

Before the Hearing Panel
Appointed by the Timaru District
Council

Under the Resource Management Act 1991 (**RMA**)

In the matter of the Proposed Timaru District Plan

Memorandum of Counsel on behalf of Timaru District Council

Response to Minute 14 – non-commercial fixed-wing aircraft

23 August 2024

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May it please the Hearing Panel:

Introduction

1 This memorandum is filed by counsel for the Timaru District Council (Council) (PDP) in response to Minute 14 in relation to the hearings on the Proposed Timaru District Plan. Minute 14 requested information from the Council's records relating to rules that apply to non-commercial fixed-wing aircraft.

2 The Panel has requested that we provide a memorandum:

...setting out the background to Rule GRUZ R14 Use of Airstrips and Helicopter Landing sites in relation to non-commercial fixed wing aircraft, including:

(a) Record of complaints and monitoring undertaken under the Operative District Plan (ODP).

(b) Evidence that supported proposed change from ODP rules. Please clarify which rules applied in the ODP. In proposing the new rule did the Council have information about the number of private airstrips affected by the rule and percentage of primary production or recreational or other non-commercial flights affected by the rule?

3 These matters are addressed below.

Operative District Plan

4 The Panel's questions relating to the relevant ODP rules, record of complaints and monitoring undertaken under the ODP are addressed below.

Rules relating to use of non-commercial fixed wing aircraft

5 The Operative District Plan (ODP) contains six separate Rural Zones (Rural 1 Zone, Rural 2 Zone, Rural 3 Zone, Rural 4A (Geraldine Downs), Rural 4B (Blandswood) and Rural 5 Zone). Each zone has a separate rule framework, set out in Part D1 – Rural Zones of the ODP.

6 The ODP deals with the use of non-commercial fixed-wing aircraft (including airstrips used for those purposes) in different ways across the zones. There is no single rule that applies to that activity. All of the Rural Zone rules relevant to aircraft, including helicopters, and airstrips and helicopter landing areas (other than rules relating to Timaru Airport) are set out in the table at **Appendix A**.

- 7 Given the varied treatment of non-commercial fixed wing aircraft across the zones, it is difficult to succinctly summarise the relevant rules, and there is some ambiguity as to the application of the rules. This is addressed below.
- 8 Key aspects of the applicability of the rules to the use of non-commercial fixed-wing aircraft are:
 - (a) Where an activity is permitted, it is only permitted subject to all relevant performance standards and the General Rules, including standards and rules for noise.
 - (b) However, activities of a limited duration required by a normal seasonal agricultural, horticultural and forestry practice are exempt from noise limits, provided the activity is no louder than necessary and section 16 of the RMA is complied with.¹
- 9 Each of the zones permits the use of land for recreational activities to some extent. Rural Zones 1, 2, 3 and 5 permit "land-based recreational activities",² and Rural Zones 4A and 4B permit "non-commercial activities".³ These terms are not defined. The relevant Rural Zones 1, 2, 3 and 5 rules specifically exclude the "use of aircraft or motorised vehicles in wetlands or in areas of significant riverbed habitat during bird breeding seasons".⁴ The exclusion of aircraft in specific circumstances implies that the use of aircraft for recreational purposes is otherwise captured by the permitted activity rule. While the relevant Rural Zones 4A and 4B do not refer to aircraft at all, it would be consistent with the Rural 1, 2, 3 and 5 Zone rules (and therefore reasonable to assume) that non-commercial recreation in those zones also includes recreational aircraft use as a permitted activity.
- 10 Where the noise performance standards are not met, these activities become either restricted discretionary or discretionary,⁵ with discretion limited to, or regard to be had, to the performance standards.

¹ General Rules, Rule 6.21.2.2(a).

² Rural 1 Zone, Rule 1.2; Rural 2 Zone, Rule 1.2; Rural 3 Zone, Rule 1.17; Rural 5 Zone, Rule 1.20.

³ Rural 4A Zone (Geraldine Downs), Rule 1.1; Rural 4B Zone (Blandswood), Rule 1.1.

⁴ See rules cited in footnote 2, above.

⁵ Rural 1 Zone, Rule 3.15; Rural 2 Zone, Rule 3.11; Rural 3 Zone, Rule 3.10; Rural 4A Zone (Geraldine Downs), Rule 3.4; Rural 4B Zone (Blandswood), Rule 3.12; Rural 5 Zone 3.15.

11 Each of the zones also contains specific rules relating to airstrips. The activity status for the airstrip relates to its use, except where the rule is a "catch all" rule. They can be summarised as follows:

- (a) Rural 1 Zone - permitted if used for private purposes, primary production, emergency operations, pest control, scientific research or resource management monitoring and maintenance of public utilities, utility services and telecommunication;⁶ discretionary if used for commercial purposes;⁷ otherwise non-complying.⁸
- (b) Rural 2 Zone – permitted if used for private purposes; servicing utility services, public utilities, telecommunication facilities and radio communication facilities; or emergency operators;⁹ otherwise non-complying.¹⁰ (Note that primary production, pest control, and other uses referred to in the Rural 1 Zone are not included here as permitted activities.)
- (c) Rural 3 Zone – non-complying, as they are not specifically listed in the zone rules.¹¹
- (d) Rural 4A and 4B zones - non-complying as they are not specified as a permitted, controlled, restricted discretionary or discretionary activity.¹²
- (e) Rural 5 Zone – discretionary, as they are not specifically listed as permitted activities.¹³

12 In summary, under the ODP:

- (a) The use of land for take offs and landings associated with recreational flights is permitted in all Rural Zones, subject to the noise performance standards relevant to each zone;¹⁴

⁶ Rural 1 Zone, Rule 1.15.

⁷ Rural 1 Zone, Rule 3.22.

⁸ Rural 1 Zone, Rule 4.2.

⁹ Rural 2 Zone, Rule 1.15.

¹⁰ Rural 2 Zone, Rule 4.2.

¹¹ Rural 3 Zone, Rule 4.5.

¹² Rural 4A (Geraldine Downs), Rule 5.3; Rural 4B (Blandswood), Rule 4.2.

¹³ Rural 5 Zone, Rule 3.12.

¹⁴ Rural 1 Zone, Rule 1.2; Rural 2 Zone, Rule 1.2; Rural 3 Zone, Rule 1.17; Rural 4A Zone (Geraldine Downs), Rule 1.1; Rural 4B Zone (Blandswood), Rule 1.1; Rural 5 Zone, Rule 1.20.

- (b) Airstrips used for private purposes are permitted in Rural Zones 1 and 2 (subject to the relevant noise performance standards other than where the exemption applies), non-complying in Rural Zones 3, 4A and 4B and discretionary in Rural 5 Zone;¹⁵
- (c) The performance standards for all Rural Zones are (measured at the notional boundary of a household unit not on the same site):¹⁶
 - (i) 7.00am – 10.pm - 50dBA L₁₀;
 - (ii) All other times - 40dBA L₁₀ and 70dBA L_{max}.
- (d) Additional performance standards in Rural Zones 1 and 2 are:¹⁷
 - (i) 7.00am – 10.pm - 50dBA L₁₀ at any point within the Residential 1, 2 or 3 zone, and 55dBA L₁₀ within the Residential 2 or 4 zones;
 - (ii) All other times - 40dBA L₁₀ and 70dBA L_{max} at any point within the Residential 1, 2 or 3 zone, and 45dBA L₁₀ and 75dBA L_{max} within the Residential 2 or 4 zones.
- (e) Noise is to be measured in accordance with New Zealand Standard 6801:1991 Measurement of sound and assessed in accordance with the provisions of New Zealand Standard 6802:1991 Assessment of environmental sound.¹⁸

Record of complaints and monitoring under ODP

- 13 Following the issue of Minute 14, Council reviewed its files and advised that:
- (a) Council records show several complaints (between 2011 - 2013), all of which relate to the use of a micro-lite aircraft in the Rural 5 Zone.¹⁹ This information was not provided in response to the

¹⁵ Rural 1 Zone, Rule 1.15; Rural 2 Zone, Rule 1.15; Rural 3 Zone, Rule 4.5; Rural 4A (Geraldine Downs), Rule 5.3; Rural 4B (Blandswood), Rule 4.2; Rural 5 Zone, Rule 3.12.

¹⁶ Rural 1 Zone, Performance Standard 5.22; Rural 2 Zone, Performance Standard 5; Rural 3 Zone, Performance Standard 5.18; Rural 4A Zone (Geraldine Downs), Performance Standard 6.5; Rural 4B Zone (Blandswood), Performance Standard 5.7; Rural 5 Zone, Performance Standard 5.19.

¹⁷ Rural 1 Zone, Performance Standard 5.22; Rural 2 Zone, Performance Standard 5.

¹⁸ General Rules, Rule 6.21.2.2(a).

¹⁹ In addition to the complaint referred to above, three complaints relating to the use of helicopters/ helicopter landing areas are recorded on the Council's complaints register. Note the complaints register records commence in 2013.

LGOIMA request made by Mr Evans as the information was not recorded on the complaints register.

