

I hereby give notice that an ordinary meeting of the Planning, Environment and Parks Committee will be held on:

**Date:** Thursday, 30 March 2023  
**Time:** 10.00am  
**Meeting Room:** Reception Lounge  
**Venue:** Auckland Town Hall  
301-305 Queen Street  
Auckland

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## **Komiti mō te Whakarite Mahere, te Taiao, me ngā Papa Rēhia / Planning, Environment and Parks Committee**

### **OPEN ADDENDUM AGENDA**

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#### **MEMBERSHIP**

<b>Chairperson</b>	Cr Richard Hills	
<b>Deputy Chairperson</b>	Cr Angela Dalton	
<b>Members</b>	IMSB Member Edward Ashby	Cr Mike Lee
	Cr Andrew Baker	Cr Kerrin Leoni
	Cr Josephine Bartley	Cr Daniel Newman, JP
	Mayor Wayne Brown	Cr Greg Sayers
	Cr Chris Darby	Deputy Mayor Desley Simpson, JP
	Cr Julie Fairey	Cr Sharon Stewart, QSM
	Cr Alf Filipaina, MNZM	Cr Ken Turner
	Cr Christine Fletcher, QSO	Cr Wayne Walker
	Cr Lotu Fuli	Cr John Watson
	IMSB Member Hon Tau Henare	Cr Maurice Williamson
	Cr Shane Henderson	

(Quorum 11 members)

**Sandra Gordon**  
Kaitohutohu Mana Whakahaere Matua / Senior  
Governance Advisor

**29 March 2023**

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**Note:** The reports contained within this agenda are for consideration and should not be construed as Council policy unless and until adopted. Should Members require further information relating to any reports, please contact the relevant manager, Chairperson or Deputy Chairperson.



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## Helicopter Activity - Compliance and Monitoring update; findings and options

File No.: CP2023/01540

### Te take mō te pūrongo Purpose of the report

1. To advise the Planning, Environment and Parks Committee of options available to address helicopter activity in the Auckland region as directed by Planning Committee Resolution [PLA2022/40 \(e\)](#).

### Whakarāpopototanga matua Executive summary

2. During late 2021 and 2022, concerns were raised by members of the Planning Committee and the Waiheke, Aotea/Great Barrier and Waitematā local boards about the number of resource consents for helipads that have been approved, and the noise effects of the helicopter activity. Concerns were registered about the capacity of the regulatory framework rules to assess all effects (climate change and sites of significance to mana whenua being particularly highlighted); and whether there was adequate input from the community and mana whenua in terms of public notification. The local boards also questioned the level of compliance of consent holders with their resource consent conditions. The local boards sought the implementation of a compliance and monitoring programme and requested plan changes to strengthen the Auckland Council District Plan – Hauraki Gulf Islands Section (HGI Plan) and Auckland Unitary Plan (AUP) rules for helipads.
3. A report responding to the local boards' notices of motion was provided to the Planning Committee at its meeting on [5 May 2022](#). Planning Committee Resolution [PLA2022/40](#) directed further investigation into helicopter activity in the Auckland region to assist with determination of next steps. Planning Committee Resolution PLA2022/40 (c) noted the commencement of a project to analyse consent conditions from helicopter resource consent holders on Waiheke Island and central Auckland to determine the extent of compliance and assist with an evidence-base of effects.
4. A memorandum titled 'Update on Helicopter Compliance and Monitoring Project' was provided to the Planning, Environment and Parks Committee on 21 December 2022 which noted that the research component of the compliance and monitoring project would include some data collection from the 2022/2023 Christmas /New Year period. The report has been completed and is provided as a separate agenda item to this meeting. The findings of the investigation provide a factual input for this report. The findings are summarised in Part A of this report.
5. The results of the Compliance and Monitoring team investigation into consent holders' compliance with helipad consents conditions shows that there is a high level of compliance. An analysis of flight logs for a one-year period (April 2021 to April 2022) shows that flight numbers and flight paths correspond to the limitations set by the consent conditions. Non-compliance is largely limited to deviation from the model of helicopter used, generally due to upgrading of the helicopter to a more modern (and typically quieter) aircraft.

6. The flight data was also analysed to provide a general overview of helicopter flight patterns<sup>1</sup>. The analysis shows two tiers of helicopter activity in urban Auckland. The first tier shows high levels of activity in North Shore (50% of all activity) and Howick (25% of all activity), which are the busiest locations in urban Auckland. A lower second tier of activity applies to other parts of urban Auckland (considered busy based on the presence of commercial helipads). The level of helicopter activity ranges from 2% to 7% of all helicopter activity in the Auckland urban area. Helicopter activity for Waiheke sits within this second tier. Helicopter activity on Waiheke is approximately 3% of all helicopter activity in urban Auckland.
7. Focusing on Waiheke, the highest volumes of activity<sup>2</sup> (landings) occurred in December (264), January (248), February (189) and March (145). The proportion of Waiheke helicopter activity that is airport and emergency services activity is approximately 15% to 20% of all helicopter activity in the Waiheke area<sup>3</sup>. The proportion of helicopter activity for Waiheke that is overflying (does not land on Waiheke) is approximately 10%. In a busy holiday period this may increase to as much as 40%<sup>4</sup>.
8. The level of helicopter activity for Waiheke has been discussed with the Civil Aviation Authority and in their view, it is not considered to be unsafe.
9. The Compliance and Monitoring Report includes a review of council's complaints register. The number of complaints received about helicopter activity is low. There were 11 complaints received in 2020; six complaints received in 2021; and nine complaints received in 2022.
10. Planning Committee Resolution PLA2022/40 (e) directed that a report be prepared to advise the committee on options available to address helicopter activity in the Auckland region based on analysis of the compliance and monitoring investigation. Part B of this report sets out four potential options for management of helicopter activity. The findings of the Compliance and Monitoring report are just one of a range of factors that are considered in the analysis of options. The four options are:
11. **Option 1:** Defer until AUP Review. This option defers a review of helicopter planning regulations until the next review of the AUP commencing from 2026 under current legislation.
12. **Option 2:** Early implementation of National Planning Standard 15 (NPS15) for helicopter noise measurement, ahead of when it is required by the National Planning Standards (2019). This option involves amending only the HGI Plan and would involve removing provisions in the HGI Plan which allow the use of a three-day rolling average to measure helicopter noise, recognising that the NPS15 does not allow averaging. This option would manage noise effects in line with the National Planning Standards and align the HGI Plan and AUP in relation to noise measurement. No change would be needed for the AUP as it does not use a rolling average to measure helicopter noise.
13. This option could occur in a short time-frame because s58I(3) of the Resource Management Act 1991 (RMA) specifies that an amendment required by the National Planning Standards must not be subject to the processes set out in Schedule 1 of the RMA; and that an amendment must be publicly notified not later than five working days after the amendment is made. This means that the amendments implemented are not open to challenge through submissions or appeals.
14. **Option 3:** A detailed plan modification to HGI Plan only; replacing Restricted Discretionary Activity status with Non-complying Activity status (in residential zones); and Discretionary Activity status (in non-residential zones). As in Option 2, this option would also remove the three-day rolling average for the measurement of helicopter noise.

