd	*Disallow S132.100 KiwiRail Holdings Ltd*
FS29.047 Silver Fern Farms Ltd	*Disallow S132.100 KiwiRail Holdings Ltd. The reference to a specific distance is not necessary as the railway corridor overlay is mapped (Silver Fern Farms also opposes extension from 70m to 100m - see responses to S132.002 and S132.010).*

5.5.4 The Panel agrees with Victoria Woodbridge at paragraph 187 of her s42A Report, and also Silver Fern Farms, in that it is unnecessary to include a distance specifying the width of the rail corridor overlay. The Panel also accepts the explanation of Victoria Woodbridge that the layout of the rule is correct.

5.5.5 Other than discussing submissions seeking an increase in width to 100m for the rail corridor noise overlay (discussed starting at paragraph 5.11.9), no other feedback was given by KiwiRail on this issue at the hearing. Accordingly, submission S132.100 KiwiRail Holdings Ltd is rejected.

5.6 Rule NOISE-R8

Submitter (S)	Decision Requested
S28.008 Ravensdown Ltd	Include provisions of the Selwyn District Council Decisions rule considered which states: "Aircraft and Helicopter Movements Ancillary to Rural Production Permitted activity where: 1. Aircraft movements and helicopter movements associated with purposes ancillary to rural production including topdressing, spraying, stock management, fertiliser application, and frost mitigation, including the incidental landing and take-off of helicopters during their normal course of operation."
S156.006 NZ Agricultural Aviation Assn	Amend: 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.~~ 2. Take off and landing do not occur for more than 315 aircraft hours in any 12 month period. 3. Delete 4. A record of take offs and landing times and dates is maintained by the landholder and available to the Council upon request. NZAAA seeks to have the provisions of the Selwyn District Council Decisions rule considered which states: "Aircraft and Helicopter Movements Ancillary to Rural Production Permitted activity where: 1. Aircraft movements and helicopter movements associated with purposes ancillary to rural production including topdressing, spraying, stock management, fertiliser application, and frost mitigation, including the incidental landing and take-off of helicopters during their normal course of operation."
FS18.13 NZ Helicopter Assn	*Allow S156.006 NZ Agricultural Aviation Assn*
S126.136 Southland Federated Farmers of NZ S115.137 Kevin Robertson S60.139 Ronald Crispin S68.257 John Baynes S143.148 Rural Ratepayers Group S148.149 Alistair & Bernadette Hunt S87.005 Ballance Agri-Nutrients S28.007 Ravensdown Ltd	Amend NOISE-R8: 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.~~
FS4.16, FS4.17, FS4.18, FS4.19 NZ Agricultural Aviation Assn	*Allow S143.148 Rural Ratepayers Group, S148.149 Alistair & Bernadette Hunt, S87.005 Ballance Agri-Nutrients, S28.007 Ravensdown Ltd*
S63.022 NZ Helicopter Assn	Amend: 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~~. 2. Take off and landing do not occur for more than 315 aircraft hours in any 12 month period. 3. Delete 4. A record of take offs and landing times and dates is maintained by the landholder and available to the Council upon request.
FS4.13 NZ Agricultural Aviation Assn	*Allow S63.022 NZ Helicopter Assn*
FS18.14 NZ Helicopter Assn	*Allow S63.022 NZ Helicopter Assn in part*
S148.008 Alistair & Bernadette Hunt	Remove agricultural aviation restrictions.
FS4.14, FS4.15 NZ Agricultural Aviation Assn	*Allow S148.008 Alistair & Bernadette Hunt*

5.6.1 The PDP as notified provided for noise from the take-off and landing of aircraft and helicopters used for agricultural aviation as a permitted activity subject to the following:

1. The take-off and landing being 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.

5.6.2 A number of submitters sought permitted activity status without any conditions. Others sought changes to the conditions, with reference by some to the provisions of the Selwyn District Council approach.

5.6.3 Having regard to the technical advice received from the Styles Group, summarised at paragraphs 121 – 123 of her s42A Report, Victoria Woodbridge stated the following:

> 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 objectives, 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.

5.6.4 Victoria Woodbridge in response to submissions recommended changes to the wording of conditions 3 and 4 of the permitted activity rule. However, this did not change the original intent of the rule. Recognising the Noise rules apply to the generation of noise and the zone rules control activities, she also recommended an addition to the General Rural and Rural Lifestyle Zone rules to exempt agricultural aviation activities undertaken on the same contiguous site as the rural airstrip or helicopter landing area from compliance with the noise standards.

5.6.5 The following persons submitted evidence on this issue for consideration at the hearing:

(a) Tony Michelle on behalf of NZ Agricultural Aviation Assn stated:

(i) Airstrips and helicopter landing areas are typically located in close proximity to roads to allow safe and suitable access for bulk fertiliser trucks and aircraft support vehicles.

(ii) The NZAAA has identified at least 4 existing rural airstrips and 18 helicopter landing areas that are within 500m of the notional boundary of a noise sensitive area not on the same site. These are generally neighbour's houses and buildings. Condition 3 should be deleted.

(iii) The application of fertilisers and agrichemicals are intermittent and can cease for periods exceeding 12-months which can be determined by circumstances such as primary production returns, the nature of the application requirements and weather conditions.

(iv) Amending the rule so the record of take offs and landing times and dates is maintained by the landowner is supported.

(v) The recommended change to the General Rural Zone was supported.

(vi) Further changes were required to the conditions in the rule.

(b) Carmen Taylor on behalf of Ravensdown Ltd, supported the recommended amendments to the rule, stating they provide an appropriate balance between permitting agriculture aviation activities, while managing, or mitigating potential adverse effects.

(c) Brett Highsted, for Stoney Creek Station Ltd, considered the recommended amendments better provide for the use of helicopters for rural purposes as a permitted activity (e.g. fertiliser and seed spreading on hill country) while not

unreasonably restricting their use or requiring consent for regular farming activities to continue.

(d) Rachel Thomas on behalf of Federated Farmers stated:

(i) While their submission requested permitted activity status in the Plan for agricultural aviation activities without any conditions and that is still their preferred position, Federated Farmers understood "the Council's desire to implement some controls and accept the proposed conditions".

(ii) Support for the new definition of contiguous site.

5.6.6 Victoria Woodbridge in supplementary evidence did not deviate from her initial recommendations on the key issues, although minor wording and cross-referencing changes were recommended.

5.6.7 In considering these submissions the Panel initially assessed the conditions listed in Rule NOISE-R8. It is the view of the Panel that:

(a) The reference to 315 hours (or flying hours as sought by NZAAA) is not an appropriate indicator of the effects of aircraft or helicopters using a site for agricultural aviation activities, particularly when flying hours does not include time idling on the ground.

(b) Unless there is a requirement to notify the Council that a site is being used for agricultural aviation activities (and the Panel considers that unnecessary) how would the Council know about the activity, unless there was a complaint, to ask for recorded data on use. In addition, the provision does not list what information is to be recorded.