- (b) The Council does not undertake routine monitoring of the use of airstrips or the use of non-commercial fixed-wing aircraft. Monitoring may be undertaken when there is a complaint.
- 14 Monitoring of the micro-lite aircraft referred to in 13(a) above was undertaken by the Council's Environmental Health Manager on two occasions (see reports attached at **Appendix B**):
- (a) Initial monitoring results (July 2014) were that two take-offs and three landings exceeded the District Plan performance standards when measured at the notional boundary of the nearest dwelling (approximately 90m away). Considering the FIDOL factors (frequency, intensity, duration, offensiveness and character, location), it was concluded that the operation of the micro-lite (5 flights per week) would contribute to unreasonable noise due to intensity, offensiveness and location and the effects on long-term human health and amenity would be more than minor without any mitigation.
 - (b) Subsequent monitoring was undertaken (October 2014) to test compliance with the District Plan performance standards if the engine revolution were reduced by 1,000 rpm. District Plan performance standards were still exceeded, but significant reductions in noise were achieved. The FIDOL factors of location and offensiveness were considered likely to remain unchanged, however the low frequency of use, short duration of higher noise levels and the use of the nearby property as a holiday house led the assessor to conclude that the effects of the micro-lite operation were minor.

Proposed District Plan

- 15 The Panel's questions relating to evidence that supported the proposed change from the ODP, information about private airstrips and the percentage of primary production or recreational or other non-commercial flights are addressed below.

Information regarding private airstrips and non-commercial flights

16 The Council has advised that:

- (a) it does not hold information about the number of private airstrips, or the percentage of primary production, recreational or other non-commercial flights in the district;
- (b) it only holds information on these activities where a resource consent application, an existing use certificate application, or a complaint has been made;
- (c) its records show that one resource consent application for private use of an airstrip (related to the complaint referred to above), one resource consent application for an aircraft maintenance facility (including use of an airstrip), and one application for an existing use certificate for commercial use of an airstrip have been made.

Development of GRUZ-R14

17 I requested that the Council provide any other relevant information relating to the development of GRUZ R14. I have been advised as follows:

- (a) An options analysis for the Rural Zones proposed to rationalise the six ODP Rural Zones for simplicity and efficiency reasons, and to meet the requirements of the National Planning Standards;
- (b) The initial policy approach, developed alongside the Technical Working Group (TWG), proposed a discretionary activity status for commercial uses of airstrips and a permitted activity for private uses subject to minimum movements and setbacks. Development of those relevant rules was undertaken through the TWG process and resulted in the version contained in the Draft District Plan.
- (c) The Draft District Plan GRUZ-R11 permitted the use of airstrips for private purposes subject to:
 - (i) A maximum of 8 movements per day and 28 per week;
 - (ii) A 500m setback from any Residential Zone or the notional boundary of a building containing a noise sensitive activity;

(Emergency uses were excluded from the rule; use of an airstrip was a discretionary activity in the event of non-compliance with the movement limits and setback.)

- (d) Feedback was received from three submitters on the Draft District Plan GRUZ-R11²⁰ which can be summarised as follows:²¹
- (i) Eight movements per day is insufficient for topdressing as these movements are sporadic, subject to the weather, and cannot be scheduled weeks in advance. The submitter sought exemption for all take-offs and landings related to primary production activities for fixed-wing aircraft and helicopters.
 - (ii) Eight movements per day is insufficient for topdressing activities, which requires 12 take offs/ landings per hour for six or seven hours per day, two to three times per year. The submitter sought exemption for aerial topdressing activities.
 - (iii) Eight movements per day is insufficient because aircraft applying fertiliser would need a resource consent, but would only exceed eight movements per day on a limited number of days per year. This approach is not effects based. The submitter sought to retain the exemption for rural production activities from noise rule (NOISE-R1) and to exclude intermittent use of airstrips and helicopter landing areas for rural production purposes.
- (e) No feedback was received on this rule in relation to:
- (i) the proposed setbacks; or
 - (ii) the use of small fixed-wing aircraft for other private, recreational or non-commercial uses of airstrips.
- (f) The feedback on the Draft District Plan was considered by the Rural Zone Major Stakeholders Group (April 2021), which included representatives from Federated Farmers, Beef and Lamb NZ, Horticulture NZ, NZ Pork, Aoraki Environmental Consultants, Environment Canterbury and the Council. The Group agreed to include an exemption for aircraft movements where they are related to primary production.
- (g) A further version of GRUZ-R11 was prepared in consultation with an independent noise expert. Advice from that expert (which is

²⁰ GRUZ-R11 in the Draft District Plan is the equivalent to GRUZ-R14 in the PDP.

²¹ This information is contained in "feedback tables", which summarised feedback on the Draft District Plan. Copies of these tables can be provided if necessary.

contained in Appendix A of Mr Evan's evidence, and in further correspondence at **Appendix C**²² to this memorandum) was that:

- (i) Movements for primary production reasons should be limited to intermittent use only, or be limited to the site on which the airstrip is located, in order to manage potential noise effects that could arise, for example in the event that a commercial primary production-related operation is established which operates on more than an intermittent basis;²³
- (ii) Setbacks should be retained.²⁴

(h) The PDP version was notified as GRUZ-R14.

- 18 In light of the above, it is evident that the development of GRUZ-R14 sought to consolidate the various rules in the ODP relating to aircraft movements and the use of airstrips. In doing so, the Council sought to address the feedback it received on the Draft District Plan, while fulfilling its function under section 31(1)(d) to control noise emissions and mitigate the effects of noise.
- 19 While there was limited information available relating to airstrips and flights taken in the district, it was appropriate to rely on advice from an independent expert as to how the potential noise effects from aircraft could be appropriately managed, alongside feedback received on the Draft District Plan and from the Rural Zone Major Stakeholders Group. The absence of complaints to the Council does not absolve it of its responsibilities in terms of section 31(1)(d).
- 20 It is further noted that GRUZ-R14 only applies to new airstrips and new aircraft movements. Existing lawfully established airstrips and movements retain existing use rights (which, where permitted under the ODP, are subject to the noise limits in the ODP unless specifically exempt) and are not affected by proposed GRUZ-R14. The Council seeks to manage potential future conflicts between new airstrips (and their use) and noise sensitive activities. It is respectfully submitted that that is appropriate. While section 16 of the RMA imposes a duty to avoid unreasonable noise, it would be very difficult for the Council to rely on section 16 as a fall back in circumstances where the noise from a

²² The Council advises that this information was provided to Mr Evans, although it does not appear to be attached to his evidence.

²³ Email of 17 May 2021, 10:19am – See Evidence of John Evans, Appendix A, page 010.

²⁴ Email of 22 June 2021, 11:59am – See Evidence of John Evans, Appendix A, page 009.

particular activity is clearly anticipated (and exempt) from the District Plan.

Proposed next steps

- 21 In light of the evidence received from submitters relating to the recreational, non-commercial use of small-fixed wing aircraft, Mr MacLennan has accepted that the proposed limitations in terms of movements and setbacks may not be the most efficient means of managing the potential noise effects of the recreational use of the specific category of aircraft the subject of submissions. However, in the absence of evidence from the submitters as to the noise generated by the aircraft they propose to exempt, it is difficult to determine whether or how potential noise effects should be managed.
- 22 Mr MacLennan has recommended that the use of small fixed-wing aircraft for non-commercial purposes be subject to an appropriate noise standard. This is the approach taken in the Rural 1 and 2 zones in the ODP where recreational flights are permitted. Mr MacLennan intends to discuss that recommendation further with the submitters, in order to better understand the potential effects from the category of aircraft they seek to be exempt from GRUZ-R14. The Council is likely to seek further advice from a noise expert following those discussions, including as to whether further controls are necessary at all.
- 23 It is noted for completeness that the Panel has requested that Mr MacLennan address the objectives and policies that GRUZ-R14 seeks to implement, some of which are contained in the NOISE chapter, in his interim reply. It may be appropriate to address the management of noise from these aircraft in the hearing on the NOISE chapter, given the interrelated nature of the policy framework in the various chapters of the PDP. The Council will provide further advice to the Panel in that regard, depending on the outcome of further discussions with the submitters.
- 24 There has been a suggestion that there may not be scope in the submission to amend the PDP to apply a noise standard to manage the potential effects of non-commercial uses of small fixed-wing aircraft. The relevant legal principles relating to the Panel's scope to amend the PDP in response to submissions is set out in previous legal submissions and memoranda filed with the Panel.²⁵

²⁵ Legal submissions of Counsel on behalf of Timaru District Council (30 April 2024), at [28] - [30]; Memorandum of Counsel on behalf of Timaru District Council – Response to Minute 10 (1 July 2024), at [9] to [12].

- 25 In summary, the Panel has broad scope to make amendments to the PDP provided it is confident that they are a logical consequence of the matters raised in the full range of submissions, such that they would not prejudice a potential further submitter who had elected not to make a further submission. The Panel's scope is also commonly expressed as the ability to grant any relief within the general scope of an original submission, the proposed change as notified, or somewhere in between.
- 26 In this case, the PDP put limits on the use of aircraft, including the use of small fixed-wing aircraft for non-commercial purposes, via limiting the number of movements and requiring setbacks. The submissions took issue with those controls and sought various amendments, including amendments to:
- (a) Allow unlimited movements^{26/} preserve existing use rights by removing limitations;²⁷
 - (b) Allow unlimited movements for recreation and private use;²⁸
 - (c) Allow for existing use rights to host a fly-in;²⁹
 - (d) Remove the 500m boundary for the landing strip;³⁰
 - (e) Retain the status quo;³¹
 - (f) Provide for take-off and landings associated with commercial and non-commercial uses.³²
- 27 Therefore, the scope of amendments the Panel is entitled to make ranges broadly from the limits proposed in the PDP, to no limits at all. It is respectfully submitted that an alternative means of controlling potential noise effects lies squarely within that broad scope.

