

Report for an application for resource consent under the Resource Management Act 1991



Restricted discretionary activity

1. Application description

Application number:	LUC60399856
Applicant:	Te Matuku Holdings Limited
Site address:	402B Orapiu Road, Waiheke Island
Legal description:	Lot 8 DP 456843 CT 602521
Site area:	18.0868ha
Auckland Council District Plan (Hauraki Gulf Islands)	
Land Unit:	Landform 5 – Productive Land Landform 6 – Regenerating Slopes [not affected] Landform 7 – Forest and Bush areas [not affected]
Limitations, designations, etc:	Archaeological Site Area 18-1 [not affected] Significant Ridgeline & Ridgeline Area [not affected] Site of Ecological Significance 18-9(SES 1) [not affected] Soil Warning & Register Area [not affected]
Auckland Unitary Plan (Operative in part)	
Zoning and precinct:	Hauraki Gulf Islands General Coastal Marine Zone [not affected]
Overlays, controls, special features, designations, etc:	Overlay: High Use Aquifer Management Areas -Waiheke Overlay: Significant Ecological Areas -SEA-M1 105a & 105w1 [not affected] Overlay: High Natural Character Area 148 (Whites, Little Sandy Bay & Te Matuku) [not affected] Control: Macroinvertebrate Community Index – Exotic/Native/Rural Control: Coastal Inundation (1% AEP + 1m SLR)
Non statutory	Overland flow paths and floodplain

2. Locality Plan



Figure 1: Location Plan (Site in blue outline). Source: Auckland Council GIS

3. The proposal, site and locality description

Proposal, site and surrounding environment description

Wendy Baverstock of Isle Land Planning has provided a description of the proposal and subject site in sections 2 and 3 of the Assessment of Environmental Effects (AEE) titled: “402B Orapiu Road (Lot 8 DP456843) Waiheke Island, Application for Helipad Land use Consent”, dated March 2022.

Having undertaken a site visit on 11th May 2022 I concur with that description of the proposal and the site and have no further comment

In summary, the applicant seeks resource consent to:

- Establish a helipad to use it to enable helicopter access to and from the subject site.
- It is proposed that helicopter access would be limited to daytime use only.
- The helipad would be located within an existing clearing on the site.
- A 15m diameter circle is identified as the proposed helipad, which does not require any earthworks to be undertaken.

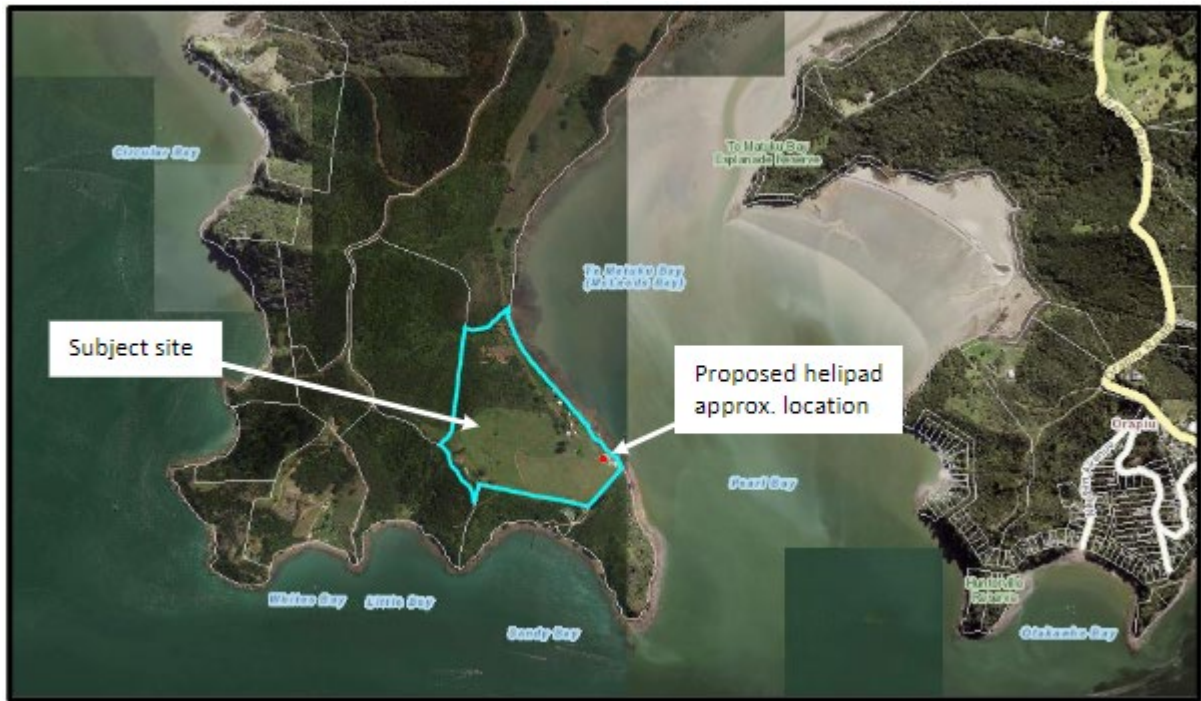


Figure 2: Helipad location. Source: AEE.

- The flight path is shown below and are taken from the supporting Acoustic assessment:



Figure 3: Proposed flight path and surrounds. Source Marshall Day Noise Assessment.



Figure 4: Expected 500 ft marks on approach and departure. Source Marshall Day Noise Assessment

- The following restrictions in terms of type of helicopters and the number of movements are outlined as follows in the supporting MDA noise report. Specifically, the report identifies that the site would comply with the District Plan noise limits for helipads at all times, subject to the following flight restrictions.
- It is also noted that the applicant has offered a condition of consent requiring an annual cap of 250 movements to or from the site.

Helicopter Type [‡]	Number of helicopter movements	
	Three-day rolling average [‡] (to comply with 50 dB L _{dn})	Maximum single day [§] (to comply with 53 dB L _{dn})
Any H1.0 or H1.1 Helicopter (defined according to DIN 45684-1) [‡]	24 (average of 8 per day)	16
OR*		
Any H1.2 or H2.1 Helicopter with Maximum Take Off Mass of <5,700kg (defined according to DIN 45684-1) [‡]	12 (average of 4 per day)	8

‡ Number of movements over any three-day period (average daily number of movements also given).
 § Provided the average over any three-day rolling period is no greater than that contained in this table.
 ‡ Refer to Appendix B for helicopter definitions in accordance with the standard. The maximum take-off mass of 5,700kg allows for the S-76 operating but limits the potential for much larger helicopters to operate
 * The number of movements are not cumulative, for instance if 12 x H2.1 movements occurred on the site in a three-day period, no H1.1 or H1.1 movements could occur. For the purpose of this assessment any one H2.1 helicopter movement is considered the equivalent of 2 x H1.1 helicopter movements.

Table 1: Source: Marshall Day Noise Assessment

4. Background

Specialist Input

The proposal has been reviewed and assessed by the following specialist:

- Andrew Gordon, Council's Noise Specialist

Local Board

The Local Board has reviewed the proposal and provided the following comments on 14th April 2022:

“The helipad applications ‘north’ and ‘south’ on this property should both be notified. The applications should both take into account Waiheke’s special circumstances and the cumulative effects of consenting helipads on Waiheke Island:

- a. *all decisions made with respect to consenting helipad and therefore helicopter activities must be consistent with the Local Board Plan 2019 –22, whereby the publicly endorsed and consulted vision for Waiheke is that ‘Waiheke is a sanctuary in the Gulf’, which is described*

in terms of its undisturbed natural environment as well as its commitment to its communities. That in itself is consistent with the intentions of Essentially Waiheke.