5.6.8 At the very least, the Panel considers these conditions should be deleted.

5.6.9 Victoria Woodbridge in her s42A Report relied on the expert advice received from the Styles Group. The Panel has given particular regard to the "Noise Chapter Review – Gore District Council" Styles Group (9 June 2023) noting the following from section 4.11.1 Comment on NOISE-S3 and NOISE-R8:

> We have reviewed feedback on the DDP from Southland Federated Farmers, Ballance and New Zealand Agricultural Aviation Association (NZAA). The feedback opposes the controls in NOISE-S3 / NOISE R8 on the grounds the controls are overly restrictive and do not recognise and provide for agricultural aviation in the Gore District.
>
> We note that is relatively common for District Plans to exempt the noise from aerial agricultural aviation activities, particularly in rural districts that seek to protect the function of productive rural land use. The basis for the exemption is typically based on:
>
> i. The relatively infrequent/seasonal nature of aircraft movements and generally large separation distances to noise sensitive receivers
>
> ii. The District Plan seeking to recognise and provide for activities that are important for the economic well-being of the District
>
> We consider that the intermittent and seasonal nature of agricultural aviation activities warrants flexibility in terms of the noise standards. We consider that it would be prudent to target the exemption at take-offs and landings that are from or to the same property. This is a common feature of many similar exemptions in other District Plans.
>
> We consider that the focus of the noise standard should be to control the noise effects from commercial helicopter depots/ airstrips that are likely to generate noise effects on a consistent basis.

5.6.10 The Panel notes exemptions to the noise standards include overflying aircraft and noise from vehicles, machinery or equipment undertaking agricultural, horticultural and pastoral activities in the rural environment.

5.6.11 Having regard to all of the submissions lodged, the advice of the experts, material presented at the hearing, responses received to Minute 32, and our own knowledge and understanding of the values and expectations of the people of the Gore District, the Panel considers:

(a) Primary production activities and associated agricultural aviation activities are an important contributor to the economic well-being of the Gore District and the economy of the Southland Region and New Zealand.

(b) Agricultural aviation activities are a key component in the efficient operation of agricultural activities.

(c) Agricultural aviation activities are an accepted part of the character and amenity within the rural environments of the Gore District.

5.6.12 The Panel concludes that within the Gore District agricultural aviation activities should be provided for as a permitted activity within the General Rural and Rural Lifestyle Zones without the constraint of conditions, and for the avoidance of doubt explicitly provided for in the Airport Zone and the Mandeville Aviation and Rail Precinct.

5.6.13 Having regard to the provisions of RMA S32AA the Panel considers:

(a) By being more enabling than the notified version and associated recommendations in response to submissions this approach is more efficient for Plan users and operators.

(b) The revised rule NOISE-R8 and associated amendments set out in paragraph 5.6.14 have increased economic benefits for operators and rural landowners.

(c) Having regard to the importance of agricultural aviation activities to the District and acceptance of the activity in the rural environments the benefits to landowners and operators outweigh adverse potential adverse effects associated with the activity.

(d) There is a risk that if the rule is not revised and the conditions deleted then some aspects of the provisions would become difficult to enforce and monitor.

(e) There is sufficient information to understand the risks associated with making the amendments.

(f) The provisions modified in this Decision are considered more appropriate at achieving the objectives of the Noise Chapter and also the General Rural Zone, Rural Lifestyle Zone and Temporary Activity Chapter than the notified version.

(g) The revised rule gives effect to the Urban Form and Development Objectives, in particular UFD-010 to support primary production activities.

5.6.14 Submissions S148.008 Alistair & Bernadette Hunt, S126.136 Southland Federated Farmers of NZ, S115.137 Kevin Robertson, S60.139 Ronald Crispin, S68.257 John Baynes, S143.148 Rural Ratepayers Group, S148.149 Alistair & Bernadette Hunt, S87.005 Ballance Agri-Nutrients and S28.007 Ravensdown Ltd are accepted, and submissions S28.008 Ravensdown Ltd, S156.006 NZ Agricultural Aviation Assn and S63.022 NZ Helicopter Assn are accepted in part by:

(a) Amending Rule NOISE-R8 as follows:

NOISE-R8: Noise from the take-off and landing of aircraft and helicopters used for agricultural aviation
~~All Zones~~ Airport, General Rural and Rural Lifestyle Zones, and Mandeville Aviation and Rail Precinct

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 available to the Council upon request.~~

Activity status where compliance is not achieved with: N/A

~~**NOISE-R7(1) to (4):** Discretionary~~

~~**Airport Zone**~~ **All Other Zones**

Activity status: ~~Permitted~~ Discretionary

Activity status where compliance is not achieved: N/A

(b) Amending the title of Rule AIRPZ-R1 as follows:

Aviation Activity (including agricultural aviation activity)

(b) Amending the title of Rule TEMP-R11 as follows:

Aircraft and Helicopter Movements (take-offs and landings)

5.7 Rule NOISE-R9

Submitter (S)	Decision Requested
S147.017 NZ Defence Force	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. Alternatively, 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
FS4.21 NZ Agricultural Aviation Assn	*Allow in part S147.017 NZ Defence Force as the alternative limitation proposed by the submitter would limit the ability to adequately support primary production*
FS18.15 NZ Helicopter Assn	*Allow in part S147.017 NZ Defence Force. NZHA agrees the definition is unclear, however does not support the limited numbers of movements in time.*
S101.073 Transpower NZ Ltd	Amend Rule NOISE-R9 as follows: "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:
FS18.30 NZ Helicopter Assn	Allow S101.073 Transpower NZ Ltd

5.7.1 Victoria Woodbridge in her s42A Report (paragraphs 149 – 158) recommended inserting a new rule in the Temporary Activities chapter to provide for the activities referred to by NZ Defence Force and Transpower, together with replacement of Rule NOISE-R9 that would provide for noise from these activities to be permitted.

5.7.2 Ainsley McLeod in her statement of evidence to the hearing supported the direction of the recommendation but was opposed to the link to Rule NOISE-R9(3) that limited the

number of helicopter flights to 2 per day, 4 per week and 10 per month. The Panel notes that later recommendations from Victoria Woodbridge provide for 10 days of flights per month.

5.7.3 On the basis of the support from Transpower, the Panel accepts the recommendations to their submission, together with the outcome recommended to the NZ Defence Force submission.

5.7.4 Submissions S147.017 NZ Defence Force and S101.073 Transpower NZ Ltd are accepted in part by adopting the amendments at 5.7.11.

Submitter (S)	Decision Requested
S156.007 NZ Agricultural Aviation Assn	Oppose NOISE-R9
S63.011 NZ Helicopter Assn	Clause 1: Take off OR landing area too OR from a helicopter landing area. Clause 2: Delete Clause 3: Delete
FS4.20 NZ Agricultural Aviation Assn *FS18.27 NZ Helicopter Assn*	*Allow S63.011 NZ Helicopter Assn*

5.7.5 Tony Michelle attended the hearing speaking on behalf of both the NZAAA) and NZHA. In his evidence on behalf of NZHA he stated the s32 analysis underpinning the Proposed Plan did not adequately justify the restrictions in the Rule. While accepting that a limit should be imposed on the use of a helicopter landing area on a regular basis as a depot or base as a permitted activity, it was his view that temporary commercial helicopter activities should be allowed without restriction. In response to criticism in the s42A Report with regard the NZHA proposal to include a definition of 'commercial helicopter activities' he outlined what he considered a more refined definition, and the activities that should be permitted, as follows:

> 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

5.7.6 Instead of the restrictions on the number of movements, Tony Michelle recommended an addition to NOISE-R9 to the effect that "The helicopter landing area is not used on a regular basis as a depot or base for commercial aviation activity". Victoria Woodbridge recommended rejecting this addition to NOISE-R9 because it lacked certainty.

5.7.7 At the hearing, there was a useful discussion between the Panel, Tony Michelle, Victoria Woodbridge and Jon Styles. In the context of Rule NOISE-R9 as notified, this discussion highlighted the potential to adopt a refined approach to that rule in managing the take-off and landing of helicopters, other than for agricultural and construction purposes. The Panel therefore issued Minute 24 seeking a further report from Victoria Woodbridge 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).