²⁶ Ian Sinclair, submission 39.1.

²⁷ John Evans, submission 45.1; Station Air Ltd, submission 61.1.

²⁸ Ian Sinclair, submission 39.1.

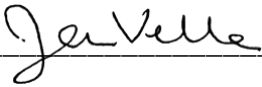
²⁹ John Evans, submission 45.1; Louise Aubrey, submission 59.1.

³⁰ Jeremy Talbot, submission 79.1.

³¹ Russell Kenneth Brodie, submission 125.1.

³² Timaru Developments Ltd, submission 252.85; Rooney Earthmoving Ltd, submission 251.85.

- 28 The Council remains hopeful that agreement with the submitters can be reached in relation to these matters and Mr MacLennan will provide an update in that regard via his interim reply.
- 29 The Council is grateful to the Panel for its attention to these matters.



Jen Vella
Counsel for Timaru District Council

Appendix A

Relevant ODP rules

ODP Rule	Activity Status	Description of rule
1.11.1 Rural 1 Zone (R1)		
1 – Permitted activities		The following are permitted activities subject to complying with all the Performance Standards for this zone and the General Rules:
Rule 1.2	Permitted	Public or private land used for conservation, and/or open space and/or amenity purposes; and land-based recreational activities not including buildings or structures, and not including use of aircraft or motorised vehicles in wetlands or in areas of significant riverbed habitat during bird breeding seasons.
Rule 1.15	Permitted	Airstrips or helicopter landing sites used for private purposes, primary production, emergency operations, pest control, scientific research or resource management monitoring and maintenance of public utilities, utility services and telecommunication.
3 – Discretionary activities		The following are discretionary activities in this zone subject to complying with the General Rules:
Rule 3.15	DIS	Any activity listed as a permitted, controlled, or discretionary activity which does not comply with the performance standards for this zone.
Rule 3.22	DIS	Airstrips or helicopter landing sites used for commercial purposes.
4 – Non-complying activities		The following activities are non-complying in this zone subject to complying with the General Rules:
Rule 4.2	NC	All other activities in this zone are non-complying unless they are provided for by a General Rule.

Performance Standards - 5.22		<p>Subject to 5.23*, all activities shall be designed and conducted so that noise levels shall not exceed 50dBA L₁₀ at the notional boundary of the nearest household unit on any other site between 7.00am and 10.00pm on any day, and 40dBA L₁₀ and 70dBA L_{max} at all other times.</p> <p>Noise levels shall not exceed either:</p> <p>50dBA L₁₀ at any point within the boundary of any Residential 1, 3 or 5 Zone between 7.00am and 10.00pm on any day, and 40dBA L₁₀ and 70dBA L_{max} at all other times; and</p> <p>55dBA L₁₀ at any point within the boundary of any Residential 2 or Residential 4 Zone between 7.00am and 10.00pm on any day and 45dBA L₁₀ and 75dBA L_{max} at all other times, unless specific noise limits are provided for the activity elsewhere in this Plan.</p>
<p>*Note:</p> <p>Performance Standard 5.23.1 relates to Aircraft Engine Testing</p> <p>Performance Standard 5.23.2 relates to Noise from Aircraft Operations at Timaru Airport</p>		
1.11.2 Rural 2 Zone (R2)		
1 – Permitted activities		The following are permitted activities subject to complying with all the Performance Standards for this zone and the General Rules.
Rule 1.2	Permitted	Public or private land used for conservation, and/or open space and/or amenity purposes; and land-based recreational activities not including buildings or structures, and not including use of aircraft or motorised vehicles in wetlands or in areas of significant riverbed habitat during bird breeding seasons.
Rule 1.15	Permitted	Airstrips or helicopter landing sites used for private purposes; servicing utility services, public utilities, telecommunication facilities and radio

		communication facilities; or emergency operators.
3 – Discretionary activities		The following are discretionary activities in this zone subject to complying with the General Rules:
Rule 3.2	DIS	Any activity listed as a permitted or controlled activity which does not comply with the performance standards for bulk and location of buildings, noise, artificial light and glare.
Rule 3.11	DIS	Any activity listed as a permitted, controlled or discretionary activity which does not comply with the performance standards for this zone.
4 – Non-complying activities		The following activities are non-complying in this zone subject to complying with the General Rules:
Rule 4.2	NC	All other activities in this zone are non-complying unless they are provided for by a General Rule.
Performance standards - 5		The Performance Standards provided for in the Rural 1 Zone shall also apply to the Rural 2 Zone.
1.11.3 Rural 3 Zone (R3)		
1 – Permitted activities		The following are permitted activities subject to complying with all the Performance Standards for this zone and the General Rules.
Rule 1.10	Permitted	Helicopter landing sites for the purpose of servicing telecommunication and radio communication facilities, and public utilities outside of areas of significant indigenous vegetation or significant habitats of indigenous fauna.
Rule 1.17	Permitted	Land-based recreational activities not including buildings or structures, and not including use of aircraft or motorised vehicles in wetlands or in areas of significant riverbed habitat during bird breeding seasons.

3 – Discretionary activities		The following are discretionary activities in this zone subject to complying with the General Rules:
Rule 3.10	DIS	Any activity listed as a permitted, controlled or discretionary activity which does not comply with the performance standards for this zone.
4 – Non-complying activities		The following activities are non-complying in this zone subject to complying with the General Rules:
Rule 4.5	NC	All other activities in this zone are non-complying unless they are provided for by a General Rule.
Performance standard – 5.18		Noise levels shall not exceed 50dBA L ₁₀ at the notional boundary of the nearest household unit on any other site between 7.00am and 10.00pm on any day, and 40dBA L ₁₀ and 70dBA L _{max} at all other times, unless specific noise levels are provided for the activity elsewhere in the District Plan
Performance standard – 5.19		See General Rule 6.21 for measurement and assessment of noise, standards for construction and maintenance noise and General Rule 6.10 for temporary buildings and activities
1.11.4A Rural 4A Zone (Geraldine Downs)		
1 – Permitted activities		The following are permitted activities subject to complying with all the Performance Standards for this zone and the General Rules.
Rule 1.1	Permitted	Public or private land used for conservation, or non-commercial recreation.
3 - Restricted discretionary activities	RDA	The following are restricted discretionary activities provided that they are not located in a proposed walkway/cycle track indicated in Appendix 1 of the Rural 4A Zone (Geraldine Downs):
Rule 3.4		Any activity that does not comply with the Performance Standards for the zone or general

		rules. Discretion is limited to the matter not complied with.
5 – Non-complying activities		The following activities are non-complying:
Rule 5.3	NC	Any activity not specified as a permitted, controlled, restricted discretionary or discretionary activity shall be a non-complying activity.
Performance standard – 6.5		Noise levels shall not exceed 50dBA L ₁₀ at the notional boundary of the nearest household unit on any other site between 7.00am and 10.00pm on any day, and 40dBA L ₁₀ and 70dBA L _{max} at all other times, unless specific noise levels are provided for the activity elsewhere in this Plan.
Performance standard – 6.6		See General Rule 6.21 for measurement and assessment of noise, standards for construction and maintenance noise, and General Rule 6.10 for Temporary Buildings and Activities.
1.11.5 Rural 4B Zone (Blandswood)		
1 – Permitted activities		The following are permitted activities subject to complying with all the Performance Standards for this zone and the General Rules.
Rule 1.1	Permitted	Public or private land used for conservation, amenity or non-commercial recreation.
3 – Discretionary activities		The following are discretionary activities in this zone subject to complying with the General Rules:
Rural 3.11	DIS	Helicopter landing sites for the purpose of servicing telecommunications and radio communications facilities.
Rule 3.12	DIS	Any activity listed as a permitted, controlled or discretionary activity which does not comply with the performance standards for this zone.

4 – Non-complying activities		The following activities are non-complying in this zone subject to complying with the General rules:
Rule 4.2	NC	All other activities in this zone are non-complying unless they are provided for by a General rule.
Performance standard - 5.7		Noise levels shall not exceed 50dBA L ₁₀ at the notional boundary of the nearest household unit on any other site between 7.00am and 10.00pm on any day, and 40dBA L ₁₀ and 70dBA L _{max} at all other times, unless specific noise levels are provided for the activity elsewhere in this Plan.
Performance standard - 5.8		See General Rule 6.21 for measurement and assessment of noise, standards for construction and maintenance noise, and General Rule 6.10 for Temporary Buildings and Activities.
1.11.6 Rural 5 Zone (R5)		
1 – Permitted activities		The following are permitted activities subject to complying with all the Performance Standards for this zone and the General Rules.
Rule 1.12	Permitted	Helicopter landing sites outside of areas of significant indigenous vegetation or significant habitats of indigenous fauna except helicopter landings for emergency purposes.
Rule 1.20	Permitted	Land-based recreational activities not including buildings or structures, and not including use of aircraft or motorised vehicles in wetlands or in areas of significant riverbed habitat during bird breeding seasons.
3 – Discretionary activities		The following are discretionary activities in this area subject to complying with the General Rules:
Rule 3.12	DIS	Airstrips and helicopter landing sites not provided for as permitted activities.