<sup>1</sup> Note – Covid-19 intersects the time period of enquiry, and the analysis should be considered in this context.

<sup>3</sup> Compliance and Monitoring Report Waiheke activity (Dec 2020- Jan 2021) and 22% (Dec2022-Jan 2023)

<sup>3</sup> Compliance and Monitoring Report Waiheke activity (Dec 2020- Jan 2021) and 22% (Dec2022-Jan 2023)

<sup>4</sup> Compliance and Monitoring Report (1 week in May 2022)

15. **Option 4:** Plan change to the AUP and a plan modification to the HGI Plan - introducing Prohibited Activity status for helicopter activity in residential zones (HGI Plan and AUP); and changing the activity status of Restricted Discretionary Activities to become Discretionary Activities in non-residential zones (HGI Plan only).
16. **Option 2** is recommended. This is a focused early implementation of NPS15 in the HGI Plan. Benefits include that it achieves alignment of the HGI and AUP noise measurement methodologies, and unlike Options 3 and 4, it can be delivered within the budget available to the Plans and Places department. This option recognises the government's intention to standardise helicopter noise measurement and, in this context, early implementation to achieve this in relation to the HGI Plan and AUP is justifiable.
17. Option 2 does not change the activity status for applications for helipads, however it strengthens existing provisions and will have a bearing on determination of activity status by making compliance with noise standards more difficult to achieve, particularly in residential areas. Non-compliance with the noise standards would result in a helipad application becoming a Discretionary Activity.
18. Option 2 addresses noise effects by increasing minimum distances of helipads from notional boundaries of sensitive receiver sites (e.g. residential neighbours) and may reduce the number of flights (required to qualify as a Restricted Discretionary Activity).
19. It is noted that existing helipad consent holders have existing use rights under section 10 of the Resource Management Act. None of the above options would impact on the helicopter activity provided for in an existing resource consent.

## Ngā tūtohunga Recommendation/s

That the Planning, Environment and Parks Committee:

- a) whakaae / approve a plan change to the Hauraki Gulf Islands District Plan to implement the National Planning Standard 15 for helicopter noise measurement (as outlined in option 2 in the agenda report)
- b) tuhi ā-taipitopito / note that the implementation of the National Planning Standard 15 for helicopter noise measurement is not subject to the normal Schedule 1 process, therefore no public submissions will be sought

## Horopaki Context

### Notices of motion from Waiheke, Waitematā and Aotea Great Barrier local boards

20. Concern has been expressed by some Auckland residents, public interest groups, and three local boards about the number of and noise generated by helicopters and helipads, particularly on Waiheke Island; the regulatory framework and process of considering resource consent applications; and whether consent holders are complying with consent conditions.
21. A report was provided to the Planning Committee on 5 May 2022 responding to resolutions from the Waiheke local Board, Waitematā Local Board, and the Aotea/Great Barrier Local Board:
  - a) Waiheke Local Board resolutions of 15 December 2021, WHK /2021/178 (a) to (f)
  - b) Waitematā Local Board resolutions of 15 December 2021, WTM 2021/298 (a) to (c)
  - c) Aotea Great Barrier Local Board resolutions of 22 March 2022.
22. The local board resolutions identified concerns about the strength of the current regulatory framework for helipads and sought a compliance and monitoring investigation into the levels of compliance and monitoring of helipad consent holders in terms of their adherence to consent conditions.

23. The local boards' resolutions request plan changes to strengthen the district plan rules for helipads. The Waitemātā local board sought the introduction of Prohibited activity status for helipads (for recreational use) to be applied in the residential urban, residential suburban and adjoining coastal zones. The Waiheke and Aotea/Great Barrier local boards seek stronger provisions generally, including a requirement for the public notification of all helipad applications. The Waiheke local board requested that the HGI Plan assessment of effects be widened to include the consideration of climate change and greenhouse gases. The Aotea/Great Barrier local board also reported concerns raised by mana whenua about the recognition of their role as kaitiaki and for greater input into the resource consents process. A key concern was raised in relation to ensuring the protection of sites of cultural significance to mana whenua.
24. A suspension/moratorium on private helipad consent applications was also requested by the Waitemātā local board and the Waiheke Local Board, and was supported by the Aotea/Great Barrier local board.
25. Advice was given to the Planning Committee in the 5 May 2022 report was that a moratorium is not possible under the RMA. The council is obliged to receive and process resource consent applications.
26. Advice was also given that until amendments to the RMA came into force on 30 November 2022, effects on climate change from greenhouse gases were not matters able to be considered by councils under the RMA. These amendments have now come into force and are discussed in this report under the heading 'Climate Impact Statement'.