5.7.8 That report was duly received by the Panel. However, it gave rise to additional issues the Panel wished to receive feedback on, and it set these out in Minute 32. The response to Minute 32 outlined extensive agreement on most issues discussed, and the Panel has adopted these, noting the s32AA submitted by Victoria Woodbridge and the Panel is satisfied that the recommendations now made were effective in meeting the objectives of the Plan and practical to implement. A key component of the changes recommended as a result of the NZAAA and NZHA submissions was an addition to the new rule TEMP-R11.

5.7.9 An agreed addition was also recommended to Rule NOISE-R1 Construction Activities. The use of helicopters in building construction activities was highlighted by Tony Michelle as an infrequent activity of short term duration that in his view should be recognised in the Plan. The Panel agrees. There was some discussion between the parties as to how the noise from helicopters undertaking construction activities (as opposed to leaving their base) should be measured. The Panel accepts the advice that NZS6803:1999 Acoustics – Construction Noise is the appropriate mechanism.

5.7.9 One remaining issue in dispute related to the limit on helicopter movements to 3 days every 12 months. Jon Styles considered this level of activity appropriate to ensure the effects are limited in duration and temporary. Tony Michelle preferred a more enabling framework allowing a greater number of movements. In his reply to the report submitted by Victoria Woodbridge to Minute 32 Tony Michelle requested an allowable use of 3 days every 3 months.

5.7.10 In considering this issue in dispute the Panel is mindful of the level of use enabled by the rule as notified, being 2 movements per day, 4 movements per week and 10 movements per month which is substantially less than what has now been recommended by the Council advisers. The Panel notes that no submitter sought this limit be amended, although it acknowledges this was accompanied by separation distances to noise sensitive activities, and it could be argued that removal of those conditions requires adjustment to the level of use allowed. However, with effectively one landing being allowed on average each month, the Panel concludes the effects will be limited in duration and effect, and agrees to the level of use requested by Tony Michelle.

5.7.11 Submissions S156.007 NZ Agricultural Aviation Assn and S63.011 NZ Helicopter Assn are accepted in part by:

(i) Inserting a new provision Rule TEMP-R11 as follows:

TEMP- R11 Aircraft and Helicopter Movements

Activity Status: permitted

Where:

1. Aircraft and helicopter movements for the purposes of:

   a. emergency management;

   b. military or law enforcement; or

   c. in relation to helicopters the maintenance, upgrade or installation of infrastructure associated with the National Grid where there are no more than 10 movements per month; or

   d. temporary military training where there are no more than

      i. 6 movements per day; and

      ii. 30 movements per year

2. The aircraft and helicopter movements are for any other purpose, where:

a. Movements from or to a site are undertaken on no more than 3 days (either consecutively or non-consecutively) over a 3 month period; and
b. Movements are only undertaken between the hours of 7am and 7pm
c. The site is not within the General Residential Zone or Medium Density Residential Zone.

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

Activity status where compliance is not achieved with TEMP-R11(1)(a) and TEMP-R11(1)(b):

Not applicable

Activity status: Restricted Discretionary

Matters of discretion:

1. The extent and effect of the duration, hours and timing of the movements on the amenity values of the surrounding properties.

2. The extent of adverse effects arising from noise.

3. In relation to helicopters the matters of discretion for NOISE-R10.

Activity status where compliance is not achieved with TEMP-R11(2)

Relevant Zone Rules apply

Note: Any aircraft and helicopter movements (take-offs and landings) which fails to meet TEMP-R11(1)(a), TEMP-R11(1)(b), TEMP-R11(2), TEMP-R11(3) and TEMP-R11(4) is subject to the rules of the relevant Zone

(ii) Amending Rule NOISE-R9 as follows:

NOISE_R9 *Noise* from the take-off and landing of helicopters (Other than for *agricultural aviation*)

All Zones except the Airport Zone and Mandeville Aviation and Rail Precinct

Where

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

~~2. 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~~

~~3. 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~~

~~4. 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.~~

Activity status where compliance not achieved with NOISE-R9 (1) ~~to(3).~~

Airport Zone and Mandeville Aviation and Rail Precinct

Activity status: Permitted

Activity status where compliance is not achieved with: N/A

(iii) Replacing Rule NOISE-R10 with the following:

NOISE-R10 Noise from Temporary Events and Temporary Activities

All Zones except the Airport Zone and Mandeville Aviation and Rail Precinct

Activity status: Permitted

Where:

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

Activity status where compliance not achieved with NOISE-R10(1): Restricted Discretionary

Where:

2. Noise emissions from a take-off or landing of a helicopter do not exceed:

   (a) 40 dB L_{dn} and 70dB $L_{AF(max)}$ (where the L_{AFmax} limit applies) between the hours of 10pm and 7am when measured and assessed at a *notional boundary* in the General Residential Zone, Medium Density Residential Zone, Large Lot Residential Zone, Rural Lifestyle Zone, Neighbourhood Zone, Sport and Active Recreation Zone.

   (b) 50 dB L_{dn} and 70dB $L_{AF(max)}$ (where the L_{AFmax} limit applies) between the hours of 10pm and 7am when measured and assessed at a *notional boundary* in the General Rural Zone, Māori Purpose Zone, Settlement Zone, Open Space Zone or Special Purpose Zone – Field Days and Camp Columba.

   (c) 60 dB L_{dn} and 85dB $L_{AF(max)}$ (where the L_{AFmax} limit applies) between the hours of 10pm and 7am at any site in the Town Centre Zone, Local Centre Zone, Mixed Use Zone and Light Industrial Zone.

   (d) 65 dB L_{dn} at any site in the General Industrial Zones.

Notes:

Noise levels from landing and take-offs must be measured and assessed in accordance with NZS6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas.

When assessing noise from helicopter landing and take-off procedures in accordance with NZS6807:1994 the following procedures shall be followed:

(a) The heights at which an aircraft is conducting a landing or take-off procedure shall be determined in accordance with Part 91.311 of the Civil Aviation Rules.

(b) Averaging of L_{dn} levels over more than one day is not permitted.

(c) The noise levels of any individual helicopter flight movement include all noise generated while the helicopter is taxiing or on the ground including idling for warm up, cool down or between an arrival and departures.

Matters of discretion:

1. Whether the hours of operation and flight frequency will affect the *amenity values* of the surrounding area.

2. The provisions of NZS 6807:1994 *Noise* Management and *Land* Use Planning for *Helicopter Landing Areas*.

3. Whether the approach and departure flight paths minimise overflight over *noise sensitive activities.*

4. Any mitigation of the *noise* proposed, in accordance with a *best practicable option* approach (e.g. *site* layout and design, design and location of *structures*, *buildings* and equipment and the timing of operations).

5. The ability to mitigate adverse *effects* through the imposition of *conditions* such as *noise* attenuation.

Activity status when compliance not achieved with NOISE-R9(2): Non-Complying

Airport Zone and Mandeville Aviation and Rail Precinct

Activity status: Permitted

Activity status where compliance not achieved: N/A

(iv) Adding the following Note to Noise-R1 Noise from construction activities:

3. *Noise from helicopters used as part of construction activities, for example lifting of construction and building materials, is provided for by NOISE-R2. Noise from helicopters used in construction activities is measured in accordance with NZS6803:1999 Acoustics – Construction Noise.*

5.8 Standard NOISE-S1

Submitter (S)	Decision Requested
S107.002 Ronald Ashby	Reduce maximum noise level. Proposed noise increase in the range of 20% is substantial and will apply across various zones of township. Unlike perimeter area being rezoned industrial into Mixed use this area is characterised as framed by recreation / parkland & centre of town with established dwellings. Plan supports new retail but rejects established element.
S108.001 HWR Property Ltd S121.078 Alliance Group Ltd S128.033 Greenbriar Ltd. S147.023 NZ Defence Force S40.059 Silver Fern Farms	Retain NOISE-S1 noise levels as notified

5.8.1 As noted by Victoria Woodbridge at paragraph 341 – 343 of her s42A Report Ronald Ashby resides within the PDP Light Industrial Zone and it is correct that noise levels able to be generated by activities within that zone are being increased. However, the point of measurement is being altered from the zone boundary to the boundary of individual sites, thereby more than offsetting that change. The Panel agrees with Victoria Woodbridge that the noise levels permitted are appropriate to enable activities anticipated within the zones and to manage adverse effects on noise sensitive activities. Accordingly, submission S107.002 Ronald Ashby is rejected.