- b. consenting flight paths in the soundscape of areas of natural tranquillity and isolation impinge on the reasonable expectation of tranquillity, more so when they are areas set aside by covenanting large areas of native bush and establishment of marine reserves under the Marine Reserves Act 1971, both of which apply to the 'direct' receiving environments of both proposed helipads. Both proposed helipads are directly adjacent and very close to either the bush or the marine reserve.*
- c. the public of Waiheke has spoken by way of a petition in favour of notification of helipads that gained 1378 signatures in just a few days.*
- d. the publicly elected local board endorses Quiet Sky Waiheke and has formalised its expectation that all helipads and their associated flight paths and flight numbers are notified to enable interested parties to submit with respect to each helipad consent application.*
- e. whilst applications are assessed for direct noise impacts on residences, they do not assess impacts of noise and turbulence on the natural environment nor for their effects, cumulative or otherwise, on the well-being of communities, the ecologies of which are intrinsically central concerns in the board's Local Board Plan.*
- f. the impacts on the visitor experience of helicopter intrusion are not researched locally but DOC is now tracking human impacts and the negative experience on visitor sentiment from helicopter movements in its wider estate and arguing for considerable care in the granting of helipad consents accordingly. Consenting any private helipad and its helicopter movements in this area will negatively impact many more visitors on foot or on the water than will positively impact the economy in a single 'private' helicopter movement for the landowner, and these applications should therefore be notified because of their potentially negative value to the Waiheke economy*
- g. regardless of size of helicopter any helicopter movements will affect the public commons – the soundscape of Te Matuku Bay which is held 'in common' for all users. The public sentiment against the Putiki Bay marina resource consent expresses the Waiheke's widely held sensibilities about council consenting the use of the public commons.*
- h. the sites are adjacent Waiheke Island's only marine reserve, Te Matuku. A marine science specialist in acoustic effects on marine life has been consulted and indicates that the effect of helicopter noise and movements in close proximity to the reserve may be harmful to the marine ecology because of the transfer of energy into the marine environment, more likely when the sea surface is broken. This in itself would appear to be in contravention of the Marine Reserves Act 1971 wherein various clauses direct that 'reserves are maintained so far as possible in a state of nature'. Moreover, it is an offence under the Act if one 'wilfully disturbs in a marine reserve any marine life', a threshold which we consider a large helicopter such as that proposed for the 'north' site might well breach. In this case the flight path is directly over the marine reserve and the proposed helipad adjacent and near to the edge of the marine reserve so it is difficult to imagine there can be no marine disturbance. Note: that not only does the board recommend notification but also that council ensures an opportunity for 'independent' specialist advice to ensure that such a special marine*

environment is protected to the best of council's ability when considering assessment of this application. In that regard the board recommends Dr Craig Radford, Associate Professor in Marine Science and specialist in sensory physiology of marine life, and the impacts of underwater sound –see attached biography.

- i. The site is adjacent significant covenanted native forest and bush, part of the wider Waiheke conservation estate, and one where best practice pest eradication methods are resulting in thriving but regenerating ecology and biodiversity. Notification would enable those who have specialist knowledge to represent any potential effects on the native biodiversity. It is understood that both Te Korowai O Waiheke and Forest and Bird have direct relationships with the conservation estate, as do other conservation interests especially the Hauariki Conservation Society, Waiheke's umbrella conservation organisation, which the late Sir Rob Fenwick founded.*
- j. Ngāti Pāoa has significant interests in Te Matuku Bay and its environs and must be consulted. The Te Matuku Bay Scenic Reserve is part of the Te Matuku Bay area (nearby and directly opposite the proposed helipads) and is part of the Crown settlement vested in the Ngāti Paoa Iwi Trust Board. Moreover, it is understood there are sites of significance in the direct hinterland and around the foreshore. Other mana whenua may also have interests.*
- k. With respect to the quiet enjoyment the marine reserve guarantees to those visiting the marine reserve under the Act, as well as those enjoying the adjacent Te Ara Hura track and other walkways throughout the area, and those living in relative peace, quiet and isolation around the bay because of its special features, and taking into account the issues raised above, then the helicopters that are to use the northern helipad, if consented, are significantly larger, heavier and noisier than the types of helicopters typically approved to travel to helipads on Waiheke Island.*

The flight path for the helipads is up through the Te Matuku Bay estuary and residents on the Estuary's Northern side (Pearl Bay, Hunterville Rd, Orapiu Point) will be affected by operations below 500ft therefore must be given the opportunity to comment. Their sites are isolated and some (e.g. Pearl Bay) only accessible by boat or by foot. The obvious conclusion is that people who live or holiday here have chosen the seclusion and lack of noise intrusion to their lives. Directly adjacent and above the application sites is the home of Lady Jenny Fenwick, whose husband Sir Rob Fenwick founded the covenanted sites and with the Ministers of Conservation and Fisheries established the Te Matuku Marine Reserve. Notification would enable their family to participate as full submitters.

- l. Whilst the direct adjacent neighbour on these properties has each given neighbours' approvals for the consents these have no value because the substantive owner of both properties is the same person.*
- m. The requested 24 flight movements over 3 days rolling for the northern helipad is excessive for domestic use and suggests commercial interests as opposed to private residential ones.*

It is noted that the owner of both properties is also the co-owner of the adjacent Te Matuku Bay Oyster business.

- n. the flight paths should not be consented as submitted. Attached is an independent assessment of those flight paths sought by the board to support the board's own deliberations.*
- o. The applicant is apparently the subject of large numbers of allegations of breaches of the HGIDP helicopter regulations over the past year or more¹ and it is suggested to council that these should be followed through to their natural conclusion prior to council deliberating on the helipad applications so the learnings and outcomes might be taken into consideration.*
- p. Any consented helipad adds to flight noise felt variously across the community. The very presence of a helipad opens it up to flights from any direction, which increases the helicopter traffic over residential properties on crowded flight paths. Attached is a sound clip from one home in Ostend of a helicopter enroute to a Woodside Bay helipad—the overhead flight path does not have any relationship to the consented flight path for landing and taking off. The cumulative effect of consenting any helipad is more than minor.*

Planners, please note a question: an existing dwelling is located to the west at around 380 metres. This dwelling is currently on the same title as the subject site, but a proposed boundary adjustment will likely see it located on an alternative site in the future. This dwelling has been assessed as if it is on a separate site. If on the same site then does that trigger a change to the status of the application meaning it is no longer Restricted Discretionary?

Where applicable, noting the matters of discretion are restricted in this case, the above feedback will be taken into consideration in the assessment.

It is also noted here that on 3rd June 2022, additional information was received from the Local Board relating to ecologically sensitive areas under the Unitary Plan overlays, however the Restricted Discretionary matters relevant to the proposal under the HGI District Plan do not extend to these matters and no further assessment can be undertaken with regards to those aspects.

Further it is confirmed that whether there is a single or multiple dwellings on a site, this does not affect the status of this helipad application.

5. Reasons for the application

Land use consent (s9) – LUC60399856

Auckland Council District Plan: Hauraki Gulf Islands section (ACDP:HGI)

- The development involves the use of a helipad that meets the standards outlined in clause 13.8.2, with one helipad on the site proposed under 13.8.2.1 and noise emissions from the use

¹ It is noted that the allegations of breaches quoted here by the Local Board is incorrect for this site/application and the breaches relate to the owners/occupiers of adjacent land to the south.

of the helipad complying with the Ldn 50dBA 3-day rolling average under 13.8.2.2.a. This is a **Restricted Discretionary** activity under rule 13.8.2.

Therefore the proposal is considered overall as a **Restricted Discretionary** activity under the ACDP:HGI.

6. Public notification assessment (sections 95A, 95C-95D)

Section 95A specifies the steps the council is to follow to determine whether an application is to be publicly notified. These steps are addressed in the statutory order below.

Step 1: mandatory public notification in certain circumstances

No mandatory notification is required as:

- the applicant has not requested that the application is publicly notified (s95A(3)(a));
- there are no outstanding or refused requests for further information (s95C and s95A(3)(b)); and
- the application does not involve any exchange of recreation reserve land under s15AA of the Reserves Act 1977 (s95A(3)(c)).

