
Submission on Napier City Proposed District Plan

Form 5 Submission on publically notified proposal for policy statement or plan, change or variation

Clause 6 of Schedule 1, Resource Management Act 1991

To: Napier City Council - Planning Unit

Date received: 12/12/2023

Submission Reference Number #:190

This is a submission on the following proposed plan (the **proposal**): Napier City Proposed District Plan

Submitter:

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I wish to be heard: No

I am willing to present a joint case: No

Could you gain an advantage in trade competition in making this submission?

- No

Are you directly affected by an effect of the subject matter of the submission that

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition

- No

Submission points

Point 190.1

Section: NOISE - Noise

Sub-section: NOISE - Noise - Rules Table

Provision:

NOISE-R2: Construction noise and vibration

NOISE-R2A

Activity Status: Permitted

Where:

1. Noise (including vibration) from construction activities shall be measured and assessed in accordance with NZS 6803:1999 Acoustics Construction noise, except where varied by the rules below.
2. Noise from construction activities in all zones must not exceed the levels in the table below when measured 1 m from the facade of any building that contains a noise-sensitive activity that is occupied during the works.

Time of week	Time period	Maximum noise level (dB)	
		LAeq	LAFmax
Weekdays	6.30 a.m. - 7.30 a.m.	60	75
	7.30 a.m. - 6.00 p.m.	75	90
	6.00 p.m. - 8.00 p.m.	70	85
	8.00 p.m. - 6.30 a.m.	45	75
Saturdays	6.30 a.m. - 7.30 a.m.	45	75
	7.30 a.m. - 6.00 p.m.	75	90
	6.00 p.m. - 8.00 p.m.	45	75
	8.00 p.m. - 6.30 a.m.	45	75
Sundays and public holidays	6.30 a.m. - 7.30 a.m.	45	75
	7.30 a.m. - 6.00 p.m.	55	85
	6.00 p.m. - 8.00 p.m.	45	75
	8.00 p.m. - 6.30 a.m.	45	75

3. Noise from construction activities must not exceed the levels below when measured 1 m from the facade of any other building that is occupied during the works.

NOISE-R2B

Activity Status where activity conditions are not met:

Restricted Discretionary

Time Period	Maximum noise levels LAeq (dB)
7.30 a.m. - 6.00 p.m.	75
6.00 p.m. - 7.30 a.m.	80

Matters of discretion are:

4. For a project involving a total duration of construction work that is less than 15 consecutive calendar days, the LAeq and LAFmax noise levels applying between 6.30 a.m. and 8.00 p.m. from Monday to Saturday in clauses 2 and 3 above shall be increased by 5 dB.
5. For a project involving a total duration of construction work that is more than 20 weeks the LAeq and LAFmax noise levels applying between 6.30 a.m. and 8.00 p.m. from Monday to Saturday in clauses 2 and 3 above shall be decreased by 5 dB.
6. Where there is no practicable way of measuring outside a building, and where the windows and doors of the building are normally closed, the upper limits for noise inside the building shall be those set out in clauses 2 and 3 above minus 20 dB.
7. Construction and demolition activities must be controlled to ensure any resulting vibration does not exceed:
 - a. The limits set out in German Industrial Standard DIN 4150-3 (1999): Structural vibration - Part 3: Effects of vibration on structures when measured in accordance with that standard on any structure not on the same site, and
 - b. The limits in the table below when measured in the corner of the floor of the storey of interest for multi-storey buildings, or within 500 mm of ground level at the foundation of a single-storey building.

1. Public health;
2. Amenity values;
3. The disruption caused by the noise, and
4. The duration of noise effects at any one receiver.

Receiver	Period	Peak Particle Velocity Limit millimetres/second
Occupied noise sensitive activity	Night time 10.00 p.m. to 7.30 a.m.	0.3 mm/s
	Daytime 7.30 a.m. to 10.00 p.m.	2 mm/s
Other occupied buildings	At all times	2 mm/s

Note: Construction vibration levels of 2 mm/s PPV are easily felt by receivers in residential units or other buildings and may generate complaints, especially if the source or impending duration of the vibration is unknown.

A construction vibration limit of 0.3 mm/s PPV is near the limit of perception for most people and compliance with such a limit would avoid sleep disturbance for most people. Such a low limit would likely mean that no construction work involving tracked or heavy machinery could occur in proximity to any noise sensitive activity.

All vibration measurements shall be undertaken in accordance with ISO 4866:2010 – Mechanical vibration and shock.

Sentiment: Support

Submission:

The NZHA supports this rule as a variety of construction, maintenance and demolition activities are relied on through the use of helicopters where cranes are not suitable for a variety of reasons. Construction noise therefore should be the limiting factor for aircraft noise in this instance

Relief sought

Consideration from council that aircraft noise while conducting construction activities for the temporary and infrequent take off and landing should be acceptable within this rule and exempt those commercial action activities from Noise R3

Point 190.2

Section: Definitions

Sub-section: Definitions

Provision:

means ground movements, take offs and landings, but excludes:

AIRCRAFT OPERATION

- a. Aircraft landing or taking off in an emergency;
- b. Emergency flights required to rescue persons from life threatening situations or to transport patients, human organs or medical personnel in medical emergency;
- c. Aircraft using the airport due to unforeseen circumstances as an essential alternative to landing at the planned destination airport;
- d. Flights required to meet the needs of a national or civil defence emergency declared under the Civil Defence Emergency Act 2002;
- e. Flights certified by the Minister of Defence as necessary for reasons of National security in accordance with section 4 of the Resource Management Act 1991, and
- f. Aircraft undertaking firefighting or search and rescue duties.