Rule 3.15	DIS	Any activity listed as a permitted, controlled or discretionary activity, which does not comply with the performance standards for this zone.
4 – Non-complying activities		The following activities are non-complying in this zone subject to complying with the General Rules:
Rule 4.4	NC	All other activities in this zone are non-complying unless they are provided for by a General Rule.
Performance standard – 5.19		Noise levels shall not exceed 50dBA L ₁₀ at the notional boundary of the nearest household unit on any other site between 7.00am and 10.00pm on any day, and 40dBA L ₁₀ and 70dBA L _{max} at all other times, unless specific noise levels are provided for the activity elsewhere in the District Plan.
Performance standard – 5.20		See General Rule 6.21 for measurement and assessment of noise, standards for construction and maintenance noise and General Rule 6.10 for temporary buildings and activities.
6.21 General Rules		
Rule 6.0	NC	Unless otherwise provided for in this Plan all activities which do not comply with any General Rule are non-complying activities.
Rule 6.21.2 – Rules relating to noise in all zones		
Rule 6.21.2.1 - Measurement and assessment of general environmental noise		Except where expressly provided elsewhere in this Plan, noise shall be measured in accordance with the provisions of New Zealand Standard 6801:1991 Measurement of sound and assessed in accordance with the provisions of New Zealand Standard 6802:1991 Assessment of environmental sound.
Rule 6.21.2.2 - Exemptions		Noise limits in any part of the Plan shall not apply: (a) In any area or zone, to activities of a limited duration required by normal seasonal agricultural, horticultural and forestry practice, such as

		<p>harvesting, provided that the activity shall be no louder than necessary, and shall comply with the requirements of section 16 of the Resource Management Act 1991.</p> <p>(b) In any Residential Zone, to activities of a normal recreational nature, such as sporting events, that do not involve powered motorsport, powered aviation, gunfire or amplified music.</p> <p>(c) In any part of the District, where the noise source is a warning device used by emergency services.</p>
Rule 6.21.2.4 - Noise Associated With Helicopter Landing Areas	DIS	Any proposed new activity within the scope of New Zealand Standard 6807:1994 <i>Noise management and land use planning for helicopter landing areas</i> , shall be a discretionary activity in all zones.

APPENDIX B
Compliance monitoring reports – Rural 5 zone aircraft noise complaint

Sound level survey of [REDACTED] Micro light from [REDACTED] [REDACTED] on 18 July 2014.

1. INTRODUCTION

Upon request from the Timaru District Council's District Planning Manager I undertook sound pressure sampling of [REDACTED] micro light from his closest residence holiday house at [REDACTED] on 18 July 2014.

The interest was in the operational sound level of the micro light on the ground before and after flight in addition to in flight noise over [REDACTED]. At the request of [REDACTED] sound pressure levels of his chainsaw and lawn mower were also taken for comparison.

Discussion with [REDACTED] agreed that he would warm up the micro light before performing 3 take off and landings and a 500 feet fly round the valley to simulate an approach assessment. After flying he would start and use his chainsaw and lawn mower as it represents a common sound in the valley especially on the weekends when holiday home owners visit.

2. EQUIPMENT

	Sound Level Meter	Microphone	Acoustic Calibrator	Wind Speed indicator	Tripod
Manufacturer	Cirrus	Cirrus	Cirrus	Davis Instruments	—
Type	CR:831C	MK:224	CR515	Turbo Meter	—
Serial Number	D20583FF	20042254	53967	X97047	—
Date of Calibration	05/07/2015	ECS, 05/07/2015	05/07/2015	—	—

Calibration: 1045 hrs 94 dBA (before time setting adjustment)
1015 hrs 94 dBA

Range: 30 - 100 dBA, fast setting

Residual Sound: 0 k₁

Weather: Weather was within the criteria set out in the NZS 6801:2008

Temperature: -2 to 4°C, Light frost, front (low heavy cloud) from north forecast to bring snow from Oxford to Geraldine.

Cloud cover: BKN – Broken Cloud (5/8th)

Wind speed: 0.0 m/s

Location:

Site: [REDACTED],

Sound level meter height: 1.5m facing west

Distance to roads: Estimated as 81 metres to [REDACTED]

Distance to runway: Estimated as 91 metres



Character of Sound:

The 2-stroke 65 horsepower Rotech engine emitted a steady cyclic sound pressure during warm-up, take off and landing operations.

Additional sounds: bird song, plane drone, 1 vehicle moving north on [REDACTED] at slow speed, tractor in distance.

3. SITE PHOTOS



Sampling Point at [REDACTED]



Top of runway



Bottom of Runway



4. LEGISLATION

Resource Management Act 1991 Section 16 Duty to avoid unreasonable noise

(1) Every occupier of land (including any premises and any coastal marine area), and every person carrying out an activity in, on, or under a water body or the coastal marine area, shall adopt the best practicable option to ensure that the emission of noise from that land or water does not exceed a reasonable level.

Timaru District Plan Performance Standards for Rural 5 Zone states:

5.19 Noise levels shall not exceed 50dBA L10 at the notional boundary of the nearest household unit on any other site between 7.00am and 10.00pm on any day, and 40dBA L10 and 70dBA Lmax at all other times, unless specific noise levels are provided for the activity elsewhere in this Plan.

5. 20 See General Rule 6.21 for measurement and assessment of noise, standards for construction and maintenance noise, and General Rule 6.10 for Temporary Buildings and Activities.

5. RESULTS

New Zealand Standards 6801:2008 and 6802:2008

Comment must be given to the short duration of samples gathered which were outside the NZS 6801:2008 required 15 minutes. If samples were gathered for the required 15 minutes then the effect of the take off or landing would be negated for the common practise of take off and fly away from the site would lessen the effect at the site. This is shown in the warm up & 1st take off sample which resulted in a compliant 48 dBA L10 By undertaking sampling in this manner it is in conflict with Timaru District Plan General Rule 6.21.

Comment must also be made that the NZS 6801:2008 recommends that the LEQ is measured for steady and cyclic sound events. However the L10 noise descriptor is currently listed in the Timaru District Plan for indication of compliance.

Special Audible Characteristics

The NZS 6802:2008 advises of calculations for adjustments to account for equipment (Chainsaw, micro light engine) that have special audible characteristics, such as tonality or impulsiveness. This is likely to cause adverse community response at lower levels than sound with out such characteristics. Sampling this equipment also requires a sampling period of 15 minutes. Equipment with Special audible characteristics require an adjustment to the sampled values ranging in a reduction of 3 – 10 dB depending on the difference between the operational and background results.

Background

The background sample of 4min 6 sec indicated a sound pressure level of 36.9 dBA LEQ or 26 dBA L90. As there was no wind affects this was influenced predominately by bird song and cold frosty climatic conditions.

Operational

Table 1 shows 5 samples of the micro light operation that did exceed the District Plan noise descriptor of 50 dBA L10. These were the 1st, 2nd, 3rd landings and 2nd and 3rd take offs. The chainsaw and lawn mower were the 2 other samples that exceeded the District Plan. Samples that did not exceed the District Plan levels were the background, warm up and flight at 500 ft. Results have +/- 3db of uncertainty.

Table 1 the take off samples indicate a smaller range of noise descriptors with increased decibel levels which illustrate a more consistent and increased sound environment. Contrasting this is the landing samples which have a greater range between the noise descriptors, indicating an increase sound pressure over a shorter period of the sample.

Table 2 shows further analysis into the amount of sample time exceeding the 50 dBA LEQ. Due to the averaging of the noise descriptor it is generally accepted that it will be a lower value to the L10 noise descriptor. This is because the L10 is a 10 percentile figure of the total sample period. Therefore it can be accepted that a level exceeding a 50 dBA LEQ will exceed a 50 dBA L10.

These results show that the micro light landing produced a grouping of consistent time (:16 sec,:18 sec and: 18 sec) above the 50 dBA Leq noise descriptor. While the take off had more viability (20 - 48sec) of time exceeding the 50 dBA Leq. The greatest exceedance occurred with the operation of the chainsaw at the end of the runway with 1min 18 sec of the 1 min 56 sec sample being over the 50 dBA Leq.

Cirrus Sound Level Meter Measurement Reports

These downloaded reports graph the LEQ over Time. The LEQ is generally a reduced decibel reading due to the averaging of sound pressure over sampling time. The graphs have been included to the show the trend of Tables 1 and 2, that the higher sound pressure level is experienced in take off operations compared to the shorter duration of the landing operations. It also allows the graphical representation and comparison of other equipment such as the chainsaw and lawn mower.

Definitions

dB (Decibel) – Term used to identify level sound pressure intensity or power

A weighted frequency – The frequency (Hz) range of human hearing

LEQ – A-weighted frequency time average levels. Is the sound descriptor Recommended by New Zealand Standards for a wide range of sound characters.