Step 2: if not required by step 1, public notification precluded in certain circumstances

The application is precluded from public notification as:

- the activity is subject to a rule or national environmental standard (NES) which precludes public notification (s95A(5)(a)).
- the application does not involve one or more of the following activities exclusively: a controlled activity; a restricted discretionary or discretionary activity for a residential activity (as defined in s95A of the RMA) or a subdivision; a boundary activity; or a prescribed activity (s95A(5)(b)).

Comment

In this instance the application is precluded from public notification as clause 13.5 (notification requirements) of the ACDP:HGI states that applications for a resource consent for restricted discretionary activities will be considered without public notification.

Accordingly, the reasons for consent relating to a helipad that complies with the noise standard in clause 13.8.2(2)(a) will be considered without public notification.

The application is therefore precluded from being publicly notified unless special circumstances addressed in step 4 below warrant otherwise.

Step 3: if not precluded by step 2, public notification required in certain circumstances

As the application is precluded from public notification by step 2, this step is not applicable.

Step 4: public notification in special circumstances

If an application has not been publicly notified as a result of any of the previous steps, then the council is required to determine whether special circumstances exist that warrant it being publicly notified (s95A(9)).

Special circumstances are those that are:

- Exceptional, abnormal or unusual, but something less than extraordinary or unique;
- outside of the common run of applications of this nature; or
- circumstances which make notification desirable, notwithstanding the conclusion that the activities will not have adverse effects on the environment that are more than minor.

In this instance I have turned my mind specifically to the existence of any special circumstances and note that historically members of the public and the Local Board have raised concerns about the use of helicopters and the potential adverse amenity effects generated by the noise from helicopter use on Waiheke Island.

Noise

Following the resolution of appeals to the helicopter provisions in the ACDP:HGI and in light of public concern over the planning provisions, in 2013 Council engaged Planning Consultant Mr. Robert Scott of Blakey Scott Planning Limited to determine whether the Council had the ability to consider amenity effects on the environment (both wider and immediate) from helicopter movements that comply with the standards and terms contained in clause 13.8.2 for restricted discretionary activities. These standards include the requirement for helicopter movements to comply with a Ldn 50dBA (3 day rolling average – where each new consecutive day is included in the calculated average, the last day of the period is deleted).

Mr. Scott provided a memorandum outlining how the matters for discretion and assessment criteria contained in clause 13.8.2 should be applied and how a consent granted under the above clause may be effectively monitored to ensure compliance with the noise levels. As Mr. Scott was involved in the resolution of the appeals to clause 13.8.2, a brief history of the helicopter provisions was also provided and an explanation of the approach taken in order to resolve the appeals.

Based on Mr. Scott's memorandum, the provisions for helicopter movements sought an effects based rule which recognises the domestic and tourism demands for helipads and helicopter transport within the Hauraki Gulf Islands. The redrafting of the rules introduced a noise-based performance approach. The inclusion of a three-day rolling average in the calculation of Ldn50 dBA was a specific measure for the Hauraki Gulf Islands and was considered an adequate limit to ensure that the amenity values within the environment are protected. The helicopter provisions would also enable each land use consent to consider the particular circumstances of each site such as site characteristics and the receiving environment and enable Council to impose appropriate conditions and where necessary enforce appropriate standards.

The limit of Ldn 50dBA was considered an appropriate noise limit within the context of the expected amenity values in the Hauraki Gulf Islands, and within the rural residential environment in particular. In addition, the rules expressly allow for the consideration of cumulative effects where there are other lawfully established airstrips and helipads in the locality.

In terms of the application of the helicopter provisions, Mr. Scott stated the following:

The primary threshold for achieving a restricted discretionary activity for helicopter movements is the ability to meet the Ldn 50dBA standard. This standard has been determined to be the maximum noise level that can still provide reasonable levels of residential amenity for surrounding properties.

As the rule is an effects-based rule, an applicant is able to meet the Ldn 50dBA standard by a number of means, including the type of helicopter used (i.e. quieter machine), time of day (i.e. no night flights) and flight paths (i.e. from the sea and away from dwellings). The combination of these factors would also determine how many flights can be achieved within the Ldn 50dBA standard. It is expected that an applicant, as part of the consent process (to confirm compliance with the Ldn 50dBA standard) would submit noise contour plans, predicted flight movements and a commitment to record flight movements.

If an application proposes to comply with the Ldn 50dBA standard the matters for discretion are restricted to noise effects and the visual effect of any earthworks or retaining structures required to establish a helipad or airstrip. The discretion can only be widened to include other matters if the applicant cannot meet the Ldn 50dBA standard and the matter falls to be a full discretionary activity. It should be noted however, that cumulative effects are a matter in the assessment criteria and this is discussed further below.

As outlined in Mr. Scott's analysis, where an application meets the three-day rolling noise standard, then compliance with this noise level is expected to ensure that the amenity values of the environment accepted by the District Plan will be protected; indeed, it was this noise level which was deemed appropriate in the context of the rural residential environment of the Hauraki Gulf Islands and is therefore the operative rule under the ACDP:HGI. The matters of discretion are therefore limited to those matters outlined in clause 13.8.2 and enable Council to impose conditions for monitoring, reporting and review. For the purposes of notification, an assessment of the amenity effects on the environment (both wider and immediate) based on helicopters that comply with the noise standards in clause 13.8.2 is therefore unable to be undertaken when assessing a restricted discretionary application. The exception to this is where there are special circumstances.

This approach accords with the status of a consent (where noise is complied with) as a restricted discretionary activity that is subject to the non-notification tests of the RMA. Council's discretion can only be widened to include other matters if the applicant cannot meet the Ldn50 dBA standard and the application becomes a discretionary activity.

With regard to the current proposal for a helipad on the subject site, I note that the proposal will be utilised associated with the existing dwelling on site and will be used during daytime only. In addition, the flight path does not fly over any adjacent dwellings or land, with arrival and departure flight paths directly from the coastal area to the north. These factors are considered to mitigate the potential adverse amenity effects that could otherwise be deemed special circumstances for notification.

Importantly, the proposal will generate noise that will comply with the noise standard in clause 13.8.2 of the ACDP:HGI and will in fact be no greater than 46dB Ldn at the nearest dwelling (located 160m at 402B Orapiu Road Lot 8 DP71379 – adjacent land south of the site, of which the owners/occupiers have provided their written approval). The helicopter movements (including a

specified flight path) associated with the proposed helipad activity are expressly contemplated under the Plan provisions relating to noise from helicopter use.

With regards to matters raised by the Local Board, it is my opinion that the objections relate to the rule itself and the number of helipads that have become established over time since the inception of the helicopter rules within the HGI Plan. In accordance with s95E(2)(b) of the RMA, disregarding adverse effects unrelated to the matters to which discretion is restricted is mandatory, therefore the assessment may only relate to the matters of discretion as set out by the plan. As such, it is not considered that public notification should be triggered for an independent application with the above noted characteristics (i.e. the use associated with existing dwelling, maximum of 24 flights over a 3-day rolling average, daytime use only, flight path over the subject site and the ocean only, and compliance with the Ldn50dBA standard). This application for use of a helipad on the subject site is therefore not a special circumstance and is seeking a consent as provided for under the current planning framework of the ACDP:HGI.

In light of the above, and noting that there is nothing else which makes this application exceptional or unusual, particularly in the context of Waiheke Island and its planning framework, I conclude that the proposal has nothing out of the ordinary to suggest that public notification should occur.

Public notification conclusion

Having undertaken the s95A public notification tests, the following conclusions are reached:

- Under step 1, public notification is not mandatory.
- Under step 2, there is no rule or NES that specifically precludes public notification of the activities, and the application is for activities other than those specified in s95A(5)(b).
- Under step 3, public notification is not required as the application is for activities that are not subject to a rule that specifically requires it, and it is considered that the activities will not have adverse effects on the environment that are more than minor.
- Under step 4, there are no special circumstances that warrant the application being publicly notified.