### HGI Plan and AUP helipad rules

27. An analysis of the current regulation of the HGI Plan and AUP was set out in the 5 May 2022 report. In brief:
28. For the HGI Plan, the rules for helipads are set out in section 13.8 of the HGI Plan. Provision is made for Permitted Activities (Rule 13.8.1), Restricted Discretionary Activities (Rule 13.8.2) and Discretionary Activities (Rule 13.8.3). Permitted Activities (helipads associated with farming, access and maintenance of infrastructure, and access to coastal fishing) do not require a resource consent (provided they meet all other relevant standards in the HGI Plan).
29. All other helipads are Restricted Discretionary Activities if they meet specified noise standards; or Discretionary Activities (where noise standards are not met). Restricted Discretionary activities require an application for resource consent which can be declined but only for reasons that relate to the matters over which council has restricted its discretion; Discretionary Activities require a resource consent application which can also be declined. There are no limits on the scope of matters that can be considered when assessing a Discretionary Activity (provided they are within the scope of the RMA).
30. For the AUP, in the residential zones, helicopter landing and take-off is a Non-complying Activity under provision (A1) of the relevant activity tables. Item (A1) applies Non-complying Activity status to activities not provided for (in the activity tables). For rural zones, helicopter landings and take-offs associated with servicing rural activities fall under the activity 'rural airstrip' and are a permitted activity in all rural zones. Helicopter activity outside of this context (i.e. private use) is a Discretionary Activity<sup>5</sup>.

<sup>5</sup> AUP Rule C.1.7 infringement of standards applies Discretionary Activity status where an activity does not comply with a d



31. Regarding noise standards of the AUP and the HGI Plan, the relevant rules are:
  - a) AUP noise standard at Rule E25.6.32 applies Ldn 50 dB and LAFmax 85 dB
  - b) HGI noise standard for Restricted Discretionary Activity at Rule 13.8.2 applies Ldn 50 (but uses a rolling three-day average). For additional context, it is highlighted here that Rule 13.8.2 is still more restrictive than NZS 6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas as the NZ Standard refers to a seven-day averaging period.
32. Both the AUP and HGI Plan apply Ldn 50dB. The AUP provisions are identified as more restrictive, as compliance is based on any single (24 hour) day rather than an average over three days. Applying the AUP rules, an indicative setback distance to comply with 50 dB Ldn for one flight (landing and take-off) is a minimum of approximately 100m from the helipad to the nearest notional boundary. In comparison, using the HGI Plan Ldn three-day rolling average, the minimum setback distance could be reduced by around 50m for one flight (i.e. the setback is approximately 50m).
33. The report noted that the less strict rules for helicopter landing and take-off and helipads on the Hauraki Gulf Islands were developed in the early 2000s to recognise the tourism and economic benefits that can arise from enabling travel to and from the Hauraki Gulf Islands by helicopter, and the very different transport needs that exist on the Hauraki Gulf Islands compared to other parts of Auckland.
34. The report noted that the HGI Plan provisions for Restricted Discretionary Activities, while less strict than the AUP, do allow assessment of noise effects, impacts on visual amenity and aural amenity and cumulative effects, and enable the council to decline resource consent applications. The criteria include consideration of helipad locations, flight numbers and flight movements. It was further highlighted that where Discretionary and Non-complying Activity status is triggered, whether under the AUP or HGI Plan, the range of discretion is unlimited (within the scope of the RMA).

### 5 May 2022 Planning Committee Resolutions PLA2022/40

35. Planning Committee resolution PLA2022/40 for the meeting of 5 May 2022 requested that findings from a compliance and monitoring investigation being undertaken by the Compliance and Monitoring team into compliance with consent conditions and an overview of patterns of activity be reported to the committee; and that options for managing helicopter activity based on the investigation findings be assessed and also reported to the committee.
36. The Compliance and Monitoring report from the compliance team precedes this report. The findings of that report are summarised in Part A of this report.
37. An options analysis that takes into account (together with a range of other matters) the findings of the Compliance and Monitoring report is set out in Part B of this report.

## Tātaritanga me ngā tohutohu Analysis and advice

### Part A Consents Compliance and flight patterns

38. The findings of the Compliance and Monitoring Report from the compliance team are summarised below:

### Compliance with consent conditions

39. Flight log data has been obtained and analysed for a one-year period (April 2021 to April 2022). Helipad consent holders flight logs have been verified against other data<sup>6</sup> sets to confirm correlation of data. The cross referencing identifies some unrecorded flights; however this does not appear to be a deliberate or prevalent action. Overall, the record keeping by consent holders is considered to be of a reasonable standard.
40. Investigation of compliance with consent conditions showed a high level of compliance by helipad consent holders with resource consent conditions. Consent holders are largely adhering to flight paths and flight take-offs and landings are within the consented limits. The analysis of flight logs, cross referenced with data held by other entities verifies that flight numbers and flight paths correspond to the limitations set by consent conditions. Non-compliance is largely limited to deviation from helicopter model, generally due to upgrading of helicopter type to a more modern aircraft. It is noted that the modern helicopters are generally quieter than those replaced. It should be noted that weather conditions may affect pilots from strictly adhering to consented flight paths for take-off and landing.

