
I hereby give notice that a hearing by commissioners will be held on:

Date: Monday 12, Tuesday 13, Wednesday 14,
Thursday 15 & Friday 16 May 2025
Time: 9.30am
Meeting Room: The Council Chambers
Venue: Ground Floor, Auckland Town Hall,
301 Queen Street, Auckland

HEARING REPORT

38 RAWENE AVENUE, WESTMERE

ALEXANDER JAMES WILLIAMS

COMMISSIONERS

Chairperson Kitt Littlejohn
Commissioners Dr Hilke Giles
David Hill

BEVAN DONOVAN
KAITOHUTOHU WHAKAWĀTANGA /
HEARINGS ADVISOR

Telephone: 09 890 8056 or 021 325 837
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Note: The reports contained within this document are for consideration and should not be construed as a decision of Council. Should commissioners require further information relating to any reports, please contact the hearings advisor.

WHAT HAPPENS AT A HEARING

Te Reo Māori and Sign Language Interpretation

Any party intending to give evidence in Māori or NZ sign language should advise the hearings advisor at least ten working days before the hearing so a qualified interpreter can be arranged.

Hearing Schedule

If you would like to appear at the hearing please return the appearance form to the hearings advisor by the date requested. A schedule will be prepared approximately one week before the hearing with speaking slots for those who have returned the appearance form. If changes need to be made to the schedule the hearings advisor will advise you of the changes.

Please note: during the course of the hearing changing circumstances may mean the proposed schedule may run ahead or behind time.

Cross Examination

No cross examination by the applicant or submitters is allowed at the hearing. Only the hearing commissioners are able to ask questions of the applicant or submitters. Attendees may suggest questions to the commissioners and they will decide whether or not to ask them.

The Hearing Procedure

The usual hearing procedure is:

- **the chairperson** will introduce the commissioners and will briefly outline the hearing procedure. The Chairperson may then call upon the parties present to introduce themselves. The Chairperson is addressed as Madam Chair or Mr Chairman.
- The **applicant** will be called upon to present their case. They may be represented by legal counsel or consultants and call witnesses in support of the application. The hearing panel may ask questions of the speakers.
- The **local board** may wish to present comments. These comments do not constitute a submission however the Local Government Act allows the local board to make the interests and preferences of the people in its area known to the hearing panel.
- **Submitters** (for and against the application) are then called upon to speak. Submitters' active participation in the hearing process is completed after the presentation of their evidence so ensure you tell the hearing panel everything you want them to know during your presentation time. Submitters may be represented by legal counsel or consultants and may call witnesses on their behalf. The hearing panel may then question each speaker.
 - Late submissions: The council officer's report will identify submissions received outside of the submission period. At the hearing, late submitters may be asked to address the panel on why their submission should be accepted. Late submitters can speak only if the hearing panel accepts the late submission.
 - Should you wish to present written evidence in support of your submission please ensure you provide the number of copies indicated in the notification letter.
- **Council Officers** will then have the opportunity to clarify their position and provide any comments based on what they have heard at the hearing.
- The **applicant** or their representative then has the right to summarise the application and reply to matters raised. Hearing panel members may further question the applicant. The applicants reply may be provided in writing after the hearing has adjourned.
- **The chairperson** will outline the next steps in the process and adjourn or close the hearing.
- If adjourned the hearing panel will decide when they have enough information to make a decision and close the hearing. The hearings advisor will contact you once the hearing is closed.
- Decisions are usually available within 15 working days of the hearing closing.

Please note

- that the hearing will be audio recorded and this will be publicly available after the hearing
- catering is not provided at the hearing.

A NOTIFIED NON-COMPLYING ACTIVITY RESOURCE CONSENT APPLICATION BY ALEXANDER JAMES WILLIAMS

	TABLE OF CONTENTS	PAGE NO.
	Reporting officer's report	5 - 74
Attachment One	Application Documents & Drawing This attachment has not been re-produced in this agenda but is available on council's website here https://www.aucklandcouncil.govt.nz/have-your-say/have-your-say-notified-resource-consent/notified-resource-consent-applications-open-submissions/Pages/ResourceConsentApplication.aspx?itemId=652&applNum=LUC60389929	
Attachment Two	Auckland Council Specialist Reviews	75 – 138
Attachment Three	Relevant Consenting History	139 – 248
Attachment Four	Approved helipads in locality	249 – 292
Attachment Five	Notification Determination Report	293 – 338
Attachment Six	Map of submitters' locations	339 – 344
Attachment Seven	Copies of submissions received This attachment has not been re-produced in this agenda but is available on council's website here https://www.aucklandcouncil.govt.nz/have-your-say/hearings/find-hearing/Pages/resource-consent-hearing-documents.aspx?HearingId=505	
Attachment Eight	Changes made after the application is notified	345 – 348
Attachment Nine	Suggested draft conditions of consent (should independent hearing commissioners decide to grant resource consent)	349 - 356

Adonica Giborees, Planner

Reporting on an application to use a residential site in the Residential – Mixed Housing Suburban zone for helicopter take-off and landing, and to exceed noise standards. at 38 Rawene Avenue, Westmere. The reporting officer is recommending, subject to contrary or additional information being received at the hearing, that the application be **REFUSED**.

APPLICANT: ALEXANDER JAMES WILLIAMS

Report on an application for resource consent under the Resource Management Act 1991 (RMA)



Non-complying activity

To: Independent Hearing Commissioners
From: Adonica Giborees, Reporting Planner
Hearing date: 12 – 16 May 2025

Note:

- This is not the decision on the application.
- This report sets out the advice and recommendation of the reporting planner.
- This report has yet to be considered by the independent hearing commissioners delegated by Auckland Council to decide this resource consent application.
- The decision will be made by the independent hearing commissioners only after they have considered the application and heard from the applicant, submitters and council officers.

1. Application description

Application number:	LUC60389929 (s9 land use consent)
Applicant:	Alexander James Williams
Site address:	38 Rawene Avenue, Westmere
Legal description:	Lot 55 DP 10231, Lot 56 DP 10231 held in Record of Title NA89D/452
Site area:	4,530 square metres
Lodgement date:	3 November 2021
Notification date:	29 October 2024
Submission period ended:	26 November 2024
Number of submissions received:	89 in support
	5 neutral
	1,302 in opposition
	1,396 Total

Auckland Unitary Plan (Operative in part)

Zoning and precinct:	Residential – Mixed Housing Suburban Zone
	Coastal - General Coastal Marine Zone
Overlays:	Natural Heritage: Notable Tree - Pohutukawa (4), Pūriri – unverified position of tree (Schedule 45).

Controls:	Coastal Inundation – 1% AEP, 1% AEP plus 1m sea level rise, 1% AEP plus 2m sea level rise Macroinvertebrate Community Index – Urban
Special features:	N/A
Designations:	None
Proposed plan change(s):	Plan Change 78 (Intensification Planning Instrument)
Zoning:	Residential – Mixed Housing Suburban Zone Coastal - General Coastal Marine Zone
Spatially Identified Qualifying Matters:	Notable Trees Overlay Coastal Inundation Coastal Erosion
Statutory limitations:	Coastal Statutory Acknowledgement Area - Ngai Tai ki Tāmaki (outer edge of property adjacent to CMA)
Non-statutory limitations:	Geology: Neogene sedimentary rocks – East Coast Bays Formation of Warkworth Subgroup (Waitemata Group) Coastal erosion: Area Susceptible to Coastal Instability and Erosion (Level A – Regional) Land stability: <ul style="list-style-type: none"> - Soil Warning: Unstable/Suspected Ground - Liquefaction Potential 1997: Class A (unlikely to liquefy) - Landslide Susceptibility 1997: High

2. Locality Plan



Figure 1. Map showing location of subject site [Source: Auckland Council GIS]

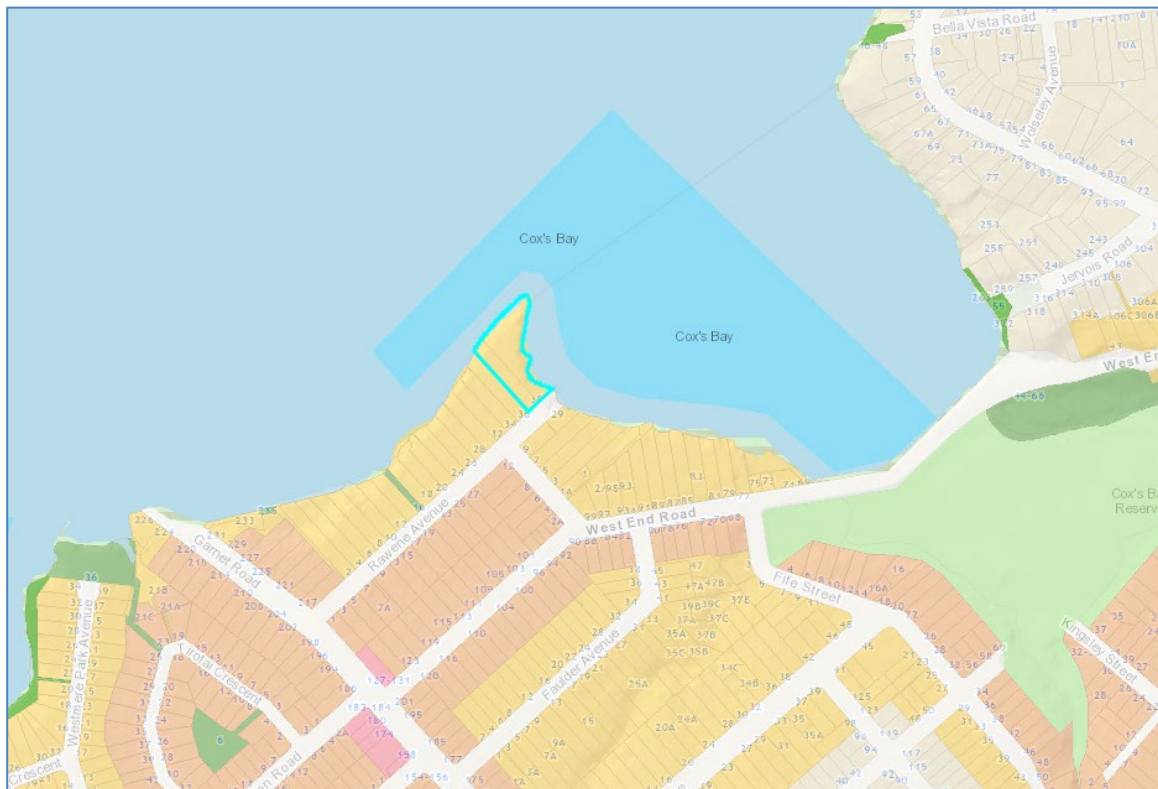


Figure 2. AUP(OP) Zoning Map of subject site and surrounding area [Source: Auckland Council GIS]

3. Application documents

The list of application documents and drawings is set out in **Attachment 1** of this report.

4. Adequacy of information

The information submitted by the applicant is sufficiently comprehensive to enable the consideration of the following matters on an informed basis:

- The nature and scope of the proposed activity that the applicant is seeking resource consent for.
- The extent and scale of the actual and potential effects on the environment.
- Those persons and / or customary rights holders who may be adversely affected.
- The requirements of the relevant legislation.

A request for further information under s92 of the RMA was made on 9 December 2021. The applicant provided all of the information requested on 14 June 2024.

5. Qualifications and/or experience

I hold a Bachelor of Planning from the University of Auckland, which I obtained in 2005. I have also completed the Ministry for the Environment's 'Making Good Decisions Programme' (current accreditation until 2027).

I have 19 years of planning and resource management experience in both the public and private sector. My experience has included working as a Planner for McCormick Rankin Cagney (2005-2010), a Senior Planner for The Queenstown Lakes District Council (2010-2015), a Senior Planning Officer for the London Borough of Lewisham (2015-2017), a Planning Team Leader for the London Borough of Waltham Forest (2017), a planning consultant (2017-2020), and as a Senior Planner and Principal Project Lead for Auckland Council (2020-present).

In my current role as a Principal Project Lead (since October 2022), I project manage a wide range of high-profile development projects, from major subdivisions and nationally significant infrastructure projects to large scale residential and commercial developments.

I have and continue to process and make resource management decisions under delegated authority on a variety of resource consent applications. I have also participated in Environment Court mediation and expert conferencing.

Of particular relevance to this project, I have processed a number of applications for resource consent for helicopter landing areas in both rural and urban environments, primarily in the Queenstown-Lakes District. This included a publicly notified resource consent application to operate a helicopter landing area adjacent to the Skyline Gondola building at Bob's Peak, Queenstown; the location being one with a high level of walking and cycling traffic as well as recreational activities – for which I appeared as an expert witness at a Council hearing.

6. Expert Witness Code of Conduct

I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023 and have complied with it in preparing this evidence. Other than where I state that I

am relying on the advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

I have qualified my evidence where I consider that any part of it may be incomplete or inaccurate, and identified any information or knowledge gaps, or uncertainties in any scientific information or mathematical models and analyses that I am aware of, and their potential implications. I have stated in my evidence where my opinion is not firm or concluded because of insufficient research or data or for any other reason, and have provided an assessment of my level of confidence, and the likelihood of any outcomes specified, in my conclusion.

7. Report and assessment methodology

The application is appropriately detailed and comprehensive and include a number of expert assessments. Accordingly, no undue repetition of descriptions or assessments from the application is made in this report.

I have made a separate and independent assessment of the proposal, with the review of technical aspects by independent experts engaged by the council, as needed.

Where there is agreement on any descriptions or assessments in the application material, this is identified in this report.

Where professional opinions differ, or extra assessment and / or consideration is needed for any reason, the relevant points of difference of approach, assessment, or conclusions are detailed. Also – the implications for any professional difference in findings in the overall recommendation is provided.

The assessment in this report also relies on reviews and advice from the following specialists:

- Peter Runcie, SLR Consulting Limited – Acoustic specialist
- Maddie White – Ecologist
- Peter Kensington – Landscape specialist
- Regine Leung - Arborist

These assessments are included in **Attachment 2** of this report (in the form of technical memos (provided prior to notification) and supplementary technical memos (provided post-notification)).

This report is prepared by:

Adonica Giborees, Reporting Planner,
Resource Consents

Signed:



Date:

Date: 7 April 2025

Reviewed and approved for release by:

Matthew Wright, Team Leader, Resource
Consents

Signed:

A handwritten signature in black ink, consisting of several loops and a final flourish.

Date:

Date: 7 April 2025

8. Executive summary

Alexander James Williams (**Applicant**) has applied to the council for resource consent to use a residential site in the Residential – Mixed Housing Suburban zone for helicopter take-off and landing, and to exceed noise standards (**Application**).

The Application seeks consent under the provisions of the Auckland Unitary Plan, Operative in Part (**AUP(OP)**).

The Application is overall for a non-complying activity under the AUP(OP) for the following reasons:

- a. Non-complying activity consent is required under rule H4.4.1(A1) as the use of a residential site for the take-off and landing of helicopters is not provided for as part of the use of the site for residential purposes, and as such is not an activity provided for in Activity Table H4.4.1.
- b. Restricted discretionary activity consent is required under Rule E25.4.1(A2) as the proposed helicopter take-off and landing activity is predicted to exceed the noise standards of E25.6.32.

Having reviewed the documentation submitted and taking into account the expert assessments provided by the Council's specialists and the submissions received, and following an assessment of the application under s104D of the RMA, it is my opinion that the proposal will have actual or potential adverse effects on the environment that are more than minor, and would be contrary to the objectives and policies of the relevant statutory documents, and is therefore not able to fulfil the relevant statutory test under s104D of the RMA.

As such, I consider there is no ability to grant consent under s104B of RMA.

This assessment was undertaken following an assessment under the relevant provisions under s104 & s104B of the RMA.

Accordingly, subject to further or contrary evidence being presented at the hearing, it is recommended that consent be **refused**.

9. The proposal, site and locality description

Proposal

The Applicant is seeking resource consent for the use of the site for helicopter take-off and landing at 38 Rawene Avenue, Westmere, and to exceed noise standards.

Mark Benjamin of Mt Hobson Group has provided an “*Assessment of Effects on the Environment and Statutory Assessment, Helicopter Take Off and Landing Activity, 38 Rawene Avenue, Westmere, Anna Mowbray and Ali Williams*”, dated 21 November 2021. This is hereafter referred to as ‘the applicant’s original AEE’.

Phil Mitchell of Mitchell Daysh has provided a description of the proposal and subject site in Sections 1.3 and 1.4 (on pages 2-6) of the Assessment of Environmental Effects (AEE) titled: “*Anna Mowbray and Ali Williams – Helicopter Activity – Updated Information – 38 Rawene Avenue, Westmere*”, dated 23 April 2024. This is hereafter referred to as ‘the applicant’s updated AEE’.

The Mitchell Daysh AEE contains updated information on the application, and is to be read together with the applicant’s original AEE by Mt Hobson Group. The list of application documents and drawings is set out in **Attachment 1** of this report.

Having undertaken a site visit on 31/05/2024, I concur with the description of the proposal and the site contained within the two AEE’s. I note the following salient points in respect of the proposal:

- The headland upon which the subject site is located is known as ‘Piper Point’.
- The proposed helicopter take-off and landings are proposed from a helipad located in the north-western corner of the site next to the existing swimming pool. At the time of site visit, this area was a formed terrace (ungrassed); the helipad area is to be planted in grass.
- No earthworks, structures, safety fencing, or signage is proposed in respect of the proposed helicopter take-off and landing area, nor is it proposed to remove or alter any existing vegetation to enable the helicopter operations.
- The proposed helipad is not located within the Coastal Marine Area (CMA).
- The flight arrival and departure pathway would be confined to an arc, as shown in Figure 3 below/overleaf. It is noted that an updated helipad location plan was provided on 14 June 2024, which clarifies the proposed helipad location and flight sector.



Site and surrounding environment description

Mr Mitchell has provided a description of the subject site and surrounding environment in Section 1.33 of the updated AEE. Having undertaken a site visit on 31 May 2024, I concur with that description of the site and the surrounding environment.

10. Background

Procedural matters

The applicant's original AEE sought resource consent as a non-complying activity pursuant to Rule H4.4.1(A1) of the AUP(OP) for use of a residential site for the take-off and landing of helicopters not provided for as part of the use of the site for residential purposes.

The applicant's updated AEE (submitted on 23 April 2024) seeks resource consent as a restricted discretionary activity pursuant to Rule E25.4.1(A1) for infringements to noise standards, where it is considered helicopter take offs and landings would be a permitted activity if they comply with all applicable standards in the AUP(OP). The applicant's updated AEE provides an evaluation of the proposal against Section 104D of the RMA out of an abundance of caution, in the event that the interpretation of consent being required as a restricted discretionary activity is not agreed with.

In the notification determination recommendation report, I did not agree with the applicant's updated AEE in respect of the activity status, and considered that resource consent would overall be required as a non-complying activity. A decision was made on the application to publicly notify the application for a non-complying activity.

It is noted that the Mitchell Daysh AEE outlines that *helicopter take offs and landings would be a permitted activity if they comply with all applicable standards in the Unitary Plan*, noting this is based on a 'decision made by Auckland Council in which helicopter take-offs and landings were considered "residential activities" associated with the "use" of a residential dwelling'¹. I note that a decision was made to publicly notify that (LUC60134603-A) application, however this s127 application was withdrawn and did not proceed.

On this basis, the applicant has applied for resource consent as a *restricted discretionary activity*, where this proposal does not comply with Standard E25.6.32 Noise levels for helicopter take-offs and landing.

I do not agree that helicopter take-offs and landings are a residential activity associated with the use of a residential dwelling. Fundamentally, whilst use of the residential dwelling on the subject site would require residents to travel on a frequent and generally daily basis by way of a variety of travel modes to off-site places for work, education, worship, or to satisfy other reasonable and foreseeable daily needs, I do not consider the helicopter use proposed would qualify as part of and contribute to the applicant's household's travel needs. Furthermore, the residential locality does not necessitate the mode of travel to be by helicopter/flight (that is, there are multiple other travel modes available to residents on this property, and residents are not isolated such that helicopter is the only travel mode available to them).

¹ Refer to decision LUC60134603-A, dated 9 March 2022.

I maintain my view that resource consent is required for a non-complying activity (as discussed in detail in section 11 of this report), and accordingly I have assessed the application under s104 based on the application having a non-complying activity status.

Relevant Consenting History

Application site

The relevant consenting history for the application site is included in **Attachment 3** of this report, and is summarised below.

Resource consent BUN60373967 (LUC60369516 & WAT60373968) was granted on 3 September 2021 for substantial demolition of an existing dwelling and construction of new dwelling in its place, earthworks to construct basement, groundwater take (dewatering) and diversion, and works within the rootzone of a generally protected Pohutukawa tree. At the time of site visit, the new dwelling was under construction.

Resource consent BUN60383789 (CST60383790 & LUC60383791) was granted on 8 June 2022 for the construction of a rock masonry seawall around the perimeter of the subject site, in two portions, to address coastal erosion at the site, to construct stairs inset into the seawall to provide property access to the foreshore at the west of the foreshore, with associated earthworks and tree works. At the time of site visit, the seawall had been constructed. This consent is hereafter referred to as 'the seawall consent'. I recognise that there are outstanding matters relating to this consent but I note that this proposal is not dependent or relied upon this consent.

Approved helipads in locality

The relevant consents for approved helipads in the locality of the subject site is included in **Attachment 4** of this report, and is summarised below.

Resource consent LUC60111440 (Legacy No. R/LUC/2011/114) was approved on 24 May 2011 for the establishment of a helicopter pad on a residential site at 64 Sentinel Road, Herne Bay. A maximum of 10 flights per week was consented.

Resource consent LUC60134603 was granted on 10 July 2015 to construct a helicopter pad and operate a domestic helicopter of not more than 2 flights per week within the Residential 2b Zone and Coastal Management Area at 15 Cremorne Street, Herne Bay. A s127 application (LUC60134603-A) was lodged to change the number of consented helicopter flights from two (2) flights per week to four (4) flights per week, with no more than two (2) flights on any one day. A decision was made to publicly notify this s127 application, however this s127 application was withdrawn and did not proceed.

Resource consent CST60082172 (Legacy number R/REG/2015/118) was approved on 21 September 2015 to establish a helipad on a boat shed for domestic use (not more than 2 flights per week), within the coastal marine area adjacent to 12 Cremorne Street, Herne Bay.

Correspondence Received

There is a petition against the proposal which can be viewed at [Petition · Ban Private Helicopter Use in Residential Auckland - Auckland, New Zealand · Change.org](https://www.change.org/p/ban-private-helicopter-use-in-residential-uckland-new-zealand)

At the time of preparing this report (as of 7 April 2025), the online change.org petition has 3,697 signatures (up from 3,156 signatures at the time of preparing the notification report on 2 October 2024).

A number of interested persons / parties in the neighbourhoods of Westmere, Grey Lynn, Herne Bay, and Freemans Bay have written to the Council in respect of this application prior to the notification process. The issues raised are broadly reflected in submissions which are discussed in section 12 of this report.

Civil Aviation Authority (CAA) vs. Local Authority jurisdiction

The effect of Section 9(5) of the RMA is to exempt overflying aircraft from control under the RMA. Therefore when a helicopter is airborne (at 500ft in open areas, and 1000ft in urban areas)², the provisions of the Civil Aviation Act 1990 apply³. This places a limitation on the Council's ability to control helicopter activity in terms of flight paths and overflying, and in terms of health and safety under the RMA. The same section of the RMA however does provide for control of "noise emission controls for airports". Therefore, helipads and the take-off and landing of helicopters below the airborne height (in this instance, up to 500ft above the coastal environment over which the flight path is proposed) are managed under the provisions of the AUP(OP). An aircraft must remain above 500ft under CAA regulations unless it is either landing or taking off.

In light of the above, the assessment of effects in the sections of this report to follow is limited to the adverse effects of the proposal within Council's jurisdiction, that is, the helicopter operations up to 500ft which includes the helicopter take-offs and landings.

The applicant has clarified that the helicopter will be approximately 340m from the landing location as it passes through 500 ft, this applies to both take-off and landing.

Notable Permitted Activities

For clarification, this differs from the effects that may be disregarded (permitted baseline) considered later in this assessment.

There is a group of notable trees (4 Pohutukawa trees and 1 Puriri) recorded as Notable Trees #45 in Schedule 10 of AUP(OP). Documentation in the BUN60373967 consent confirmed that these notable trees are not located near the proposed helipad location.

However there are some mature Pohutukawa trees located on both sides of the cliff and within 10m of the location of the proposed helipad. Any alteration of these trees would likely trigger resource consent under E15.4.1 (A21) and (A22) of AUP(OP) for alteration or tree removal of any indigenous tree over 3m in height within 20m of mean high water springs or a horizontal distance of 20m from the top of any cliff.

² See [Part 91.311](#) of Civil Aviation Rules for what 'urban' and 'open areas' means: unless conducting a take-off or landing, ...must not operate the aircraft... under a height of 1000 feet over any congested area of a city, town, or settlement, or over any open air assembly of persons [urban areas], or a height of 500 feet above the surface over any other area [open areas].

³ Environment Court: Dome Valley District Residents Society Inc. vs Rodney District Council [EC A000/07] (14 December 2017) found that a council's authority for helicopters and landing pads includes considering the noise of helicopters in the course of landing at the base, on the ground and departing from the base; but it is not intended to extend to effects generated by helicopters (or other aircraft) while airborne or in flight.

Prior to notification, a request was made to the applicant to address this matter in respect of the proposed helicopter operations in the context of these trees, to confirm that consent is not required under Chapter E15 (initially raised in the further information request in relation to the coastal consent, and more specifically on 5 June 2024). In response, the applicant has advised (in correspondence dated 7 June 2024):

There is no evidential basis for asserting that existing trees will be damaged by the use of the helipad and consent has not been sought to damage any existing trees under the rules listed. In the extremely unlikely event that some damage occurred, that would be a compliance / enforcement matter.

This matter is assessed in further detail in section 14 of this report.

11. Reasons for the application

Resource consents are required for the following reasons:

Land use consent (s9) – LUC60389929

Auckland Unitary Plan (Operative in part)

District land use (operative plan provisions)

Residential – Mixed Housing Suburban Zone

- The applicant proposes to establish a helicopter pad on their property. Use of a residential site for the take-off and landing of helicopters is not provided for as part of the use of the site for residential purposes, and as such is not an activity provided for in Activity Table H4.4.1, and therefore requires consent as a **non-complying** activity pursuant to rule H4.4.1(A1).

.Noise and Vibration

- The proposed helicopter take-off and landing activity is predicted to exceed the noise standards of E25.6.32, and as such is a **restricted discretionary** activity under Rule E25.4.1(A2).

Specifically, standard E25.6.32(1) requires the take-off or landing of a helicopter on any site except for emergency services must not exceed L_{dn} 50dB or 85dB L_{AFmax} measured within the boundary or the notional boundary of any adjacent site containing activities sensitive to noise and L_{dn} 60dBA within the boundary of any other site.

The proposed helicopter take-off and landing activity is expected to result in exceedances of noise standards at the following properties:

Receiver address	Predicted one-day helicopter noise (L_{dn})	Predicted noise level (L_{AFMax})
36 Rawene Avenue	56 dB	91 dB
34 Rawene Avenue*	53 dB	89 dB
32 Rawene Avenue*	52 dB	87 dB
29 Rawene Avenue*	51 dB	85 dB

*It is noted that the helipad location as currently proposed on the plan dated 13 June 2024 is located approximately 10-15m further to the south than appears to have been assessed in the applicant's acoustic report. Council's acoustic specialist has assessed this as resulting in infringements above the noise limits prescribed in the AUP(OP) in the order of 1 or 2 dB at 29 and 32 Rawene Avenue, and 2-4 dB at 34 Rawene Avenue. The flight sector also appears to be smaller in this latest plan. For the avoidance of doubt, a conservative approach has been taken in identifying all potential and maximum exceedances of noise standards, as identified by Council's acoustic specialist and set out above.

The reasons for consent are considered together as a **non-complying** activity overall.

12. Notification and submissions

Notification background

The application was publicly notified on 29 October 2024 following the determination on notification.

Notice of the application was served on 29 October 2024 on those persons identified as being adversely affected by the proposal.

All notification matters (under ss95 to 95G) were addressed in the notification determination report (refer **Attachment 5**).

Submissions

When the submission period ended, a total of **1,396** submissions were received and **4** submissions were received late after the close of the submission period.

The 4 late submissions are included in the summary below and a recommendation on the late submissions is addressed in the following section of this report.

A map showing the location of submitters is attached as **Attachment 6**.

Of the submissions received:

89 in support

5 neutral

1302 opposing

Notes:

- The submission summary spreadsheet reflects the submissions as lodged in respect of the submitters' positions (in support / neutral / opposing). Upon review of the submissions, I have identified that a number of submissions state 'neutral' or 'in support', however the content of the submission is clearly in opposition. The above totals reflect the actual submission content rather than the initial statement of position.*
- Furthermore, in some cases two submissions have been received from the same person, with differing views stated within the submission. In this respect, confirmation has been sought and received from those persons of their overall position. In the above the duplicate submissions have been excluded from the total number of submissions.*

- *Lastly, where the position of the submission is not clear, confirmation from those submitters has been sought and received from those persons of their overall position. The above totals reflect the confirmed position.*
- *Where confirmation has been sought from the unclear submissions, these are attached to this report (Attachment 7) alongside the relevant submission.*
- *Two submissions have been withdrawn.*

A summary of the issues raised in submissions together with the relief sought by the submitters is set out below.

This table is only a summary of the key issues raised in submissions. For the specific details, refer to the full set of submissions, included in **Attachment 7** to this report.

This summary of submissions identifies the following:

- the issues raised in submissions in terms of the key issues below
- details any relief sought by the submitter

Summary of submissions

The following table summarises the submissions received into key themes. An explanation of these submission themes as I have interpreted them is provided below.

Issues raised:	
<i>Opposing</i>	
1. Character and amenity effects on Westmere residents and visitors	792
2. Distribution of benefits	577
3. Public safety	581
4. Nuisance / disruption	1,078
5. Ecological and environmental impacts	1,114
6. Precedent-setting nature of the application	559
7. Climate change	481
8. Activity status	543
9. Property values	10
10. Alternatives	628
11. Recreational values	598
12. Cumulative effects (turning coastline into an aerial motorway)	428
<i>Support or Neutral</i>	
13. Evolving transport	11
14. More cars off road/reduces congestion	4

Issues raised:	
15. Distribution of benefits – provides essential emergency access for the area.	25
16. Limited disruption	37
17. Raises property values	13
18. Rights of property owner	43

Relief sought:	
A. Grant consent	71
B. Grant consent in part / subject to conditions	18
C. Refuse consent	1302

Explanation of submission themes identified above (broadly summarised)

Opposing

Character and amenity effects on Westmere residents and visitors

- Westmere is a 'tranquil', 'peaceful', 'quiet', and 'suburban' residential neighbourhood. Private helicopter use will detract from those attributes and is inappropriate within this setting.
- The proposed helipad will be located on a prominent headland, meaning visual and noise effects will be experienced far beyond adjacent sites.
- Residents did not expect to be affected by private helicopter use when purchasing properties in this area, would otherwise have bought elsewhere.
- There is a need for peaceful open spaces like Coxs Bay Reserve as Auckland intensifies, noting that Westmere is earmarked for intensification. Helicopter operations will detract from the peacefulness of this environment.
- The likelihood of adverse effects on recreational users of the Bay and Reserve, etc.

Distribution of benefits

- This proposal proposes a highly inequitable distribution of costs and benefits, with a small number of people (the applicant's family) benefiting to the detriment of many others.

Public safety

- Helicopter operations in this area poses a safety risk to users of Cox's Bay and Cox's Bay Reserve (arising from factors such as downdraft), including the Sea Scout's Club, kayakers, 'explorers', sports activities, and other recreational users.
- Helicopter operations are a substantial risk within a built-up residential area, noting the widespread damage if there were an accident.

Nuisance / disruption

- The proposed activity will impose intolerable noise levels/acoustic effects within a quiet residential neighbourhood; these may negatively impact on the mental health of those affected.
- Acoustic effects on the wider neighbourhood and users of Cox's Bay and the Reserve will be highly disruptive, also noting the amplifying effect of the enclosed bay landform and tidal mudflats.

Ecological and environmental impacts

- Effects on protected/notable trees within/adjacent to the site.
- Effects on birdlife and other fauna, for which Cox's Bay and Meola Reef (SEA) are a feeding and nesting habitat. These include endangered species. Such effects mean the proposed activity is inconsistent with the NZCPS.
- Wildlife within Cox's Bay is part of the inner harbour ecosystem, effects on immediate habitat need to be considered within this wider context.
- Significant community work has gone into protecting and promoting birdlife within the area, which will be put at risk by this proposal.

Precedent-setting nature of the application

- 'Floodgates' argument: granting this application will encourage further applications for helipads/helicopter operations within neighbouring suburbs and the wider Waitemata Harbour. If granted, it will be difficult for Council to decline subsequent applications. This risks the harbour becoming a 'highway for helicopters'.

Climate change

- The proposed activity is contrary to Council's Climate Action Plan and other commitments relating to reducing greenhouse gas emissions, fossil fuel use, etc.

Activity status

- It undermines Council's encouragements that people use public transport, suggesting one rule for some and another for the well-resourced.
- Application should be processed as a Non-Complying activity, not Restricted Discretionary as requested by the applicant.
- AUP should be changed to classify private helipads within the urban area as a prohibited activity.
- No private helicopter landings should be permitted within the urban area, noting that this is the policy of other cities including Sydney.

Property values

- The negative impacts of the helicopter's activity may deter people from buying into the suburb, reducing property values for existing residents.

Alternatives

- *There is a helicopter pad 15 minutes from the application site at Mechanics Bay that should be used instead.*

Recreational values

- Coxs Bay is widely used for recreation on land and on water. West End Tennis Club, Hawke Sea Scouts, the Kayak Club, children's sports teams, walkers, boaties and wind surfers would be subjected to invasive noise and potential dangers of helicopter take-offs and landings.

Cumulative effects

- Private helicopters threaten all inner harbour suburbs. They would travel along the Herne Bay and Westmere coastline turning our precious harbour into an aerial motorway and will have cumulative effects.

Support or Neutral

Evolving transport

- Transport is evolving. More cars off the road reduces congestion.

Distribution of benefits – provides essential emergency access for the area

- The helipad doesn't just benefit the owner; it provides essential emergency access for the entire area. This rapid response option can be crucial in life-saving situations, benefiting the whole community.
- This allows another emergency landing pad for people.

Limited disruption

- With careful planning, the proposed landing spot meets all noise control standards, ensuring no significant disruption to neighbours.
- The noise impact is comparable to common recreational activities in the area.
- Advancements in electric helicopter technology promise even quieter operations in the near future, further mitigating any potential disturbances.

Raised property values

- Raises property values rather than negatively affects them.
- This feature could potentially enhance local property values by increasing accessibility and demonstrating a forward-looking approach to private land usage.
- The proposed helipad positions the area as progressive and adaptable to modern transportation needs.

Rights of property owner

As a landowner, you have certain rights to utilise your property as you see fit. A private helipad can be seen as an extension of these rights, provided that it aligns with local regulations and doesn't interfere excessively with the rights of others.

Late submissions

At the start of the hearing, the independent hearing commissioners must decide whether to extend the closing date for submissions. For this decision, the considerations under ss37 and 37A of the RMA in making this decision are:

- the interests of any person who, in the council's opinion, may be directly affected by the waiver;
- the interests of the community in achieving adequate assessment of the effects of the proposal; and
- the council's duty under s21 of the RMA to avoid unreasonable delay.

The following submissions were received after the close of the submission period:

- Gary Hughes (local resident, but only postal address supplied)
- Ruth Jackson (30 Sunnyhaven Avenue, Beach Haven)
- Andrew Bruce Colicutt (10 Wairangi Street, Herne Bay)
- Julie Cato (recently purchase 34 Rawene Avenue, Westmere)

These submissions have not raised any new issues beyond the issues raised in other submissions.

All submitters are given written or electronic notice at least 15 working days prior to the hearing that the information is available on the Council's website.

A recommendation on the above late submissions is included in section 21 of this report. I recommend, pursuant to s37 and s37A of the RMA, that the late submissions are accepted as no party is prejudiced by the acceptance of these submissions.

Written Approvals

The following people have provided their written approval, and which were still current at the time of this report:

Table 1

Address	Legal Description	Owner or Occupier
36 Rawene Avenue, Westmere	Lot 57 DP 10231	Owners & occupiers

The location of this property is shown in Figure 4 below:

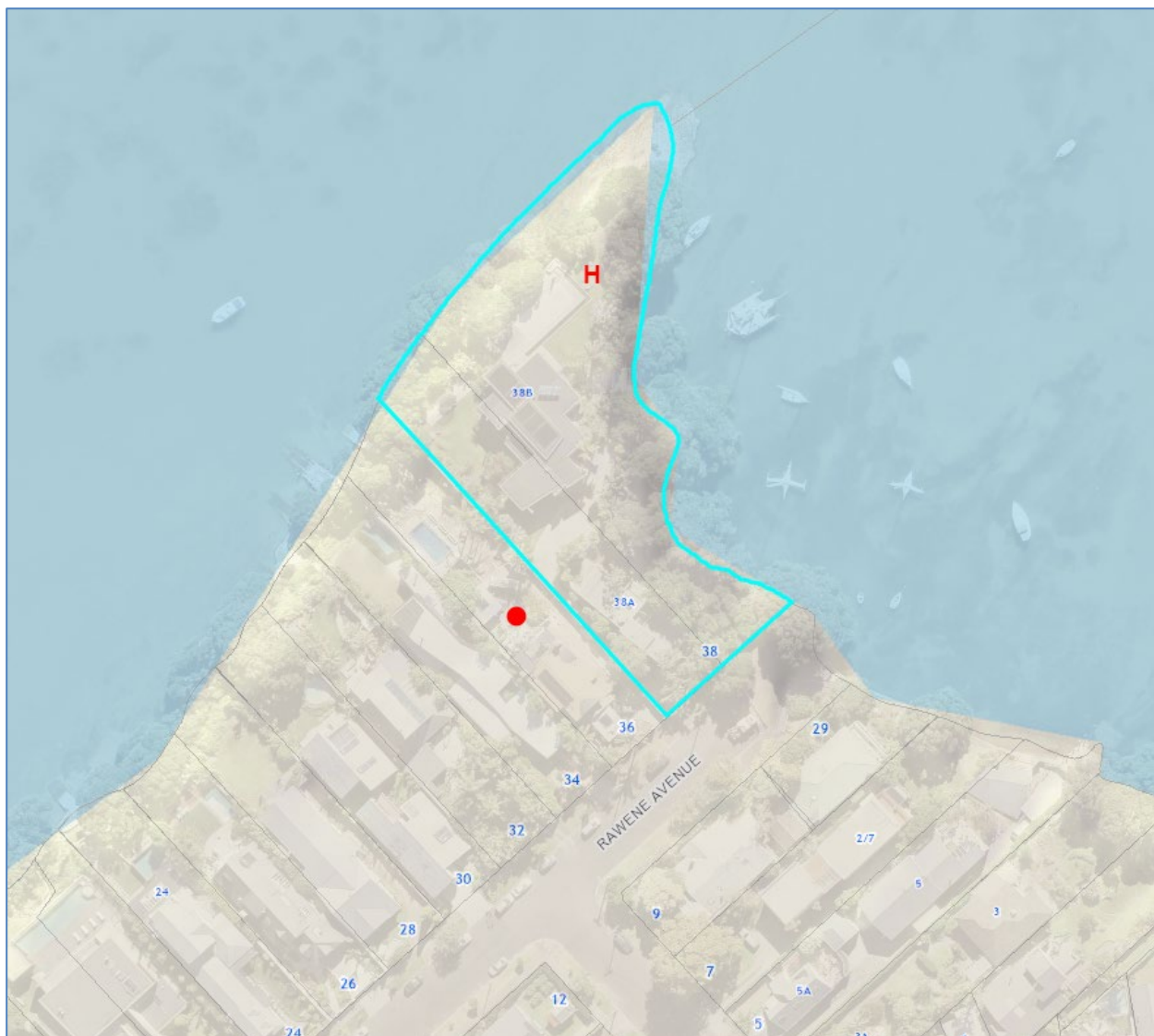


Figure 4. Map showing location of property from which written approval has been provided (marked with red dot) in relation to the subject site (outlined in blue). The approximate location of the proposed helipad is marked 'H'. [Source: Auckland Council GIS]

The assessment under s104 (in section 14 below of this report) must disregard any adverse effect on these persons as they have provided written approval to the proposal (s104(3)(b)).

Amendments to the application following notification

After the submission period ended, the applicant updated the proposal /provided further information. These changes and extra information are included in **Attachment 8** of this report and referenced earlier in this report as part of the proposal being assessed (and set out in section 9 of this report).

This information forms part of the application and is considered in this report. The amendments are considered to be within the scope of the original application, and therefore re-notification of the application was not required.

The changes to the application are as follows:

- Helicopter trips to be limited to a total of 10 per month (noting that each “trip” would involve both a landing and subsequent departure). The applicant has proffered this as a condition of consent.

It is noted that the above changes appear to be in addition to the proposed daily restriction on flights (maximum of 2 “trips” / 4 movements) per day.

To ensure a fair process, all submitters are given written or electronic notice at least 15 working days prior to the hearing that this information is available on the Council’s website, so that all parties are provided with all information at the same time.

Consideration of the application

13. Statutory considerations

Resource Management Act 1991

In considering any application for resource consent and any submissions received, the council must have regard to the following requirements under s104(1) of the RMA – which are subject to Part 2 (the purpose and principles):

- any actual and potential effects on the environment of allowing the activity;
- any measure proposed to or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity;
- any relevant provisions of national policy statements, New Zealand coastal policy statement; a regional policy statement or proposed regional policy statement; a plan or proposed plan, a national environmental standard (NES), or any other regulations; and
- any other matter the council considers relevant and reasonably necessary to determine the application.

When considering any actual or potential effects, the council may disregard any adverse effects that arise from permitted activities in a NES or a plan (the permitted baseline). The council has discretion whether to apply this permitted baseline.

For a discretionary activity or non-complying activity, the council may grant or refuse consent (under s104B). If it grants the application, it may impose conditions under s108.

As a non-complying activity, it is subject to the ‘threshold test’ under s104D. The council may only grant consent to a non-complying activity if satisfied that the adverse effects on the environment are minor, or that the activity will not be contrary to the objectives and policies of the relevant plan or proposed plan. If the proposal satisfies either of the limbs of the test then the application only then can be considered for approval, subject to consideration under ss104 and 104B.

Sections 108 and 108AA provide for consent to be granted subject to conditions and sets out the kind of conditions that may be imposed.

14. Actual and potential effects on the environment

Sections 104(1)(a) and 104(1)(ab) of the RMA requires the council to have regard to:

- any actual and potential effects on the environment of allowing the activity (including both the positive and the adverse effects); and
- any measure proposed to or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity.

Positive effects

The RMA requires consideration of effects, both positive and adverse, regardless of their scale and duration. I note the following with regard to positive effects:

- The proposal would provide benefit to the applicant to enable them to privately travel to/from the site via helicopter.
- For some passive users who use or frequent the surrounding locality, a helicopter landing may be an intrusion or a positive effect in terms of excitement and activity. From a short-term visitor point of view helicopters may provide an interesting highlight.

The above positive effects will be considered in the overall assessment of the application.

Adverse effects

In considering the adverse effects of the proposal, the council:

- may disregard those effects where the plan permits an activity with that effect; and
- must disregard those effects on a person who has provided written approval, and trade competition or the effects of trade competition.

Effects that must be disregarded

Any effect on a person who has given written approval to the application

The written approval of the persons set out in section 12 of this report has been provided, and the effects on these have been disregarded.

Effects that may be disregarded

Permitted baseline assessment

The permitted baseline refers to permitted activities on the subject site. The permitted baseline may be taken into account and the council has the discretion to disregard those effects.

In this case the permitted baseline includes the physicality of the helicopter landing area (proposed to be a grassed area which does not contain any structures, safety fencing, or signage, nor does it require any earthworks for its establishment). I consider the effects of the physical aspects of the helicopter landing area can be disregarded.

Whilst there are permitted noise levels associated with helicopter take-offs and landings (except for emergency services), their relevance in terms of the permitted baseline is limited, as helicopter take-offs and landings are an activity not provided for within the Residential – Mixed Housing Suburban Zone, and are therefore not a permitted activity and the adverse effects of which are interwoven with the activity being considered. As such, I do not consider the noise effects of the helicopter take-offs and landings can be disregarded.

Overall, application of the permitted baseline is of limited relevance or bearing where the adverse effects are interwoven with the activity being considered (albeit acknowledging the physical aspects of the helicopter landing area can be disregarded).

Assessment

Receiving environment

The receiving environment within and beyond the subject site includes permitted activities under the relevant plans, lawfully established activities (via existing use rights or resource consent), and any unimplemented resource consents that are likely to be implemented. The effects of any unimplemented consents on the subject site that are likely to be implemented (and which are not being replaced by the current proposal) also form part of this reasonably foreseeable receiving environment. This is the environment within which the adverse effects of this application must be assessed.

The consents granted on the application site (as outlined in section 10 of this report) include a dwelling near the proposed helipad (along with associated earthworks, groundwater take (dewatering) and diversion, and works within the rootzone of a protected Pohutukawa tree); and a rock masonry seawall around the perimeter of the subject site to address coastal erosion at the site (inclusive of stairs to provide property access to the foreshore and associated earthworks and tree works). These consents are largely implemented, considered lawfully established, and therefore form part of the receiving environment.

The approved helicopter pads in the locality and their associated use (as outlined in section 10 of this report) also form part of the receiving environment, within which the adverse effects of this application are assessed (in addition to the permitted baseline outlined above). Notably, helicopter landing pads have been lawfully established at 12 and 15 Cremorne Street, and 64 Sentinel Road, Herne Bay.

There are no known unimplemented consents on the subject site or the immediately surrounding area.

Adverse effects

While having regard to the above, the following assessment is done after I have:

- analysed the application (including any proposed mitigation measures);
- visited the site and surrounds;
- reviewed the council's records;
- reviewed the submissions received; and

- taken advice from appropriate experts.

The following adverse effects have been identified:

- Effects on ecological values.
- Effects on trees / arboricultural impacts.
- Noise effects.
- Effects on character and amenity.
- Effects on recreational activities in public places.
- Effects on public safety.
- Cumulative effects.

Effects on ecological values

I consider the proposal has effects on ecological values in respect of the following:

- Disturbance of the high tide roost
- Disturbance of bird species during foraging
- Disturbance of birds during nesting and breeding
- Downdraft on birds.
- Acoustic Impacts on Wildlife

I note that a number of submissions have raised concerns regarding the impact of the proposed helicopter operations on ecological values. The following assessment sets out to address the points raised in submissions, as well as overall effects on ecological values.

A number of submissions have also raised concerns regarding the adequacy of the applicant's reports and assessments, and to this end I have referenced any areas of disagreement between the experts below, which also provides context for the assessment of effects on ecological values which follows.

In particular, a peer review report prepared by Alliance Ecology in respect of ecological matters was attached to the submission by Quiet Sky Waitemata Inc and referred to within the submission in respect of ecological matters. This report is entitled '*Expert Peer Review: Assessment of the Effects of a Proposed Helipad at 38 Rawene Avenue, Westmere, on the Coastal Avifauna.*', dated May 2024 (hereafter referred to as 'the Alliance Ecology (AE) report'). This third-party report was also provided to the Council prior to notification of the application, and the applicant responded to this report (in a letter from Chancery Green, dated 16 August 2024 which is included in the Application Material (as notified), refer to Attachment 1.

The AE report has been reviewed by Council's Ecologist, Ms Maddie White, a summary of which is provided below.

AE report

The AE report identifies limitations of the surveys undertaken by the applicant's ecological report by BioResearches. Council's ecologist, Ms Maddie White, has reviewed both the applicant's ecological assessment and the AE report, and provides comments on those points raised by AE in her memo. The points raised in the AE report and Ms White's commentary on the same, are summarised below.

- *Value of Meola Reef for nesting and roosting*

The AE report considers the applicant's ecological assessment understates the value of the Meola Reef for nesting and roosting.

Ms White agrees that areas within Meola Reef provide suitable nesting habitat for Caspian Terns, however, considers the suitable nesting areas will be avoided if the flightpath restrictions are imposed.

- *Ecological surveys*

The AE report identifies the limitations and constraints, including surveys excluding May and June, vegetation blocking the line of sight on the western shoreline, survey techniques being less likely to detect small cryptic non-flocking birds, low tide surveys amounting to 2.5% of diurnal low tide sampling, and surveys being undertaken after cyclone Gabrielle.

Ms White agrees that May and June are important months for wader surveys, as this will capture South Island pied oystercatchers, wrybill and banded dotterel that migrate north during the non-breeding season. Surveys were undertaken in July, which would capture species that are not present over breeding season. However, one low-tide survey during the appropriate season limits the data. Ms White considers that this limitation could have been identified with a desktop survey of bird records within the area, however, it is unlikely to change the conclusions drawn in respect of survey results.

Cyclone Gabrielle is likely to affect the data as storms will affect food with the harbour and roost suitability. This is a natural event; however Ms White considers historic surveys could be used to reflect what impact the cyclone had on surveys and on under-reporting of bird's post cyclone.

- *Classification of roosts*

The AE report considers the Rawene Avenue roost meets a single Ramsar criterion of international significance, because it regularly supports 1% of the individuals in a population'. The report also notes that Cox's Bay meets Significant Ecological Area (SEA) factors 2, 3, 4, 5 and 6.

Ms White agrees that Cox's Bay meets SEA factors and that the roost meets a Ramsar criteria, however they are not currently identified as SEA. Notwithstanding this, the assessment of adverse effects to follow acknowledges the value of this area for wader species that need a safe area to rest and sleep during high tides and nighttime.

- *Caspian terns*

The AE report states, 'Of the avifauna species present in the Area of Interest (AOI), Caspian tern are expected to be the most sensitive to helicopter noise disturbance.

Ms White outlines that studies on the impacts of helicopter noise on Caspian terns are limited, however she acknowledges that Meola Reef is a potential nesting site for Caspian terns, and that during nesting helicopter movements at low tide would affect nesting birds. The applicant has agreed that Meola Reef will be avoided by proposing to restrict the flight path to an arc between nominal 315° and 045°, to avoid passing over Meola Reef, leaving suitable nesting and foraging habitat outside of the flight path. This is further discussed in the assessment to follow.

- *Flight times*

The AE report agrees with the applicant's ecological assessment that the proposed confinement of helicopter activities to within two hours either side of low tide will avoid adverse effects on coastal birds roosting at Rawene Avenue. However the AE report raises uncertainty of the proposal to extend this to also include "immediately adjacent times when avifauna are absent" as there is no detail on how this would work in practice or be enforced".

Ms White agrees with the AE report on this point, noting this wording is ambiguous and increases the risks for flights occurring when birds are occupying the roost. Ms White further notes that isolated cryptic waders can be difficult to detect on mud flats close to the roost, and this may lead to an area appearing to be absent of avifauna in immediately adjacent times to the two-hour low tide flight window when it is not. This is further discussed in the assessment to follow.

Disturbance of the high tide roost

The northernmost edge of the property is a sandstone platform, which is a high tide roost for several species of wader birds. The wader bird high-tide roost is located approximately 35m away, with a 6m drop in elevation, from the proposed helipad.

Ms Maddie White has assessed the proposal in respect of ecological (avifauna) values. She considers that, although this high tide roost has not been identified as Significant Ecological Area (SEA) under the AUP(OP), it still provides a highly valuable area for wader species that need a safe area to rest and sleep during high tides and nighttime, and has therefore assessed the proposal within this context that encompasses both Cocks Bay and Meola Reef.

To avoid disturbance to birds on the high tide roost, the applicant is proposing to restrict the flight times to a two-hour window either side of low tide (two four-hour windows per day), with a condition proffered to this effect. A condition is also proposed to restrict helicopter movements to immediately adjacent times when avifauna are absent from the area (the intention being to avoid adverse effects on avifauna), and the applicant has proposed a consent condition to this effect.

Ms White has considered this element of the proposal, and agrees that flights must be limited to avoid any time that the roost may be occupied and has recommended a condition to limit the flight time to 2 hours either side of low tide. However Ms White notes that the words "immediately adjacent times when avifauna are absent" is ambiguous, and increases the risk of accidental

flights while birds are on the roost, which in turn could lead to birds abandoning the roost altogether. From an ecological perspective, this could impact the longevity of the wader bird species in this location if the roosts cannot be occupied. At the time of writing this report, no detail has been provided on how this would work in practice or be monitored or enforced.

I agree that including the words “immediately adjacent times when avifauna are absent” in a consent condition creates uncertainty. It follows that it would be difficult to monitor or enforce a condition to the effect that helicopter movements are restricted to immediately adjacent times when avifauna are absent from the area.

Relying on the expert advice of Ms White that such a condition would increase the risk of accidental flights while birds are on the roost, which in turn could lead to birds abandoning the roost altogether, I consider that restricting helicopter movements to immediately adjacent times when avifauna are absent from the area would result in unacceptable effects on ecological values.

Further to the above, Ms White notes that roosts are not only used at high tide but are also inhabited at night for sleeping. Additionally, no surveys were carried after sunset or before sunrise, therefore it is unknown if birds were occupying the roost between sunset and 22:00 or between 0700 and sunrise. Ms White considers that lighting from the helicopter and landing area, along with associated noise, can induce stress for birds attempting to roost and sleep in the surrounding habitat. In her assessment Ms. White considers that birds can be impacted by light and noise, affecting not only the amount of sleep, but also the structure, timing, and regulation of their sleep. Ms White highlights in her assessment that the application as proposed would allow helicopter operations to continue when the sun is down could disrupt critical parts of their lifecycle, such as breeding; and that lighting from the helicopter may also startle roosting birds, increasing the likelihood of fly strike.

The submission by Royal Forest and Bird Protection Society of New Zealand Inc (F & B) notes:

‘The applicant plans to manage the effects on birds by restricting the timing of helipad use relevant to the tidal state. While this may reduce adverse effects (compared to ability of 24hr use), the presence of observed, or known local species, cannot be ruled out given the highly mobile nature of these species. Therefore, Forest & Bird considers that the proposed activity will not safeguard the Gulfs vulnerable sea and shorebirds from the adverse effects of helicopter activity.’⁴

Ms White agrees that it is possible for birds to utilise the roost and foraging areas within the flight path within the proposed flight window.

I rely on Ms White’s expert opinion, and consider that the application as proposed, with no specific restriction on hours of operation (other than to the period two hours either side of low tide), would have unacceptable effects on ecological values. To mitigate these impacts on bird behaviour and habitat, Ms White recommends that flight operations to be restricted to the hours between 07:00 and Civil sunset, and has recommended that restrictions on flight times be included. I agree this may assist in mitigating effects of lighting from helicopters on ecological values.

⁴ Page 4 of the submission by Royal Forest and Bird Protection Society of New Zealand Inc [Submission Council ID 1192]

Disturbance of bird species during foraging

The applicant is proposing to restrict the flight path to an arc between nominal 315° and 045°, to avoid passing over Meola Reef. The applicant has also proposed to limit the number of flights to ten per month (20 movements a month, 240 movements a year). I understand that the maximum number of flights will remain at two flights per day.

Ms White agrees that areas within Meola Reef provide suitable nesting habitat for Caspian Terns, however, in Ms White's opinion, if the flight path restrictions are imposed, the suitable nesting areas (and the associated adverse effects on Caspian Terns) will be avoided. Ms White further considers that limiting the number of flights will reduce the disturbance of foraging birds, and recommends a condition to this effect, along with a recommendation that flight logs are provided to Council demonstrating that flight numbers are not being exceeded.

Relying on the expert advice of Ms White, I agree that restricting the flight path and the maximum number of helicopter flights would assist in mitigating effects in regard to disturbance of foraging birds.

Disturbance of birds during nesting and breeding

The Ecological Report did not identify any suitable nesting habitat for dotterels on the roost or within the foraging grounds. Variable oystercatcher and Caspian terns were not mentioned as to whether they nest on the roost. Ms White notes that, during the site visit, suitable habitat was not observed on the high tide roost for both dotterels and Caspian terns, as during storm events the roost may become inundated. However, she further notes this is not to say that nesting on the roost is not possible, and that Caspian terns are known to breed near Meola Reef. Therefore, Ms White considers helicopter flight paths within this area should be avoided during breeding seasons, as disturbance of nesting birds can lower reproductive success and over time may make suitable nesting sites inhospitable.

The submission by F & B outlines:

*'As provided by the AEE prepared for by Bio researchers, there were numerous at-risk and threatened bird species in the area of interest. Only a fraction of the ≥70 seabird and ≥43 shorebird species known to breed, roost and/or forage in the HGMP5 were observed. Given the high mobility of these species, changing pressures (food shortage, pollutions, human disturbance) and limited suitable habitats, it is reasonable to assume that many of the other bird species that use the Gulf have, or will, at some stage use the area adjacent to this proposed activity.'*⁵

Ms White agrees with F & B's statement noting as identified by Alliance Ecology (AE), several species are likely to utilise the area that were not identified in the surveys provided by the applicant.

The proposal to include a deviation clause in the flight path to cater for emergency scenarios would potentially allow flights to occur over valuable foraging habitat during emergency scenarios. At the time of writing this report, no assessment has been provided on how allowing this would impact birds as the emergency flight path has not been provided and are likely to be selected case by case.

⁵ Page 3 of the submission by Royal Forest and Bird Protection Society of New Zealand Inc [Submission Council ID 1192]

Ms White considers the extent of adverse effects on habitats and ecological values to be unknown in an emergency scenario, also noting that it is unclear as to what is defined as an emergency scenario. Ms White is of the view that inclusion of a deviation clause would not be appropriate in this instance, given the uncertainty of adverse effects, a precautionary approach has been taken in respect of assessing the ecological impact of emergency scenarios.

Whilst I accept that this may be low probability, and that this probability exists in light of the location of the proposed activity, I agree with Ms White that its impact is unable to be quantified, and therefore high impact cannot be discounted. I therefore consider this element of the proposal has more than minor and unacceptable effects on ecological values in respect of disturbance of birds during nesting and breeding.

Downdraft on Birds

The application does not provide any information on the potential impact on downdraft on roosting and foraging birds. However, the submitted *Memorandum of Effects on Recreation Activities and Values* includes an assessment of the proposed helicopter operations on recreational users from rotor downwash: *'from a safety or compliance perspective, would be the effects of rotor downwash while directly underneath or close to (within approx. 200 ft) the helicopter'*.

Ms White considers that, if the same principal is applied to fauna, then downwash from 200 ft (60.96m) will impact birds that inhabit the roost at high tide, as this is 6m below and 34m from the helipad. This further emphasises the importance of limiting the flight times to avoid helicopter operations during high tide and civil twilight hours.

I rely on the expert advice of Ms White, and consider that the application as currently proposed, with no specific restriction on hours of operation (other than to the period two hours either side of low tide), would have unacceptable effects on ecological values (acknowledging a further restriction of flight operations to the hours between 07:00 and Civil sunset may assist in mitigating effects of downdraft on birds from helicopters).

Potential Acoustic Impacts on Wildlife

There are potential acoustic impacts on wildlife from helicopter operations. I understand that different species have different sensitivities to noise. In this respect, Council's Acoustic consultant, Mr Peter Runcie, has outlined that SLR are not aware of specific government policies or other widely accepted guidelines with specific noise levels or thresholds related to the avoidance of adverse effects on wildlife. Whilst the lack of guidelines means that in general noise effects on most wildlife species are poorly understood, Ms White's assessment (summarised) below incorporates an assessment of potential acoustic impacts on wildlife from helicopter operations in respect of behavioural impacts, ecological values and effects. I consider a precautionary approach should be adopted given the acoustic impacts on wildlife are not fully understood.

The predicted noise level (LAFMax) will reach 89 dBA to the closest neighbour (36 Rawene Avenue), noting that this house is further away from the proposed helicopter landing area than the roost. Ms White has noted that dBA is a measure of the perceived loudness of a sound specifically weighted for human hearing, dB SPL is the raw measure of sound (Sound Pressure Level), this would almost certainly have a higher value and may be the more appropriate unit for the noise study, given the importance of the nearby wildlife. Ms. White further outlines that birds

certainly hear frequencies that humans do not, and dBA may mask the full impact of the noise of a helicopter on the nearby fauna. Ms White has highlighted that research has shown that loud noises have the potential to produce a suite of short- and long term sensory, behavioural, and physiological changes in birds⁶, as well as impacting communication, such as alerting other birds to nearby threats.

While the noise events from the helicopter operations may be short and only up to four times in a day, Ms White considers the impacts of noise on wildlife are continuous rather than isolated events, and this continuous disturbance could lead to a whole area becoming inhospitable to some species. Ms White highlights that bird species near airfields have been shown to habituate to loud noises, depending on the frequency of flight and type of aircraft⁷. However, Ms White advises that causing birds to vacate an area during noise events would affect energy expenditure and foraging efficiency, which in turn, can lower survival and reproduction rates.

As noted above in respect of high tide roosts, birds can be impacted by noise, affecting not only the amount of sleep, but also the structure, timing, and regulation of their sleep. Allowing helicopter operations to continue when the sun is down could disrupt critical parts of their lifecycle, such as breeding. This further emphasises the importance of limiting the flight times to avoid helicopter operations during high tide and civil twilight hours.

Further to the above, the applicant is anticipating the proposed helipad to be used by an Airbus H130, which is a single engine light utility machine. A condition is proposed to not allow helicopter that create noise effects greater than an Airbus H130, unless it has been checked that the noise level will comply with the requirements of the AUP(OP). The effects on fauna from helicopters that generate louder noises has not been provided for in this application, therefore, Ms White considers that the model of helicopter allowed to use the proposed helipad should be restricted, as has been proposed in the application.

I consider that the application as currently proposed, with no specific restriction on hours of operation (other than to the period two hours either side of low tide), would have more than minor and unacceptable acoustic effects on wildlife.

Summary of effects: Ecological Values

The application as currently proposed, with no specific restriction on hours of operation (other than to the period two hours either side of low tide), would have unacceptable effects on ecological values (although a restriction to the hours between 07:00 and Civil sunset could assist in managing effects of lighting from helicopters and associated noise from them).

Specifically, with such a restriction, the birds within the roosts which I understand roosts are inhabited at night for sleeping would not be forced to vacate an area during noise events, and energy expenditure and foraging efficiency would not be impacted, which in turn, can ensure survival and reproduction rates are maintained. Requiring flight operations to be restricted to the hours between 07:00 and Civil sunset would also assist in managing noise effects of downdraft on wildlife from helicopters.

⁶ R. Dooling, D. Buehler, M. R. Leek, A. N. Popper 2019: The Impact of Urban and Traffic Noise on Birds. *Acoustics Today*, volume 15, issue 3.

⁷ Van der Kolk et al 2020 Spatiotemporal variation in disturbance impacts derived from simultaneous tracking of aircraft and shorebirds. *Journal of Applied Ecology* <https://doi.org/10.1111/1365-2664.13742>.

Restricting the flight path and the maximum number of helicopter flights would assist in mitigating effects in regard to disturbance of foraging birds.

However allowing a deviation clause in the flight path to cater for emergency scenarios would potentially allow flights to occur over valuable foraging habitat. Specifically, the extent of adverse effects on habitats and ecological values is unknown, and it is unclear as to what is defined as an emergency scenario. This would have unacceptable effects on ecological values in respect to disturbance of birds during nesting and breeding.

Furthermore, as the adverse effects from allowing restricting helicopter movements to immediately adjacent times when avifauna are absent from the area have not been demonstrated to have been avoided, remedied or mitigated and would result in potentially unacceptable effects on ecological values in respect of disturbance of the high tide roosts.

It would also be difficult to monitor or enforce a condition to the effect that helicopter movements are restricted to "immediately adjacent times when avifauna are absent from the area", as this creates uncertainty.

Overall, for the reasons outlined above, I consider the proposal would have more than minor and unacceptable adverse effects on ecological values.

Effects on trees / arboricultural impacts

There are some mature Pohutukawa trees located on both sides of the cliff and within 10m of the location of the proposed helipad. These Pohutukawa trees provide landscape value, amenity, ecological functions, screening effects to the seashore and soil stability on the cliff area.

It is noted that trees and vegetation for rehabilitation purposes along the coastal environment and 20m MHWS were approved under the seawall consent, to be planted next to these mature Pohutukawa trees on the cliff edge, which are also located within 20m of the proposed helipad.

The proposed site plan shows that the proposed flight path will be on top of the Pohutukawa trees and the proposed coastal replanting at the northwest cliff.

The applicant has not provided an assessment on the potential impacts on the existing Pohutukawa trees and approved replanting along the cliff as a result of the proposed helicopter operations. As such, Council's Arborist, Ms Regine Leung has undertaken her own assessment of the proposal.

I further note that, since the application was notified, no further information has been provided by the applicant in respect of the potential impacts on the existing Pohutukawa trees and approved replanting along the cliff as a result of the proposed helicopter operations. Ms Leung's assessment therefore primarily remains the same, with the exception of comments that relate to submission points.

Ms Leung's assessment is outlined below:

- The effect of proposed helicopter operations on the existing Pohutukawa trees along the coastal environment and 20m MHWS, it is very likely the forces generated by the helicopter operations will damage the branches of these existing trees and resulted in a detrimental impact on their health in the long term, in particular on the canopy growth and then the roots for soil stability along the coast. In addition, the damage on the canopy can result in safety

concerns of the helicopter operations from these broken branches in the spinning turbulence. The existing Pohutukawa trees are also good habitats for birds along the coast. The spinning turbulence from the helicopter operations can result in safety concerns on helicopter operations from birds using the trees.