It is therefore recommended that this application be processed without public notification.

7. Limited notification assessment (sections 95B, 95E-95G)

If the application is not publicly notified under s95A, the council must follow the steps set out in s95B to determine whether to limited notify the application. These steps are addressed in the statutory order below.

Step 1: certain affected protected customary rights groups must be notified

There are no protected customary rights groups or customary marine title groups affected by the proposed activities (s95B(2)).

In addition, the council must determine whether the proposed activities are on or adjacent to, or may affect, land that is subject of a statutory acknowledgement under schedule 11, and whether

the person to whom the statutory acknowledgement is made is an affected person (s95B(3)). Within the Auckland region the following statutory acknowledgements are relevant:

- Te Uri o Hau Claims Settlement Act 2002
- Ngāti Manuhiri Claims Settlement Act 2012
- Ngāti Whātua Ōrākei Claims Settlement Act 2012
- Ngāti Whātua o Kaipara Claims Settlement Act 2013
- Te Kawerau ā Maki Claims Settlement Act 2015
- Ngāti Tamaoho Claims Settlement Act 2018
- Ngāi Tai Ki Tāmaki Claims Settlement Act 2018

In this instance, the subject site abuts the CMA which is subject to a statutory acknowledgement area (Ngāi Tai Ki Tāmaki Claims Settlement Act 2018 - OTS-403-128). It is considered that as the proposed helipad on the site is located approximately 30m away from this statutory acknowledgement area, does not involve any ground disturbance, will utilise a currently modified location of the site (adjacent to a boat ramp and other facilities previously associated with marine farming activities) and that any helicopters will be elevated above these areas of interest on approach and departure ensuring that the proposal will not result in adverse effects in relation to Ngāi Tai Ki Tāmaki which are minor or more than minor.

Step 2: if not required by step 1, limited notification precluded in certain circumstances

The application is precluded from limited notification as:

- the application is one or more activities that are exclusively subject to a rule which preclude limited notification (s95B(6)(a)).
- the application is not exclusively for one or both of the following: a controlled activity, other than a subdivision, that requires consent under a district plan; or a prescribed activity (s95B(6)(b)).

Comment

In this instance the application is precluded from limited notification as clause 13.5 (notification requirements) of the ACDP:HGI states that applications for a resource consent for restricted discretionary activities will be considered without limited notification.

Accordingly, the reasons for consent relating to a helipad that complies with the noise standard in clause 13.8.2(2)(a) will be considered without the need to obtain the written approval of or serve notice on affected persons.

The application is therefore precluded from limited notification unless special circumstances addressed in step 4 below warrant otherwise.

In any event, it is noted here that the applicant has sought (and received) written approvals from the adjacent landowner/occupiers of 402B Orapiu Road Lot 8 DP71379 and 402A Orapiu Road Lot 1 DP 53792, located immediately south and southeast of the subject site.

Step 3: if not precluded by step 2, certain other affected persons must be notified

As the application is precluded from public notification by step 2, this step is not applicable.

Step 4: further notification in special circumstances

In addition to the findings of the previous steps, the council is also required to determine whether special circumstances exist in relation to the application that warrants it being notified to any other persons not already determined as eligible for limited notification (excluding persons assessed under section 95E as not being affected persons).

Special circumstances are those that are:

- Exceptional, abnormal or unusual, but something less than extraordinary or unique;
- outside of the common run of applications of this nature; or
- circumstances which make limited notification to any other person desirable, notwithstanding the conclusion that no other person has been considered eligible.

In this instance I have turned my mind specifically to the existence of any special circumstances under s95B(10) and conclude for reasons already outlined in section 6 of Step 4 above (Special Circumstances – Public Notification), that there is nothing exceptional or unusual about this proposal, being specifically provided for by the plan as a restricted discretionary activity on a non-notified basis, and that the proposal has nothing out of the ordinary to suggest that notification to any other persons should occur.

Further to those comments made under the public notification section, the proposal will comply with the noise limit as set out in clause 13.8.2(2)(a) of the ACDP:HGI and as outlined in the submitted acoustic report, the noise levels from this site will be no greater than 46dBA Ldn at the nearest notional boundary, which complies with the relevant standard in the ACDP:HGI.

Limited notification conclusion

Having undertaken the s95B limited notification tests, the following conclusions are reached:

- Under step 1, limited notification is not mandatory.
- Under step 2, each proposed activity is subject to a rule under the ACDP:HGI (Rule 13.5) which precludes limited notification of the application (s95A(6)(a)).
- Under step 3, limited notification is not required as there is a rule that specifically preclude limited notification of the application for which consent is required.
- Under step 4, there are no special circumstances that warrant the application being limited notified to any other persons.

It is therefore recommended that this application be processed without limited notification.

8. Notification recommendation

Non-notification

For the above reasons under section 95A this application may be processed without public notification.

In addition, under section 95B, limited notification is not required.

Accordingly, I recommend that this application is processed non-notified.



Dominique Cornford
Consultant Planner
Resource Consents

Date: 13 June 2022

9. Notification determination

In addition to the planners assessment above, I make the following note as the delegated decision maker:

In considering whether special circumstances exist, Council must consider the information which might be obtained through the notification process. Given Council's discretion is restricted in assessing this helicopter landing pad application, only matters which can be considered when assessing the substantive application are relevant, and this must be taken into account in the consideration of whether special circumstances apply.

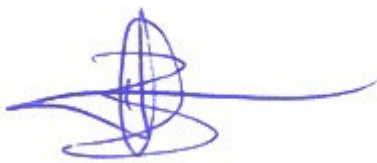
The effects which can be assessed in the substantive decision are those listed in Rule 13.8.2. This includes the effect of noise, and visual and amenity effects associated with any physical works. No other effects are withing Councils discretion for this assessment or substantive decision.

Accordingly, this weighs against points raised by the Local Board relating to special circumstances to warrant notification, as whilst there may be a desire to widen the assessment to other matters, scope for assessing these effects is not afforded under the plan, and it is not considered that additional information would be garnered in relation to the matters of discretion through a notification process to inform the substantive decision.

Accordingly, whilst acknowledging the matters raised, this is not considered to result in a special circumstance for the reasons set out above.

I have read the application, supporting documents, and the report and recommendations on the application for resource consent. I am satisfied that I have sufficient information to consider the matters required by the Resource Management Act 1991 (RMA) and make a decision under delegated authority on notification.

Acting under delegated authority, and for the reasons set out in the above assessment and recommendation, under sections 95A and 95C to 95D, and 95B and 95E to 95G of the RMA this application shall be processed non-notified.



Brad Allen
Team Leader
Resource Consents

Date: 16 June 2022

Decision on an application for resource consent under the Resource Management Act 1991



Restricted discretionary activity

Application number:	LUC60399856
Applicant:	Te Matuku Holdings Limited
Site address:	402B Orapiu Road, Waiheke Island
Legal description:	Lot 8 DP 456843 CT 602521
Proposal:	<p>To establish a new helicopter pad on the subject site, involving the following helicopter movements.</p> <p>The number of aircraft movements to or from the helipad must not exceed a total of:</p> <ul style="list-style-type: none">• a maximum of 250 movements (125 flights) per annum, consisting of:<ul style="list-style-type: none">○ 16 movements x H1.0 or H1.1 single engine class helicopters (defined according to DIN 45684-1) on any one day; OR 8 movements x H1.2 or H2.1 single engine class helicopters (defined according to DIN 45684-1) on any one day; and○ 24 movements x H1.0 or H1.1 single engine class helicopters (defined according to DIN 45684-1) in any rolling three-day period; OR 12 movements x H1.2 or H2.1 single engine class helicopters (defined according to DIN 45684-1) in any rolling three-day period.