5.8.2 The Panel notes that during the hearing to consider submissions to the Mixed Use Zone discussion took place with regard to nuisance noise with Victoria Woodbridge advising that regardless of the zone rules, RMA s16 provides protection to residents in the area from nuisance noise.

5.8.3 Various submitters support the Standard. These submissions are acknowledged and accepted.

5.9 Standard NOISE-S3

Submitter (S)	Decision Requested
S112.113 Waka Kotahi NZ Transport Agency	Amend NOISE-S3 the wording of clause (1) to as follows, or use similar wording that achieves the same intent: 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: Insert Table 1, taken from the Section 32 report attached as Attachment 3 of this submission, into this standard and amend the wording of the standard so that that Table is used to define internal

	noise levels within buildings used for noise sensitive activities located within the State Highway Noise Control Overlay. Amend clause 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, Delete the following text from (c) ~~"once the room temperature has been achieved";~~ Change the three notes so that they become explicitly part of the standard rather than potentially being advice.
S121.080 Alliance Group Ltd S40.061 Silver Fern Farms	Retain NOISE-S3 as notified

5.9.1 At paragraph 344 of her s42A Report Victoria Woodbridge supported in general terms the relief sought by NZTA. She noted the effect of KiwiRail submissions 132.101 and 132.102 (discussed in section 5.10) was in part seeking similar provisions. Victoria Woodbridge considered it would be efficient to have a single standard for both the rail corridor noise control overlay and state highway noise control overlay and recommended changes to Standard NOISE-S3 that amalgamated the relief sought by both submitters.

5.9.2 Helen Dempster in her statement of evidence on behalf of NZTA noted the report was silent on that part of the submission seeking inclusion of the Notes in Standard NOISE-S3 be part of the Standard itself. Her reasoning relied on the use of directive wording in the notes, “must be provided” and “must be designed”.

5.9.3 Shelley Chadwick, Legal Counsel for the Council, provided legal advice to the effect that Notes associated with rules and standards are not binding and cannot direct compliance in the same way as a rule but can provide information to assist interpreting the rule and can include operational matters under related legislation such as the Building Act. As the hearing progressed and following consideration of Minute 24 from the Panel, a consensus emerged from the submitters and advisers to the Panel that these Notes could be removed, noting that Note 1 has now been included in Standard NOISE-S3.

5.9.4 In Minute 24, the Panel expressed concern that the recommendation in the s42A Report as worded would result in the need to provide acoustic insulation to all of a dwelling even if a proposed addition had no direct impact on a habitable room. Arising from that Minute and other matters raised by NZTA at the hearing, Victoria Woodbridge recommended further changes to the provisions of the Noise chapter. The Panel adopts her recommendations and reasoning.

5.9.5 Given the manner in which KiwiRail submissions 132.101 and 132.102 and submission S112.113 Waka Kotahi NZ Transport Agency have resulted in a joint provisions being included in the Plan, submitters should refer to paragraph 5.10.7 of this Decision which accepts in part submission S112.113 Waka Kotahi NZ Transport Agency.

5.9.6 The Panel acknowledges the support of submissions S121.080 Alliance Group Ltd and S40.061 Silver Fern Farms for Standard NOISE-S3. As changes have been made to this provisions these submissions are accepted in part.

5.10 Additional Provisions Sought

Submitter (S)	Decision Requested
S132.101 KiwiRail Holdings Ltd	Insert as follows: Refer to submission Appendix A for the rules and standards for model noise and vibration district plan provisions to be inserted as a new rule and standard.
S132.102 KiwiRail Holdings Ltd	Insert standard from submission Appendix A into the noise chapter. There is currently no standard in the proposed plan that relates to reverse sensitivity for noise and vibration.

5.10.1 At paragraph 185 of her s42A Report Victoria Woodbridge accepted that it is appropriate to include a specific standard relating to the internal noise levels received by certain

activities located within the Rail Corridor Noise Control Overlay and given the underlying principle applies also to the State Highway Noise Control Overlay it is appropriate in response to submissions from NZTA to provide for these within a single integrated provision. Her recommendation to amend Standard NOISE-S3 was set out at paragraph 347 of the s42A Report.

5.10.2 Stephen Chiles in his statement of evidence on behalf of KiwiRail accepted the approach of the s42A Report but noted several technical drafting issues and omissions from the KiwiRail submission he considered should be included. In his view the three Notes following the Standard should be a mandatory part of the provision. However, following consideration of matters raised by the Panel in Minute 24, KiwiRail sought amended provisions that included Note 1 (referring to mechanical cooling of rooms) in the Standard and deleted Notes 2 and 3.

5.10.3 Michelle Grinlinton-Hancock in her statement of evidence sought the inclusion of "The outcome of any consultation undertaken with KiwiRail" as a matter of discretion in NOISE –S3. She considered this is an important matter of discretion to ensure that KiwiRail's views are sought on any application to infringe the noise standard adding that consultation with KiwiRail will assist in informing decision makers and applicants of any existing or future changes in the rail network which may impact decisions on whether it is appropriate that resource consent is granted. While initially opposed, Victoria Woodbridge in her reply to Minute 24 recommended inserting provisions applying to both KiwiRail and NZTA.

5.10.4 Through the processes of the hearing and consultation undertaken between the Council and submitters in considering Minute 24 it appears to the Panel that all issues between them have been resolved. In that regard the Panel relies on the statement included in the Memorandum of Counsel on behalf of KiwiRail Holdings Limited dated 21 November 2025 at paragraph 6 "*KiwiRail has subsequently agreed amendments to NOISE-S4 and NOISE-S3 with the Reporting Planner*".

5.10.6 During the Hearing and in Minute 24 the Panel raised concerns over the approach of adopting assumed noise levels associated with railway noise. It was, and still is, the view of the Panel that the descriptive formula provided in the submission and recommended in the s42A Report would be difficult to understand and administer. Stephen Chiles in a report entitled "Land use controls for railway sound and vibration" dated 9 June 2023 attached to his evidence to the hearing, included a table showing typical railway sound levels based on an assumption of approximately two freight train movements in a one-hour period, in a flat area without screening. A variation of that table was provided in the response received from KiwiRail to Minute 24. While the assumptions used in generating that table do not accurately reflect the physical situation on the ground, nor from the information available to the Panel, correspond to the number of train movements described, the Panel accepts this represents the best available information in the absence of actual readings. Of the several variations of the table presented by KiwiRail, the Panel prefers that included in the report attached to the evidence of Stephen Chiles (which was also included in the s32 assessment included with the original KiwiRail submission). Given the decision not to extend the Rail Corridor Noise Control Overlay from 70 to 100 metres the Panel has only utilised the relevant portions of that table.