L₁₀ - **10%** exceedance of the A-weighted frequency root mean square levels sampled. Its use is currently listed in the Timaru District Plan as the recommended sound descriptor.

L₉₀ - **90%** exceedance of the A-weighted frequency root mean square levels sampled. Its use is recommended by NZS 6801:2008 Section 8.7.

L_{max} – Is derived from the measured short LEQ values of 100-125 milliseconds duration shall be taken as equivalent to L_{max} derived from F-time-weighted measurements

Table 1: Sound pressure results for micro light operation from [REDACTED].

Time	Run Time	L10	Leq	Lmax	L90	Notes
10:46	00:04:06	39.60	36.90	55.90	26.80	Memory 292 Background (before time adjustment)
09:41	00:07:40	48.20	58.20	78.40	35.80	Memory 293 Warm up & 1 st take off
09:49	00:03:58	52.40	48.10	62.50	35.80	Memory 294 Flight at 500ft
09:53	00:00:52	60.00	55.80	66.60	41.70	Memory 295 1st Landing
09:54	00:00:04	48.80	49.30	51.70	46.70	Memory 296 disregard on ground turning around
09:54	00:00:22	73.90	70.70	77.40	56.70	Memory 297 2nd Take off
09:56	00:00:45	61.70	55.80	66.60	39.90	Memory 298 2nd Landing
09:57	00:00:49	72.40	67.50	77.20	51.20	Memory 299 3rd Take off
09:59	00:01:00	57.90	52.50	61.30	38.80	Memory 300 3rd Landing
10:08	00:01:56	59.60	56.50	64.40	41.40	Memory 301 Chainsaw at end of runway
10:10	00:00:31	54.40	50.90	58.50	33.70	Memory 302 Disregard Chainsaw
10:12	00:00:21	36.60	35.60	42.80	31.50	Memory 303 Unidentified Distant Plane drone
10:13	00:00:55	50.00	47.90	60.20	42.50	Memory 304 Lawn mower at end of runway

Table 2: Amount of time recorded above the 50 dBA Leq noise descriptor during the sample

Time	Run Time			Time above 50 dBA	L10	Leq	Lmax	L90	Notes
09:53	00:00:52	09:53:42	09:53:58	.16 s	60.00	55.80	66.60	41.70	1st Landing
09:54	00:00:22	09:55:02	09:55:22	.20s	73.90	70.70	77.40	56.70	2nd Take off
09:56	00:00:45	09:57:01	09:57:19	.18s	61.70	55.80	66.60	39.90	2nd Landing
09:57	00:00:49	09:58:07	09:58:55	.48s	72.40	67.50	77.20	51.20	3rd Take off
09:59	00:01:00	09:59:54	10:00:12	.18s	57.90	52.50	61.30	38.80	3rd Landing
10:08	00:01:56	Various		1:18s	59.60	56.50	64.40	41.40	Chainsaw
10:13	00:00:55	Various		.9s	50.00	47.90	60.20	42.50	Lawn mower

Decibel comparison table

Equipment	dBA
Large diesel vehicle	90
Heavy city traffic	
Alarm clock	80
Noisy office	70
Vacuum cleaner	
Busy restaurant	60
Hair dryer	
Quiet office	50
Average home	
Refrigerator	40
low voice	
Quiet home	
Quiet conversation	30
Broadcast studio	
Whisper	20

Cirrus Sound Level Meter Measurement Reports:

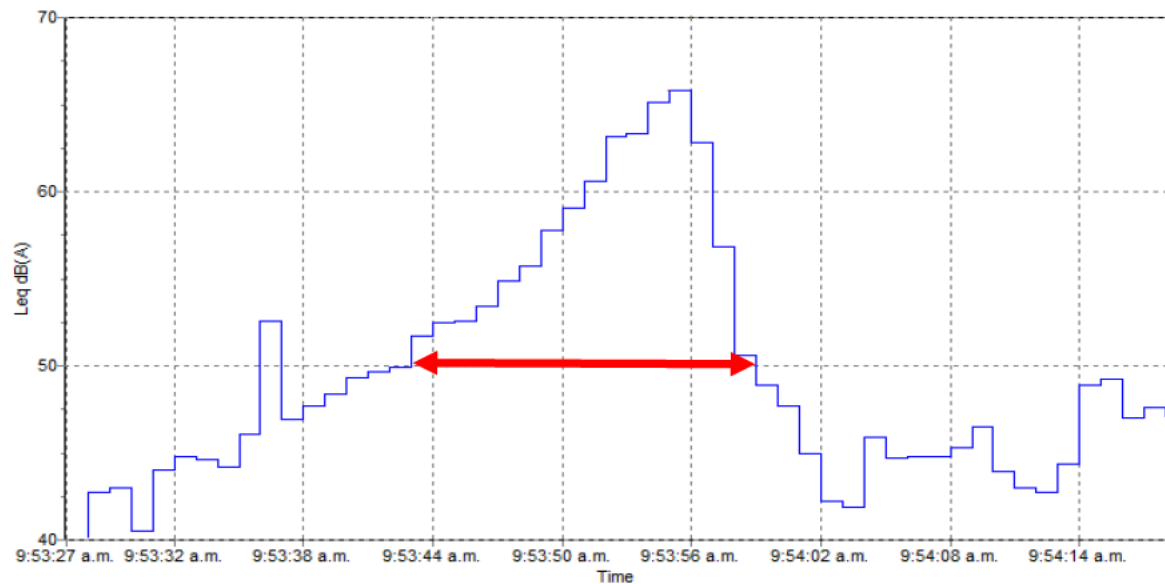
Measurement Report

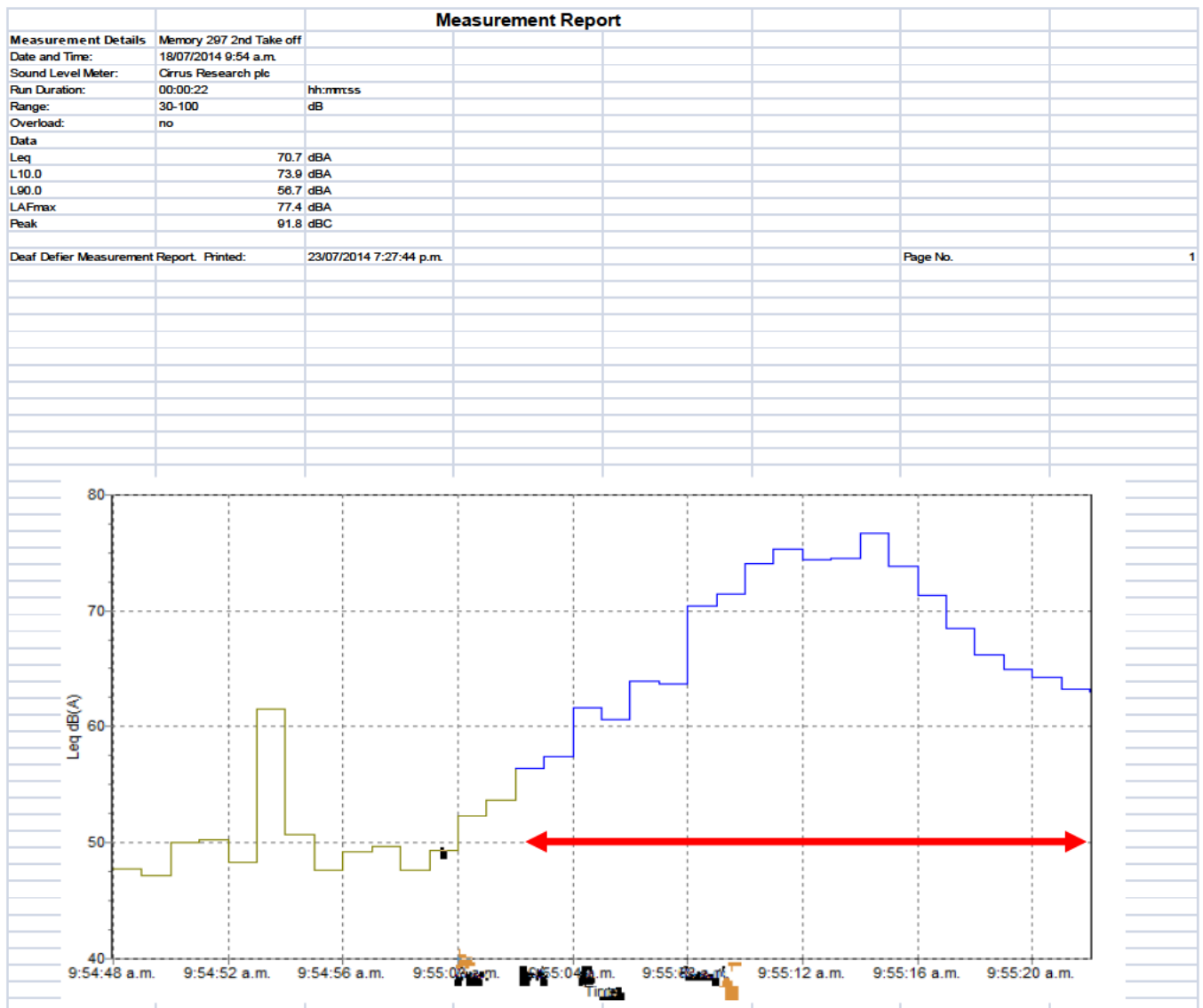
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Sound Level Meter: Cirrus Research plc
Run Duration: 00:00:52 hh:mm:ss
Range: 30-100 dB
Overload: no
Data
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L10.0 60.0 dBA
L90.0 41.7 dBA
LAFmax 66.6 dBA
Peak 82.3 dBC