- The trees proposed for rehabilitation purposes along the coastal environment and 20m MHWS (as per the seawall consent), cannot establish on the cliff area under the spinning turbulence when considering the force generated by helicopter operations is significant, and the location of the new tree planting is within 20m of the flight path. The applicant has proposed to provide screening of these new trees to be planted along the coast; it is recommended that details of the screening proposal are provided to demonstrate how these new trees can be screened and protected for their establishment under the helicopter operation without the requirement for resource consent.

It is Ms Leung's assessment that it is very likely the applicant needs to apply for canopy reduction on the existing Pohutukawa trees to allow safe operation of a helicopter on site (under E15.4.1 (A21) and (A22) of AUP(OP)).

As the applicant has not provided an assessment by a suitably qualified arborist, I rely on the expert opinion of Ms Leung and adopt her assessment accordingly.

Based on the current limited information, I consider it is not clear on how the proposed helicopter operations will impact on the health and longevity of the coastal Pohutukawa trees on both sides of the cliff at north-west and north-east coasts, nor of the new trees to be planted along the coast in accordance with the seawall consent.

It is also worth noting that there are related ecological impacts from the proposed helicopter movements, given the foraging and roosting habitat for fauna identified in the ecological assessments are within the trees that surround the proposed helicopter landing area. I consider these have been addressed in the forgoing assessment.

Ms Leung further considers that, due to strong air turbulence generated during landing and taking off of the helicopter, the broken branches from the Pohutukawa trees can be dangerous and hitting the people using the area, when the broken branches fall down from the air turbulence to the beach and the sea. In addition, she considers the damage to the coastal trees during extreme weather events will occur during each landing and taking off of the helicopter on site, and will increase the risk of tree failure in the headlands. To this end, effects on recreational values are discussed later in this report.

I also note the assessment made by Council's Landscape specialist, Mr Peter Kensington, in respect of the potential impact of the proposed helicopter activity on the health of existing trees on the site, and the ability to implement the planting approved in the seawall consent. This is addressed in respect of character and amenity values later in this report.

A number of submissions raise concerns with regard to the potential threat to the existing Pōhutukawa trees along the coastal edge in terms of their health and life span being close to the helicopter flight path and helipad. I consider the above assessment also addresses those submissions.

Summary of effects: Trees / arboricultural impacts

Given the above, and relying on Ms Leung's advice, I consider the lack of evidence to demonstrate the extent to which the existing Pohutukawa trees and approved replanting along the cliff would be impacted by the proposed helicopter operations creates uncertainty in respect to the health and longevity of these trees. It is also not clear on whether consent would be required under the AUP(OP) for canopy reduction on the existing Pohutukawa trees to allow safe operation of a helicopter on site.

As such, without further evidence, I overall consider the proposal would have more than minor and unacceptable adverse effects on the arboricultural values of the coastal Pohutukawa trees and the trees approved to be planted along the coast in accordance with the seawall consent, as it may result in further risk of tree failure to the area in the long-run.

Noise effects

Council's acoustic specialist, Mr Peter Runcie, has reviewed the application from a technical perspective in respect of compliance with noise standards.

Acoustic Performance Standards

The acoustic assessment notes that there is no New Zealand Standard referenced within the AUP(OP) for the assessment of helicopter noise. The assessment therefore adopts New Zealand Standard NZS 6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas for the measurement and assessment of noise from the proposed helipad.

Mr Runcie notes that the Ldn noise descriptor referenced for the assessment of aircraft noise in the AUP(OP) appears to be derived from NZS 6807:1994 and therefore agrees that standard NZS 6807:1994 is the appropriate standard for measurement and assessment of noise from the helipad.

However, Mr Runcie notes that NZS 6807:1994 is based on studies of community response from typically large numbers of flights (e.g., at airports); the standard states that it is intended to apply to helicopter landing areas used for ten (10) or more flight movements in any month which may not be achieved at the proposed helipad. However, Mr Runcie further notes that there is little in the way of alternative guidance or literature relating to the assessment of aircraft noise where relatively few flights occur per day such as at private helipads. Notwithstanding, Mr Runcie considers the Ldn limits are those that are commonly applied to the assessment of helicopter movements in a range of scenarios across New Zealand, including private helipads such as proposed.

The assessment of noise effects is therefore based on NZS 6807:1994.

Assessment of noise effects

Given the short duration high noise levels associated with the individual arrival and departure of helicopters, Mr Runcie considers helicopter movements would be clearly audible events controlling the short term noise environment at surrounding properties. Specifically, the noise levels are likely to be high enough to impact on outdoor communication for the short (e.g., 1 minute) arrival and departure periods. Mr Runcie notes that this would be the case at properties where compliance is predicted as well as where the minor infringements are predicted.

Therefore, even considering the accuracy of the helipad location in the acoustic report, the noise effects at surrounding properties are considered comparable (whether compliant or with minor infringements) based on the helicopter type and the distance to neighbours, subject to the identified permissible number of movements and flight paths being adhered to.

For context, Mr Runcie notes that whilst inaudibility is not the intention of the AUP(OP) noise rule, it is noted that the short-term noise levels generated by arrivals and departures of helicopters would be expected to be clearly audible at receivers potentially as far as 500m from the helipad.

The applicant's acoustic assessment(s) seek to provide context to the helicopter noise levels predicted by comparing them with the existing noise levels in the area which are driven largely by vehicle noise on surrounding roads. Mr Runcie does not consider the comparison of long-term noise levels from relatively continuous noise sources (i.e., regular flows of traffic with limited and smooth fluctuations) to a small number (4) of isolated high level noise events averaged over a 24-hour period to be instructive in furthering understanding of effects.

I rely on Mr Runcie's expert opinion, and consider that it is not appropriate to compare helicopter noise levels with those that already exist in the locality; that is, having observed overflying helicopters in this area when vehicles are regularly traversing surrounding roads, helicopter noise is noticeable in this environment.

Mr Runcie considers the proposed flight management plan as part of an appropriate suite of measures is an appropriate way to control noise effects from the proposed helipad [from an acoustic perspective], I rely on the expert opinion of Mr Runcie in this respect.

A number of submissions have raised concerns regarding the noise effects of helicopter operations as well as the adequacy of the applicant's reports and assessments, and to this end I have referenced any areas of disagreement between the experts below.

In particular, a peer review report prepared by Marshall Day Acoustics in respect of acoustic matters was attached to the submission by Quiet Sky Waitemata Inc and referred to within the submission in respect of noise matters. This report is entitled '*Peer Review of 38 Rawene Avenue Helicopter Landing Area Noise Assessment*', Ref: Lt 001 R03 20211247 PI dated 28 May 2024 (hereafter *referred* to as 'the MDA review'). This third-party report was also provided to the Council prior to notification of the application, and the applicant responded to this report (in a letter from Chancery Green, dated 16 August 2024 which is included in the Application Material (as notified), refer to Attachment 1.

The MDA report has been reviewed by Mr Runcie, a summary of which is provided below.

The MDA review questions the accuracy of noise predictions, methodology, and the assessment of adverse noise effects outlined in the applicant's acoustic assessments. Council's acoustic specialist, Mr Peter Runcie, has reviewed both the applicant's acoustic assessments and the MDA review, and provides his own analysis on those points raised by MDA in his memo. The points raised in the MDA review and Mr Runcie's commentary on the same, are summarised below:

- *Location of helipad*

MDA identify the helipad location as currently proposed on the plan dated 13 June 2024 is located approximately 10-15m further to the south than appears to have been assessed in the applicant's acoustic report.

Mr Runcie's view is aligned with that of the MDA review, where he has assessed this as resulting in infringements in the order of 1 or 2 dB at 29 and 32 Rawene Avenue. A conservative approach has been applied in identifying all potential exceedances of noise standards, as set out in the reasons for consent in section **Error! Reference source not found.** of this report.

- *Ldn noise predictions at 29 and 32 Rawene Avenue*

MDA assert that it is possible that Ldn noise levels could be slightly above 50 dB $L_{dn(1\text{ day})}$ at 29 and 32 Rawene Avenue (assuming 4 movements per day) even under idealised landing conditions.

Mr Runcie acknowledges that there is always a level of uncertainty in noise predictions, however highlights that the applicant's acoustic assessment notes that it does not account for screening by intervening buildings and that it is based on measurements of the proposed helicopter with a direct line of sight. Mr Runcie considers the level of uncertainty (other than as noted above in relation to the helipad location) is therefore considered no different to the typical level of uncertainty expected in noise level predictions. In any case, MDA have provided predicted levels based on their own interpretation, which Mr Runcie considers to be reasonably worst case, and which account for the close helipad location. MDA's predictions align with the applicant's acoustic assessment which Mr Runcie agrees with.

- *L_{AFmax} noise levels at 32 Rawene Avenue*

MDA assert that, depending on how the aircraft is flown, there is risk that L_{AFmax} noise levels could potentially be above 85 dB L_{AFmax} at up to 150 metres from the landing pad at the dwellings (at 32 Rawene Avenue) side-on from the movement direction.

The acoustic report identifies compliance with the L_{AFmax} criteria at 32 Rawene Road, however as noted above, with the closer helipad location it is reasonable to assume that noise levels may be 1-2 dB higher. Mr Runcie notes that, whether or not the higher noise levels up to 150m noted in the MDA review could occur depends on whether the helicopter would be likely to be flown in the same manner as generated those specific measurements (which the MDA review notes are not common). Without further information from MDA (and comparative information from the applicant to confirm the likelihood of this occurring at the subject site) Mr Runcie is of the opinion that it is not possible to confirm further. However, Mr Runcie highlights that the description in the applicant's acoustic report notes short times for landing and take-off, which indicates that the site is not expected to be complex to navigate as noted in the MDA review as part of the cause for concern.

- *Ldn noise levels at the CMA boundary*

MDA assert that noise levels would be above 60 dB Ldn at the boundary with the coastal marine area, and that planning analysis is required to determine whether the CMA is “any other site” and what the consequences are for compliance with the AUP 25.6.32 rule.

Whether the CMA is “any other site” for the purposes of the rules contained in E25 of the AUP(OP) is a planning interpretation matter. In this regard, I refer to the AUP(OP) definition of “site” which describes [a] site as:

Any area of land which meets one of the descriptions set out below:

(a) an area of land which is:

- comprised of one allotment in one certificate of title, or two or more contiguous allotments held together in one certificate of title, in such a way that the allotments cannot be dealt with separately without the prior consent of the council; or*
- contained in a single lot on an approved survey plan of subdivision for which a separate certificate of title could be issued without any further consent of the council;*

being in any case the smaller area of clauses (i) or (ii) above; or

(b) an area of land which is composed of two or more contiguous lots held in two or more certificates of title where such titles are:

- subject to a condition imposed under section 75 of the Building Act 2004 or section 643 of the Local Government Act 1974; or*
- held together in such a way that they cannot be dealt with separately without the prior consent of the council; or*

(c) an area of land which is:

- partly made up of land which complies with clauses (a) or (b) above; and*
- partly made up of an interest in any airspace above or subsoil below a road where (a) and (b) are adjacent and are held together in such a way that they cannot be dealt with separately without the prior approval of the council;*

Except in relation to each description that in the case of land subdivided under the Unit Titles Act 2010, the cross lease system or stratum subdivision, 'site' must be deemed to be the whole of the land subject to the unit development, cross lease or stratum subdivision.

I note that the adjacent land to the east of 38 Rawene Avenue (shaded blue in Figure 5 below/overleaf) is a parcel of land owned by Council, with its own record of title.

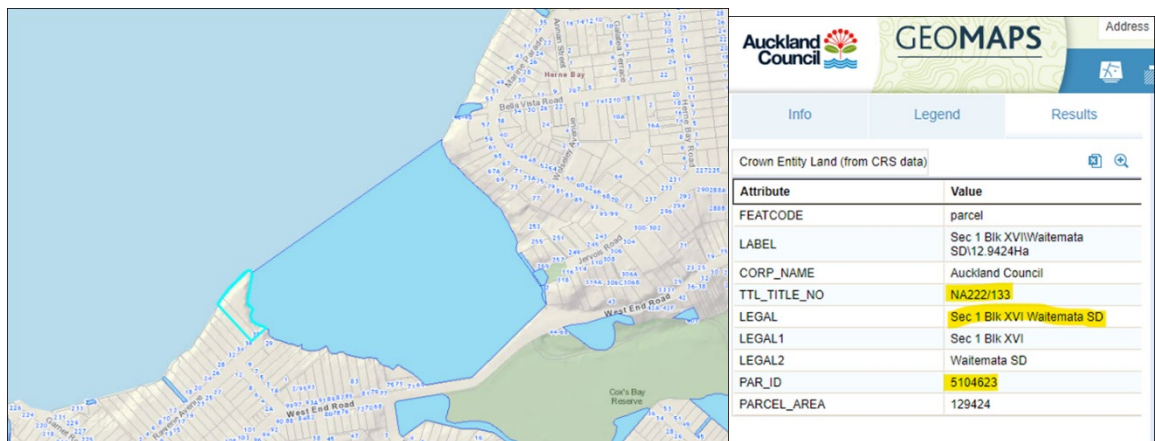


Figure 5. Map showing adjacent coastal environment owned by Auckland Council [Source: Auckland Council GIS]

Mr Runcie notes that assessment of airborne noise effects in the Coastal Marine Area (being an area not permanently occupied, as a dwelling is, and typically only passed through in a transient nature) is not common in his experience. In my (planning) experience, I do not consider it standard practice to assess airborne noise effects in coastal environments given they are not permanently occupied.

Therefore, whilst the coastal environment to the east of the subject site could be interpreted as meeting the definition of “site”, to apply the noise standards of Chapter E25 of the AUP(OP) to the coastal environment would not serve any purpose in respect of assessing adverse effects of noise and vibration on amenity values or human health, as provided for by the objectives and policies in E25.

- *Helicopter noise level testing*

MDA are of the view that the applicant should carry out helicopter noise level testing on the site to demonstrate that noise levels can comply, and that unless such testing is performed (and the results demonstrate compliance), the application should be considered as potentially non-compliant with the AUP E25.6.32 helicopter noise rule.

In response to this point, Mr Runcie highlights that this is not commonly achievable at the application stage of an assessment as the applicant may not have consent to land a helicopter on the site, as is the case here. Instead, Mr Runcie considers a compliance monitoring consent condition could be included (should consent be granted), requiring compliance monitoring to occur during the first month of use to confirm compliance with the relevant condition noise limits with the results provided to Council. I note that the applicant has not proposed compliance monitoring as part of the application.

- *Assessment of noise effects*

The MDA review notes that the applicant’s acoustic assessment is one of compliance, and does not contain an assessment of noise effects on the environment.

In respect of this point, Mr Runcie highlights that the applicant’s acoustic report identifies compliance at residential sites where written approval has not been obtained (notwithstanding above comments related to the changed helipad location), and that it is not uncommon for acoustic assessments, when compliance is predicted, to forgo a further assessment of noise effects. Mr Runcie further considers [from an acoustic perspective]

that inference being that meeting the specific noise limits set out in the AUP(OP) for the activity under assessment at the closest receivers meets the level of noise effects deemed acceptable and reasonable in the AUP(OP). He notes that properties further afield (the wider residential area) would experience lower noise levels due to being further from the helipad and effects at these properties would be similar or lower than those deemed acceptable in the AUP(OP).

I acknowledge the points raised by MDA and Mr Runcie as outlined above, although I note their views are from a technical acoustic perspective. I consider the adverse effects of noise from the helicopter operations is wider than simply compliance with the AUP(OP) noise standards, noting the relevance of compliance with permitted noise levels is limited in terms of the permitted baseline as the application is being considered as a non-complying activity, and therefore the noise effects are interwoven within the activity being considered (as is outlined in the following sections of this report). As such, the assessment of adverse effects contained in this report incorporates an assessment of noise effects on the environment, including nuisance effects on the amenity experienced by the general public as they relate to noise emissions and associated disruption from the proposed helicopter take-off and landing operations, as well as potential acoustic impacts on wildlife from helicopter operations.

Summary of noise effects

From a purely technical acoustic perspective, and relying on the expert opinion of Mr Runcie, I consider noise effects from the proposed helicopter operations are able to be controlled in a way that could ensure no more than minor adverse noise effects. However related effects of noise from the proposed helicopter operations (specifically as they relate to character and amenity values, recreational values, and cumulative effects) are further considered in the following assessments.

Adverse Effects on Character and Amenity Values

Amenity values are defined under the Resource Management Act 1991 (RMA) as being: “...*those natural or physical qualities and characteristics of an area that contribute to people’s appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes*”.

Council’s Landscape Architect, Mr Peter Kensington, has described the existing character and amenity values of the site’s local neighbourhood and urban coastal environment within the vicinity of the site as having an overall high level of amenity values. Mr Kensington further notes the natural and physical characteristics that are apparent from of the area’s proximity to the coastal marine area of the inner Hauraki Gulf include both public and private views and the constant changes in outlook from tidal processes. Other characteristics described by Mr Kensington include public and private access to the coastal marine area, and the open space character of Coxs Bay Reserve in both active and passive recreation modes. I agree with Mr Kensington’s description of the existing character and amenity values of the site’s local neighbourhood and urban coastal environment within the vicinity of the site. I further add that the receiving environment within which the application is assessed includes consented helicopter operations in the locality as discussed in Section 10 of this report.

Natural character is also a separate consideration that is not the same as amenity values, and may include matters such as⁸:

(a) natural elements, processes and patterns; (b) biophysical, ecological, geological and geomorphological aspects; (c) natural landforms such as headlands, peninsulas, cliffs, dunes, wetlands, reefs, freshwater springs and surf breaks; (d) the natural movement of water and sediment; (e) the natural darkness of the night sky; (f) places or areas that are wild or scenic; (g) a range of natural character from pristine to modified; and (h) experiential attributes, including the sounds and smell of the sea; and their context or setting.

Adopting Mr Kensington's description of the locality, I consider the natural characteristics and qualities that contribute to the natural character of the coastal environment, along with those characteristics described by Mr Kensington above, provides the context within which natural character is to be assessed.

The following assessment refers to various attributes that relate to visual amenity, which may include landscape and natural character, and residential character and amenity.

It is recognised that, although distinct from amenity values, the natural character of the coastal environment may also contribute to people's appreciation of the area's pleasantness.

I note that numerous submissions raise concerns that the use of the helicopter take-off and landing will have adverse effects on the environment and neighbourhood amenities that will be more than minor, for reasons which relate to those matters identified above in regard to character and amenity values (both in respect to natural character and amenity). The following assessment takes account of the matters raised in submissions.

Physical environment

The proposed helipad is located in the north-western corner of the site next to the existing swimming pool, to be planted in grass. No earthworks, structures, safety fencing, or signage is proposed in respect of the proposed helicopter take-off and landing area, nor is it proposed to remove or alter any existing vegetation to enable the helicopter operations. It is noted that the site is outside of the SEA identified in respect of the surrounding area.

As such, there will be no adverse physical effects generated by the proposed helipad, including in respect of the adjacent coastal environment. This being on the basis that no vegetation is required to be removed or altered, as has been raised in respect of arboriculture above.

Visual amenity

The proposed helipad, located at the rear of the subject site, is not visible from the street front.

The proposed helicopter landing area is located on a site adjacent to the coastal environment. This has the potential to adversely affect the visual amenity of the area due to the location of the site on a coastal headland (albeit not located in the CMA).

The site is elevated above the foreshore, and the helicopter landing and take-off area is screened by a number of mature trees surround the subject site, such that the grassed helipad cannot be seen from the coast.

⁸ 'Natural character' as described in Policy 13(2) of the New Zealand Coastal Policy Statement 2010

The proposed flight path is proposed over the coastal environment, and no flying is to occur overhead of surrounding residential streets and properties. There would be visual effects of a helicopter approaching or leaving the site, however this would be temporary and the visual effects transitory in nature. I acknowledge that temporary and transitory visual effects may be considered a novelty to some but a nuisance to others that frequent the area. The extent of effects in this respect are varied depending on the viewer.

In my view, effects of the proposal on visual amenity values would be acceptable given the temporary and transitory nature of helicopter movements. I highlight that this assessment is separate from nuisance effects and effects on recreational values, as well as cumulative effects of the proposal that are assessed later in this report.

Adverse effects on residential character and amenity, including adverse nuisance effects on amenity values

In the following assessment, adverse nuisance effects such as noise and disruption have been considered in respect of potential impacts on the amenity experienced by people in terms of use, enjoyment and safety of nearby public places (separate to a technical assessment of noise in terms of compliance with a standard, as discussed above).

Noise relating to the proposed helicopter take-off and landing operations would be noticeable from areas that are frequented by the general public, such as Cocks Bay Reserve and the adjacent coastal area. Such effects would be related to the amenity experienced by persons in respect to use, enjoyment and safety of nearby public places.

Adverse nuisance effects on the amenity experienced by the general public as they relate to noise emissions and associated disruption from the proposed helicopter take-off and landing operations are discussed below, with nuisance effects on recreational activities assessed later in this report.

Mr Kensington has provided advice on the potential adverse effects from the proposed activity on existing character and amenity values. No expert assessment has been provided by the applicant. I have relied on the expert opinion of Mr Kensington and adopt his assessment accordingly.

Mr Kensington outlines his understanding of people's appreciation of the amenity values experienced within the environment in public and private locations that are proximate to the site, including Cocks Bay (Opoutueka⁹) is that these include marine and terrestrial ecological values, which form part of the character of the area. It is also understood that the inner harbour to the north of the site is a well-utilised space for water sport recreation (such as kite surfing).

I refer to Mr Kensington's original technical memo where he has described the existing character and amenity values of the local neighbourhood and coastal environment within proximity of the site. I agree with Mr Kensington's description of existing character and amenity values, which I have incorporated in the assessment to follow.

Natural and physical characteristics apparent from the CMA of the inner Hauraki Gulf include northerly views towards the water (at high tide). Moored vessels and water-based activities, together with a vegetated coastal edge (defined primarily by Pohutukawa canopy) add to the

⁹ As referenced in the submission by David and Claire Greig (submitter 1314).

overall pleasantness of the area. There is a marked difference in outlook between low and high tide sea states.

I further note that natural and landscape characteristics may contribute to the amenity experienced by those who reside or frequent the locality.

Mr Kensington considers (and I agree) that the availability of public views of the coastal environment and the site are limited to:

- The northern end of Garnet Road;
- The northern end of Rawene Reserve;
- The eastern end of Rawene Avenue, West End Road in the vicinity of Coxs Bay Reserve;
- The western end of Jervois Road; and
- Bella Vista Reserve

Whilst 'amenity values' are defined in the Resource Management Act 1991 (RMA), I agree with Mr Kensington that an understanding of an area's existing amenity values can really only truly be described by those people that directly experience an area on a regular basis (either by living or recreating regularly within an area, for example). Mr Kensington's assessment is therefore limited to that of an impartial expert observation based on recent site visits and general knowledge of the Coxs Bay environment.

Mr Kensington has described the immediate local Westmere residential area as having relatively high amenity values (as experienced from Rawene Avenue and Kotare Avenue), attributed to a pleasant streetscape, with grass verges and street trees contributing positively to these values. The presence of overhead powerlines and poles are somewhat of a detracting feature. I agree with Mr Kensington that the streets do not appear to be busy with traffic, which contributes to a relatively quiet residential area.

In contrast, West End Road, which provides a physical separation between the immediate residential neighbourhood of the site and the wider Westmere area, is a busy road. Mr Kensington highlights that the road provides a physical barrier between Coxs Bay Reserve and the coastal marine area, and considers this somewhat detracts from the amenity values of this localised area, particularly given noise from passing vehicles. Mr Kensington describes the open space character of Coxs Bay Reserve, in both active and passive recreation modes, contributes positively to the amenity values of the wider area, by providing an open green space with quality amenities and many opportunities to enjoy this space (including walking through and around the park).

In Mr Kensington's opinion, many people experience the amenity values offered by the area as fleeting views when travelling (by private motor vehicle, public bus transport, cycling/scooter, or on foot), with the site particularly noticeable (albeit momentarily) when travelling in a westerly direction on West End Road. I agree with this assessment.

Mr Kensington considers the proposal is likely to result in temporary, but repetitive (cumulative) adverse effects on the existing amenity values of the local area. He notes that, while there will be no direct physical impacts on those natural and physical qualities and characteristics of the environment which contribute to existing amenity values, there will be a negative perceptual

impact on people's appreciation of the area's pleasantness. Mr Kensington is of the opinion that the degree to which these adverse effects impact on people will depend on a person's location relative to the site and activity, alongside whether or not a direct view of the helicopter arrival and departure is apparent (in combination with the noise impacts of the activity).

I agree with Mr Kensington's opinion that adverse amenity effects experienced by the general public utilising Coxs Bay Reserve would not be more than minor due to the distance of Coxs Bay in relation to the proposed helipad, together with existing tree canopy which will screen views of a helicopter on the site. I consider that, whilst general activities at Coxs Bay reserve may not be directly impacted [by the proposed helicopter operations], it would still be a distraction.

Mr Kensington goes on to assess potential effects on the amenity values of persons located within those residential properties located at the immediate coastal edge of Cox Bay to the east and west, as well as those in elevated positions where the proposed helicopter operations could be viewed above the canopy of Pohutukawa trees. Mr Kensington also outlines in his assessment that it is difficult to be certain in identifying exactly which people/properties would be impacted. I agree with this assessment, and note reference to persons located within residential properties, however I consider the extent to which there are adverse amenity effects on residential properties in the surrounding area is difficult to define in terms of individual properties. I consider that the extent of potential effects on amenity values corresponds to adverse effects on the wider environment (albeit the aforementioned assessment being limited to the residential area located at the immediate coastal edge of Coxs Bay to the east and west, and those in elevated positions as described above).

As noted earlier in this report, Mr Kensington has considered the potential impact of the proposed helicopter activity on the health of existing trees on the site, particularly those that are located around the coastal edge and which currently contribute positively to the character and amenity values of the area. Mr Kensington is of the opinion that there would be significant adverse effects on these amenity values if these existing trees were impacted by the proposed helicopter operations. Mr Kensington stresses the importance of the protection of these trees, a natural element which forms a ribbon around the coastal edge of Herne Bay and Westmere, that assists with the integration of dwellings in the coastal landscape.

Concerns have been raised by both Mr Kensington and Ms Leung with regard to the potential impact of the proposed helicopter activity on the ability of the consent holder to establish these proposed trees on the site. The planting of vegetation on the subject site for rehabilitation purposes (as per the seawall consent) has also been considered in Mr Kensington's assessment, where he notes an important mitigating element of the seawall was the restoration of tree canopy within the existing 'gap in tree canopy' at the site's northern coastal edge. As noted earlier in this report, the applicant has not sought consent to alter any trees to enable the proposed helicopter operations, and appears to be of the opinion that it is unlikely that damage to trees will occur (noting there is no evidential basis for the assertions made by Council). Having reviewed the proposed plans in the context of the approved plans for the seawall consent, and viewing the proposed helicopter landing area in relation to existing trees on site, I prefer the opinions of Mr Kensington and Ms Leung, as it is apparent that the trees (both existing and proposed) are very close to the proposed helipad and flight path. I do not consider there to be sufficient information from the applicant to be able to confirm that these trees would not be impacted by the proposed helicopter operations, nor the extent of adverse effects on these trees. As such, based on the application as currently proposed, there would be more than minor adverse effects on the existing

and/or proposed trees to be planted along the coast as a result of the proposal. In turn, the damage to or demise of trees has the potential to result in more than minor consequential adverse effect on character and amenity values of the surrounding coastal area.

Mr Kensington is of the view that, overall, the arrival and departure of helicopters from the site, as proposed, has the potential to erode, rather than maintain and enhance, existing amenity values of this coastal residential environment, particularly for residents living in close (immediate) proximity to the site. Mr Kensington consider that these adverse effects will result from the temporary, but repetitive (cumulative) nature of the proposed activity, which will have both perceptual and audible influences adversely impacting upon amenity values of people.

Adverse effects on landscape and natural character

I consider the relevant statutory documents that seek to recognise, preserve and maintain the natural characteristics and qualities that contribute to the natural character of the coastal environment, along with those characteristics described by Mr Kensington above, provides the context within which natural character is to be assessed. I further consider that the ecological values of the locality discussed earlier this report also contribute to the natural character of the coastal environment, acknowledging that natural character is not the same as natural features and landscapes or amenity values.

In this regard, in the preceding assessment I have concluded that adverse effects of the application as proposed would be more than minor and unacceptable in respect of ecological values and the arboricultural values of the coastal Pohutukawa trees and the trees approved to be planted along the coast in accordance with the seawall consent. I have also found the adverse effects of the proposed helicopter operations on the residential character and amenity values of the locality to be more than minor and unacceptable.

Given the matters linked to the natural character of the coastal environment as discussed above, I consider the adverse effects of the proposal on landscape and natural character to be more than minor and unacceptable in the context of the natural character the coastal environment, although the scale of effects in this respect are likely to vary in degree and extent.

Summary of effects: Character and Amenity Values

The adverse effects of the proposal on visual amenity values are considered to be less than minor, particularly given the helicopter landing area itself does not require any physical works to be established, and the helicopter movements to and from the site will be temporary and transitory (albeit somewhat repetitive).

Similarly, those persons who may experience the amenity values offered by the area as fleeting views when travelling (by private motor vehicle, public bus transport, cycling/scootering, or on foot), would be affected by the proposal to a lesser extent than those who reside in or frequent the area.

That said, the natural character of the area as described above may contribute to the amenity values of the wider area, where there may be a negative perceptual impact on people's appreciation of the area's pleasantness.

As the degree and nature to which these adverse effects impact on people is dependent on a person's location relative to the site and activity, alongside whether or not a direct view of the

helicopter arrival and departure is apparent (in combination with the noise impacts of the activity), the level of effects on amenity values is highly variable, and in some cases (particularly those residing in the locality) unacceptable effects on amenity values. This is primarily attributed to the frequency of helicopter movements, the potentially repetitive nature of helicopter flights, and associated nuisance effects, having an impact over time.

In addition, the potential for the damage to or demise of trees as a result of helicopter movements, as well as ecological values of avifauna that are present, has the potential to give rise to a consequential adverse effect on natural and landscape character, and residential character and amenity values of the surrounding coastal area.

Overall, for the reasons set out in the forgoing assessment, I consider the proposal would have more than minor and unacceptable adverse effects on the landscape and natural character of the coastal environment, and residential character and amenity values of the locality, although noting the degree of effect is variable depending on the audience.

Adverse Effects on Recreational Activities in Public Places

As with amenity values, adverse effects on recreational activities in public places would be dependent on those persons that directly experience an area or recreational activities.

The applicant has provided a Memorandum of Effects on Recreation Activities and Values (by Rob Greenaway & Associates, dated 3 October 2023) which broadly identifies existing recreational activities occurring near the site as follows, and their significance, as follows:

- Kite surfing on the eastern side of Meola Reef, with activity avoided at high tide due to a lack of local beaches for launching (although there are differing opinions about preferred tide times).
- Walking with and without dogs along the coast between Westmere Park and Coxs Bay, with low levels of activity and not possible at high tides. Of local significance
- Paddle boarding and kayaking between Westmere and into Coxs Bay, with most activity in Coxs Bay and east of the proposal site, but passing close to the headland.
- No significance for swimming due to poor water quality for contact recreation.
- Boat mooring in Coxs Bay.

From my own assessment, knowledge, and observations of activity in the locality on various occasions, I agree with the above, and note the following with regard to additional known recreation activities in the surrounding area (including, but not limited to):

- Hawke Sea Scouts – an organisation who teach youth to kayak in and around Coxs Bay, up to and around Piper Point.
- Meola Dog Park – used by the general public who often walking along the coast towards Coxs Bay.
- Recreational swimmers at high tides and children cooling off in summer.
- General activities in Coxs Bay Reserve.

The applicant's recreational effects assessment (by Rob Greenaway & Associates) identifies two potential effects on recreational users of the setting described in the report (and summarised above): hazard from rotor downwash, and noise. Noise effects on recreation activities is incorporated in the assessment to follow, whilst effects in terms of hazard from rotor downwash is assessed as a public safety issue later in this report.

The applicant's recreational effects assessment describes publicly accessible areas in the locality of the subject site, which I generally agree with. I acknowledge that limited public access to the coastal environment is available in the vicinity of the subject site, where there appears to be limited opportunity to walk along the coastal edge during low tide due to the seabed being thick with mud and silt unless appropriate footwear is worn (i.e. gumboots). Recreational use of the coastal area in the vicinity of the site by recreational watercraft use appears more popular during periods of high tide.

The recreational effects assessment makes reference to Strava – a social media platform where users record their GPS activity via their smartphones or other devices whilst recreating (primarily used by regular cyclists and runners, as well as rowers, kayakers, walkers, waka ama, and swimmers). Being familiar with Strava, I understand that the platform is increasingly being used, and provides an indication of frequently used areas. Whilst Strava data is somewhat useful, the recreational effects assessment alludes to its reliability being questionable in terms of participation levels, bias towards a more physically active and reasonably tech-savvy population, mis-codification of activities, and inaccuracy of GPS recording. I do not consider that Strava data can be relied upon in terms of undertaking a full assessment of effects on recreational activities.

The recreational effects assessment provides analysis of moorings and large vessels in the locality. At the time of writing this report, fourteen moorings have consented within Coxs Bay and immediate west of the subject site¹⁰.

The recreational effects assessment also provides information on the passage of larger recreational and commercial vessels which utilise an Automatic Identification System (AIS), however use of AIS is voluntary for pleasure craft. Similar to Strava, the recreational effects assessment outlines that the respondent group is self-selected, there I do not consider this to be an accurate representation of vessels in the vicinity of the subject site.

Further to the above, the applicant's recreational effects assessment refers to various references/publications in respect of bathing water quality for swimming in the Meola Reef catchment, and other recreational activities such as walking (with or without dogs), kayaking, kite surfing, and paddle boarding.

I agree with the applicant's recreational effects assessment that:

- Noise sensitive recreation activities are primarily walking with and without dogs between Westmere Park and Coxs Bay on the foreshore at low tide (the four-hour window of activity).
- Swimming near the landing site at low tide now and in the future is unlikely to be affected due to the site's distance from beach access points and the nature of the local mudflats.

¹⁰ Auckland Transport [Moorings map \(at.govt.nz\)](https://at.govt.nz/moorings-map/)

- Boating activities – especially those associated with moored vessels – will be similarly limited due to the tidal nature of the setting. Boat users may, however, access their vessels at low tide for, for example, maintenance activities.
- Sea kayaking and paddle boarding will be carried out with some separation from the landing site during the low tide window.

As noted earlier in this report, whilst general activities at Coxs Bay reserve may not be directly impacted [by the proposed helicopter operations], it would still be a distraction. The adjacent coastal environment is less likely to be utilised by members of the general public during low tide when helicopter movements are proposed (primarily for watercraft), although it is possible for persons to walk along the coastal edge. Notwithstanding this, I acknowledge that the perception of recreational users of public places can differ, depending on the extent, period and frequency of use of public space such as Coxs Bay and the coastal environment.

I disagree with the assertions made in the applicant's updated AEE, that any effect on individual recreational users will be minimal. I do agree with the applicant's agent that it is impossible to identify individuals, and therefore consider that the varied extent of adverse amenity effects on recreational activities on the environment as a result of disruption caused by helicopter operations will have, or is likely to have potentially unacceptable adverse effects on the environment.

Furthermore, a number of submissions have highlighted that Coxs Bay is widely used for recreation on land and on water, and are concerned that West End Tennis Club, Hawke Sea Scouts, the Kayak Club, children's sports teams, walkers, boaties and wind surfers would be subjected to invasive noise and potential dangers of helicopter take-offs and landings. An assessment of effects on these recreational activities is included above, but it should be noted that the extent of effects is varied.

Summary of effects: Recreational Activities in Public Places

Given the preceding assessment, I consider that the noise associated with the proposed helicopter movements would overall have potentially unacceptable adverse effects on recreational activities occurring in the locality.

Acknowledging the degree of effects experienced by those recreating in the area is wide-ranging and one of perception, and depends on the extent to which persons frequent the area as well as the type of activity they are undertaking. For example, those undertaking recreational activities on a regular / organised basis would likely be affected by the ongoing and cumulative nuisance effects of helicopter movements every time they are present/recreating. On the other hand, persons simply walking around Coxs Bay may be impacted to a greater or lesser extent than those in organised recreational activities which are likely to rely on audible interactions with others.

Adverse Effects on Public Safety

As outlined in section 10 of this report, the ultimate responsibility for ensuring compliance with the CAA Rules lies with the operator in command of the aircraft.

The applicant's recreational effects assessment has identified hazard from rotor downwash as a potential adverse effects on recreational users. Reference has been made to a statement by Mr

John Fogden, provided by the applicant in response to matters relating to aviation operational and regulatory requirements (dated 14 March 2022).

Mr Fogden describes the potential effects of rotor downwash on recreational users of Coxs Bay, including activities such as kite surfing, sailing, or other coastal or water users transiting below the departure or arrival path of the helicopter utilising the proposed helipad, while recreational users are directly underneath or close to (within approx. 200 ft) the helicopter. Mr. Fogden considers such effects would be negated by one of two actions of the pilot complying with Civil Aviation Rules, which he asserts are common practices pilots employ to comply with the rules where third parties are involved:

- They may deviate their flight path to another portion of [but remaining within] the approach/departure sector as shown in Fig. 1 of the Hegley Acoustic Consultants Acoustic Report filed with the application, to avoid overflying or otherwise affecting other persons; or
- They may delay their approach or departure, for what will amount to a minute or so, whilst recreational or other water users continue on their travels away from the beneath the flight path.

It is not clear how the above actions would work in practice (i.e. the pilot might be waiting for some time as these users are not particularly fast-moving in the context of helicopter movements, there would unlikely to be any communication channels between pilot and recreational users, and (for helicopters taking off), how does the pilot monitor the recreational users within (or approaching) the flight path?).

Nonetheless, I understand the helicopter will fly in and out to pick up / drop off passengers, monitoring of the recreational space will be undertaken by the pilot in command visually on approach and reassessed from the helipad on departure. Providing any deviation of the flight path remains within the proposed flight sector, together with a maximum of 4 helicopter movements restricted to the period two hours either side of low tide, I consider potential adverse effects on public safety as a result of rotor downwash are able to be appropriately managed, to an extent that is acceptable to recreational users of Coxs Bay and the surrounding area.

It is noted that a number of submissions consider that the proposal would result in helicopters landing right over a public beach (less than 6m below the helipad) and near a public reserve which poses significant safety risks to the public. In this regard, I note that Council has limited ability to control helicopter activity in terms of flight paths and overflying, and in terms of health and safety under the RMA, as this jurisdiction falls with the Civil Aviation Authority.

Summary of effects: Public Safety

Overall, adverse effects in regard to public safety are able to be appropriately managed such that effects (within Council jurisdiction) on recreational users and the general public are acceptable.

Cumulative Effects

Cumulative effects are those which arises over time or in combination with other effects.

In regard to existing approved helipads in the surrounding area, as outlined in respect of the receiving environment, there are three consented domestic helicopter landing pads in the locality of Herne Bay. The closest of these (at 12 Cremorne Street) is in excess of 1.2km from the

proposed helipad, as shown in Figure 6 below. The locations of the consented helipads are on coastal headlands, as is the helipad proposed in this application.



Figure 6. Map showing consented helipads in locality in relation to the subject site (subject site outlined in blue). [Source: Auckland Council GIS]

The helicopter flight paths of these three helipads have been approved over the Waitematā Harbour only, over water. Therefore no flights, either proposed or approved, will occur over the residential environment, thereby reducing both noise and visual amenity effects on the surrounding environment.

Furthermore, due to the location of the proposed helipad and those consented in the Herne Bay area adjacent to the coastal environment, topography of the sites and locality, and screening by way of buildings and mature vegetation, it would not be possible to see the consented and proposed helicopter landing in a single view.

Given the above, particularly the separation distance of over 1.2km between the properties, the proposed helicopter operations would have acceptable cumulative adverse visual effects when combined with the consented helipads and associated helicopter flights.

The proposal also has the potential to cumulatively result in unacceptable nuisance effects on the environment due to the repetitive nature of the proposed helicopter operations. In this regard, whilst four helicopter movements per day may appear a small number of flights, four helicopter movements over 7 days a week, every day of the year, cumulative adverse effects of the proposed

helicopter operations would be potentially more than minor. I acknowledge the update to the application to limit helicopter flights to 10 per month (noting that each “trip” would involve both a landing and subsequent departure) may reduce the extent of nuisance effects on the basis that the likelihood of all of these occurring within a single week is low (although not confirmed by the applicant).

Summary of effects: Cumulative Effects

For the reasons set out in the preceding assessment, I overall consider the application as proposed would have more than minor and unacceptable repetitive (cumulative) nuisance adverse effects on the environment given the location, number and frequency of helicopter flights proposed.

Measures proposed to compensate or offset adverse effects

There are no measures proposed to compensate or offset adverse effects.

Summary

Actual and potential effects conclusion

There are some elements of the proposal that have adverse effects that are acceptable in my view.

However in summary, my opinion is that any actual and potential adverse effects on the environment are considered to be more than minor and unacceptable from an effects perspective with particular regard to the following:

- Effects on ecological values, with particular reference to helicopter operations disturbing birds during nesting and breeding, disturbance of foraging birds and high tide roosts, and effects of downdraft on wildlife
- Effects on trees / arboricultural impacts, where the Pohutukawa trees and cliff planting would be potentially impacted by the helicopter operations.
- Effects on character and amenity, particularly those relating to landscape and natural character, as well as residential character and amenity of the locality, also acknowledging that the extent of adverse effects in this respect is likely to differ depending on people’s perceptions.
- Effects on recreational activities in public places, acknowledging the extent of adverse effects is wide-ranging.
- Cumulative effects of the helicopter operations taking account of consented helicopter helipads in the locality.

15. Relevant statutory documents - s104(1)(b)

The following are not applicable to the current resource consent application:

- No national environmental standards are relevant to this application (s104(1)(b)(i));

Accordingly, only the relevant statutory documents and other matters are considered below.

National Policy Statement for Indigenous Biodiversity (NPS:IB) – s104(1)(b)(iii)

As this application relates to identification, protection and restoration of areas of significant indigenous biodiversity, the NPS:IB is considered relevant to this application.

The objective of the NPS:IB is to maintain indigenous biodiversity across Aotearoa New Zealand so that there is at least no overall loss in indigenous biodiversity.

Of relevance to this proposal are the following policies which discussed in turn:

Policy 3: A precautionary approach is adopted when considering adverse effects on indigenous biodiversity. A precautionary approach has been adopted in assessing the proposal, particularly in respect of the extent of adverse effects on habitats and ecological values, as well as the natural character of the coastal environment which has the potential to be degraded over time as a result of the proposed helicopter operations. In addition, the effects of the proposal in respect of bird strike and the acoustic impacts of helicopters are not fully understood.

Policy 4: Indigenous biodiversity is managed to promote resilience to the effects of climate change. The proposal may interrupt the natural adjustment of habitats and ecosystems to the changing climate, particularly as the extent of greenhouse gas emissions from this proposal is not clear

Policy 8: The importance of maintaining indigenous biodiversity outside Significant Natural Areas (SNAs) is recognised and provided for. It is important to maintain the indigenous biodiversity in this locality to ensure that, over time, there is no overall loss in indigenous biodiversity in the wider locality. The NPS:IB directs that all other effects (i.e. effects that are not significant) that may adversely affect indigenous biodiversity that is outside an SNA, must be managed to give effect to the objective and policies of the NPS:IB.

Overall, I consider that the proposal is not entirely consistent with the strategic direction of the NPS:IB.

New Zealand Coastal Policy Statement 2010 (NZCPS) – s104(1)(b)(iv)

The purpose of the [NZCPS](#) is to state policies in order to achieve the purpose of the RMA in relation to the coastal environment of New Zealand.

It is noted that, whilst the application site is not located in the CMA, the NZCPS remains relevant in respect to the coastal environment within which the site is located.

The relevant objectives and policies of the NZCPS include (in summary):

- To safeguard the integrity, form, functioning and resilience of the coastal environment and sustain its ecosystems, including marine and intertidal areas, estuaries, dunes and land, by protecting representative or significant natural ecosystems and sites of biological importance (Objective 1);
- To preserve the natural character of the coastal environment and protect natural features and landscape values (Objective 2);
- Maintain and enhance the public open space qualities and recreation opportunities of the coastal environment by recognising that the coastal marine area is an extensive area of public space for the public to use and enjoy (Objective 4);
- To enable people and communities to provide for their social, economic, and cultural wellbeing and their health and safety, through subdivision, use, and development (Objective 6)
- Adopt a precautionary approach towards proposed activities whose effects on the coastal environment are uncertain, unknown, or little understood, but potentially significantly adverse (Policy 3(1)); and in particular, adopt a precautionary approach to use and management of coastal resources potentially vulnerable to effects from climate change, so that the natural character, public access, amenity and other values of the coastal environment meet the needs of future generations (Policy 3(2));
- To protect indigenous biological diversity in the coastal environment avoiding adverse effects of activities on indigenous ecosystems and vegetation types that are threatened in the coastal environment (Policy 11(a)(iv)); as well as avoiding significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on habitats in the coastal environment that are important during the vulnerable life stages of indigenous species (Policy 11(b)(ii):
- Preserve the natural character of the coastal environment and protect it from inappropriate subdivision, use and development (Policy 13(1)); and Recognise that natural character is not the same as natural features and landscapes or amenity values (Policy 13(2);

The relevant provisions of the NZCPS have been considered and it is concluded that the proposal is not consistent with the NZCPS because:

- The application as currently proposed would not safeguard the integrity, form, function and resilience of the coastal environment, as lighting from helicopters and associated noise would force birds to vacate an area during noise events, thereby impacting energy expenditure and foraging efficiency which in turn may reduce survival and reproduction rates. Furthermore, allowing a deviation clause in the flight path to cater for emergency scenarios would disturb birds during nesting and breeding, whilst allowing restricting helicopter movements to immediately adjacent times when avifauna are absent from the area would disturb high tide roosts. For these reasons, I consider the proposal is not consistent with Objective 1.
- The natural character of the coastal environment may include matters such as¹¹:
 - (a) natural elements, processes and patterns; (b) biophysical, ecological, geological and geomorphological aspects; (c) natural landforms such as headlands, peninsulas, cliffs, dunes, wetlands, reefs, freshwater springs and surf breaks; (d) the natural movement of water and

¹¹ 'Natural character' as described in Policy 13(2) of the New Zealand Coastal Policy Statement 2010

sediment; (e) the natural darkness of the night sky; (f) places or areas that are wild or scenic; (g) a range of natural character from pristine to modified; and (h) experiential attributes, including the sounds and smell of the sea; and their context or setting.

In this context of the application site and locality, this includes ecological values, natural landforms such as headlands, the area's proximity to the coastal marine area of the inner Hauraki Gulf including both public and private views and the constant changes in outlook from tidal processes.

'Piper Point', which forms part of the site, is somewhat of a unique local headland with associated rock platform landform features (which forms the western extent of Cox's Bay), and that this feature has ecological significance as a bird roost location during periods of high tide. It is recognised that this natural character is not the same as natural features and landscapes or amenity values, although it should be noted that the natural character of the coastal environment may contribute to people's appreciation of the area's pleasantness. As discussed in the preceding assessment, the proposed helicopter movements are not considered to preserve this natural character, due to the adverse effects of the proposal not being adequately avoided, remedied or mitigated, particularly in respect of ecological values, and the natural characteristics of the coastal environment. As such I consider the proposal is not consistent with Objective 2 and associated Policies 13(1) and (2)).

- Whilst the helicopter landing area is not located in the coastal marine area, the proposed flight path does traverse the coastal marine area. I recognise that the coastal marine area is an extensive area of public space for the public to use and enjoy, as has been raised in a number of submissions. It is possible that that recreation opportunities could be maintained, however the application as proposed would not maintain or enhance the public open space qualities and recreational opportunities of the coastal environment. I therefore do not consider the proposal is consistent with Objective 4.
- The proposal would enable the applicant to provide for their wellbeing, however the proposal would not provide for the social, economic, and cultural wellbeing and their health and safety, as the proposal is intended for private use. The proposal is therefore not consistent with Objective 6.
- A precautionary approach has been adopted in assessing the proposal, particularly in respect of the extent of adverse effects on habitats and ecological values, as well as the natural character of the coastal environment which has the potential to be degraded over time as a result of the proposed helicopter operations. In addition, the extent to which the helicopter operations would result in unacceptable carbon emissions is unclear. In this regard, the proposal is not considered to be consistent with Policy 3(1) and (2)(c) in regard to natural character, public access (in particular recreational opportunities in the coastal environment), amenity, and other values of the coastal environment, however it is also not in direct conflict with it in terms of the severity of adverse effects not being significant.

In regard to bird strike, the F & B submission refers to Policy 3 in terms of the Bioresarches report that outlines:

“A primary concern where aircraft, including helicopters, are operated in the vicinity of bird habitats is the potential for bird strike. This can have very significant consequences for both the birds (often leading to fatalities) and the aircraft”.¹²

In this regard, the effects of helicopter operations in relation to bird strike are not fully understood in this application, and therefore whether the adverse effects are potentially significant also remains unclear. As such, adopting a precautionary approach to the effects of bird strike, I consider the proposal is not consistent with Policy 3(1).

- Conservation of both roosting and foraging habitats is essential for maintaining the ecological balance and biodiversity of coastal regions. In this regard, and as discussed in the preceding assessment, there are threatened fauna within a close proximity to the proposed helipad that would be potentially adversely affected by the proposal. It has not been demonstrated in the proposal that adverse effects on avifauna would be avoided as a result of the helicopter operations particularly in vulnerable life stages of threatened species, although I do not consider the effects would be significant. I consider the proposal is not entirely consistent with Policy 11(b), acknowledging it is not in conflict with it in terms of the significance of adverse effects on indigenous biodiversity. However the proposal does not avoid adverse effects of the helicopter operations on indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification System lists, thus not protecting the indigenous biological diversity in the coastal environment, and as such would be inconsistent with Policy 11(a).

Overall, I consider the proposal would not align with the relevant objectives and policies of the NZCPS which relate to the protection of indigenous biological diversity in the coastal environment with particular reference to indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification System (Policy 11(a)); this being a key element of the policy framework for assessing activities in the coastal environment which in turn filters down to the objectives and policies relating to the relevant objectives and policies of the AUP(OP) that give effect to the NZCPS, as discussed later in this report.

Hauraki Gulf Marine Park Act 2000 (HGMPA) – s104(1)(b)(iv)

For the coastal environment of the Hauraki Gulf, the Hauraki Gulf Marine Park Act 2000 is applicable.

The council must have regard to sections 7 and 8 of the [HGMPA](#) when it is considering an application for resource consent for the Hauraki Gulf, its islands, and catchments. These sections are treated as a New Zealand coastal policy statement.

Section 7 recognises its national significance, while s8 outlines the objectives of the management of the Hauraki Gulf, its islands and catchments.

Key objectives relating to the proposal are focused on: the protection of the natural character of the coastal environment; protection of natural features and landscape values; and enabling use and development while protecting the values of the coastal environment.

The natural and physical characteristics that are apparent from of the area's proximity to the coastal marine area of the inner Hauraki Gulf include northerly views from both public and private

¹² Page 5 of the submission by Royal Forest and Bird Protection Society of New Zealand Inc [Submission Council ID 1192]

locations towards the water (at high tide) and the constant changes in outlook from tidal processes.

For the reasons set out in the preceding assessment, I do not consider the natural character and values of the coastal environment would be protected by the proposal, particularly as the natural character values contribute to the amenity experienced by those who reside or frequent the locality.

Auckland Unitary Plan (Operative in part): Chapter B Regional Policy Statement – s104(1)(b)(v)

Chapter B of the AUP(OP) sets out the strategic framework for the identified issues of significance, and resultant priorities and outcomes sought. These align with the direction contained in the Auckland Plan.

The key regional issues of significance that relate to the proposal are:

- Chapter B8: Toitū te taiwhenua – Coastal Environment

Having considered these issues, it is my opinion that the proposal is not consistent with the strategic direction of the Regional Policy Statement for the following reasons:

B8: Toitū te taiwhenua – Coastal Environment

As it relates to this proposal, Objective B8.2.1(2) seeks to ensure uses in the coastal environment are designed, located and managed to preserve the characteristics and qualities that contribute to the natural character of the coastal environment.

Policies B8.2.2(4) sets out to avoid significant adverse effects and avoid, remedy or mitigate other adverse effects on natural character of the coastal environment not identified as outstanding natural character and high natural character from inappropriate subdivision, use and development.

The application site is not identified as outstanding or high natural character, however the preceding assessment demonstrates the natural character of the coastal environment is important. In this regard, the use of a residential site for the take-off and landing of helicopters is adjacent to the coastal environment, and the proposed helipad and helicopter movements is not located nor managed to preserve the characteristics and qualities that contribute to the natural character of the coastal environment. In particular, adverse effects in regard to ecological values, trees, natural character and the associated amenity this holds, and recreational activities has not been demonstrated to be avoided, remedied or mitigated.

In earlier sections of this report, I have considered that, whilst the proposal has not adequately demonstrated that adverse effects would be avoided, remedied, or mitigated, I do not consider the extent of any adverse effects would qualify as 'significant'.

Overall, the proposal is not consistent with the objectives and policies contained in Chapter B8 of the AUP(OP).

Plan or Proposed Plan – section 104(1)(b)(vi)

The relevant plans are identified in section 10 above of this report, and the proposal is considered against the relevant provisions below.

Auckland Unitary Plan (Operative in part)

Relevant objectives and policies

The relevant sections of the AUP (OP) are the objectives and policies as they relate to:

- E15: Vegetation and biodiversity management
- E18: Natural character of the coastal environment
- E19: Natural features and natural landscapes in the coastal environment
- E25: Noise and vibration
- F2: Coastal – General Coastal Marine Zone
- H4: Residential – Mixed Housing Suburban Zone

These matters as they relate to the application are assessed in further detail following.

E15: Vegetation and biodiversity management

I acknowledge that consent is not being sought under Chapter E15, however noting Ms Leung's advice (as discussed earlier in this report) that it is very likely the applicant needs to apply for canopy reduction on the existing mature Pohutukawa trees to allow safe operation of a helicopter on site (under E15.4.1 (A21) and (A22) of AUP(OP)), I consider it relevant to assess the application against the relevant objectives and policies contained in this chapter.

Objective E15.2(1) seeks to maintain or enhance ecosystem services and indigenous biodiversity values. Of relevance to this proposal, Policy E15.3(9)(a)(i) sets out to avoid activities in the coastal environment where they will result in non-transitory or more than minor adverse effects on threatened or at risk indigenous species.

Whilst the proposed helicopter movements themselves have a temporary and transitory element to them which, the effects of which could potentially be acceptable, the more permanent (non-transitory) impact of them could result by virtue of the repetitive and cumulative nature of helicopter movements. In this regard, it is this ongoing activity that would give them a more permanent activity in the environment, which (as has been demonstrated in the preceding assessment) would have potentially more than minor adverse effects on threatened or at-risk indigenous species. In this respect, the proposal would not be consistent with Policy E15.3(9)(a)(i).

Policy E15.3(9)(b) seeks to avoid activities in the coastal environment where they will result in any regular or sustained disturbance of migratory bird roosting, nesting and feeding areas that is likely to noticeably reduce the level of use of an area for these purposes.

The preceding assessment finds that the proposed helicopter operations has the potential to disturb bird roosting, nesting and feeding areas, and that over time, this could reduce the level of

use of the area for these purposes. Whilst there are some measures that could mitigate some of these impacts on birds (i.e. flight times, flight path etc), the proposal would not be consistent with Policy E15.3(9)(b) which sets out to *avoid* activities in the coastal environment that would impact bird habitats in terms of a reduced level of use of the area.

Policy (E15.3(10) seeks to avoid activities in the coastal environment which result in significant adverse effects, and avoid, remedy or mitigate other adverse effects of activities on indigenous vegetation.

As discussed earlier in this report, there are some mature Pohutukawa trees located on both sides of the cliff and within 10m of the location of the proposed helipad that may be affected by the proposed helicopter operations. Given the uncertainty of the impact of the proposal on these trees, I consider that it has not been demonstrated that the adverse effects on these trees as a result of the helicopter operations has been avoided, remedied or mitigated. In turn, the ecological values of habitat of fauna within this vegetation would potentially be adversely affected. Whilst these adverse effects are potentially unacceptable, I do not consider the extent of adverse effects would be significant in itself. However when considering the Pohutukawa trees which are habitat for threatened or at-risk species, which in turn if impacted by the proposed helicopter operations, would likely, over time, potentially reduce the level of use of the area for bird roosting, nesting and feeding. The proposal is therefore not entirely consistent with Policy E15.3(10).

Overall, I consider the proposal does not align with the objectives and policies contained in chapter E15 of the AUP(OP), with particular reference to Policy E15.3(9)(a)(i) as the proposal does not avoid helicopter operations in the coastal environment which have potentially more than minor adverse effects on threatened or at-risk indigenous species; and Policy E15.3(9)(b) as the proposal does not avoid helicopter operations in the coastal environment which potentially results in regular or sustained disturbance of migratory bird roosting, nesting and feeding areas that is likely to noticeably reduce the level of use of the area for these purposes.

E18: Natural character of the coastal environment & E19: Natural features and natural landscapes in the coastal environment

The E18 objectives and policies give effect to Policy 13(1)(b) of the NZCPS, and RPS Objective B8.2.1.(2) and Policy B8.2.2.(4); whilst the E19 objectives and policies give effect to Policy 15(b) of the NZCPS and RPS Objectives B4.2.1 and the policies in B4.2.2.

The relevant objectives and policies contained in these chapters are concerned with maintaining natural characteristics and qualities that contribute to the natural character of the coastal environment (Objective E18.2(1)) and natural landscapes which have particular values, provide a sense of place or identity, or have high amenity values (Objective E19.2(1)). The associated policies in E18 seek to manage the effects of uses in the coastal environment to avoid significant adverse effects, and avoid, remedy or mitigate other adverse effects, on the characteristics and qualities that contribute to natural character values (E18.3(1)(b)). In the case of E19, the associated policies similarly sets out to manage the effects of subdivision, use and development in the coastal environment to avoid significant adverse effects, and avoid, remedy or mitigate other adverse effects on the characteristics and qualities of natural landscapes and natural features which have particular values, provide a sense of place or identity, or have high amenity values (E19.2(1)).

As discussed above, the use of a residential site for the take-off and landing of helicopters is adjacent to the coastal environment, and the proposed helicopter movements are not considered to adequately manage nor avoid, remedy or mitigate adverse effects on the characteristics and qualities of natural landscapes that contribute to natural character values of the coastal environment. I do not consider the extent of adverse effects would be significant, however the proposal would not be aligned with the relevant E18 and E19 policies in that adverse effects on the characteristics and qualities that contribute to natural character values are not avoided, remedied or mitigated.

E25: Noise and vibration

The relevant objectives and policies within E25 relate to protecting people and the amenity values in residential zones from unreasonable levels of noise and vibration (Objective E25.2(1) and (2)). The associated policies set out to ensure appropriate noise standards reflect each zone's function and permitted activities, while ensuring that the potential adverse effects of noise and vibration are avoided, remedied or mitigated (Policy E25.3(1)). Additionally, Policy E25.3(2) seeks to minimise, where practicable, noise and vibration at its source or on the site from which it is generated to mitigate adverse effects on adjacent sites; whilst Policy E25.3(3) encourages activities to locate in zones where the noise generated is compatible with other activities and, where practicable, adjacent zones.

In this case, the infringements to noise standards are not entirely reflective of the zone's (residential) function and permitted activities which are largely related to residential living situations. Adverse effects related to infringements to noise standards in this instance relate to the amenity experienced by persons in respect to use, enjoyment and safety of nearby public places and surrounding properties.

I do not consider that the proposed helicopter movements minimise noise at its source to mitigate adverse amenity effects on adjacent sites and the surrounding area. In turn, this indicates the noise generated from the proposed activity is not considered to be compatible with residential activities in the immediately surrounding area and recreational activities in the wider locality.

Overall, the proposal is not consistent with the objectives and policies contained in Chapter E25 of the AUP(OP).

F2: Coastal – General Coastal Marine Zone

Whilst the site itself is not located within the Coastal – General Coastal Marine Zone, the adjacent Coastal – General Coastal Marine Zone is relevant in respect of the natural characteristics of the coastal environment. The relevant objectives and policies relate to use in the coastal marine area (F2.14).

I acknowledge the helicopter landing area is not within the CMA, however the proposed flight path for helicopter movements traverses the CMA. Objective F2.14.2(5) and associated policies (Policy F2.14.3(3) relates to activities that do not have a functional or operational need to be undertaken in the coastal area, being provided for where they can demonstrate the need to the coastal area location, they cannot practicably be located on land outside of the coastal marine area, and they are consistent with the use and value of the area, including the adjacent land area, and do not compromise natural character, ecological, public access, Mana Whenua, historic heritage, or amenity values.

The helicopter movements to occur over the CMA is for private use, and as such I consider it functions and operates for the purpose of the applicant's needs only. In this respect, the proposal before us with a helicopter landing area outside the CMA cannot practicably locate the associated helicopter movements outside the CMA without instead flying over residential areas. As discussed previously, effects of the proposal have not been demonstrated to avoid, remedy or mitigate the impacts on the natural character, amenity, and ecological values of the coastal environment.

Overall, whilst the proposal is not entirely inconsistent with the relevant objectives and policies contained within F2 by virtue of the proposed helipad location being located outside the CMA, the proposal is overall not consistent with F2 which provides context for the coastal environment adjacent which the site is located and adjacent to.

H4: Residential – Mixed Housing Suburban Zone

The relevant objective in H4 is H4.2(5) which seeks that non-residential activities provide for the community's social, economic and cultural well-being, while being compatible with the scale and intensity of development anticipated by the zone so as to contribute to the amenity of the neighbourhood. Associated Policy H4.3(9) (as relevant to this proposal) relates to the provision of non-residential activities that (a) support the social and economic well-being of the community; and (c) avoid, remedy or mitigate adverse effects on residential amenity.

As has been discussed throughout this report, the proposed use of a residential site for helicopter landing and take-offs of helicopters is a use not provided for in the zone, and as such is considered a non-residential activity. The proposal does not support the social and economic well-being of the community given the proposal is intended for private use.

The preceding assessment demonstrates that the effects of the proposal on residential amenity have not been avoided, remedied or mitigated, and as such would be in conflict with Policy H4.3(9)(c).

Overall, I consider the proposal would not align with the relevant objectives and policies of Chapter H4 of the AUP(OP), with particular reference to Policy H4.3(9)(c) which seeks to provide for non-residential activities that avoid, remedy or mitigate adverse effects on residential amenity, which this proposal does not.

Conclusion

In accordance with an assessment under s104(1)(b) of the RMA the proposal is not consistent with the relevant statutory documents.

In particular the proposal is not consistent with the NZCPS, HGMPA, and Regional Policy Statement, all of which seek to preserve or protect the natural character and values of the coastal environment would be preserved or protected by the proposal, particularly as the natural character values contribute to the amenity experienced by those who reside or frequent the locality. This includes the potential ecological impacts on threatened fauna within a close proximity to the proposed helipad, which also contributes to the natural character and associated amenity values of the locality / coastal environment.

The relationship of the proposal to the objectives and policies of the AUP(OP) is intrinsically related to the higher order documents which reflect similar key themes and which provide direction for proposals regionally and nationally.

In this regard, I consider the proposal is not consistent with those provisions of the AUP(OP) which relate to natural character including ecological values which contributes to natural character (B8, E18, E19, F2), indigenous vegetation within the coastal environment (E15), and residential amenity (H4).

The proposal has not demonstrated that adverse amenity effects on adjacent sites and the surrounding area are adequately avoided, remedied or mitigated, with particular reference to noise generated from the proposed activity not being compatible with residential activities in the immediately surrounding area and recreational activities in the wider locality. The proposed non-residential activity does not support the social and economic well-being of the community given the proposal is intended for private use. The extent of adverse effects on the existing Pohutukawa trees located on both sides of the cliff and within 10m of the location of the proposed helipad as a result of the helicopter operations is uncertain at this time, and the ecological values of habitat of fauna within this vegetation would also potentially be adversely affected. As such, I consider the proposal is not consistent with the relevant provisions of the AUP(OP).

Overall, the proposal, in the round, would be inconsistent with the relevant statutory documents.

16. Any other matter – section 104(1)(c)

In this case the following matters are considered relevant.

Section 104(1)(c) requires that any other matter the consent authority considers relevant and reasonably necessary to determine an application be considered.

In this case the following matters are considered relevant.

Wildlife Act 1953 – s104(1)(b)(ii)

The Wildlife Act 1953 is administered and enforced by the Department of Conservation. All native birds and lizards are absolutely protected under the Wildlife Act 1953 under which it is an offence to disturb, harm, or remove them without a permit from the Minister of Conservation. This includes the deliberate disturbance of potential habitat even if presence of native species has not been specifically surveyed.

The proposal would potentially disturb the habitat of native birds, and as such the provisions of the Wildlife Act are a consideration, where a permit may be required. Whilst this matter sits outside the RMA process, should consent be granted, it will be the responsibility of the consent holder to ensure they obtain any necessary permits under the Wildlife Act 1953. An advice note is recommended to this effect.

Precedent / Plan Integrity

Given the non-complying activity status and unique nature of this application, it is appropriate to have regard to the issue of precedent, as well as the effect of granting consent upon the integrity of the AUP(OP). These are not mandatory considerations but are matters that decision makers

may have regard to, depending on the facts of a particular case including whether it can be seen as having some distinct or unusual qualities that would set it aside from the generality of cases.

In this case, the nature of the application is somewhat unique in respect of helicopter operations in a residential area and coastal environment, as well as the specific characteristics of the application site on a headland. However there do appear to be a number of sites in the wider locality along the coastline that could potentially have similar qualities / characteristics.