5.10.7 Submissions S132.101, S132.102 KiwiRail Holdings Ltd are accepted in part, and together with submission S112.113 Waka Kotahi NZ Transport Agency:

1. Amending Standard NOISE-S3 as follows:

NOISE-S3 Acoustic Treatment for noise sensitive activities

~~All Zones~~ Town Centre Zone, Local Centre Zone, Mixed Use Zone, Light Industrial, General Industrial Zone, Airport Zone

1. The following internal *noise* levels shall be met for any new or relocated building, occupied by ~~containing~~ a *noise sensitive activity*~~:~~; and

2. For existing buildings containing a *noise sensitive activity* which are altered, amended or extended the internal *noise* levels listed above shall be met for any new, altered or extended *habitable room*.

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 $L_{Aeq(15min)}$

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.~~

~~2~~3 Where external windows and / or doors are required to be closed to meet the internal design noise levels in Table 1, a mechanical ventilation and cooling system shall be installed that complies with the following requirements.

~~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) Provides m~~M~~echanical ventilation to enable compliance with clause G4 of the New Zealand Building Code and that provides at least 1 air change per hour, but no less than 7.5L/s per occupant; and

(b) Provides cooling and heating that is controllable by the occupant and can maintain the inside temperature between 18°C and 25°C; and

(c) Provides a ~~All~~ mechanical ventilation and/or cooling system~~s~~ that does not ~~must~~ generate a noise level ~~no~~ greater than 35 dB L_{Aeq} when measured ~~2~~1m 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)

(d) Provides mechanical cooling 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).

Or:

(e) Alternatively, in lieu of (a) - (d) 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) - (d).

(f) Reports must be submitted to the Council:

(i) Prior to construction demonstrating compliance with clauses 1; and

(ii) prior to occupation of the building demonstrating compliance with clause 2(a) – (d) or (e).

~~*Notes:*~~

~~*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).*~~

~~*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.*~~

~~*3. Any required acoustic treatment must be designed, constructed and maintained in an acoustically effective state.*~~

Activity status where compliance is not achieved:

~~Discretionary~~ Restricted Discretionary

Matters of discretion are restricted to:

Adverse *effects* on health, well-being and amenity of building occupants.

Any natural or built features of the site or surrounding area that will mitigate noise effects.

Notification: Applications for resource consent under this rule will be decided without public notification.

2. Inserting the following additional Standard:

NOISE-S4 Acoustic Treatment for noise sensitive activities within the rail corridor and state highway noise control overlays

1. The internal *noise* levels contained in Table 4 shall be met for any new or relocated building which is occupied by a *noise sensitive activity*, and

2. For existing buildings containing a *noise sensitive activity* which are altered, amended or extended the internal *noise* levels contained in Table 4 shall be met for any new, altered or extended *habitable room* or space identified in Table 4, with:

   (a) Road noise shall be based on measured noise levels or calculated on predicted noise levels plus 3dB.

   (b) Railway noise shall be based on measured noise levels or assumed to be the levels set out below:

Nearest part of a room to the railway:	External railway noise shall be assumed to be:
5 – 10 m	73 dB $L_{Aeq(1h}$
10-20 m	71 dB $L_{Aeq(1h}$
20-30 m	68 dB $L_{Aeq(1h}$
30-40 m	66 dB $L_{Aeq(1h}$
40-50 m	64 dB $L_{Aeq(1h}$

50-60 m	62 dB $L_{Aeq(1h}$
60-70 m	60 dB $L_{Aeq(1h}$

3. Where external windows and / or doors are required to be closed to meet the internal design noise levels in Table 4, a mechanical ventilation and cooling system shall be installed that complies with the following requirements.

   (a) Provides mechanical ventilation to enable compliance with clause G4 of the New Zealand Building Code and that provides at least 1 air change per hour, but no less than 7.5L/s per occupant; and

   (b) Provides cooling and heating that is controllable by the occupant and can maintain the inside temperature between 18°C and 25°C; and

   (c) Provides a mechanical ventilation and/or cooling system~~s~~ that does not generate a noise level greater than 35 dB L_{Aeq} when measured 1m from any grille or diffuser. 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); and

   (d) Provides mechanical cooling 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).

   Or:

   (e) Alternatively, in lieu of (a) - (d) 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) - (d).

   (f) Reports must be submitted to the Council:

      (i) Prior to construction demonstrating compliance with clauses 1 and 2; and

      (ii) prior to occupation of the building demonstrating compliance with clauses 3(a) – (d) or (e).

Activity status where compliance is not achieved:

Restricted discretionary

Matters of discretion are restricted to:

1. Adverse *effects* on health, well-being and amenity of building occupants.
2. Alternative options for *building* design, layout or location that would achieve compliance with the standards in Table 4 to mitigate the *effects* of *noise* from the state highway or rail network.
3. Any *reverse sensitivity effects* on the state highway and rail network.
4. Any natural or built features of the site or surrounding area that will mitigate noise effects.
5. The outcome of any consultation undertaken with KiwiRail in respect of the Rail Corridor Noise Control Overlay.

6. The outcome of any consultation undertaken with New Zealand Transport Agency in respect of the State Highway Noise Control Overlay.

Notification: Applications for resource consent under this rule will be decided without public notification.

3. Inserting the following Table:

OISE-Table 4 Internal *noise* limits for buildings containing a *noise sensitive activity*

Activity	Maximum Noise Limit within the State Highway Noise Control Overlay L_{Aeq} (24h)	Maximum Noise Limit within the Rail Corridor Noise Control Overlay L_{Aeq} (1h)
Residential Activity		
Bedrooms / sleeping spaces	40dB	35dB
All other habitable rooms	40dB	40dB
Education Facility		
Lecture rooms / theatres, music studios, assembly halls	35dB	35dB
Teaching areas, conference rooms, drama studios, sleeping areas	40dB	40dB
Libraries	45dB	45dB
Healthcare Activity		
Overnight medical care, wards	40dB	40dB
Clinics, consulting rooms, theatres, nurses' stations	45dB	45dB
Place of Worship, Marae, Papatipu Rūnanga complex		
Place of Worship, Marae, Papatipu Rūnanga complex	35dB	35dB

5.11 Noise Maps

Submitter (S) Further Submitter (FS)	Decision Requested
S112.186 Waka Kotahi NZ Transport Agency	Replace the State highway noise control overlay in the notified Plan with the State highway noise control overlay provided by Waka Kotahi.
FS5.200 Hamish Weir	*Disallow S112.186 Waka Kotahi NZ Transport Agency*
FS28.072 Kainga Ora	*Allow S112.186 Waka Kotahi NZ Transport Agency*

5.11.1 The s42A Report at paragraphs 195 – 205 assessing the implications of the changes sought by NZTA in this submission. The Panel accepts the advice of Victoria Woodbridge that the amended overlay is to be preferred and notes the support and comment by Jon Styles that this modified overlay more accurately identifies the areas affected by noise from traffic on the state highway.

5.11.2 Submission S112.186 Waka Kotahi NZ Transport Agency is accepted by adopting the modelled noise control overlay provided by Waka Kotahi NZ Transport Agency.

Submitter (S)	Decision Requested
S132.240 KiwiRail Holdings Ltd	Insert a Rail Corridor Vibration Alert Area in GIS of 60meters either side of the rail corridor. The Rail Corridor Vibration Alert Area Overlay should read:

	The Rail Corridor Vibration Alert Area 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 as a result of this Rail Corridor Vibration Alert Area.
S132.002 KiwiRail Holdings Ltd	Include a Vibration Alert Area Overlay that is 60m either side of the railway corridor boundaries.