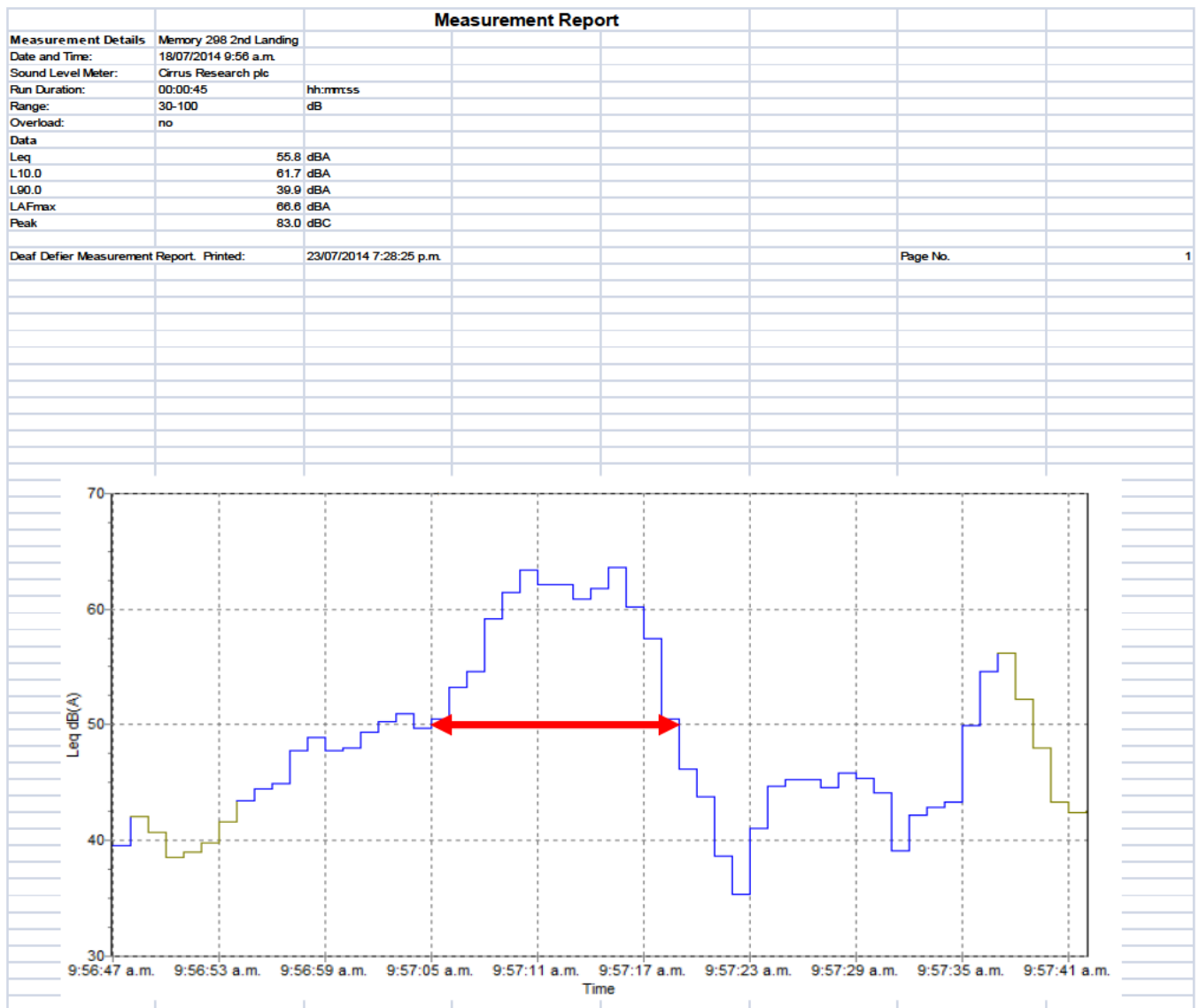
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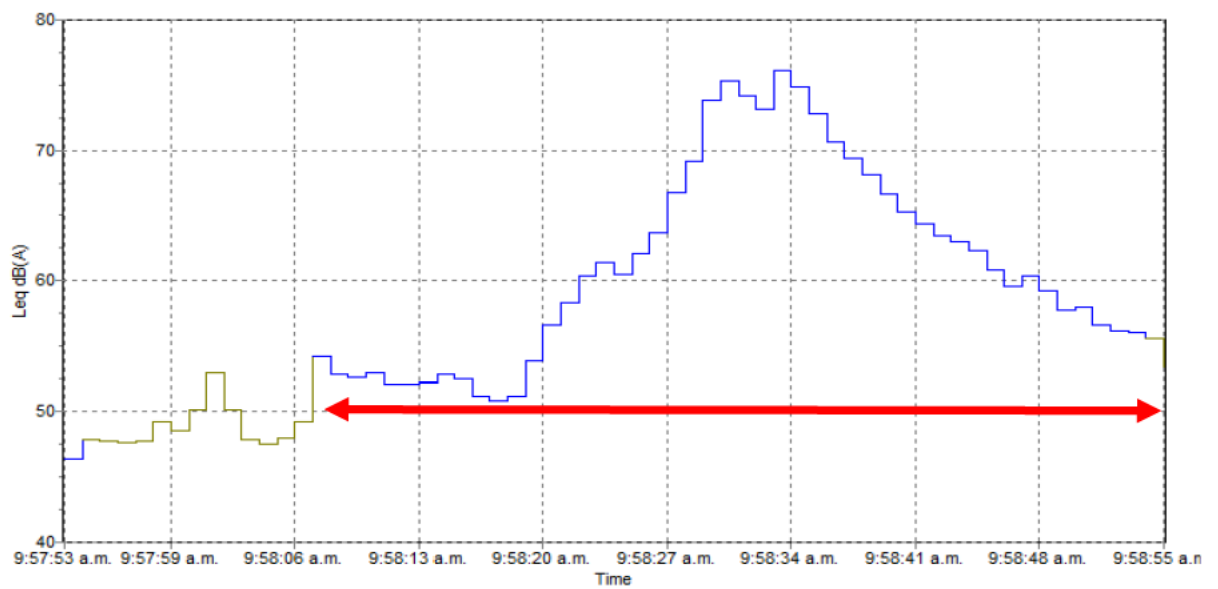
Measurement Report

Measurement Details Memory 299 3rd Take off
Date and Time: 18/07/2014 9:57 a.m.
Sound Level Meter: Cirrus Research plc
Run Duration: 00:00:49 hh:mm:ss
Range: 30-100 dB
Overload: no
Data
Leq 67.5 dBA
L10.0 72.4 dBA
L90.0 51.2 dBA
LAFmax 77.2 dBA
Peak 90.6 dBC

Deaf Defier Measurement Report. Printed: 23/07/2014 7:29:08 p.m.

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1



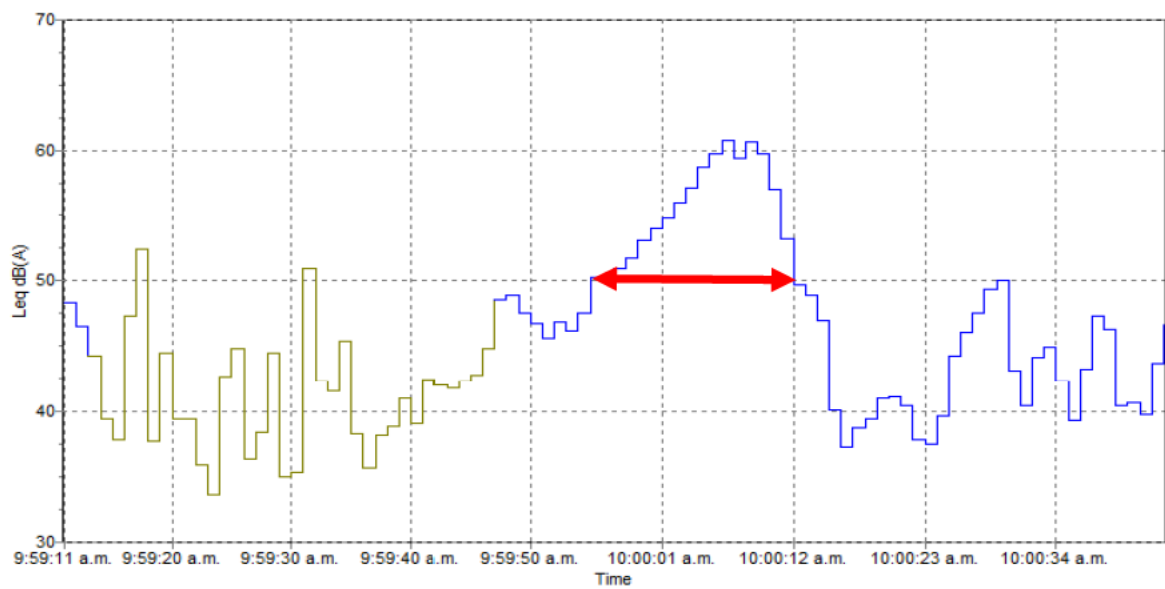
Measurement Report

Measurement Details Memory 300 3rd Landing
Date and Time: 18/07/2014 9:59 a.m.
Sound Level Meter: Cirrus Research plc
Run Duration: 00:01:00 hh:mm:ss
Range: 30-100 dB
Overload: no
Data
Leq 52.5 dBA
L10.0 57.9 dBA
L90.0 38.8 dBA
LAFmax 61.3 dBA
Peak 78.6 dBC

Deaf Defier Measurement Report. Printed: 23/07/2014 7:29:48 p.m.