Resource consent is required for the following reasons:

Land use consent (s9) – LUC60399856

Auckland Council District Plan: Hauraki Gulf Islands section (ACDP:HGI)

- The development involves the use of a helipad that meets the standards outlined in clause 13.8.2, with one helipad on the site proposed under 13.8.2.1 and noise emissions from the use of the helipad complying with the Ldn 50dBA 3-day rolling average under 13.8.2.2.a. This is a **Restricted Discretionary** activity under rule 13.8.2.

Decision

I have read the application, supporting documents, and the report and recommendations on the application for resource consent. I am satisfied that I have adequate information to consider the matters required by the Resource Management Act 1991 (RMA) and make a decision under delegated authority on the application.

Acting under delegated authority, under sections 104, 104C, and Part 2 of the RMA, the resource consent is **GRANTED**.

Reasons

Under Section 113 of the RMA, the reasons for this decision are:

1. The application is for restricted discretionary resource consent, and as such under s104C only those matters over which council has restricted its discretion have been considered. Those matters are:

Helipads (13.8.2)

- Noise effects; and
 - The visual effect of any earthworks or retaining structures required to establish a helipad or airstrip.
2. In accordance with an assessment under ss104(1)(a) and (ab) of the RMA, the actual and potential effects from the proposal will be acceptable as:
 - a. No physical works are needed or proposed to be undertaken on site to form the helipad.
 - b. The applicant's acoustic engineer confirms that the proposed flight movements over a three-day timeframe will comply with Ldn50 dBA when measured at or within the notional boundary of any noise sensitive activity. In this instance the maximum helicopter noise level reached at the nearest dwelling will be Ldn46 dBA.
 - c. The supporting Acoustic assessment has undertaken a detailed cumulative effects assessment, noting that there are other helipads consented within the immediate surrounds, as well as one further site also seeking consent for a helipad on immediately adjacent land at 402B Orapiu Road Lot 8 DP 71379. The nearest consented helipad in the surrounds at 729 Orapiu Road is 2.2km north-east of the proposed helipad and is well screened by vegetation and the Orapiu Road ridgeline. As such given the separation distance and land characteristics, there is limited opportunity for cumulative noise effects to arise, particularly given the flight path restrictions and assessment under this consent being restricted to the 500ft limit of the take-off/landing movement being assessed. As such the number of 24 movements proposed for the proposed helipad over a 3 day period, and a maximum of 16 movement per day with a cap of a maximum of 250 movements per calendar year, the proposal in this setting is not considered to result in adverse cumulative helicopter noise or amenity effects.
 - d. Auckland Council's noise specialist concurs with the methodology, assessment and conclusions of the submitted report. Overall it is considered that the proposed helipad will be adequately mitigated by:
 - restricted use of the helicopter type (i.e. class H1.0, H1.1, H1.2 and H2.1 only)
 - the single flight track over the application site and the sea
 - daytime flights only
 - maximum of 24 flights per 3-day rolling average and 16 flight on any single day

- the helipad will be located 160m from the nearest notional boundary at 402B Orapiu Road Lot 8 DP71379.
- The annual cap of 250 movements (125 flights) in a year.
- the highest predicted noise level is no greater than 46 dBA Ldn which is below the permitted noise standard of 50 dBA Ldn
- the proposal has also contemplated cumulative effects from neighbouring properties, as well as potential future helipad sites on one other neighbouring properties.
- The condition ensuring that 95% of the flights to and from 402B Orapiu Road Lot 8 DP 456843 are strictly governed by the proposed flight path as assessed under this application for consent. Any variation to the flight path beyond one in twelve movements requires confirmation of the applicable safety matter which required deviation, and that the noise standard of 50 dB Ldn continues to be achieved.

As such, with appropriate conditions, the use of helicopters to and from the site will comply with the required noise standard in clause 13.8.2 of the ACDP:HGI.

- e. Provided specific conditions are implemented, then compliance with the required noise standard for helicopters will be achieved. Particular importance has been placed on the number of flights proposed, the management of the helicopter movements and the specific flight paths.
- f. The rules have been written on the basis that compliance with Ldn50 dBA (over a three-day rolling average) will ensure a certain activity status can be achieved, that that the matters assessed are restricted and the consent can be considered on a non-notified basis. However the matters of discretion still require an assessment of noise effects in each setting, particularly for helipads in locations that can adversely affect the amenity of surrounding residents (Policy 6). It is noted that the maximum noise levels are deemed reasonable on immediate neighbours given the predicted noise level of up to a maximum of 46 dBA Ldn at the nearest residences and that flights are restricted to specific times and numbers, the limit of 250 movements (125 flights) per year being a key consideration in protecting the amenity of both persons and the isolated setting on Waiheke Island. Whilst acknowledging the rural setting of the site and surrounds, the infrequent and temporary noise levels of Ldn46 dBA remains an acceptable noise level in this setting with the above limitations.
- g. Noise levels and operational restrictions are conditioned in the consent. Additional conditions will also include the type of helicopter using the site, the flight procedure, (flight track/path, ground idling, hovering), hours of operation, the frequency of movements and the location of the helipad.
- h. A section 128 review condition is included to ensure that the application complies with the noise standards outlined in clause 13.8.2(2)(a) of the proposed plan, that the approved flight path is utilised and that the adverse noise effects are no greater than what has been considered as part of this consent.
- i. In terms of positive effects, the proposal provides for an alternative mode of transport for the applicant and visitors to their property.

- j. With reference to s104(1)(ab), there are no specific offsetting or environmental compensation measures proposed or agreed to by the applicant to ensure positive effects on the environment.
3. In accordance with an assessment under s104(1)(b) of the RMA the proposal is consistent with the relevant statutory documents, insofar as they relate to the matters over which discretion is restricted. In particular:
- Part 2 under clause 2.5;
 - Waiheke Strategic Management Area under clause 3.3.4;
 - Objectives and Policies for Landform 5 (Productive Land) under Part 10a.6.3.
 - Clauses 13.3 - Objectives for Part 13 Transport with particular regard to objective 13.3.2 (airstrips and helipads).

The relevant matters of discretion and assessment criteria within the ACDP:HGI are contained in the following sections:

- Matters of discretion and assessment criteria contained in clauses 13.8.2.

The development is considered to meet the relevant objectives and policies, matters of discretion and assessment criteria of the ACDP: HGI for reasons outlined in the foregoing report and summarised as follows:

- Provided specific conditions are implemented, then compliance with the required noise standard for helicopters will be achieved and the adverse effects of air travel will be mitigated. Specific restrictions on the overall flight numbers each calendar year will ensure that effects on the amenity of surrounding residents and the environment is appropriately mitigated and remains acceptable.
- The helipad will be used for the applicant and visitors to their property.
- Overall, it is considered that the use of a helipad within the rural residential environment will continue to protect the rural-residential style of living without compromising the amenity and landscape values of this area. Particular regard has been made to the noise effects of the proposal and subject to appropriate controls, noise has been determined to meet the required standards and to be acceptable in this setting, with direct access from the coast ensuring that the amenity of the locality is maintained.
- The helipad itself utilises an existing clearing on the landform and as such can integrate into the landscape and ensures that the natural character and landscape values of the land unit are maintained.