Whilst there is the perception that a precedent has already been set by the approval of other helipads in the locality (as discussed above), those helicopter landing areas were all approved prior to the Auckland Unitary Plan coming into full effect. Combined with the nature the particular nature of those applications and site, I do not consider those to be a like-for-like situations.

Each resource consent application would need to be assessed on its merits to determine whether there are sufficiently unique characteristics of the site and proposal that distinguish it from other applications for helicopter landing areas and associated helicopter movements. However it is possible that the subject application under the current planning framework could set a precedent for future similar applications for the same.

Submissions

All of the submissions received by the council in the processing of this application have been reviewed and considered in the overall assessment of effects in this report. The Council's specialists have also reviewed the relevant submissions as required and incorporated comments into their assessments accordingly in their supplementary memos. Many of these submissions raised similar issues and have been dealt with generically in the body of this report. Those that have raised specific resource management matters and points of clarification have largely been specifically addressed in the assessment of actual and potential effects contained in section 14 of this report.

Of note, some submissions raise other matters that have not been considered in the earlier assessment; those being:

- Property values being impacted, where noise and safety effects arising from helicopter operations may deter people from buying into the suburb, reducing property values for existing residents. Conversely, some submissions in support consider this proposal would raise property values rather than negatively affect them
- Distribution of benefits, where this proposal proposes a highly inequitable distribution of costs and benefits, with a small number of people (the applicant's family) benefiting to the detriment of many others. On the other hand, some submissions considers the proposal does not just benefit the applicant, stating it provides essential emergency services for the entire area, thereby benefiting the whole community.
- Helicopters having a huge carbon emission impact when compared to other modes of transport;
- A private helipad is unnecessary at this location, noting the presence of a designated heliport at Mechanics Bay, within a relatively short distance of the site; and
- Requests for Council to ban all helipads in residential areas.

- Property owners should have the autonomy to use their land as they see fit.

These are discussed (in order of the above) as follows:

- Reduction in property values is not a consideration under the RMA, however amenity values, noise, and safety effects of the proposal have been considered in section 14 of this report.
- The distribution of benefits has been assessed in respect of the objective/policy analysis under s104(1)(b) above, where Chapter H4 speaks to non-residential activities providing for the community's social, economic and cultural well-being. In regard to the proposal providing emergency services for the wider community, I understand the proposal is for private use of the site for helicopter operations and does not include the provision of emergency services for the general public. As such, I considered the proposal does not support the social and economic well-being of the community given the proposal is intended for private use.
- I acknowledge helicopters would result in greenhouse gas emissions. The National Environmental Standards for Greenhouse Gas Emissions from Industrial Process Heat is not relevant to this proposal, as it relates to thermal energy used to manufacture products in industry, which this proposal is not. There is limited direction in the RMA on how to assess greenhouse gas emissions. Notwithstanding, the effects of climate change can be considered under the RMA (s7(i)); this is discussed further below in respect to Part 2 of the RMA. In terms of the submissions that raise this issue, I consider the extent of greenhouse gas emissions from this proposal is not clear in the context of pollution from other aircraft utilising this airspace as well as compared with other modes of transport.
- In respect to the submissions around the (un)necessity of a private helipad and the presence of a designated heliport at Mechanics Bay that should be utilised instead, the RMA (in Schedule 4) sets out that an assessment of an activity's effects on the environment must include a description of any possible alternative locations or methods for undertaking the activity, if it is likely that the activity will result in any significant adverse effect on the environment. The preceding assessment has identified potentially significant / more than minor adverse effects, however no assessment has been provided by the applicant in respect of alternative locations.
- Regarding a ban on all helipads in residential areas, this is outside the scope of the current resource consent application, and would be more suited to a plan change process. I do note, however, that the current planning framework does not prevent persons from applying for a resource consent in residential areas (i.e. they are not prohibited activities under the AUP(OP)). I further note that all applications are assessed on their merits.
- Regarding the rights of property owners, this is not a matter that can be specifically considered in the assessment of a resource consent application, however the AUP(OP) identifies zones and provides a framework to enable land uses/activities that are appropriate for their zone. It is within this framework that the subject application is being assessed. Each application for resource consent is assessed on its merits.

Local Board comments

The Waitematā Local Board were invited to provide comment on the application on 25 October 2025 (to align with public notification commencing on 29 October 2025). The Local Board provided the following feedback:

The local board do not support the application. Our position as a board is to prohibit helicopter movements in urban residential areas in the AUP and the adjacent CMZ (Please refer to Waitemata Local Board Resolution number WTM/2023/125).

The board notes that taken as a whole the activity proposed in this application is non-complying. Nor is the proposal in alignment with council strategies for a quality compact city and should be declined. Existing strategies include, but are not limited to, the Auckland Unitary Plan (that does not anticipate helicopter movements in residential areas), Te Taruke a Tawhiri Auckland's Climate Plan, and the Local Government Act that centres the council's purpose to ensure social, cultural, economic and environmental wellbeing. Mutual respect, dignity and access to high quality shared community assets is of great value for social cohesion. The community response to helicopter movements has been demonstrably in opposition.

The last thing Auckland needs is greater polarisation between different classes of resident and it is very clear that members of the local community, from many different backgrounds, do not want this. They have been campaigning hard on this issue for many years (and from well before this application) because of the stress and distress experienced to those living in the proximity of already consented helipads. The numbers of those viscerally opposed in Herne Bay and Westmere stretch into the hundreds if not thousands and we (and you) have heard from many of them.

The AUP anticipates significant intensification in Westmere and Cox's Bay and housing development is underway. The proposal may be on the point but because of the close proximity of multiple other dwellings and the fact that helicopter pilots are obliged to take a pathway that is safe on approach, noise breaches can occur where no consent has been given and these are difficult to enforce. It is impossible to effectively mitigate the impact of noise. Helicopter noise, wind draughts and vibrations are not conducive to quiet enjoyment of one's home. Whatever the time of day, people need quiet at home to work, rest and sleep. Noise pollution significantly impacts on mental health and wellbeing.

Helicopters also impact negatively on places of recreation, like the beach reserves. This includes the Sea Scouts but goes far beyond them. In just a few years water quality improvements from the Point Erin sewer extension (also underway) will increase the amenity of Cox's Bay for multiple activities including swimming, walking, kayaking, kite-surfing and boating. All those close to the flightpath will be affected in a way that is more than minor, by noise, wind, vibrations. The impacts on those users must be taken into account. Helicopter movements might also be an issue for health and safety if the weather changes suddenly or the pilot makes a mistake.

Then there is the matter of wildlife. The report seems to significantly underestimate the numbers of birds, and the impact of helicopters upon them. The proposal to only fly at certain times may at a conceptual level mitigate risk but we believe this mitigation will be inadequate, that it will be impractical for the applicants and difficult to enforce and so damage will be done.

Other helipads currently in Herne Bay were consented in a more liberal regime before the AUP plan change and should not be used as a precedent for this application. We note the helipad currently available at Mechanics Bay is reasonably close and easily accessible by road to the Westmere site. We find it hard in such circumstances to justify onsite helicopter movements as proposed, and consequently the board recommends this application be declined.

The matters raised by the Local Board have been considered within the preceding assessment, where relevant.

17. Particular restrictions for non-complying activities – s104D

Under s104D a non-complying activity can only be granted provided it passes at least one of the tests of either s104D(1)(a) or s104D(1)(b).

If an application fails both tests of s104D then it cannot be granted.

Section 104D conclusion

As discussed above, the application for a non-complying activity is subject to the ‘threshold test’ under s104D, where the council may only grant consent to a non-complying activity if satisfied that the adverse effects on the environment are minor, OR that the activity will not be contrary to the objectives and policies of the relevant plan or proposed plan. If the proposal satisfies either of the limbs of the test then the application only then can be considered for approval, subject to consideration under ss104 and 104B.

In this case the proposal is unable to satisfy the first part of the threshold test of s104D because the adverse effects proposed to be avoided, remedied or mitigated are more than minor when taken as a whole. These adverse effects relate to actual or potential effects on ecological values, trees, landscape and natural character, residential character and amenity values, recreational activities in public places, and cumulative effects, where I have concluded that effects would be more than minor in respect of the following:

- Effects on ecological values, with particular reference to helicopter operations disturbing birds during nesting and breeding, disturbance of foraging birds and high tide roosts, and effects of downdraft on wildlife
- Effects on trees / arboricultural impacts, where the Pohutukawa trees and cliff planting would be potentially impacted by the helicopter operations.
- Effects on character and amenity, particularly those relating to landscape and natural character, as well as residential character and amenity of the locality, also acknowledging that the extent of adverse effects in this respect is likely to differ depending on people’s perceptions.
- Effects on recreational activities in public places, acknowledging the extent of adverse effects is wide-ranging.
- Cumulative effects of the helicopter operations taking account of consented helicopter helipads in the locality.

With regard to the second part of the threshold test of s104D, the preceding assessment has demonstrated that the proposal is not consistent with a number of objectives and policies of the AUP(OP).

I consider that that, whilst the adverse effects assessment is treated separately to the assessment of the proposal against objectives in the s104D context, it is clear that the findings of the earlier assessment of effects is inherently linked to the objectives and policies I have identified and assessed. In particular, I have considered the effects of the proposal in its current form on natural character, ecological values, residential character and amenity values, as well as cumulative effects are potentially more than minor or more than minor. I'm not in a position to conclude adverse effects on the environment are minor.

It is worth noting that the objectives and policies contained in the AUP(OP) are intrinsically linked to and give effect to the higher order planning instruments. The preceding assessment has demonstrated that there is a coherent set of objectives and policies relating to the key matters identified above. In this regard, taking into account the above and the assessment of the proposal against the objectives and policies of the relevant plans, I consider the proposal would be contrary to the objectives and policies of the relevant plan.

Therefore, the resource consent cannot be granted under s104D.

18. Other relevant RMA sections

Monitoring – s35

The main components of this consent which will require monitoring, should consent be granted, are ensuring that the proposed activity / helicopter operations are carried out in accordance with the approved plans and relevant conditions, which would include ongoing monitoring of the activity. It is therefore anticipated that a monitoring deposit fee of \$1,170 (inclusive of GST) will be appropriate in this case. A condition requiring payment of this fee is recommended.

Conditions of resource consents – ss108, 108AA

The recommended conditions of consent are contained in section 22 below, should consent be granted.

In addition to the conditions offered by the applicant or inherent in the application proposal, and any identified in the s104 assessment above, the other conditions are recommended on the following basis:

- A Flight Management Plan to be submitted to and certified by the Council, to incorporate completion of an accurate log of all helicopter operations and movements to and from the site (to be maintained at all times).
- A restriction on the type of helicopters that can be used (Airbus H130).
- That noise generated by the helicopter operations does not exceed a level of 53 dBA L_{dn} and 89 dB L_{AFmax} .

- That noise from helicopters is measured and assessed in accordance with the requirements of NZS 6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas, except the assessment period should be limited to one day.
- A restriction on the flight path to an arc between nominal 315° and 045°, ensuring all arriving and departing helicopters follow the arrival and departure sector when flying at altitudes of less than 500 feet, unless required to deviate for safety or to meet Civil Aviation Authority requirements.
- A restriction on the number of flights per day and month (each flight comprising one approach 'movement' and one departing 'movement').
- A restriction on flight times to 2 hours either side of low tide and to the hours between 07:00 and Civil Twilight, including placing this restriction on the titles of the application sites(s).
- A requirement that all pilots using the site, plan routes and fly in accordance with the recommendations of the Helicopter Association International 'Fly Neighbourly' Guide.
- No aircraft shall be permitted to site and idle on the ground, except for the periods required for operational purposes immediately prior to take off and immediately after landing which must be in accordance with the noise performance requirements discussed above.
- The helipad is not to be used for engine testing unless required for demonstrable safety or emergency reasons.
- No helicopter flight training or major helicopter/aircraft maintenance is permitted on the site.
- A limited duration of the consent to prevent future alteration in relation to how valuable this area may become due to future coastal development or species population fluctuation (see below discussion).
- A s128 review condition to deal with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage.

Duration of resource consents – s123

S123 of the RMA sets out that, except as provided for in section 123A or 125, the period for which a land use consent is granted is unlimited, unless otherwise specified in the consent. As such, without any specified period, the consent if granted could be implemented in perpetuity, so long as the consent has been given effect to within 5 years of granting of the consent as per s125 RMA.

The submission by F & B notes:

*'If the consent were to be granted, it would be appropriate to include conditions limiting the duration of the consent and/or requiring future biodiversity surveys to inform appropriate management (e.g., altered operating times) of the effects of the activity, relative to biodiversity presence and the future shoreline and sea level states.'*¹³

¹³ Page 5 of the submission by Royal Forest and Bird Protection Society of New Zealand Inc [Submission Council ID 1192]

Ms White agrees a life consent prevents future alteration in relation to how valuable this area may become due to future coastal development or species population fluctuation, and recommends limiting the consent lifetime to five years, during which time the consent holder should provide Monitoring Plan detailing the frequency, duration and methodology of the monitoring the avifauna population and usage of the habitat within the flightpath.

Relying on the expert advice of Ms White, I consider it appropriate to limit the duration of the consent (should it be granted).

Lapsing of resource consents – s125

Under s125, if a resource consent is not given effect to within five years of the date of the commencement (or any other time as specified) it lapses automatically, unless the council has granted an extension. In this case, five years is considered an appropriate period for the consent holder to implement the consent (should it be granted) due to the nature and scale of the proposal.

Review condition – s128

Section 128 of the RMA provides for the council to review the conditions of a resource consent at any time specified for that purpose in the consent. A consent may specify a time for review of the conditions of a consent for the following purposes.

- to deal with any adverse effects on the environment which may arise from the exercise of consent and which are appropriate to deal with at a later stage; or
- to require holders of discharge permits or coastal permits which could otherwise contravene ss15 or 15B of the Act to adopt the best practicable option to remove or reduce any adverse effect on the environment; or
- for any other purpose

The council may review the conditions of the resource consent at any time it considers any adverse effects are above and beyond that being considered in the granting of consent (if granted). A review condition has not been recommended, should consent be granted.

The reasons for this are that, adverse effects of the proposal should be dealt with as part of the assessment of the application, and prior to the granting of any consent. Any unanticipated adverse effects would indicate that perhaps the consent is not appropriate to grant.

19. Consideration of Part 2 (Purpose and Principles)

Purpose

Section 5 identifies the purpose of the RMA as the sustainable management of natural and physical resources. This means managing the use of natural and physical resources in a way that enables people and communities to provide for their social, cultural and economic well-being while sustaining those resources for future generations, protecting the life supporting capacity of ecosystems, and avoiding, remedying or mitigating adverse effects on the environment.

Principles

Section 6 sets out a number of matters of national importance which need to be recognised and provided for. These include the protection of outstanding natural features and landscapes, the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna, and the protection of historic heritage.

Section 7 identifies a number of “other matters” to be given particular regard by the council in considering an application for resource consent. These include the efficient use of natural and physical resources, and the maintenance and enhancement of amenity values.

Section 8 requires the council to take into account the principles of the Treaty of Waitangi.

Assessment

Any consideration of an application under s104(1) of the RMA is subject to Part 2. The Court of Appeal in *R J Davidson Family Trust v Marlborough District Council* [2018] NZCA 316 has held that, in considering a resource consent application, the statutory language in section 104 plainly contemplates direct consideration of Part 2 matters, when it is appropriate to do so. Further, the Court considered that where a plan has been competently prepared under the RMA it may be that in many cases there will be no need for the Council to refer to Part 2. However, if there is doubt that a plan has been “competently prepared” under the RMA, then it will be appropriate and necessary to have regard to Part 2. That is the implication of the words “subject to Part 2” in s104(1) of the RMA.

In the context of this non-complying activity application for land use consent, where the objectives and policies of 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 I find that 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.

20. Conclusion

For the reasons discussed in this report, I consider the proposal to use a residential site in the Residential – Mixed Housing Suburban zone for helicopter take-off and landing, and to exceed noise standards, to not be acceptable, as the proposal would result in adverse effects on ecological values, trees, character and amenity, recreational activities, and cumulative impacts that are more than minor.

The preceding assessment has demonstrated that there is a coherent set of objectives and policies relating to the key matters identified above in respect of the assessment of effects of the proposal. As such, I have found the proposal to overall be contrary to the objectives and policies of relevant plans, as the assessment of effects identified above are intrinsically linked to and gives effect to the higher order planning instruments.

As a result, the proposal does not meet either of the tests as laid out in s104D of the RMA. There is therefore no ability to grant consent.

For completeness, I do not consider the proposal is aligned with the direction of relevant statutory documents, those being the National Policy Statement for Indigenous Biodiversity, New Zealand Coastal Policy Statement, Hauraki Gulf Marine Park Act, and the Regional Policy Statement.

Overall, I conclude that the proposal is should not be granted resource consent for the reasons set out within this report.

21. Recommendation

Recommendation on the late submissions

Under s37 and s37A of the RMA I recommend that the following late submissions are accepted:

- Gary Hughes (local resident, but only postal address supplied)
- Ruth Jackson (30 Sunnyhaven Avenue, Beach Haven)
- Andrew Bruce Colicutt (10 Wairangi Street, Herne Bay)
- Julie Cato (recently purchase 34 Rawene Avenue, Westmere)

The reason for this recommendation is:

- No party is prejudiced by the acceptance of these submissions.
- The late submissions have not raised any new issues beyond the issues raised in other submissions.

Recommendation on the application for resource consent

Subject to new or contrary evidence being presented at the hearing, I recommend that under sections 104, 104D, 104B, and Part 2, resource consent is **REFUSED** to the application to use a residential site for the take-off and landing of helicopters.

To assist the independent hearing commissioners if it is determined on the evidence to grant consent subject to conditions, draft recommended conditions have been included at **Attachment 9**.

The reasons for this recommendation are:

1. In accordance with an assessment under ss104(1)(a) and (ab) of the RMA, the actual and potential effects from the proposal are found to be more than minor and unacceptable, because:
 - a. Effects on ecological values, with particular reference to helicopter operations disturbing birds during nesting and breeding, disturbance of foraging birds and high tide roosts, and effects of downdraft on wildlife
 - b. Effects on trees / arboricultural impacts, where the Pohutukawa trees and cliff planting would be potentially impacted by the helicopter operations.
 - c. Effects on character and amenity, particularly those relating to landscape and natural character, as well as residential character and amenity of the locality, also

acknowledging that the extent of adverse effects in this respect is likely to differ depending on people's perceptions.

- d. Effects on recreational activities in public places, acknowledging the extent of adverse effects is wide-ranging.
 - e. Cumulative effects of the helicopter operations taking account of consented helicopter helipads in the locality.
2. In accordance with an assessment under s104(1)(b) of the RMA, the proposal is found to not be consistent with the relevant statutory documents, including the National Policy Statement for Indigenous Biodiversity, the New Zealand Coastal Policy Statement 2010, Hauraki Gulf Marine Park Act 2000, the Regional Policy Statement, and the Auckland Unitary Plan (Operative in Part).
 3. In accordance with an assessment under s104(1)(c) of the RMA, the following other matters have been considered:
 - a. The application under the current planning framework could set a precedent for future similar applications for the same activity.
 4. In regard to s104D of the RMA, the proposal is not able to satisfy the threshold test because the adverse effects on the environment will be more than minor, and the proposal will be contrary to the key objectives and policies of the AUP(OP).
 5. In regard to Part 2 of the RMA, where the objectives and policies of 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.
 6. Overall, the proposal should not be granted for the reasons set out above.

ATTACHMENTS

Attachment 1: Application documents & drawings

Attachment 2: Auckland Council specialist reviews

Attachment 3: Relevant Consenting History

Attachment 4: Approved helipads in locality

Attachment 5: Notification determination report

Attachment 6: Map of submitters' locations

Attachment 7: Copies of submissions received

Attachment 8: Changes made after the application notified

Attachment 9: Suggested draft conditions of consent (should independent hearing commissioners decide to grant resource consent)

ATTACHMENT TWO

AUCKLAND COUNCIL SPECIALIST REVIEWS

To: Adonica Giborees

From: Peter Runcie

Company: Auckland Council

SLR Consulting New Zealand

cc:

Date: 3 October 2024

Project No. 810.v10063.00143

**RE: 38 Rawene Avenue - LUC60389929
Acoustics Peer Review**

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1.0 Introduction

Auckland Council has received an application to establish a helipad on the site at 38 Rawene Avenue in Westmere. The application is supported by the following documents pertinent to the acoustic peer review:

- Hegley Acoustic Consultants (Hegley) Assessment of Noise Report No 21021, dated 24 September 2021 (the acoustic report).
- Hegley RFI Response letter dated 21 March 2022 (the First RFI response).
- Hegley RFI Response letter dated 10 June 2022 (the Second RFI response).

An acoustic review of the proposal has also been undertaken by Marshall Day Acoustics, *Lt 001 R03 20211247 PI* dated 28 May 2024 (the MDA review).

SLR Consulting (SLR) has been commissioned by Auckland Council to undertake a review of the acoustics report, RFI responses and MDA review to determine the validity of the methodology and results to confirm whether compliance can be achieved with the relevant Auckland Council noise limits.

2.0 Proposal

The application seeks approval to establish a helipad at 38 Rawene Avenue in Westmere for private use. The main type of helicopter expected to be used at this site is the Eurocopter EC130 (now Airbus Helicopters H130). The proposal seeks to allow for two flights - two approaches and two departures from the site per day – with all flights restricted to occur between 7:00 am and 10:00 pm.

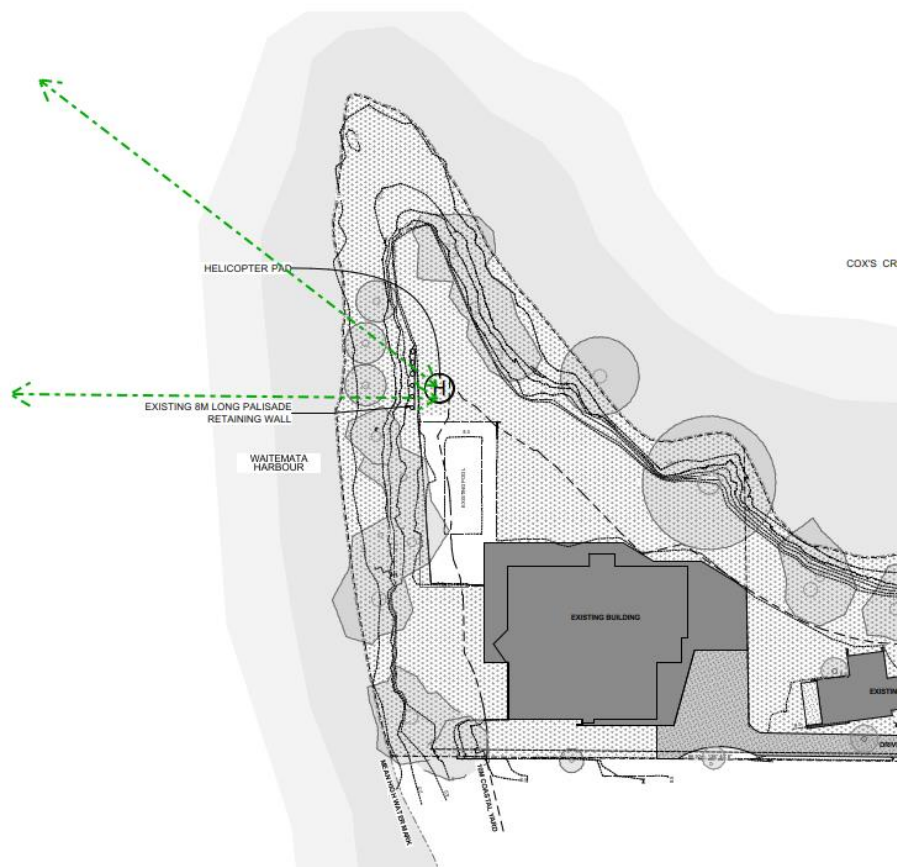
The assessed flight sector and helipad location are shown in Figure 1 of the acoustic report, top image in **Figure 1** below. A site plan provided by the applicant on 18 June 2024 (bottom image in **Figure 1**) clarifies the proposed helipad as located approximately 10-15 m further to the south than appears to have been assessed in the acoustic report. The flight sector also appears to be smaller in this latest plan. This could potentially be of minor acoustic benefit as it ensures a greater distance between properties to the southeast from helicopters arriving and leaving the site.

The boundary of the nearest property is noted to be approximately 50 m from the proposed helipad location (36 Rawene Avenue). This property is identified as having provided written affected party approval – therefore potential effects at these properties have not been considered further. 34 Rawene Avenue had previously provided affected party approval –

therefore potential effects are not considered further in the acoustic report. However, this property has subsequently withdrawn the written affected party approval.

The boundaries of the nearest properties which did not provide written party approval are approximately 65 m to the south (34 Rawene Avenue) and approximately 100 m to the east (29 Rawene Avenue) of the helipad location shown on the provided site plan.

Figure 1 Assessed and Proposed Helipad Locations



⊗ RC ISSUE - NOT FOR CONSTRUCTION

3.0 Performance Standards

The acoustic assessment references the requirements of Standard E25.6.32 of the Auckland Unitary Plan (AUP) – in this case limits of 50 dB L_{dn} or 85dB LAF_{max} measured within the boundary of any adjacent site containing a dwelling.

The acoustic assessment notes that there is no New Zealand Standard referenced within the AUP for the assessment of helicopter noise. The assessment therefore adopts New Zealand Standard NZS 6807 : 1994 *Noise Management and Land Use Planning for Helicopter Landing Areas* for the measurement and assessment of noise from the proposed helipad.

SLR Comment:

The limits referenced in the acoustic assessment are the AUP noise limits applicable to helicopter movements at the site.

SLR notes that the L_{dn} noise descriptor referenced for the assessment of aircraft noise in the AUP appears to be derived from NZS 6807: 1994 and we therefore agree that standard NZS 6807: 1994 is the appropriate standard for measurement and assessment of noise from the helipad.

However, it is noted that NZS 6807: 1994 is based on studies of community response from typically large numbers of flights (e.g., at airports); the standard states that it is intended to apply to helicopter landing areas used for ten (10) or more flight movements in any month which may not be achieved at the proposed helipad. However, there is little in the way of alternative guidance or literature relating to the assessment of aircraft noise where relatively few flights occur per day such as at private helipads. Notwithstanding, the L_{dn} limits are those that are commonly applied to the assessment of helicopter movements in a range of scenarios across New Zealand, including private helipads such as proposed.

4.0 Compliance with Standards

The acoustic report (Table 1) identifies that helicopter noise can be managed to be compliant with the limits at 32 and 29 Rawene Avenue and other surrounding properties further away based on helicopter types that are no louder than the EC130 helicopter and no more than two flights (two approaches and two departures) per day. The predicted levels are 1-2 dB above the AUP limits at 34 Rawene Avenue.

The acoustic assessment and RFI responses seek to provide context to the helicopter noise levels predicted by comparing them with the existing noise levels in the area which are driven largely by vehicle noise on surrounding roads. The results of measurements of the existing ambient noise environment identify similar long term average (24 hour) noise levels as those predicted to be associated with the proposed helipad with LAF_{max} event noise levels some 5-8 dB lower than those associated with the proposed helipad.

In addition to proposed conditions setting out limits and controls related to noise, a flight management plan is included in Appendix A of the acoustic assessment to assist in the management of noise from the operation of the helipad.

SLR Comment:

The source noise levels used in the acoustic assessment are based on measurements undertaken by Hegley of proposed type of aircraft within NZ. They are considered reasonable based on SLR's experience and other available published helicopter noise levels.

The proposed helipad location appears to be some 10-15m closer to receivers than assessed in the acoustic report. This difference in distance is likely to result in predicted levels being 1-2 dB higher than those in the acoustic report. This would result in infringements in the order of 1 or 2 dB at 29 and 32 Rawene Avenue and 2-4 dB at 34 Rawene Avenue. A difference of 1-2 dB is typically considered indiscernible to listeners. Therefore whilst technically non-compliant there likely would be no subjective noise effects from a 1-2 dB infringement, when compared to just compliant levels. A difference of 3-4 dB, however, represents a just noticeable difference. Therefore noise levels at 34 Rawene Avenue could be just noticeably louder than when compared to compliant levels.

Given the short duration high noise levels associated with the individual arrival and departure of helicopters, helicopter movements would be clearly audible events controlling the short term noise environment at surrounding properties. The noise levels are likely to be high enough to impact on outdoor communication for the short (e.g., 1 minute) arrival and departure periods. This would be the case at properties where compliance is predicted as well as where the minor infringements are predicted. Therefore, even considering the above paragraph related to the accuracy of the helipad location in the acoustic report, the noise effects at surrounding properties are considered comparable (whether compliant or with minor infringements) based on the helicopter type and the distance to neighbours, subject to the identified permissible number of movements and flight paths being adhered to.

For context, whilst inaudibility is not the intention of the AUP noise rule, it is noted that the short term noise levels generated by arrivals and departures of helicopters would be expected to be clearly audible at receivers potentially as far as 500m from the helipad.

The accuracy of the measured existing ambient noise levels presented in the two RFIs and how they may relate to the proposed helipad noise levels when averaged over a 24 hour period is not questioned. However, we do not consider the comparison of long term noise levels from relatively continuous noise sources (i.e., regular flows of traffic with limited and smooth fluctuations) to a small number (4) of isolated high level noise events averaged over a 24 hour period to be instructive in furthering understanding of effects.

*SLR supports the proposed flight management plan as part of an appropriate suite of measures to control noise effects from the proposed helipad, in combination with a robust set of conditions. Based on our review we have provided a proposed set of conditions in **Section 6.0** below.*

5.0 Potential Acoustic Impacts on Wildlife

Auckland Council raised a query related to potential impacts on wildlife from helicopter noise due to the helipad location being adjacent to the Coastal Marine environment.

Whilst noise can have potential impacts on wildlife, with different species having different sensitivities to noise, SLR are not aware of specific government policies or other widely accepted guidelines with specific noise levels or thresholds related to the avoidance of adverse effects on wildlife. One reason for this lack of guidelines is that in general noise effects on most wildlife species are poorly understood.

The lack of current understanding of noise impacts on wildlife is a feature of a number of elements as set out below:

- Reaction to noise cannot be applied globally across species and conclusions from studies of single species cannot be generalised for other species.
- During studies of noise effects on animals it can be difficult to isolate noise impacts from other sensory effects (e.g. visual or olfactory cues).

- Hearing characteristics are species specific. For example, noise impacts on humans are determined using a frequency weighting filter (A-weighting) which corresponds to human hearing characteristics, determined through laboratory testing. The frequency-dependent hearing characteristics of different animals cannot be determined in this way.

Based on previous reviews of the limited available literature, long-term adverse impacts on fauna are unlikely to arise from short duration, high level noise events, such as those associated with helicopter approaches or departures. Such events may, however, result in a short-term startle response.

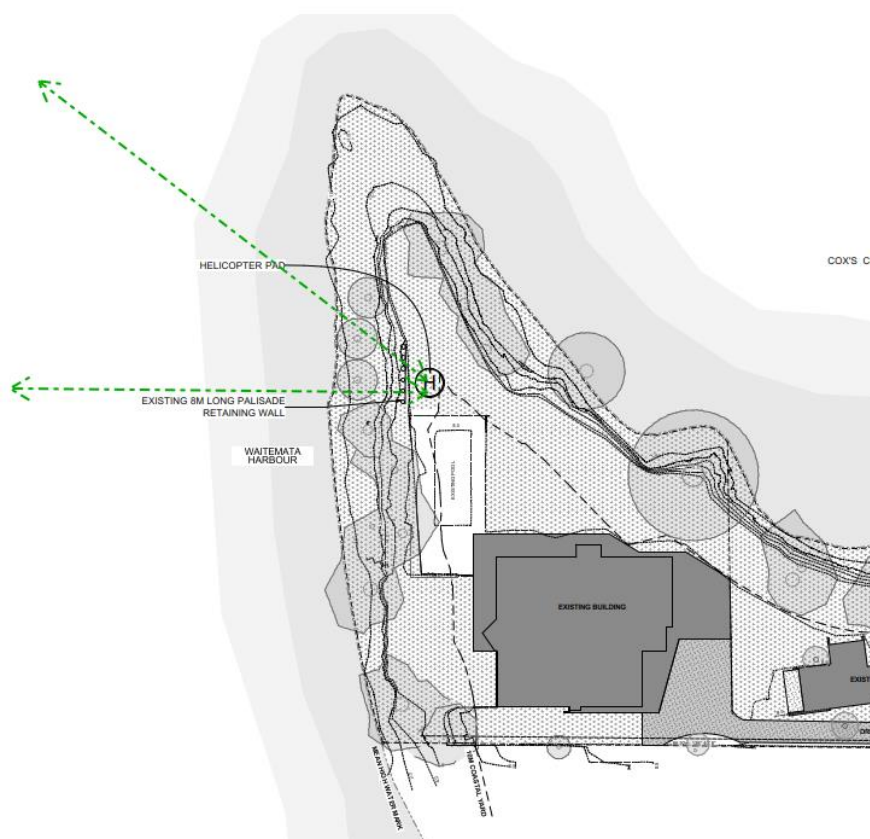
For further understanding of potential behavioural impacts advice from specialist ecologists should be sought.

6.0 Proposed Conditions

Section 6 of the acoustic report contains proposed conditions of consent. Based on the above comments, SLR recommends the following conditions, based on those proposed by the applicant:

- 1 Noise generated by helicopters, as measured within any residential boundary where no written consent has been given shall not exceed a level of 53 dBA L_{dn} and 89 dB LAF_{max}.
- 2 Noise from helicopters shall be measured and assessed in accordance with the requirements of NZS 6807:1994 *Noise Management and Land Use Planning for Helicopter Landing Areas*, except the assessment period should be limited to one day.
- 3 The number of helicopter movements shall be limited to two flights (formed of two approaches and two departures) per day.
- 4 The helipad will not be used for any helicopter creating noise effects greater than an Airbus H130.
- 5 The consent holder is to ensure that all arriving and departing helicopters follow the below arrival and departure sector when flying at altitudes of less than 500 feet, unless required to deviate for safety or to meet Civil Aviation Authority requirements.

Manoeuvring outside the consented sector when flying at altitudes of less than 500 feet shall occur for no more than one in ten flights to or from the site. If manoeuvring outside the consented sector occurs for more than one in ten flights, Council must be advised of the situation within 10 working days. An updated assessment shall be provided to Council to demonstrate how compliance with the noise limit in Condition [1] is being met under these conditions or else a cessation of flights outside the consented sector must occur until such a time as compliance with the conditions of this consent can be achieved.



Advice note: If the number of helicopter movements permitted under Condition [3] changes as a result of flying outside of the sector this is likely to require an amended consent.

- 6 No aircraft shall be 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 which must be in accordance with the noise performance requirements of Condition [1].
- 7 The helipad is not to be used for engine testing unless required for demonstrable safety or emergency reasons.
- 8 No helicopter flight training or major helicopter/aircraft maintenance is permitted on the site.
- 9 A Flight Management Plan, as set out in Appendix A of the Hegley Acoustic Assessment 21021 dated 24 September 2021 must be implemented for the helipad. Within the Flight Management Plan the consent holder must ensure that a complete and accurate log of all helicopter movements to and from the site is maintained at all times. The consent holder is to keep the following information.
 - a) The date and time of each flight.
 - b) Whether the consented flight sector was deviated from below 500 feet.
 - c) Records of the helicopter owner, operator or helicopter transit company undertaking the helicopter flight.
 - d) The helicopter model type or Civil Aviation Authority registration number visiting the site. The log must be made available to Council officers within ten working days upon request.

7.0 MDA Review

The MDA review identifies the following broad items related to noise and vibration to which we provide comment:

- 1 MDA review – The location of the helipad in the Hegley Assessment of Noise report is different than contained elsewhere in the application. As the helicopter landing pad may have been assumed to be in the wrong location, this creates uncertainty in the noise level predictions (a possible under prediction of 1 to 2 decibels).

We have raised and discussed this item in Section 4 above, our view is aligned with that of the MDA review.

- 2 MDA review – It is possible that L_{dn} noise levels could be slightly above 50 dB L_{dn}(1 day) at 29, 32 and 34 Rawene Avenue (assuming 4 movements per day) even under idealised landing conditions.

There is always a level of uncertainty in noise prediction; however, the acoustic report notes that it does not account for screening by intervening buildings and that it is based on measurements of the proposed helicopter with a direct line of sight. The level of uncertainty (other than as noted above in relation to the helipad location) is therefore considered no different to the typical level of uncertainty expected in noise level predictions. The MDA review includes predicted levels (Table 1 of the MDA review) based on their own interpretation, which appear to be reasonably worst-case, and which account for the closer helipad location. These predictions align with the acoustic report predictions when accounting for the 1-2 dB increase with the closer helipad location.

- 3 MDA review – It is possible that L_{AFmax} noise levels could be above 85 dB L_{AFmax} at 32 Rawene Avenue. Depending on how the aircraft is flown, we consider that there is risk that L_{AFmax} noise levels could potentially be above 85 dB L_{AFmax} at up to 150 metres from the landing pad at the dwellings side-on from the movement direction.

The acoustic report identified compliance with the L_{AFmax} criteria at 32 Rawene Avenue, however, with the closer helipad location it is reasonable to assume that noise levels may be 1-2 dB higher (infringement of this limit could also occur at 34 Rawene Avenue). The effect of this has been discussed in Section 4 above. Whether or not the higher noise levels up to 150 m noted in the MDA review could occur depends on whether the helicopter would be likely to be flown in the same manner as generated those specific measurements (which the MDA review notes are not common). Without further information from MDA (and comparative information from the applicant to confirm the likelihood of this occurring at the subject site) it is not possible to confirm further. However, the description in the acoustic report notes short times for landing and take-off, which indicates that the site is not expected to be complex to navigate as noted in the MDA review as part of the cause for concern.

- 4 MDA review – Noise levels would be above 60 dB L_{dn} at the boundary with the coastal marine area. Planning analysis is required to determine whether the CMA is “any other site” and what the consequences are for compliance with the AUP25.6.32 rule.

We defer to the planning experts on this topic. However, we note that assessment of airborne noise effects in the Coastal Marine Area (being an area not permanently occupied, as a dwelling is, and typically only passed through in a transient nature) is not common in our experience.

- 5 MDA review – In our view, applicant should carry out helicopter noise level testing on the site to demonstrate that noise levels can comply. Unless such testing is performed (and the results demonstrate compliance), the application should be considered as potentially non-compliant with the AUP E25.6.32 helicopter noise rule.

This is not commonly achievable at the application stage of an assessment as the applicant may not have consent to land a helicopter on the site, as understood to be the case here. However, a means to provide greater certainty of outcome, if this is of concern to the decision maker, could be to include compliance monitoring as a condition of consent. Such a condition could require compliance monitoring to occur during the first month of use to confirm compliance with the relevant condition noise limits with the results provided to Council.

- 6 MDA review – The Hegley Acoustic Assessment (2021) does not contain an assessment of noise effects on the environment – it is an assessment of compliance. The only reference to noise effects (that we have reviewed) is in the Hegley s92 response (March 2022). In that letter, Hegley Acoustic Consultants state that noise effects are less than minor at the Herne Bay cliffs area – but this is not an assessment of noise effects on the residential area surrounding the subject site. We have not seen a statement in the Hegley Acoustic Consultants September 2021 or March 2022 documents that concludes that the effects on the environment are no more than minor. This matter is likely to be relevant in terms of notification.

The acoustic report identified compliance at residential sites where affected party approval had not been obtained (notwithstanding above comments related to the changed helipad location and subsequently withdrawn affected party approval). It is not uncommon for acoustic assessments, when compliance is predicted, to forgo a further assessment of noise effects. The inference being that meeting the specific noise limits set out in the AUP for the activity under assessment at the closest receivers meets the level of noise effects deemed acceptable and reasonable in the AUP. Properties further afield (the wider residential area) would experience lower noise levels due to being further from the helipad and effects at these properties would be similar or lower than those deemed acceptable in the AUP.

8.0 Conclusion

SLR has reviewed the acoustic assessment undertaken by Hegley provided in support of the application to establish a private use helipad at 38 Rawene Avenue in Westmere.

Based on the assessment and application documentation, by controlling the number and type of helicopters that can use the helipad and the hours that this can occur, noise effects at receivers who have not provided affected party approval are expected to be largely indiscernible from effects at the next closest receivers where the relevant AUP helicopter noise criteria is met. Notwithstanding, helicopter arrival and departure at the subject site (whether at compliant or at the levels slightly higher as predicted) would control the short term noise environment at surrounding receivers.

SLR has identified proposed conditions of consent (see **Section 6.0**) to reflect the findings of this review.

We have also reviewed the MDA review and provided comments to the key points the reviewed raised.

Regards,

SLR Consulting New Zealand



Peter Runcie, BSc (Hons), MASNZ, MIOA
Technical Director, Acoustics and Vibration



Steve Henry, BEng, MAAS
Principal, Acoustics and Vibration

To: Adonica Giborees

From: Peter Runcie

Company: Auckland Council

SLR Consulting New Zealand

cc:

Date: 3 March 2025

Project No. 810.v10063.00143

RE: 38 Rawene Avenue - LUC60389929
Acoustics Peer Review – Supplementary Memo

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1.0 Introduction

SLR Consulting (SLR) was commissioned by Auckland Council to undertake a peer review of the acoustic assessment prepared in support of the application to establish a helipad on the site at 38 Rawene Avenue in Westmere. This document is a supplementary memo providing the qualifications of the reviewer and comments on the submissions received following public notification.

2.0 Qualifications

This review was undertaken by Peter Runcie. Peter is a Technical Director (Acoustics & Vibration) at SLR Consulting NZ Limited (SLR), specialising in environmental and architectural acoustics.

Peter holds the qualification of a Bachelor of Science Degree with Honours in Audio Technology from the University of Salford in the United Kingdom (2007). He is a full member of both the Institute of Acoustics (UK) and the Acoustical Society of New Zealand, a member of the New Zealand Planning Institute and SLR's New Zealand representative for the Association of Australasian Acoustical Consultants.

Peter has over 17 years' experience in the field of acoustic consultancy. His work has involved a wide range of acoustic assessments, including working on numerous assessments of environmental noise effects from projects across New Zealand, Australia, Middle East and the UK.

He has undertaken acoustic peer reviews of many helipad applications on behalf of Auckland Council and has presented evidence at numerous council level hearings, and in the New Zealand Environment Court.

3.0 Technical Response to Matters Raised in Submissions

Of the approximately 1,400 submissions received, a large number raised concerns related to noise. The SLR peer review document (v1.1 dated 3 October 2024) provides comment on both of these topics. The themes the submissions raised regarding noise are:

1. concerns about noise impact on amenity in the surrounding area; and

The peer review notes that the short term noise levels generated by arrivals and departures of helicopters would be expected to be clearly audible at receivers potentially as far as 500m from the helipad. However, other than where exceedance of the AUP permitted noise limits is predicted (at immediate neighbouring properties) the wider residential area would experience lower noise levels than the those permitted in the AUP due to being further from the helipad. Effects at these properties would be similar or lower than those deemed acceptable for the proposed activity in the AUP.

2. concerns about noise impacts on wildlife.

The peer review summarised that based on the limited available literature, long-term adverse impacts on fauna are unlikely to arise from short duration, high level noise events, such as those associated with helicopter approaches or departures. Such events may, however, result in a short-term startle response. For further understanding of potential behavioural impacts advice from specialist ecologists should be sought.

The comments provided in the peer review are not changed as a result of the submissions received.

Regards,

SLR Consulting New Zealand



Peter Runcie, BSc (Hons), MASNZ, MIOA
Technical Director, Acoustics and Vibration



Steve Henry, BEng, MAAS
Principal, Acoustics and Vibration

Technical Memo – Ecology

To:	Adonica Giborees, Principal Project Lead, Premium Resource Consenting
From:	Maddieson White, Ecologist, Environmental Services
Date:	15/08/24

Applicants Name:	Anna Mowbray & Ali Williams
Application Number:	LUC60389929
Application Type:	Helicopter over a bird roost.
Site Address:	38 Rawene Avenue, Cox's Bay.

Summary of proposal

The applicant is seeking resource consent to undertake two helicopter flights (up to 4 movements) per day on a grass area on the northern corner at a residential property. The helicopter movements are proposed to be restricted to a 2-hour window either side of low tide. No works are required for the installation of proposed helipad. A wader bird high-tide roost is located approximately 35 m away with a 6 m drop from the proposed helipad.

A full description of the proposal, as it relates to ecological effects, is provided in the following application documents which have been considered in the preparation of this memo:

- *'Assessment of Environmental Effects'*, prepared by Mt Hobson Group, dated 2/11/21.
- *'Assessment of Noise,'* prepared by Hegley Acoustic Consultants, dated 24/09/21.
- *'38 Rawene Additional Acoustic Information,'* prepared by Hegley Acoustic Consultants, dated 10/06/23.
- *'Assessment of Ecological Effects'*, prepared by Bioresearches, dated 01/11/23.
- *'38 Rawene Avenue Helipad Proposal Updated Report'*, prepared by Mt Hobson Group, dated 5/03/24.
- *'Helicopter Activity- Updated Information'*, prepared by Mt Hobson Group, dated 23/04/24.
- *'Feedback on updated application & s92 response: proposed helipad at 38 Rawene Avenue, Westmere (LUC60389929)'* emailed by Phil Mitchell, dated 11/06/24.

Third Party Technical Report

- *'Expert Peer Review: Assessment of the Effects of a Proposed Helipad at 38 Rawene Avenue, Westmere, on the Coastal Avifauna.'*, prepared by Alliance Ecology, dated 05/24.

In brief:

- The proposed consent for two helicopter flights per day (4 movements per day).
- Proposed helipad is 6 m above and 35 m away from a wader bird high tide roost.
- Meola reef and Cox Bay (shorebird low tide foraging grounds) are located within proximity of the proposed flight path.

Site Description

The site is appropriately described in section 2 of the AEE.

The site is 4530 m² and is in the Residential- Mixed Housing Suburban and Coastal – General Coastal Marine Zones. The northernmost edge of the property is a sandstone platform, which is a high tide roost for several species of wader birds.

A site visit was conducted on the 31/05/24.

Reasons for consent

Under Rule E25.4.1(A2) the proposal requires consent as a **Restricted Discretionary** activity. Standard E25.6.32 states that the noise for helicopter take-off or landing must not exceed L_{dn} 50dB or 85dB L_{AFmax} measured within the boundary or the notional boundary of any adjacent site containing activities sensitive to noise and L_{dn} 60dB within the boundary of any other site.

Under Chapter H5, private helicopter usage is not anticipated activities in the Residential- Mixed Housing Suburban Zone. Activities not provided for are Non-complying under H5.4.1(A1)

The applications overall status is a **Non-complying Activity**.

Assessment of Effects on the Environment

The applicant is applying for consent to allow for up to two helicopter take-offs and landings per day, within the northern end of the site, see figure 1 below. The applicant is not proposing any works to install the helipad, as space is already available at the rear of the property. The proposed helipad is located 6 m above and approximately 35 m away from a wader high tide roost.

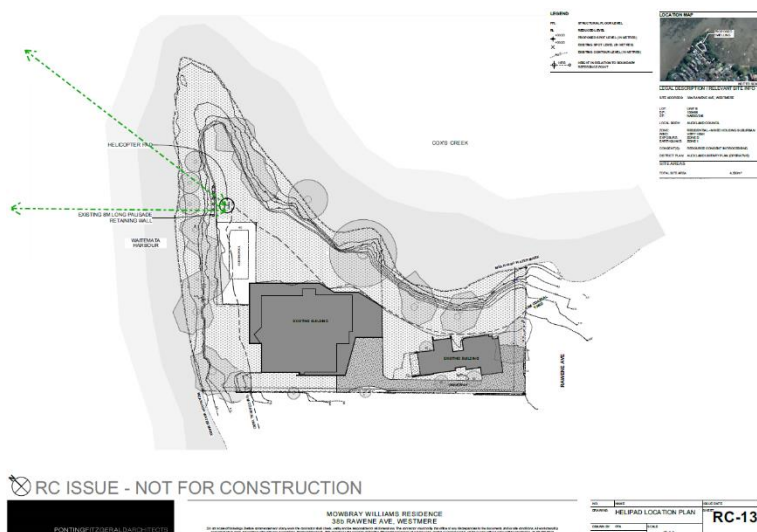


Figure 1: Proposed location of the helipad and flight path.

High tide roosts are crucial as they provide a safe resting and sleeping area clear of the high tides and predators while the birds are not foraging. These roosts provide a vital refuge where birds can conserve energy and remain undisturbed. Additionally, during low tide, the surrounding coastal area is known foraging habitat for native shorebirds and waders. The interplay between high tide roosts and low tide foraging areas creates a dynamic ecosystem that supports the health and survival of these threatened bird populations. Conservation of both roosting and foraging habitats is therefore essential for maintaining the ecological balance and biodiversity of coastal regions.

A wader high tide roost is located at the Northern end of the property. Although this high tide roost has not been identified as Significant Ecological Area (SEA) under the AUP, it still provides a highly valuable area for wader species that need a safe area to rest and sleep during high tides and nighttime. The Ecological Report identified Caspian tern (*Hydroprogne carpia* – threat status of Nationally Vulnerable), variable oystercatcher (*Haematopus unicolor* – At Risk Recovering) and South Island pied oystercatcher (*Haematopodidae finschi* – At Risk Declining) regularly using the roost at high tide.

An Ecological Report was provided by Bioresarches, who provided a 10-month survey of the surrounding environment. The report identified two important areas for wader foraging. The first, Meola Reef, is identified as a marine SEA (SEA-M1-52a), and secondly, Outer Cox Bay. Species identified were Bar-tailed Godwit (*Limosa lapponica*), NZ Dotterel (*Charadrius obscurus Gmelin*), Black Swan (*Cygnus atratus*), and Red-billed gulls (*Chroicocephalus novaehollandiae*). A full species list was provided in the Ecological Report. However, surveys were not conducted during May and June, which is often when winter migrants are in Auckland. Not conducting surveys during these months may mean that species and their numbers that rely on this area are missed from the surveys. Such as wrybill (*Anarhynchus frontalis*), which Council records are within proximity to the proposed helipad. The foraging grounds are important for waders and shorebirds as they provide food and energy which is critical for reproduction, migration, and survival.

As there are threatened fauna within a close proximity to the proposed helipad, the applicant has provided an assessment for the New Zealand Coastal Policy Statement (NZCPS) objectives and policies. The main policy relating to this application being Policy 11, which requires avoidance of adverse effects of activities on threatened or at-risk indigenous taxa.

The applicant is proposing to use an airbus H130 helicopter. The AEE stated that [for the airbus H130] 'the total time elapsed on take-off is approximately 50 seconds; 30 seconds for the engine to start up and 20 seconds to take off and reach a height of 500 ft. The total time elapsed on landing is 90 seconds, 60 seconds being the approach to landing (from a height of 500 ft) and 30 second to shut down the engine'. The airbus H130 has a rate of climb varying between 1,600 feet per minute to 2,000 feet per minute. The total time of trace is 10 minutes 31 seconds and the total noise level for the activity on this trace is 80.8 dB L_{Aeq}. Through a section 92 request the applicant has clarified that the helicopter will be approximately 340 m from the landing location as it passes through 500 ft, this applies to both take-off and landing.

The predicted noise level (L_{AFMax}) will reach 89 dBA to the closest neighbour (36 Rawene Avenue), noting that this house is further away than the roost. It should be noted that dBA is a measure of the perceived loudness of a sound specifically weighted for human hearing, dB SPL is the raw measure of sound (Sound Pressure Level), this would almost certainly have a higher value and may be the more appropriate unit for the noise study, given the importance of the nearby wildlife. Birds certainly hear frequencies that humans do not, dBA may mask the full impact of the noise of the helicopter on the nearby fauna. Research has shown that loud noises have the potential to produce a suite of short- and long term sensory, behavioural, and physiological changes in birds (Dooling and Buehler 2019). As well as impacting communication, such as alerting other birds to nearby threats.

While the noise events from the helicopter may be short and only up to four times in a day, the impacts are continuous rather than a one-off helicopter use. This continuous disturbance could lead to a whole area becoming inhospitable to some species. Bird species near airfields have been

shown to habituate to loud noises, depending on the frequency of flight and type of aircraft (Van der Kolk et al 2020). However, causing birds to vacate an area during noise events would affect energy expenditure and foraging efficiency, which in turn, can lower survival and reproduction rates.

The potential and actual effects from the proposed helicopter are:

- Disturbance of the high tide roost,
- Disturbance of bird species during foraging,
- Disturbance of birds during nesting and breeding,
- Downdraft on birds.

To avoid disturbance to birds on the high tide roost, the applicant is proposing to restrict the flight times to a two-hour window either side of low tide (two four-hour windows per day). The Ecological Report provided surveys that showed, during the day, the roost was not occupied 2 hours either side of low tide. The Ecological Report also stated that flights could include "immediately adjacent times when avifauna are absent". I disagree that flights should be allowed outside of the 2 hours either side of low tide as this is difficult to monitor and increases the risk of accidental flights while birds are on the roost. This could then lead to birds abandoning the roost altogether. I agree that flights must be limited to avoid any time that the roost may be occupied. Therefore, I recommend that a condition be included to limit the flight time to 2 hours either side of low tide. This condition should also be included on the title as a covenant or similar to prevent any future confusion by future landowners. I recommend that the applicant volunteers this as a condition. A condition should also be included for the applicant to provide Auckland Council with a record of the flight logs annually to monitor compliance of helicopter usage.

The AEE does not mention nighttime restrictions to the proposed helicopter take offs or landing. However, the *Assessment of Noise* report states '*It is assumed all flights are between 7:00am – 10:00pm each day*'. Roosts are not only used at high tide but are also inhabited at night for sleeping. Additionally, no surveys were carried after sunset or before sunrise, therefore it is unknown if birds were occupying the roost between sunset and 22:00 or between 0700 and sunrise. Lighting from the helicopter and landing area, along with associated noise, can induce stress for birds attempting to roost and sleep in the surrounding habitat. Birds can be impacted by light and noise, affecting not only the amount of sleep, but also the structure, timing, and regulation of their sleep (Newport and Shorthouse 2014). Allowing helicopter operations to continue when the sun is down could disrupt critical parts of their lifecycle, such as breeding. The lighting from the helicopter may also startle roosting birds, increasing the likelihood of flight strike. Therefore, I recommend a condition be included that requires flight operations to be restricted to the hours between 07:00 and Civil sunset, to mitigate these impacts on bird behaviour and habitat.

The Ecological Report provided surveys of the species that utilized the foraging grounds at Meola Reef and Outer Cox's Bay. The report summarized that the diversity of birds recorded at low tide in the Meola Reef and Outer Cox's Bay areas are similar. However, NZ dotterel was only recorded at Meola Reef. The average numbers of birds were significantly higher in Outer Cox's Bay than at Meola Reef but Outer Cox's Bay was dominated by red-billed gull and black swan. The applicant is proposing to restrict the flight path to an arc between nominal 315° and 045°, to avoid passing over Meola Reef. The Ecological report states '*Birds using the Meola Reef habitats would be about 300-400 metres from a north-northeast flight path*'. I agree that due to the significance, being SEA-M, and species presence at Meola Reef, the proposed flightpath should avoid Meola Reef.

The Ecological Report did not identify any suitable nesting habitat for dotterels on the roost or within the foraging grounds. Variable oystercatcher and Caspian terns were not mentioned as to whether they nest on the roost. During the site visit, suitable habitat was not observed on the high tide roost for both dotterels and Caspian terns, as during storm events the roost may become inundated. However, this is not to say that nesting on the roost is not possible. Caspian terns are known to breed near Meola Reef. Therefore, helicopter flight paths within this area should be avoided during

breeding seasons, as disturbance of nesting birds can lower reproductive success and over time may make suitable nesting sites inhospitable.

The Applicant is seeking the inclusion of a deviation clause in the flightpath to cater for emergency scenarios. It is unknown how this condition would impact birds as the emergency flight path has not been provided and are likely to be selected case by case. It is also unclear what is defined as an emergency scenario. As discussed in the Ecological Report the flight path over Meola Reef should be avoided. However, allowing this condition would potentially allow flights to occur over valuable foraging habitat during emergency scenarios. I do not think this condition is appropriate to include, as the effects are unknown. Therefore, I do not support this element of the proposal and I recommend that a deviation clause is not included in the conditions.

The applicant did not provide any information on the potential impact on downdraft on roosting and foraging birds. However, a s92 response for the potential effects on recreational users from rotor downwash stated, *'from a safety or compliance perspective, would be the effects of rotor downwash while directly underneath or close to (within approx. 200 ft) the helicopter'*. If the same principal is applied to fauna, then downwash from 200 ft (60.96 m) will impact birds that inhabit the roost at high tide, as this is 6 m below and 34 m from the helipad. This further emphasises the importance of limiting the flight times to avoid helicopter operations during high tide and civil twilight hours. The applicant has clarified that the helicopter will be approximately 340 m from the landing location as it passes through 500 ft. Based on the provided information, it is fair to assume that the helicopter will be 136 m away from the helipad when it is flying at 200 ft.

The applicant is anticipating the proposed helipad to be used by an Airbus H130, which is a single engine light utility machine. The *'Assessment of Noise'* report has proposed a condition restricting the helicopter to not allow helicopter that create noise effects greater than an Airbus H130, unless it has been checked that the noise level will comply with the requirements of Rule E25.6.32 and NZS6807. The effects on fauna from helicopters that generate louder noises has not been provided for in this application. Therefore, I agree with the applicant that a condition restricting the model of helicopter allowed to use the proposed helipad should be imposed.

Conclusion

Based on the assessment and application documentation, by controlling the number, restricting the hours of take-off and landings, and type of helicopters that can use the helipad, noise effects on the surrounding fauna are expected to be managed.

However, there are aspects of this proposal where the effects on avifauna remain unknown. Such as, the proposed deviation clause and allowing flights to occur in immediately adjacent times when avifauna are absent. These aspects of the proposal will allow the applicant to use their discretion on when to fly, which could unintentionally impact the birds utilizing that area.

Should consent be granted, all recommended conditions should be imposed to manage these effects.

Review of the Expert Peer review from Alliance Ecology.

The Alliance Ecology (AE) report identified the following limitations of the surveys undertaken by Bioresearches. I have provided comments to each point.

AE - The Ecological Assessment also understates the value of the Meola Reef for nesting and roosting.

I agree that areas within Meola Reef provide suitable nesting habitat for Caspian Terns. However, if the flightpath restrictions are imposed the suitable nesting areas will be avoided.

The AE report identifies the limitations and constraints, including surveys excluding May and June, vegetation blocking the line of sight on the western shoreline, survey techniques being less likely

to detect small cryptic non-flocking birds, low tide surveys amounting to 2.5% of diurnal low tide sampling, and surveys being undertaken after cyclone Gabrielle.

I agree that May and June are important months for wader surveys, as this will capture South Island pied oystercatchers, wrybill and banded dotterel that migrate north during the non-breeding season. Surveys were undertaken in July, which would capture species that are not present over breeding season. However, one low-tide survey during the appropriate season limits the data. This limitation could have been identified with a desktop survey of bird records within the area. However, it is unlikely to change the conclusions drawn in respect of survey results.

Cyclone Gabrielle is likely to affect the data as storms will affect food with the harbour and roost suitability. This is a natural event; however historic surveys could be used to reflect what impact the cyclone had on surveys and on underreporting of bird's post cyclone.

The AE report states, 'I agree with the Ecological Assessment (s2.2.6) that while the Rawene Ave roost is not currently classified against the relevant Ramsar criteria (i.e. neither it nor the adjacent habitats are listed as a Ramsar site), it meets a single criterion (Criterion 6) of international significance, because it regularly supports 1% of the individuals in a population'. The report also notes that Cox's bay meets SEA factors 2, 3, 4, 5 and 6.

While I agree that Cox's Bay meets SEA factors and the roost meets a Ramsar criteria, they are not currently identified as SEA and it is outside of my scope to review them as such for this application.

The AE report states, 'Of the avifauna species present in the AOI, I expect Caspian tern to be the most sensitive to helicopter noise disturbance'.

Studies on the impacts of helicopter on Caspian terns are limited. During nesting helicopter movements at low tide would affect nesting birds and given the Meola Reef is a potential nesting site for Caspian terns there would be effects. The applicant has agreed that Meola Reef will be avoided, leaving suitable nesting and forging habitat outside of the flight path.

The AE report states "I agree with the Ecological Assessment (s5.4.2) that the proposed confinement of helicopter activities to within two hours either side of low tide will avoid adverse effects on coastal birds roosting at Rawene Ave. I am less certain of the proposal to extend this to also include "immediately adjacent times when avifauna are absent" as there is no detail on how this would work in practice or be enforced".

I agree with AE's statement on the timing "immediately adjacent times when avifauna are absent". As mentioned above in the memo, this wording is ambiguous and increases the risks for flights occurring when birds are occupying the roost. Isolated cryptic waders can be difficult to detect on mud flats close to the roost, this may lead to an area appearing to be absent of avifauna in immediately adjacent times to the two-hour low tide flight window when it is not.

Other Statutory Considerations

Wildlife Act 1953: All native birds and lizards are absolutely protected under the Wildlife Act 1953 under which it is an offence to disturb, harm, or remove them without a permit from the Minister of Conservation. This includes the deliberate disturbance of potential habitat even if presence of native species has not been specifically surveyed.

National Policy Statement for Indigenous Biodiversity (NPS:IB): As this application relates to identification, protection and restoration of areas of significant indigenous biodiversity, the NPS:IB is considered relevant to this application. The objective of the NPS:IB seeks to maintain indigenous biodiversity across Aotearoa New Zealand so that there is at least no overall loss in indigenous biodiversity. Policies seek to identify, protect (avoiding or managing adverse effects from new

subdivision, use and development), manage, restore and monitor indigenous biodiversity (Significant Natural Areas) in an integrated way which promotes resilience.

Adequacy of information

The above assessment is based on the information submitted as part of the application. It is considered that the information submitted is sufficient to enable the consideration of the above matters on an informed basis:

- a) The level of information provides a reasonable understanding of the nature and scope of the proposed activities as they relate to the Auckland Unitary Plan: (Operative in Part).
- b) The extent and scale of any adverse effects on the environment are able to be assessed.

Recommendation

The assessment in this memo does not identify any reasons to withhold consent, and the aspects of the proposal considered by this memo could be granted consent, subject to recommended conditions, for the following reasons:

- Subject to the imposition of consent conditions, it is considered that the potential ecological effects of up to two helicopter movements per day will be adequately managed.

Conditions

- X1. All flights must be restricted to 2 hours either side of low tide and to the hours between 07:00 and Civil Twilight.
- X2. The applicant must include all restrictions of the helicopter flight times on the title of Lot 55 and Lot 56 DP 10231.

Note to planner: I recommend that the Restrictions on flight times be included on the lot title by way of consent notice. Please include the relevant standard condition.

- X3. The number of flights per day (24 hours) must not exceed four (4) movements.

Advice Note:

It is noted that a "movement" refers to either a landing or take-off. A "flight" to the site would result in two movements. Helicopter movement must not exceed two flights per day (24 hours).

- X4. The applicant must provide Auckland Council with a record of the flight log annually.
- X5. The flight path must be in accordance the "Helicopter Activity- Updated Information", prepared by Mt Hobson Group, dated 23/04/24, which restricts the flight path to an arc between nominal 315* and 045*
- X6. The consent holder must require that all pilots using the site, plan routes and fly in accordance with the recommendations of the Helicopter Association International 'Fly Neighbourly' Guide

Regards,



Maddie White | Ecologist
Ecological Advice | Environmental Services

References

Henk-Jan van der Kolk, Andrew M. Allen, Bruno J. Ens, Kees Oosterbeek, Eelke Jongejans, Martijn van de Pol 2020: Spatiotemporal variation in disturbance impacts derived from simultaneous tracking of aircraft and shorebirds. Journal of Applied Ecology. First published: 16 August 2020 <https://doi.org/10.1111/1365-2664.13742>.

Jenny Newport, David J. Shorthouse, Adrian D. Manning 2014. The effects of light and noise from urban development on biodiversity: Implication for protected areas in Australia. Ecological Management & Restoration.

R. Dooling, D. Buelhler, M. R. Leek, A. N. Popper 2019: The Impact of Urban and Traffic Noise on Birds. Acoustics Today, volume 15, issue 3.

Van der Kolk et al 2020 Spatiotemporal variation in disturbance impacts derived from simultaneous tracking of aircraft and shorebirds. Journal of Applied Ecology <https://doi.org/10.1111/1365-2664.13742>

Memo – Response to Submissions

To:	Adonica Giborees, Principal Project Lead, Premium Resource Consenting
From:	Maddieson White, Ecologist, Environmental Services
Date:	27/03/25

Applicants Name:	Anna Mowbray & Ali Williams
Application Number:	LUC60389929
Application Type:	Helicopter over a bird roost.
Site Address:	38 Rawene Avenue, Cox's Bay.

Introduction

My full name is Maddieson Taylor White. I am an Ecologist at Auckland Council

I hold a Bachelor of Science in Biological Science from the University of Auckland.

I have over six years of experience working in the public and private sectors. This includes working for four years as a park ranger at Ambury Regional Park where I monitored shorebirds on the Watercare Bird Roosts. I have over a year and a half reviewing the ecological effects of resource consent application

I am a member of Birds New Zealand, and I have attended a shorebirds field course at Pūkoro Mirānda Shorebirds Centre.

Updated Information

Following the submissions, the applicant has proposed to limit the number of flights to ten per month (20 movements a month, 240 movements a year). I agree that limiting the number of flights will reduce the disturbance of foraging birds. To ensure that the flight number are being adhered to, I recommend a condition ensuring flights are limited to a maximum of ten per month and flight logs are provided to Council demonstrating that flight numbers are not being exceeded. The applicant did not specify if the maximum number of flights will remain at two flights per day. However, I recommend that the proposed maximum flight number of two per day is retained to a maximum limit of ten flights per month.