### Flight patterns

41. Flight data has been analysed to provide some general overview of flight patterns. Covid-19 intersects the period of enquiry, and the analysis should be considered in this context.
42. Flight patterns for urban Auckland were investigated over two separate years peak summer holiday seasons: 20 December 2020 – 10 January 2021 and 20 December 2022 – 10 January 2023). The research identified two groups of activity levels<sup>7</sup>. The first group, with the highest (proportional) level of activity comprises North Shore 50% and Howick 25%. The second group showing significantly less activity (ranging between 2% and 7% of all activity) is comprised of the CBD 7%, Mangere 3%, Mt Wellington 2%, Papakura 2%, Waitakere 2%, Waiheke 2% and Other<sup>8</sup> (6%).
43. Flight tracking on consents in the Hauraki Gulf Islands including Aotea/Great Barrier, and for the Waitematā Local Board area showed very low volumes of helicopter traffic and flights were often associated with emergency services or maintenance works.
44. Focusing on Waiheke, helicopter activity for the period April 2021 – April 2022 shows the highest levels of activity occurred during the summer period. The highest volumes of activity<sup>9</sup> (landings) occurred in December (264), January (248), February (189) and March (145). The activity is shown to occur predominantly in the weekends<sup>10</sup>.

<sup>6</sup> Flightradar24 platform, departure information from 3 main heliports in the Auckland region – ‘Advanced Flight Onehunga Heliport’, ‘EagleFlightTA Helicopter Me’ (Mechanics Bay), ‘Helitrantz’ (Albany)

<sup>7</sup> Compliance and Monitoring report Figure 8 Comparisons of Urban areas which had flights travelling overhead for both time periods (20 December 2020 – 10 January 2021 and 20 December 2022 – 10 January 2023)

<sup>8</sup> Various locations

<sup>9</sup> Compliance and Monitoring Report Figure 3 Monthly levels of activity on Waiheke

<sup>10</sup> Compliance and Monitoring Report – Figure 4 Weekend activity on Waiheke

45. Analysis of busy holiday periods (Labour Weekend, a week in May and a weekend in January 2022)<sup>11</sup> showed the following levels of activity:

Labour Weekend 2022	May 2022 (one week)	January 2022 (weekend)
<b>Waiheke received 30% of all activity compared to urban Auckland which received 63% (the remaining 7% <u>overflowed</u> Waiheke);</b>	Waiheke received 20% and urban Auckland received 72% (the remaining 8% overflowed Waiheke)	Waiheke and urban Auckland have the same level of activity, with both registering 45% of activity (the remaining 10% <u>overflowing</u> Waiheke).
<b>17% of all helicopter activity on Waiheke for this period is <u>overflowing</u></b>	39% of all helicopter activity on Waiheke for this period is overflowing	20% of all helicopter activity on Waiheke for this period is overflowing

46. The proportions of helicopter activity (landings) on Waiheke attributed to airport, emergency services was also investigated for 20 December 2020 – 10 January 2021 and 20 December 2022 – 10 January 2023. The proportions were 15% over December 2020 - January 2021 and 22% over the period December 2022-January 2023.

### Complaints

47. Between 1 January 2020 – 31 December 2022, there were 26 complaints about helicopter noise or nuisance logged through council’s official system.
48. Between 1 January 2020 – 31 December 2022 the suburbs with the highest number of complaints were Waiheke (8), Herne Bay (7) and Kumeu (2). The remainder were individual complaints for suburbs Mairerahi, Matakana, Mount Eden, New Windsor, Onehunga, Riverhead, Rodney, Takapuna, Waiau Pa.
49. Table 1 below shows the complaints for each year. There were eleven complaints in 2020; six complaints in 2021; and nine complaints in 2022. The number of complaints officially registered is considered to be low.

**Table 1: complaints about helicopter noise or nuisance logged through council’s complaints registry.**

Suburb	2020	2021	2022
Herne bay	4	1	2
Kumeu	1		1
Mairerahi			1
Matakana	1		
Mt Eden		1	
New Windsor			1
Onehunga			1
Riverhead	1		
Rodney	1		

<sup>11</sup> Compliance and Monitoring Report - Figure 5 (Labour weekend 2022), Figure 6 (May 2022) and Figure 7(January 2022)

Suburb	2020	2021	2022
Takapuna	1		
Waiau Pa	1		
Waiheke	1	4	3
<b>Total Complaints</b>	<b>11</b>	<b>6</b>	<b>9</b>

## Part B Assessment of Options to address helicopter activity

50. This part of the report responds to Planning Committee Resolution PLA2022/40 (e) which asks for an assessment of options available to address helicopter activity.

### Options

51. Four options have been assessed. These are:

#### Option 1: Address as part of the AUP review

52. This option involves timing a comprehensive review of the helicopter regulatory framework (for both AUP and HGI Plan) to occur as part of the AUP review<sup>12</sup>; noting the Hauraki Gulf Islands will be brought fully within the scope of the AUP as part of the AUP review; and that full integration of all National Policy Standards including NPS15 – helicopter noise measurement must be part of the AUP review<sup>13</sup>. Under the RMA, a review of the AUP must commence in November 2026 (i.e. 10 years after the plan become largely operative).

#### Option 2: Early Implementation of National Planning Standard - NPS15 for helicopter noise measurement (HGI Plan only)

53. This option would implement the mandatory directive contained in NPS15(1) that specifies use of *New Zealand Standard 6807:1994 – Noise Management and Land Use Planning for Helicopter Landing Areas* to exclude 4.3 use of averaging.
54. This option would delete text at Rule 13.8.2 Restricted Discretionary Activities in the HGI Plan which specifies averaging (specifically, the use of three-day rolling average) for the measurement of helicopter noise; and would add new text to provide clarification about the noise measurement method required under NPS15. As the three-day rolling average is not used in the AUP, no change to the AUP would be required.
55. In accordance with s58l(3) of the RMA, the implementation of the standard must not be subject to the processes set out in Schedule 1 of the RMA; and requires that amendments must be publicly notified not later than five working days after the amendments are made. The amendment can be made within a short timeframe.
56. This option goes some way to strengthening the HGI helipad rules as sought in the notices of motion from the Waiheke local board and Aotea / Great Barrier local board. Option 2 would strengthen the HGI Plan's Restricted Discretionary Activity rules and may result in a greater number of helipad applications being assessed as Discretionary Activities, as it would increase the minimum separation distances to notional boundaries needed to achieve compliance with the noise standards; and /or may reduce flight numbers.