Sentiment: Amend

Submission:

Aircraft Operation:

a) is misleading to aircraft used in an emergency not inclusive of aircraft with an emergency to the aircraft. Change to

Any Aircraft landing or taking off in an emergency;

d) In TC Gabrielle once the declared emergency had been lifted there were still many homes without power, water and access. Aircraft continued to provide these services. but with other limitations in this plan this would be restricted. Amend to include the bold section.

Flights required to meet the needs of a national or civil defence emergency declared under the Civil Defence Emergency Act 2002; **and subsequent flying operations required to aid persons and property after the declared emergency has been lifted as reasonably practicable.**

f) Other essential operations such as but not limited to maintenance of assets for continuity of services should also be included such as those for Peer, Telecommunications, gas, water etc. Amend to include the bold section

Aircraft undertaking firefighting, search and rescue and **maintenance of assets for continuity of service** duties.

Relief sought

Amend section A, D, F to include bold sections

Point 190.3

Section: NOISE - Noise

Sub-section: NOISE - Noise - Rules Table

Provision:

NOISE-R3: Noise generated from helicopter landing areas

NOISE-R3A

NOISE-R3B

Activity Status: Permitted

Activity Status where activity conditions are not met:

Where:

1. Restricted Discretionary where:

1. Use of the helicopter landing area must not exceed any of the following:

- a. two return flights per day;
- b. five return flights per week, and
- c. 12 return flights per month.

- a. Noise generated from helicopter landing areas received in Residential zones or the nominal boundary of a residential unit in the Rural zones shall not exceed 40 dB Ldn, and
- b. Noise received from helicopter landing areas received in all other zones shall not exceed 50 dB Ldn.

2. The helicopter landing area must be located (as illustrated below):

- a. a minimum distance of 275 m from the notional boundary of any noise-sensitive activity not located on the same site, and
- b. within 275 m of the helicopter landing area, flight paths must be a minimum of 250 m from the notional boundary of any noise-sensitive activity not located on the same site.

2. Non-complying (where clause 1 above is not met).

Matters of discretion are:

1. Public health, and
2. Amenity values.

Figure 1 - Helicopter Landing Areas

Note:

1. Helicopter landing areas are also subject to the activity tables of the relevant zone, precinct and/or development area. Compliance with this rule does not protect any helicopter landing area from the lawful encroachment of noise-sensitive activities.
2. Rules must be in accordance with NZS 6807:1994 *Noise Management and Land Use Planning for Helicopter Landing Areas* - excluding 4.3 Averaging.

Sentiment: Amend

Submission:

The NZHA supports the rule above for Private Operations from a fixed location Heliport such as at a private residence.

The NZHA opposes the rule as it does not take into consideration the wide range of commercial **TEMPORARY and INFREQUENT** operations that are necessary for the positive outcomes for the Social, Economic and Cultural benefits of the District.

Commercial Helicopter operations are used in a wide range of public good activities such as (but not limited to)

- Aerial Spotting
- Asset management,
- Construction,
- Disaster relief work (after State emergency has ended)
- Flight training,
- Frost protection,
- Infrastructure repairs and development,
- Science and Research
- Search and Rescue
- Surveillance

- Survey operations
- Tourism
- Transportation of people
- TV and Film

Many of these operations are essential to the wellbeing of the public in the district and if restricted would remove jobs, economic benefits and could seriously affect Helicopter operators ability to thrive in the region. TC Gabrielle saw the Positive good that Helicopters can do for the public as many operators rose to the challenge and responded quickly. Should these restrictions be placed on Commercial helicopter Operators then the ability for operators to respond quickly would be increased as they will not be in the district.

Operations such as Powerline and Telecommunication Construction, Maintenance and Utility operations are conducted with Helicopters. Limiting the number of run flights from a **Temporary** landing area to two per week will result in much longer and costly transit times from known airports or a significant increase in Resource Consent applications. Longer transit times will result in increased costs and risk to operators and the public.

Operations such as moving plant and equipment onto sites would require large setbacks often rendering them non compliant with either R3 or R3a and therefore unable to be completed. Also the two return flights per day would be exceeded.

A Practical Example could be lifting a new Water tank into place. The helicopter must arrive at the site. Land and setup lifting equipment, Take off and transport the water tank to the placement area, place the tank, return to the staging area, land and retrieve the lifting gear and depart for its point of origin would equal 3 return flights. Even a simple operation such as this would not be able to be completed.

Another Example is frost protection which is extensively conducted with helicopters. The aircraft would not be able to maintain only 3 return flights as it is plausible that the aircraft must take off, fly for several hours and then land for fuel and then continue the operation. It is also reasonable that during the operation the helicopter may be required to land to conserve the costs of the helicopter should the temperature temporarily rise and then the helicopter be used again when needed. It is not uncommon in a full night of Frost that up to 15 movements (take off and landing) is required so 15 return flights. Often more than one Orchard is protected with a helicopter and transits between them are required also adding to this challenge. The setbacks would also potentially be an issue where staging areas are often near boundaries and this would also render this operation impossible. Frost protection is an essential part of primary production and therefore needs to be considered in this instance.

Another Example is gravelling a track. Often the gravel can only be moved into site with Helicopters and the staging area is nearby. Once again it is likely to be near a boundary and require many loads of gravel to complete the operation.

The NZHA is prepared to offer more examples of which helicopters are used commercially for the public if required.

Relief sought

Noise R3A

NZHA seeks to have a Commercial Aviation limitation to be included in Noise R3 of: **no more than 315 hours or 30 days which ever is greater in a calendar year of helicopter operations on the same site.**

NZHA would also like to see that Setback limitations are removed for Commercial Helicopter operations that are temporary and infrequent and abide by the above limitation.

Noise R3B

Should Helicopter activities be conducting Construction, Maintenance or Utility work then Noise R2 applies in place of R3B