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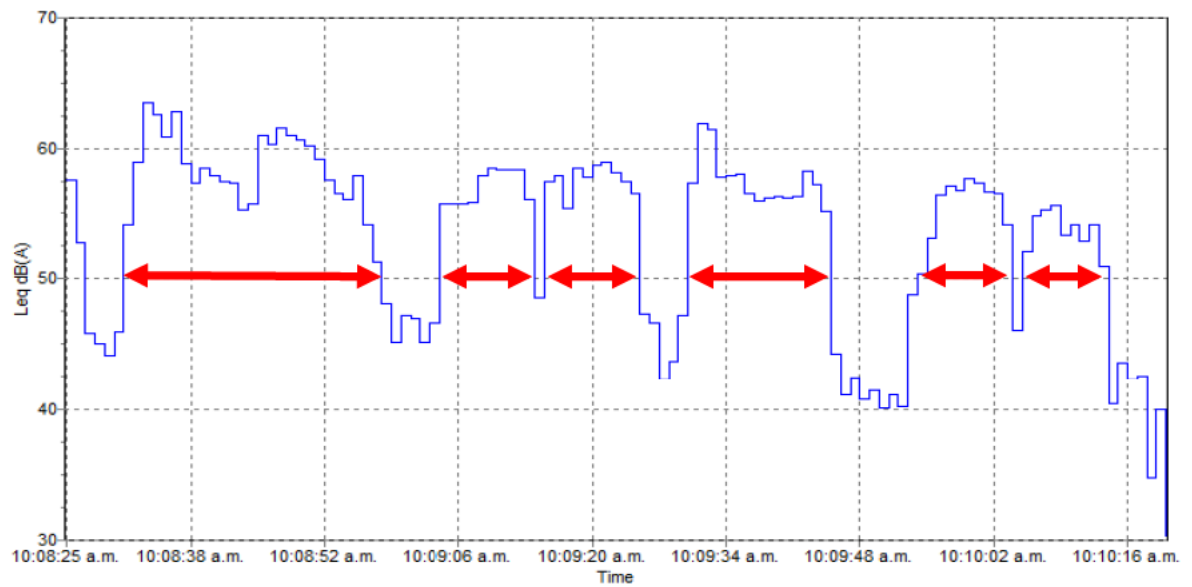
Measurement Report

Measurement Details Memory 301 Chainsaw at end of runway
Date and Time: 18/07/2014 10:08 a.m.
Sound Level Meter: Cirrus Research plc
Run Duration: 00:01:56 hh:mm:ss
Range: 30-100 dB
Overload: no
Data
Leq 56.5 dBA
L10.0 59.6 dBA
L90.0 41.4 dBA
LAFmax 64.4 dBA
Peak 78.3 dBC

Deaf Defier Measurement Report. Printed: 23/07/2014 7:30:28 p.m.

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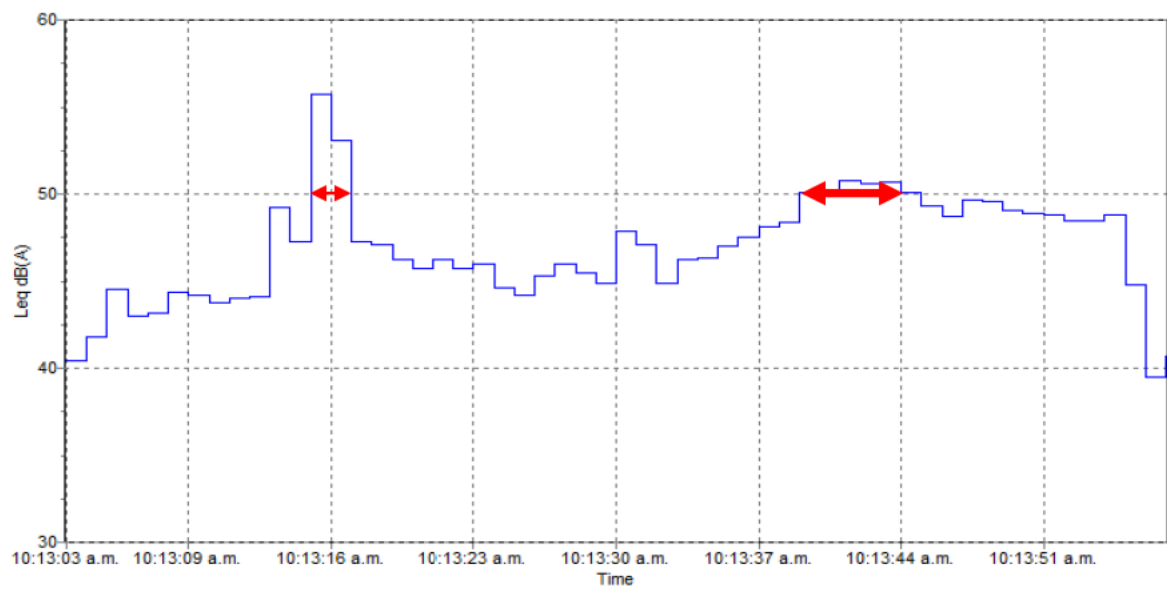
Measurement Report

Measurement Details Memory 304 Lawn mower at end of runway
Date and Time: 18/07/2014 10:13 a.m.
Sound Level Meter: Cirrus Research plc
Run Duration: 00:00:55 hh:mm:ss
Range: 30-100 dB
Overload: no
Data
Leq 47.9 dBA
L10.0 50.0 dBA
L90.0 42.5 dBA
LAFmax 60.2 dBA
Peak 86.2 dBC

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6. DISCUSSION

The operation of the micro light does exceed the DP noise descriptor but as previous court decisions have indicated this does not always equate to unreasonable noise. Nor does compliance with the DP noise descriptor indicate reasonableness.

Therefore it is necessary to apply FIDOL factors (*Brooks v Western Bay of Plenty DC*, *Speedy v Rodney DC*) to consider the reasonableness of noise emissions. All of these factors are interdependent and some are subjective in their interpretation.

Frequency, Intensity, Duration, Offensiveness & Character, Location.

██████ has advised that he had requested that 5 weekly flights were permitted by the TDC planning unit. Analysis shows that during landing the sound level will likely be over the TDC DP level 30-40% of the time while the take off operation will likely to exceed the DP 90% of the time. The time period of take off and landing operations range from 40 – 60 sec which equate to 4 - 10 minutes per week.

Contrast to this is the chainsaw use which generally occurs intermittently for longer periods. This analysis suggests to me that the frequency of the micro light operation is not unreasonable.

As shown in the measurement report and tables the intensity of the sound power is greatest during take off which is expected as the Rotech motor increases revolution to archive flight. This is a 65 horse power 2 stroke motor which is not uncommon. However these motors are not usually experienced while directly overhead. This not only increases the sound pressure level but in my experience while sampling it increased the intensity briefly. As it is subjective to receiver, my suggestion would be to possibly baffling of the engine to attenuate the sound power from moving downwards if safe to do so.

Also subjective to the receiver of the noise is the offensiveness and character of the sound. Clearly the expectation of any receiver at the ██████ settlement is for peace and tranquillity in a natural setting which is what the Rural Zone Noise policy 1.4.3 seeks “*To preserve the amenity values*”, “*To retain intrinsic qualities of natural areas*”

Therefore the operation of the micro light overhead is not an expected nor wanted sound and therefore may be interpreted as offensive. This would be enhanced due to the low background level that exists (L90 26 dBA) in the settlement. Conversely, regular chainsaw use is expected and not regarded as offensive.

The location of sound is the most important FIDOL factor for it influences the receivers' experience of intensity, character and possible duration and frequency. The geographical nature of the area is a steep sided V shaped valley in the Canterbury foothills with a mix of native and exotic flora.

The closest complainant's house is a holiday house and is directly underneath the flight path of the micro light. Being a holiday house it may not be in use when the micro light is being operated by the full time resident. This being the case, is there a possibility of restricted use when holiday house is in use and what happened if the holiday house became a retirement property.

Hill and high country areas around New Zealand have relied on flight operations through the years for many services. High country and tourist areas experience commercial and private flight for farming (eg fertiliser application, deer recovery) tourism, hunting, food and domestic deliveries.

Many of these services are through a combination of helicopters and fix wing aircraft. Regular helicopter operation in the [REDACTED] area would be more unreasonable when compared with the micro light operation. Notwithstanding this the TDC DP Rural 5 Zone 1.12 that explains a permitted activity:

Helicopter sites outside areas of significant indigenous vegetation or significant habitats of indigenous vegetation or significant habitats of indigenous fauna, or significant trees.