Wildlife Act

The Wildlife Act 1953 protects most native birds, in which it is an offence to disturb, harm, or remove them without a permit from the Minister of Conservation. However, the Wildlife Act 1953 is enforced by the Department of Conservation. Therefore, it is outside of my scope of review to consider whether a Wildlife Act 1953 permit is required or not.

National Policy Statement for Indigenous Biodiversity (NPS:IB):

The NPS:IB is relevant to this application where there are effects on indigenous biodiversity in the terrestrial environment, such as the coastal native vegetation and terrestrial avifauna. The applicant has not assessed the effects on terrestrial avifauna or what terrestrial species may use the site. The coastal trees potentially provide habitat to native bird for nesting and foraging. It is unclear the effects the proposed helicopter will have on nesting habitat. However, effects may include temporary displacement, which will have adverse effects on nesting birds, as increased time of eggs increase the risk of predation and egg mortality. Policy 3 required *A precautionary approach is adopted when considering adverse effects on indigenous biodiversity.*

The applicant is not proposing to remove vegetation. The Council Arborist is reviewing the effects from the proposed helicopter on vegetation and should vegetation alteration or removal require consent under Chapter E15 of the AUP, it must be assessed whether vegetation removal will have an adverse effect on threatened species or ecosystems.

New Zealand Coastal Policy Statements

As discussed in my memo, Policy 11 of the NZCPS is relevant for this application as the effects on threatened species must be avoided. However, as discussed in the Forest and Bird submission review below, Policy 3 is also relevant because if effects are unknown a precautionary approach must be taken.

Submissions

My review is limited to the effects on avifauna. I have not included consideration to marine wildlife, trees, seagrass, climate change or carbon effects.

Summary submission that relate to avifauna

Submitter comments		Council Review	
Note: due to the large number of submissions, ecological comments have been categorised into the reasoning			
Support/ Oppose	Reasons	Agree/ Disagree	Reason
Support 1	Minimal impact on the wildlife and birds especially in comparison to other transportation developments, and the level of disruption new roads have on wildlife, recreational activities in the area, and pets that disturb the birds within the area	Disagree	Consents are reviewed on a case by case and their own merits. It is not within my scope to review other project impacts on wildlife in relation to this consent, as these may have different triggers and assessment criteria under the AUP or may not require consent.
Support 2	The approach over the sea and the positioning of the helipad minimises sound impact. The landing schedule has been thoughtfully designed to respect local wildlife, particularly bird populations, by avoiding sensitive	Agree in part	I agree that the flight path and timing avoid roosting birds at high tide and Significant Ecological Areas. However, further avoidance could be achieved through restricting the flights to daylight hours.

	times. This demonstrates a strong commitment to environmental harmony and biodiversity preservation.		
Support 3	Studies on the wildlife aren't accurate	Disagree	The studies are not provided; therefore, I can't comment on if they are accurate or not
Support 4	The Airport in the Manukau harbour, birds utilise the area.	Disagree	As discussed in the response # 1 each consent is assessed by their own merit. <u>The Auckland International Airport (AIA) is regulated by a specific designation in the Auckland Unitary Plan and is of national significance. This application cannot be compared to AIA.</u>
Oppose 5	Negative impact it has on wildlife and Aucklanders, rotors will disturb the endangered birds nesting at the beach.	Agree	As discussed in my memo
Oppose 7	Insufficient Ecological Reference. The applicant's ecological assessment fails to reference the most recent regional threat statuses for Auckland's bird species, overlooking crucial context. Coks Bay and surrounding mudflats host a wide array of indigenous bird species, many of which are regionally threatened or at risk, including little shags, Caspian terns, banded dotterel and eastern bar-tailed godwits. These birds rely on Coks Bay and Meola Reef for vital roosting and foraging, both of which would be disrupted by the proposed helicopter flight path.	Disagree	While I agree that the recent regional threat status for birds is relevant, the 'Conservation status of Birds in Tāmaki Makaurau / Auckland' was published in August 2024, after the applicants Ecological Report was written. Following the publication of the regional threat status, Caspian tern are Regionally Critical, little shag are Regionally Endangered, and variable oystercatchers are Regionally Vulnerable
Oppose 7	The proposed flight path crosses roosting birds on the headland and the valuable foraging habitat of Coks Bay where endangered Oystercatchers, Caspian terns, Banded dotterel, NZ dotterel and Eastern bar-tailed godwits feed on the tidal edge. The mudflats from Meola Reef to the Herne Bay coastline host thousands of indigenous birds.	Agree in part	As discussed in my memo, I agree that foraging birds will be disturbed and roosting birds from civil twilight-22.00pm. However, I disagree that roosting birds at high tide will be disturb if the conditions are adhered to.

Oppose	Injury to birds, bird strike	Neutral	This is outside of my expertise.
8			

Review of Forest and Bird Submission (F&B)

F&B - 'As provided by the AEE prepared for by Biosearchers, there were numerous at-risk and threatened bird species in the area of interest. Only a fraction of the ≥70 seabird and ≥43 shorebird species known to breed, roost and/or forage in the HGMP5 were observed. Given the high mobility of these species, changing pressures (food shortage, pollutions, human disturbance) and limited suitable habitats, it is reasonable to assume that many of the other bird species that use the Gulf have, or will, at some stage use the area adjacent to this proposed activity.'

I agree with F&Bs statement. As identified by Alliance Ecology (AE), several species are likely to utilise the area that were not identified in the surveys provided by the applicant.

F&B - The applicant plans to manage the effects on birds by restricting the timing of helipad use relevant to the tidal state. While this may reduce adverse effects (compared to ability of 24hr use), the presence of observed, or known local species, cannot be ruled out given the highly mobile nature of these species. Therefore, Forest & Bird considers that the proposed activity will not safeguard the Gulfs vulnerable sea and shorebirds from the adverse effects of helicopter activity.

I agree that it is possible for birds to utilise the roost and foraging areas within the flight path within the proposed flight window.

F&B- If the consent were to be granted, it would be appropriate to include conditions limiting the duration of the consent and/or requiring future biodiversity surveys to inform appropriate management (e.g., altered operating times) of the effects of the activity, relative to biodiversity presence and the future shoreline and sea level states.

I agree, a life consent prevents future alteration in relation to how valuable this area may become due to future coastal development or species population fluctuation. The site has an identified roost used by several species, some of which are threatened nationally and regionally. The applicant has provided surveys which can provide baseline data, with the limitation of those surveys discussed in the Alliance Ecology review of my initial memo. As the effects remain unknown and a precautionary approach is required under the NZCPS policy 3, I recommend limiting the consent lifetime to five years. In that time the applicant should provide Monitoring Plan detailing the frequency, duration and methodology of the monitoring the avifauna population and usage of the habitat within the flightpath.

F&B - Policy 3 also requires 'a precautionary approach towards proposed activities whose effects on the coastal environment are uncertain, unknown, or little understood, but potentially significantly adverse'. It is stated in the Biosearchers AEE, under '5.1 Literature Summary', that "A primary concern where aircraft, including helicopters, are operated in the vicinity of bird habitats is the potential for bird strike. This can have very significant consequences for both the birds (often leading to fatalities) and the aircraft."

Bird strike is outside of my expertise. However, I agree that Policy 3 is relevant to this application and where the effects on the coastal environment are uncertain, unknown, or little understood, but potentially significantly adverse, a precautionary approach must be taken.

Conclusion

The conclusions in my original memo stand and my views have not changed following submissions.

There remain aspects of this proposal where the effects on avifauna remain unknown, such as, the proposed deviation clause and allowing flights to occur in immediately adjacent times when avifauna are absent. A precautionary approach must be taken to avoid potential adverse effects.

Updated Conditions

- X1. All flights must be restricted to 2 hours either side of low tide and to the hours between 07:00 and Civil Twilight.
- X2. The applicant must include all restrictions of the helicopter flight times on the title of Lot 55 and Lot 56 DP 10231.

Note to planner: I recommend that the Restrictions on flight times be included on the lot title by way of consent notice. Please include the relevant standard condition.

- X3. The number of flights per day (24 hours) must not exceed four (4) movements. The number of flights per month (a calendar month) must not exceed twenty (20) movements.

Advice Note:

It is noted that a "movement" refers to either a landing or take-off. A "flight" to the site would result in two movements. Helicopter movement must not exceed two flights per day (24 hours) or ten flights per month.

- X4. The flight path must be in accordance the "*Helicopter Activity- Updated Information*", prepared by Mt Hobson Group, dated 23/04/24, which restricts the flight path to an arc between nominal 315* and 045*
- X5. The applicant must provide Auckland Council with a record of the flight log annually. The flight logs must provide, but are not limited to,:
 - a) The number of movements per day and per month,
 - b) Time of each movement, including the low tide times for the day of the movement,
 - c) The flight path of each movement,
 - d) Number of bird strikes and near misses of bird strike
- X6. The consent holder must require that all pilots using the site, plan routes and fly in accordance with the recommendations of the Helicopter Association International 'Fly Neighbourly' Guide.

Regards,

A handwritten signature in black ink, appearing to read 'Maddie', with a large, stylized initial 'M'.

Maddie White | Ecologist
Ecological Advice | Environmental Services

memo

Date: 28 March 2025

To: Adonica Giborees, Principal Project Lead, Premium Resource Consents Unit
Planning and Resource Consents Department

From: Peter Kensington, Consultant Specialist – Landscape Architect (KPLC Limited)
For: Tāmaki Makaurau Design Ope - Design Review, Planning and Resource Consents Department

Re: Review of an application for resource consent (LUC60389929) by Alexander Williams for the use of the property at 38 Rawene Avenue, Westmere for helicopter landings and take offs, as a non-complying activity under the Auckland Unitary Plan (Operative in part) (**AUP(OP)**).

Supplementary technical review – assessment of effects on amenity values

Tēnā koe Adonica

Introduction and scope of memo

1. This supplementary technical review memo is to be read in conjunction with my earlier technical review memo dated 2 October 2024 (copy attached). That memo provided my assessment of effects from the proposal on amenity values, prior to a determination being made by the council on notification.
2. This supplementary technical review memo focusses on providing a further review of the application in response to relevant issues raised by submissions to the publicly notified application.
3. I have reviewed all submissions received and I provide extracts from some of these below, where issues of relevance to my review have been raised. I note that many of the submissions (particularly those in opposition) reinforce my earlier review advice, such that my original conclusions have not changed.
4. From my review of the submissions, my understanding of people's appreciation of the amenity values experienced within the environment in public and private locations that are proximate to the site, including Cox's Bay (Opoutueka¹) is that these include marine and terrestrial ecological values, which form part of the character of the area. I have also gleaned an understanding from submissions that the inner harbour to the north of the site is a well-utilised space for water sport recreation (such as kite surfing).

Consideration of submissions that are neutral or in support of the application

5. I acknowledge that submissions have been made in support (for various reasons) or are neutral.
6. Submissions in support from Christopher Heard (submitter 209) at 3 Wellgarth Street, Sandringham, Yuru Tang (submitter 196), at 65 Marine Parade, Herne Bay, and Roman Thomas (submitter 218) at 4/37A Glengarry Road, Glen Eden, suggest that helicopter activity can be a positive experience – Heard states:

¹ As referenced in the submission by David and Claire Greig (submitter 1314).

Public Fascination and Educational Value

It's worth noting that helicopters often captivate public interest, particularly among children and aviation enthusiasts. The sight of a helicopter taking off or landing is a source of excitement and wonder for many in the community. This fascination can have educational value, sparking interest in aviation, engineering, and technology among young people.

Rather than being a nuisance, the occasional helicopter activity could become a point of interest, potentially inspiring future pilots, engineers, or scientists. Many people find joy in observing these marvels of modern engineering, much like how crowds gather to watch airshows or military displays. The presence of a helipad could thus add a unique and intriguing element to the neighbourhood, becoming a talking point and even a source of community pride in embracing cutting-edge transportation methods.

7. I note that a handful of submissions in support (or neutral) have been received from people that own/occupy properties which are located in close proximity to the site, within Rawene Avenue, such as:

Amanda Nicholson (submitter 764) at 36 Rawene Avenue;

Paige Sundberg (submitter 794) at 14 Rawene Avenue;

Lesley and David Giddens (submitters 1024 and 1025) at 25 Rawene Avenue; and

Andrew and David Turpin (submitters 1023 and 1027) at 28 Rawene Avenue.
8. The Turpin submissions suggest that the proposed activity should be limited to between the hours of 8.00am and 7.00pm, six days per week (excluding Sundays).
9. Another neutral submission from Lars Hallstone (submitter 157) also suggests placing limits on the proposal, including: under 100 flights annually; three flights per week; two flights per day; EC130/ H130 helicopter only; and 8am-8pm or civil twilight hours and 9am-5pm on weekends and public holidays. Similarly, the neutral submission from John Garelja (submitter 1364) suggests no flight movements before 10.00am on Sundays or public holidays and restricting the type of helicopter used to those with shrouded rear rotors which are “*substantially quieter*”. I also note that a submitter in opposition (J-B Roussé – submitter 672) also suggests placing limits on use times, such as twenty-five trips per year.
10. I am aware that the applicant has indicated a willingness to accept a condition of consent which places limits on helicopter trips (being a landing and a departure) to a total of ten per month – noting that the application has not been formally amended to reflect this restriction at the time of writing this memo.
11. If consent were to be granted to the application, with conditions restricting helicopter trips, I recommend that such constraints could be similar to those of the Cremorne Street / Sentinel Road resource consents (refer paragraph 8 from my 2 October 2024 memo, where I have listed these consent reference numbers).

Consideration of submissions in opposition to the application

12. I note that many of the submissions made in opposition to the application follow a ‘template’ format and include reasoning which is repeated by others. Within this reasoning, that which is relevant to a consideration of the proposal’s impacts on amenity values include a statement that “*private helicopters have adverse effects on the character and amenity values of neighbourhoods, public beaches and reserves*”.
13. I also note that many submissions in opposition have been received from people that own/occupy properties which are located in close proximity to the site (within Rawene and Kotare avenues) such as:

Martin Hosking (submitter 1036) at 1/2 Rawene Avenue;

Grace and Rick Thevenard (submitters 1101 and 1153) at 4 Rawene Avenue;

Janine Porter (submitter 1209) at 4 Rawene Avenue (resident for 24-years);

Suzanne Pibworth (submitter 1076) at 7A Rawene Avenue;

Robyn Garvan (submitter 1010) at 9 Rawene Avenue;

Joan and John Mckenzie (submitters 1071 and 1073) at 13 Rawene Avenue;

Sait Akkirman (submitter 1365) at 15 Rawene Avenue (resident for 47-years);

David Valentine and Joanne Valentine (submitter 823) at 18 Rawene Avenue (residents for 26-years);

Candice Smith and Phoebe Doyle (submitters 1180 and 1336) at 21 Rawene Avenue;

Susan Nemec, Rheia and Elena Edgar-Nemec (submitters 774, 904, 908, 1099, 1199) at 26 Rawene Ave;

Karyn Clare (submitter 1045) at 27 Rawene Avenue;

Brett and Lisa Lyons (submitters 1269 and 1296 (submitters 1011 and 1263)) at 29 Rawene Avenue;

Jason Friedlander (submitter 955) at 30 Rawene Avenue;

Gideon and Elena Keith (submitters 1318 and 1392) at 32 Rawene Avenue (residents for 35-years);

Mark Ensom and Stefanie Winitana (submitters 1035) at 34 Rawene Avenue;

Donna Erceg and Nicole Alexander (submitters 1208 and 1302) at 1 Kotare Avenue;

Tom Dignan and Jeanette Budgett (submitters 1044) at 3 Kotare Avenue; and

Glenn Sell (submitter 1069) at 6A Kotare Avenue.

14. The submission from Rick Thevenard describes the likely adverse effects on amenity values as being:

My family together with many locals and visitors use the public beach, foreshore and Cox's Bay Reserve that are situated close to the Applicant's property. Included in this long list are the West End Tennis Club and Sea Scouts catering for many children. These public spaces are used for rest and recreation by the community during all tides. For example: walking, sunbathing, paddling, swimming, kayaking, paddleboarding, windsurfing, kitesurfing, small dingy rowing and sailing. There are many boats moored in and around the proposed Helipad that often have people on them doing maintenance or simply enjoying the environment. These people and boats will be vulnerable to Rotor wash. Just the thought of a Helicopter coming close creates anxiety among all my family and friends. Should Council grant this application, we will feel exposed to the effects from Helicopters and will be reluctant to utilise this public space for recreation. That would be a tragedy, not only for us as a family but the wider community who frequently use this public space regularly.

15. The submission from Elena and Gideon Keith also describes these adverse effects on amenity values as:

This resource consent application (Proposal) is not only a threat to the delicate ecosystem that surrounds the proposed helipad site it also impacts on the Applicants' neighbours

continued quiet enjoyment of their properties and the public's continued access to the foreshore. Rawene Avenue has always been a quiet street.

The loss of the mature Pōhutukawa on the property including the extensive tree cover since June 2020 has significantly changed the natural character and amenity of the area. Our concern is that if the Proposal is approved there will be further catastrophic loss of trees within the 10m coastal protection yard measured from MHWS to accommodate the rotor blade of the helicopter due to the confined area.

16. Other submitters in opposition raising adverse effects on amenity values, more generally, include:

Melanie Beattie (submitter 6) Point Chevalier

We have bought in Westmere peninsula for its quiet and peaceful environment and the natural habitat surrounding us. The approval of a helicopter will degrade our investment and care for the local environment on both fronts. This is very much at the communities expense and no regard or values/ethics has been demonstrated- purely selfish, greedy and unnecessary.

Leigh Featherstone (submitter 38) Westmere

There is no need for this in a residential and recreational area other than personal convenience. The detrimental effects include: intrusive noise from potentially four helicopter movements a day, affecting my quiet enjoyment of the foreshore and the reserve.

Daragh Manning (submitter 56) Grey Lynn

The noise generated by frequent helicopter activity is likely to disrupt the peace and amenity of the residential neighbourhood, disturbing local residents and potentially affecting their quality of life.

Mark Blazey (submitter 123) Westmere

Establishing a helipad in a residential area will fundamentally alter the character of our neighbourhood. The noise and disruption from helicopter operations will negatively impact the quality of life for local residents, particularly families with children and those seeking a peaceful living environment.

Glenn Broadbent (submitter 133) Kohimarama

It would ruin the environment, the character and amenity values over a very large area (kilometres). It would ruin the otherwise peaceful nature of the harbour, the reef and reserves, with noise and visual pollution.

Penny Sefuiva (submitter 182) Grey Lynn

I oppose this non-complying activity in a quiet residential and coastal area. I oppose the hours of operation requested which are extensive and will erode the quiet enjoyment and quality of living of nearby properties and the wider neighbourhood. I oppose the ongoing and permanent impact proposed helicopter movements will have. I oppose the detrimental impact they will have on local recreational activities (sports clubs and boating), public use of reserves and harbour, and on indigenous wildlife and habitats.

Private helicopter movements in residential areas are intrusive, and have adverse effects on amenity values of neighbourhoods, public beaches and reserves. They erode the rights of other property owners and impact on quality use of public space. Their use effectively privatises the benefits (to the applicant) and socialises the cost (to the public and wildlife). Granting this consent sets an expectation for further applications, will have a significant impact on biodiversity and sets a precedent which threatens the amenity of the foreshore and all harbour suburbs. The unforeseen demand for private helipads is already problematic in other areas of the city, where a lack of policy on helicopter use, and permissive decision making, created an opportunity and expectation for private applicants to undermine the intent and integrity of the Unitary Plan. Intensification of urban

areas requires councils to have far more regard to protecting biodiverse habitats, natural spaces for people, and managing safety for the public.

Ella Schenkel (submitter 216) Herne Bay

Character of neighbourhood is quiet and residential. Helicopter take-off and landing would cause unreasonable interference with the character of neighbourhood amounting to tort of nuisance.

Christina Sewell (submitter 225) St Mary's Bay

I live reasonably nearby (on the Herne Bay/Westmere flight path) and frequently hear helicopters travelling late at night or early in the morning. It is highly disruptive, annoying and is destroying the tranquillity of residential living. I can't even imagine what it would be like to be living in a residential area next door to a home with a helicopter landing just metres from your house. Helicopters are very noisy and the neighbours are extremely close by. Private helicopters have adverse effects on the character and amenity values of neighbourhoods, public beaches and reserves. The neighbours' peace will be destroyed and their property values will drop significantly.

Four helicopter movements a day, seven days a week, 365 days a year – that is massive. That equates to up to 1,460 helicopter trips a year just for this one application!!!! That is crazy... it will be like living on an airport site for the poor neighbours.

With the ever-increasing urban intensification, having quiet, natural, open spaces becomes even more vital – quiet beaches, reserves, walking paths, waterways.

This is totally unacceptable for a residential area.

Amisha Mistry (submitter 378) 87c West End Road, Westmere

I reside nearby and share the waterfront with this property. Having been born and raised in Westmere, I deeply value the tranquillity and charm of this neighbourhood. The quiet soundscape, often no louder than a lawnmower, is integral to the area's appeal. I believe this proposed activity would severely disrupt the local environment and impact neighbourhood amenities.

Peter Bossley (submitter 398) Westmere and Richard Hodder (submitter 518) Sandringham

Private helicopters have adverse effects on the character and amenity values of neighbourhoods, public beaches and reserves.

Helen Geary (submitter 565) St Marys Bay

If this consent is granted, it will increase the number of occasions of disruptive effects for us and detract from the quiet enjoyment of our home, amenity and our quality of life. These proposed helicopter take offs and landings will have adverse effects on the character and amenity of neighbourhoods, public beaches and reserves.

James Wylie (submitter 568) Westmere

Helicopters have a visual and an audible impact. Westmere is a beautiful and peaceful residential area, which is one of the reasons we chose to buy our home here. As humans, our homes should be a sanctuary where we can all rest, relax, and recharge from busy lives, and private helicopter operators should not permit the increase in noise in and around the area.

Elaine Millar (submitter 592) Westmere

Granting this controversial application will impact the entire character and amenity values across the Westmere, Herne Bay, Grey Lynn, and Point Chevalier neighbourhoods.

Julie Orford (submitter 868) Westmere

Westmere is a 'tranquil', 'peaceful', 'quiet', and 'suburban' residential neighbourhood. Private helicopter use will detract from those attributes and is inappropriate within this setting.

The proposed helipad will be located on a prominent headland, meaning visual and noise effects will be experienced far beyond adjacent sites.

David Rees (submitter 917) Westgate

Granting the consent will have adverse effects on residents peace and quiet.

Valerie Cole (submitter 929) Westmere

Highlights importance of Cox's Bay Reserve contributing to amenity values of the area.

Susan Rhodes and Colin Parker (submitters 986) 79 West End Road, Westmere

Property and home looks north over Cox's Bay, which is a "peaceful scene" and "quiet and safe location" – expressing disappointment over the removal of vegetation on the site.

Anthony Cook (submitter 1032) 312 Jervois Road, Herne Bay

Lives within line-of-sight of the proposal, which will have significant adverse effect on them.

Karla Allies (submitter 1110) Westmere (Ngāti Pāoa whakapapa)

Community Character – Westmere is known for its peaceful, atmosphere. Introducing a helicopter pad would fundamentally alter the character of our neighbourhood, undermining the sense of tranquillity that residents and visitors, cherish. We are a small, inner city-suburb with many walks including through a forest, boardwalks along the coast, Meola reef with a dog park, open flats at low tide which many birds congregate around. All of these will be impacted negatively by a helicopter taking off and landing over our heads.

Karen O'Leary (submitter 1120) Puhoi

Visual impact (on visual amenity) from helicopter flights in a suburban and coastal area.

Gordon Ikin (submitter 1193) Grey Lynn

This is a quiet peaceful residential coastal neighbourhood. Helicopters cause large amounts of disturbance, and in this instance helicopters operating will totally destroy this sylvan tranquillity. This is a location for observing nature and having time for quiet contemplation.

Carissa Fonseca (submitter 1358), 14 West End Road, Westmere

Coxs Bay is widely used for recreation on land and on water. The special character and beauty of the Westmere, Cox's Bay and Herne Bay areas would be significantly negatively impacted.

Winnie Lenihan (submitter 1370) Westmere

This is a quiet peaceful residential coastal neighbourhood where many people (locals and otherwise) enjoy recreational activity on water and land. In this instance helicopters operating will totally destroy this sylvan tranquillity. This is a location for observing nature and having a quiet time for contemplation or enjoying water activities such a kayaking, rowing and sailing.

Peter Calder (submitter 1390) Westmere

The noise and disruption of take-offs and landings will seriously reduce the enjoyment of users of nearby public amenities, specifically the sports fields at Cox's Bay [Reserve] and the adjoining West End Tennis Club.

Michael Lee (submitter 1391) Waiheke Island

Besides ecological impacts, noisy, intrusive, helicopter movements effect the amenity and character of the surrounding area – and are frankly dangerous. Aircraft take-offs, landings and approaches will produce noise levels that would likely exceed allowable standards for neighbouring properties - though even 'allowable' noise will negatively impact neighbours, ratepayers, and the quiet enjoyment of their homes. Similarly, as we heard in evidence in the Duke High Court case, there will be negative impacts on beach users, recreational boat users and people using the neighbouring

parkland. Westmere – Herne Bay is a highly desirable residential area and its beaches and parks are very important public recreational areas for Aucklanders - and as noted the area is a very important feeding ground for avifauna including international migratory wading birds. These unique values should not be compromised or wrecked for the convenience of one household, when commercial heliports are easily accessible.

Nigel Mark-Brown (submitter 1394) Westmere

The effects of helicopter noise on people walking and generally enjoying the intertidal area adjacent and near to the proposed helicopter pad will be adverse and unacceptable. The adjacent intertidal area has significant amenity value to me and my family, which currently includes quietness due to lack of traffic or other noise which will be unnecessarily significantly affected by the noise from helicopter landings and take off. Effects of helicopter downdraft on people walking and generally enjoying the intertidal area adjacent to the proposed helicopter pad will be impractical to avoid and will significantly adversely affect the current amenity of the intertidal area.

Andrew Coldicutt (submitter 1398) 10 Wairangi Street, Herne Bay (late)

Lives close to Cremorne Street and Sentinel Road consented helipads. Highlights policies E25.3.(3) and E25.3.(5) of the AUP(OP) and that the proposal is incompatible with these policy directives.

17. Noting that submissions have been received from Dirk Hudig (submitter 1303) for the 'Herne Bay Residents Association Inc' and from Tania Mace (submitter 1350) for the 'Grey Lynn Residents Association Inc', the submission from Gill Chappell (submitter 1292) on behalf of 'Quiet Sky Waitematā Inc' states:

Amenity Effects (paragraph 3.31)

The Proposal is likely to have adverse effects on amenity that cannot be avoided or remedied. Coxs Bay is widely used for recreation on land and on water including by West End Tennis Club, Hawke Sea Scouts, the Kayak Club, children's sports teams, walkers, boaties and wind surfers. These users would be subjected to invasive noise and the potential dangers of helicopter take-offs and landings.

Recreation and appropriation of public space (paragraphs 3.32-3.35)

The public space adjacent to the proposed helipad landing site is utilised in all tides. Boat launching, kayaking, swimming, walking, and kitesurfing occur daily on the public foreshore. The Proposal impacts on recreational use of the public foreshore. It:

- (a) appropriates the public domain for private use;*
- (b) disregards the public's expectations of unimpeded access and use of the foreshore around the headland;*
- (c) has potentially serious consequences for public safety. Excessive noise and powerful down draft (up to 76Km/hour) are threatening and potentially dangerous to human health and are more than minor adverse effects.*

A flight path trajectory of 23 degrees shows a helicopter could be 8-65m vertically above people and foraging birds up to 130m off Piper Point. As the site is hemmed by Pohutukawa trees along the coastal boundaries, people may walk beneath the tree canopy undetected. As the topography of Piper Point shields the southeastern side of the Point from the view of helicopter pilot and northwest flight sector and due to the topography of the headland, it is difficult to conceive that the helicopter pilot will be able to assess the presence of people on the beach or bay on take-off or landing. The lack of permanent occupation of the foreshore / coastal marine area does not obviate the requirement for assessment of the adverse effects of noise and vibration on amenity values or human health.

Nuisance Effects (paragraph 3.36)

Odour associated with aviation fuel at take-off and landing may create more than minor nuisance effects for proximate sites or recreational users, which cannot be avoided or mitigated.

Trees and Character (paragraphs 3.69-3.72)

There are some mature Pohutukawa trees located on both sides of the cliff and within 10m of the location of the proposed helipad. These Pohutukawa trees provide landscape value, amenity, ecological functions, screening effects to the seashore and soil stability on the cliff area. It is noted that trees and vegetation for rehabilitation purposes along the coastal environment and 20m MHWS were approved under the seawall consent, to be planted next to these mature Pohutukawa trees on the cliff edge, which are also located within 20m of the proposed helipad. The proposed site plan shows that the proposed flight path will be on top of the Pohutukawa trees and the proposed coastal replanting at the northwest cliff. The Applicants have not provided an assessment of the potential impacts on the existing Pohutukawa trees and the existing approved replanting along the cliff arising from the proposed helicopter operations.

18. The submission from Dr Mels Barton (1034) for 'The Tree Council' provides a comprehensive commentary on issues relating to adverse effects on coastal trees, which echo concerns raised in my 2 October 2024 (at paragraphs 28-33); however, I will defer to the council's arboricultural specialist review to respond.

Conclusion and confirmation of assessment findings

19. Following my review of the submissions made on this publicly notified application, where these raise issues relevant to the consideration of effects on amenity values, noting the overwhelming submissions in opposition which raise such concerns – I remain of the opinion (as set out at paragraph 36 of my earlier 2 October 2024 memo) that the arrival and departure of helicopters from the site, as proposed, has the potential to erode, rather than maintain and enhance, existing amenity values of this coastal residential environment, particularly for residents living in close (immediate) proximity to the site. These adverse effects will result from the temporary, but repetitive (cumulative) nature of the proposed activity, which will have both perceptual and audible influences adversely impacting the amenity values of people.

Please let me know if you require any further clarification.

Ngā mihi

Peter Kensington

Consultant Specialist – Landscape Architect

Registered NZILA and MNZPI

Email: peter@kplc.co.nz

Phone: 027 227 8700

Attachment:

Copy of technical review memo (assessment of effects on amenity values) dated 2 October 2024 [correcting typos at paragraphs 15 and 34].

Relevant qualifications and experience

I have worked as a landscape architect and a planner for twenty-seven years. I am currently a director of KPLC Limited (KPLC); formed in September 2017. As a KPLC consultant, I provide professional landscape architectural and planning services for applicants, regulatory authorities and submitters. My relevant qualifications include a Bachelor of Landscape Architecture (Honours), 1995, from Lincoln University (Canterbury) and a Bachelor of Regional Planning (Honours), 1993, from Massey University (Palmerston North). I am a Registered member of the Tuia Pito Ora New Zealand Institute of Landscape Architects (NZILA) and a Full member of the New Zealand Planning Institute. I have worked for the Christchurch City Council (1995-1997), the Wellington City Council (1999), the Auckland office of Boffa Miskell Limited (1999-2012) and, prior to establishing KPLC, the Auckland Council (Council) (2012-2017). I have prepared this specialist review memo acknowledging the Code of Conduct for Expert Witnesses contained in the Environment Court 2023 Practice Note.

memo

Date: 2 October 2024

To: Adonica Giborees, Principal Project Lead, Premium Resource Consents Unit
Department of Regulatory Engineering and Resource Consents

From: Peter Kensington, Consultant Specialist – Landscape Architect (KPLC Limited)
For: Design Review, Tāmaki Makaurau Design Ope, Plans and Places Department

Re: Review of an application for resource consent (LUC60389929) by Alexander Williams for the use of the property at 38 Rawene Avenue, Westmere for helicopter landings and take offs, as a non-complying activity under the Auckland Unitary Plan (Operative in part) (**AUP(OP)**).

Technical review – assessment of effects on amenity values

Tēnā koe Adonica

Introduction and terms of reference

1. I write in response to your request for specialist input brief (dated 22 May 2024) requesting a specialist landscape architectural technical review of the above application and to provide:
 - i. A description of the existing character and amenity values of the local neighbourhood and coastal environment within proximity of the site; and
 - ii. An assessment of the potential adverse effects from the proposed activity on these identified existing character and amenity values, primarily during helicopter landing / take off times, but also when a helicopter is on site and non-operational.
2. As part of the above assessment, you have highlighted the need for consideration of the potential adverse effects of the proposed helicopter operation on existing trees of significance at the coastal edge of the site and trees that are proposed for rehabilitation purposes associated with the coastal protection works authorised by resource consents LUC60383791 and CST60383790 – under BUN60383789. I understand that specialist arboricultural input is being sought on this aspect of the council's application review. I also understand that the council's sport and recreation team have reviewed the application; and that the council is also undertaking specialist acoustic and ecological reviews of the application.
3. I am reasonably familiar with the site and surrounding landscape from my specialist review of the application for the resource consents listed at paragraph 2 above. I have also reviewed other applications (for a coastal protection structure; and for a jetty/boatshed) in the Coks Bay coastal marine area. I have undertaken two specific site visits for this application review, initially to assess the site's context and to capture photographs from representative public viewpoints (on 24 May 2024); and then to visit the site (on 31 May 2024) to view the proposed location of the nominated 'helipad' grassed area on the site. The photographs that I captured during these visits are illustrated in the figures attached to this memo.

4. I note for the record that the advice I am providing, in response to your request for specialist input brief, is made in the absence of an equivalent expert assessment of character and amenity values by a landscape architect for the applicant; which ordinarily forms a starting point for a peer review by a council specialist.
5. I have read the application material which you have provided to me; and note that the application assessments have been undertaken within the 'frame' of the matters of discretion outlined at E25.8.1.(1) of the AUP(OP), with the application assessing the proposal as a restricted discretionary activity.
6. I agree with your interpretation that the application should more correctly be assessed as a non-complying activity, with a 'trigger' for resource consent being rule H4.4.1.(A1) *Activities not provided for*. I have therefore 'framed' my review of the application within the context of the relevant objectives and policies under the following (AUP(OP)) chapters:
 - a. B8 'Toitū te taiwhenua - Coastal environment'
 - b. E18 'Natural character of the coastal environment'
 - c. E19 'Natural features and natural landscapes in the coastal environment'
 - d. E25 'Noise and vibration'
 - e. F2 'Coastal – General Coastal Marine Zone'
 - f. H4 'Residential – Mixed Housing Suburban Zone'.
7. In addition, I have also been cognisant of the overarching statutory context of the Resource Management Act 1991, the Hauraki Gulf Marine Park Act 2000 and the relevant objectives and policies of the New Zealand Coastal Policy Statement 2010.
8. In addition to the application material, I have also reviewed the following resource consents which have been granted for the operation of domestic helicopter flights to properties on the coastal edge of Herne Bay, noting that these properties are located beyond the immediate visual catchment of the site:
 - a. CST60082172 (R/REG/2015/118) at 12 Cremorne Street, Herne Bay;
 - b. LUC60134603 at 15 Cremorne Street, Herne Bay; and
 - c. LUC60111440 (R/REG/2015/118) at 64 Sentinel Road, Herne Bay.

I note that these resource consents restrict helicopter flights to during daylight hours and with restrictions on the number of flights that can occur per day and per week. For example, resource consent LUC60134603 at 15 Cremorne Street restricts flights (being a landing and departure on the site) to a maximum of one per day and two per week. Similar restrictions are in place for the other approvals.

9. Finally, by way of introduction, I am aware (through you) that the council has received various correspondence from members of the public and the Local Board, which raises concerns with the activity proposed, some of which relates to a consideration of effects on amenity values. In particular, I have viewed a video recording (with sound) from a private property in William Denny Avenue, which I understand captures the delivery of building material to the site by helicopter in November 2021.

Amenity values

10. Amenity values are defined under the Resource Management Act 1991 (**RMA**) as being:

"...those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes".

Section 7(c) of the RMA sets out that particular regard shall be had to the maintenance and enhancement of amenity values when achieving the purpose of the Act (which is set out at section 5).

11. I appreciate that an understanding of an area's existing amenity values can really only truly be described by those people that directly experience an area on a regular basis (either by living or recreating regularly within an area, for example).¹ My assessment is therefore limited to that of an impartial expert observation, based on my recent site visits and my general knowledge of the Coxs Bay environment.

The existing character and amenity values of the site's local neighbourhood and coastal environment

12. The urban coastal environment within the vicinity of the site has an overall high level of amenity values, in my opinion. The natural and physical characteristics that are apparent from of the area's proximity to the coastal marine area of the inner Hauraki Gulf include northerly views from both public and private locations towards the water (at high tide) and the constant changes in outlook from tidal processes.
13. Within these views, the appreciation of moored vessels and water based activities, coupled with the strong vegetated coastal edge (defined primarily by Pohutukawa canopy) add to the overall pleasantness of the area. There is a marked difference in outlook between low and high tide sea states. Relative to the site's location, I have determined that these existing visual amenity values are likely to be experienced by those people located within those private residential properties that border the coastal edge in the immediate vicinity of the site, between Garnet Road (in the west) and Bella Vista Road (in the east) – refer **Figure 1** and from more distant locations, such as from properties on William Denny Avenue.
14. The availability of public views of the coastal environment and the site are limited to the northern end of Garnet Road (**Figure 2**), the northern end of Rawene Reserve, the eastern end of Rawene Avenue, West End Road in the vicinity of Coxs Bay Reserve (**Figures 3 and 4** and **Plate 1** below, from adjacent the Sea Scouts clubhouse), the western end of Jervois Road (**Figure 5**) and Bella Vista Reserve (**Figure 6**).



Plate 1 – view from local Sea Scouts clubhouse building (back door at coastal access steps).

¹ I am aware of correspondence that the council has received from Elena Keith (Quiet Sky Waitemātā Incorporated), Leah Mizrahi and Reuben Jackson (Hawke Sea Scouts) which raises concerns over potential adverse effects on amenity values from the proposal.

15. Many coastal edge properties in this area have privately available access structures to the coastal marine area, within the context of hard protection structures (primarily within the Westmere residential area) that have been constructed at this land/sea interface. Public access to the coastal environment is limited to six formal access points, which are illustrated on Figure 1, being locations from where it is possible for the public to enjoy the coastal outlook. The exception being at Rawene Reserve where no public access to the coastal marine area is provided. Notably, the Herne Bay residential area (accessed via Marine Parade and the western end of Jervois Road) is located upon a higher relative landform to that of the Westmere residential area, with steeper coastal vegetated cliffs limiting private access; however, providing for elevated views over the Pohutukawa canopies towards the Waitematā Harbour.
16. While public access to the coastal marine area is available, during times of low tide there appears to be very limited opportunity to recreate (walk) along the coastal edge because the seabed is thick with mud and silt. Having said this, when I visited the site in November 2021, I did observe a family exploring the coastline at low tide, with appropriate footwear (gumboots). I suspect that recreational use of the coastal area in the vicinity of the site is more popular during periods of high tide (for recreational watercraft use).
17. 'Piper Point', which forms part of the site, is somewhat of a unique local headland with associated rock platform landform features (which forms the western extent of Cox's Bay). I understand that this feature has ecological significance as a bird roost location during periods of high tide.
18. The amenity values of the site's immediate local Westmere residential area, as experienced from Rawene Avenue and Kotare Avenue, are also relatively high. Most properties and associated dwellings and gardens are well-maintained; and there is a mix of older and newer housing stock, with ongoing redevelopment of properties apparent (including the property on the south-western corner opposite the site). The streetscape is also pleasant, with grass verges and street trees contributing positively to these values; with the presence of overhead powerlines and poles being somewhat of a detracting feature. The streets do not appear to be busy with traffic, which contributes to a relatively quiet residential area.
19. On the other hand, West End Road is a heavily trafficked roading corridor, which provides a physical separation between the immediate residential neighbourhood of the site and the wider Westmere area. The road provides a physical barrier between Cox's Bay Reserve and the coastal marine area, detracting somewhat from the amenity values of this localised area, particularly given noise from passing vehicles. The open space character of Cox's Bay Reserve, in both active and passive recreation modes, contributes positively to the amenity values of the wider area, by providing an open green space with quality amenities and many opportunities to enjoy this space (including walking through and around the park).
20. Many people experience the amenity values offered by the area as fleeting views when travelling (by private motor vehicle, public bus transport, cycling/scooter, or on foot), with the site particularly noticeable (albeit momentarily) when travelling in a westerly direction on West End Road.
21. During both my recent site visits, I observed one helicopter passing over the area at a relatively high altitude (refer **Plate 2** below), with the noise from this activity being very noticeable, albeit for a limited period of time. I note that helicopter flights over urban Auckland are not an unexpected occurrence.
22. My overall impression is that the existing amenity values of the localised area surrounding the site, is for the most part a relatively pleasant coastal residential neighbourhood, with the visual and physical access to the water contributing to a higher appreciation of these values. Those people that view the coastal marine area from properties within the immediate vicinity of the site enjoy a greater level of visual amenity values than those people located in properties further inland, with West End Road providing a clear physical barrier to the immediate coastal residential area proximate to the site. The wider residential areas of Westmere and Herne Bay also have high levels of amenity value but are distant from the site.



Plate 2 – photo captured during site visit 24 May 2024 highlighting (in yellow circle) passing helicopter.

Assessment of potential adverse effects from the proposed activity on existing character and amenity values

23. I understand that the application seeks to authorise domestic helicopter access to and from the site on the basis of the following parameters which will provide restrictions on the proposed activity:
 - i. Helicopter movements will be restricted to between two-hours either side of low tide;
 - ii. No more than four helicopter movements (two landings and two take-offs) will occur per day;
 - iii. Helicopter pilots will scan the coastal edge for people in the vicinity of the site before landing and if it is not safe to land, then will divert to an alternative existing helipad;
 - iv. Flight arrival and departure ‘pathways’ will be limited to a defined area (refer Figure 1); and
 - v. Estimated landing time durations are 90-seconds; with take-off durations being 50-seconds.

It is also my understanding that helicopters will not stay on the site beyond the landing and take-off events (with the helipad being akin to a ‘loading zone’ space) with no intention that helicopters will stay on the site for long periods of time (overnight, for example) as these aircraft will be leased for specific journeys.

24. I also understand that written approval has been provided by the owners and occupiers of the adjacent property at 36 Rawene Avenue, as such these persons cannot be deemed affected.
25. With the above restrictions in place, the proposal is likely to result in temporary, but repetitive (cumulative) adverse effects on the existing amenity values of the local area. While there will be no direct physical impacts on those natural and physical qualities and characteristics of the environment which contribute to existing amenity values, there will be a negative perceptual impact on people’s appreciation of the area’s pleasantness. The degree to which these adverse effects impact on people, in my opinion, will depend on a person’s location relative to the site and activity, alongside whether or not a direct view of the helicopter arrival and departure is apparent (in combination with the noise impacts of the activity).

26. I do not consider that people recreating within Coxs Bay Reserve, or travelling along West End Road, will experience an adverse effect on amenity values that will be more than minor as a result of the proposed activity. Primarily this is as a result of viewing distance, the occasional and temporary disruption that will occur and the mitigating effect of the existing tree canopy on the site (which will screen views of the helicopter when it is temporarily located on the site between the landing and take-off). I also do not consider there to be any adverse effects on the amenity values of people recreating in the coastal marine area adjacent to the site, given the restrictions proposed and low probability of people being in this area during the proposed times of operation (two-hours either side of low tide). In other words, it is more likely that people will be recreating in this area during periods of high tide, when no helicopter movements will be provided for. While it is possible that people may be in the area during the operation, the requirement for pilots to divert to an alternative landing location will mitigate these potential effects.
27. In my opinion, there is the potential for more than minor temporary adverse effects from the helicopter landing and take-off activities on the existing amenity values of people located within those residential properties located at the immediate coastal edge of Coxs Bay, both to the east and west of the site (refer Figure 1). I also consider that there may be at least minor temporary adverse effects on the amenity values of people located within certain dwellings that are located in elevated positions (relative to the coastal Pohutukawa, where views to the site are available above these trees) in Herne Bay – these being properties accessed from Marine Parade which extend to the coastal edge of Coxs Bay (refer Figure 1).
28. I also have concerns about the potential impact of the proposed helicopter activity on the health of existing trees on the site, particularly those that are located around the coastal edge and which currently contribute positively to the character and amenity values of the area. If these trees were to become impacted to such a degree that would result in their demise, with a loss of coastal tree canopy (refer Figure 8), this would be a consequential adverse effect on amenity values that would likely be significant.
29. The extent of existing tree canopy cover around the coastal edge of Herne Bay and Westmere is important as a ribbon of natural vegetation that assists with the integration of human-influences (dwellings) in this coastal landscape – as such the protection of these natural elements is very important, in my opinion. In that regard, it is interesting to note from the council’s photographic record of the coastline from 2011 (copies reproduced below at **Plates 3 and 4**), that the site previously contained a much stronger swathe of vegetated tree canopy around the coastal edge than exists today.



Plates 3 and 4 – copies of the council coastline monitoring photos from 2011 (left and right of Piper Point).

30. In addition, resource consents LUC60383791 and CST60383790 – under BUN60383789, which authorise the coastal protection structures which are currently being constructed on the site, included the proposed planting of three new Pohutukawa on the site’s northern coastal edge (refer **Plate 5** below).

32. Condition 4 of resource consent LUC60383791 (set out below, with my emphasis in bold) required the consent holder to implement and maintain the approved landscape design illustrated at Plate 5 above:

4. *No later than six-months following completion of the consented structures and land modification, within an appropriate planting season, the consent holder must implement the approved landscape design as is illustrated in the Davis Coastal Consultants Limited drawing 'Sheet 10 – Planting Plan (Rev D dated 04.10.21)' and as described in the Peake Design Limited 'Proposed Planting Plan' memo dated 13 July 2021 listed under condition 1; and **thereafter retain and maintain this planting in perpetuity so that this achieves the intent of a revegetated coastal edge for the site within three-years, including (alongside the protection of existing vegetation) a contiguous tree canopy around the full coastal edge of the site.***

33. I therefore also have concerns about the potential impact of the proposed helicopter activity on the ability of the consent holder to establish these proposed trees on the site. I acknowledge that the applicant is aware of this issue and appears confident that the existing and to be planted trees can be protected to allow for effective growth and ongoing establishment. I understand that the council arborist reviewing this application is providing specialist advice on this matter for your consideration.

Conclusions

34. The site is located within a coastal residential area that has a high degree of amenity values, primarily associated with people's pleasant enjoyment of being proximate to the coastal marine area. It will be possible for people within private properties that are located in close proximity to the site to see and hear helicopters landing and taking off from the site, with this temporary activity likely to impact on existing amenity values to a varying degree, depending on the location of a person experiencing the activity.
35. While two other similar helipad locations are in place on coastal residential properties in Herne Bay, the site is located in a defined part of Coks Bay which is physically and visually separate to these properties.
36. The proposed activity in this location is likely to be noticeably inconsistent with the existing amenity values of the area, albeit for a limited duration but as a reasonably regular activity at unpredicted times. The arrival and departure of helicopters from the site, as proposed, has the potential to erode rather than maintain and enhance existing amenity values of this coastal residential environment.
37. In my opinion, people located within residential properties at the coastal edge of Coks Bay, in the immediate vicinity of the site, are likely to experience a greater degree of adverse effect on existing amenity values (possibly being more than minor in degree for some people), than for people located in more distant locations (such as within Coks Reserve or residential properties beyond West End Road). However, it is difficult to be certain in identifying exactly which people/properties would be impacted.

Please let me know if you require any further clarification.

Ngā mihi

Peter Kensington

Consultant Specialist – Landscape Architect

Registered NZILA and MNZPI

Email: peter@kplc.co.nz

Phone: 027 227 8700

Attachment: Supporting Figures 1-11

To be printed in colour at A3-size (landscape orientation) for assessment purposes.



Base aerial photograph (2019-2020) source - Auckland Council GIS

0 20 40 60
Meters

Scale @ A3
= 1:2,500



Existing formalised access points to the coast

Viewpoint locations - refer following photos



Proposed helipad location (source - application drawing RC-13 dated 13/06/2024)



Proposed flight sector (source - same application drawing as above)

REVIEW OF AN APPLICATION FOR RESOURCE CONSENT LUC60389929
USE OF A PROPOSED HELIPAD AT 38 RAWENE AVENUE, WESTMERE

REVIEW ASSESSMENT OF EFFECTS ON AMENITY VALUES 28 AUGUST 2024 - SUPPORTING FIGURES

FIGURE 1 - SITE / PROPOSAL CONTEXT / VIEWPOINTS



proposed helipad location (behind tree canopy)

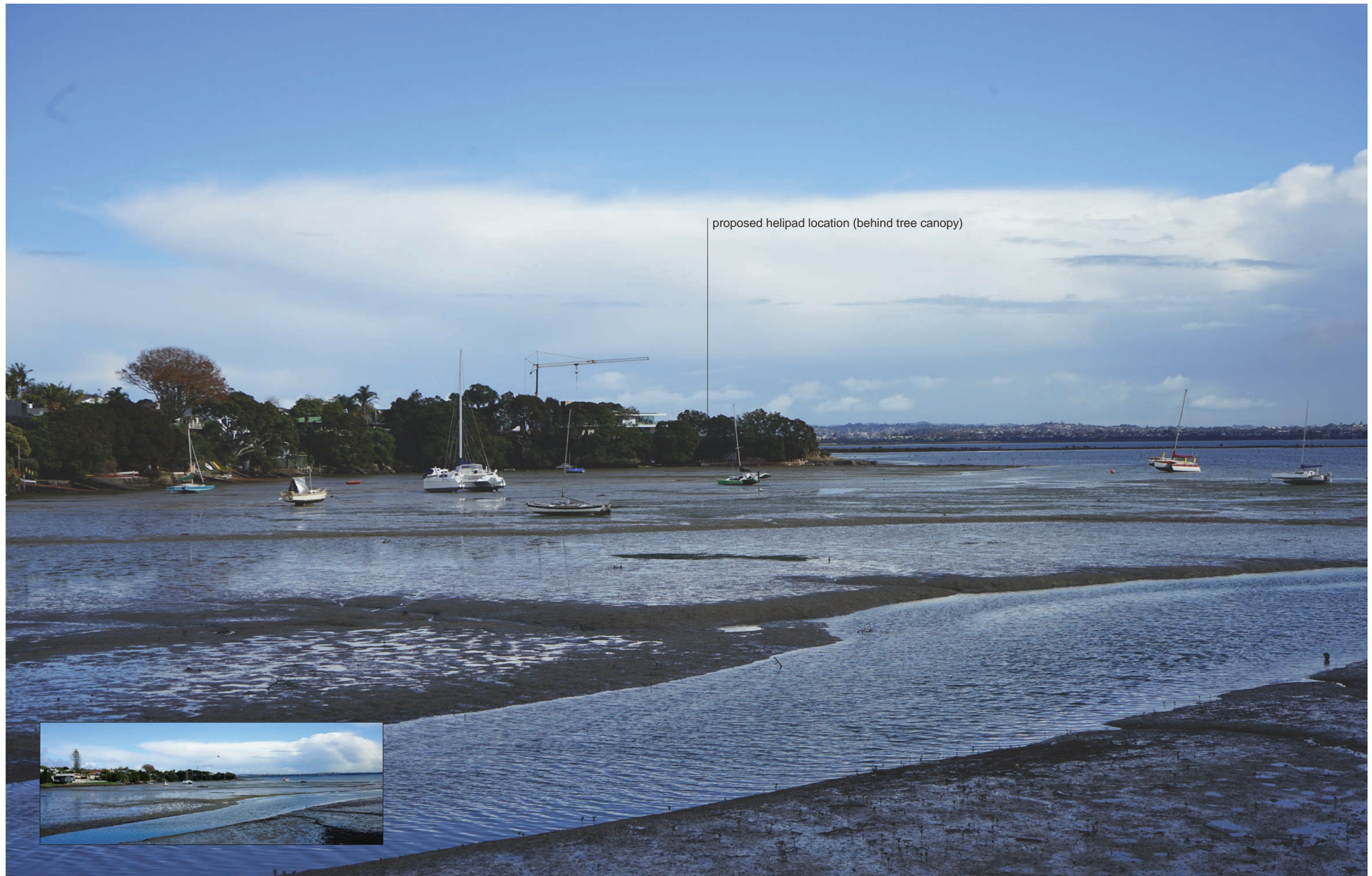
Photograph captured by Peter Kensington on 24 May 2024 11.40am looking north-east at 425m to the site.
Camera: Sony Alpha A7II Full Frame (50mm lens) single frame (thumbnail panorama for context).



proposed helipad location (behind tree canopy)



Photograph captured by Peter Kensington on 24 May 2024 11.57am looking north-west at 450m to the site.
Camera: Sony Alpha A7II Full Frame (50mm lens) single frame (thumbnail panorama for context).



proposed helipad location (behind tree canopy)

Photograph captured by Peter Kensington on 24 May 2024 11.54am looking west at 500m to the site.
Camera: Sony Alpha A7II Full Frame (50mm lens) single frame (thumbnail panorama for context).

REVIEW OF AN APPLICATION FOR RESOURCE CONSENT LUC60389929
USE OF A PROPOSED HELIPAD AT 38 RAWENE AVENUE, WESTMERE

REVIEW ASSESSMENT OF EFFECTS ON AMENITY VALUES 28 AUGUST 2024 - SUPPORTING FIGURES

FIGURE 4 - VIEW FROM VP 3 - WEST END ROAD (CAR PARK)



Photograph captured by Peter Kensington on 24 May 2024 12.03pm looking west at 550m to the site.
Camera: Sony Alpha A7II Full Frame (50mm lens) single frame (thumbnail panorama for context).

REVIEW OF AN APPLICATION FOR RESOURCE CONSENT LUC60389929
USE OF A PROPOSED HELIPAD AT 38 RAWENE AVENUE, WESTMERE
REVIEW ASSESSMENT OF EFFECTS ON AMENITY VALUES 28 AUGUST 2024 - SUPPORTING FIGURES

FIGURE 5 - VIEW FROM VP 4 - JERVOIS ROAD (WESTERN END)



Photograph captured by Peter Kensington on 24 May 2024 12.13pm looking south-west at 455m to the site.
Camera: Sony Alpha A7II Full Frame (50mm lens) single frame (thumbnail panorama for context).

REVIEW OF AN APPLICATION FOR RESOURCE CONSENT LUC60389929
USE OF A PROPOSED HELIPAD AT 38 RAWENE AVENUE, WESTMERE
REVIEW ASSESSMENT OF EFFECTS ON AMENITY VALUES 28 AUGUST 2024 - SUPPORTING FIGURES
FIGURE 6 - VIEW FROM VP 5 - BELLA VISTA RESERVE (LOWER)



Photograph captured by Peter Kensington on 24 May 2024 12.37pm looking north-east at 140m to the site.
Camera: Sony Alpha A7II Full Frame (50mm lens) single frame (thumbnail panorama for context).



Photograph captured by Peter Kensington on 24 May 2024 12.33pm looking north-west at 80m to the site.
Camera: Sony Alpha A7II Full Frame (50mm lens) panorama comprising five stitched single frame portrait photos.

REVIEW OF AN APPLICATION FOR RESOURCE CONSENT LUC60389929
USE OF A PROPOSED HELIPAD AT 38 RAWENE AVENUE, WESTMERE
REVIEW ASSESSMENT OF EFFECTS ON AMENITY VALUES 28 AUGUST 2024 - SUPPORTING FIGURES
FIGURE 8 - VIEW FROM VP B - CMA EAST OF RAWENE AVENUE



JOINS LEFT SIDE OF PANORAMA AT FIGURE 10

Photograph captured by Peter Kensington on 24 May 2024 12.28pm looking out from the site.
Camera: Sony Alpha A7II Full Frame (50mm lens) panorama comprising seven stitched single frame portrait photos.



JOINS RIGHT SIDE OF PANORAMA AT FIGURE 9

Photograph captured by Peter Kensington on 24 May 2024 12.28pm looking out from the site.
Camera: Sony Alpha A7II Full Frame (50mm lens) panorama comprising five stitched single frame portrait photos.



Photograph captured by Peter Kensington on 31 May 2024 12.33pm looking south at 20m to the site.
Camera: Sony Alpha A7II Full Frame (50mm lens) panorama comprising five stitched single frame portrait photos.

REVIEW OF AN APPLICATION FOR RESOURCE CONSENT LUC60389929
USE OF A PROPOSED HELIPAD AT 38 RAWENE AVENUE, WESTMERE
REVIEW ASSESSMENT OF EFFECTS ON AMENITY VALUES 28 AUGUST - SUPPORTING FIGURES
FIGURE 11 - VIEW FROM VP D - CMA NORTH OF SITE

From: [Regine Leung](#)
To: [Adonica Giborees](#)
Subject: RE: Updated site plan for Proposed helipad at 38 Rawene Avenue, Westmere (LUC60389929) - Arboricultural memo 1
Date: Monday, 24 June 2024 3:39:05 pm

Hi Adonica,

Thank you for the updated plan.

I have relied upon the S92 response from the applicant, information submitted as well as viewing via street view, GIS database and site photos for my assessment. Regarding the proposed helicopter operation at 38 Rawene Avenue, Westmere, **please take this email as my assessment memo for your consideration.**

Background and Arboricultural Assessment

As we known, the applicant is proposing to apply for helicopter operation at the northwest corner of the site next to the existing swimming pool. There are some mature Pohutukawa trees located on both sides of the cliff and within 10m of the location of the proposed helipad. These Pohutukawa trees provide landscape value, amenity, ecological functions, screening effects to the seashore and soil stability on the cliff area that alternation on these trees will trigger resource consent under E15.4.1 (A21) and (A22) of AUP.

It is noted that trees and vegetation for rehabilitation purposed along the coastal environment and 20m MHWS were being granted by resource consents LUC60383791 and CST60383790 – under BUN60383789, and shall be planted next to these mature Pohutukawa trees on the cliff edge, which are also located within 20m of the proposed helipad.

According to the Helipad Location Plan RC-13, it shows that the proposed flight path will be on top of the Pohutukawa trees and the proposed coastal replanting at the northwest cliff.

Arboricultural assessment report from qualified arborist on the potential impacts on the existing Pohutukawa trees and proposed replanting along the cliff granted under BUN60383789 has been requested and applicant refused to provide which I cannot assess the tree impacts with more solid information from the applicant.

It is my assessment that the effect of proposed helicopter operation on the existing Pohutukawa trees along the coastal environment and 20m MHWS, it is very likely the forces generated by helicopter operation will damage the branches of these existing trees and resulted in detrimental impact on their health in the long term, in particular on the canopy growth and then the roots for soil stability along the coast. In addition, the damage on the canopy can result in safety concern on helicopter operation from these broken branches in the spinning turbulence. The existing Pohutukawa trees are also good habitats to attack birds along the coast. The spinning turbulence from the helicopter operation can

result in safety concern on helicopter operation from birds using the trees. It is very likely the applicant needs to apply for canopy reduction on these existing Pohutukawa trees to allow safe operation of helicopter on site.

It is my assessment that the trees proposed for rehabilitation purposes along the coastal environment and 20m MHWS by resource consents LUC60383791 and CST60383790 under BUN60383789, cannot establish on the cliff area under the spinning turbulence when consider the force generated by helicopter operation is significant and the location of the new tree planting is within 20m of the flying path. Applicant has proposed to provide screen on these new trees to be planted along the coast and I suggest that the applicant can provide detail proposal to demonstrate how these new trees can be screened and protected for their establishment under the helicopter operation.

Based on the current limited information, I consider the proposed helicopter operation will impact on health and longevity of the coastal Pohutukawa on both sides of the Cliff at northwest and Northeast coasts that applicant needs to demonstrate with arboricultural assessment by qualified arborist for the associated tree impacts on the coastal Pohutukawa trees and new trees to be planted along the coast to be less than minor.

Relevant Statutory Framework

Overall, the proposal is not consistent with the relevant statutory documents, insofar as they relate to the matters over which discretion is restricted and regarding the objectives and policies of Chapter E15 of the Auckland Unitary Plan (Operative in Part).

The proposed tree works would be assessed under the following rules.

Under the Activity Table E15.4.1 (A21)

Vegetation alteration or removal of greater than 25m² of contiguous vegetation or tree alteration or tree removal of any indigenous tree over 3m in height within 20m of mean high water springs in all zones other than in a Rural – Rural Production Zone, Rural – Mixed Rural Zone, Rural – Rural Coastal Zone, Rural – Rural Conservation Zone, Rural – Waitakere Ranges Zone and Rural – Countryside Living Zone or Future Urban Zone
It is assessed as a ***Restricted Discretionary Activity***.

Under the Activity Table E15.4.1 (A22)

Vegetation alteration or removal of greater than 25 m² of contiguous vegetation, or tree alteration or tree removal of any indigenous tree over 3 m in height, that is within:

- (a) a horizontal distance of 20 m from the top of any cliff with;
- (b) a slope angle steeper than 1 in 3 (18 degrees); and
- (c) within 150 m of mean high-water springs

It is assessed as a ***Restricted Discretionary Activity***.

Please let me know if you have any questions.

Ngā mihi | Kind regards,

Regine Hoi Gok Leung | Senior Arborist
Earth, Streams and Trees | Specialist Unit
Planning and Resource Consents

Mob 027 273 4582 | Email: regine.leung@aucklandcouncil.govt.nz

Auckland Council, Level 6, 135 Albert Street

Private Bag 92 300, Auckland 1142

Visit our website: www.aucklandcouncil.govt.nz

From: [Regine Leung](#)
To: [Adonica Giborees](#)
Subject: RE: Supplementary memo: Helipad at 38 Rawene Avenue, Westmere (LUC60389929) - Arboricultural memo 2
Date: Monday, 24 March 2025 10:13:13 am

Good morning, Adonica,

Here below is my supplementary information for my experience and qualifications, and proposed conditions if consent is granted for your consideration.

QUALIFICATIONS AND RELEVANT EXPERIENCE

- 1.1. My name is Regine Hoi Gok Leung, and I am the Senior Specialist Arborist in the Earth, Streams and Trees Team of Specialist Unit at Auckland Council. My qualifications include Bachelor of Science in Biology (1998) and Master of Philosophy in Geography (2001). I am also the Certified Arborist (since 2009) of International Society of Arboriculture (ISA) and hold the Tree Risk Assessment Qualification (TRAQ) of ISA (2022 – 2027).
- 1.2. My current role at Auckland Council is to provide review and recommendation to Council Planners for land use applications that involve protected trees, prepare and determine resource consent applications that solely concern protected trees, provide specialist advice on major infrastructure projects, outline plans of works, and notices of requirement, and to prepare reports and technical memoranda as an arboricultural expert at notified Council hearings, Council committees, and in the Environment Court.
- 1.3. I have extensive experience in assessment of land use consents similar to this application with the nature of impacts from proposed development on street trees. I have provided assessment on the impacts of street trees with recommended conditions, to support this application.

EXPERT WITNESS CODE OF CONDUCT

- 1.4. I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023 and have complied with it in preparing this technical memo. Other than where I state that I am relying on the advice of another person, this evidence is within my area(s) of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

PROPOSED CONDITIONS OF CONSENT

I do not support the proposal as the impacts on the trees (dominated by Pohutukawa trees) on the cliff from the operation of the helicopter within the site will be more than minor, which will compromise the heath and the ecosystems services provided by these trees in the long run. However, if in case resource consent of this application is granted by commissioners after hearing, here below are the recommended arboricultural conditions for your consideration:

1. To understand the impacts on the canopy of protected trees on the cliff and within 20m of the MHWS of the site, the consent holder must engage a Council approved, qualified and experienced work arborist to monitor and review the health stature of the branches, canopy and overall vitality of these protected trees regularly on three-month basis for five years, after the operation of the helicopter on site.
2. The work arborist must prepare and submit to Council's Resource Consent Monitoring Team Leader the quarterly reports with photographic records and description to record the changes in health stature of the protected trees comparing to the stature prior to helicopter operation, and recommend mitigation measures to rectify and sustain the tree health if necessary, in accordance with the arboriculture practices.
3. Should the protected trees die or decline beyond recovery due to operation of helicopter on site, mitigation replanting in term of canopy coverage in 1:1 ratio with native trees species (in minimum of Pb12) must be provided by Consent Holder along the cliff or within 20m MHWS, within the site to mitigate the loss of the protected trees. The replanting plan must be reviewed and approved by Council prior to the commencement of replanting on site.
4. The replacement trees must be located in such a position so that their long-term growth and development is taken into consideration and maintained thereafter in correct arboricultural fashion, including irrigation and mulching as necessary.
5. The replacement trees' growth and development must be monitored for five years following planting. If any of the replacement trees die or decline beyond recovery during this period, it must be replaced by the consent holder with a new specimen of a similar size and species to that which was originally planted

Please let me know if you have any questions.

Ngā mihi | Kind regards,

Regine Hoi Gok Leung | Senior Arborist
Earth, Streams and Trees | Specialist Unit
Planning and Resource Consents

Mob 027 273 4582 | Email: regine.leung@aucklandcouncil.govt.nz

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Memo

May 16. 2024

To: Adonica Giborees

From: Sport and Recreation

Subject: Helipad resource consent application at 38 Rawene Avenue, Westmere (LUC60389929)

Hi Adonica, was great to meet you today. Please see Sport and Rec response below;

The applicant is located on the tip of Piper Point and as the Sea Scout submission states they often have their younger children out there using Piper point as their destination. The kids are around 6-8years old when they first start to kayak alone. The club strongly opposes the submission and from a sport and recreation perspective our stance would align with the sport club.

There is Meola dog park nearby, one of the most popular dog parks in surrounding local boards. Many travel from other local board areas to use the park, they will often then walk along the coast towards Cox's Bay (situated close to applicants address).