<sup>12</sup> Ibid

<sup>13</sup> The National Planning Standards were released in 2019. NPS15 must be implemented within the timeframes specified under NPS17(7) a) or b) whichever is sooner: a) *amendments to the combined plan made 10 years from when the planning standards came into effect* or (b) *notification of a proposed combined plan under clause 5, Schedule 1 RMA after the planning standards come into effect 2029 which is 10 years from when the standards take effect* NPS17(7)(a):

**Option 3: Plan change to HGI Plan – helicopter rules; introducing Non-complying activity status in residential zones; and changing activity status of Restricted Discretionary Activities to become Discretionary Activities in non-residential zones**

57. This option is for a plan change to the HGI Plan only, to bring the HGI provisions into closer alignment with the AUP across the issues of activity status, notification guidance, and the implementation of NPS15 – helicopter noise measurement.
58. This option would involve deletion of the Restricted Discretionary Activity category in the HGI Plan, and instead providing for these activities to become Non-complying Activities (for helipads in the residential zones) or Discretionary Activity status (for helipads outside of residential zones)<sup>14</sup>. The proposed changes would bring the HGI Plan and AUP rules for helipads into closer alignment noting that currently the AUP applies Non-complying Activity status to helipads in residential areas, while the HGI Plan applies Restricted Discretionary Activity status (subject to meeting noise standards) or Discretionary Activity status - where compliance with the standard is not met.
59. The removal of the Restricted Discretionary Activity category results in implementation of NPS15 as it would remove the provisions in the HGI Plan that specify the use of averaging in relation to helicopter noise measurement. Consequently, the HGI Plan and AUP would be brought into alignment in relation to implementation of the NPS15 helicopter noise measurement directives (that ‘averaging’ not be applied)<sup>15</sup>.
60. The removal of Restricted Discretionary Activity category would also align the HGI Plan with the AUP on the issue of notification, removing the presumption of non-notification for some helipad applications. The HGI Plan Restricted Discretionary Activity rules presume non-notification (subject to assessment of whether special circumstances apply – determined on a case-by-case basis). This option would remove the Restricted Discretionary Activity category and therefore also removes the non-notification provisions included in that rule.
61. This option would significantly change the HGI Plan's helipad rules as sought by the Waiheke and Aotea/Great Barrier local boards. The Discretionary Activity status may provide for greater public input and the input of directly affected parties (through the removal of the general restriction on public notification or notification of directly affected parties) with no limitations on matters for consideration (within the scope of the RMA) when assessing resource consent applications.

**Option 4: Plan change to AUP and plan change to HGI Plan – helicopter rules - introducing Prohibited Activity status for helicopter activity in residential zones (HGI Plan and AUP); and changing activity status of Restricted Discretionary Activities in non-residential areas to become Discretionary Activities (HGI Plan only).**

62. This option would remove any ability to establish helipads/helicopter activity in residential areas in both the AUP and HGI Plan, by making this a Prohibited Activity. This option would also amend the HGI Plan rules to remove the category of Restricted Discretionary Activities in non-residential areas and provide for these as Discretionary Activities instead (as outlined in Option 3 above).
63. This option does would not amend provisions for permitted helicopter activities.

**Assessment of Benefits, Costs, Risks, Effectiveness and Efficiency**

64. A high-level analysis of Benefits, Costs, Risks, Effectiveness and Efficiency of the proposed options is set out below.

<sup>14</sup> This option does not amend provisions for permitted activities. The permitted activity status is applied to helicopters involved in emergency services; and activity associated with pastoral farming and horticulture, access to coastal fishing locations, access to and maintenance of network utilities.

<sup>15</sup> The AUP does not specify method, the NZ Standard NPS15 as a national standard applies.

### Benefits

65. Option 1 (Defer until AUP review) has the financial benefit of using the existing AUP review timeframes to review helicopter provisions and does not incur costs of additional plan changes.
66. Option 2 (Early implementation of NPS15) has the financial benefit of being able to be implemented within the budget available to the Plans and Places department. It can also be implemented within a short timeframe<sup>16</sup> and would ensure the HGI Plan is aligned with the national approach to noise measurement.
67. Option 3 would bring the HGI Plan and AUP helicopter provisions into closer alignment, through the removal of Restricted Discretionary Activity status from the HGI Plan and through both plans having Non-complying Activity status in residential zones. There would also be alignment in terms of NPS15. It has the benefit of enabling a wider range of matters to be considered by the council when assessing resource consent applications for helipads on the Hauraki Gulf Islands.
68. Option 4, as with Option 3, enables a wider range of matters to be considered by the council when assessing resource consent applications for helipads on the Hauraki Gulf Islands. This would only apply in non-residential areas, as Option 4 would prevent resource consent applications for helipads being applied for in residential areas. It also has the benefit of addressing the concerns expressed by stakeholders who are opposed to establishing helipads in residential areas.