In light of the above, the development will be consistent with the intentions of the Landform 5 land unit, assessment criteria and relevant matters of discretion of the ACDP:HGI. The proposal provides for air transport as alternative means of transport whilst adequately maintaining acceptable amenity levels prescribed by the plan through a range of controls over the take-off and landing of helicopters

4. As a restricted discretionary activity, the other matters that can be considered under s104(1)(c) of the RMA must relate to the matters of discretion restricted under the plan. In this case a monitoring charge is deemed appropriate to ensure the works are carried out in accordance with

approved plans, and to recover the administration costs. In addition, it is recommended that the following form additional conditions of consent:

- Compliance with the noise report prepared by Marshall Day Acoustics;
 - Conditions pertaining to the type of helicopter using the site, the flight procedure, (flight track/path, ground idling, hovering), hours of operation, the frequency of movements and the location of the helipad, and s128 review.
5. Provided that the proposed helipad is utilised in accordance with the recommended conditions it is considered that the proposed noise level will be reasonable in terms of s16 of the RMA.
 6. For reasons outline above, the proposal is considered consistent with the sustainable management purpose of Part II of the Resource Management Act 1991, and other relevant documents including the NZ Coastal Policy Statement, Chapter B of the AUP OP, the National Policy Statement for freshwater and management, the Hauraki Gulf Marine Park Act 2000 and Essentially Waiheke – Refresh 2016.
 7. In the context of this restricted discretionary activity application for land use, where the relevant objectives and policies and other relevant provisions in the relevant statutory documents were prepared having regard to Part 2 of the RMA, they capture all relevant planning considerations and contain a coherent set of policies designed to achieve clear environmental outcomes. They also provide a clear framework for assessing all relevant potential effects and there is no need to go beyond these provisions and look to Part 2 in making this decision as an assessment against Part 2 would not add anything to the evaluative exercise.
 8. Overall the proposal is considered to be acceptable because the use of helicopters to and from the site will comply with the required noise standard in clause 13.8.2 and the maximum noise levels are deemed reasonable within the immediate surrounds. There are no physical works required on site for the landing pad area and as such there are no adverse visual impacts upon the surrounding landscape.

Conditions

Under sections 108 and 108AA of the RMA, I recommend that this consent is subject to the following conditions:

1. This consent shall be carried out in accordance with the documents and drawings and all supporting additional information submitted with the application, detailed below, and all referenced by the council as resource consent number **LUC60399856**:
 - Application Form and Assessment of Environmental Effects prepared by Isle Land Planning, dated 30 March 2022

Report title and reference	Author	Rev	Dated
Assessment of Noise Effects	Marshall Day Acoustics		11 February 2022

Drawing title and reference	Author	Rev	Dated
Proposed Helipad Site Plan Dwg. No. A101	Bull O'Sullivan Architecture Ltd		March 2022

Other Information	Author	Rev	Dated
Letter entitled "402B Orapiu Road, Lot 8 DP456843 Waiheke Island Helicopter Landing Pad S92 Response"	Marshall Day Acoustics		5 May 2022
Letter entitled "402B Orapiu Road, Lot 8 DP456843 Waiheke Island Helicopter Landing Pad S92 Response"	Marshall Day Acoustics		2 June 2022

Consent Lapse

2. Under section 125 of the RMA, this consent lapses five years after the date it is granted unless:
 - a. The consent is given effect to; or
 - b. The council extends the period after which the consent lapses.

Monitoring

3. The consent holder shall pay the council an initial consent compliance monitoring charge of \$1026 (inclusive of GST), plus any further monitoring charge or charges to recover the actual and reasonable costs incurred to ensure compliance with the conditions attached to this consent.

Advice note:

The initial monitoring deposit is to cover the cost of inspecting the site, carrying out tests, reviewing conditions, updating files, etc., all being work to ensure compliance with the resource consent. In order to recover actual and reasonable costs, monitoring of conditions, in excess of those covered by the deposit, shall be charged at the relevant hourly rate applicable at the time. The consent holder will be advised of the further monitoring charge. Only after all conditions of the resource consent have been met, will the council issue a letter confirming compliance on request of the consent holder.

Pre-development conditions

Flight management plan

4. Prior to any flights using the helipad authorised by this consent, the consent holder must submit a Flight Management Plan for the operation of the helipad to the Council for certification. The Flight Management Plan is to include:
 - a) A requirement that a site log is to be established and maintained by the consent holder together with confirmation of the details required to be included in the site log by condition 11 of this consent;
 - b) Evidence that written agreements have or will be obtained from all helicopter operators who

intend using the helipad, including requirements on the operators that:

- all helicopters that may use the helipad will have GPS tracking devices. The helicopter operator shall agree that the GPS tracking on any helicopter model will be set to the maximum resolution when enroute to or from the site and will be sufficient to show that the helicopter has likely complied with condition 9 including altitude;
- that the flight path used for each movement will be accurately recorded; and
- that condition 9 of this consent will be complied with at all times.

It is the consent holder's responsibility to collect details of the flight path to be used, and how the information will be retained to confirm this information for each movement;

- c) Written confirmation by the consent holder that the approved Flight Management Plan will be provided to all the helicopter operators who may use the helipad so they are aware in advance of the limits on its use;
- d) Protocols to ensure that all new operators are informed of the approved Flight Management Plan, including information on the flight path, consent conditions, and protocols for flying into and out of the helipad;
- e) Details to confirm that compliance will be achieved with the noise limit set out in these conditions (which may involve some on-site monitoring).

No arrivals or landings on the site are to be undertaken until the Flight Management Plan has been certified in writing by the Council. The approved Flight Management Plan is to be implemented and maintained on a continuing basis by the consent holder for all movements to/from the site.

Ongoing conditions

Monitoring of initial flights

5. If the consent holder is found to be not complying with the condition covering noise limits (refer condition 7), then operation of the helipad must cease until the consent holder can prove to Council's satisfaction that the consent can be implemented within the approved conditions.

Days and hours of use

6. The number of flights over a rolling average of three days (based on a 3-day rolling average – where, as each new consecutive day is included in the calculated average, the last day of the period is deleted) must be limited to the following movements:
 - a. A maximum of 250 movements (125 flights) per annum associated with this landing pad, consisting of:

Table 3: Helicopter Movements Sought

Helicopter Type*	Number of helicopter movements	
	Three-day rolling average [‡] (to comply with 50 dB L _{dn})	Maximum single day [§] (to comply with 53 dB L _{dn})
Any H1.0 or H1.1 Helicopter (defined according to DIN 45684-1) [‡]	24 (average of 8 per day)	16
OR*		
Any H1.2 or H2.1 Helicopter with Maximum Take Off Mass of <5,700kg (defined according to DIN 45684-1) [‡]	12 (average of 4 per day)	8

[‡] Number of movements over any three-day period (average daily number of movements also given).

[§] Provided the average over any three-day rolling period is no greater than that contained in this table.

[‡] Refer to Appendix B for helicopter definitions in accordance with the standard. The maximum take-off mass of 5,700kg allows for the S-76 operating but limits the potential for much larger helicopters to operate

* The number of movements are not cumulative, for instance if 12 x H2.1 movements occurred on the site in a three-day period, no H1.1 or H1.1 movements could occur. For the purpose of this assessment any one H2.1 helicopter movement is considered the equivalent of 2 x H1.1 helicopter movements.

Notes:

It is noted that a “movement” refers to either a landing or take-off. A “flight” to the site i.e. a landing followed by a take-off (even with engine still running) would count as two movements.

7. The consent holder must ensure that the noise associated with the use of the landing area on the site to which this consent applies for helicopter operations shall not exceed a noise limit of L_{dn} 50dBA (3 day rolling average) as determined in accordance with NZS6805:1994 measured at or within the notional boundary of any noise sensitive activity (e.g. dwelling/visitor accommodation on another site) existing at the time consent was granted.
8. Flights must only occur between morning civil twilight or 08:00 (whichever is later) and evening civil twilight or 22:00 (whichever is earlier). No movements at night shall occur. No flights shall take place before 09:00 and after 18:00 on Sundays and Public Holidays.