5.11.3 The Panel received evidence from Acoustic experts Dr Stephen Chiles (for KiwiRail) and Jon Styles (for the Council) in addition to planning evidence from Michelle Grinlinton-Hancock and Victoria Woodbridge. That evidence is best summarised by the following extract from the statement of Michelle Grinlinton-Hancock:

> 4.9 Dr Chiles' evidence demonstrates that rail vibration has a very real effect on neighbours (with the potential to result in reverse sensitivity effects on KiwiRail) that requires mitigation. He considers that vibration effects are experienced more than 100 metres from the rail corridor, but that a control to 60 metres would manage the worst of vibration effects. These effects will only increase as the rail network continues to grow.
>
> 4.10 Dr Chiles' evidence is that vibration controls are appropriate to mitigate effects. However, given the practicalities of implementing vibration controls is in its infancy in New Zealand, KiwiRail has taken a pragmatic approach and sought a rail vibration "alert layer" in its submission.
>
> 4.11 Ms Woodbridge agrees that a vibration alert layer would provide useful information to plan users and people living near the rail corridor that they may experience vibration effects. Ms Woodbridge recommends a vibration alert layer be included in the Proposed Plan. This is also supported by Mr Styles. I disagree with Ms Woodbridge's conclusion that the alert layer does not need to be included in the planning maps as it is outside the Proposed Plan. The information signalled by the alert layer is important for readers of the Proposed Plan and needs to be included in the planning maps.

5.11.4 Neither Michelle Grinlinton-Hancock nor Victoria Woodbridge recommended the inclusion of vibration rules referring to the railway in the PDP. The Panel agrees given the lack of research in New Zealand and the infancy of regulation to manage structures and activities within areas affected by induced vibration from road and rail sources.

5.11.5 The Panel was not able to determine the extent of areas affected by the requested vibration alert layer as it was not shown any plans, nor was an assessment provided of the number of properties affected and their zoning. The Panel was advised in total eight trains each day pass through the District. On enquiring what likely numbers would be in the future, Michelle Grinlinton-Hancock advised an increase is anticipated. The current intensity of use of the rail network, and lack of evidence as to anticipated future train numbers passing through the District, reinforced the Panel's view that it was not appropriate to adopt a regulatory approach.

5.11.6 Michelle Grinlinton-Hancock promoted inclusion of a 60 metre vibration alert layer on the Planning Maps for information purposes, stating "information signalled by the alert layer is important for readers of the Proposed Plan". The Panel does not accept that people buying a property or starting a building project would use the District Plan as a source of information on this issue. They would more likely seek advice from the Council's Building department or visit the KiwiRail web site and read the information on "Developing Land Near Rail". Neither does the Panel consider the District Plan Maps an efficient or effective technique to adopt to share information on this issue. A more effective approach would be for KiwiRail to make brochures available at Council offices to provide to people developing land near rail lines or requesting Councils to add a link to the KiwiRail web site.

5.11.7 The Panel did given consideration as to the appropriateness of including a vibration alert layer as part of the suite of Information Only Layers accompanying the District Plan maps. However, the Panel notes that the 60 metre vibration alert area would be contained wholly within the 70 metre rail corridor noise control overlay. Adding this further layer of information does not in the Panel's view assist in any practical way. The Panel notes that the Overview to the Noise chapter does not make any reference to vibration, and arising from this submission and changes made in this Decision on construction vibration, considers an addition to the Overview is useful.

5.11.8 Submissions S132.240 KiwiRail Holdings Ltd is accepted in part by adding the following to the Overview of the Noise chapter

Vibration may also cause adverse effects including annoyance and sleep disturbance for building occupants and damage to buildings. One source of vibration is construction activities and provisions are included in this chapter to manage impacts on amenity and potential damage to buildings. Other sources of vibration are associated with road traffic and trains. This District Plan does not include any provisions applying to vibration from these sources. However, developers of land near to major roads and railways should consult the New Zealand Transport Agency, the Council or KiwiRail for design and other advice.

Submitter (S) Further Submitter (FS)	Decision Requested
S132.239 KiwiRail Holdings Ltd	Redefine the Railway Noise Control Overlay to be 100m either side of the KRH KiwiRail Holdings Ltd designation KRH-1
S132.001 KiwiRail Holdings Ltd	Amend to the 'How the Plan Works' Chapter to reference that the Railway Noise Control Overlay is 100m either side of the railway corridor boundaries.
FS5.7 Hamish Weir *FS29.003 Silver Fern Farms Ltd*	*Disallow S132.001 KiwiRail Holdings Ltd*

5.11.9 The Panel received evidence from Acoustic experts Dr Stephen Chiles (for KiwiRail) and Jon Styles (for the Council) in addition to planning evidence from Michelle Grinlinton-Hancock and Victoria Woodbridge. Kristen Gunnell, legal counsel for KiwiRail was available to respond to questions.

5.11.10 The Panel has reviewed all of the evidence presented including the comprehensive document "KiwiRail Holdings Limited - Standard Reverse Sensitivity Provisions and Section 32 Report" that was attached to the original submission and additional material submitted in response to Minute 24.

5.11.11 Victoria Woodbridge in her s42A Report, supported by advice from the Styles Group, recommended rejecting this submission. A key reason given was the lack of data on the frequency and timing of train movements within the District. It was the view of Dr Stephen Chiles that the volume of trains passing through the District each day was sufficient to trigger the rule sought by KiwiRail. This was the subject of ongoing discussion during the hearing and comment in the responses received to Minute 24 with KiwiRail and Council advisers holding divergent views.

5.11.12 In considering this matter, the Panel is mindful of the approach adopted by NZTA that seeks the inclusion of a modelled state highway noise control overlay in the Gore District Plan. Helen Dempster as a witness for NZTA at paragraph 6.14 of her statement of evidence presented at the hearing stated:

> Part of the rationale behind NZTA's adoption of this modelled noise overlay approach is that NZTA considers that alternative approaches that often rely on an arbitrarily chosen distance proposed in some District Plans, including Gore's PDP, do not as accurately identify the actual extent of noise emissions from the state highway network and therefore do not manage those effects as effectively as the modelled overlay.

5.11.13 The evidence presented by NZTA also provided details of the number of properties affected and the potential impact of the proposed rule on the basis of building consents lodged. Given the potential impacts on property development rights the Panel views the absence of a similar assessment specific to the Gore District by KiwiRail to be a serious omission. It also questions why a modelled consideration similar to that undertaken by NZTA was not undertaken by KiwiRail and presented as evidence.

5.11.14 In the Panel's view the evidence from KiwiRail was also deficient in that it did not take into account noise associated with State highway 1. For much of the length of the rail line through Gore, the State highway is adjacent to and closer to the majority of noise sensitive activities (dwellings) within the 100 metre area sought by KiwiRail.

5.11.15 The Panel also notes submission S132.239 KiwiRail Holdings Ltd requests that the Rail Noise Control Overlay extend to 100m either side of the KRH KiwiRail Holdings Ltd designation KRH-1. The Rail Noise Control Overlay shown in the notified District Plan extends 70 metres each side of the centreline of the Main Trunk Railway. KiwiRail noted in their submission in several places this did not extend beyond the boundary of the land it owns. The Panel considers that consistent with an effects based approach, if the designation boundary is adopted as the starting point this would result in the Railway Noise Control Overlay extending from the railway line:

- 133 metres in the Settlement Zone at Waipahi
- 137 metres in the rural area at McNab
- 110 metres in the Residential Zone at Mataura
- 113 metres in the rural area at Glencoe

5.11.16 While the submission lodged by KiwiRail included an assessment of the provisions of RMA s32AA and an economic impact assessment as part of that, it was general in nature and is not in the view of the Panel directly applicable to the Gore District.