### Costs

69. Option 1 has least financial cost, however there is a possible cost to people (social effects) in terms of reduced amenity in terms of noise levels and flight frequencies if new helipads are created under the current provisions.
70. Options 2, 3 and 4 would incur economic (opportunity) and social costs to helipad operators by making consent applications more complex, and at higher risk of being declined. This can also give rise to opportunity costs for businesses that cannot obtain consents for helipads. There are also economic costs to the Council and ratepayers associated with initiating a plan change (or plan changes). The costs include resourcing for staff and other expert input, research to establish the evidential basis for change, community and stakeholder engagement, hearings processes and possibly appeals to the Environment Court (in terms of Options 3 and 4).
71. The costs increase with the increased complexity and scope of the changes proposed. Financial cost estimates for council for Options 2, 3 and 4 are as follows:
  - Option 2 is for a narrow amendment to the HGI Plan (limited to implementation of NPS15). This option does not change activity status and is limited to discrete text amendments. The cost is estimated at approximately \$5,000.
  - Option 3 is more complex involving amendments to activity status and the objectives and policies framework of the HGI Plan. It would therefore be more costly than Option 2. A conservative estimate places the cost at approximately \$250,000. If the plan change was appealed to the Environment Court, the costs could be considerably higher than this. The scale of change would require significant research to provide the necessary evidential basis for change. Also required are significant pre-engagement processes with the community and all stakeholders (noting that helipads are a contentious topic and that there are interested parties in support of and opposed to helipads).

<sup>16</sup> s58I(3) of the RMA specifies that the implementation of the standard must not be subject to Schedule 1 of the RMA (i.e. the process is without public consultation); and requires that amendments must be publicly notified not later than 5 working days after the amendments are made.

- Option 4 is more complex than Option 3 and requires changes to both the HGI Plan and the AUP. The proposed introduction of a Prohibited activity status for helicopter activity in residential zones demands significant evidential support. Additionally, Option 4 is also likely to incur significant legal costs as Prohibited activity status has a higher risk of decisions being appealed, and from judicial review. A conservative estimate places the starting cost of Option 4 at approximately \$400,000<sup>17</sup>.

72. In terms of timeframes, even starting now, the timeframes of the plan changes for Options 3 and 4 are likely to overlap with the AUP review commencing in 2026. This brings into focus the duplication of effort in terms of resources. It is likely that the same issues would be re-litigated in the AUP review.
73. Given existing mandatory work being undertaken (e.g. implementing the National Policy Statement on Freshwater Management and National Policy Statement on Urban Development), the Plans and Places department does not have the resources available to prepare a plan change to the HGI Plan, or both the AUP and the HGI Plan.

### **Effectiveness**

74. Option 2 Early implementation of NPS15 would lift the bottom line for meeting the noise standards to qualify as a Restricted Discretionary Activity. It would increase minimum distances to notional boundaries from and /or reduce the maximum no of take-offs and landings able to be considered as a Restricted Discretionary Activity. This option would be an effective approach to address noise concerns arising from use of the three-day rolling average, and effectively aligns HGI Plan and AUP noise measurement methodologies over the interim period until the Hauraki Gulf Islands are brought fully within the AUP.
75. Option 3 would (if successful) be very effective in significantly tightening the regulatory framework for assessment of new helipads in the HGI Plan. While Option 3 would satisfy the concerns of some stakeholders who oppose helipads, it may not be a correctly balanced outcome considering the other stakeholders with an interest in helipads. The topic of helipad regulation was a contentious topic during the 2016 review of the HGI Plan, with strongly divided stakeholder groups in opposition and in support of helipads.
76. The report to the Planning Committee on 5 May 2022 discussed the development of the rules. It is noted that the HGI Plan helicopter provisions were developed to strike a balance with a wider range of activity status than the AUP that included Restricted Discretionary Activity as a category to provide access that recognised the separation of the Hauraki Gulf Islands from the mainland by the sea; gave support to tourism; and protected residential amenity values.
77. It is considered the level of change introduced by Option 3 would be open to challenge given the low level of complaints received by the Council about helicopter activity. However, it would be effective in addressing a wider range of potential effects from helicopter activity (e.g. the effects of helicopters taking off and landing in the vicinity of ecologically significant areas).
78. Option 4 would prevent helicopter activity in residential areas of both the HGI Plan and the AUP. A very high level of evidence is needed to justify absolute prohibition and it is considered that the current evidence would not meet the threshold necessary to support this level of regulation. The effectiveness of Option 4 is impacted accordingly.

### **Efficiency**

79. Option 1 - 'Defer until AUP Review' is highly efficient in that the regulatory approach to helicopter activity (within the Council's jurisdiction under the RMA) is addressed comprehensively on a regionwide basis through a single process. However, Option 1 does not address the various benefits discussed above in relation to Options 2, 3 and 4.

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<sup>17</sup> Ibid

80. Option 2 - Early implementation of NPS15 could occur within a short timeframe. As the implementation of the standard is not subject to Schedule 1 of the RMA (i.e. the process is without public consultation or submissions), the resources required to implement this option are minimal and the process is significantly streamlined. Option 2 is considered an efficient use of the Council's resources as it would expediently achieve consistency across the HGI and AUP for noise measurement methodology, and allows for a comprehensive regionwide review to be undertaken as part of the review of the AUP.
81. Options 3 and 4 - which are for plan changes to the HGI Plan, and HGI Plan and AUP respectively, are inefficient in the sense that they both involve expensive processes that would likely result in re-litigation at the time of the full AUP review. However, in terms of being able to address a wider range of potential effects from helicopter activity on the Hauraki Gulf Islands, the benefits of Options 3 are acknowledged.

### Risks

82. Option 1 – 'Defer until AUP Review' carries the risk of helicopter activity being consented on the Hauraki Gulf Islands prior to the review adversely impacting residential amenity to a greater degree than elsewhere in Auckland. It also runs the risk of helicopter activity consented on the Hauraki Gulf Islands prior to the review having other adverse impacts on the Hauraki Gulf Islands that cannot be considered under the current rules.
83. Option 2 'Early implementation of NPS15' has the least risk as it addresses a national planning standard and is directed towards dealing with helicopter noise. Option 2 aligns the HGI Plan and AUP provisions and ensures equitable determination of activity status (as relevant to meeting noise standards) as both plans will be applying the same noise measurement methodology.
84. Option 3 carries the risk of there being insufficient evidence to justify a stricter activity status for helicopter activity on the Hauraki Gulf Islands in light of the lack of complaints received by the council and in consideration of the unique economic and transport circumstances associated with the Hauraki Gulf Islands.
85. Option 4 carries a risk of successful Environment Court appeals and judicial review. The Courts have set a very high bar for Prohibited Activity status.