Paddle boarding and casual kayakers would also be affected by wind and noise from helicopters.

A quick search on AT website showed there is boat mooring in the area that would also be affected.

Kite surfers on eastern side of Meola Reef would be impacted. Recreational swimmers at high tides, and kids cooling off in summer may also be impacted.

While general activities at Cox's Bay reserve may not be directly impacted it would still be a distraction.

We have also engaged with Sport Auckland who are in agreeance with the points listed above.

Hope that's of some use, please reach out If there is anything else I can help with.

Kind regards,

Sport and Recreation Team
Auckland Council

ATTACHMENT THREE
RELEVANT CONSENTING HISTORY

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



Restricted discretionary activity

Application number(s): BUN60373967(Council reference
LUC60369516 (s9 land use consent)
WAT60373968 (s14 Water Take consent)

Applicant: Alexander James Williams

Site address: 38 Rawene Avenue, Westmere

Legal description: Lot 55 DP10231 and Lot 56 DP10231

Proposal:

To demolish an existing dwelling and construct a new dwelling on a site, and undertake associated site works including earthworks of 979m² and 3,351m³, groundwater take (dewatering) and diversion, and works within the rootzone of a generally protected Pohutukawa tree greater than 3m in height.

Resource consents are required for the following reasons:

Land use consent (s9) – LUC60369516

Auckland Unitary Plan (Operative in part)

Land Disturbance - District

- To undertake general earthworks of 979m² and 3,351m³, as the earthworks are greater than 500 m² and 2,500m³ in a residential zone, is a restricted discretionary activity under rules E12.4.1(A4) and (A10) respectively.

Vegetation management and biodiversity

- To undertake works within the protected root zone of a pohutukawa, as the tree is greater than 3m in height and is within 20m of MHWS and a cliff that is within 150m of MHWS, is a restricted discretionary activity under rules E15.4.1(A21) and (A22) respectively.

Watertake consent (s14) – WAT60373968

Auckland Unitary Plan (Operative in part)

Groundwater – Discharge and Diversion

- To take groundwater through dewatering, as the dewatering will occur for a period in excess of 30 days and will continue outside of construction period, is a restricted discretionary activity under rule E7.4.1(A20).
- To undertake works requiring diversion of ground water, as the diversion will occur for greater than 10 days and the associated works/structure will extend more than 2m below the natural groundwater level, is a restricted discretionary activity under rule E7.4.1(A28).

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 consents are **GRANTED**.

Reasons

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:
 - E7.8.1 (1), (4) and (6) for groundwater take and diversion.
 - E12.8.1 (1) for earthworks in excess of 500m² and/or 250m³
 - E15.8.1 (1) for vegetation alteration (works within protected root zone).
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. Appropriate mitigation is proposed to protect the health of the Pohutukawa tree subject to works within the protected root zone.
 - b. The proposed vegetation alteration will avoid adverse effects upon threatened species or ecosystems due to the existing modified and residential nature of the area of works.
 - c. Construction traffic will be for a short and will be for a temporary duration, with proposed hours of operation for construction activity providing sufficient mitigation in terms of effects on neighbouring persons.
 - d. The earthworks are limited to the building platform and are located generally within the footprint of an existing building, and are associated with development provided for within the zone by the AUP(OP).

- e. The earthworks will occur over an anticipated two-month timeframe, thus occurring for a short and temporary duration, with conditions of consent offered to restrict hours of operation to acceptable time periods.
- f. Noise and dust effects will be appropriately managed through conditions of consent such that any adverse effects to persons occupying neighbouring properties will be less than minor.
- g. Appropriate mitigation is proposed to ensure sedimentation effects to the surrounding coastal area and surrounding ecosystems are minimised.
- h. The earthworks are appropriate for the proposed development and that no other properties are likely to be affected from soil instability issues arising from the earthworks.
- i. Adequate data has been provided to indicate that negligible damage to adjacent buildings/structures on the adjacent property [36 Rawene Ave], or to existing public services is likely from proposed excavation and dewatering.
- j. Appropriate monitoring will be incorporated to manage any adverse settlement effects upon neighbouring property to the southwest, 36 Rawene Ave, in terms of buildings and/or structures following dewatering.
- k. Appropriate provision has been made for review of consent conditions and ongoing monitoring of groundwater conditions and levels, ground surface movement and aquifer parameters to allow for management and mitigation of any adverse environmental effects that may or potentially may arise from groundwater take and/or diversion activity.
- l. Adequate retaining structures will be installed so that adverse stability effects for neighbouring properties in relation to basement excavations will be less than minor.
- m. In terms of positive effects, the development will allow for increased amenity and use by the consent holder, providing for their social and economic well being that does not result in adverse effects upon the environment.
- n. 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 and/or within the relevant matters of discretion.
- o. With reference to s123, it is considered appropriate to set a term of thirty-five (35) years for the groundwater take and diversion consent (WAT60373968) because the dewatering and groundwater diversion will continue in the long-term and any adverse effects on the environment will be less than minor.
- p. With reference to s128, it is considered appropriate to impose conditions requiring review of conditions of consent for groundwater take and diversion (WAT60373968) in order to

manage and mitigate any adverse environmental effects that may or potentially may arise from the exercise of the consent, and to take account of information gained from monitoring and/or changed environmental knowledge.

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;

Objectives E2.2 (1), (5) and Policies E2.3 (7), (8), (9), (13), (14), (17) and (23) which relate to groundwater take and diversion and seek to ensure that such activities maintain the availability of water in aquifers for use while maintaining natural values, ensuring current and future needs are provided for, and mana whenua values are acknowledged in the use of water. In specific regards to groundwater diversion, policies 13, 14, seek to ensure the life-supporting capacity of freshwater and ecosystems is maintained in consideration of NPS-Freshwater Management 2014; policy 17 requires that a provision is made to allow a comprehensive review of consents; and policy 23 requires monitoring and mitigation to be incorporated within any water take/diversion applications.

The proposal is consistent with the outcomes sought by the above objectives and policies as the consent as monitoring and review conditions have been offered; the application has been provided for review to mana whenua groups through Councils' CVA facilitation service; adequate assessment of settlement levels for adjoining properties has been completed with confirmation of such settlement resulting in negligible damage to buildings and structures; excavation will be maintained through permanent retaining structures; and the groundwater diversion will not give rise to adverse environmental effects.

Objective E12.2 (1) and Policies E12.3 (1) – (6) which seek to ensure that earthworks occur in a manner that minimises adverse effects on the environment, provides for stability of surrounding land, buildings and structures, manages impacts on Mana Whenua cultural heritage while providing for the establishment of activities that provide for the social, economic and cultural well-being of people.

The proposed earthworks are consistent with the outcomes sought by the above objectives and policies as sufficient mitigation is proposed to minimise adverse effects of sedimentation and erosion on the environment, minimise adverse effects on amenity values of people occupying adjoining properties, maintain on and off-site stability. Mana whenua cultural heritage is provided for through advice that accidental discovery protocols are required to be followed should any such discovery occur. The works allow for an enhanced use and enjoyment of the site by the consent holder, thereby providing for their social, economic and cultural well-being.

Objectives E15.2 (1) and (2) and Policies E15.3 (2), (4), (6), (9), (10) which relate to protection of indigenous vegetation and management of adverse effects upon biodiversity values and ecosystems, with specific reference to coastal environments.

The proposal is consistent with the outcomes sought by the above objectives and policies as the development has been designed and located to minimise vegetation alteration, and appropriate mitigation is proposed to manage adverse effects and maintain the health of a coastal indigenous Pohutukawa of a height greater than 3m.

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 there are no other matters considered relevant to assessment in relation to this application.
5. In the context of this restricted discretionary activity application for land use and water take consent, 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.
6. Overall, the proposal is considered to merit a decision to grant consent for reasons as outlined above.

Conditions

Under sections 108 and 108AA of the RMA, these consents are subject to the following conditions:

General conditions

These conditions apply to all resource consents.

1. This consent must 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 numbers LUC60369516 and WAT60373968 of BUN6037967.
 - Application Form and Assessment of Environmental Effects prepared by Martin Green of Green Group Ltd, dated 14 December 2020.

Report title and reference	Author	Re v	Dated
Geotechnical Investigation Report for Proposed Residential Development 38 Rawene Avenue, Westmere, Auckland, Ref LTA20223	LandTech Consulting Ltd	E	9 June 2021
Geotechnical Memorandum for Basement Excavation Related to Proposed New Dwelling at 38 Rawene Avenue, Westmere, Auckland, Ref LTA20223	LandTech Consulting Ltd	A	6 August 2021

Earthwork Management Plan	Thomas Consultants Ltd	2.0	20/07/2021
Stormwater Memo	Thomas Consultants Ltd	-	n.d.
38 Rawene Ave, Westmere – Assessment of Basement in Relation to Vegetation	Peers Brown Miller Ltd	-	10 May 2021

Drawing title and reference	Author	Rev	Dated
Existing Site Plan, Sheet RC-01	Ponting Fitzgerald Architects	06	25/03/2021
Proposed Site Plan, Sheet RC-02	Ponting Fitzgerald Architects	06	25/03/2021
Site Planning, Sheet RC-03	Ponting Fitzgerald Architects	26	19/07/2021
Site Works, Sheet RC-04	Ponting Fitzgerald Architects	10	27/07/2021
Basement Floor Presentation Plan, Sheet RC-05	Ponting Fitzgerald Architects	10	10/05/2021
Ground Floor Presentation Plan, Sheet RC-06	Ponting Fitzgerald Architects	06	25/03/2021
First Floor Presentation Plan, Sheet RC-07	Ponting Fitzgerald Architects	06	25/03/2021
Roof Presentation Plan, Sheet RC-08	Ponting Fitzgerald Architects	06	25/03/2021
Elevations, North & South, Sheet RC-09	Ponting Fitzgerald Architects	06	25/03/2021
Elevations – East & West, Sheet RC-10	Ponting Fitzgerald Architects	06	14/12/2020
Site Sections, Sheet RC-11	Ponting Fitzgerald Architects	09	07/05/2021

Site Sections, Sheet RC-12	Ponting Fitzgerald Architects	09	07/05/2021
Earthworks Cut and Fill Plan, Dwg No RC211	Thomas Consultants Ltd	C	28/07/2021
Private Stormwater Layout Plan, Dwg No RC411	Thomas Consultants Ltd	-	15/07/2021
Section A-A': Settlements Due to Dewatering	Rocscience		7/04/2021
Section A-A': Settlements Due to Dewatering (Total Head)	LandTech Consulting	-	7/04/2021
Section A-A': Settlements Due to Dewatering (Horizontal Displacement)	LandTech Consulting	-	7/04/2021
Section A-A': Settlements Due to Dewatering (Vertical Displacement)	LandTech Consulting	-	7/04/2021
Section B-B': Settlements Due to Dewatering	Rocscience	-	7/04/2021
Section B-B': Settlements Due to Dewatering (Total Head)	LandTech Consulting	-	7/04/2021
Section B-B': Settlements Due to Dewatering (Vertical Displacement)	LandTech Consulting	-	7/04/2021
Section B-B': Settlements Due to Dewatering (Horizontal Displacement)	LandTech Consulting	-	7/04/2021
Section B-B': Settlements Due to Dewatering (Vertical Displacement)	LandTech Consulting	-	7/04/2021
Section C-C': Settlements Due to Dewatering	Rocscience	-	7/04/2021
Section C-C': Settlements Due to Dewatering (Total Head)	LandTech Consulting	-	7/04/2021
Section C-C': Settlements Due to Dewatering (Horizontal Displacement)	LandTech Consulting	-	7/04/2021
Section C-C': Settlements Due to Dewatering (Vertical Displacement)	LandTech Consulting	-	7/04/2021
Section A-A': Post-Development: Extreme Groundwater Conditions	LandTech Consulting	-	7/04/2021
Section A-A': Post-Development: Normal Groundwater Conditions	LandTech Consulting	-	7/04/2021
Section A-A': Post-Development: Seismic Conditions	LandTech Consulting	-	7/04/2021
Section A-A': Pre-Development: Extreme Groundwater Conditions	LandTech Consulting	-	7/04/2021

Section A-A': Pre-Development: Normal Groundwater Conditions	LandTech Consulting	-	7/04/2021
Section A-A': Pre-Development: Seismic Conditions	LandTech Consulting	-	7/04/2021
Section B-B': Post-Development: Extreme Groundwater Conditions	LandTech Consulting	-	7/04/2021
Section B-B': Post-Development: Normal Groundwater Conditions	LandTech Consulting	-	7/04/2021
Section B-B': Post-Development: Seismic Conditions	LandTech Consulting	-	7/04/2021
Section B-B': Pre-Development: Extreme Groundwater Conditions	LandTech Consulting	-	7/04/2021
Section B-B': Pre-Development: Normal Groundwater Conditions	LandTech Consulting	-	7/04/2021
Section B-B': Pre-Development: Seismic Conditions	LandTech Consulting	-	7/04/2021
Section C-C': Post-Development: Extreme Groundwater Conditions	LandTech Consulting	-	7/04/2021
Section C-C': Post-Development: Normal Groundwater Conditions	LandTech Consulting	-	7/04/2021
Section C-C': Post-Development: Seismic Conditions	LandTech Consulting	-	7/04/2021
Section C-C': Pre-Development: Extreme Conditions	LandTech Consulting	-	7/04/2021
Section C-C': Pre-Development: Normal Groundwater Conditions	LandTech Consulting	-	7/04/2021
Section C-C': Pre-Development: Seismic Conditions	LandTech Consulting	-	7/04/2021
Monitoring Location Plan, Map No 4	LandTech Consulting	Rev 2	n.d.

Other additional information	Author	Rev	Dated
Geotechnical RFI response letter Proposed Renovations 38 Rawene Avenue, Westmere, Auckland, ref LTA20223	LandTech Consulting Ltd	A	12 February 2021
Email – RE: LUC60369516 – 38 Rawene Avenue, Westmere – Review of s92 Response	Ali Williams		3 June 2021

2. Under section 125 of the RMA, these consents lapse five years after the date they are granted unless:
 - a. The consents are given effect to; or

- b. The council extends the period after which the consents lapse.
3. The consent holder must pay the council an initial consent compliance monitoring charge of \$1,032 (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 these consents.

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(s). 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(s) have been met, will the council issue a letter confirming compliance on request of the consent holder.

Specific conditions – land use consent LUC60369516

Arboreal

4. The consent holder must employ a suitably experienced arborist (works arborist) to ensure compliance with all consent conditions relating to tree protection for the duration of the works.
5. The consent holder must install temporary fencing consisting of (at a minimum) dayglow mesh attached to closely-spaced steel waratahs, to isolate to the extent possible the root zones of all protected coastal vegetation located in proximity to any demolition and construction works.
6. The consent holder must ensure that no construction activity of any kind and no storage of materials or equipment occurs beyond the temporary fencing.
7. The consent holder must ensure that, where undertaking the excavation required to install the new basement within the protected root zone of the affected pohutukawa, the first 800mm depth of the face of the excavation is supervised by the works arborist. Any roots encountered along the line of cut must be cleanly cut back to the edge of the excavation by the works arborist, using a sharp implement such as handsaw or secateurs.
8. The consent holder must ensure that exposed root ends are covered in polythene or impermeable barrier prior to any concrete pour.

Earthworks

9. The Council must be notified at least 5 working days prior to earthwork activities commencing on the subject site.
10. Prior to the commencement of earthworks activity, the consent holder must hold a pre-start meeting that:

- a) Is located at the subject site
 - b) Is scheduled not less than 5 days before the anticipated commencement of earthworks
 - c) Includes all concerning officer[s] e.g., Monitoring officer, arborist etc
 - d) Includes representation from contractors who will undertake earthworks and suitably qualified professionals
 - e) The following information must be made available at the pre-start meeting including specific references to all relevant documentation, such as resource consent conditions, erosion and sediment control plan and engineers work method.
11. The consent holder must ensure that all machinery associated with the earthwork activity is operated in a way, which ensures that spillages of hazardous substances such as fuel, oil, grout, concrete products and any other contaminants are prevented
 12. The consent holder must ensure that no damage to public roads, footpaths, berms, kerbs, drains, reserves or other public asset occurs as a result of the earthworks, demolition and/or construction activity. In the event that such damage does occur, the Council will be notified within 24 hours of its discovery. The costs of rectifying such damage and restoring the asset to its original condition will be met by the consent holder.
 13. The consent holder must ensure that all materials and equipment is stored within the subject site's boundaries unless written permission is granted from Auckland Transport for specific storage in the road reserve.

Sediment and Erosion

14. Prior to the commencement of earthworks activity, all required erosion and sediment control measures on the subject site must be constructed and carried out in accordance with the approved Earthwork Management Plan by Thomas Consultants (reference: LDCE0200, version: 2.0, dated: 14 July 2021) to the satisfaction of the Council.
15. All earthworks must be managed to minimise any discharge of debris, soil, silt, sediment or sediment-laden water is discharged beyond the subject site to either land, stormwater drainage systems, watercourses or receiving waters. In the event that a discharge occurs, works must cease immediately and the discharge must be mitigated and/or rectified to the satisfaction of the Council.
16. There must be no airborne or deposited dust beyond the subject site as a result of the earthworks / construction / demolition activity, that in the opinion of the Council, is noxious, offensive or objectionable.
17. Within ten working days following the completion or abandonment of earthworks on the subject site all areas of bare earth must be permanently stabilised against erosion to the satisfaction of the Council.

Construction Traffic

18. Prior to the commencement of the earthworks on the subject site, a finalised Construction Traffic Management Plan (TMP) must be prepared in accordance with the Code of Practice for Temporary Traffic Management (CoPTTM) and shall address the control of the movement of earthmoving vehicles to and from the site. The TMP must be submitted to Council for approval. No earthworks on the subject site must commence until confirmation is provided from the council that the TMP satisfactorily meets the requirements of the CoPTTM, and any required measures referred to in that plan have been put in place.

Advice Note:

The Traffic Management Plan should contain sufficient detail to address the following matters (list not exhaustive):

- *measures to ensure the safe and efficient movement of the travelling public (pedestrians, vehicle occupants, local residents etc.),*
- *restrict hours of vehicle movements to protect amenity of surrounding environment during earthworks phase*

It is the responsibility of the applicant to seek approval for the Traffic Management Plan from Auckland Transport. Please contact Auckland Transport on (09) 355 3553 and review www.beforeudig.co.nz before you begin works.

Geotechnical

19. All earthworks must be managed to ensure that they do not lead to any uncontrolled instability or collapse affecting either the site or adversely affecting any neighbouring properties. In the event that such collapse or instability does occur, it must immediately be rectified.
20. The consent holder must engage an engineer (who is familiar with Geotechnical Investigation Report for proposed residential development from LandTech Consulting (reference: LTA20223, revision: E, dated: 9 June 2021)) to monitor all excavations, retaining and foundation construction. The supervising engineer's contact details must be provided in writing to the Council at least two weeks prior to earthworks commencing on site.
21. The consent holder must provide an engineer's work method written by a chartered geotechnical engineer or engineering geologist for the contractor to undertake the earthworks with and include the recommendations provided within Geotechnical Investigation Report for proposed residential development from LandTech Consulting (reference: LTA20223, revision: E, dated: 9 June 2021). The work method must be provided in writing to the satisfaction of the Council at least two weeks prior to earthworks commencing on site. No works onsite are permitted prior to written approval that the engineer's work method has been reviewed and accepted by the Council.
22. Certification from a chartered geotechnical engineer or engineering geologist must be provided to the Council, confirming that the works have been completed in accordance

with the approved engineer's work method as required by Condition 8, within ten (10) working days following completion. Written certification must be in the form of a geotechnical completion report, or any other form acceptable to the Council.

23. The consent holder must engage an engineer to advise the Council of timeframes for unsupported cuts adjacent to boundaries at least one week prior to excavations on boundaries being undertaken.

Advice Notes:

Stormwater

- a. *Existing stormwater connections should be proven to be in good condition. CCTV report can reveal the condition of the connection. If found to be of poor condition, a new connection or upgrade of the existing connection may be required with Building Consent.*

Wastewater

- b. *Existing wastewater connections should be proven to be in good condition. CCTV report can reveal the condition of the connection. If found to be of poor condition, a new connection or upgrade of the existing connection may be required with Building Consent.*
- c. *Any new or additional modifications to wastewater discharge or changes to internal configurations will need to be assessed at Building Consent stage.*

Earthworks

- d. *To arrange a pre-start meeting, please contact the Auckland Team leader, Compliance and Monitoring – Central. The conditions of consent should be discussed at this meeting. All additional information required by the Council should be provided a minimum of 2 days prior to the meeting.*
- e. *Litter such as plastic bags/bottles and building material wrappings shall be removed from the work site at the end of each workday.*
- f. *Adhesives, solvents, paints and other contaminants from building operations shall be prevented from entering stormwater drains and adjacent waterways.*

Accidental Discovery

- g. *If, at any time during site works, sensitive materials (koiwi/human remains, an archaeology site, a maori cultural artefact, a protected NZ object), contamination or a lava cave greater than 1m in diameter) are discovered, then the protocol set out in standards E11.6.1 and E12.6.1 of the Auckland Unitary Plan (Operative in Part) shall be followed. In summary these are:*
- i. *All earthworks will cease in the immediate vicinity (at least 20m from the site of the discovery) and the area including a buffer secured to ensure all sensitive material remains undisturbed.*

- ii. *The consent holder must immediately advise Council, Heritage New Zealand Pouhere Taonga and Police (if human remains are found) and arrange a site inspection with these parties.*
- iii. *If the discovery contains koiwi, archaeology or artefacts of Maori origin, representatives from those Iwi groups with mana whenua interest in the area are to be provided information on the nature and location of the discovery.*
- iv. *The consent holder must not recommence works until the steps set out in the above-mentioned standards have been followed and commencement of works approved by Council.*

Geotechnical

- h. *Any minor amendments should be provided to the Team Leader – Compliance Monitoring Central, prior to implementation to confirm that they are within the scope of this consent.*
- i. *Any changes to the erosion and sediment control measures which affect their performance or level of treatment they provide, may require an application to be made in accordance with section 127 of the RMA*

Specific conditions – Watertake consent WAT60373968

Definitions

Words in the ground dewatering (take) and groundwater diversion consent conditions have specific meanings as outlined in the table below.

<i>Alarm Level</i>	<i>Specific levels at which actions are required as described in the relevant conditions.</i>
<i>Alert Level</i>	<i>Specific levels at which actions are required as described in the relevant conditions.</i>
<i>Bulk Excavation</i>	<i>Includes all excavation that affects groundwater excluding minor enabling works and piling less than 1.5m in diameter.</i>

<i>Commencement of Construction Phase Dewatering</i>	<i>Means commencement of Bulk Excavation and/or the commencement of the taking or diversion of groundwater, other than for initial state monitoring purposes.</i>
<i>Completion of Construction Phase Dewatering</i>	<i>Means, in the case of a drained building or structure, the stage the structures external and internal support mechanisms, including basement floors have been completed, the permanent drainage system(s) are in place and no further groundwater is being taken for the construction of the basement</i>
<i>Commencement of Excavation</i>	<i>Means commencement of Bulk Excavation or excavation to create perimeter walls.</i>
<i>Completion of Construction</i>	<i>Means when the Code Compliance Certificate (CCC) is issued by Auckland Council</i>
<i>Completion of Excavation</i>	<i>Means the stage when all Bulk Excavation has been completed and all foundation/footing excavations within 10 meters of the perimeter retaining wall have been completed.</i>
<i>Condition Survey</i>	<i>Means an external visual inspection or a detailed condition survey (as defined in the relevant conditions).</i>
<i>Damage</i>	<i>Includes Aesthetic, Serviceability, Stability, but does not include Negligible Damage. Damage as described in the table below.</i>

<i>External visual inspection</i>	<i>A condition survey undertaken for the purpose of detecting any new external Damage or deterioration of existing external Damage. Includes as a minimum a visual inspection of the exterior and a dated photographic record of all observable exterior Damage.</i>
<i>GSMCP</i>	<i>Means Groundwater and Settlement Monitoring and Contingency Plan</i>
<i>Monitoring Station</i>	<i>Means any monitoring instrument including a ground or building deformation station, inclinometer, groundwater monitoring bore, retaining wall deflection station, or other monitoring device required by this consent.</i>
<i>RL</i>	<i>Means Reduced Level.</i>
<i>Seasonal Low Groundwater Level</i>	<i>Means the annual lowest groundwater level – which typically occurs in summer.</i>
<i>Services</i>	<i>Include fibre optic cables, sanitary drainage, stormwater drainage, gas and water mains, power and telephone installations and infrastructure, road infrastructure assets such as footpaths, kerbs, catch-pits, pavements and street furniture.</i>
<i>SQEP</i>	<i>Means Suitably Qualified Engineering Professional</i>
<i>SQBS</i>	<i>Means Suitably Qualified Building Surveyor</i>

Category of Damage	Normal Degree of Severity	Description of Typical Damage <i>(Building Damage Classification after Burland (1995), and Mair et al (1996))</i>	General Category <i>(after Burland – 1995)</i>
0	Negligible	Hairline cracks.	Aesthetic Damage
1	Very Slight	Fine cracks easily treated during normal redecoration. Perhaps isolated slight fracture in building. Cracks in exterior visible upon close inspection. Typical crack widths up to 1mm.	
2	Slight	Cracks easily filled. Redecoration probably required. Several slight fractures inside building. Exterior cracks visible, some repainting may be required for weather-tightness. Doors and windows may stick slightly. Typically, crack widths up to 5mm.	
3	Moderate	Cracks may require cutting out and patching. Recurrent cracks can be masked by suitable linings. Brick pointing and possible replacement of a small amount of exterior brickwork may be required. Doors and windows sticking. Utility services may be interrupted. Weather tightness often impaired. Typical crack widths are 5mm to 15mm or several greater than 3mm.	Serviceability Damage
4	Severe	Extensive repair involving removal and replacement of walls especially over door and windows required. Window and door frames distorted. Floor slopes noticeably. Walls lean or bulge noticeably. Some loss of bearing in beams. Utility services disrupted. Typical crack widths are 15mm to 25mm but also depend on the number of cracks.	
5	Very Severe	Major repair required involving partial or complete reconstruction. Beams lose bearing, walls lean badly and require shoring. Windows broken by distortion. Danger of instability. Typical crack widths are greater than 25mm but depend on the number of cracks.	Stability Damage

Table 1: Building Damage Classification

Note: In the table above the column headed “Description of Typical Damage” applies to masonry buildings only and the column headed “General Category” applies to all buildings.

Activity in accordance with plans

1. The take (dewatering) and diversion of groundwater associated with construction of a single-level basement for a new dwelling, must be carried out in accordance with the plans and all information submitted with the application, detailed below, and all referenced by the Council as consent number WAT60373968 including:
 - A letter report titled “Re: Geotechnical RFI response letter Proposed Renovations 38 Rawene Avenue, Westmere, Auckland”, prepared by LandTech Consulting Ltd (LCL), dated 12 February 2021, Revision A, Ref LTA20223.
 - An email titled “Re: LUC60369516 - 38 Rawene Avenue, Westmere - Review of S92 Response”, prepared by Ali Williams, dated 3 June 2021.
 - A report titled “Geotechnical Investigation Report for Proposed Residential Development 38 Rawene Avenue, Westmere, Auckland”, prepared by LCL, dated 9 June 2021, revision E, Ref LTA20223.
 - An Architect’s drawing titled “Mowbray Williams Residence 38 Rawene Avenue Westmere – Site Works”, prepared by Ponting Fitzgerald Architects, dated 27 July 2021, Sheet RC-04, Rev 10.
 - An Engineer’s drawing titled “38 Rawene Avenue Westmere – Earthworks Cut and Fill Plan” prepared by Thomas Consultants dated 28 July 2021, Drawing No. RC211, Rev C.
 - A report titled “Geotechnical Memorandum for Basement Excavation Related To Proposed New Dwelling at 38 Rawene Avenue, Westmere, Auckland”, prepared by LCL, dated 6 August 2021, revision A, Ref LTA20223.

Duration of the consent

2. The take (dewatering) and groundwater diversion consent WAT60373968 must expire on 31 August 2056 unless it has lapsed, been surrendered or been cancelled at an earlier date pursuant to the RMA.

Provide for a review under section 128

3. Under section 128 of the RMA the conditions of this consent WAT60373968 may be reviewed by the Manager Resource Consents at the Consent Holder’s cost:
4. Within six (6) months after Completion of Dewatering and subsequently at intervals of not less than five (5) years thereafter in order:
 - To deal with any adverse effects on the environment which may arise or potentially arise from the exercise of this consent and which it is appropriate to deal with at a later stage
 - To vary the monitoring and reporting requirements, and performance standards, in order to take account of information, including the results of previous monitoring and changed environmental knowledge on:
 - a) ground conditions

- b) aquifer parameters
- c) groundwater levels; and
- d) ground surface movement

Notice of Commencement of Construction Phase Dewatering

5. The Council must be advised in writing at least ten (10) working days prior to the date of the Commencement of Construction Phase Dewatering.

Design and Construction of Basement Retaining Walls

6. The design and construction of the basement retaining walls must be undertaken in accordance with the specifications contained in the reports titled:
 - “Geotechnical Investigation Report for Proposed Residential Development 38 Rawene Avenue, Westmere, Auckland”, prepared by LCL, dated 9 June 2021, revision E Ref LTA20223.
 - Geotechnical Memorandum for Basement Excavation Related To Proposed New Dwelling at 38 Rawene Avenue, Westmere, Auckland”, prepared by LCL, dated 6 August 2021, revision A, Ref LTA20223

Excavation Limit

7. The Bulk Excavation must not extend below the “Cut to Levels” shown on the drawing titled “38 Rawene Avenue Westmere – Earthworks Cut and Fill Plan”, prepared by Thomas Consultants dated 28 July 2021, Drawing No. RC211, Rev C.

Performance Standards

Damage Avoidance

8. All excavation, dewatering systems, retaining structures, basements and works associated with the diversion or taking of groundwater, must be designed, constructed and maintained so as to avoid Damage to buildings, structures and Services on the site or adjacent properties, outside that considered as part of the application process unless otherwise agreed in writing with the asset owner.

Alert and Alarm Levels

9. The activity must not cause any settlement or movement greater than the Alarm Level thresholds specified in Schedule A below. Alert and Alarm Levels are triggered when the following Alert and Alarm Trigger thresholds are exceeded:

Schedule A: Alarm and Alert Levels			
Movement		Trigger Thresholds (+/-)	
		Alarm	Alert
a)	Differential vertical settlement between any two Ground Surface Deformation Stations (the Differential Ground Surface Settlement Alarm or Alert Level) <ul style="list-style-type: none"> GM1 to GM6 	1:500	1:750
b)	Total vertical settlement from the pre-excavation baseline level at any Ground Surface Deformation Station (the Total Ground Surface Settlement Alarm or Alert Level): <ul style="list-style-type: none"> GM1 to GM6 	15mm	10mm
c)	Differential vertical settlement between any two adjacent Building Deformation Stations (the Differential Building Settlement Alarm or Alert Level) <ul style="list-style-type: none"> M1 to M4 	1:700	1:1,000
d)	Total vertical settlement from the pre-excavation baseline level at any Building Deformation Station (the Total Building Settlement Alarm or Alert Level): <ul style="list-style-type: none"> M1 to M4 	10mm	7mm
e)	Distance below the pre-dewatering Seasonal Low Groundwater Level and any subsequent groundwater reading at any groundwater monitoring bore (the Groundwater Alert Levels 1 & 2): GW1	N/A	(1) 1.8m (2) 2.0m

Note: The locations of the Monitoring Stations listed in Schedule A are shown on the plan titled "Proposed Residential Development 38 Rawene Avenue, Westmere - Monitoring Location Plan", prepared by LandTech Consulting Ltd, rev 2, dated 9 June 2021.

These levels may be amended subject to approval by the Council as part of the Groundwater Settlement Monitoring and Contingency Plan (GSMCP) approval process, and, after the receipt of pre-dewatering monitoring data, building condition surveys and recommendations from a suitably qualified engineering professional (SQEP), but only to the extent that avoidance of Damage to building, structures and Services can still be achieved.

Advice Note:

There are conditions below that must be complied with when the Alert and Alarm Level triggers are exceeded. These include actions that must be taken immediately including seeking the advice of a SQEP.

Alert Level Actions

10. In the event of any Alert Level being exceeded the Consent Holder must:
 - a) Notify the Council within twenty-four (24) hours.
 - b) Re-measure all Monitoring Stations within twenty (20) metres of the affected monitoring location(s) to confirm the extent of apparent movement
 - c) Ensure the data is reviewed, and advice provided, by a SQEP on the need for mitigation measures or other actions necessary to avoid further deformation. Where mitigation measures or other actions are recommended those measures must be implemented.
 - d) Submit a written report, prepared by the SQEP responsible for overseeing the monitoring, to the Council within five (5) working days of Alert Level exceedance. The report must provide an analysis of all monitoring data (including wall deflection) relating to the exceedance, actions taken to date to address the issue, recommendations for additional monitoring (i.e., the need for increased frequency or repeat condition survey(s) of building or structures) and recommendations for future remedial actions necessary to prevent Alarm Levels being exceeded.
 - e) Measure and record all Monitoring Stations within fifty (50) metres of the location of any Alert Level exceedance every two days until such time the written report referred to above has been submitted to the Council.

Alarm Level Actions

11. In the event of any Alarm Level being exceeded at any ground or deformation pin the Consent Holder must:
 - a) Immediately halt construction activity, including excavation, dewatering or any other works that may result in increased deformation, unless halting the activity is considered by a SQEP to be likely to be more harmful (in terms of effects on the environment) than continuing to carry out the activity.
 - b) Notify the Council within twenty-four (24) hours of the Alarm Level exceedance being detected and provide details of the measurements taken.
 - c) Undertake a condition survey (this could comprise either a detailed condition survey or an external visual inspection at the discretion of the SQEP responsible for overseeing the monitoring) by a SQEP or suitably qualified building surveyor (SQBS) of any building or structure located adjacent to any Monitoring Station where the Alarm Level has been exceeded.

- d) Take advice from the author of the Alert Level exceedance report (if there was one) on actions required to avoid, remedy or mitigate adverse effects on ground, buildings or structures that may occur as a result of the exceedance.
- e) Not resume construction activities (or any associated activities), halted in accordance with paragraph (a) above, until any mitigation measures (recommended in accordance with paragraphs (d) above) have been implemented to the satisfaction of a SQEP.
- f) Submit a written report, prepared by the SQEP responsible for overseeing the monitoring, to the Council, on the results of the condition survey(s), the mitigation measures implemented and any remedial works and/or agreements with affected parties within five (5) working days of recommencement of works.

Groundwater and Settlement Monitoring and Contingency Plan (GSMCP)

12. At least ten (10) working days prior to the Commencement of Construction Phase Dewatering, a Groundwater and Settlement Monitoring and Contingency Plan (GSMCP) prepared by a (SQEP), must be submitted to the Council for written approval. Any later proposed amendment of the GSMCP must also be submitted to the Council for written approval.

The overall objective of the GSMCP must be to set out the practices and procedures to be adopted to ensure compliance with the consent conditions and must include, at a minimum, the following information:

- a) A monitoring location plan, showing the location and type of all Monitoring Stations including ground and building deformation pins. The monitoring plan should be based on the plan titled "Proposed Residential Development 38 Rawene Avenue, Westmere - Monitoring Location Plan", prepared by LandTech Consulting Ltd, rev, dated 9 June 2021. In any case where the location of a Monitoring Station differs substantively from that shown on the plan titled "Proposed Residential Development 38 Rawene Avenue, Westmere - Monitoring Location Plan", prepared by LandTech Consulting Ltd, rev 2, dated 9 June 2021, a written explanation for the difference must be provided at the same time that the GSMCP is provided.
- b) Final completed schedules B to D (as per the conditions below) for monitoring of ground surface settlement, building settlement and groundwater levels (including any proposed changes to the monitoring frequency) as required by conditions below.
- c) All monitoring data, the identification of Services susceptible to Damage and all building/Service condition surveys undertaken to date, and required by conditions below.
- d) A bar chart or a schedule, showing the timing and frequency of condition surveys, visual inspections and all other monitoring required by this consent, and a sample report template for the required two (2) monthly monitoring.

- e) All Alert and Alarm Level Triggers (including reasons if changes to such are proposed, for example as a result of recommendations in the building condition surveys or data obtained from pre-dewatering monitoring).
 - f) Details of the contingency actions to be implemented if Alert or Alarm Levels are exceeded.
13. All construction, dewatering, monitoring and contingency actions must be carried out in accordance with the approved GSMCP. No Bulk Excavation (that may affect groundwater levels) or other dewatering activities must commence until the GSMCP is approved in writing by the Council.

Pre-Dewatering Construction Phase Building and Structure Survey

14. No more than six (6) months prior to the Commencement of Construction Phase Dewatering a detailed condition survey of buildings and structures as specified in Schedule B below must be undertaken by a SQEP or SQBS and a written report must be prepared and reviewed by the SQEP responsible for overseeing the monitoring. The report must be submitted for approval by the Council.

Advice Note:

This condition does not apply where written evidence is provided to the Council that the owner of a property has confirmed they do not require a detailed condition survey.

The detailed condition survey must include:

- a) *Confirmation of the installation of building deformation stations as required in Schedule B below in the locations shown on the plan titled "Proposed Residential Development 38 Rawene Avenue, Westmere - Monitoring Location Plan", prepared by LandTech Consulting Ltd, rev 2, dated 9 June 2021.*
- b) *A description of the type of foundations.*
- c) *A description of existing levels of Damage considered to be of an aesthetic or superficial nature.*
- d) *A description of existing levels of Damage considered to affect the serviceability of the building where visually apparent, without recourse to intrusive or destructive investigation.*
- e) *An assessment as to whether existing Damage may or may not be associated with actual structural Damage and an assessment of the susceptibility of buildings/structures to further movement and Damage.*
- f) *Photographic evidence of existing observable Damage.*
- g) *A review of proposed Alarm and Alert Levels to confirm they are appropriately set and confirmation that any ground settlement less than the Alarm Level will not cause Damage.*
- h) *An assessment of whether the monitoring frequency is appropriate.*

- i) *An assessment of whether the locations and density of existing building deformation stations are adequate and appropriate for the effective detection of change to building and structure condition.*

Schedule B: Buildings/Structures that require Detailed Condition Survey and Installation of Deformation Stations		
Address	Legal Description	Number of building /structure deformation stations required
36 Rawene Avenue, Westmere	Lot 57 DP10231	4 No. M1 to M4

Pre-Construction Phase Dewatering Services Condition Survey

15. Prior to the Commencement of Construction Phase Dewatering, a condition survey of potentially affected stormwater and wastewater services must be undertaken in consultation with the relevant service provider.

Advice Note:

This condition does not apply to any service where written evidence is provided to the Council that the owner of that service has confirmed they do not require a condition survey.

External Visual Inspections during Construction Phase Dewatering

16. External visual inspections of the surrounding ground and the neighbouring buildings and structures (including paved areas around the dwelling and swimming pool at 36 Rawene Avenue), must be undertaken for the purpose of detecting any new external Damage or deterioration of existing external Damage. Inspections are to be carried weekly from the Commencement to Completion of Construction Phase Dewatering. A photographic record is to be kept, including time and date, of each inspection and all observations made during the inspection, and should be of a quality that is fit for purpose.

The results of the external visual inspections and an assessment of the results are to be reviewed by the SQEP responsible for overseeing the monitoring and included in the bimonthly monitoring report for the relevant monitoring period.

Advice Note:

This condition does not apply to any land, building or structure where written evidence is provided to the Council confirming that the owner of the land, building or structure does not require visual inspections to be carried out.

Completion of Construction Phase Dewatering - Building, Structure and Services Condition Surveys

17. Between six (6) and twelve (12) months after Completion of Construction Phase Dewatering a detailed condition survey of all previously surveyed buildings, structures and Services, must be undertaken by a SQEP or SQBS and a written report must be prepared. The report is to be reviewed by the SQEP responsible for overseeing the monitoring and then submitted to the Council, within one month of completion of the survey.

The condition survey report must make specific comment on those matters identified in the pre-dewatering condition survey. It must also identify any new Damage that has occurred since the pre-dewatering condition survey was undertaken and provide an assessment of the likely cause of any such Damage.

Advice Note:

This condition does not apply to any building, structure or Service where written evidence is provided to the Council confirming that the owner of that building, structure, or Service does not require a condition survey to be undertaken.

Additional Surveys

18. Additional condition surveys of any building, structure, or Service must be undertaken, if requested by the Council, for the purpose of investigating any Damage potentially caused by ground movement resulting from Construction Phase Dewatering or retaining wall deflection. A written report of the results of the survey must be prepared and/or reviewed by the SQEP responsible for overseeing the monitoring. The report must be submitted to the Council.

The requirement for any such additional condition survey will cease six (6) months after the Completion of Construction Phase Dewatering unless ground settlement or building deformation monitoring indicates movement is still occurring at a level that may result in Damage to buildings, structures, or Services. In such circumstances the period where additional condition surveys may be required will be extended until monitoring shows that movement has stabilised and the risk of Damage to buildings, structures and Services as a result of the dewatering is no longer present.

Groundwater Monitoring

19. Groundwater monitoring is to be undertaken at the groundwater monitoring bore location shown on the plan titled "Proposed Residential Development 38 Rawene Avenue, Westmere - Monitoring Location Plan", prepared by LandTech Consulting Ltd, revision 2, dated 9 June 2021, or in the approved GSMCP. Groundwater level monitoring is to be undertaken in accordance with Schedule C below:

Schedule C: Groundwater Monitoring Frequency					
Bore Name	Location		Groundwater level monitoring frequency (to an accuracy of 10mm)		
			From bore construction until one month before Commencement of Construction Phase Dewatering	One month before Commencement of Construction Phase Dewatering to Completion of Construction Phase Dewatering	From Completion of Construction Phase Dewatering until 3 months later
GW1	tbc	tbc	Monthly (with a minimum of three-monthly readings)	Twice weekly	Monthly

The monitoring frequency may be changed if approved by the Council. Any change must be specified in the GSMCP. In addition, the three-month monitoring period post Completion of Construction Phase Dewatering may be extended, by the Council, if measured groundwater levels are not consistent with inferred seasonal trends or predicted groundwater movement.

Advice Note:

If groundwater level measurements show an inconsistent pattern immediately prior to the Commencement of Construction Phase Dewatering (for example varying more than +/-200mm during a month), then further readings may be required to ensure that an accurate groundwater level baseline is established before Construction Phase dewatering commences.

Ground Surface and Building Deformation Monitoring

- Ground Surface and Building Deformation Monitoring Stations must be established and maintained at the approximate locations shown on the plan titled "Proposed Residential Development 38 Rawene Avenue, Westmere - Monitoring Location Plan", prepared by LandTech Consulting Ltd, revision 2, dated 9 June 2021. The Monitoring Stations will be monitored at the frequency set out in Schedule D. The purpose of the Monitoring Stations is to record any vertical or horizontal movement. Benchmark positions must be established no less than twenty (20) metres away from the excavated area.

Schedule D: Ground Surface and Building Monitoring			
Monitoring Station and type*	Frequency		
	Pre-Commencement of Construction Phase Dewatering	Commencement to Completion of Construction Phase Dewatering	Post-Completion of Construction Phase Dewatering
<i>Ground Six Points (GM1 to GM6)</i>	Twice to a horizontal and vertical accuracy of +/-2mm (achieved by precise levelling)	Weekly	Monthly for 6 months
<i>Buildings: Four Points (M1 to M4)</i>	Twice to a horizontal and vertical accuracy of +/-2mm (achieved by precise levelling)	Weekly	Monthly for 6 months

Note: * Consideration must be given to embedded column type ground settlement marker where possible for improved accuracy. For instance, where tree roots or construction traffic may affect settlement.

The monitoring frequency may be changed, if approved by the Council.

Access to Third Party Property

21. Where any monitoring, inspection or condition survey in this consent requires access to property/ies owned by a third party, and access is declined or subject to what the Consent Holder considers to be unreasonable terms, the Consent Holder must provide a report to the Council prepared by a SQEP identifying an alternative monitoring programme. The report must describe how the monitoring will provide sufficient early detection of deformation to enable measures to be implemented to prevent Damage to buildings, structures or Services. Written approval from the Council must be obtained before an alternative monitoring option is implemented.

Contingency Actions

22. If the Consent Holder becomes aware of any Damage to buildings, structures or Services potentially caused wholly, or in part, by the exercise of this consent, the Consent Holder must:
 - a) Notify the Council and the asset owner within two (2) working days of the Consent Holder becoming aware of the Damage.
 - b) Provide a report prepared by a SQEP (engaged by the Consent Holder at their cost) that describes the Damage; identifies the cause of the Damage; identifies methods to remedy and/or mitigate the Damage that has been caused; identifies

the potential for further Damage to occur, and describes actions that will be taken to avoid further Damage.

- c) Provide a copy of the report prepared under (b) above, to the Council and the asset owner within ten (10) working days of notification under (a) above.

Advice Note:

It is anticipated the Consent Holder will seek the permission of the damaged asset to access the property and asset to enable the inspection/investigation. It is understood that if access is denied the report will be of limited extent.

Building, Structure, and Services Surveys and Inspections

23. A copy of all pre-dewatering building, structure condition surveys, and Service condition surveys and photographic records of external visual inspections required by this consent must be submitted to the Council with the GSMCP. All other condition surveys and photographic records required by this consent must be provided to the Council upon request.

Reporting of Monitoring Data

24. At two (2) monthly intervals, a report containing all monitoring data required by conditions of this consent must be submitted to the Council. This report must include a construction progress timeline, the monitoring data (including the results of condition surveys) recorded in that period, and, a comparison of that data with previously recorded data and with the Alert and Alarm Levels for each Monitoring Station.

Notice of Completion

25. The Council must be advised in writing within ten (10) working days of when excavation and Construction Phase Dewatering has been completed.

Groundwater Maintenance Program

26. At the Completion of Construction Phase Dewatering, the Council must be provided with a maintenance program for any permanent groundwater drainage system used to manage groundwater levels.

Advice Note:

The Consent Holder is advised that the discharge of pumped groundwater to a stormwater system or waterbody will need to comply with any other regulations, bylaws or discharge.

General Advice notes

1. Any reference to number of days within this decision refers to working days as defined in s2 of the RMA.

2. *For the purpose of compliance with the conditions of consent, “the council” refers to the council’s monitoring officer unless otherwise specified. Please email monitoring@aucklandcouncil.govt.nz to identify your allocated officer.*
3. *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.*
4. *If you disagree with any of the above conditions, and/or disagree with the additional charges relating to the processing of the application(s), you have a right of objection pursuant to sections 357A and/or 357B of the Resource Management Act 1991. Any objection must be made in writing to the council within 15 working days of your receipt of this decision (for s357A) or receipt of the council invoice (for s357B).*
5. *The consent holder is responsible for obtaining all other necessary consents, permits, and licences, including those under the Building Act 2004, and the Heritage New Zealand Pouhere Taonga Act 2014. This consent does not remove the need to comply with all other applicable Acts (including the Property Law Act 2007 and the Health and Safety at Work Act 2015), regulations, relevant Bylaws, and rules of law. This consent does not constitute building consent approval. Please check whether a building consent is required under the Building Act 2004.*

Delegated decision maker:

Name: Masato Nakamura

Title: Principal Project Lead, Resource Consents

Signed:



Date: 3 September 2021

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:
--	--------------

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.



LOCATION MAP

Auckland Council

LUC60369516 & WAT60373968

Approved Resource Consent Plan

03/09/2021

NOT TO SCALE

LEGAL DESCRIPTION / RELEVANT SITE INFO

SITE ADDRESS: 38 RAWENE AVE, WESTMERE

LOT: UNIT B
D.P: 150466
CT: NA93C/316

LOCAL BODY: AUCKLAND COUNCIL

ZONE: RESIDENTIAL - MIXED HOUSING SUBURBAN
WIND: VERY HIGH
EXPOSURE: ZONE D
EARTHQUAKE: ZONE 1

CONSENT(S): PREVIOUS RC/EPA CONSENT

DISTRICT PLAN: AUCKLAND UNITARY PLAN (OPERATIVE)

SITE AREAS

TOTAL SITE AREA 4,530m²

SURVEY INFORMATION

SURVEYED BY: ASBUILT DIGITAL LTD.

ALL LEVELS ARE IN TERMS OF LANDS & SURVEY DATUM AUCKLAND 1946. REFER TO ASBUILT DIGITAL'S CADASTRAL NOTES FOR SPECIFICS.

CONTOURS ARE SHOWN AT: HALF METRE INTERVALS

AREAS AND DIMENSIONS ARE SUBJECT TO VERIFICATION UPON SURVEY.

SITE PLAN - EXISTING LEGEND

- +00.00

EXISTING SPOT LEVEL (IN METRES)
- 59.0

EXISTING CONTOUR LEVEL (IN METRES)
- DP

DOWNPIPE: REFER SPEC FOR MATERIAL IN ACCORDANCE WITH NZBC E1/AS1 TABLE 5.
- CP

CESS PIT
- S

SUMP
- MH

MANHOLE
- SS

PUBLIC SANITARY SEWER LINE
- SW

PUBLIC STORMWATER LINE
- W

MAINS WATER
- GAS

MAINS GAS
- Private Sanitary Sewer

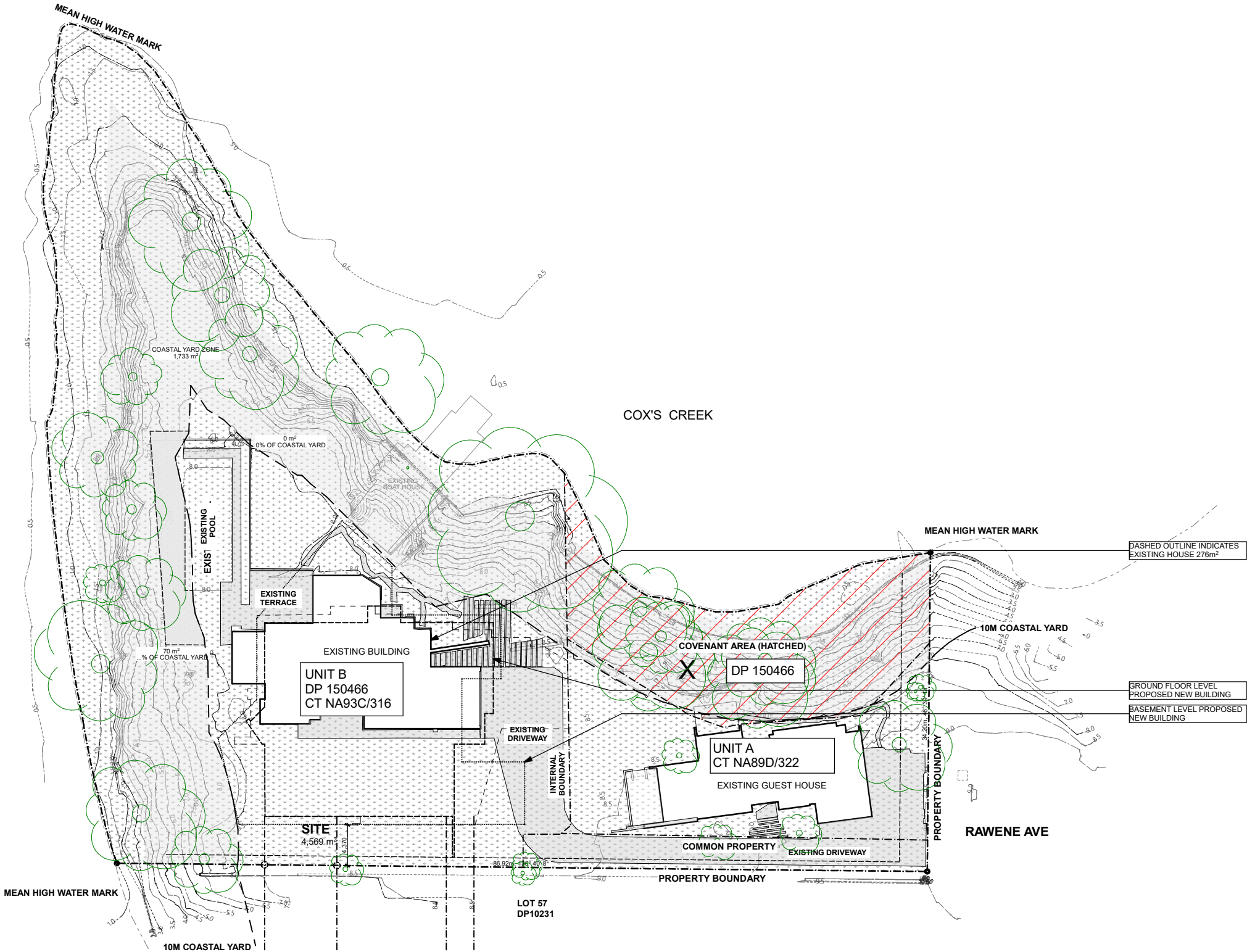
PRIVATE SANITARY SEWER (ARROW INDICATES DIRECTION OF FLOW)
- Private Stormwater

PRIVATE STORMWATER (ARROW INDICATES DIRECTION OF FLOW)
- FENCE

FENCE
- P

OVERHEAD POWER
- PH

OVERHEAD TELECOM



1 EXISTING SITE PLAN
SCALE 1:500

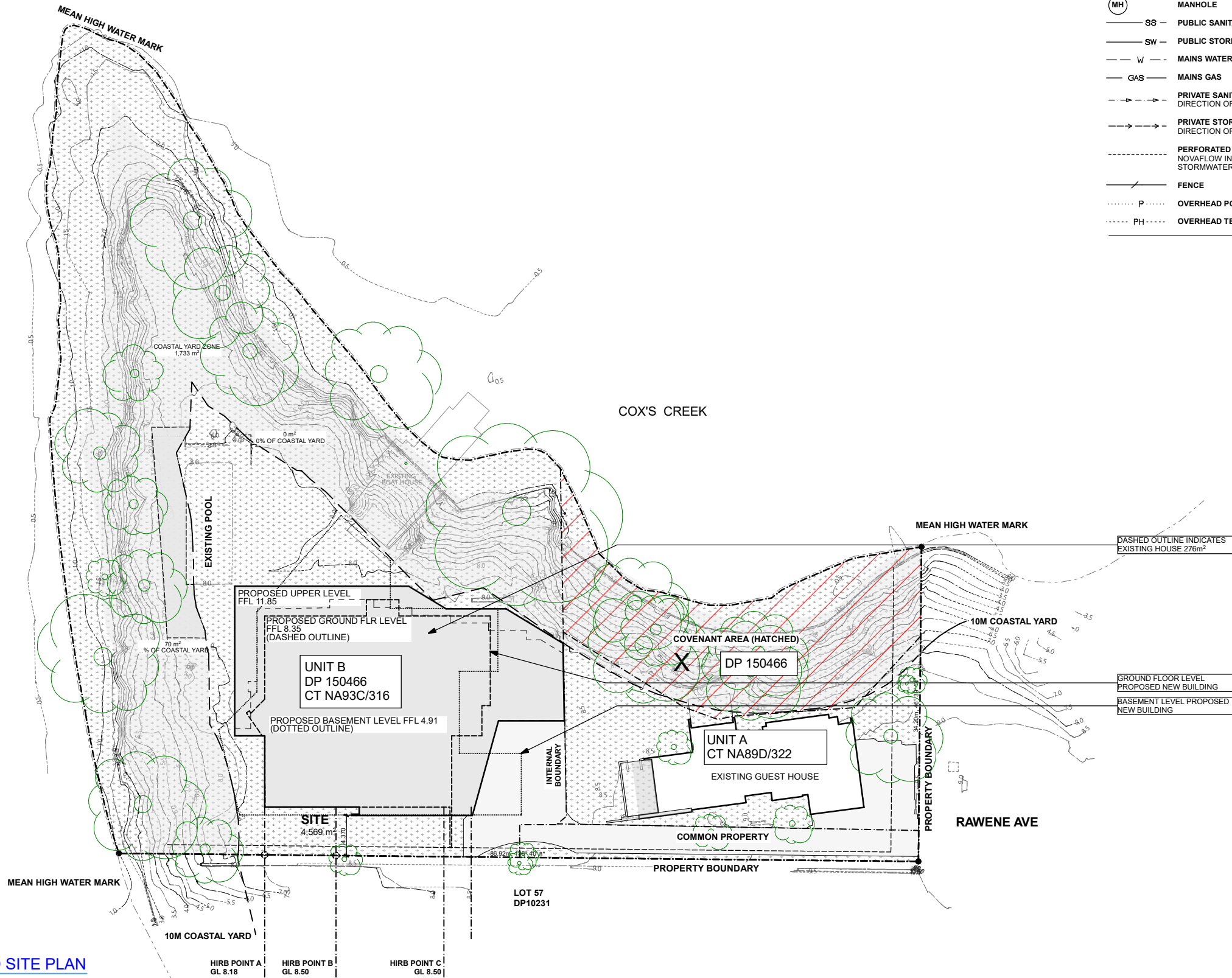
RC ISSUE - NOT FOR CONSTRUCTION

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06	RESOURCE CONSENT	25/03/2021
05	RESOURCE CONSENT	22/03/2021
NO.	NAME	ISSUE DATE
DRAWING	EXISTING SITE PLAN	SHEET
DRAWN BY	PFA	SCALE
PRINT DATE	10/05/2021	1:500 @ A3
RC-01		171 06



WAITEMATA
HARBOUR



1 PROPOSED SITE PLAN
SCALE 1:500

RC ISSUE - NOT FOR CONSTRUCTION

PONTINGFITZGERALDARCHITECTS

MOWBRAY WILLIAMS RESIDENCE
38 RAWENE AVE, WESTMERE

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Auckland Council | Approved Resource Consent Plan | LUC60369516 & WAT60373968 | 03/09/2021 | Page 2 of 46

SITE PLAN - PROPOSED LEGEND

	PROPOSED SPOT LEVEL (IN METRES)
	EXISTING SPOT LEVEL (IN METRES)
	EXISTING CONTOUR LEVEL (IN METRES)
	DOWNPIPE: REFER SPEC FOR MATERIAL IN ACCORDANCE WITH NZBC E1/AS1 TABLE 5.
	CESS PIT
	SUMP
	MANHOLE
	PUBLIC SANITARY SEWER LINE
	PUBLIC STORMWATER LINE
	MAINS WATER
	MAINS GAS
	PRIVATE SANITARY SEWER (ARROW INDICATES DIRECTION OF FLOW)
	PRIVATE STORMWATER (ARROW INDICATES DIRECTION OF FLOW)
	PERFORATED SUBSOIL DRAIN: 100Ø NOVAFLOW IN FILTER SOCK TO DRAIN TO STORMWATER SYSTEM VIA SILT TRAP
	FENCE
	OVERHEAD POWER
	OVERHEAD TELECOM

LOCATION MAP



LEGAL DESCRIPTION / RELEVANT SITE INFO

SITE ADDRESS:	38 RAWENE AVE, WESTMERE
LOT:	UNIT B
D.P.:	150466
CT:	NA93C/316
LOCAL BODY:	AUCKLAND COUNCIL
ZONE:	RESIDENTIAL - MIXED HOUSING SUBURBAN
WIND:	VERY HIGH
EXPOSURE:	ZONE D
EARTHQUAKE:	ZONE 1
CONSENT(S):	PREVIOUS RC/EPA CONSENT
DISTRICT PLAN:	AUCKLAND UNITARY PLAN (OPERATIVE)

SITE AREAS

TOTAL SITE AREA	4,530m²
-----------------	---------

SURVEY INFORMATION

SURVEYED BY:
ASBUILT DIGITAL LTD.

ALL LEVELS ARE IN TERMS OF LANDS & SURVEY DATUM AUCKLAND 1946.
REFER TO ASBUILT DIGITAL'S CADASTRAL NOTES FOR SPECIFICS.

CONTOURS ARE SHOWN AT: HALF METRE INTERVALS

AREAS AND DIMENSIONS ARE SUBJECT TO VERIFICATION UPON SURVEY.

SITE NOTES

ALL WORKS TO COMPLY WITH THE RELEVANT CLAUSES OF THE NZBC.

ALL DIMENSIONS AND LEVELS TO BE CHECKED ON SITE PRIOR TO CONSTRUCTION.

ALL NEW PRIVATE DRAINAGE WITHIN THE BOUNDARY HAS BEEN LOCATED ACCORDING TO COUNCIL AS-BUILT DRAWINGS. ALL PUBLIC DRAINAGE HAS BEEN POSITIONED ACCORDING TO COUNCIL RECORDS. ALL NEW AND EXISTING SERVICE ROUTES AND DRAINS ARE SHOWN INDICATIVELY ONLY. DRAINAGE CONTRACTOR TO LOCATE EXACT POSITION PRIOR TO CONSTRUCTION.

ALL STORMWATER AND DRAINAGE TO COMPLY WITH E1 OF THE NZBC.

ALL PLUMBING AND DRAINAGE TO COMPLY WITH NZBC E1/AS1, APPROVED SOLUTIONS G13/AS1, G13/AS2, G13/AS3.

NOVAFLO COIL WITH FILTER SOCK TO ALL RETAINING WALLS AND FOUNDATION WALLS WHERE SHOWN. ALL SUBSOIL DRAINS TO DISCHARGE VIA SILT TRAP TO STORMWATER DRAINAGE SYSTEM.

BUILDER / SURVEYOR TO CHECK HIRB POINTS PRIOR TO CONSTRUCTION

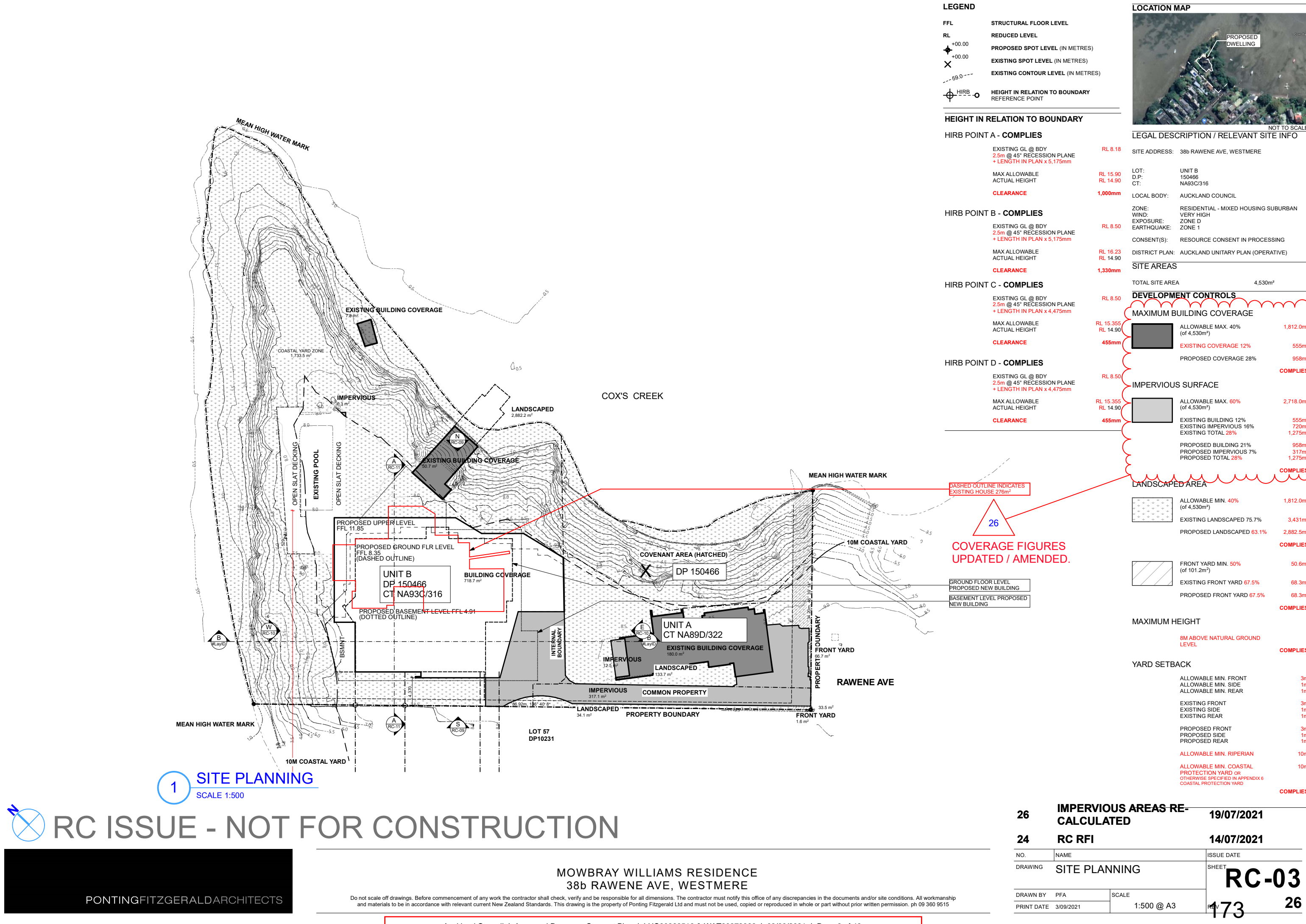
IT IS THE SOLE RESPONSIBILITY OF THE BUILDER TO ENSURE ALL HEIGHT IN RELATION TO BOUNDARY POINTS ARE CHECKED FOR COMPLIANCE AFTER PROFILES ARE SETOUT AND PRIOR TO CONSTRUCTION.

NOTE

THESE DRAWINGS MUST BE READ IN COJUNCTION WITH THE PLANNERS & CIVIL ENGINEERS INFRASTRUCTURE PLANS & REPORT.

REFER SITE SERVICING PLAN FOR SITE PLUMBING & DRAINAGE.