5.11.17 Given the matters referred to above, the Panel concludes there is not sufficient justification to impose the restrictions sought. In addition, using the edge of the designation as the commencement point for the 100 metre control results in an irregular shaped outer limit that lacks an effects base. Accordingly, submissions S132.239 and S132.001 KiwiRail Holdings Ltd are rejected.

5.11.18 In assessing these submissions Victoria Woodbridge suggested a minor wording change to the Description of the Rail Noise Control Overlay on page 28 of the PDP (Part 1 – How the Plan Works) as notified, to read "Identifies a buffer along the rail corridor where acoustic treatment for *noise sensitive activities* is required". The Panel agrees, and this change is made under Clause 16(2) of the First Schedule.

6. Noise Provisions in General Rural Zone

6.1 Policy GRUZ-P7

Submitter (S) Further Submitter (FS)	Decision Requested
S156.013 NZ Agricultural Aviation Assn S3.059 Stoney Creek Station Ltd S113.059 Trudy Bokser S116.059 Nathan Bokser S118.059 AW+ JA Johnston Family Trust S127.095 Peters Farm Ltd Karen Peters S18.061 Reaby Downs Farm Ltd S19.061 Karen Temple S20.061 Sarah and Peter Barclay	Amend 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.~~

Submitter (S) Further Submitter (FS)	Decision Requested
S24.061 Helen McIntosh S68.063 John Baynes S115.152 Kevin Robertson S60.154 Ronald Crispin S68.272 John Baynes	
S109.116 Department of Conservation	Retain GRUZ-P7 as notified
S63.017 NZ Helicopter Assn	Amend to: 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
FS4.33 NZ Agricultural Aviation Assn *FS18.21 NZ Helicopter Assn*	*Allow S63.017 NZ Helicopter Assn*
S28.014 Ravensdown Ltd	Amend GRUZ-P7: 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~~
FS4.35, FS4.36 NZ Agricultural Aviation Assn	*Allow S28.014*
S117.059 Greg Bokser S126.151 Southland Federated Farmers of NZ S143.163 Rural Ratepayers Group S148.164 Alistair & Bernadette Hunt	Amend GRUZ-P7: 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.~~
FS4.34, FS4.37, FS4.38 NZ Agricultural Aviation Assn	*Allow.151 Southland Federated Farmers of NZ, S143.163 Rural Ratepayers Group, S148.164 Alistair & Bernadette Hunt*

6.1.1 In paragraph 5.6.14 the Panel has provided a permissive approach to the use of all types of aircraft activity associated with agricultural production and conservation activities. Consistent with that Policy GRUZ-P7 also requires change.

6.1.2 Submissions S126.151 Southland Federated Farmers of NZ and others is accepted, and submissions S156.013 NZ Agricultural Aviation Assn and others are accepted in part by amending Policy GRUZ-P7 to read:

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~~.

6.2 Rule GRUZ-R16

Submitter (S) Further Submitter (FS)	Decision Requested
S148.011 Alistair & Bernadette Hunt	We do not support the new rules restricting agricultural aviation.
FS4.22 NZ Agricultural Aviation Assn	*Allow S148.011 Alistair & Bernadette Hunt*
S156.015 NZ Agricultural Aviation Assn S63.019 NZ Helicopter Assn	Amend: 1. The takeoff and landings are to or from a rural airstrip or helicopter landing area ~~which complies with GRUZ standard GRUZ-S9~~ 2. Retain GRUZ R-16 2. (subject to the amendments sought in submission point S1.11 to NOISE-R8) Amend: default activity status to restricted discretionary. Add matters of discretion: Any mitigation of noise proposed in accordance with best practicable options. Hours of operation.
FS4.44 NZ Agricultural Aviation Assn *FS18.19 NZ Helicopter Assn*	*Allow S63.019 NZ Helicopter Assn*
S87.010 Ballance Agri-Nutrients S28.016 Ravensdown Ltd	Amend GRUZ-R16: 1. The takeoff and landings are to or from a rural airstrip or helicopter landing area ~~which complies with GRUZ standard GRZ-S9~~

	2. Retain GRUZ-R16 2. (subject to the amendments sought in submission point S1.6 NOISE-R8) Amend default activity status to restricted discretionary. Add matters of discretion: 1. Any mitigation of noise proposed in accordance with best practicable options 2.Hours of operation .
FS4.45, FS4.47 NZ Agricultural Aviation Assn	*Allow S87.010 Ballance Agri-Nutrients, S28.016 Ravensdown Ltd*
S3.072 Stoney Creek Station Ltd S113.072 Trudy Bokser S116.072 Nathan Bokser S118.072 AW+ JA Johnston Family Trust S18.074 Reaby Downs Farm Ltd S19.074 Karen Temple S20.074 Sarah and Peter Barclay S24.074 Helen McIntosh S68.076 John Baynes S127.108 Peters Farm Ltd Karen Peters S117.072 Greg Bokser	Retain GRUZ-R16 as drafted.
FS4.48, FS4.49, FS4.50, FS4.51, FS4.52, FS4.53, FS4.54, FS4.55, FS4.56, FS4.57 NZ Agricultural Aviation Assn	*Allow S113.072, S116.072, S118.072, S18.074, S19.074, S20.074, S24.074, S68.076, S127.108, S117.072 in part. The reference to GRUZ-S9 in GRUZ-R16.1 should be deleted.*
FS4.46 NZ Agricultural Aviation Assn	*Allow in part S3.072 Stoney Creek Station Ltd. The reference to GRUZ-S9 in GRUZ-R16.1 should be deleted*

6.2.1 This rule relates to Agricultural Aviation Activity. Jon Styles, Acoustics Consultant, provided input to the s42A Report stating:

> The Styles Group Noise Chapter Review report provided commentary and advice 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.

6.2.2 Victoria Woodbridge agreed with this in general, but held the view that some controls are warranted to manage adverse effects, stating:

> 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.

6.2.3 Tony Michelle, Executive Officer of the New Zealand Agricultural Aviation Association, also representing the NZ Helicopter Assn, opposed the restrictions in Rule GRUZ-R16 and noting the NZAAA has identified at least 4 existing rural airstrips and 18 helicopter landing areas that are within 500 metres of the notional boundary of a noise sensitive area not on the same site. These are generally neighbour's houses and buildings. There have been no complaints to the Council regarding use of rural airstrips and helicopter landing areas, and as a consequence Tony Michelle considers restrictions are not justified either under this rule or Standard GRUZ-S9.

6.2.4 The Panel agrees with Tony Michelle and is of the view that the use of rural airstrips and helicopter landing areas associated with agricultural production is an accepted part of the Gore District amenity.

6.2.5 Victoria Woodbridge in response to the submissions lodged recommended an exemption being provided within the rule as follows:

> 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.

6.2.6 Having regard to the discussion above, and taking into account Submission S148.011 Alistair & Bernadette Hunt who do not support the rules restricting agricultural aviation, the Panel concludes it is appropriate to provide for Agricultural Aviation Activity as a permitted activity within the General Rural, Rural Lifestyle and Field Days Zones without restriction.