### Discussion

86. Having considered the range of matters outlined in the previous section of this report, Option 2 is recommended.
87. Option 2 addresses a National Planning Standard and aligns noise measurement methods in the HGI Plan and the AUP. This option is limited to implementation of NPS15, can be implemented in the shortest time (without a Schedule 1 process) and can be achieved with the budget currently available to the Plans and Places department.
88. Option 2 does not involve changes to activity status but makes compliance with noise standards for Restricted Discretionary Activities more difficult to achieve. Helipad applications, particularly in residential areas where sites are smaller, might not meet required noise standards – which they otherwise might have met when applying the rolling average noise measurement method. The non-compliance with the noise standards would result in a helipad application becoming a Discretionary Activity.
89. The impact of the rolling average on setback distances of helipads to nearest nominal boundaries was reported in the 5 May 2022 report to the Planning Committee. The report highlighted that both the AUP and HGI Plan apply Ldn 50dB highlighting that for the AUP noise standard compliance is based on a single (24 hour), while the HGI Plan noise standard uses a rolling three-day average. The report went on to identify the effect of the use of each method on helipad location setback distances to nominal boundaries:



*“Applying the AUP rules, an indicative setback distance to comply with 50 dB Ldn for one flight (landing and take-off) is a minimum of approximately 100m from the helipad to the nearest notional boundary. In comparison, using the HGI Plan Ldn three-day rolling average, the minimum setback distance could be reduced by around 50m for one flight (i.e., the setback is approximately 50m).”*

90. The effect of the reset to the ‘bottom line’ by Option 2 would be to increase the setback distance to the nearest nominal boundary by approximately 50m as outlined above (factors such as helicopter type, flightpath, duration of ground idle and topography will determine actual setback distance).
91. Option 1 is not recommended as it retains misalignment of helicopter noise measurement approaches of the HGI Plan and AUP for the period that the HGI Plan is outside the AUP, with the possible cost to people (social effects) in terms of reduced amenity in terms of noise levels and flight frequencies if new helipads are created under the current provisions.

## **Tauākī whakaaweawe āhuarangi**

### **Climate impact statement**

92. The Government’s first Emissions Reduction Plan (ERP) released on 16 May 2022 sets out how New Zealand will meet its first emissions budget (2022-2025) and set the path towards meeting long-term climate targets.
93. Auckland Council’s climate plan, Te Tāruke-ā-Tāwhiri: Auckland’s Climate Plan, has called for a 64 percent reduction in transport emissions by 2030. Council’s Transport Emissions Reduction Plan (TERP), August 2022 outlines concrete actions to dramatically reduce transport emissions by 2030. The plan identifies that aviation emissions account for 7% of Auckland’s emissions profile and sets a pathway for this to be reduced by 50% by 2030. Commercial airlines are the highest contributor in the emissions profile and are the target category for aviation emission reduction. The level of helicopter activity would represent a very small quotient in the emissions profile for Auckland.
94. The Government’s ERP and the Council’s TERP will be relevant to the assessment of helipad applications and may be considered in any determination as to whether ‘special circumstances’ are triggered in association with a resource consent assessment.
95. These plans will also have relevance to any future changes proposed to the regulatory framework of the AUP and HGI Plan.

### **Greenhouse gas emissions - Resource Management Amendment Act amendments in force from 30 November 2022**

96. RMAA amendments relating to greenhouse gas emissions came into force on 30 November 2022. The amendments made by the RMAA provide for climate change and greenhouse gas emissions to be considered in an application for resource consent for a helipad. However, where the helipad resource consent application has a Restricted Discretionary Activity status, these are permissible considerations only if they are inside the scope of the matters over which the council has restricted its discretion. Where the helipad resource consent application has a Discretionary or Non-complying Activity status “the effects of climate change” may be relevant under section 7(i) in the context of the Council’s Part 2 assessment (albeit the relevance of those effects will depend on the specifics of the application in question).
97. In terms of the options discussed in this report, it is highlighted that Option 2 which retains Restricted Discretionary Activity status under the HGI Plan, would not provide for consideration of climate change or greenhouse gases. A policy and rule framework relating to greenhouse gas emission reduction is likely therefore to need to be the subject of a separate plan change process. Option 3, which would remove the Restricted Discretionary Activity category and replace it with Discretionary and Non-complying Activity status would enable consideration of climate change and greenhouse gas emissions.

## Ngā whakaaweawe me ngā tirohanga a te rōpū Kaunihera Council group impacts and views

98. The Resource Consents and Compliance and Monitoring departments have contributed to the preparation of this report.
99. Eke Panuku, Auckland Transport and Auckland Unlimited would be consulted as part of any process involving changes to the provisions for helicopters in the AUP and HGI plan.

## Ngā whakaaweawe ā-rohe me ngā tirohanga a te poari ā-rohe Local impacts and local board views

100. This report responds to resolution from the Planning Committee 5 May 2022, PLA2022/40(e) which directs council staff to report options to manage helicopter activity in the Auckland area based on the findings of Compliance and Monitoring investigation, which is the subject of PLA2022/40(c).
101. These resolutions from the Planning Committee respond to concerns about helicopter activity that have been raised by the Waiheke Local Board, Waitemātā Local Board and Aotea/Great Barrier Local Board.
102. The Compliance and Monitoring report and an options analysis were reported to the Waitemātā Local Board meeting on [21 March 2023](#). The resolutions of the Waitemātā Local Board are included as Attachment A.
103. The Compliance and Monitoring report and an options analysis were reported to the Waiheke Local Board meeting on [22 March 2023](#). The resolutions of the Waiheke Local Board are available [here](#) (see Item 14).
104. The Compliance and Monitoring report and an options analysis will be reported to the Aotea/Great Barrier Local Board meeting on [28 March 2023](#). The resolutions of the Aotea/Great Barrier Local Board will be provided at the meeting.