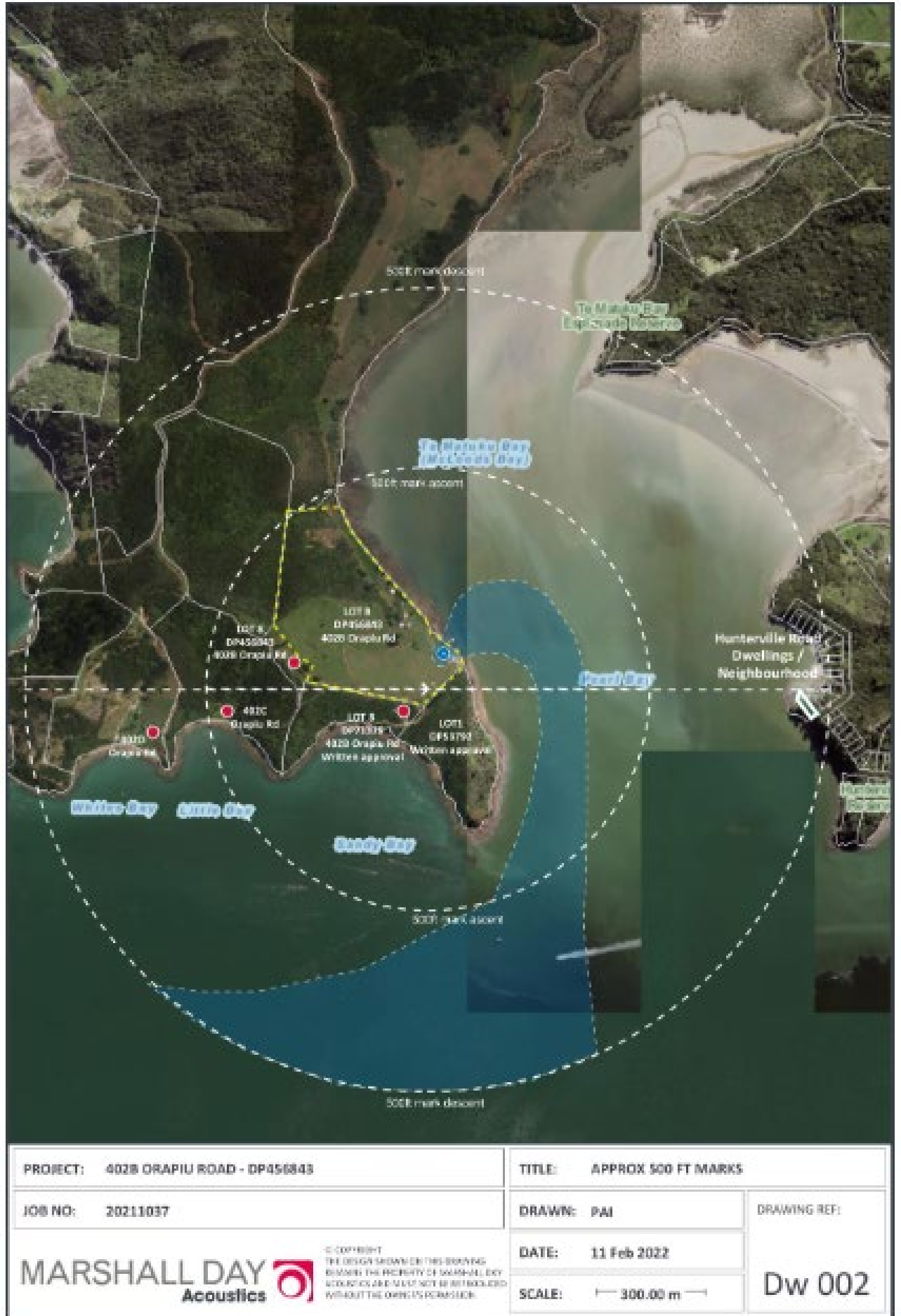
Flight path

9. The consent holder is to ensure that all arriving and departing helicopters remain within the flight path shown in Figure 1 and 2 of the Acoustic Assessment by Marshall Day Acoustics referenced in condition 1 by using the GPS tracking required by condition 4 when flying at altitudes of less than 500 feet, unless required to deviate for safety or to meet CAA requirements (as shown below):

Figure 1: Site and Surrounds



Figure 2: 500 feet marks (approximate)



10. The consent holder must require that all pilots using the site plan route and fly in accordance with the recommendations of the Helicopter Association International 'Fly Neighbourly' Guide.

Site log

11. The consent holder must ensure at all times that a complete and accurate log of all helicopter movements to and from the site is maintained. The consent holder is to keep the following information.
 - The date and time of each flight.
 - Whether the consented flight vector was deviated from below 500 feet and if so, provide written confirmation from the pilot to detail the safety reason for the departure from the approved flight vector.
 - Altitude data (including GPS details).
 - Records of the helicopter owner, operator or helicopter transit company undertaking the helicopter flight.
 - Tail number and the helicopter model type.
 - The helicopter model type or Civil Aviation Authority registration number visiting the site.
12. The logs (including GPS tracking data set to its finest resolution) must be made available to Council officers within ten working days on request.
13. Manoeuvring outside the consented vectors when flying at altitudes of less than 500 feet must occur for no more than five of the movements to or from the site per annum. If manoeuvring outside the consented vectors occurs for more than five movements per annum, as recorded under Condition 11, Council must be advised of the occurrence within 10 working days and all movements must cease until either:
 - a. An updated assessment is provided to Council to demonstrate how compliance with the noise limits in Condition 7 are being met under these conditions; or
 - b. Compliance with the conditions of this consent can be achieved by analysing the pilot's safety reasons for departing from the consented flight vector, and ensuring that flights under those conditions are avoided. Council must be provided a report detailing the analysis, conclusions, and restrictions on movements prior to movements recommencing.

Advice Note:

If the number of helicopter movements or noise levels change as a result of flying outside of the vectors then this is likely to require an amended consent.

It is a requirement of this consent that this information covered by Conditions 11-13 be available to Council upon request. Obtaining/Recording this information falls to the consent holder. Third-party entities flying to the site must therefore be aware of this requirement and ensure that the data is being recorded for the purposes of this condition, and provided to the consent holder for their records following each flight. The consent holder must make this information available when

requested by Council.

Noise limit and operation

14. No aircraft is permitted to sit and idle on the ground, except for the periods required for operational purposes immediately prior to take off and immediately after landing.
15. The helipad is not to be used for engine testing unless required for demonstrable safety or emergency reasons.
16. No helicopter flight training or major helicopter/aircraft maintenance is permitted on the site.
17. The consent holder must ensure that only the helicopters identified within condition 6 are used, unless:
 - a. An assessment is prepared by a suitably qualified acoustic specialist is provided to the Council; and
 - b. The assessment provides evidence that demonstrates the use of the helicopter type, including the proposed number of helicopter movements will comply with the noise standards set out in condition 7 of this resource consent; and
 - c. The Auckland Council gives its written approval for the use of the alternative helicopter type; and
 - d. The consent holder complies with the number of movements specified in the assessment.

Noise monitoring following legitimate complaint

18. Monitoring of noise levels as received within the notional boundary of the nearest and/or most exposed noise sensitive activity (e.g. occupied dwelling or visitor accommodation), is to be commissioned by the consent holder and undertaken by a suitably qualified and experienced acoustic specialist when requested by the Council (Team Leader Central Monitoring) following receipt of a legitimate and reasonable noise complaint or when the Council suspects that conditions of this consent are not being met.
19. A report detailing the measurement procedures, individual sound exposure levels and derived Ldn levels must be supplied to the council (Team Leader Central Monitoring) within 15 working days of the monitoring being undertaken.
20. If access to the nearest and/or most exposed noise sensitive activity is not available following reasonable attempts to gain access, a suitable proxy location shall be selected with the appropriate adjustments clearly defined in the report.

Review

21. In accordance with section 128 of the Resource Management Act 1991, the Council may serve notice on the consent holder of its intention to review the conditions of this consent to deal with adverse effects which may arise from the exercise of the consent, including (but not limited to):
 - reviewing the noise effects generated by the helicopter movements with the possibility of making adjustments to conditions to require and/or to improve mitigation measures once the actual noise effects of the activity have been monitored; and/or
 - addressing unforeseen adverse effects arising from noise emissions, or effects that are

greater than anticipated; and/or

- to deal with any adverse effects on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage and in particular, but without limiting the ambit of this clause, to insert conditions or modify existing conditions to require the consent holder to mitigate noise effects associated with the site (as a result of monitoring and remedial action required under this consent).

All costs associated with any review are to be met by the consent holder.