06	RESOURCE CONSENT	25/03/2021
05	RESOURCE CONSENT	22/03/2021
NO.	NAME	ISSUE DATE
DRAWING	PROPOSED SITE PLAN	SHEET
DRAWN BY	PFA	SCALE
PRINT DATE	10/05/2021	1:500 @ A3
REV	172	06



LEGEND	
FFL	STRUCTURAL FLOOR LEVEL
RL	REDUCED LEVEL
+00.00	PROPOSED SPOT LEVEL (IN METRES)
+00.00	EXISTING SPOT LEVEL (IN METRES)
69.0	EXISTING CONTOUR LEVEL (IN METRES)
HIRB	HEIGHT IN RELATION TO BOUNDARY REFERENCE POINT

HEIGHT IN RELATION TO BOUNDARY

HIRB POINT A - COMPLIES

EXISTING GL @ BDY 2.5m @ 45° RECESSION PLANE + LENGTH IN PLAN x 5,175mm	RL 8.18
MAX ALLOWABLE ACTUAL HEIGHT	RL 15.90 RL 14.90
CLEARANCE	1,000mm

HIRB POINT B - COMPLIES

EXISTING GL @ BDY 2.5m @ 45° RECESSION PLANE + LENGTH IN PLAN x 5,175mm	RL 8.50
MAX ALLOWABLE ACTUAL HEIGHT	RL 16.23 RL 14.90
CLEARANCE	1,330mm

HIRB POINT C - COMPLIES

EXISTING GL @ BDY 2.5m @ 45° RECESSION PLANE + LENGTH IN PLAN x 4,475mm	RL 8.50
MAX ALLOWABLE ACTUAL HEIGHT	RL 15.355 RL 14.90
CLEARANCE	455mm

HIRB POINT D - COMPLIES

EXISTING GL @ BDY 2.5m @ 45° RECESSION PLANE + LENGTH IN PLAN x 4,475mm	RL 8.50
MAX ALLOWABLE ACTUAL HEIGHT	RL 15.355 RL 14.90
CLEARANCE	455mm



LEGAL DESCRIPTION / RELEVANT SITE INFO

SITE ADDRESS:	38b RAWENE AVE, WESTMERE
LOT:	UNIT B
D.P:	150466
CT:	NA93C/316
LOCAL BODY:	AUCKLAND COUNCIL
ZONE:	RESIDENTIAL - MIXED HOUSING SUBURBAN
WIND:	VERY HIGH
EXPOSURE:	ZONE D
EARTHQUAKE:	ZONE 1
CONSENT(S):	RESOURCE CONSENT IN PROCESSING
DISTRICT PLAN:	AUCKLAND UNITARY PLAN (OPERATIVE)

SITE AREAS

TOTAL SITE AREA	4,530m²
-----------------	---------

DEVELOPMENT CONTROLS

MAXIMUM BUILDING COVERAGE

ALLOWABLE MAX. 40% (of 4,530m²)	1,812.0m²
EXISTING COVERAGE 12%	555m²
PROPOSED COVERAGE 28%	958m²
COMPLIES	

IMPERVIOUS SURFACE

ALLOWABLE MAX. 60% (of 4,530m²)	2,718.0m²
EXISTING BUILDING 12%	555m²
EXISTING IMPERVIOUS 16%	720m²
EXISTING TOTAL 28%	1,275m²
PROPOSED BUILDING 21%	958m²
PROPOSED IMPERVIOUS 7%	317m²
PROPOSED TOTAL 28%	1,275m²
COMPLIES	

LANDSCAPED AREA

ALLOWABLE MIN. 40% (of 4,530m²)	1,812.0m²
EXISTING LANDSCAPED 75.7%	3,431m²
PROPOSED LANDSCAPED 63.1%	2,882.5m²
COMPLIES	

FRONT YARD MIN. 50% (of 101.2m²)

EXISTING FRONT YARD 67.5%	68.3m²
PROPOSED FRONT YARD 67.5%	68.3m²
COMPLIES	

MAXIMUM HEIGHT

8M ABOVE NATURAL GROUND LEVEL	COMPLIES
-------------------------------	----------

YARD SETBACK

ALLOWABLE MIN. FRONT	3m
ALLOWABLE MIN. SIDE	1m
ALLOWABLE MIN. REAR	1m
EXISTING FRONT	3m
EXISTING SIDE	1m
EXISTING REAR	1m
PROPOSED FRONT	3m
PROPOSED SIDE	1m
PROPOSED REAR	1m
ALLOWABLE MIN. RIPERIAN	10m
ALLOWABLE MIN. COASTAL PROTECTION YARD OR OTHERWISE SPECIFIED IN APPENDIX 6 COASTAL PROTECTION YARD	10m
COMPLIES	

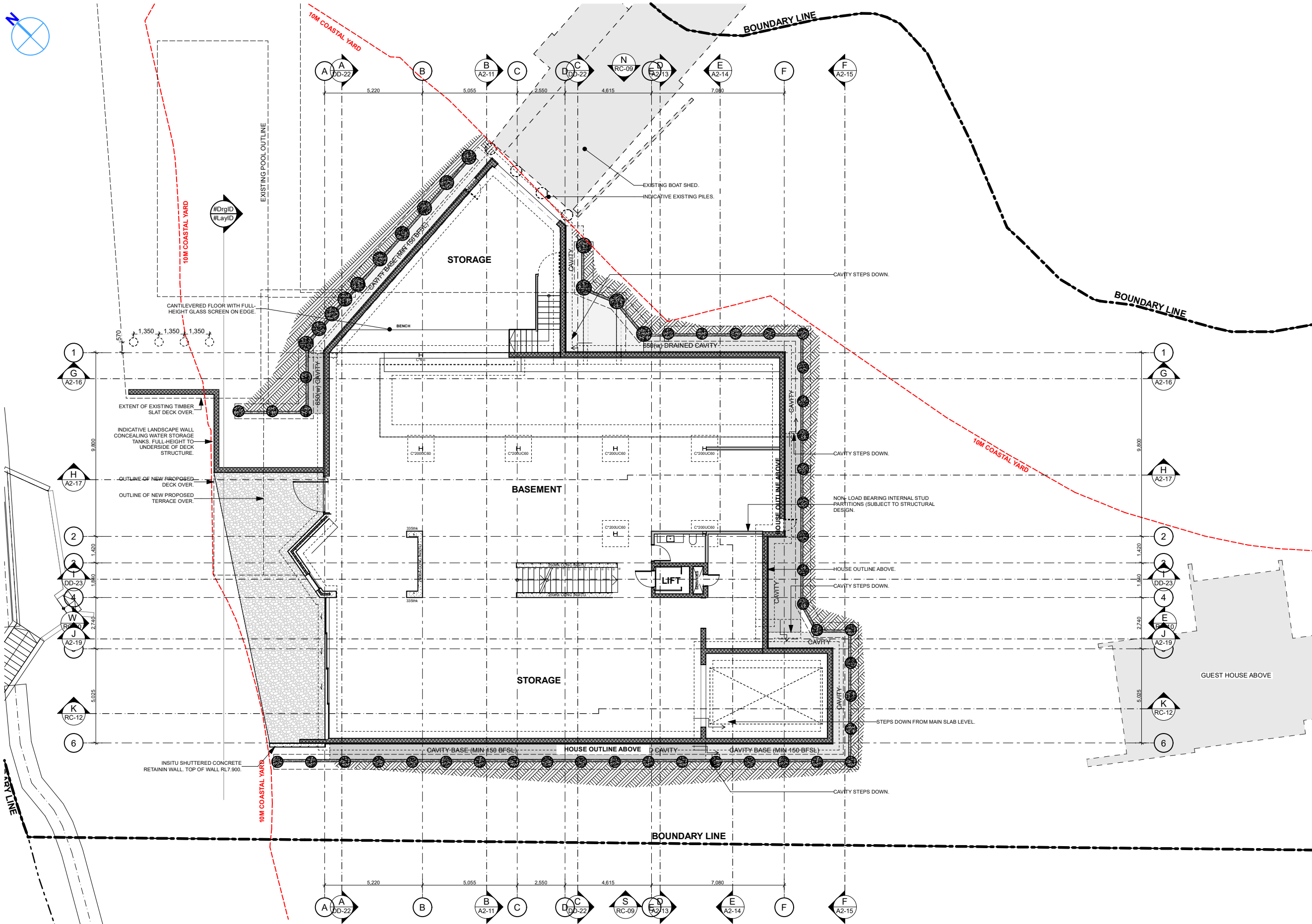
26	IMPERVIOUS AREAS RE-CALCULATED	19/07/2021
24	RC RFI	14/07/2021
NO.	NAME	ISSUE DATE
DRAWING	SITE PLANNING	SHEET
DRAWN BY	PFA	SCALE
PRINT DATE	3/09/2021	1:500 @ A3
REV	173	26

RC ISSUE - NOT FOR CONSTRUCTION

PONTINGFITZGERALDARCHITECTS

MOWBRAY WILLIAMS RESIDENCE
38b RAWENE AVE, WESTMERE

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GENERAL NOTES

STRUCTURE IS SHOWN INDICATIVELY ONLY. REFER TO ENGINEER'S DRAWINGS AND SPECIFICATIONS FOR CONFIRMATION OF STEEL SIZES, CONNECTION DETAILS AND ALL OTHER STRUCTURAL INFORMATION.

LEGEND

AREA MARKED X SUBJECT TO LAND COVENANT

FLOOR PLAN LEGEND

EXISTING WALL
PROPOSED WALL
PROPOSED BLOCK WALL
PROPOSED CONCRETE WALL

FLOOR FINISHES

NATURAL STONE SCHIST / FLAGSTONE SLIPS BY ISLAND STONE OR SIMILAR
TILES
CARPET
TIMBER OVERLAY FLOORING
EXPOSED CONCRETE
CONCRETE SLAB (EXTERIOR)

FLOOR AREAS

BASEMENT FLOOR	490m ²
GROUND FLOOR	485m ²
FIRST FLOOR	625m ²
TOTAL FLOOR AREA (INTERNAL)	1,600m²
BASEMENT TERRACE	33m ²
1st FLOOR DECK	107m ²
POOL	65.6m ²

RC ISSUE - NOT FOR CONSTRUCTION

MOWBRAY WILLIAMS RESIDENCE
38b RAWENE AVE, WESTMERE

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10	RESOURCE CONSENT	10/05/2021
09	RESOURCE CONSENT	7/05/2021

NO.	NAME	ISSUE DATE
DRAWING	BASEMENT FLOOR PRESENTATION PLAN	SHEET
DRAWN BY	PFA	SCALE
PRINT DATE	3/09/2021	1:200 @ A3

RC-05
175
10



GENERAL NOTES

STRUCTURE IS SHOWN INDICATIVELY ONLY. REFER TO ENGINEER'S DRAWINGS AND SPECIFICATIONS FOR CONFIRMATION OF STEEL SIZES, CONNECTION DETAILS AND ALL OTHER STRUCTURAL INFORMATION.

LEGEND

AREA MARKED X SUBJECT TO LAND COVENANT

FLOOR PLAN LEGEND

EXISTING WALL
PROPOSED WALL
PROPOSED BLOCK WALL
PROPOSED CONCRETE WALL

FLOOR FINISHES

NATURAL STONE SCHIST / FLAGSTONE SLIPS BY ISLAND STONE OR SIMILAR
TILES
CARPET
TIMBER OVERLAY FLOORING
EXPOSED CONCRETE
CONCRETE SLAB (EXTERIOR)

FLOOR AREAS

BASEMENT FLOOR	490m ²
GROUND FLOOR	485m ²
FIRST FLOOR	625m ²
TOTAL FLOOR AREA (INTERNAL)	1,600m ²
BASEMENT TERRACE	33m ²
1st FLOOR DECK	107m ²
POOL	65.6m ²



RC ISSUE - NOT FOR CONSTRUCTION

MOWBRAY WILLIAMS RESIDENCE
38 RAWENE AVE, WESTMERE

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06	RESOURCE CONSENT	25/03/2021
05	RESOURCE CONSENT	22/03/2021

NO.	NAME	ISSUE DATE
DRAWING	GROUND FLOOR PRESENTATION PLAN	SHEET
DRAWN BY	PFA	SCALE
PRINT DATE	10/05/2021	1:200 @ A3

RC-06
176
06

PCNTINGFITZGERALDARCHITECTS



GENERAL NOTES

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LEGEND

AREA MARKED X SUBJECT TO LAND COVENANT

FLOOR PLAN LEGEND

EXISTING WALL
PROPOSED WALL
PROPOSED BLOCK WALL
PROPOSED CONCRETE WALL

FLOOR FINISHES

NATURAL STONE SCHIST / FLAGSTONE SLIPS BY ISLAND STONE OR SIMILAR
TILES
CARPET
TIMBER OVERLAY FLOORING
EXPOSED CONCRETE
CONCRETE SLAB (EXTERIOR)

FLOOR AREAS

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GROUND FLOOR	485m ²
FIRST FLOOR	625m ²
TOTAL FLOOR AREA (INTERNAL)	1,600m ²
BASEMENT TERRACE	33m ²
1st FLOOR DECK	107m ²
POOL	65.6m ²



RC ISSUE - NOT FOR CONSTRUCTION

PONTINGFITZGERALDARCHITECTS

MOWBRAY WILLIAMS RESIDENCE
38 RAWENE AVE, WESTMERE

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06	RESOURCE CONSENT	25/03/2021
05	RESOURCE CONSENT	22/03/2021

NO.	NAME	ISSUE DATE
DRAWING	FIRST FLOOR PRESENTATION PLAN	SHEET
DRAWN BY	PFA	SCALE
PRINT DATE	10/05/2021	1:200 @ A3

RC-07
177
06



GENERAL NOTES

STRUCTURE IS SHOWN INDICATIVELY ONLY. REFER TO ENGINEER'S DRAWINGS AND SPECIFICATIONS FOR CONFIRMATION OF STEEL SIZES, CONNECTION DETAILS AND ALL OTHER STRUCTURAL INFORMATION.

LEGEND

AREA MARKED X SUBJECT TO LAND COVENANT

FLOOR PLAN LEGEND

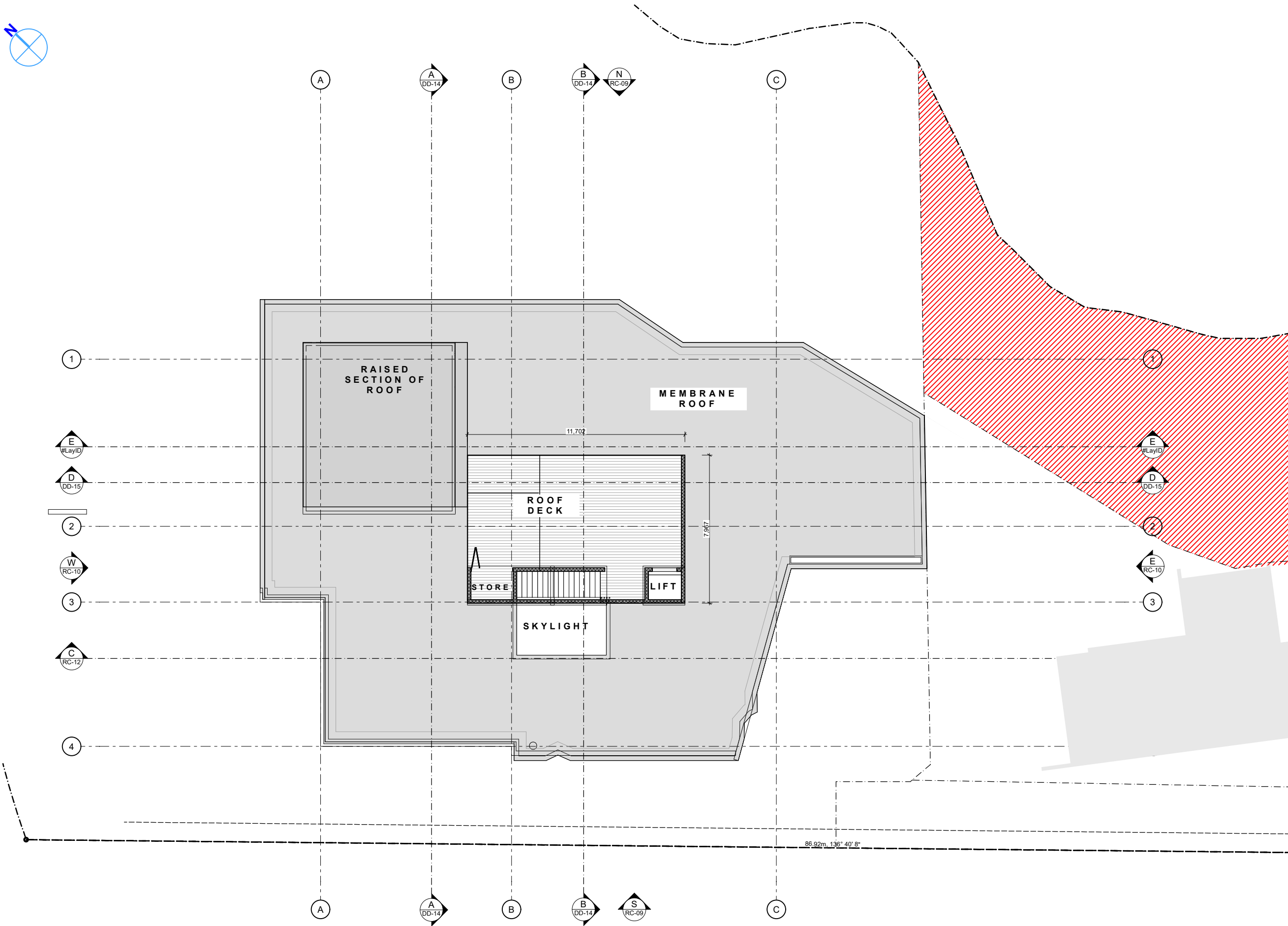
EXISTING WALL
PROPOSED WALL
PROPOSED BLOCK WALL
PROPOSED CONCRETE WALL

FLOOR FINISHES

NATURAL STONE SCHIST / FLAGSTONE SLIPS BY ISLAND STONE OR SIMILAR
TILES
CARPET
TIMBER OVERLAY FLOORING
EXPOSED CONCRETE
CONCRETE SLAB (EXTERIOR)

FLOOR AREAS

BASEMENT FLOOR	490m ²
GROUND FLOOR	485m ²
FIRST FLOOR	625m ²
TOTAL FLOOR AREA (INTERNAL)	1,600m ²
BASEMENT TERRACE	33m ²
1st FLOOR DECK	107m ²
POOL	65.6m ²



RC ISSUE - NOT FOR CONSTRUCTION

PONTINGFITZGERALDARCHITECTS

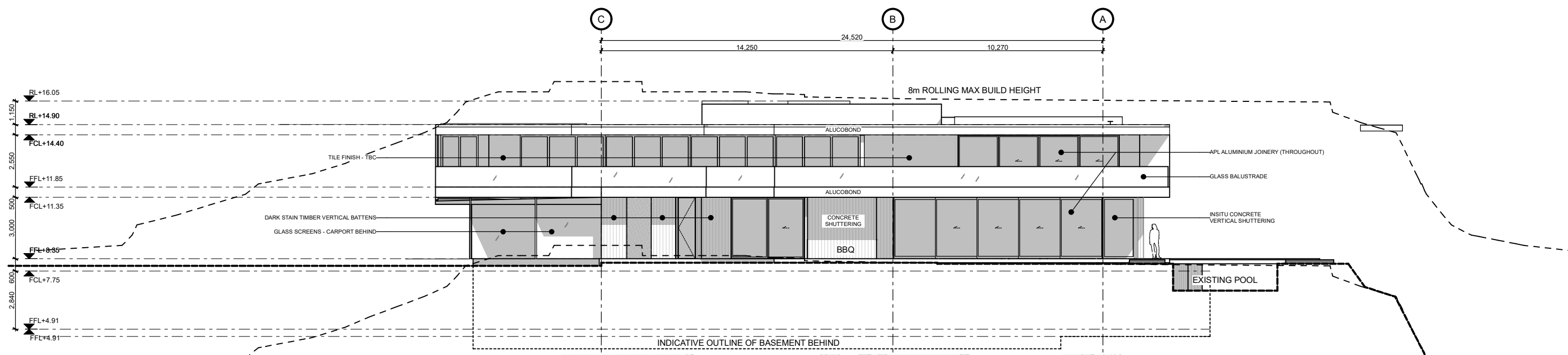
MOWBRAY WILLIAMS RESIDENCE
38 RAWENE AVE, WESTMERE

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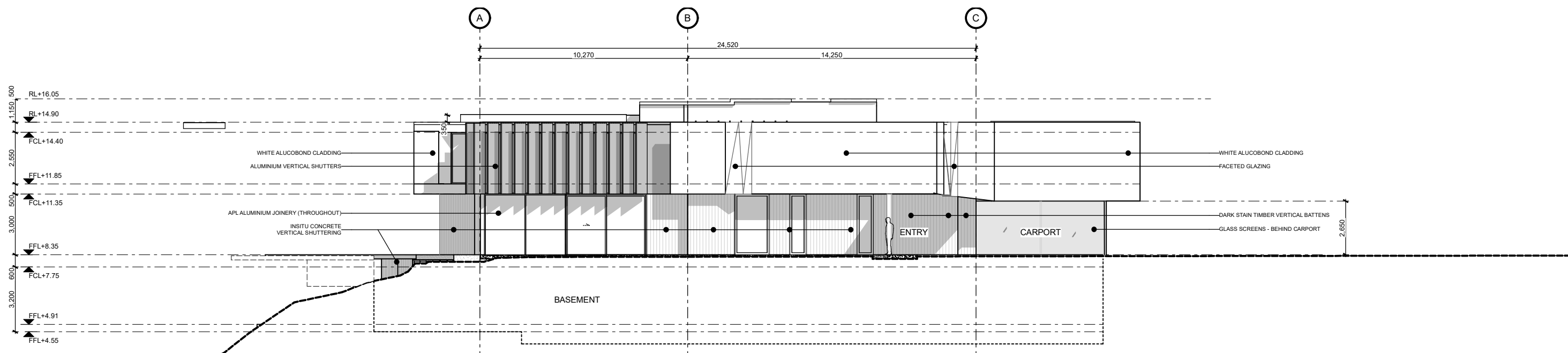
06 RESOURCE CONSENT 25/03/2021
05 RESOURCE CONSENT 22/03/2021

NO.	NAME	ISSUE DATE
DRAWING	ROOF PRESENTATION PLAN	SHEET
DRAWN BY	PFA	SCALE
PRINT DATE	10/05/2021	1:200 @ A3

RC-08
178
06



1 RC NORTH ELEVATION
RC-06 SCALE 1:200



2 RC SOUTH ELEVATION
RC-06 SCALE 1:200

RC ISSUE - NOT FOR CONSTRUCTION

PONTINGFITZGERALDARCHITECTS

MOWBRAY WILLIAMS RESIDENCE
38 RAWENE AVE, WESTMERE

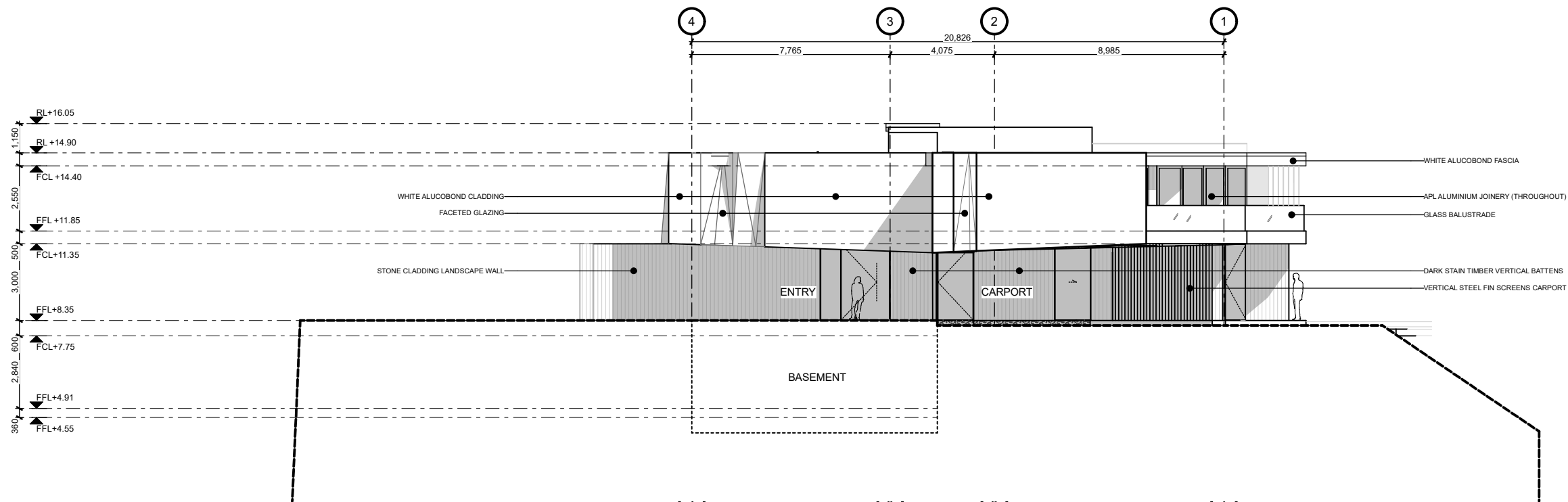
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06 RESOURCE CONSENT 25/03/2021
05 RESOURCE CONSENT 22/03/2021

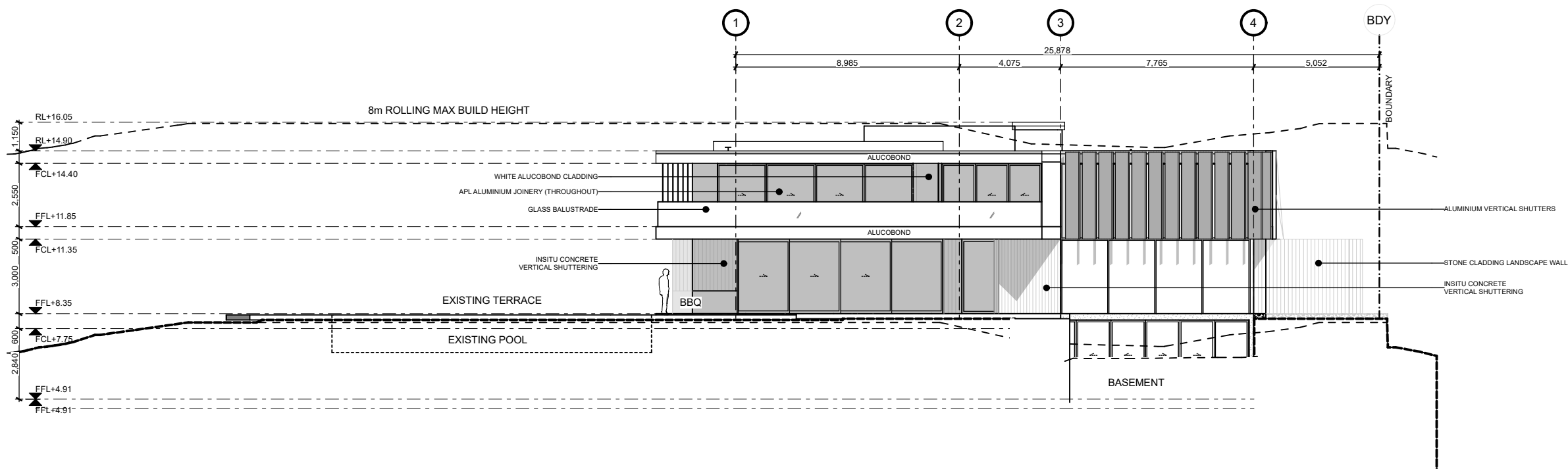
NO.	NAME	ISSUE DATE
DRAWING	ELEVATIONS - NORTH & SOUTH	SHEET
DRAWN BY	PFA	SCALE
PRINT DATE	10/05/2021	1:200 @ A3

RC-09

179 06



1 RC EAST ELEVATION
RC-06 SCALE 1:200



2 RC WEST ELEVATION
RC-06 SCALE 1:200

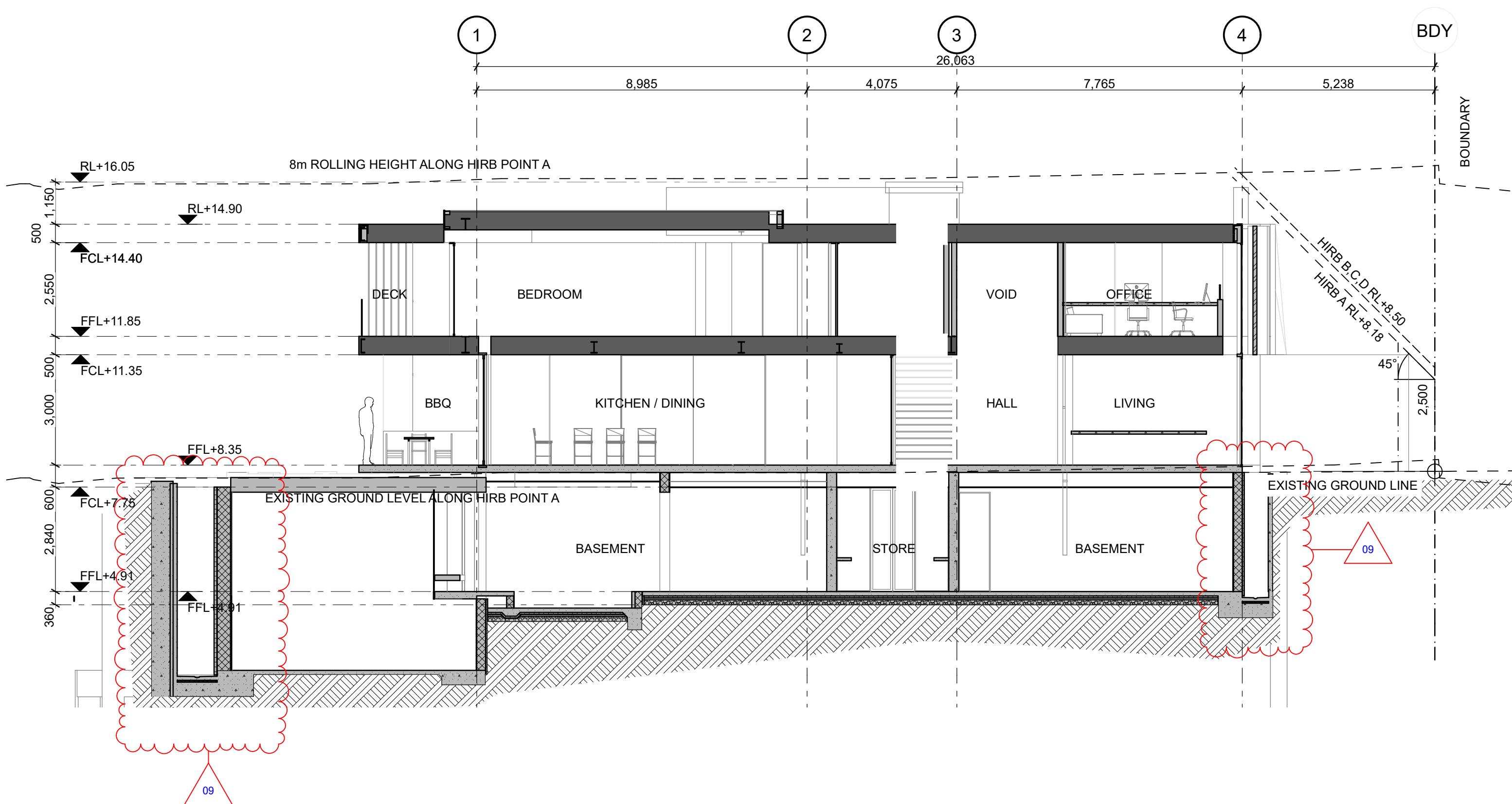
RC ISSUE - NOT FOR CONSTRUCTION

PONTINGFITZGERALDARCHITECTS

MOWBRAY WILLIAMS RESIDENCE
38 RAWENE AVE, WESTMERE

Do not scale off drawings. Before commencement of any work the contractor shall check, verify and be responsible for all dimensions. The contractor must notify this office of any discrepancies in the documents and/or site conditions. All workmanship and materials to be in accordance with relevant current New Zealand Standards. This drawing is the property of Ponting Fitzgerald Ltd and must not be used, copied or reproduced in whole or part without prior written permission. ph 09 360 9515

06	RESOURCE CONSENT	25/03/2021
05	RESOURCE CONSENT	22/03/2021
NO.	NAME	ISSUE DATE
DRAWING	ELEVATIONS - EAST & WEST	SHEET
DRAWN BY	PFA	SCALE
PRINT DATE	10/05/2021	1:200 @ A3
RC-10		06
180		



RC ISSUE - NOT FOR CONSTRUCTION

PONTINGFITZGERALDARCHITECTS

MOWBRAY WILLIAMS RESIDENCE
38 RAWENE AVE, WESTMERE

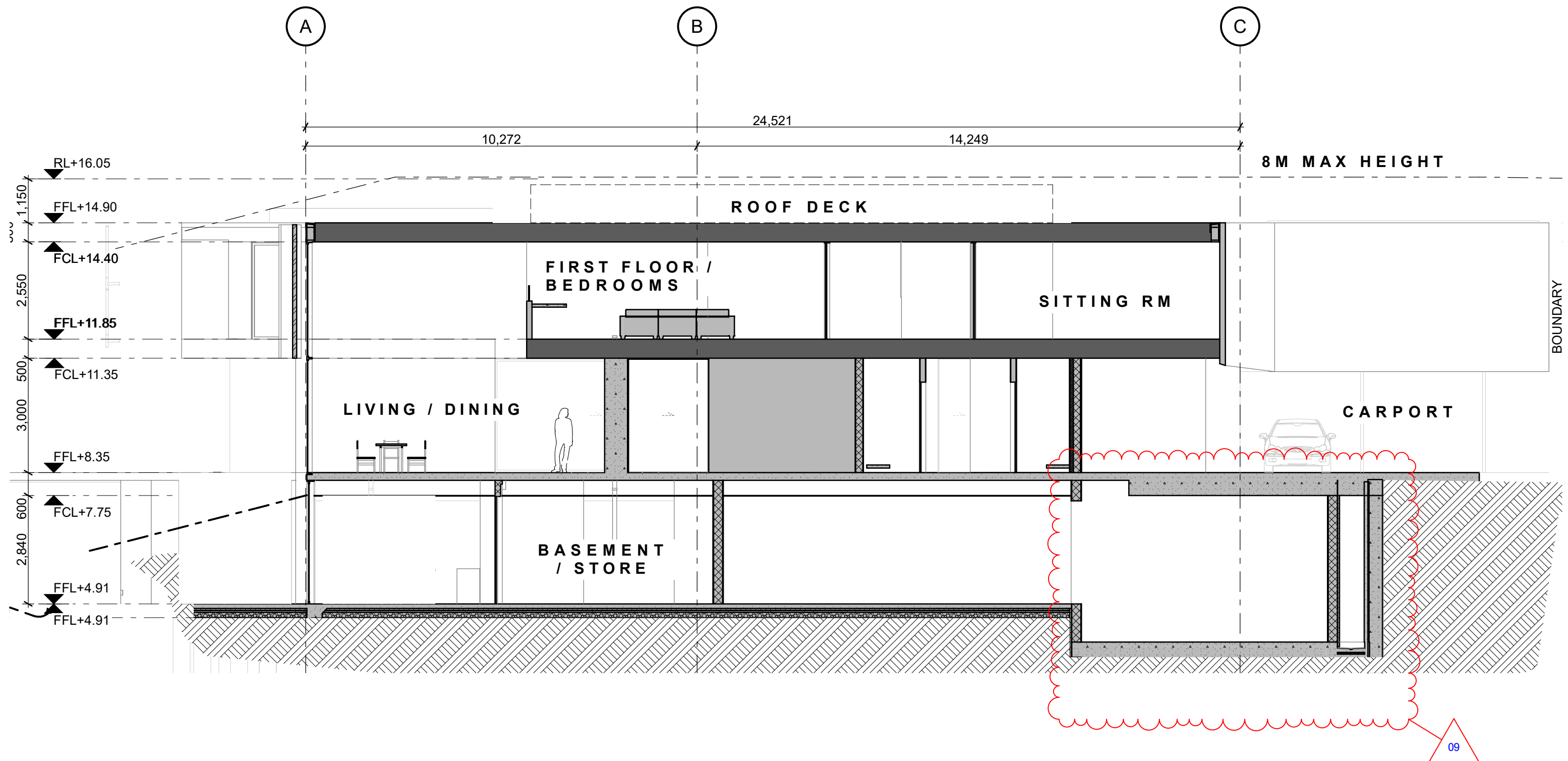
Do not scale off drawings. Before commencement of any work the contractor shall check, verify and be responsible for all dimensions. The contractor must notify this office of any discrepancies in the documents and/or site conditions. All workmanship and materials to be in accordance with relevant current New Zealand Standards. This drawing is the property of Ponting Fitzgerald Ltd and must not be used, copied or reproduced in whole or part without prior written permission. ph 09 360 9515

09 RESOURCE CONSENT 7/05/2021
06 RESOURCE CONSENT 25/03/2021

NO.	NAME	ISSUE DATE
DRAWING	SITE SECTIONS	SHEET
DRAWN BY	PFA	SCALE
PRINT DATE	10/05/2021	1:100 @ A3

RC-11

181 09



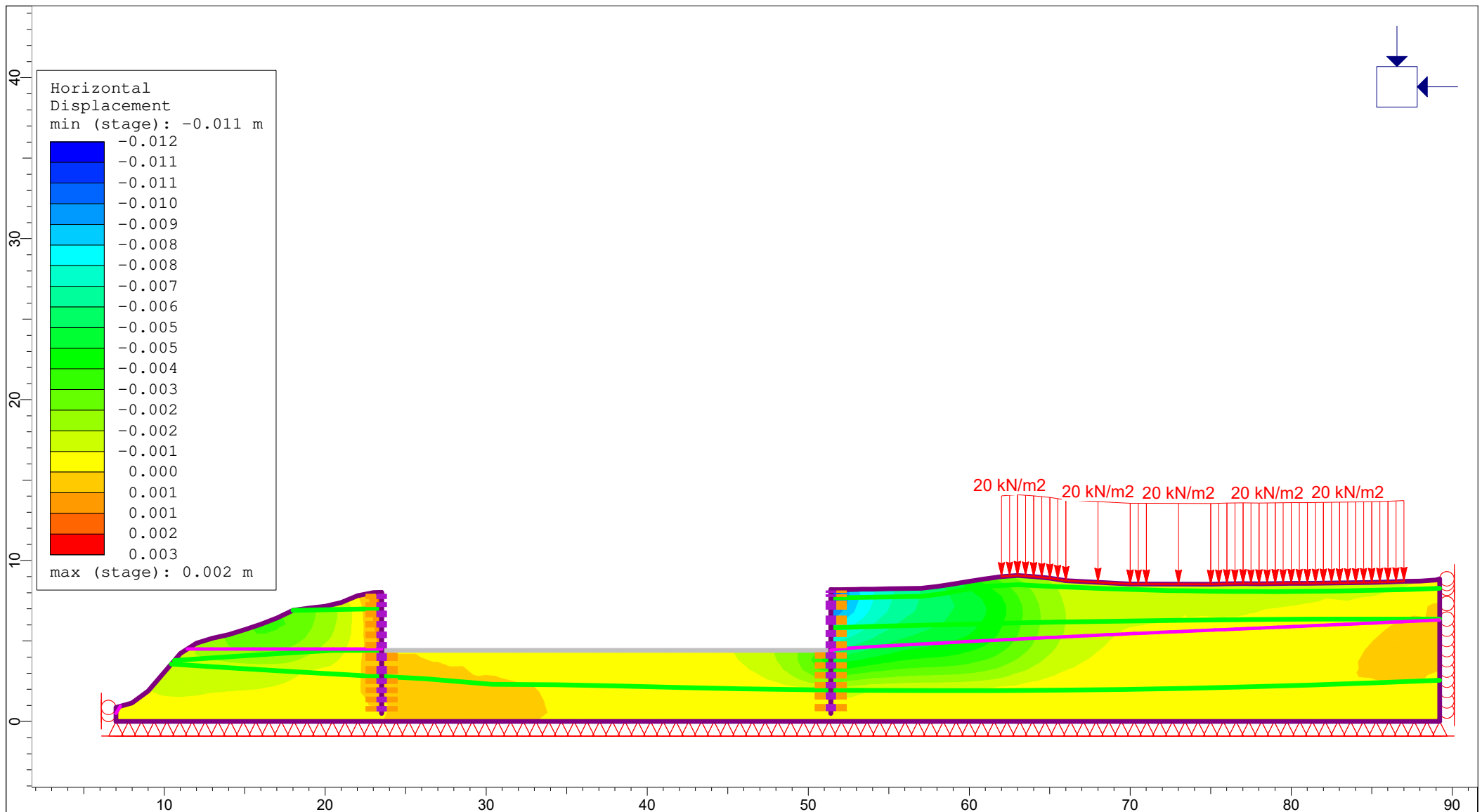
RC ISSUE - NOT FOR CONSTRUCTION

PONTINGFITZGERALDARCHITECTS

MOWBRAY WILLIAMS RESIDENCE
38 RAWENE AVE, WESTMERE

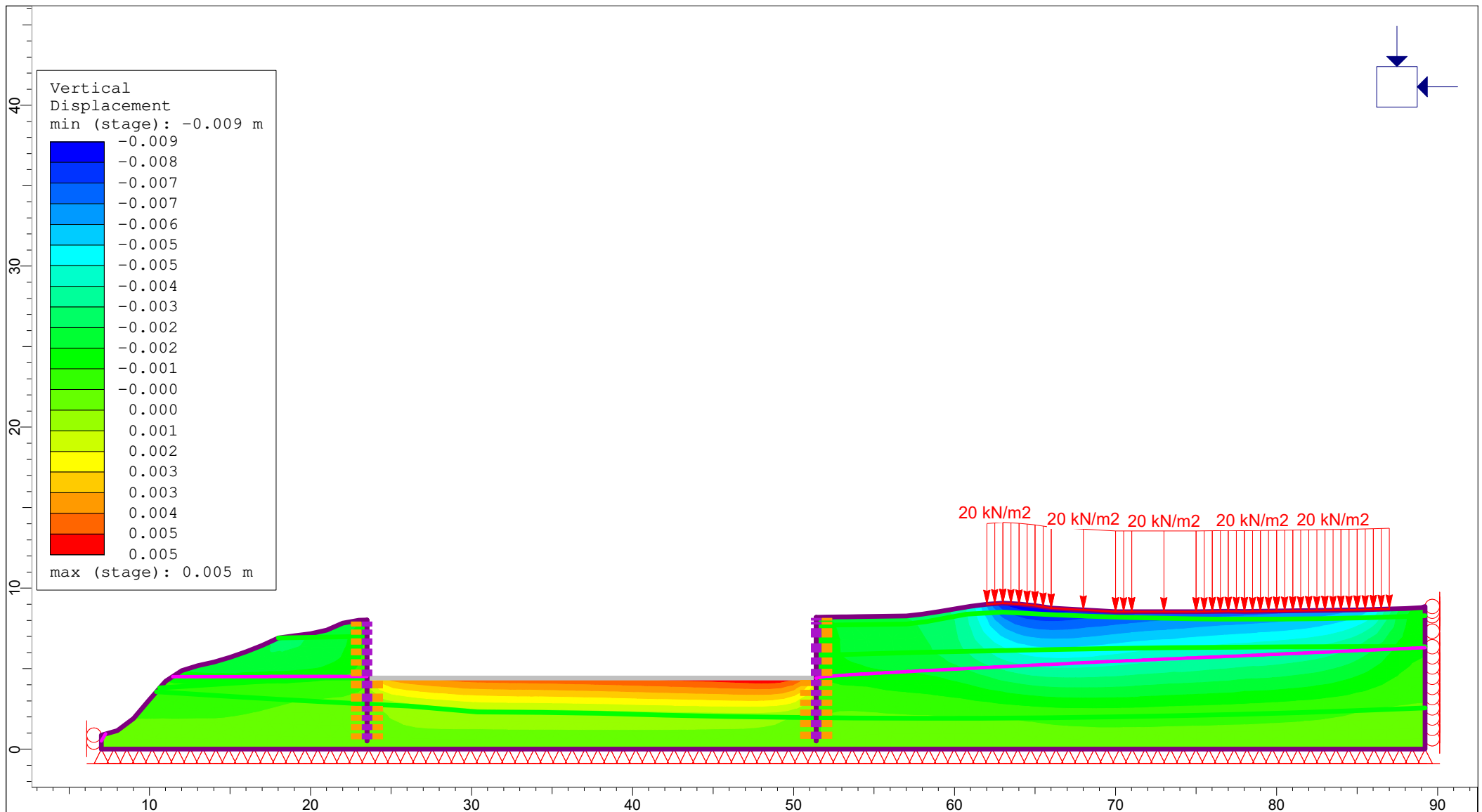
Do not scale off drawings. Before commencement of any work the contractor shall check, verify and be responsible for all dimensions. The contractor must notify this office of any discrepancies in the documents and/or site conditions. All workmanship and materials to be in accordance with relevant current New Zealand Standards. This drawing is the property of Ponting Fitzgerald Ltd and must not be used, copied or reproduced in whole or part without prior written permission. ph 09 360 9515

09	RESOURCE CONSENT	7/05/2021
06	RESOURCE CONSENT	25/03/2021
NO.	NAME	ISSUE DATE
DRAWING	SITE SECTIONS	SHEET
DRAWN BY	PFA	SCALE
PRINT DATE	10/05/2021	@ A3
RC-12		182 09



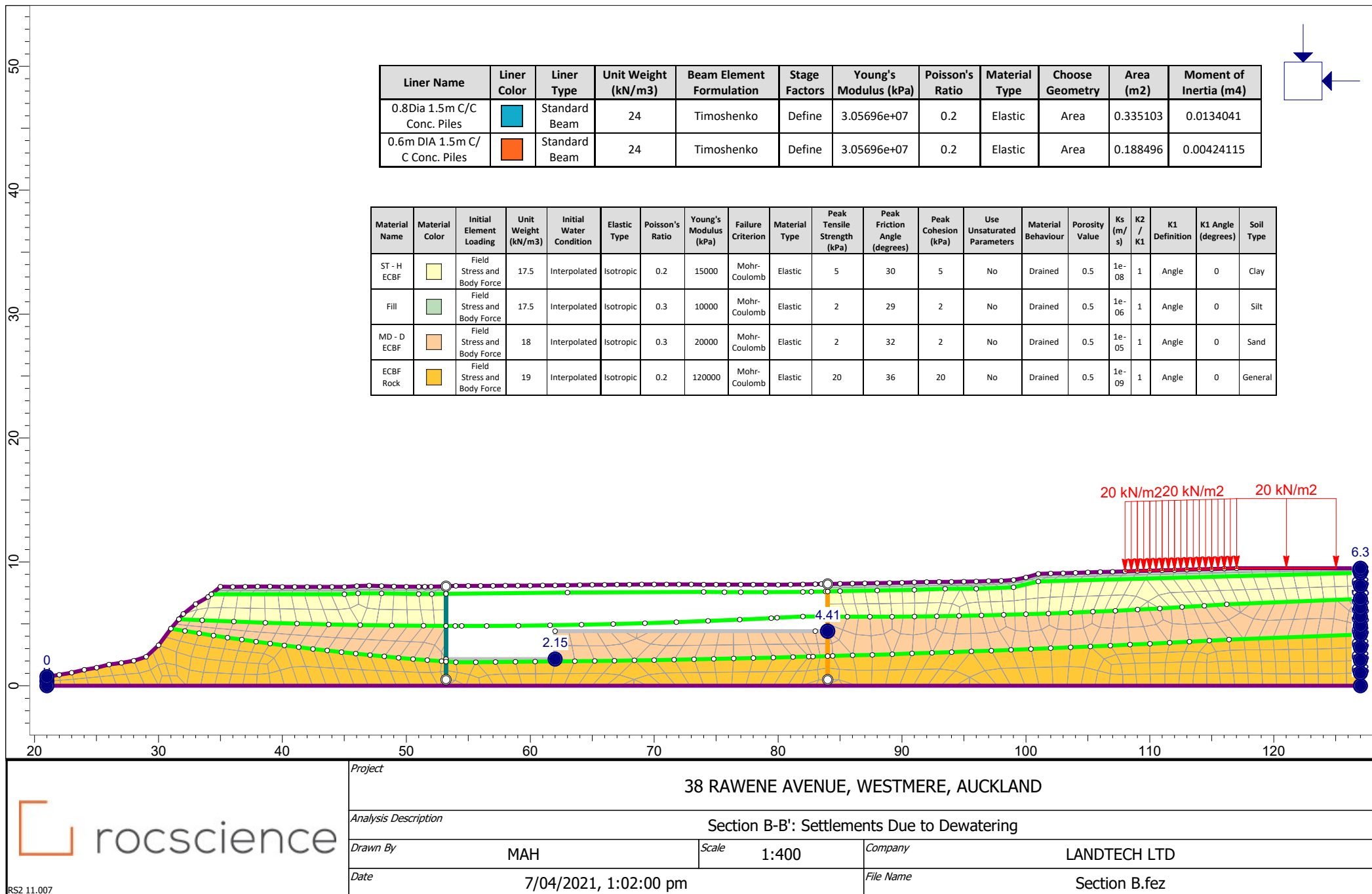
INTERPRET 11.007

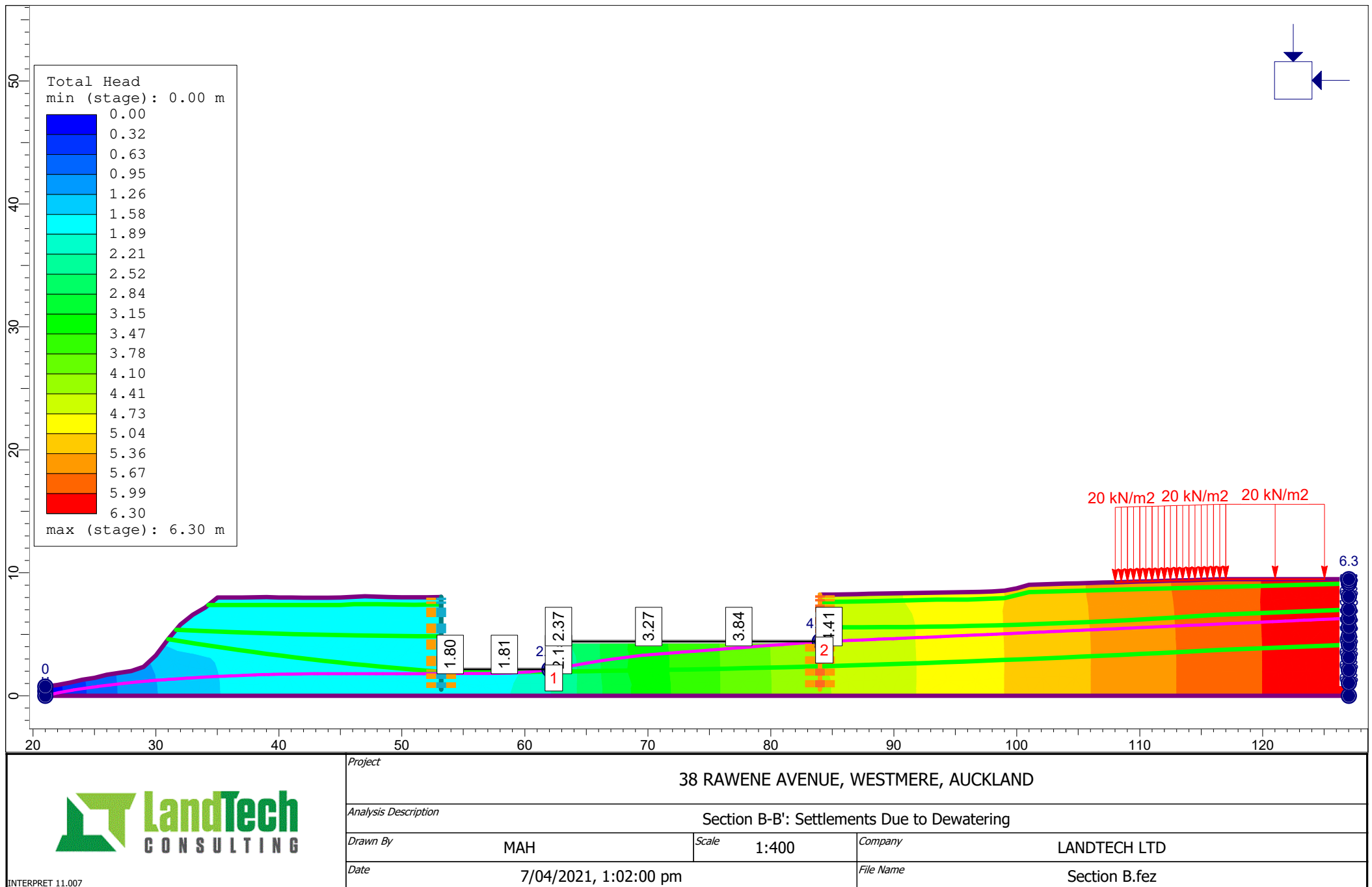
Project			
38 RAWENE AVENUE, WESTMERE, AUCKLAND			
Analysis Description			
Section A-A': Settlements Due to Dewatering			
Drawn By	MAH	Scale	1:330
Company	LANDTECH LTD		
Date	7/04/2021, 1:02:00 pm		File Name
			Section A.fez

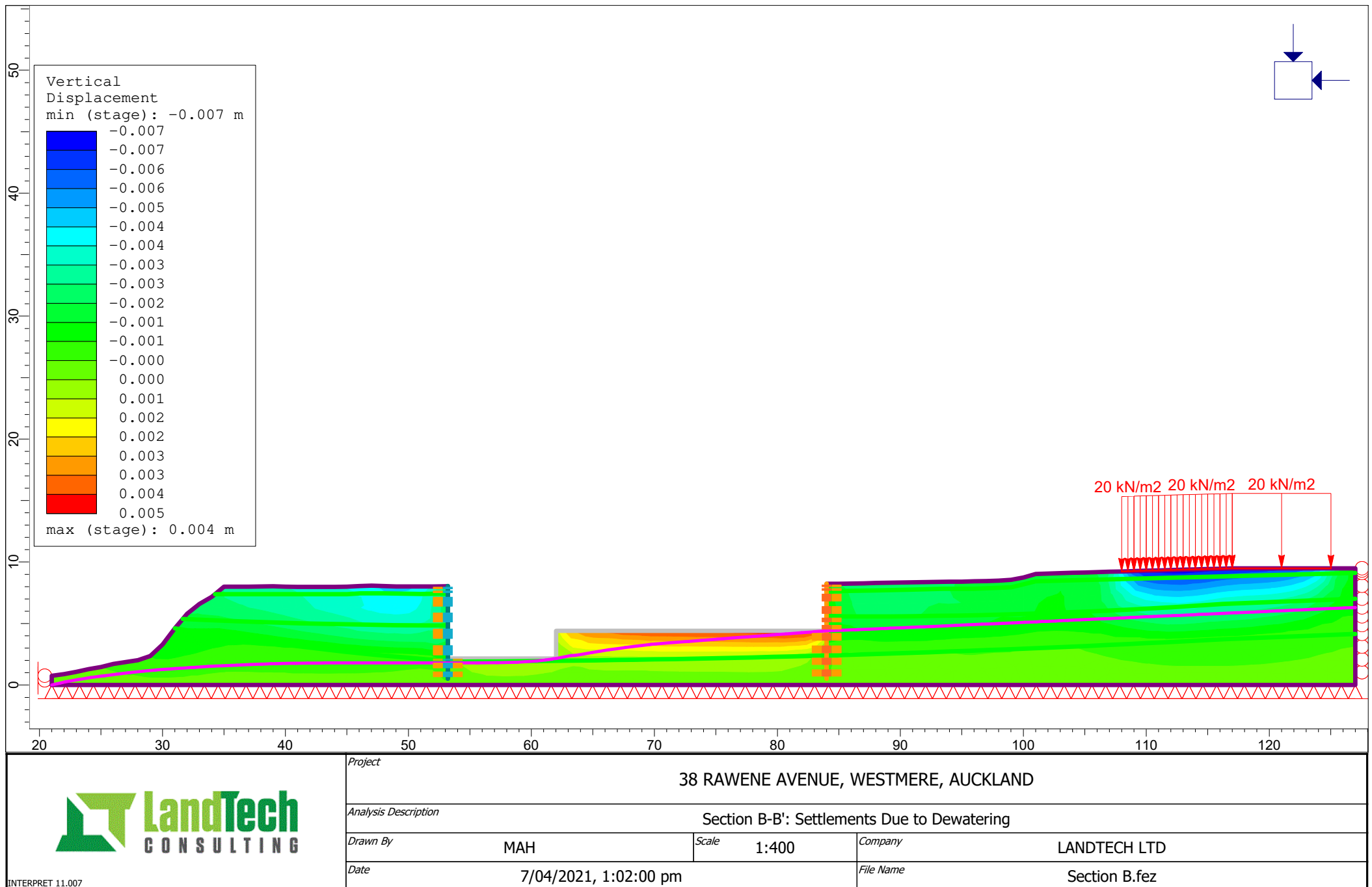


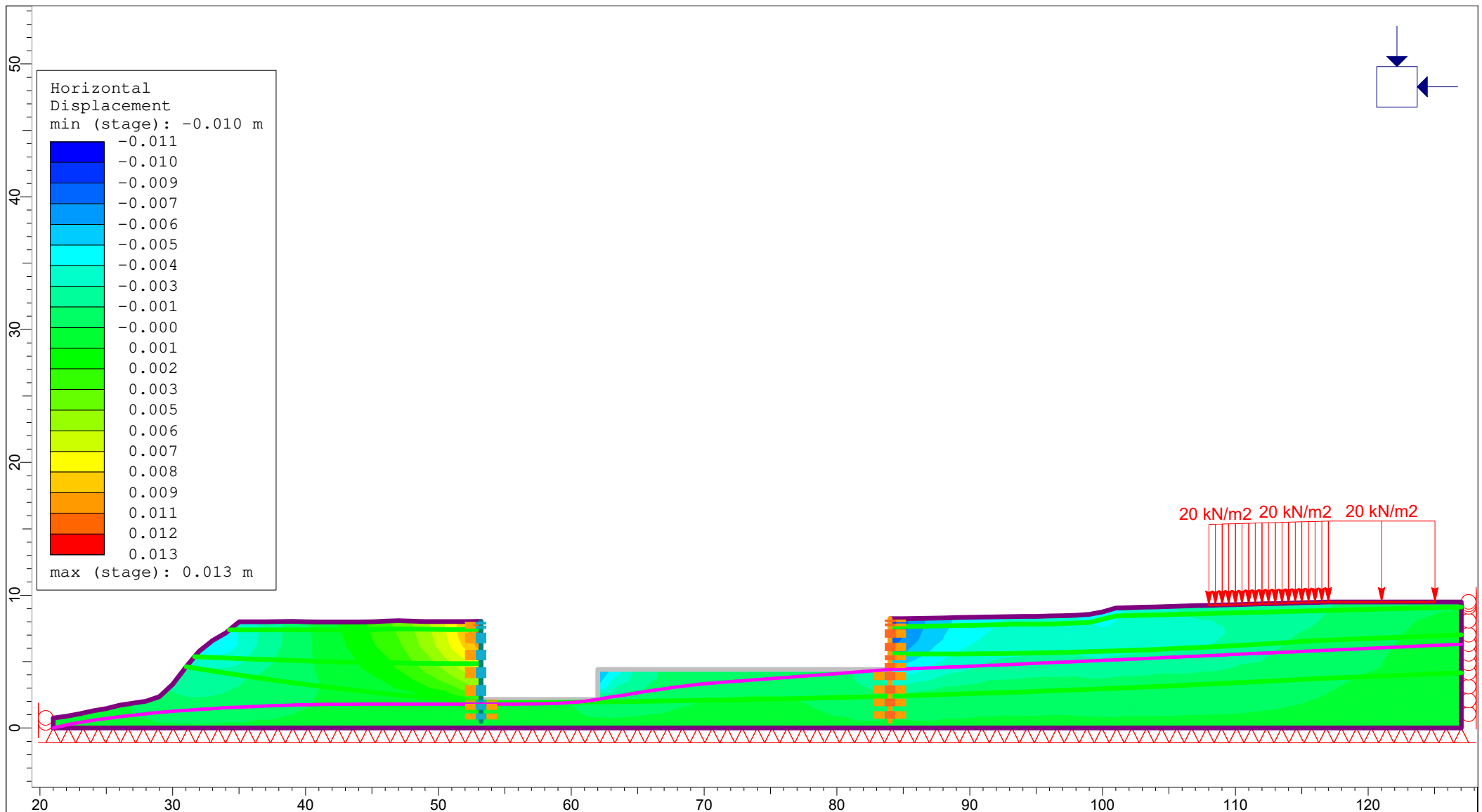
INTERPRET 11.007

Project		38 RAWENE AVENUE, WESTMERE, AUCKLAND			
Analysis Description		Section A-A': Settlements Due to Dewatering			
Drawn By	MAH	Scale	1:330	Company	LANDTECH LTD
Date	7/04/2021, 1:02:00 pm			File Name	Section A.fez



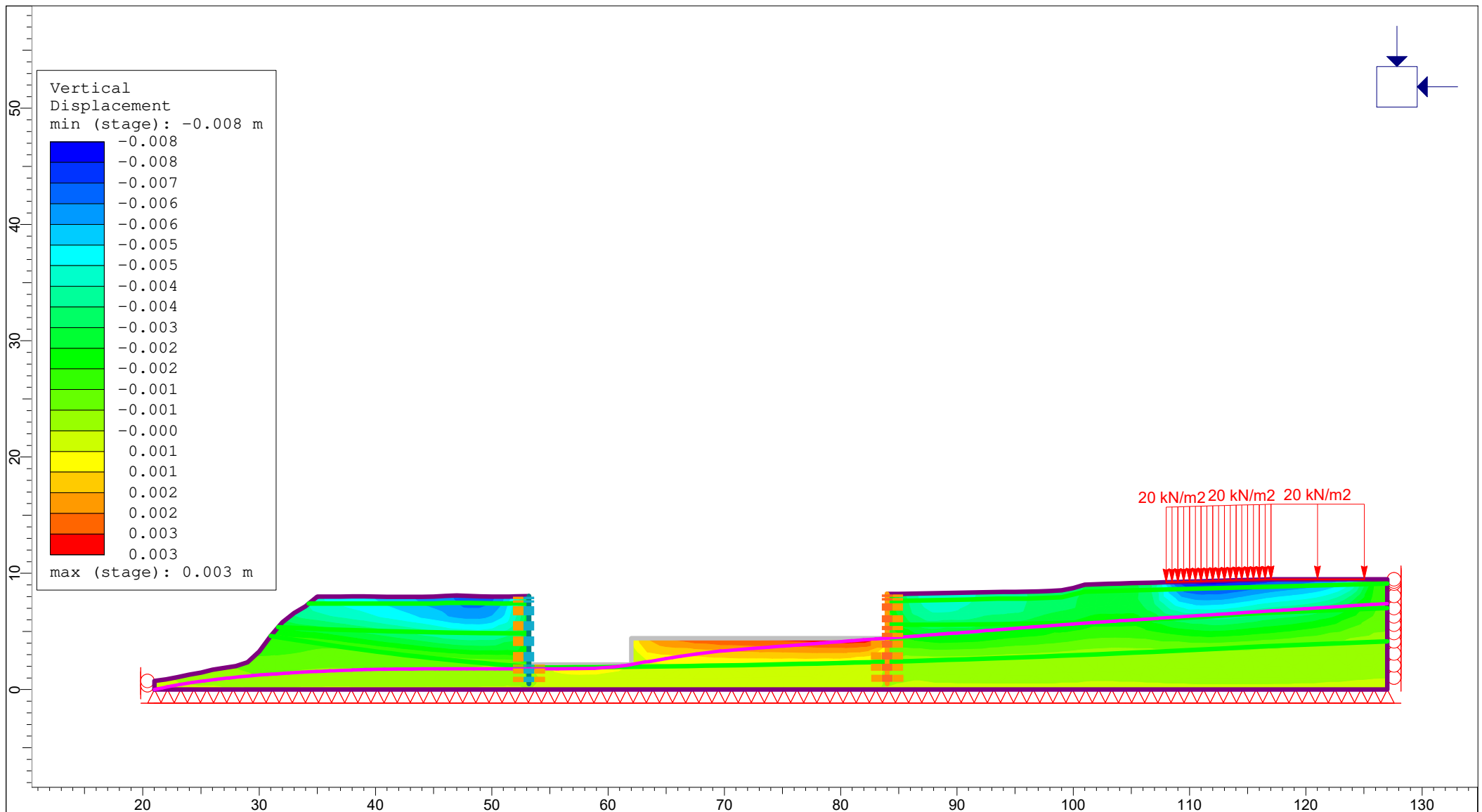






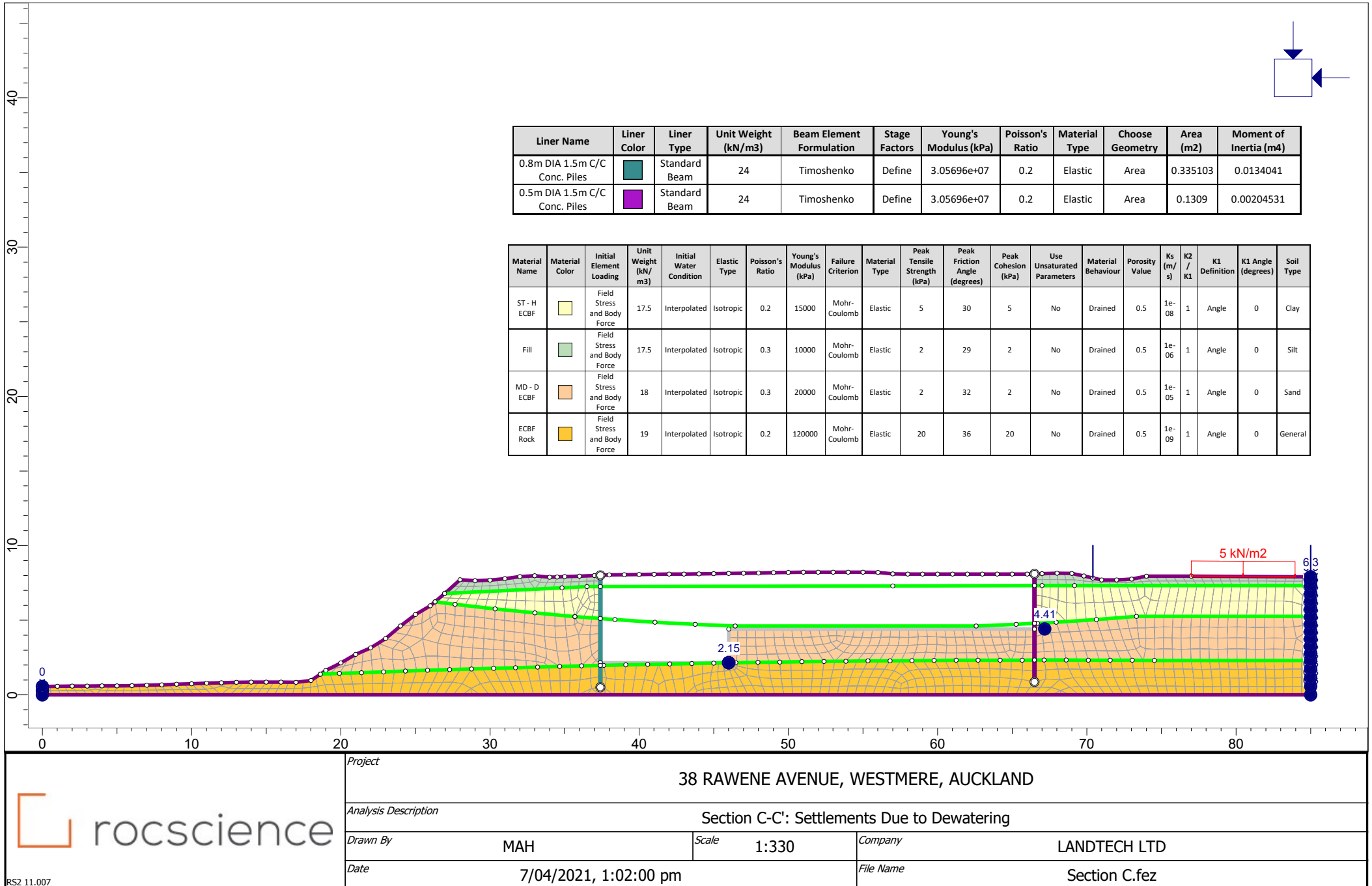
INTERPRET 11.007

Project				38 RAWENE AVENUE, WESTMERE, AUCKLAND	
Analysis Description				Section B-B': Settlements Due to Dewatering	
Drawn By		MAH		Scale	1:400
Company		LANDTECH LTD		File Name	
Date		7/04/2021, 1:02:00 pm		Section B.fez	