## Tauākī whakaaweawe Māori Māori impact statement

105. The report provided to the Planning Committee on 5 May 2022 responding to resolutions from the Aotea/Great Barrier Local Board identified concerns from Ngāti Rehua Ngātiwai ki Aotea Trust about the ability of the resource consents process to provide for mana whenua's kaitiaki role, and to give adequate protection of cultural sites and values. The lack of a schedule in the HGI Plan protecting sites and places of archaeological and cultural significance was highlighted. It is noted that council's Cultural Heritage team is working on a proposed plan change to address this issue and has been in consultation with Ngāti Rehua Ngātiwai ki Aotea Trust about proposed sites for inclusion in the HGI Plan.
106. Also highlighted in the notice of motion is that mana whenua have also sought consideration of suspension of private helipad consent applications on Aotea to allow the planning process to factor in mana whenua's kaitiaki role, management of compliance and wider concerns.
107. Mana whenua input into the resource consents process was discussed in the 5 May 2022 report, where it was noted that all consent applications received by the Council are provided to mana whenua on a weekly basis, providing an opportunity for mana whenua to review applications and highlight matters of concern. However, it is acknowledged that the current Restricted Discretionary Activity status on the Hauraki Gulf Islands limits the degree to which concerns raised by mana whenua can be considered.
108. The 5 May 2022 report also noted that a suspension of consent applications (i.e. a moratorium) is not provided for under the RMA. The Council is obliged to receive and process resource consent applications, avoiding unreasonable delay as directed by s21 of the RMA.

## Ngā ritenga ā-pūtea Financial implications

109. Early implementation of NPS15 (Option 2) is not currently factored into the Plans and Places department work programme. However, the implementation process does not follow the processes set out in Schedule 1 of the RMA, so the financial cost to the Council is minimal. It is noted however that the changes to the HGI Plan under Option 2 would otherwise be incorporated as part of the AUP review process, which is required to commence in November 2026.
110. Options 3 and 4 involve relatively complex plan changes and preparation costs would reflect this. Options 3 and 4 would likely be strongly contested. The current provisions of the HGI Plan were arrived at via the Environment Court, and therefore will likely take several years to be resolved.
111. Cost estimates based on other plan changes the Council has recently processed are as follows:
- Option 2 is an amendment in accordance with s58I of the RMA. The costs estimate is approximately \$5,000
  - for a complex plan change such as Option 3 a conservative estimate places the starting cost at approximately \$250,000
  - Option 4, which is a complex plan change to the HGI Plan and a complex plan change to the AUP, a conservative estimate places the stating cost at approximately \$400,000.



## Ngā raru tūpono me ngā whakamaurutanga Risks and mitigations

112. Risks associated with the options to address helicopter activity under the HGI Plan and the AUP are discussed earlier in this report.

## Ngā koringa ā-muri Next steps

113. Option 2 – Early implementation of NPS15 is the recommended option.
114. If the committee supports this option, staff will prepare the amendments and publicly notify that the changes have been made in accordance with s58I(3) of the RMA.

## Ngā tāpirihanga Attachments

No.	Title	Page
 	Resolutions of the Waitematā Local Board - 21 March 2023	21

## Ngā kaihaina Signatories

Author	Alison Pye - Senior Policy Planner
Authorisers	John Duguid - General Manager - Plans and Places Megan Tyler - Chief of Strategy



Resolution number WTM/2023/39

MOVED by Chairperson G Sage, seconded by Deputy Chairperson G Moyle:

**That the Waitemata Local Board:**

- a) **note the findings of the Compliance and Monitoring report.**
- b) **provide the following feedback after considering the contents of this report**
  - i. **the board supports option 2 as presented. Option 2: Early implementation of National Planning Standard 15 (NPS15) for helicopter noise measurement. This would manage noise effects in line with the national standards and align the HGI Plan and AUP.**
  - ii. **recommend council make it clearer on the Auckland Council website how to give feedback about helicopter noise.**
  - iii. **that any new or variations of resource consents for helicopter movements in residential areas are publicly notified.**
  - iv. **recommend consents no longer be granted in perpetuity but for five years with right of renewal based on compliance**
  - v. **note the board's support of Waiheke Local Board and Aotea Local Board, noting that the Hauraki Gulf Islands are places of high value as places of sanctuary, retreat and environmental restoration to many of the residents of Waitemata and Aucklanders in general and that the proliferation of helicopters pads is a concern.**
  - vi. **the total number of helicopter movements flights per day, per week and per year are capped within a geographical area to prevent negative cumulative effects**
  - vii. **recommend council develop a pro-active compliance plan for existing and new consent noting that consent holders do contribute towards compliance, at the consent holder expense. This might include local monitoring equipment onsite, on neighboring properties or an appropriate public space.**
  - viii. **recommend that a further review of rules take place within the next AUP.**
  - ix. **recommend a location is sought for a commercial heliport serving the West of the City that will have less impact on residents, the environment and those enjoying public spaces.**
  - x. **believe any overall increase in private or commercial helicopter activity from Auckland's residential areas is overall harmful to the environment and residents' quality of life, health and wellbeing because of the negative impact of noise and vibrations on the calm enjoyment of private and public places.**
  - xi. **recommend that the transponders to be turned on for take-off and landing**

**CARRIED**



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## Auckland Unitary Plan - consideration of private plan change request - Riverhead South

File No.: CP2023/02834

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**This item has been withdrawn**

Item 11