Advice notes

1. *The initial monitoring charge is to cover the cost of inspecting the site, carrying out tests, reviewing conditions, updating files, etc, all being work to ensure compliance with the resource consent. In order to recover actual and reasonable costs, inspections, in excess of those covered by the base fee paid, shall be charged at the relevant hourly rate applicable at the time. The consent holder will be advised of the further monitoring charge or charges as they fall due. Such further charges are to be paid within one month of the date of invoice. Only after all conditions of the resource consent have been met, will Council issue a letter confirming compliance on request of the consent holder.*
2. *The Consent Holder is advised that the date of the commencement of this consent will be as determined by Section 116 of the RMA, unless a later date is stated as a condition of consent. The provisions of Section 116 of the RMA are summarised in the covering letter issued with this consent.*
3. *The Consent Holder is advised that, pursuant to Section 126 of the RMA, if this resource consent has been exercised, but is not subsequently exercised for a continuous period of five years, the consent may be cancelled by the Council unless other criteria contained within Section 126 are met.*
4. *The consent holder shall obtain all other necessary consents and permits, including those under the Building Act 2004, and comply with all relevant Council Bylaws. This consent does not constitute building consent approval. Please check whether a building consent is required under the Building Act 2004. Please note that the approval of this resource consent, including consent conditions specified above, may affect a previously issued building consent for the same project, in which case a new building consent may be required.*
5. *Any reference to number of days within this decision refers to working days as defined in s2 of the RMA.*
6. *For the purpose of compliance with the conditions of consent, “the council” refers to the council’s monitoring inspector unless otherwise specified. Please contact monitoring@aucklandcouncil.govt.nz to identify your allocated officer.*
7. *For more information on the resource consent process with Auckland Council see the council’s website www.aucklandcouncil.govt.nz. General information on resource consents, including making an application to vary or cancel consent conditions can be found on the Ministry for the Environment’s website: www.mfe.govt.nz.*
8. *If you disagree with any of the above conditions or disagree with the additional charges relating to the processing of the application, you have a right of objection pursuant to sections 357A or 357B of the Resource Management Act 1991. Any objection must be made in writing to the council within 15 working days of notification of the decision.*

9. *Compliance with the consent conditions will be monitored by Council in accordance with Section 35(d) of the RMA. This will typically include site visits to verify compliance (or non-compliance) and documentation (site notes and photographs) of the activity established under the Resource Consent. In order to recover actual and reasonable costs, inspections, in excess of those covered by the base fee paid, shall be charged at the relevant hourly rate applicable at the time. The Consent Holder is advised that, pursuant to Section 126 of the RMA, which provides for Auckland Council to cancel a resource consent by written notice, if this resource consent has been exercised, but is not subsequently exercised for a continuous period of five years, the consent may be cancelled by the Council unless other criteria contained within Section 126 are met.*
10. *This consent is issued under the Resource Management Act 1991 and does not remove the need to comply with all other applicable Acts, regulations, Civil Aviation Authority requirements, bylaws, and rules of law.*

Civil Aviation Authority (CAA) requirements:

11. *The consent holder is advised that the Civil Aviation Rule Part 157 applies to all non-certificated heliports and aerodromes that meet certain criteria of use when used (or intended to be used) for more than 7 days in any consecutive 30-day period. Rule Part 157 requires the heliport operator to notify the Civil Aviation Authority (CAA) Director at least 90 days before work is to begin on the heliport.*
 - *This process will require an aeronautical study which will involve consultation with persons, representative groups and organisations as the Director considers appropriate.*
 - *Full details of the matters considered in the aeronautical study and explanations of the Determination types and conditions are explained in Rule Part 157.*
12. *The consent holder is advised that the Helicopter operators are required to operate in accordance with all Civil Aviation Rules, specifically Part 91 General Operating and Flight Rules, Part 119 Air Operator Certification and Part 135 Air Operations Helicopters and Small Aeroplanes.*

Guidance Notes:

- a. *Civil Aviation Act 1990 and the applicable Civil Aviation Rules to be considered by the consent holder, include:*
 - i. [Part 157 Notice of Construction, Alteration, Activation, and Deactivation of Aerodromes | aviation.govt.nz](#)
 - ii. [Part 71 Designation and Classification of Airspace | aviation.govt.nz](#)
 - iii. [Part 91 General Operating and Flight Rules | aviation.govt.nz](#)
 - iv. [Part 119 Air Operator Certification | aviation.govt.nz](#)
 - v. [Part 135 Air Operations Helicopters and Small Aeroplanes | aviation.govt.nz](#)
13. *The scope of this resource consent is defined by the application made to Auckland Council and all documentation supporting that application.*

Delegated decision maker:

Name: Brad Allen

Title: Team Leader, Resource Consents

Signed:

A handwritten signature in blue ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Date: 16 June 2022

Resource Consent Notice of Works Starting

Please email this form to monitoring@aucklandcouncil.govt.nz at least 5 days prior to work starting on your development or post it to the address at the bottom of the page.

Site address:				
AREA (please tick the box)	Auckland CBD <input type="checkbox"/>	Auckland Isthmus <input type="checkbox"/>	Hauraki Gulf Islands <input type="checkbox"/>	Waitakere <input type="checkbox"/>
Manukau <input type="checkbox"/>	Rodney <input type="checkbox"/>	North Shore <input type="checkbox"/>	Papakura <input type="checkbox"/>	Franklin <input type="checkbox"/>
Resource consent number:			Associated building consent:	
Expected start date of work:			Expected duration of work:	

Primary contact	Name	Mobile / Landline	Address	Email address
Owner				
Project manager				
Builder				
Earthmover				
Arborist				
Other (specify)				

Signature: Owner / Project Manager (indicate which)	Date:
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Once you have been contacted by the Monitoring Officer, all correspondence should be sent directly to them.

SAVE \$\$\$ minimise monitoring costs!

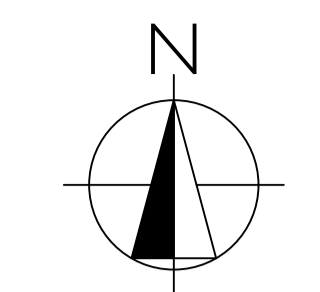
The council will review your property for start of works every three months from the date of issue of the resource consent and charge for the time spent. You can contact your Resource Consent Monitoring Officer on 09 301 0101 or via monitoring@aucklandcouncil.govt.nz to discuss a likely timetable of works before the inspection is carried out and to avoid incurring this cost.



1 Proposed Helipad - Site Plan
Scale 1:500



1 Location Plan



Legal Description

402B Orāpiu Road Waiheke
SITE AREA: 18.0868 Ha
C/T: Lot 8 DP 456843

All work shall comply with the N.Z.B.C. and all other relevant and associated standards, codes and Territorial Authority by-laws.


All work shall comply with the terms and conditions of the Building, Resource and Demolition consents issued for this project.

All proprietary items and materials shall be fixed, installed or applied in strict accordance with the manufacturers recommendations.

Architectural drawings shall be read in conjunction with all relevant Engineers documentation.

Contractor shall check and confirm on site all dimensions and discrepancies or differences within the contract documents prior to starting the works.

Revisions		
#	Date	
A	29 Mar 2022	Helipad Proposal


LUC60399856
 Approved Resource Consent Plan
 16/06/2022



Job Title
Helipad Proposal
402B Orāpiu Road
Waiheke
Lot 8 DP 456843
Drawing Title

Proposed Helipad Site Plan

Scale
1:500 @ A1, 1:1000 @ A3
Date
March 2022
Job Number

Drawing Number
A101

-This drawing must not be scaled
-All setting out, levels and dimensions must be checked on site before commencing any work
-This drawing must be read in conjunction with relevant specification clauses.
-This drawing remains the copyright of Bull and O'Sullivan Architects.



Figure 1: Site and Surrounds



16/06/2022

Figure 2: 500 feet marks (approximate)