My knowledge does not extend to significant habitats, but consultation of the relevant New Zealand Standard 6807 and personal experience, I believe helicopter operation emits a sound pressure level twice as loud and long. This is due to the helicopters' reduced speed during landing and take off. There are also high frequency qualities to the operational sound levels to consider.

This is especially due to the DP Part D 1.4.3 Policies that allow noise for agricultural and forestry uses while preserving the amenity value of the rural area and retain the natural character. Furthermore clause 1.4.3 (2) advises that '*powered aviation..... will be required to obtain resource consent*'.

7. CONCLUSIONS

The raw data indicates exceedance with the Timaru District Plan Rural 5 Zone. Previous decisions have shown the requirement to consider the FIDOL factors when assessing unreasonable noise. From this survey I do not believe that the frequency, intensity and duration of the micro light operation is unreasonable.

However given the natural setting and subjectivity of intensity and offensiveness, I accept the counter argument for the noise emission is not expected. The use of chainsaws in the area is an expected sound emission by the people in the area. This is even though the sound pressure from the chainsaw is consistently higher than the micro light operation, it is accepted while the new noise of the micro light is not.

Location is the most important FIDOL factor for it is naturally interlinked with the other factors. From my assessment of the location when considering the FIDOL factors, it is my belief that the micro light operation would contribute to unreasonable noise. This is due to the position of the runway and resident's house, neither of which have the ability to alter location due to the geographical setting. Location is also the driver of District Plan Zoning which has progressed through the public consultation period and includes noise policies in place to control effects of this nature.

8. RECOMMEDATIONS

Section 16 refers to the best practicable option (BPO); this needs to be defined in a clear, concise and measurable way to archive this.

Two suggestions for a possible BPO from this survey are:

1. Restrictions on days of operation eg weekends or when the holiday house is in use.
2. Enclosure of the motor especially the underside to possibly reduce the intensity and offensiveness if safe to do so.

I do not currently believe that the effect of 5 flights per week will have a more than minor effect on the long term human health.

I currently believe that the effect of 5 flights per week in this Zone will have a more than minor effect on amenity values of the settlement. These effects may be reduced by the introduction of the above BPO measures and the effects of the micro light operation would be considerably less than a helicopter operation.

[REDACTED]

[REDACTED]

MEMORANDUM

To: [REDACTED]
From: [REDACTED]
Date: 22 October 2014
Subject: Reassessment of [REDACTED] micro light from his closest residence holiday house at [REDACTED] on 15 October 2014.

I undertook sound pressure sampling of [REDACTED] micro light from the closest landowners holiday house at [REDACTED] on 15 October 2014. This was to determine the operational sound level of the micro light on the ground before and after flight over [REDACTED].

The survey was initiated by [REDACTED] who was interested to gain compliance with the DP levels by reducing the engine revolution by 1,000 rpm. This was due to the 18 July 2014 survey completed which resulted in a L10 exceedance with the Timaru District Plan Rural 5 Zone.

The 15 October survey resulted in the following sound pressure levels:

Background sample:

D 1:58 m: s	40.2 dBA Leq	41.6 dBA L10	29.6 dBA L90
-------------	--------------	--------------	---------------------

Operational Sample: Take Off 1.0

D 0.27 sec	64.0 dBA Leq	66.5 dBA L10	55.1 dBA L90
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Operational Sample: Start up and take off

D 1.45 sec	59.4 dBA Leq	64.1 dBA L10	36.4 dBA L90
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Operational Sample: Flight approach and land 1.0

D 0.41 sec	49.9 dBA Leq	52.4 dBA L10	41.3 dBA L90
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Operational Sample: Flight approach and land 2.0

D 0.49 sec	49.7 dBA Leq	54.5 dBA L10	40.0 dBA L90
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Operational Sample: Loop round flight

D 1:03 sec	40.2 dBA Leq	42.7 dBA L10	35.3 dBA L90
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Results

The take off samples when compared with the original survey data from 15 October showed a reduction of 6.9 – 9.8 dBA L10. Comparison of the landing samples showed a reduction of 5.5 – 9.3 dBA L10.

This is significant reductions. A reduction in the sound level by 6 dB corresponds to a halving of the sound pressure, while a decrease in the sound level by 10 dB corresponds to the hearing sensation of halving the "volume".

The effect of the reduction of the engine revolution was noticeable both in my subjective perception and sound level meter results.

The Start up and take off sample of 1 minute 45 seconds shows a reduction of sound levels, the longer the sample time. This is similar to the Warm up & 1st take off sample of 7 minutes 40 seconds on the 18 July survey. Both samples have a similar L90 which confirms the existence of the short duration of the higher sound levels.

Notwithstanding these results they still indicate an exceedance of the DP L10 noise descriptor which was the catalyst for the resampling.

Conclusion

From this survey I believe the FIDOL factors of frequency, intensity and duration of the operation are reasonable. My previous report stated intensity and offensiveness was more likely to be unreasonable due to the expectation of people in a peaceful natural setting. The results from 15 October survey have changed this and while the offensiveness may remain to the individual person. I do not believe the intensity remains the same due to the significant reductions between surveys.

Location is the most important FIDOL factor for it is intrinsically linked with the other factors. An example of this is the position of the closest landowner's holiday house which is not going to alter nor in my experience the opinion of the landowner that the micro light operation is offensive due to their expectation for peace. Location is also the driver of District Plan Zoning which has progressed through the public consultation and provides noise policies to control effects of operations.

Recommendation

From my experience, if I have conflict in attaining a recommendation then it is prudent to state that the effects of this operation would be minor. My conflict in this situation comes from the large reductions made by [REDACTED] in the 15 October survey, the low frequency of the operation, my understanding of s.326 (a) of the Resource Management Act 1991, the use of properties as holiday houses and the short duration of the higher noise levels on take off.

[REDACTED]

[REDACTED]

APPENDIX C
Correspondence regarding GRUZ-R14

From: [REDACTED]
To: [REDACTED] (6) #1552339
Cc: [REDACTED]
Subject: RE: Timaru District Plan - Revised GRUZ rule for use of airstrips and helicopter landing sites
Date: Thursday, 24 June 2021 11:04:08 am
Attachments: [image001.png](#)

Hi [REDACTED]
Yes, all good with me!

Regards,
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

This e-mail is confidential, if you received this message in error, or you are not the intended recipient, please return it to the sender and destroy any copies.

From: [REDACTED]
Sent: Thursday, 24 June 2021 11:00 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Timaru District Plan - Revised GRUZ rule for use of airstrips and helicopter landing sites

Hi [REDACTED]

We have revised again ... PER-2 limits to 7 days per 3 months (which would allow a maximum of 7 consecutive days in any 3 month period).
Does this work for you?

GRUZ-R12	Use of airstrips and helicopter landing sites	
General rural zone	Activity status: Permitted	Activity status where compliance not achieved with PER-1, PER-2, and PER-3: Discretionary
	Where: PER-1 The use is limited to flight movements for emergency purposes such as medical evacuations, search and rescue or	

firefighting and civil defence; or

PER-2

The use is limited to aircraft movements for primary production including spraying, stock management and fertiliser application for a maximum seven days within any three month period; and the airstrip or helicopter landing site is setback a minimum of 500m from:

- any Residential zone; and
- the notional boundary of a building containing a noise sensitive activity; or

PER-3

Take offs or landings must not exceed 10 per month; and the airstrip or landing site is setback a minimum of 500m from:

- any Residential zone; and
- the notional boundary of a building containing a noise sensitive activity.

Alex



Timaru District Council | PO Box 522 | Timaru 7940
| W: www.timaru.govt.nz

From: [REDACTED]
Sent: Thursday, 24 June 2021 10:44 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Timaru District Plan - Revised GRUZ rule for use of airstrips and helicopter landing sites

[REDACTED]
You propose a maximum allowable amount of 'permitted' flying under PER-2 that would allow aircraft to use a rural airstrip everyday Monday to Saturday continuously every week for 52

together because the thresholds for take-off and landings are the same – so why have a separate rule?

GRUZ-R12	Use of airstrips and helicopter landing sites	
General rural zone	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The use is limited to flight movements for emergency purposes such as medical evacuations, search and rescue or firefighting and civil defence; or</p> <p>PER-2 The use is limited to aircraft movements for primary production including spraying, stock management and fertiliser application for a maximum duration of seven consecutive days within any three month period; and the airstrip or helicopter landing site is setback a minimum of 500m from:</p> <ul style="list-style-type: none"> • any Residential zone; and • the notional boundary of a building containing a noise sensitive activity; or <p>PER-3 Take offs or landings must not exceed 10 per month; and the airstrip or landing site is setback a minimum of 500m from:</p> <ul style="list-style-type: none"> • any Residential zone; and • the notional boundary of a building containing a noise sensitive activity. 	<p>Activity status where compliance not achieved with PER-1, PER-2, and PER-3:</p> <p>Discretionary</p>



Te Kaunihera ā-Rohe
o Te Tihi o Maru



Timaru District Council | PO Box 522 | Timaru 7940
| W: www.timaru.govt.nz