6.2.7 Submission S148.011 Alistair & Bernadette Hunt is accepted, S156.015 NZ Agricultural Aviation Assn, S87.010 Ballance Agri-Nutrients, S28.016 Ravensdown Ltd and S63.019 NZ Helicopter Assn are accepted in part, while submissions S3.072 Stoney Creek Station Ltd and other are rejected, by

(a) amending Rule GRUZ-R16 as follows

GRUZ-R16 Agricultural Aviation Activity

Activity Status: Permitted
~~**Where**~~
~~1. The take-off and landings are to and 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*).~~

Activity status where compliance not achieved:
~~Discretionary~~ N/A

(b) amending Rule RLZ-R6 as follows

RLZ-R6 Agricultural Aviation Activity

Activity Status: Permitted
~~**Where**~~
~~1. The take-off and landings are to and from a *rural airstrip* or *helicopter landing area* which complies with General Rural Zone standard GRUZ-S9.~~
~~2. The activity complies with NOISE-R10 (Noise from the take-off and landing of *aircraft* and helicopters used for *agricultural aviation*).~~

Activity status where compliance not achieved:
~~Discretionary~~ N/A

(c) inserting a new rule in the Field Days Zone as follows

FDZ-R9 Agricultural Aviation Activity

Activity Status: Permitted

Activity status where compliance not achieved: N/A

6.3 Standard GRUZ-S9

Submitter (S) Further Submitter (FS)	Decision Requested
S156.016 NZ Agricultural Aviation Assn S63.020 NZ Helicopter Assn	Delete GRUZ-S9

S28.017 Ravensdown Ltd S87.011 Ballance Agri-Nutrients	
FS4.58, FS4.61 NZ Agricultural Aviation Assn	*Allow S63.020 NZ Helicopter Assn, S28.017 Ravensdown Ltd*
FS18.18 NZ Helicopter Assn	*Allow S63.020 NZ Helicopter Assn*
FS4.59 NZ Agricultural Aviation Assn	*Allow S87.011 Ballance Agri-Nutrients*
S3.080 Stoney Creek Station Ltd S113.080 Trudy Bokser S116.080 Nathan Bokser S118.080 AW+ JA Johnston Family Trust S18.082 Reaby Downs Farm Ltd S19.082 Karen Temple S20.082 Sarah and Peter Barclay S24.082 Helen McIntosh S68.084 John Baynes S127.116 Peters Farm Ltd Karen Peters S117.080 Greg Bokser	Amend GRUZ-S9 as follows: 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.~~
FS4.60, FS4.62, FS4.63, FS4.64, FS4.65, FS4.66, FS4.67, FS4.68, FS4.69, FS4.70, FS4.71 NZ Agricultural Aviation Assn	*Disallow S3.080 Stoney Creek Station Ltd, S113.080 Trudy Bokse, S116.080 Nathan Bokser, S118.080 AW+ JA Johnston Family Trust, S18.082 Reaby Downs Farm Ltd, S19.082 Karen Temple, S20.082 Sarah and Peter Barclay, S24.082 Helen McIntosh, S68.084 John Baynes, S127.116 Peters Farm Ltd Karen Peters, S117.080 Greg Bokser*
FS18.33 NZ Helicopter Assn	*Disallow S3.080 Stoney Creek Station Ltd in part*

6.3.1 Having regard to the matters considered in section 6.2 above and the decision in paragraph 6.2.7 submissions S156.016 NZ Agricultural Aviation Assn and others are accepted, and submissions S3.080 Stoney Creek Station Ltd and others are accepted in part by deleting Standard GRUZ-S9.

7. Noise Provisions in Rural Lifestyle Zone

7.1 Rule RLZ-R6

Submitter (S)	Decision Requested
S148.012 Alistair & Bernadette Hunt	We do not support the new rules restricting agricultural aviation.
S126.174 Southland Federated Farmers of NZ S115.175 Kevin Robertson S143.186 Rural Ratepayers Group S148.187 Alistair & Bernadette Hunt S60.177 Ronald Crispin S68.295 John Baynes	Adopt RLZ-R6 as notified, subject to changes being accepted under GRUZS8.
S156.017 NZ Agricultural Aviation Assn S63.021 NZ Helicopter Assn S87.012 Ballance Agri-Nutrients S28.018 Ravensdown Ltd	Delete RLZ-R6 (1). Retain RLZ-R6 (2)- subject to the amendments sought in NOISE-R8)
FS4.72, FS4.73, FS4.74 NZ Agricultural Aviation Assn	*Allow S63.021 NZ Helicopter Assn, S87.012 Ballance Agri-Nutrients, S28.018 Ravensdown Ltd*
FS18.17 NZ Helicopter Assn	*Allow S63.021 NZ Helicopter Assn*

7.1.1 Having regard to the matters considered in section 6.2 above and the decision in paragraph 5.2.7 submissions S148.012 Alistair & Bernadette Hunt, S126.174 Southland Federated Farmers of NZ, S115.175 Kevin Robertson, S143.186 Rural Ratepayers Group, S148.187 Alistair & Bernadette Hunt, S60.177 Ronald Crispin, S68.295 John Baynes, S156.017 NZ Agricultural Aviation Assn, S63.021 NZ Helicopter Assn, S87.012 Ballance Agri-Nutrients and S28.018 Ravensdown Ltd are accepted in part by adopting the decision in paragraph 5.2.7.

7.2 Rule RLZ-S8

Submitter (S)	Decision Requested
S156.018 NZ Agricultural Aviation Assn S63.023 NZ Helicopter Assn	Delete RLZ-S8

S28.019 Ravensdown Ltd	
FS4.75, FS4.76 NZ Agricultural Aviation Assn	*Allow S63.023 NZ Helicopter Assn, S28.019 Ravensdown Ltd*
FS18.16 NZ Helicopter Assn	*Allow S63.023 NZ Helicopter Assn*

7.2.1 Having regard to the matters considered in section 6.2 above and the decision in paragraph 5.2.7 submissions S156.018 NZ Agricultural Aviation Assn, S63.023 NZ Helicopter Assn and S28.019 Ravensdown Ltd are accepted by deleting Standard RLZ-S8.

8. Noise Provisions in Temporary Activities Chapter

8.1 Rule TEMP-R11

Submitter (S)	Decision Requested
S63.012 NZ Helicopter Assn	Add that the use of Helicopters is permitted and are exempt from NOISE R9- Clause 3 (Movements). Also seek that R9 clause 2 is removed.
FS4.85 NZ Agricultural Aviation Assn *FS18.24 NZ Helicopter Assn*	*Allow S63.012 NZ Helicopter Assn*

8.1.1 The Panel through the body of this decision, in response to the submissions lodged, made a number of significant changes to the Plan provisions applying to helicopters. These provide for:

(a) agricultural aviation activities and associated noise as a permitted activity without restriction in the Rural, Rural Lifestyle and Field Day Zones.

(b) other aviation activities subject to controls related to intensity of use and location.

8.1.2 It is the understanding of the Panel that these changes satisfy the outcome sought by the NZ Helicopter Assoc in this submission.

8.1.3 Submission S63.012 NZ Helicopter Assn is accepted in part by adopting Decisions made at paragraphs 4.7.8, 5.6.14 and 5.7.11, 6.2.7, 6.3.1, 7.1.1, 7.2.1.

9. Other Matters

9.1 District Wide Submissions

Submitter (S) Further Submitter (FS)	Decision Requested
S156.001 NZ Agricultural Aviation Assn	Whole Plan: Amend provisions to ensure that they are justified in the s32 report
FS5.1 Hamish Weir *FS18.1 NZ Helicopter Assn*	*Allow S156.001 156.001 NZ Agricultural Aviation Assn*

9.1.1 The submission by NZAAA is of a general nature, secondary to submissions seeking changes to specific provisions in the Plan and in particular in the Noise chapter. In considering the specific submissions the Panel has had regard to the s32 matters in amending various provisions. In that regard, submission S156.001 NZ Agricultural Aviation Assn is accepted in part.