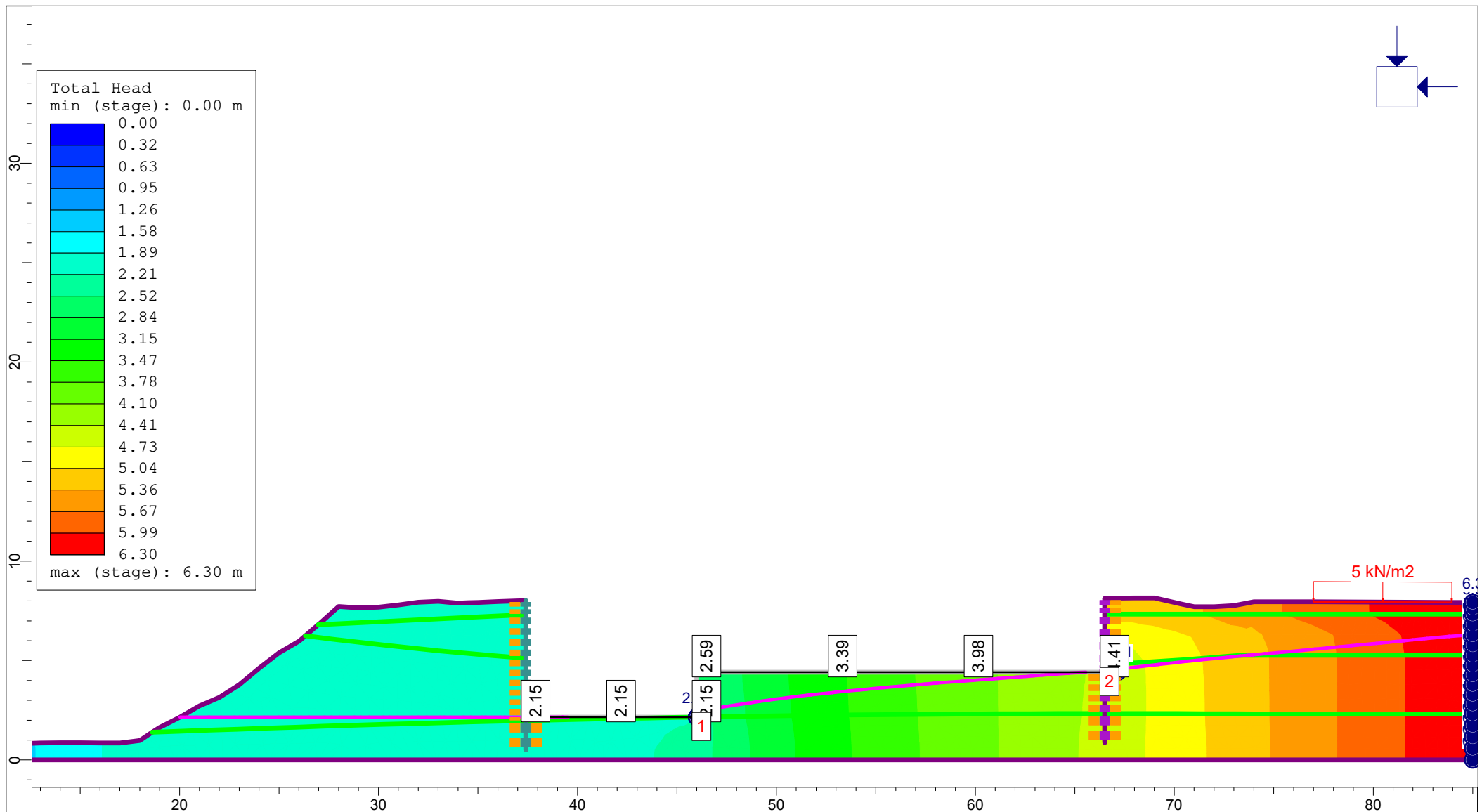


INTERPRET 11.007

Project			38 RAWENE AVENUE, WESTMERE, AUCKLAND		
Analysis Description			Section B-B': Settlements Due to Dewatering		
Drawn By	MAH	Scale	1:457	Company	LANDTECH LTD
Date	7/04/2021, 1:02:00 pm			File Name	Section B.fez

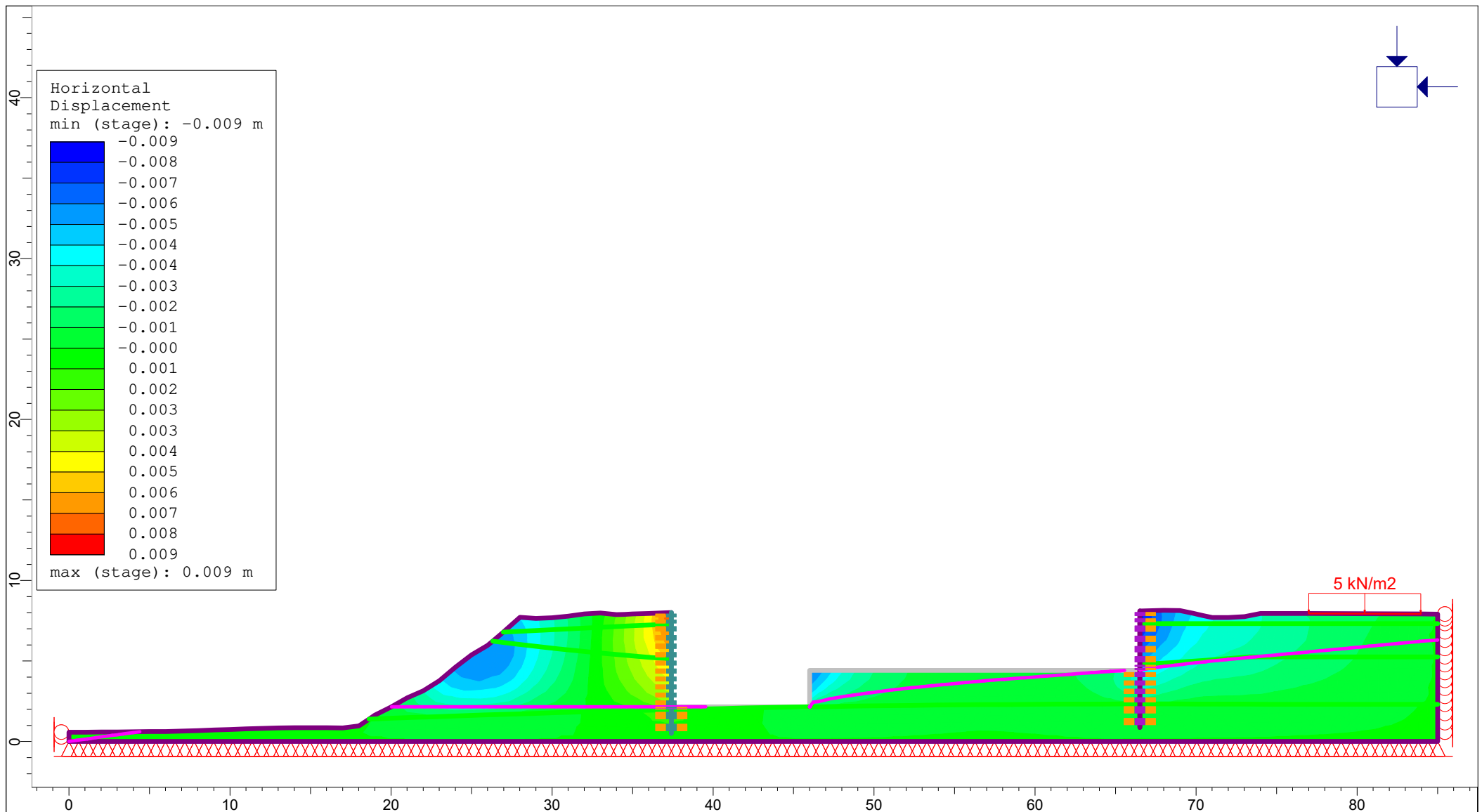


RS2 11.007



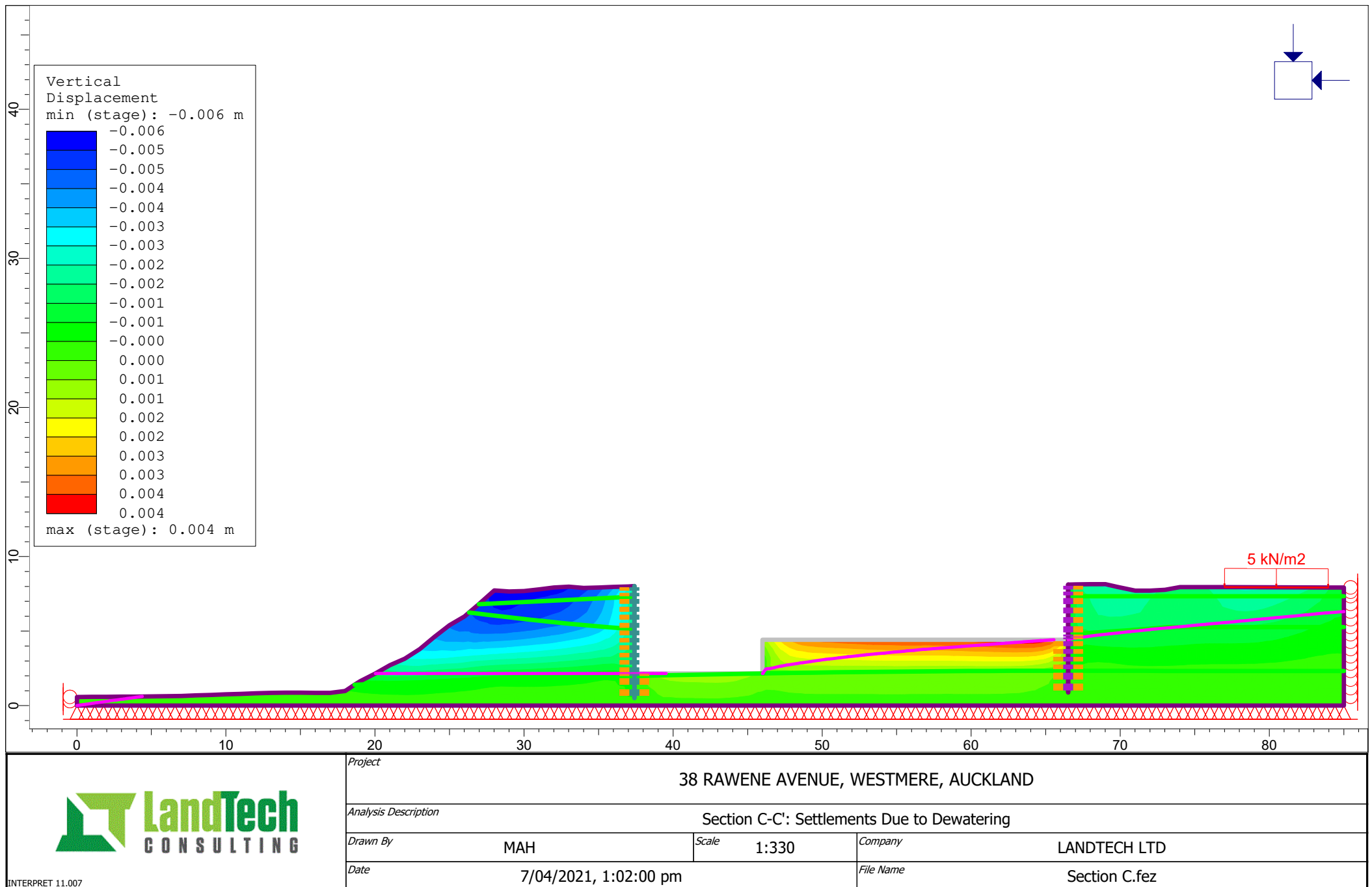
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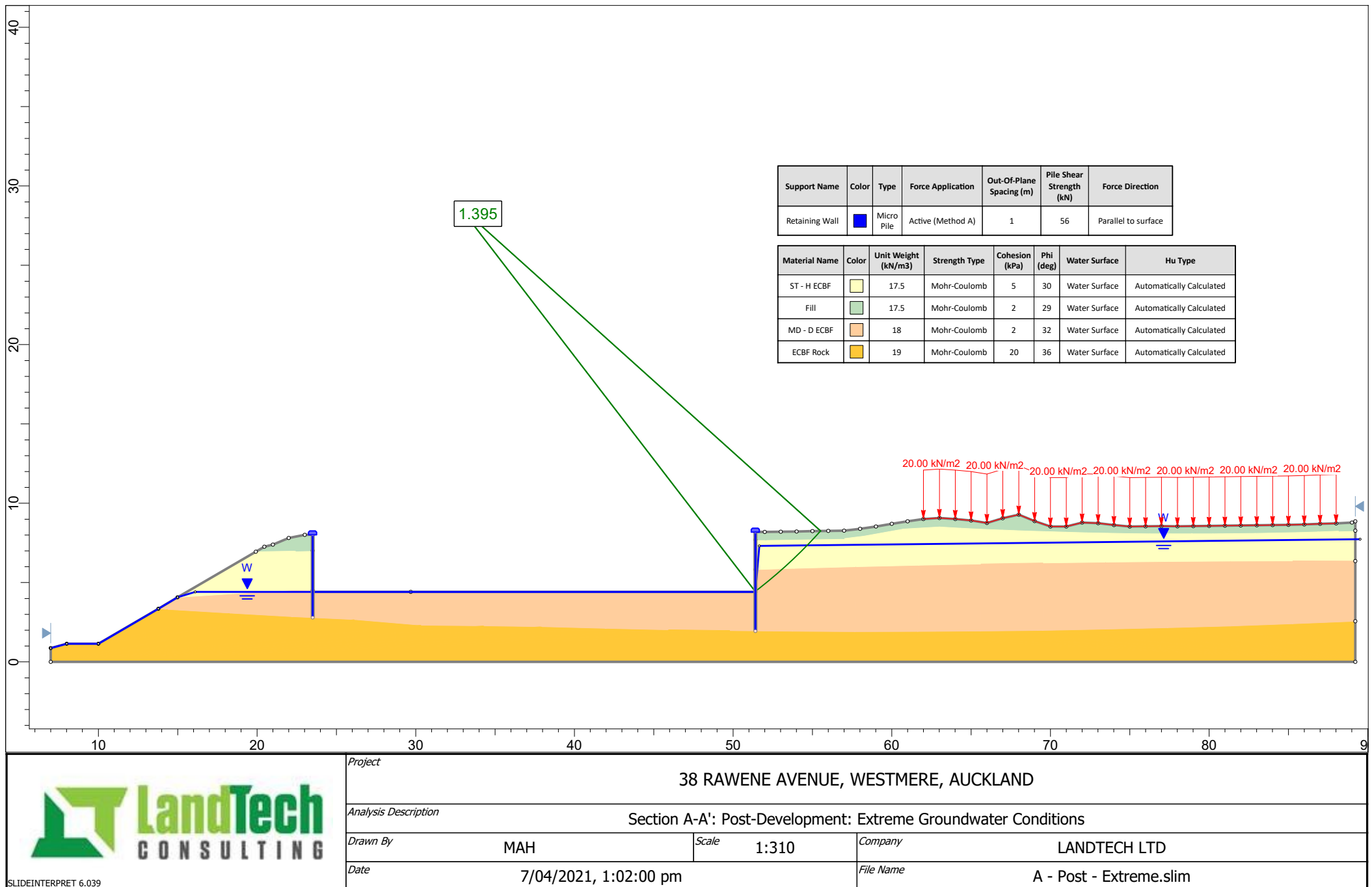
Project			38 RAWENE AVENUE, WESTMERE, AUCKLAND		
Analysis Description			Section C-C': Settlements Due to Dewatering		
Drawn By	MAH	Scale	1:267	Company	LANDTECH LTD
Date	7/04/2021, 1:02:00 pm			File Name	Section C.fez

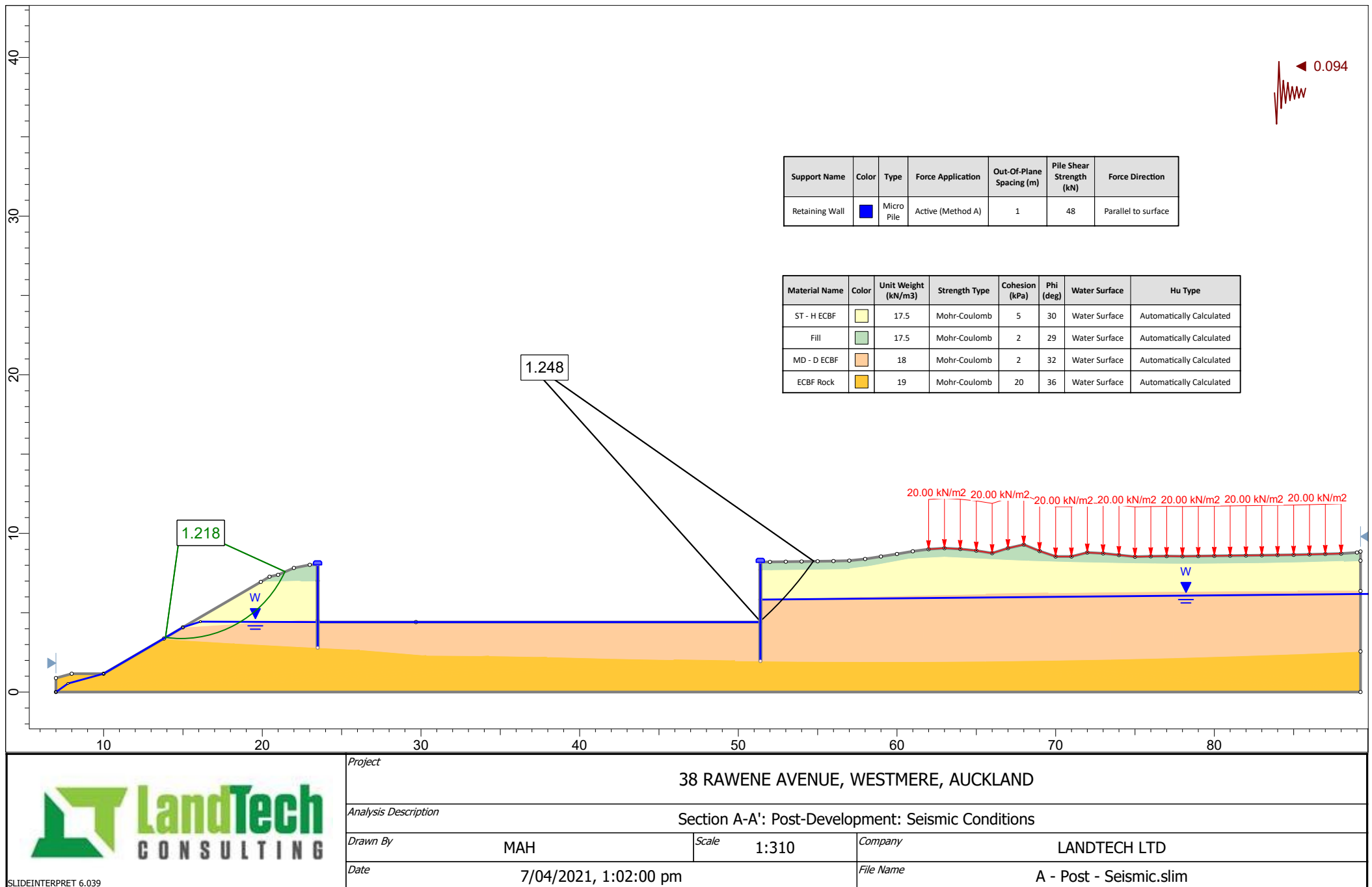


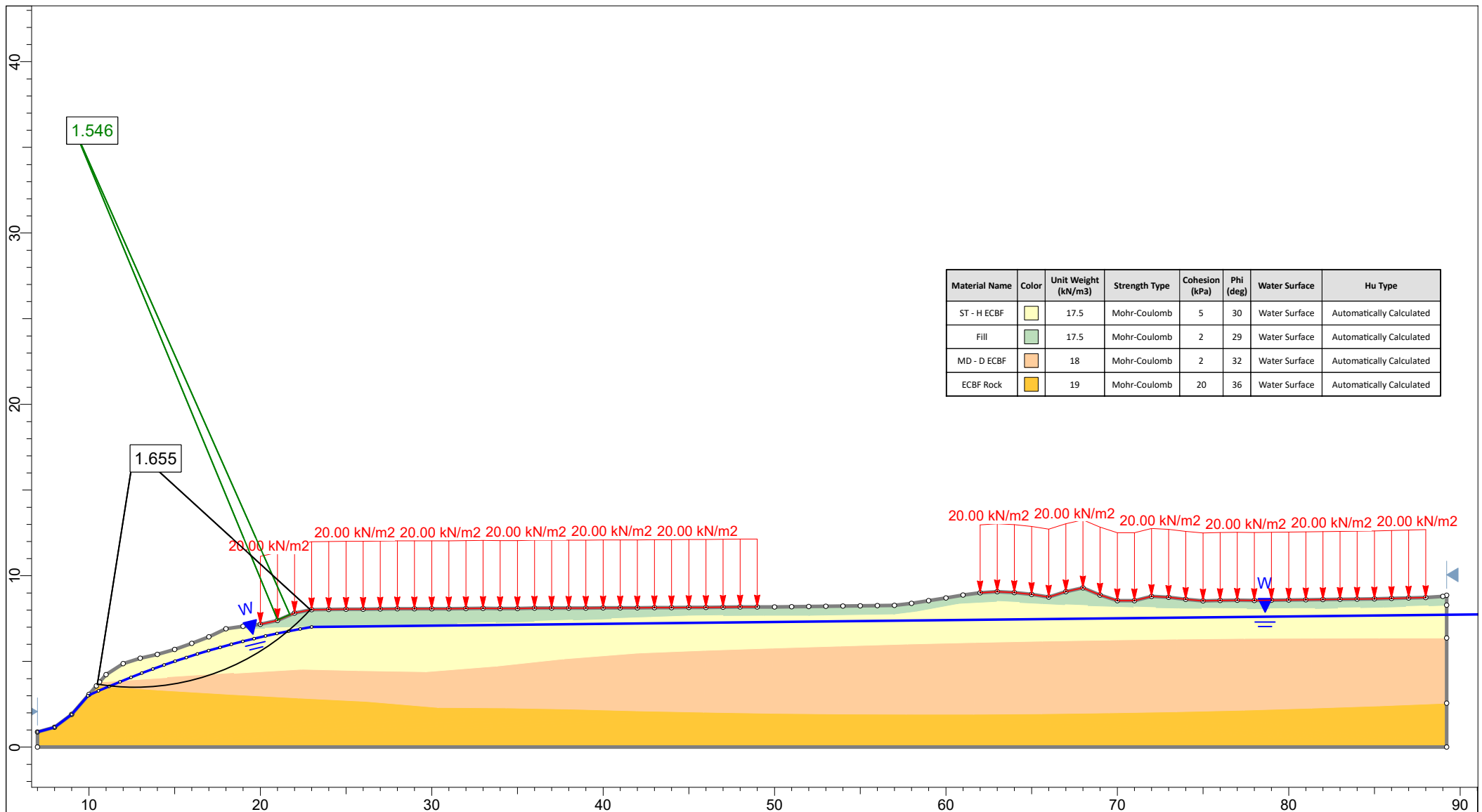
INTERPRET 11.007

Project		38 RAWENE AVENUE, WESTMERE, AUCKLAND			
Analysis Description		Section C-C': Settlements Due to Dewatering			
Drawn By	MAH	Scale	1:330	Company	LANDTECH LTD
Date	7/04/2021, 1:02:00 pm			File Name	Section C.fez



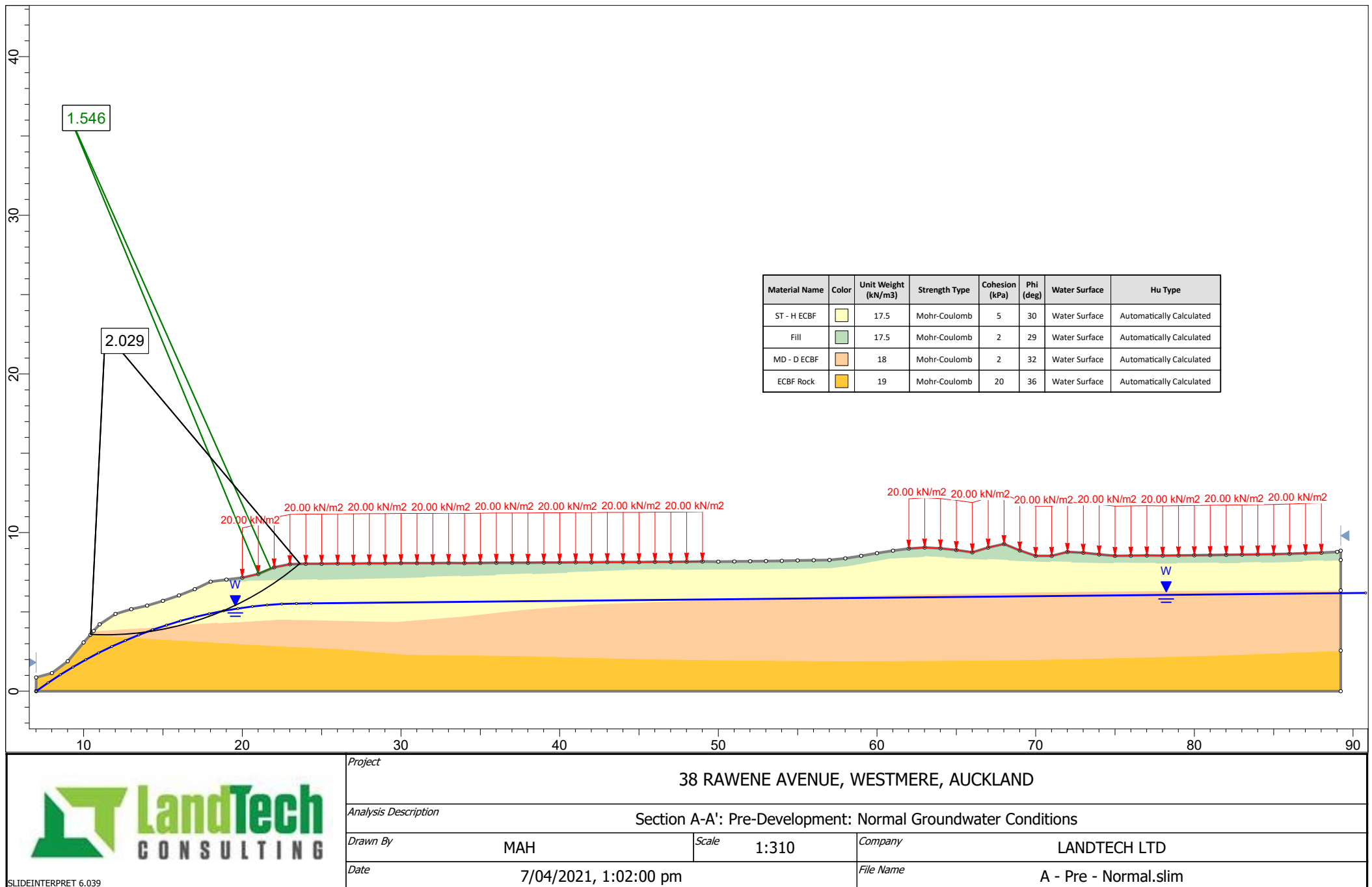


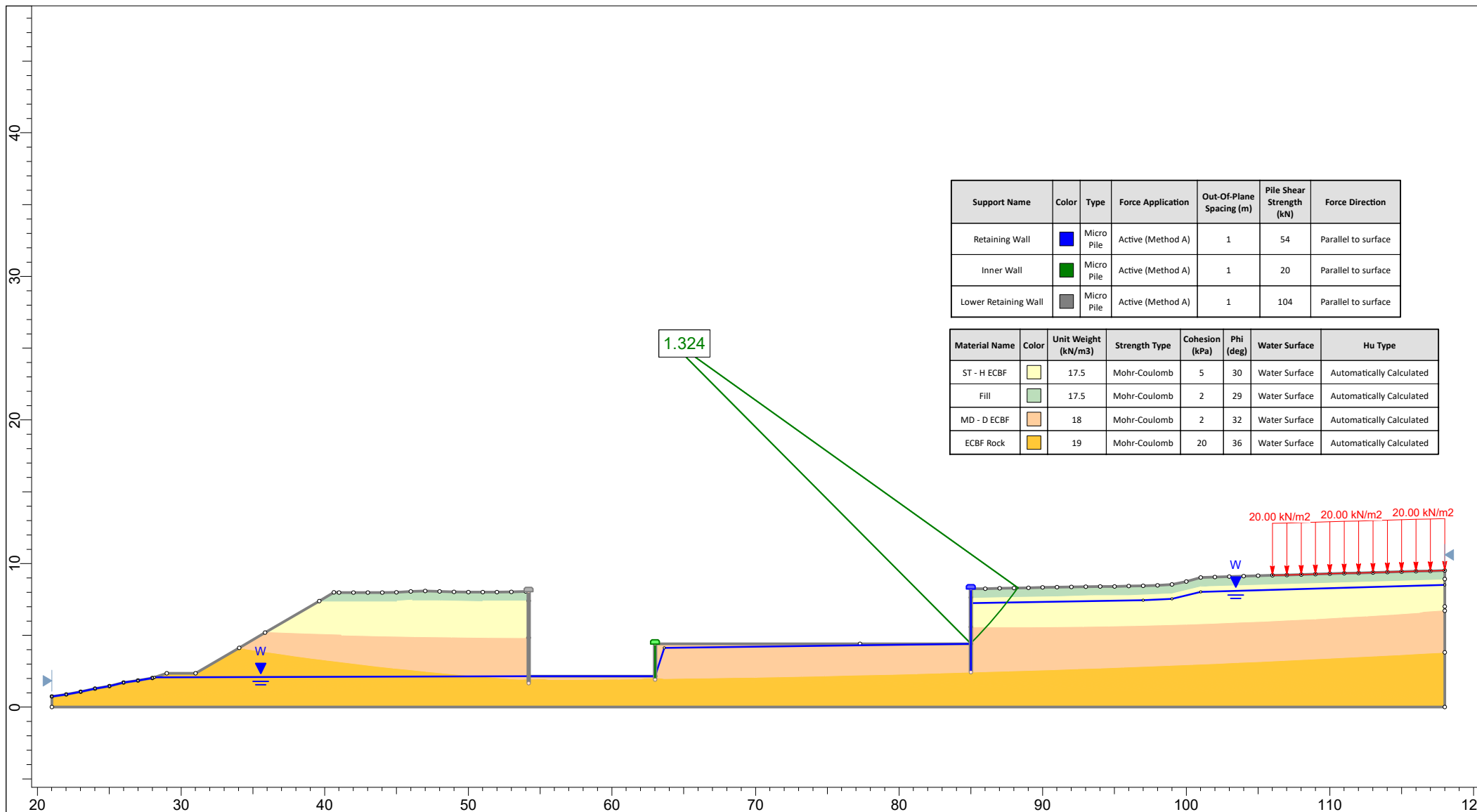




Project				38 RAWENE AVENUE, WESTMERE, AUCKLAND			
Analysis Description				Section A-A': Pre-Development: Extreme Groundwater Conditions			
Drawn By		MAH		Scale		1:310	
Company		LANDTECH LTD		File Name		A - Pre - Extreme.slim	
Date		7/04/2021, 1:02:00 pm					

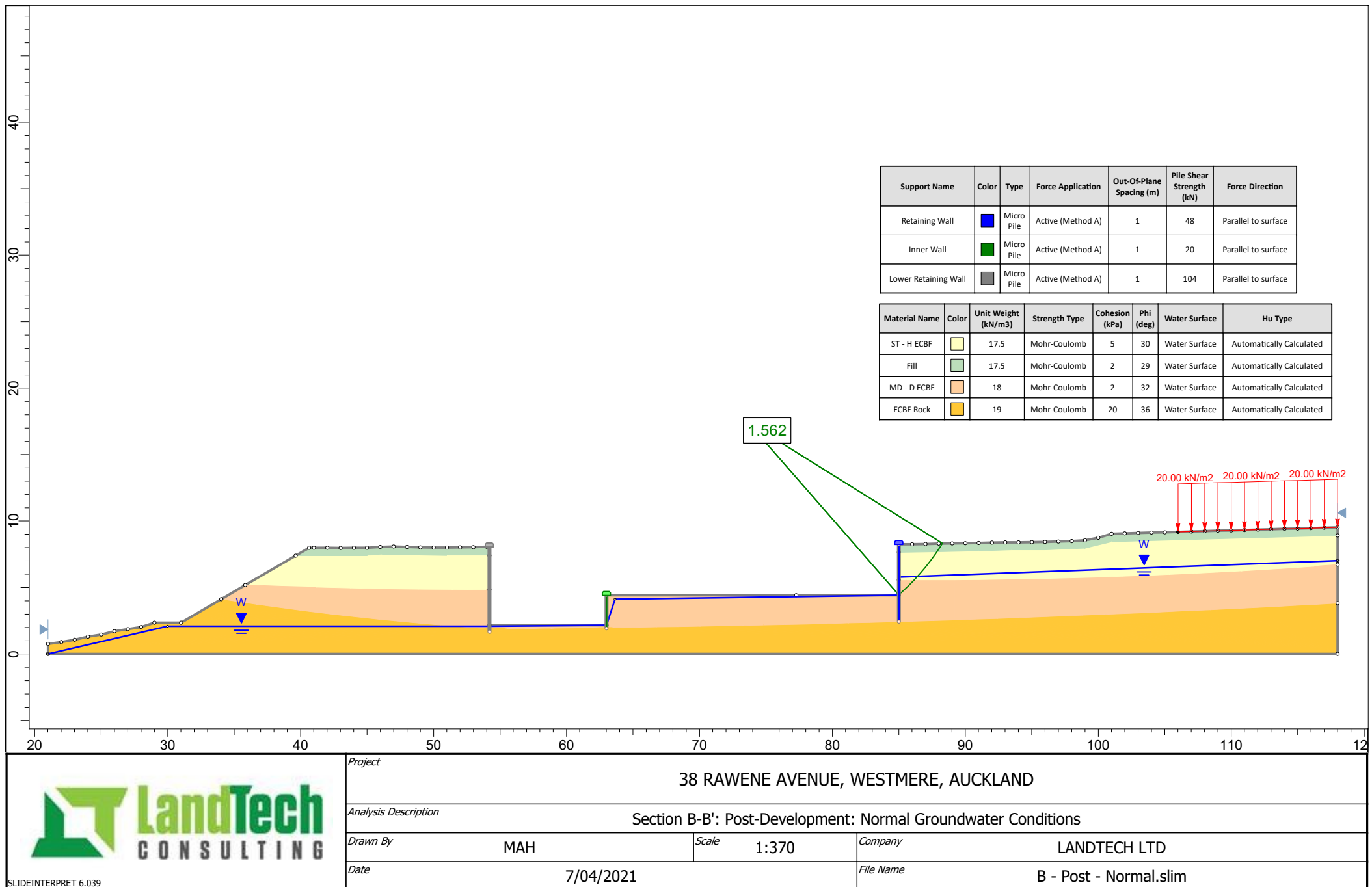
SLIDEINTERPRET 6.039

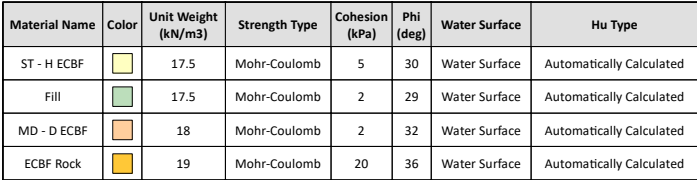


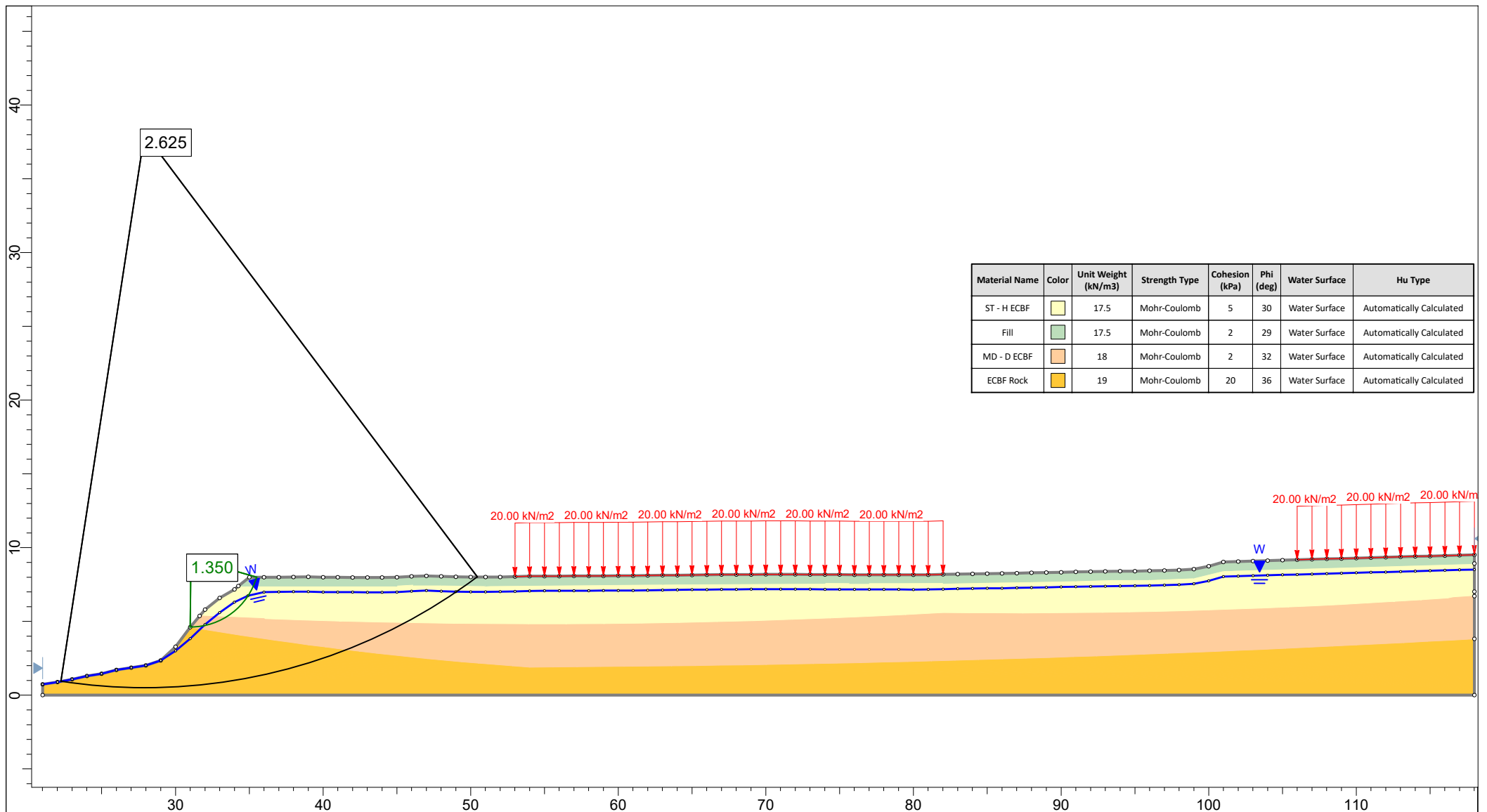


Project			38 RAWENE AVENUE, WESTMERE, AUCKLAND		
Analysis Description			Section B-B': Post-Development: Extreme Groundwater Conditions		
Drawn By	MAH	Scale	1:370	Company	LANDTECH LTD
Date	7/04/2021	File Name	B - Post - Extreme.slim		

SLIDEINTERPRET 6.039

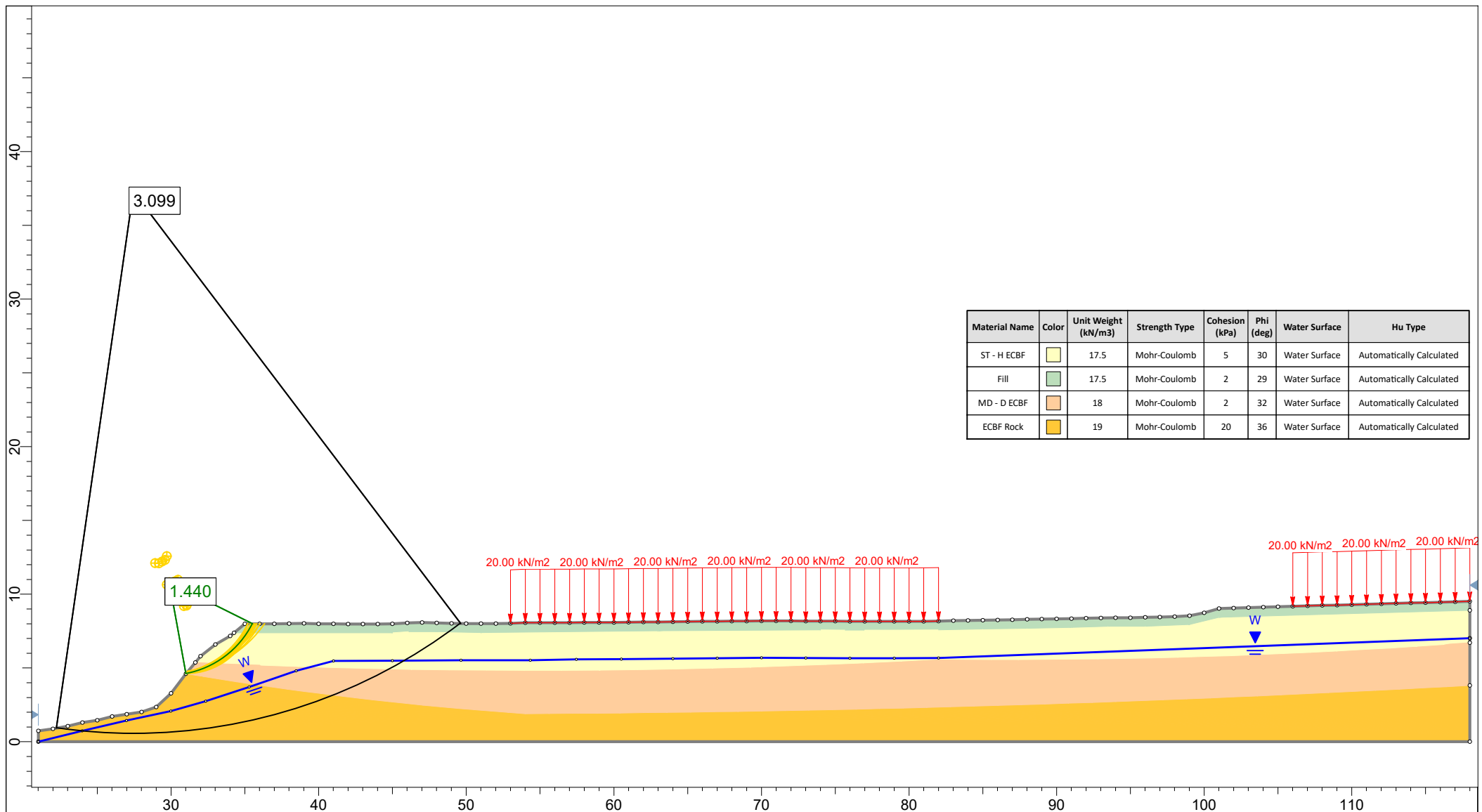


204



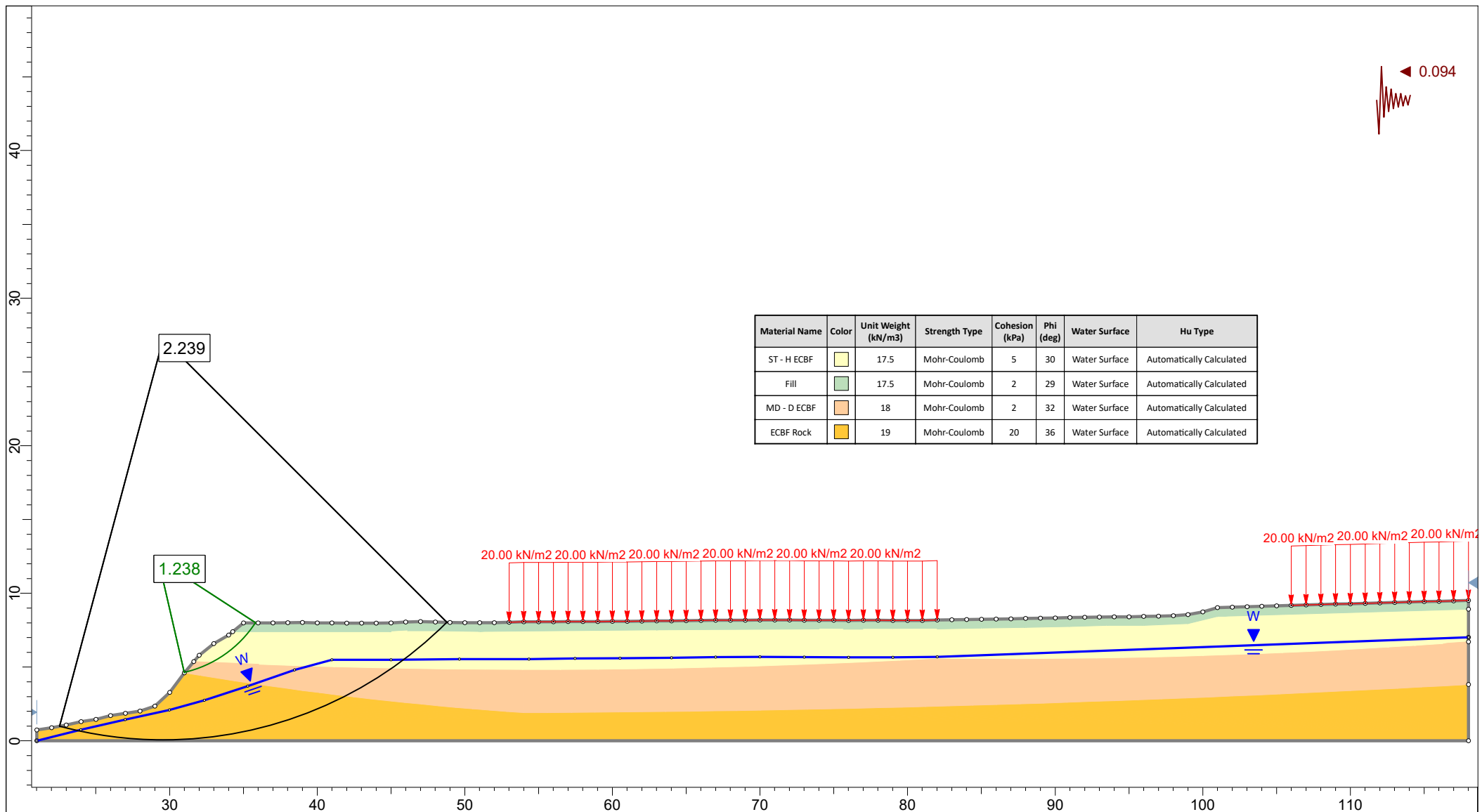
Project				38 RAWENE AVENUE, WESTMERE, AUCKLAND			
Analysis Description				Section B-B': Pre-Development: Extreme Groundwater Conditions			
Drawn By		MAH		Scale		1:360	
Company		LANDTECH LTD		File Name		B - Pre - Extreme.slim	
Date		7/04/2021					

SLIDEINTERPRET 6.039



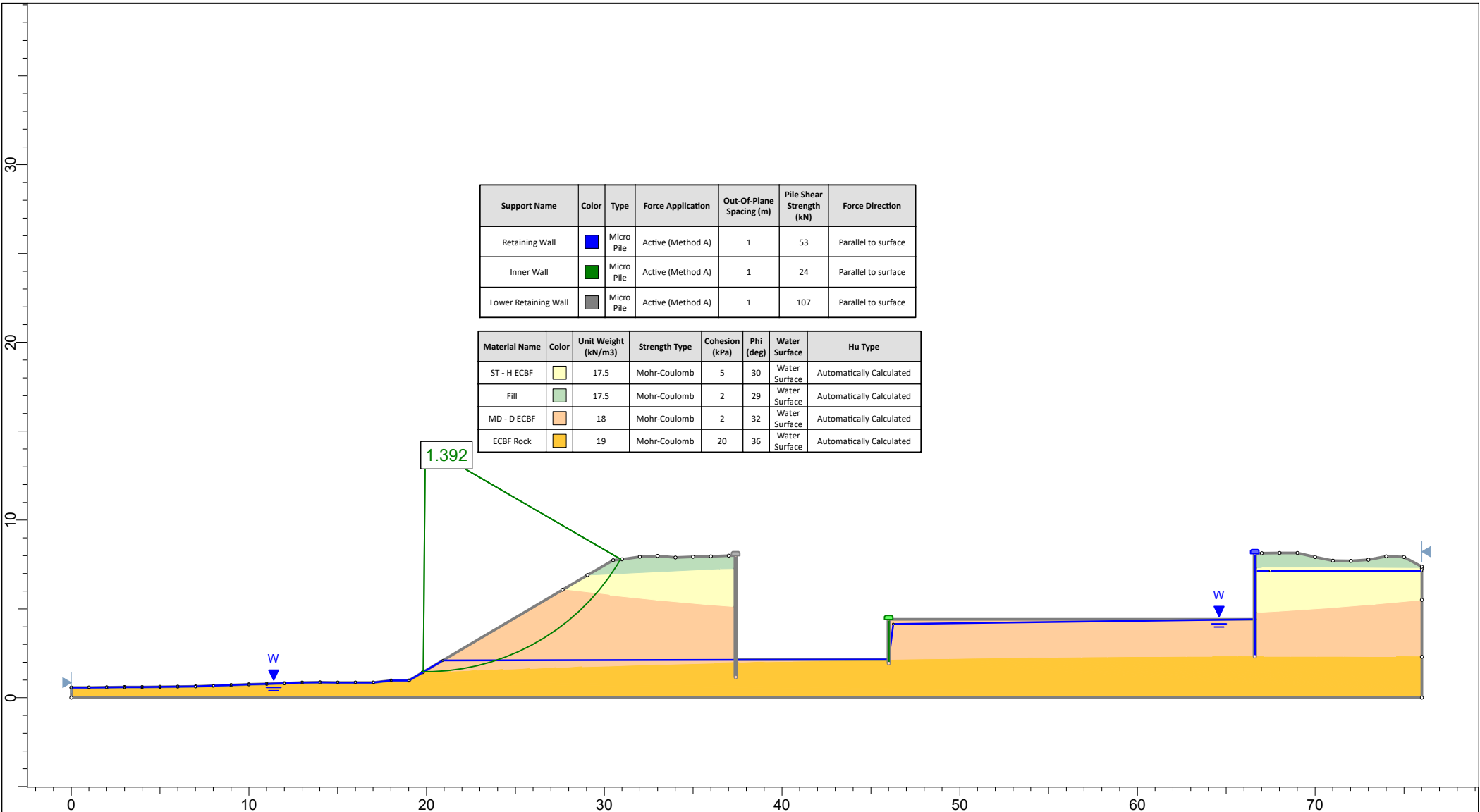
Project				38 RAWENE AVENUE, WESTMERE, AUCKLAND			
Analysis Description				Section B-B': Pre-Development: Normal Groundwater Conditions			
Drawn By		MAH		Scale		1:360	
Company		LANDTECH LTD		File Name		B - Pre - Normal.slim	
Date		7/04/2021					

SLIDEINTERPRET 6.039



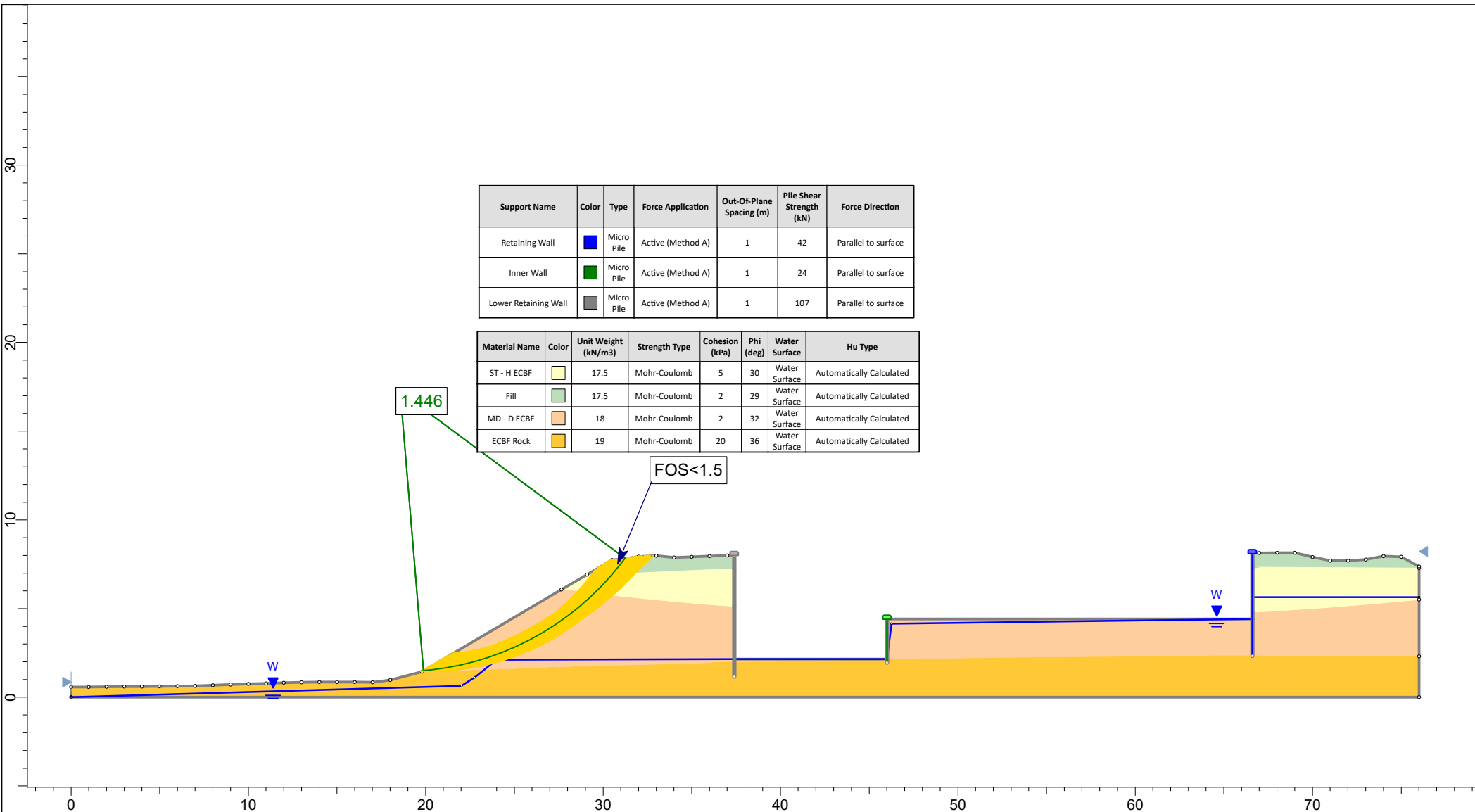
Project		38 RAWENE AVENUE, WESTMERE, AUCKLAND	
Analysis Description		Section B-B': Pre-Development: Seismic Conditions	
Drawn By	MAH	Scale	1:360
Date		7/04/2021	
		Company	LANDTECH LTD
		File Name	B - Pre - Seismic.slim

SLIDEINTERPRET 6.039



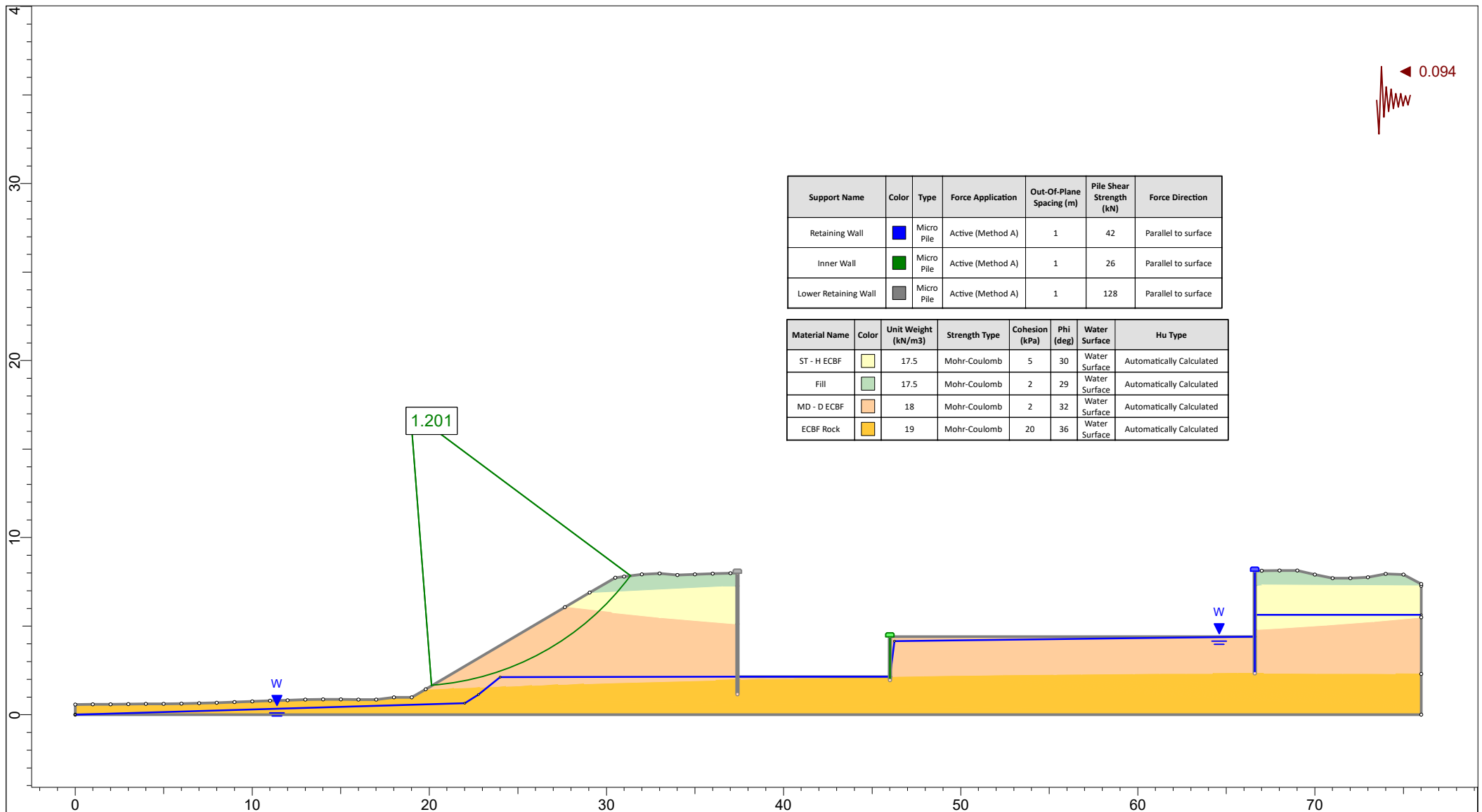
SLIDEINTERPRET 6.039

Project		38 RAWENE AVENUE, WESTMERE, AUCKLAND	
Analysis Description		Section C-C': Post-Development: Extreme Groundwater Conditions	
Drawn By	MAH	Scale	1:300
Date		7/04/2021	
Company		LANDTECH LTD	
File Name		C - Post - Extreme.slim	



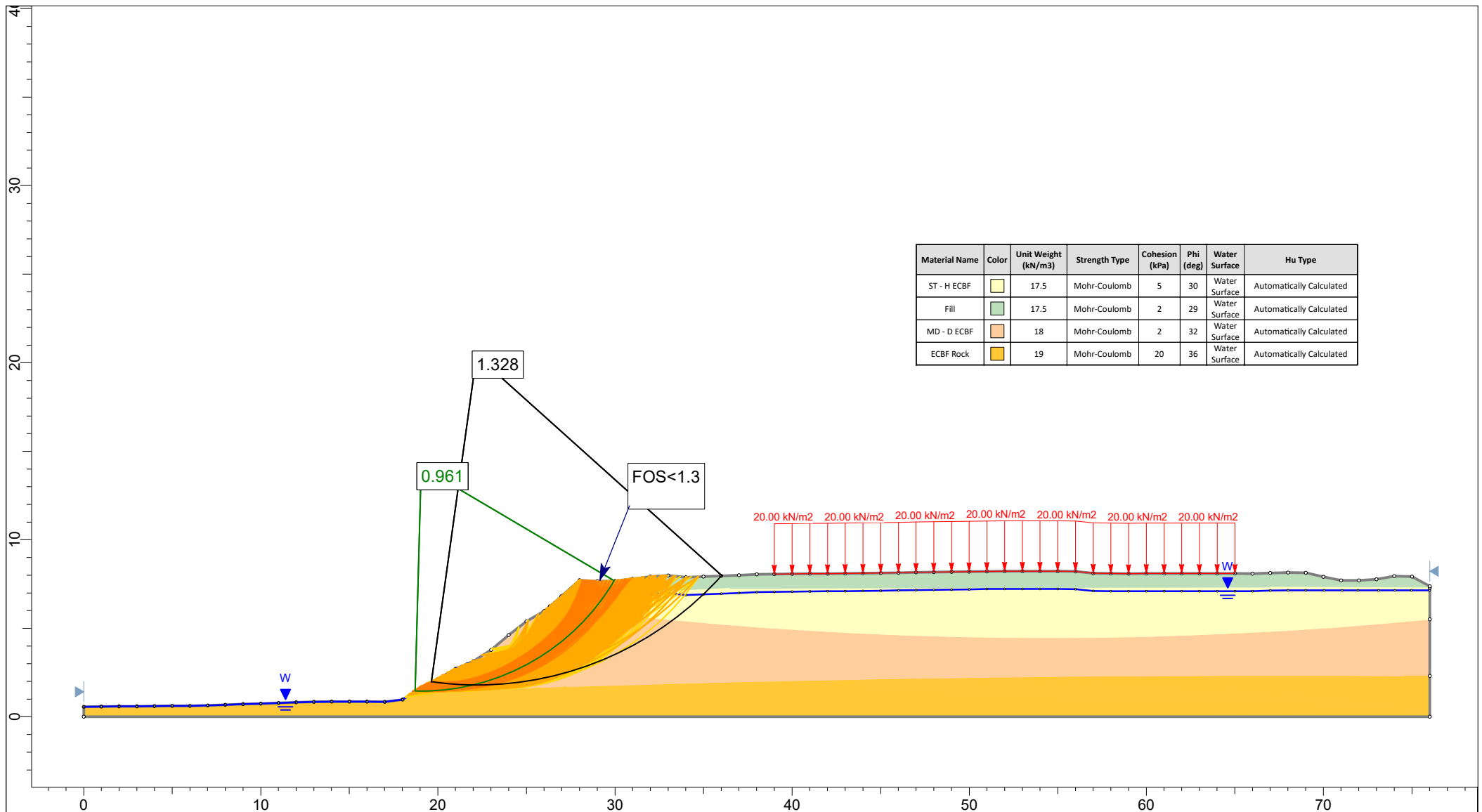
SLIDEINTERPRET 6.039

Project		38 RAWENE AVENUE, WESTMERE, AUCKLAND	
Analysis Description		Section C-C': Post-Development: Normal Groundwater Conditions	
Drawn By	MAH	Scale	1:300
Date		7/04/2021	
Company		LANDTECH LTD	
File Name		C - Post - Normal.slim	



Project		38 RAWENE AVENUE, WESTMERE, AUCKLAND	
Analysis Description		Section C-C': Post-Development: Seismic Conditions	
Drawn By	MAH	Scale	1:300
Date		7/04/2021	
		Company	LANDTECH LTD
		File Name	C - Post - Seismic.slim

SLIDEINTERPRET 6.039

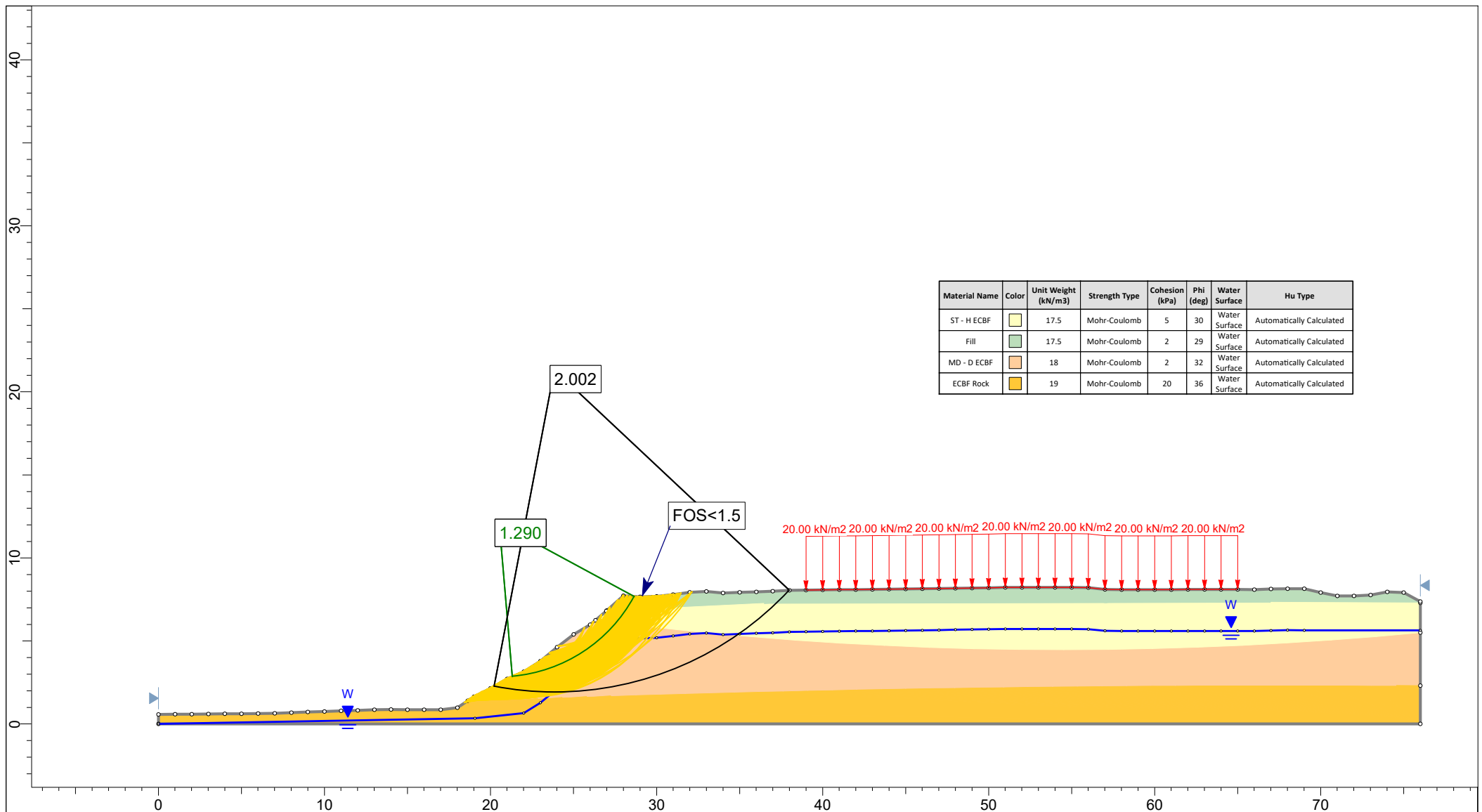


Material Name	Color	Unit Weight (kN/m ³)	Strength Type	Cohesion (kPa)	Phi (deg)	Water Surface	Hu Type
ST - H ECBF		17.5	Mohr-Coulomb	5	30	Water Surface	Automatically Calculated
Fill		17.5	Mohr-Coulomb	2	29	Water Surface	Automatically Calculated
MD - D ECBF		18	Mohr-Coulomb	2	32	Water Surface	Automatically Calculated
ECBF Rock		19	Mohr-Coulomb	20	36	Water Surface	Automatically Calculated



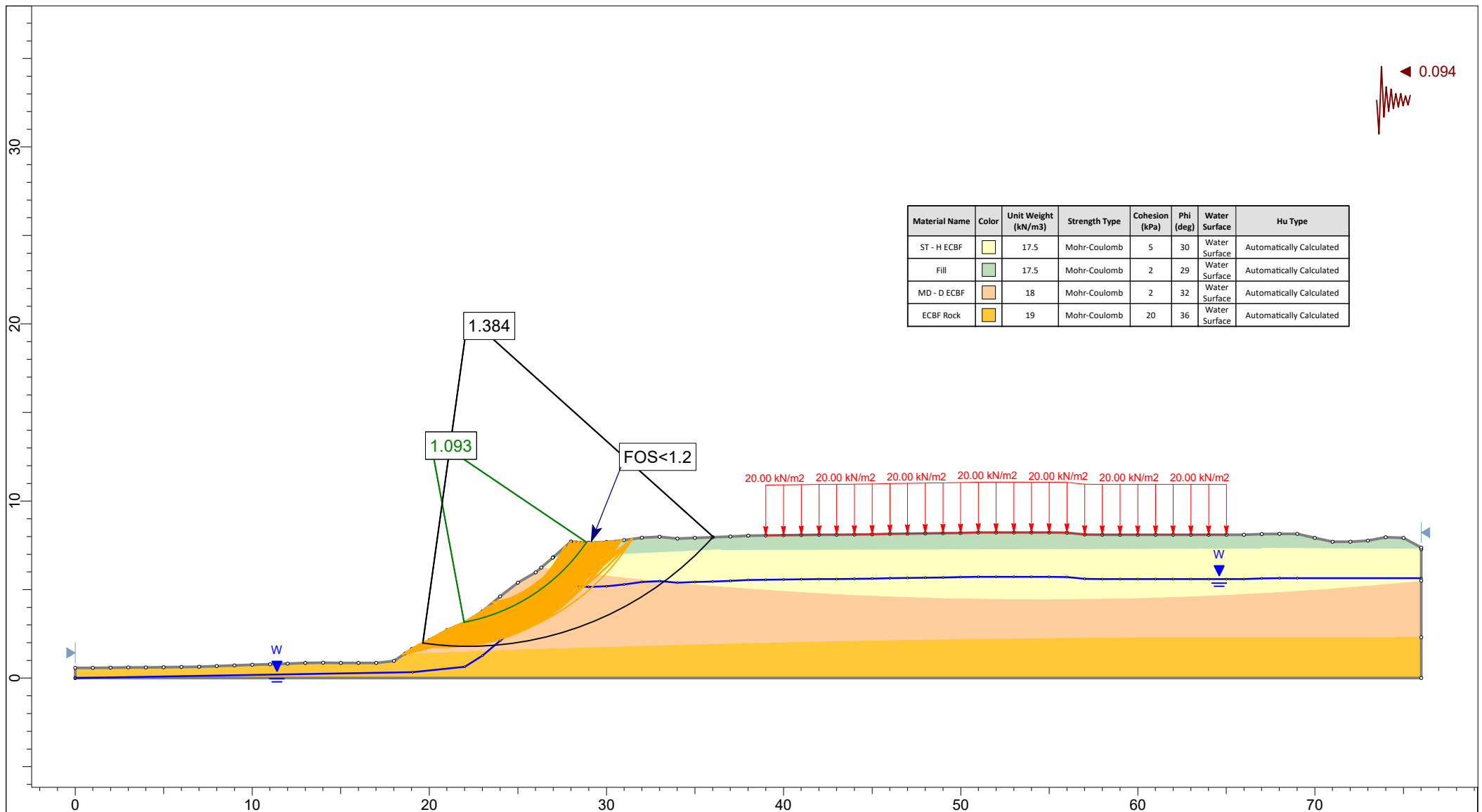
Project		38 RAWENE AVENUE, WESTMERE, AUCKLAND	
Analysis Description		Section C-C': Pre-Development: Extreme Conditions	
Drawn By	MAH	Scale	1:300
Date		7/04/2021	
Company		LANDTECH LTD	
File Name		C - Pre - Extreme.slim	

SLIDEINTERPRET 6.039



Project				38 RAWENE AVENUE, WESTMERE, AUCKLAND			
Analysis Description				Section C-C': Pre-Development: Normal Groundwater Conditions			
Drawn By		MAH		Scale		1:320	
Company		LANDTECH LTD		File Name		C - Pre - Normal.slim	
Date		7/04/2021					

SLIDEINTERPRET 6.039



Material Name	Color	Unit Weight (kN/m³)	Strength Type	Cohesion (kPa)	Phi (deg)	Water Surface	Hu Type
ST - H ECBF		17.5	Mohr-Coulomb	5	30	Water Surface	Automatically Calculated
Fill		17.5	Mohr-Coulomb	2	29	Water Surface	Automatically Calculated
MD - D ECBF		18	Mohr-Coulomb	2	32	Water Surface	Automatically Calculated
ECBF Rock		19	Mohr-Coulomb	20	36	Water Surface	Automatically Calculated



Project				38 RAWENE AVENUE, WESTMERE, AUCKLAND			
Analysis Description				Section C-C': Pre-Development: Seismic Conditions			
Drawn By		MAH		Scale		1:300	
Company		LANDTECH LTD		File Name		C - Pre - Seismic.slim	
Date		7/04/2021					

SLIDEINTERPRET 6.039



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LANDTECH CONSULTING LIMITED

CLIENT/PROJECT
Ali Williams
Proposed Residential Development
38 Rawene Avenue, Westmere

MAP TITLE
Monitoring Location Plan

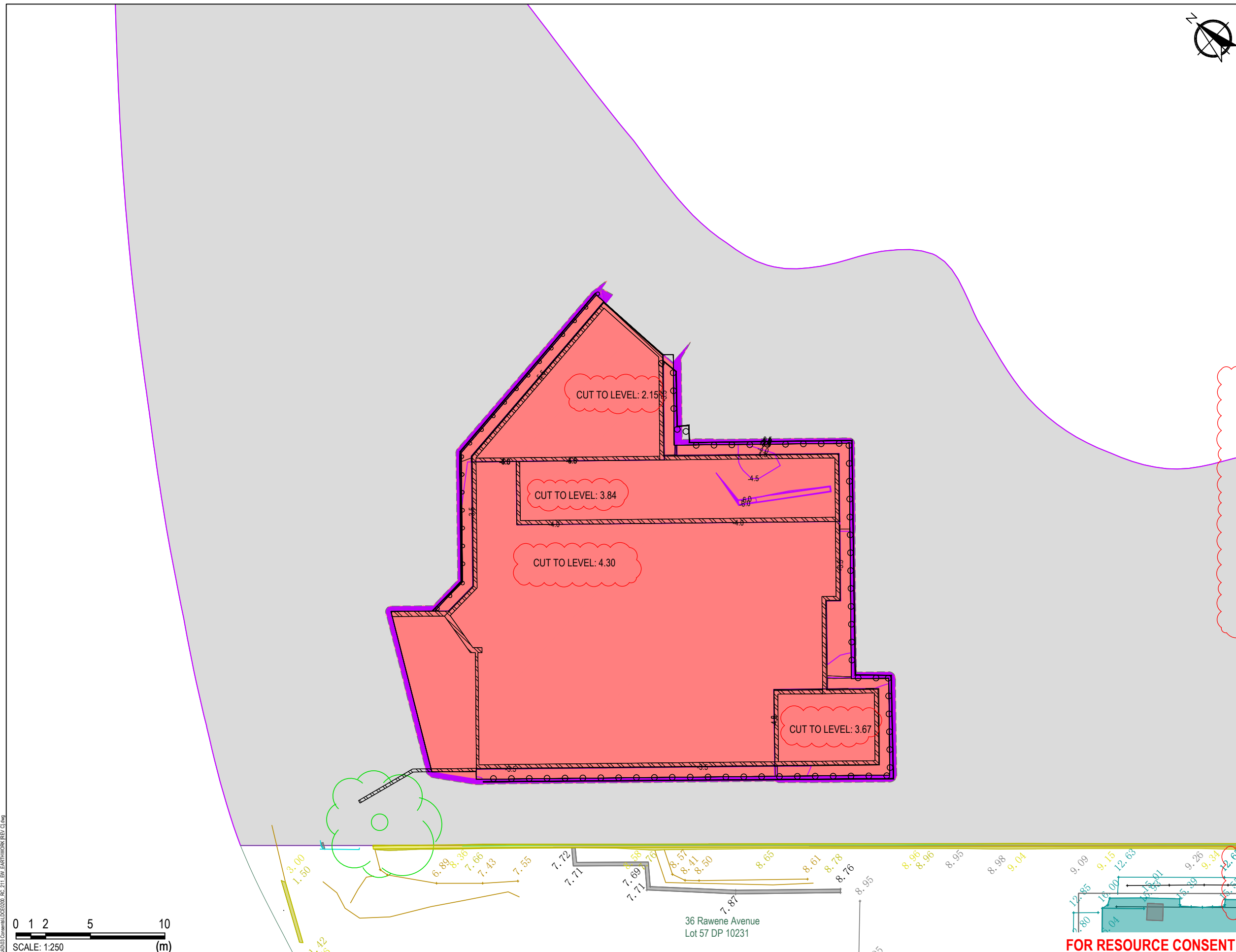
- Legend
- Site Boundary
 - Survey Stations
 - Building Deformation Pin
 - Ground Deformation Pin
 - Groundwater Monitoring Piezometer
 - Minor Overland Flow Path
 - Major Overland Flow Path
 - Stormwater Manhole
 - Stormwater Line
 - Wastewater Manhole
 - Wastewater Line
 - DEM Contours
 - 0.5m Elevation Interval
 - 1.0m Elevation Interval
 - 5.0m Elevation Interval
 - DEM Ground Slopes
 - 1(v):4(h) to 1(v):3(h)
 - 1(v):3(h) to 1(v):2(h)
 - > 1(v):2(h)
 - Proposed Development
 - Proposed Basement

NOTES

Sources:
Auckland Council GIS
LINZ Online Database
Mt Eden 2000

SCALE @ A3
1:500

PROJECT NO.	MAP NO.	REV NO.
LTA20129	4	Rev 2



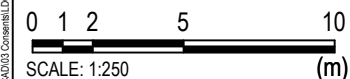
ABBREVIATION:

EX = EXISTING	MH = MANHOLE
PROP = PROPOSED	CP = CATCHPIT
PVT = PRIVATE	SV = SLUICE VALVE
PUB = PUBLIC	FH = FIRE HYDRANT
BDY = BOUNDARY	SW = STORMWATER
RW = RETAINING WALL	WW = WASTEWATER
CONC = CONCRETE	WS = WATER SUPPLY
GL = GROUND LEVEL	DT = DETENTION TANK
RL = REDUCED LEVEL	CONN = CONNECTION
FFL = FINISHED FLOOR LEVEL	PS = PUMP STATION
WM = WATER METER	


LEGEND:

EX. BOUNDARY	
EXTENT OF CUT	
RETAINED GROUND	
DEPTH CONTOURS	-0.1

- NOTES:**
- LEVELS IN TERMS OF AUCKLAND DATUM 1946 (M.S.L.)
 - ALL UNITS ARE IN METRES UNLESS OTHERWISE SPECIFIED.
 - THE DESIGNED SITE CONTOURS SHOWN ON THE PLAN WERE DERIVED USING CIVIL 3D SOFTWARE, AND ARE BASED ON THE TOPOGRAPHICAL SURVEY PREPARED FOR THIS SITE BY ASBUILT DATED 01/12/2020, REFERENCE @ B2002202 REV No. 02.
 - EARTHWORKS ON THIS SITE ARE ANTICIPATED FOR THE ESTABLISHMENT OF BUILDING PLATFORMS PERTAINING TO BASEMENT ONLY. UNDERCUT LEVELS ARE INDICATED BY THE ARCHITECT.
 - THE EARTHWORKS GENERATED BY THE RETAINING WALL PILES ARE ADOPTED FROM THE ARCHITECT.
 - THE EARTHWORKS VOLUMES ARE INDICATIVE ONLY AND CALCULATED BASED ON THE ABOVE METHODOLOGY.



REVISION SUMMARY			
DESIGNED BY:	REV	DATE	DESCRIPTION:
SS	18/02/21	-	19/02/21 RESOURCE CONSENT RFI ISSUE
DRAWN BY:	A	26/03/21	BUILDING AMENDMENTS
SS	28/07/21	B	20/07/21 BUILDING AMENDMENTS
CHECKED BY:	C	28/07/21	EARTHWORKS CALCULATION AMENDMENTS
JZ	28/07/21	-	-
APPROVED BY:	-	-	-
JZ	28/07/21	-	-



Thomas Consultants Ltd
Central One Building
4 Henderson Valley Road
PO Box 12-1393
Henderson
Auckland
Phone: 09-836-1804
Fax: 09-836-1805
Email: info@tcec.co.nz

CLIENT :

ALI WILLIAMS

PROJECT ADDRESS :

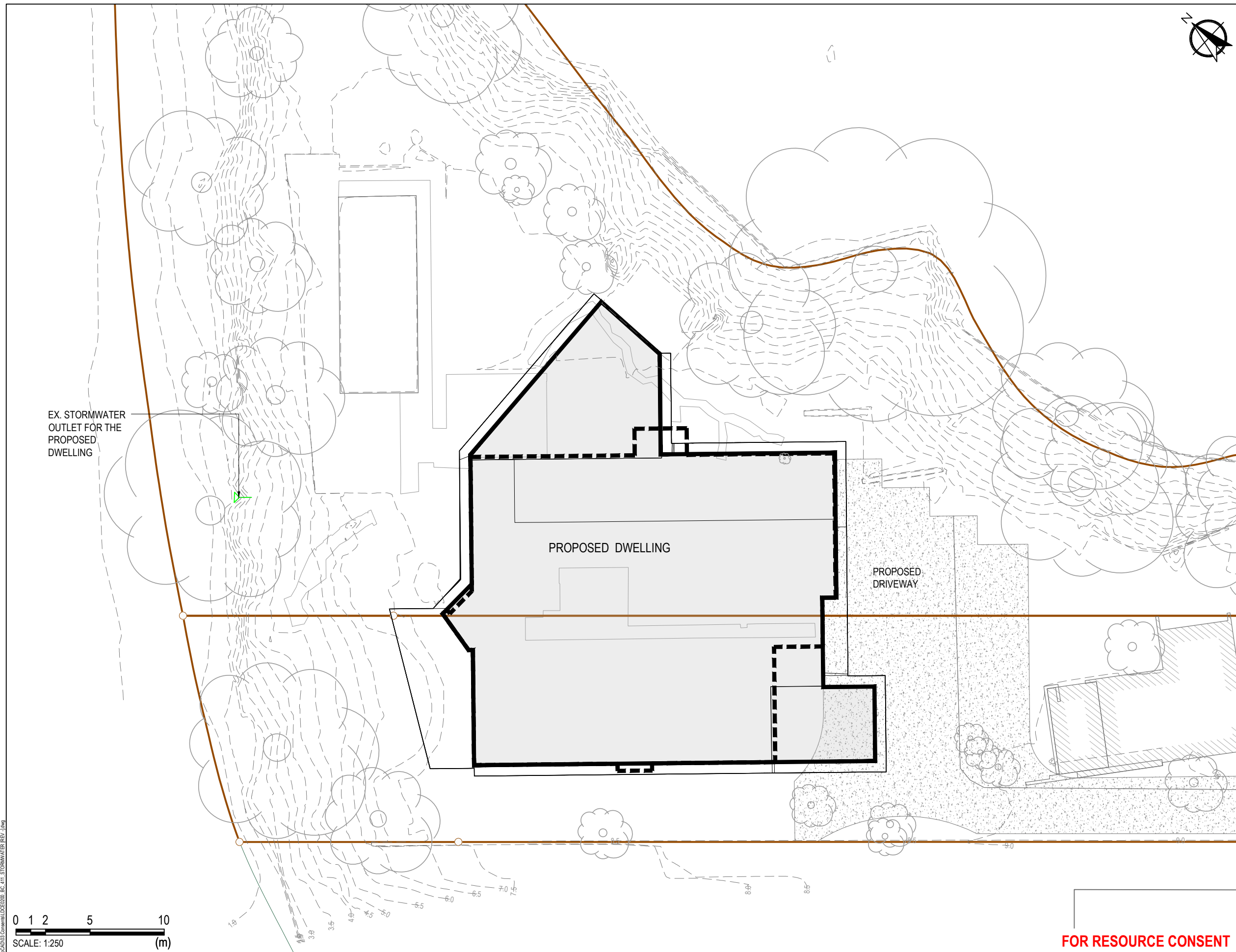
38B RAWENE AVENUE
WESTMERE

DRAWING TITLE :

EARTHWORKS
CUT AND FILL PLAN

SCALE:	1:250 @A3	DWG NO.:	
JOB NO.:	LDCE0200	RC211	
DATE ISSUED:	28/07/2021	REVISION NO.:	216
			C

36 Rawene Avenue Lot 57 DP 10231



ABBREVIATION:

EX = EXISTING	MH = MAHNOLE
PROP = PROPOSED	CP = CATCHPIT
PVT = PRIVATE	SV = SLUICE VALVE
PUB = PUBLIC	FH = FIRE HYDRANT
BDY = BOUNDARY	SW = STORMWATER
RW = RETAINING WALL	WW = WASTEWATER
CONC = CONCRETE	WS = WATER SUPPLY
GL = GROUND LEVEL	DT = DETENTION TANK
RL = REDUCED LEVEL	CONN = CONNECTION
FFL = FINISHED FLOOR LEVEL	PS = PUMP STATION
WM = WATER METER	

LEGEND:

EX. PROPERTY BOUNDARY	—
PROP. PROPERTY BOUNDARY	—
PROP. BUILDING	—
EXISTING BUILDING TO BE RETAINED	—
EX. PUB. WW LINE	—
EX. PUB. SW LINE	—
EX. PUB. WS LINE	—
PROP. PVT. WW LINE	—
PROP. PUB. SW LINE	—
PROP. PVT. SW LINE	—
PROP. PVT. SW DETENTION TANK	—
PROP. WW CONN	—
PROP. PUB. SWMH	—
PROP. SWCP	—
EX. PUB. WWMH	—
EX. WM	—
PROP. WM	—
PROP. RETAINING WALL	—
PROP. CONCRETE DRIVEWAY AND CARPARK	—
PROP. PRIVATE DRIVEWAY WITH PERMEABLE PAVEMENT	—
PROP. SUBSOIL DRAIN	—
PROP. SW CONN	—
EX. PUB. SWMH	—
EX. PUB. SWCP	—
PROP. PVT WW MH OR PUMP STATION	—
EX. FH	—
EX. SIGN	—
EX. VAL	—
EX. POWER	—

NOTES:

1. LEVELS ARE IN TERMS OF AUCKLAND DATUM 1946 (M.S.L.)
2. ALL UNITS ARE IN METRES UNLESS OTHERWISE SPECIFIED.
3. PROPOSED GROUND LEVELS SHOWN ARE INDICATIVE ONLY AND AREA SUBJECT TO CHANGE.
5. ALL PRIVATE STORMWATER SHALL BE CONSTRUCTED IN ACCORDANCE WITH NZBC E1.
5. THE POSITION AND DEPTH OF THE UNDERGROUND SERVICES AND UTILITIES SHOWN IN THIS PLAN ARE INDICATIVE ONLY. THE CONTRACTOR MUST LOCATE THE EXACT POSITION OF ALL SUCH SERVICES AND UTILITIES BEFORE COMMENCING CONSTRUCTION.
6. CONSTRUCTION OF PRIVATE DRAINAGE REQUIRED BUILDING CONSENT.
7. ALL NEW DRAINAGE MANHOLES ARE 1050mm IN DIAMETER UNLESS OTHERWISE SPECIFIED.
8. ALL PROPOSED HOUSE CONNECTIONS ARE INDICATIVE ONLY. AND TO BE 100mmØ uPVC SN16 UNLESS OTHERWISE SPECIFIED.
9. ALL STORMWATER SERVICES PIPES FALL 1:120min UNLESS OTHERWISE SHOWN.

THIS DRAWING IS PREPARED FOR THE PURPOSE OF OBTAINING A RESOURCE CONSENT OR BUILDING CONSENT ONLY AND FOR NO OTHER PURPOSE.
THIS DRAWING REMAINS THE PROPERTY OF THOMAS CONSULTANTS LTD AND MAY NOT BE REPRODUCED WITHOUT THE WRITTEN PERMISSION OF THOMAS CONSULTANTS LTD.

FOR RESOURCE CONSENT

		REVISION SUMMARY		
DESIGNED BY:		REV	DATE	DESCRIPTION:
SS	07/12/20	-	14/07/21	RESOURCE CONSENT ISSUE
DRAWN BY:		-	-	-
SS	15/07/21	-	-	-
CHECKED BY:		-	-	-
RH	15/07/21	-	-	-
APPROVED BY:		-	-	-
LJZ	15/07/21	-	-	-



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Henderson
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Fax: 09-836-1805
Email: info@tcec.co.nz

CLIENT :

ALI WILLIAMS

PROJECT ADDRESS :
**38B RAWENE AVENUE
WESTMERE**

DRAWING TITLE :
**PRIVATE STORMWATER
LAYOUT PLAN**

SCALE: 1:250 @A3
JOB NO.: LDCE0200
DATE ISSUED: 15/07/2021

DWG NO.: RC411
REVISION NO.: 217

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



Discretionary activity

Application number(s): BUN60383789 (Council Reference)
LUC60383791 (s9 land use consent)
CST60383790 (s12 coastal consent)

Applicant: AWAMS Trustee Company Ltd

Site address: 38 Rawene Avenue, Westmere

Legal description: Lots 55 and 56 of DP 10231;
held as Units A & B UP150466

Proposal:

To construct a rock masonry seawall, in two portions, to address coastal erosion at the site, to construct stairs inset into the seawall to provide property access to the foreshore at the west of the foreshore, with associated earthworks and tree works.

Resource consents are required for the following reasons:

Land use consent (s9) – LUC60383791

Auckland Unitary Plan (Operative in part)

District land use (operative plan provisions)

H4 Residential – Mixed Housing Suburban

- The proposal involves use and development under rule H4.4.1(A31) and (A34) that fails to meet the following core standards and is a restricted discretionary activity under rule C.1.9(2):
 - Standard H3.6.8 Yards - The proposed seawall, as well as the stairs and a portion of the retaining wall on the western side of the site, being in part over 1.5m in height, will be located within the 10m coastal protection yards measured from MHWS. Additionally, a portion of the seawall will be located within the 1m side yard measured from the west site boundary.

Land Disturbance - District

- To undertake general earthworks of 620m³, as the earthworks are greater than 250m³ but less than 1,000m³ in a residential zone, is a restricted discretionary activity under rule E12.4.1(A8).
- The proposal involves land disturbance under rule E12.4.1 (A3) and (A8) that fails to meet the following core standards and is a restricted discretionary activity under rule C.1.9(2):

- E12.6.2 (1) – the land disturbance will be within coastal protection yard and will exceed the permitted limits of 5m² and/or 5m³.

Natural hazards and flooding

- To construct other buildings and structures on land in the coastal erosion hazard area is a restricted discretionary activity under rule E36.4.1(A4).
- To construct other buildings and structures on land in the coastal storm inundation 1 per cent annual exceedance probability (AEP) area is a restricted discretionary activity under rule E36.4.1(A9).
- To construct new hard protection structures not otherwise provided (in this case defences against natural hazards) is a discretionary activity under rule E36.4.1(A22).
- To construct other buildings and structures, not otherwise provided for, on land which may be subject to land instability is a restricted discretionary activity under rule E36.4.1(A51).

Vegetation Management and Biodiversity

- To undertake vegetation alteration or removal, or tree alteration or removal of any indigenous tree over 3m in height within 20m of mean high-water springs (MHWS) is a restricted discretionary activity under rule E15.4.1(A21).
- To undertake tree alteration or removal of any indigenous tree over 3m in height, that is within a horizontal distance of 20m from the top of any cliff with a slope angle steeper than 1 in 3 (18 degrees) and within 150m of MHWS is a restricted discretionary activity under rule E15.4.1 (A22).

Regional land use (operative plan provisions)

Vegetation Management and Biodiversity

- To undertake vegetation alteration or removal, or tree alteration or removal of any indigenous tree over 3m in height within 20m of mean high-water springs (MHWS) is a restricted discretionary activity under rule E15.4.1(A21).
- To undertake tree alteration or removal of any indigenous tree over 3m in height, that is within a horizontal distance of 20m from the top of any cliff with a slope angle steeper than 1 in 3 (18 degrees) and within 150m of MHWS is a restricted discretionary activity under rule E15.4.1 (A22).

Coastal Consent (s12) - CST60383790

Auckland Unitary Plan (Operative in part)

- To construct a set of stairs on the western side of the subject site, which is construction and use of a coastal marine area structure not otherwise provided for within Table F2.9.10, is a discretionary activity under Rule F2.19.10 (A121).
- To construct a rock seawall, which is construction, occupation, and use of a hard protection structure, within the General Coastal Marine zone (GCM) is a discretionary activity under Rule F2.19.10 (A142).

Recommendation

I recommend, under sections 104, 104B, and Part 2 of the RMA, that these resource consents are **GRANTED**.

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, 104B, and Part 2 of the RMA, the resource consent/s is/are **GRANTED**.

Reasons

The reasons for this decision are:

1. In accordance with an assessment under ss104(1)(a) and (ab) of the RMA, the actual and potential effects from the proposal are found to be acceptable, because
 - (a) Natural coastal processes will not be unduly impacted given the design of the seawall which Council's coastal specialist confirms will interact in a way that mimics the wall of the cliff. The design takes account of sea level rise and climate change as appropriate.
 - (b) The seawalls have a functional purpose in being located in the coastal environment.
 - (c) The structures are of a modest scale and appearance and will be finished with natural materials, thus being consistent with the established coastal character and suitably visually integrated within the foreshore location.
 - (d) Existing trees and proposed planting of the coastal banks of the site will assist with mitigating the natural character and visual and landscape effects of the structures.
 - (e) The construction related effects will be temporary and mitigated by undertaking the works at low tides and by implementing a construction management plan, which will include methods to reduce any disruptions.
 - (f) Earthworks will be managed with appropriate sediment controls.
 - (g) General public access to the foreshore will be maintained during the period of works, with some restrictions on access to the area of works however these will be temporary.
 - (h) No protected vegetation will be removed; works in the vicinity of mature coastal trees will be undertaken under arboricultural supervision employing appropriate arboricultural practices.
 - (i) Suitable design and construction oversight is proposed to mitigate potential hazard effects arising from the location of the works.

- (j) A protocol will be in place for any archaeological or heritage discovery that may occur during the site works. This will help mitigate potential effects on unknown heritage features and associated mana whenua values.
 - (k) In terms of positive effects the proposal provides for improved stability and coastal access thereby enhancing the use and amenity of the site for the owner.
 - (l) 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.
2. In accordance with an assessment under s104(1)(b) of the RMA, the proposal is found to be consistent with the relevant statutory documents, including the Auckland Unitary Plan including Regional Policy Statement, the NZCPS and the HGMPA.
 3. In accordance with an assessment under s104(1)(c) of the RMA no other matters were considered relevant or reasonably necessary to determine the applications.
 4. Under Section 123 of the RMA it is considered appropriate to set a term of 35 years for the coastal permit for the seawall and stair structures. A condition of consent is imposed in this regard.
 5. There is no need to look to Part 2 of the RMA in making this decision, as the objectives and policies and matters of discretion of the relevant statutory documents were prepared having regard to Part 2 of the RMA and they have captured all relevant planning considerations. They also contain a coherent set of policies designed to achieve clear environmental outcomes and provide a clear framework for assessing all relevant actual and potential effects. An assessment against Part 2 would not add anything to the evaluative exercise
 6. Overall, the proposal is considered to merit a decision to grant consent for reasons as outlined above.

Conditions

Under sections 108 and 108AA of the RMA, these consents are subject to the following conditions:

General conditions

These conditions apply to all resource consents.

1. These consents must 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 numbers LUC60383791 of BUN60383789.
 - Application Form and Assessment of Environmental Effects prepared by Sam Scott-Kelly of Davis Coastal Consultants, dated August 2021.

Report title and reference	Author	Rev	Dated
Arboricultural Report	Tree Management Solutions	-	10 November 2021

Arboricultural Report, updated	Tree Management Solutions	-	29 November 2021
Proposed Planting Plan	Peake Design	-	13 th July 2021
Landscape and Visual Assessment for 38 Rawene Avenue, Coxs Bay	Peake Design	-	13.07.21

Drawing title and reference	Author	Rev	Dated
Drawing Schedule and Location Plan, Sheet 01	Davis Coastal Consultants	H	02.11.2022
Existing Layout Plan, Sheet 02	Davis Coastal Consultants	B	04.10.21
Existing Sections 1 of 3, Sheet 03	Davis Coastal Consultants	A	04.10.21
Existing Sections 2 of 3, Sheet 04	Davis Coastal Consultants	A	02.07.21
Existing Sections 3 of 3, Sheet 05	Davis Coastal Consultants	A	02.07.21
Proposed Layout Plan, Sheet 06	Davis Coastal Consultants	D	06.12.21
Proposed Sections 1 of 3, Sheet 07	Davis Coastal Consultants	C	04.10.21
Proposed Sections 2 of 3, Sheet 08	Davis Coastal Consultants	D	25.11.21
Proposed Sections 3 of 3, Sheet 09	Davis Coastal Consultants	D	22.11.21
Planting Plan, Sheet 10	Davis Coastal Consultants	E	22.11.21
Earthworks and Sediment Control Plan, Sheet 11	Davis Coastal Consultants	A	22.11.21
Platform and Tree Root Protection, Sheet 12	Davis Coastal Consultants	-	04.10.21
Typical Seawall Section, Sheet 13	Davis Coastal Consultants	-	02.02.22
Construction Access, Sheet 14	Davis Coastal Consultants	A	11.02.22

Other additional information	Author	Rev	Dated
BUN60383789, 38 Rawene Avenue, Westmere, Section 92 Response, ref 21012.	Sam Scott-Kelly, Davis Coastal Consultants	-	10 th November 2021
Photo-simulation - L101 – Boardwalk Plan & Photo Locations	Stellar	07	20.10.21

Photo-simulation - L102 – View from Location 1 – Existing Photo	Stellar	07	20.10.21
Photo-simulation - L103 – View from Location 1 – Proposed Seawall	Stellar	07	20.10.21
Photo-simulation - L104 – View from Location 2 – Existing Photo	Stellar	07	20.10.21
Photo-simulation - L105A – View from Location 2 – Existing Consented Basement BUN-60373967	Stellar	07	20.10.21
Photo-simulation - L105B – View from Location 2 – Existing Consented Basement with Proposed Seawall & Deck	Stellar	07	20.10.21
Photo-simulation - L106 – View from Location 3 – Existing Photo	Stellar	07	20.10.21
Photo-simulation - L107 – View from Location 3 – Proposed Seawall	Stellar	07	20.10.21
Photo-simulation – L108 – Notes	Stellar	07	20.10.21
Email, RE: 38 Rawene Ave Westmere - Arborist site visit	RE: 38 Rawene Ave Westmere - Arborist site visit		Thursday 18 Nov 2021 3.38PM
S92 Response email, RE: BUN60383789 Seawall 38 Rawene Ave – Arborist memo, including IMG_3553.JPG	Sam Scott-Kelly, Davis Coastal Consultants	-	Monday, 6 December 2021 1:26PM
Email, Re: BUN60383789 - 38 Rawene Ave, Westmere - New structure on site	Ali Williams		11 May 2022 12.49PM
Email, RE: BUN60383789 - 38 Rawene Ave, Westmere - New structure on site	Sam Scott-Kelly, Davis Coastal Consultants		2 June 2022 10.46pm

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.
3. The consent holder must pay the council an initial consent compliance monitoring charge of \$1,026 (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(s). 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.

Specific conditions – land use consent LUC60383791

Landscape and Visual Amenity

Implementation and maintenance of approved landscape design

4. No later than six-months following completion of the consented structures and land modification, within an appropriate planting season, the consent holder must implement the approved landscape design as is illustrated in the Davis Coastal Consultants Limited drawing 'Sheet 10 – Planting Plan (Rev D dated 04.10.21)' and as described in the Peake Design Limited 'Proposed Planting Plan' memo dated 13 July 2021 listed under condition 1; and thereafter retain and maintain this planting in perpetuity so that this achieves the intent of a revegetated coastal edge for the site within three-years, including (alongside the protection of existing vegetation) a contiguous tree canopy around the full coastal edge of the site.

Quality of construction and protection of adjacent seabed surface

5. In order to ensure an appropriate outcome, the consent holder must ensure that the consented seawall is constructed to a high-quality finish by well-experienced craftspeople, consistent with the consented construction methodology.

Advice Note

The purpose of condition (5) is to ensure that the construction of the seawall results in a 'visually clean' interface between the constructed wall and the natural landform on the seaward side of this structure. It is recommended that the consent holder engage the services of a contractor that has proven experience and track-record with the construction of similar projects in sensitive coastal locations such as this.

6. The consent holder must ensure that, during construction of the consented seawall no access, construction works and/or excavations occur within the existing rock platform landform feature associated with the natural headland shown as Area – A within the approved plan *Construction Access*, Rev A prepared by Davis Coastal Consultants, dated 11.02.22; nor should any construction material or debris be deposited within this area during construction.
7. The consent holder must ensure that, during construction of the consented sea wall, access is minimised to the greatest extent practicable, within the existing rock platform landform feature shown as Areas-B within the approved plan *Construction Access*, Rev A, prepared by Davis Coastal Consultants and dated 11.02.22. No construction material or debris is to be deposited within this area during construction.
8. All construction access, movements and/or works within proximity to the existing rock platform landform feature associated with the natural headland shown as shown as Areas A & B within the approved plan *Construction Access*, Rev A, prepared by Davis Coastal

Consultants and dated 11.02.22. must occur outside of 2 hours either side of high tide in order to avoid disturbance of the headland for high tide roosting birds.

9. Within 1 month of completion of the seawall's construction, the consent holder must contact the council to organise an inspection of the completed structure to certify there is no surface damage to, or construction material/debris within, the existing rock platform landform feature associated with the natural headland shown as Area – A within the approved plan *Construction Access*, Rev A prepared by Davis Coastal Consultants, dated 11.02.22.

Arboreal conditions

10. The consent holder must identify to Council's Senior Specialist Unit Arborist and Monitoring Officer, an Appointed Supervisory (Works) Arborist to be engaged by the consent holder to advise upon and supervise the tree protection measures required to ensure that the works have no more than a minor adverse impact upon the protected trees associated with the works.
11. A pre-start site meeting is required between a Contractors representative and the Appointed Works Arborist. This meeting is to occur before the start of any works and is to clarify the nature and extent of the tree protection measures to be undertaken, and the necessity to ensure that the Works Arborist is present to supervise all works that occur within the rootzone of retained protected trees.
12. All construction work for the proposed sea wall, stairs and platform which occur within the rootzone of protected Pohutukawa trees must be undertaken in accordance with, but not limited to, the recommendations listed in the Arboricultural Report compiled by Andrew Barrell from Tree3 Limited dated 1st July 2021, and the updated Tree3 Ltd s92 report titled '*Additional Information*', dated 29th November 2021. A copy of these tree reports must be kept on site at all times during the construction period.
13. A completion memo shall be provided by the Works Arborist to the Council within one month of the finish of site works. The completion memo shall confirm (or otherwise) that the works have been undertaken in accordance with the tree protection measures in the conditions of consent and under the direction of the Works Arborist. The completion memo shall also confirm (or otherwise) that the impact on the protected trees has been no greater than that afforded under the conditions of consent.

Earthworks

14. Prior to the commencement of any earthworks, the Council must be provided with written certification from a suitably qualified professional that all permanent retaining walls and building foundations have been designed in accordance with the submitted approved report and plans.
15. The site must be progressively stabilised against erosion at all stages of the earthwork activity and must be sequenced to minimise the discharge of contaminants to surface water in accordance with the Erosion and Sediment Control Plan and in accordance with Council's Guidance Document - GD005.

Engineering - Construction Management Plan

16. Prior to the commencement of earthworks, a finalised Construction Management Plan (CMP) prepared in accordance with the relevant code of practice shall be submitted to the Team Leader Central Monitoring. No construction activity shall commence until confirmation is provided from the council that the CMP satisfactorily meets the requirements of the relevant codes and all measures identified in that plan as needing to be put in place prior to commencement of works.

Advice Note

The Construction Management Plan required by Condition 15 above, should contain sufficient details to address the following matters addressed in this assessment including noise, traffic, dust, vibration, stockpiling etc.

Construction hours

17. All noise generating activities associated with the implementation of this resource consent on, or in the vicinity of, the subject site (which can include (but is not limited to) any earthworks and general construction activities, and ancillary activities (such as deliveries, loading and unloading goods, transferring tools, etc) must only be carried out between the hours of 7.30am and 6pm, Monday to Saturday and, must not be carried out on any Sunday or public holiday (and any following Monday on which that public holiday is observed). This restriction shall not apply to low noise creating activities such as staff meetings, site set up and works carried out manually (i.e. no machinery) which may occur outside of these hours.

Construction noise limits

18. Construction works on the site including the CMA must be designed and conducted to not exceed the noise standards specified below in AUP (OP) Table E25.6.27.1 when measured 1m from any building that is occupied during the works. Noise from construction work activity must be measured and assessed in accordance with the requirements of New Zealand Standard NZS 6803:1999 Acoustics – Construction noise.

Time of week	Time Period	Maximum noise level (dBA)	
		L _{eq}	L _{max}
Weekdays	6:30am - 7:30am	60	75
	7:30am - 6:00pm	75	90
	6:00pm - 8:00pm	70	85
	8:00pm - 6:30am	45	75
Saturdays	6:30am - 7:30am	45	75
	7:30am - 6:00pm	75	90
	6:00pm - 8:00pm	45	75
	8:00pm - 6:30am	45	75
Sundays and public holidays	6:30am - 7:30am	45	75
	7:30am - 6:00pm	55	85
	6:00pm - 8:00pm	45	75
	8:00pm - 6:30am	45	75

Specific conditions – coastal permit CST60383790

All charges paid

19. This consent (or any part thereof) must not commence until such time as the following charges, which are owing at the time the Council's decision is notified, have been paid in full:
- (a) All fixed charges relating to the receiving, processing and granting of this resource consent under section 36(1) of the Resource Management Act 1991 (RMA); and
 - (b) All additional charges imposed under section 36(3) of the RMA to enable the Council to recover its actual and reasonable costs in respect of this application, which are beyond challenge.
20. The consent holder must pay any subsequent further charges imposed under section 36 of the RMA relating to the receiving, processing and granting of this resource consent within 20 days of receipt of notification of a requirement to pay the same, provided that, in the case of any additional charges under section 36(3) of the RMA that are subject to challenge, the consent holder must pay such amount as is determined by that process to be due and owing, within 20 days of receipt of the relevant decision.

Activity in accordance with plans

21. The construction, occupation and use of the rock masonry seawall and stairs must be carried out in accordance with the plans and all information submitted with the application, detailed below:
- Application Form and Assessment of Environmental Effects prepared by Sam Scott-Kelly of Davis Coastal Consultants, dated August 2021.

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Arboricultural Report	Tree Management Solutions	-	10 November 2021
Arboricultural Report, updated	Tree Management Solutions	-	29 November 2021
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Photo-simulation - L104 – View from Location 2 – Existing Photo	Stellar	07	20.10.21
Photo-simulation - L105A – View from Location 2 – Existing Consented Basement BUN-60373967	Stellar	07	20.10.21
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Photo-simulation - L106 – View from Location 3 – Existing Photo	Stellar	07	20.10.21
Photo-simulation - L107 – View from Location 3 – Proposed Seawall	Stellar	07	20.10.21

Photo-simulation – L108 – Notes	Stellar	07	20.10.21
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Email, RE: BUN60383789 - 38 Rawene Ave, Westmere - New structure on site	Sam Scott-Kelly, Davis Coastal Consultants		2 June 2022 10.46pm

Construction Management Plan

22. A minimum of 10 working days prior to the commencement of works, the consent holder must submit a Construction Management Plan (CMP) for the proposed works, for the approval of the Council (Team Leader - Compliance Monitoring Central).
23. The construction management plan must specify, but not necessarily be limited to the following matters:
 - (a) Construction timetable
 - (b) Construction methodology, including:
 - i. details of any temporary structures in the CMA.
 - ii. methods to remedy any disturbance resulting from works.
 - (c) Site management, including details of:
 - iii. site access, including methods to clearly identify and delineate all entry and exit points to the common marine and coastal area.
 - iv. bunding or containment of fuels and lubricants to prevent the discharge of contaminants.
 - v. method to manage the effects of vehicle movement within the CMA.
 - vi. maintenance of machinery and plant to minimise the potential for leakage of fuel or lubricants.
 - vii. a spill contingency plan if there is any discharge of contaminants to the common marine and coastal area.

- viii. restrictions and methods necessary to maintain public health and safety, including means for restricting and notifying the public of any restrictions on public access to and along the coastal marine area.
- ix. management of public access to and along the coastal marine area while the activities are being carried out.
- x. methods to minimise disturbance of the foreshore and/or seabed, including minimising siltation and discoloration, and avoiding disturbance of the CMA.
- xi. methods and deterrence measures (i.e. silt fences) are to be installed around breeding grounds of the NZ dotterel before works proceed, under the advice of a suitably qualified ecologist.
- xii. removal of all spoils from the CMA.

(d) Site reinstatement upon completion of activities.

- 24. No construction activity in the coastal marine area can start until the Construction Management Plan is approved by the Council (Team Leader - Compliance Monitoring Central) and all measures identified in that plan as needing to be put in place prior to the start of the works are in place.

General Conditions

- 25. The structures authorised by this consent must be maintained in a structurally sound condition for the duration of the consent.
- 26. The right to occupy the common marine and coastal area is not an exclusive right, and the consent holder must not restrict persons using the structures.

Post-development

- 27. The consent holder must, within one week following the completion of the works, remove all machinery and materials from the coastal marine area to the satisfaction of Council.
- 28. Council must be notified, in writing, of the expected date of the completion of construction activity, ten (10) working days prior to the expected completion date.
- 29. Within twenty (20) working days of the completion of construction activity, the consent holder must supply Council with a complete set of 'as built' plans. The 'as built' plans must include a location plan, a plan which shows the area of occupation, structure and dimensions, and a typical cross-section.

Duration

- 30. The consent to construct the seawall shall expire on 3 June 2027 (5 Years).
- 31. The consent to occupy part of the CMCA with the seawall and use of the seawalls and stairs shall expire on 3 June 2057 (35 years) unless it has lapsed, been surrendered or been cancelled at an earlier date pursuant to the Resource Management Act 1991.

Advice notes


1. Any reference to number of days within this decision refers to working days as defined in s2 of the RMA.
2. For the purpose of compliance with the conditions of consent, "the council" refers to the council's monitoring officer unless otherwise specified. Please email monitoring@aucklandcouncil.govt.nz to identify your allocated officer.
3. 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.
4. If you disagree with any of the above conditions, and/or disagree with the additional charges relating to the processing of the application(s), you have a right of objection pursuant to sections 357A and/or 357B of the Resource Management Act 1991. Any objection must be made in writing to the council within 15 working days of your receipt of this decision (for s357A) or receipt of the council invoice (for s357B).
5. The consent holder is responsible for obtaining all other necessary consents, permits, and licences, including those under the Building Act 2004, and the Heritage New Zealand Pouhere Taonga Act 2014. This consent does not remove the need to comply with all other applicable Acts (including the Property Law Act 2007 and the Health and Safety at Work Act 2015), regulations, relevant Bylaws, and rules of law. This consent does not constitute building consent approval. Please check whether a building consent is required under the Building Act 2004.
6. The attention of the Consent Holder is drawn to their obligation to confirm that the works meet the requirements of Encumbrance 8750879.1 registered on the Record of Title, or to obtain the necessary variation / approval as may be necessary.

Delegated decision maker:

Name: Tommy Ma

Title: Principal Specialist – Planning, Resource Consents

Signed:



Date: 8 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.

FORESHORE PROTECTION

38 RAWENE AVENUE

FOR

A.J MOWBRAY, M.S MAKGILL AND

AWAMS TRUSTEE COMPANY LIMITED

PREPARED BY

DAVIS COASTAL

CONSULTANTS

RESOURCE CONSENT

DRAWING SCHEDULE

No	TITLE	REV	DATE
01	DRAWING SCHEDULE AND LOCATION PLAN	H	02.11.22
02	EXISTING LAYOUT PLAN	B	04.10.21
03	EXISTING SECTIONS 1 OF 3	A	04.10.21
04	EXISTING SECTIONS 2 OF 3	A	02.07.21
05	EXISTING SECTIONS 3 OF 3	A	02.07.21
06	PROPOSED LAYOUT PLAN	D	06.12.21
07	PROPOSED SECTIONS 1 OF 3	C	04.10.21
08	PROPOSED SECTIONS 2 OF 3	D	25.11.21
09	PROPOSED SECTIONS 3 OF 3	D	22.11.21
10	PLANTING PLAN	E	22.11.21
11	EARTHWORKS AND SEDIMENT CONTROL PLAN	A	22.11.21
12	PLATFORM AND TREE ROOT PROTECTION	-	04.10.21
13	TYPICAL SEAWALL SECTION	-	02.02.22
14	CONSTRUCTION ACCESS	A	11.02.22

H	DRAWING SET UPDATED	11.02.2022	DESIGN: DAVIS COASTAL CONSULTANTS
G	SHEET 08 UPDATED	25.11.2021	SURVEY: ASBUILT
F	DRAWING SET UPDATED	22.11.2021	DRAWN: JMA
E	DRAWING SET UPDATED	04.10.2021	CHECKED: -
D	CLIENT INFORMATION UPDATED	10.08.2021	DATE: FEBRUARY 2022
C	DRAWING SET UPDATED	28.07.2021	SCALE: NTS
No.	REVISION DETAILS	DATE	CAD FILE: 21012-02 38 Rawene Ave
NOT FOR CONSTRUCTION			

JOB TITLE:

FORESHORE PROTECTION
38 RAWENE AVENUE
WESTMERE

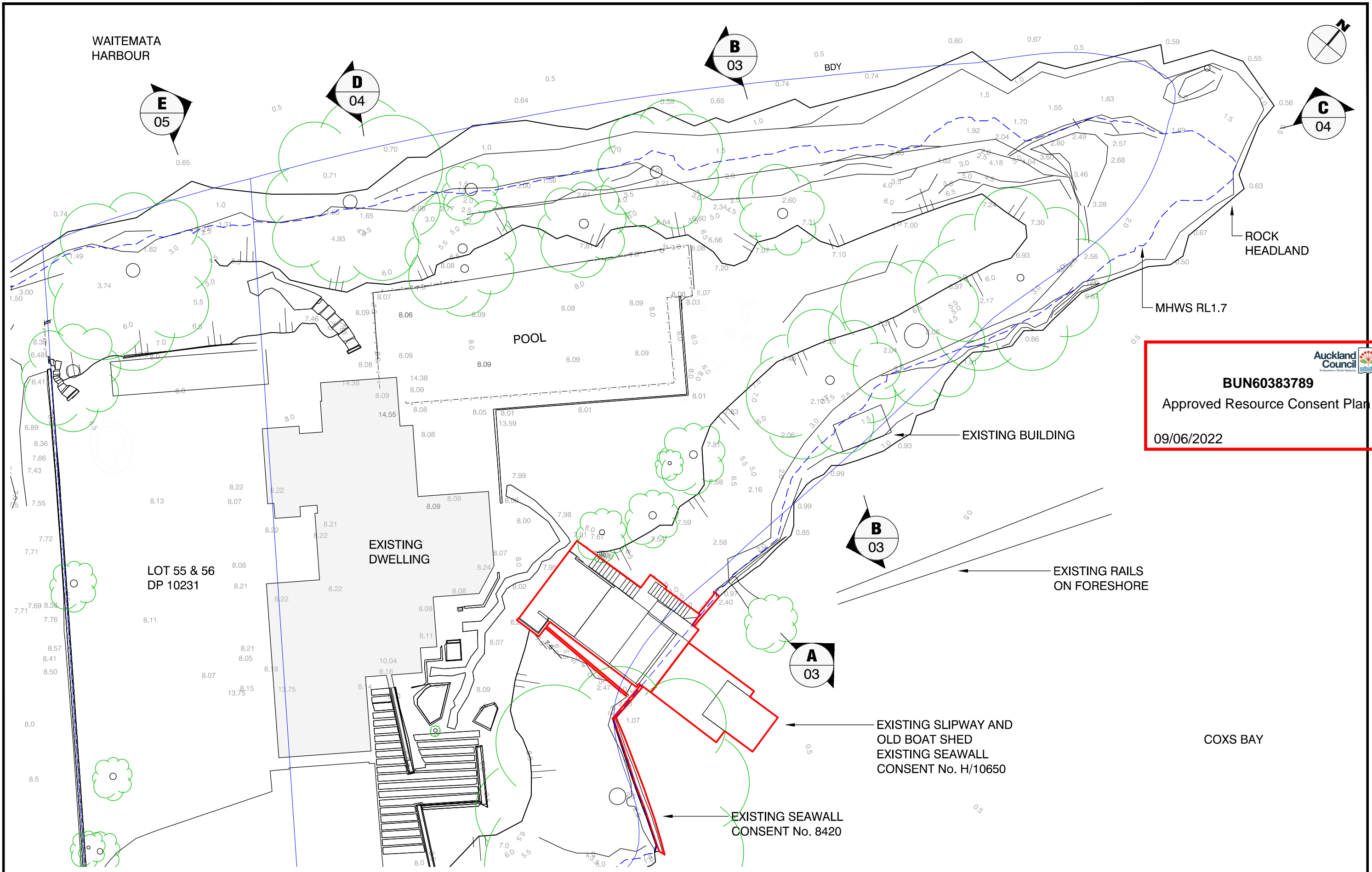



COASTAL MANAGEMENT
AND ENGINEERING
P.O. Box 185
Orewa
Phone: 09 428 0040
Mobile: 021 627 193
Email: coastal@daviscoastal.co.nz

DRAWING TITLE:
DRAWING SCHEDULE AND
LOCATION PLAN
SERIES:
RESOURCE CONSENT

FILE NO: 21012
SHT NO: 01
REV: H

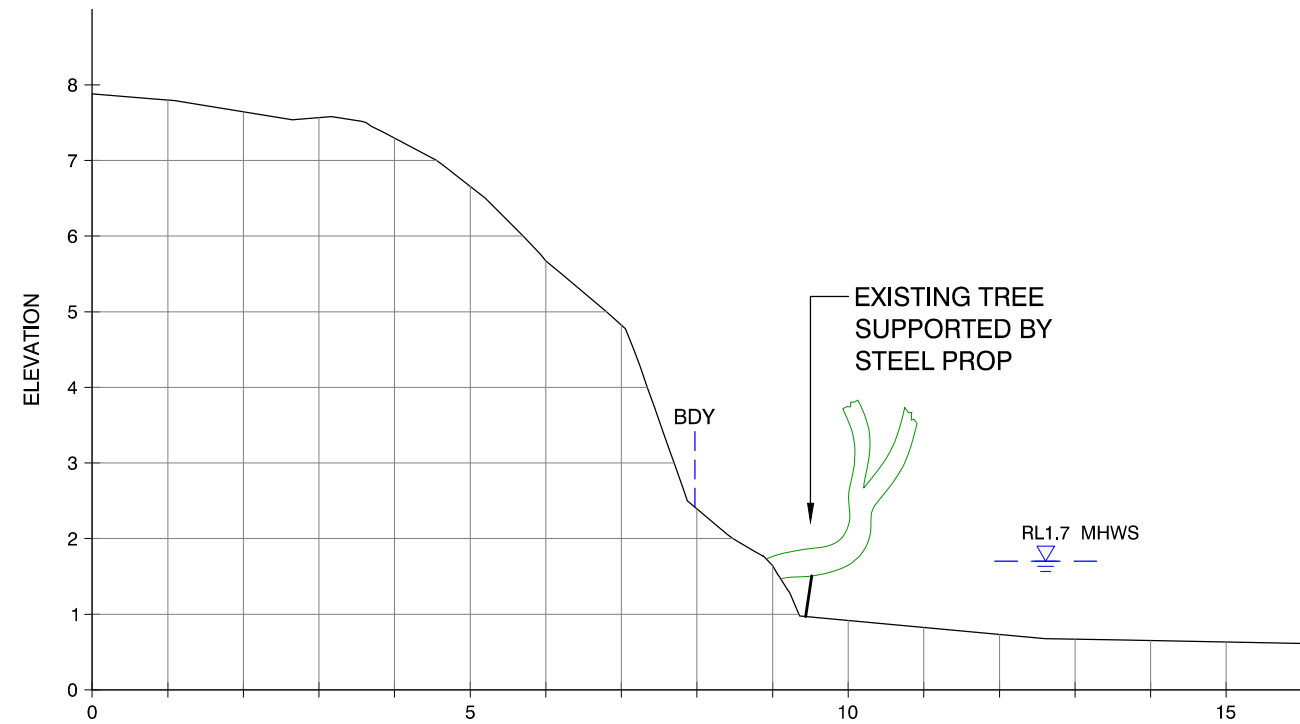




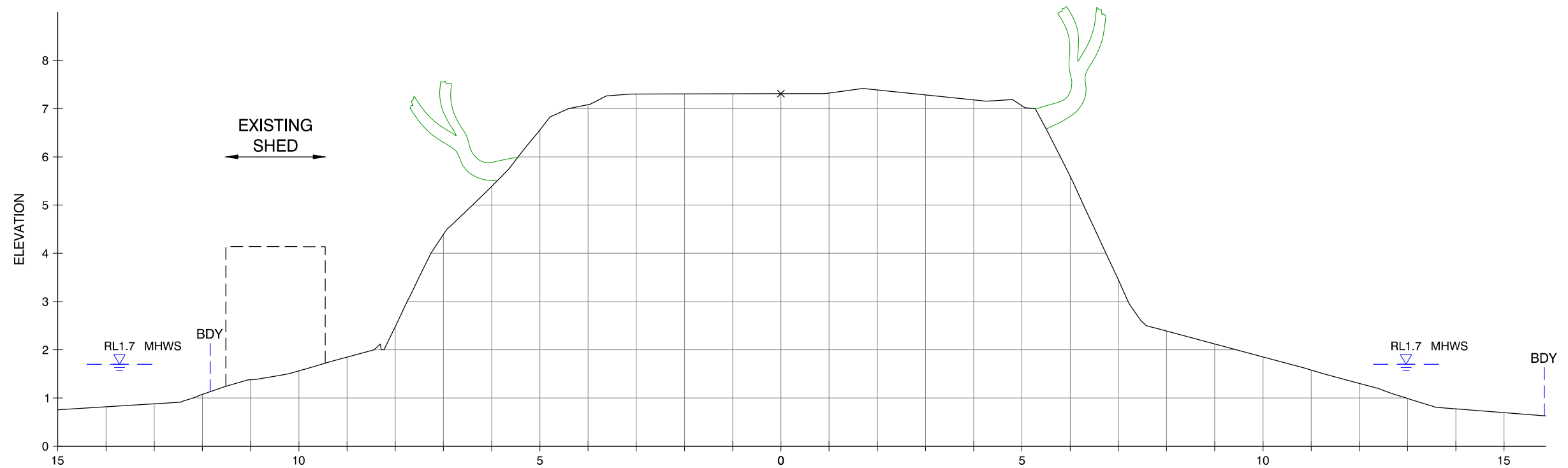


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			DESIGN: DAVIS COASTAL CONSULTANTS	JOB TITLE: FORESHORE PROTECTION 38 RAWENE AVENUE WESTMERE		COASTAL MANAGEMENT AND ENGINEERING P.O. Box 185 Orewa Phone: 09 428 0040 Mobile: 021 627 193 Email: coastal@daviscoastal.co.nz	DRAWING TITLE: EXISTING LAYOUT PLAN	FILE NO: 21012
			SURVEY: ASBUILT					SHT NO: 02
			DRAWN: JMA					REV: B
B	SECTION -B- ALIGNMENT MOVED	04.10.2021	CHECKED: -					
			DATE: OCTOBER 2021					
A	SECTION -D- AND -E- ALIGNMENTS MOVED	02.07.2021	SCALE: 1:250 @ A3				NOT FOR CONSTRUCTION	
-	RESOURCE CONSENT	28.04.2021	CAD FILE: 21012-02 38 Rawene Ave					
No.	REVISION DETAILS	DATE						

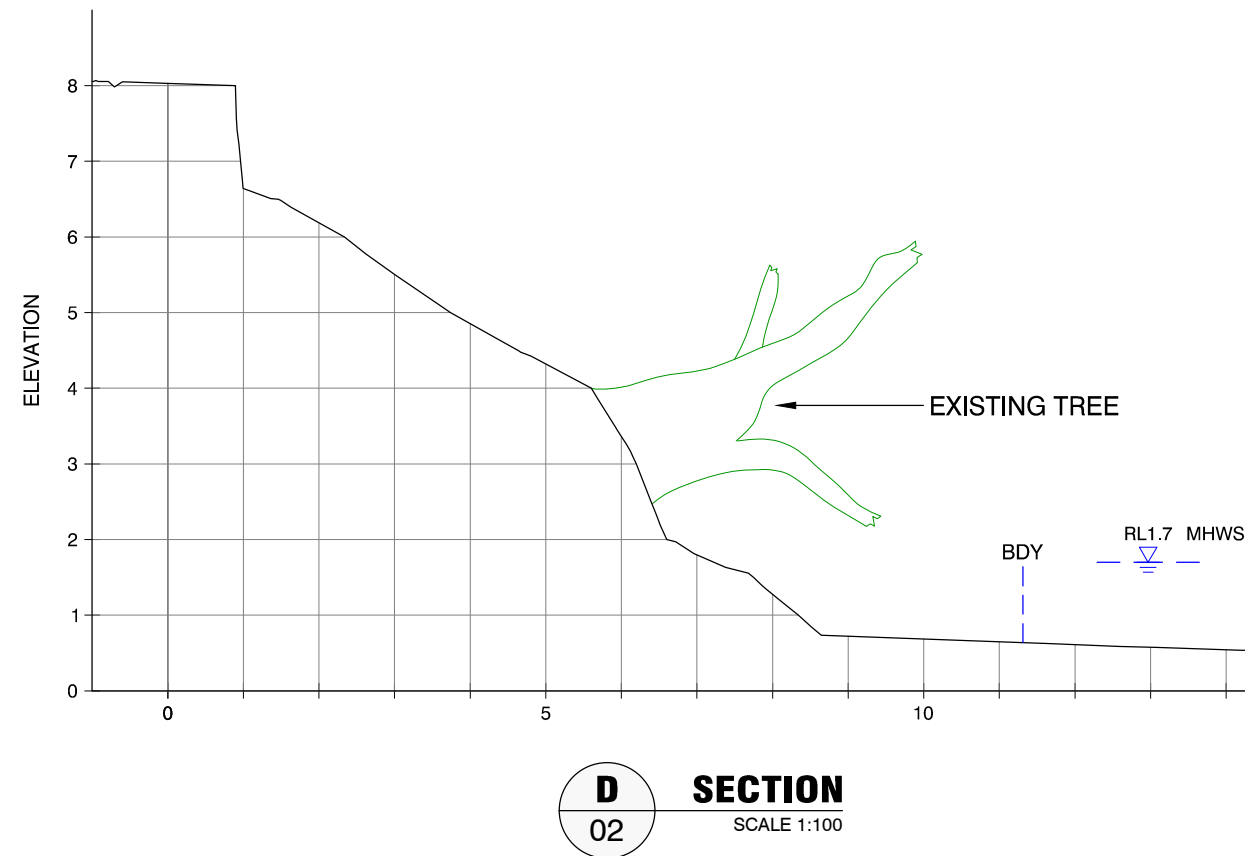
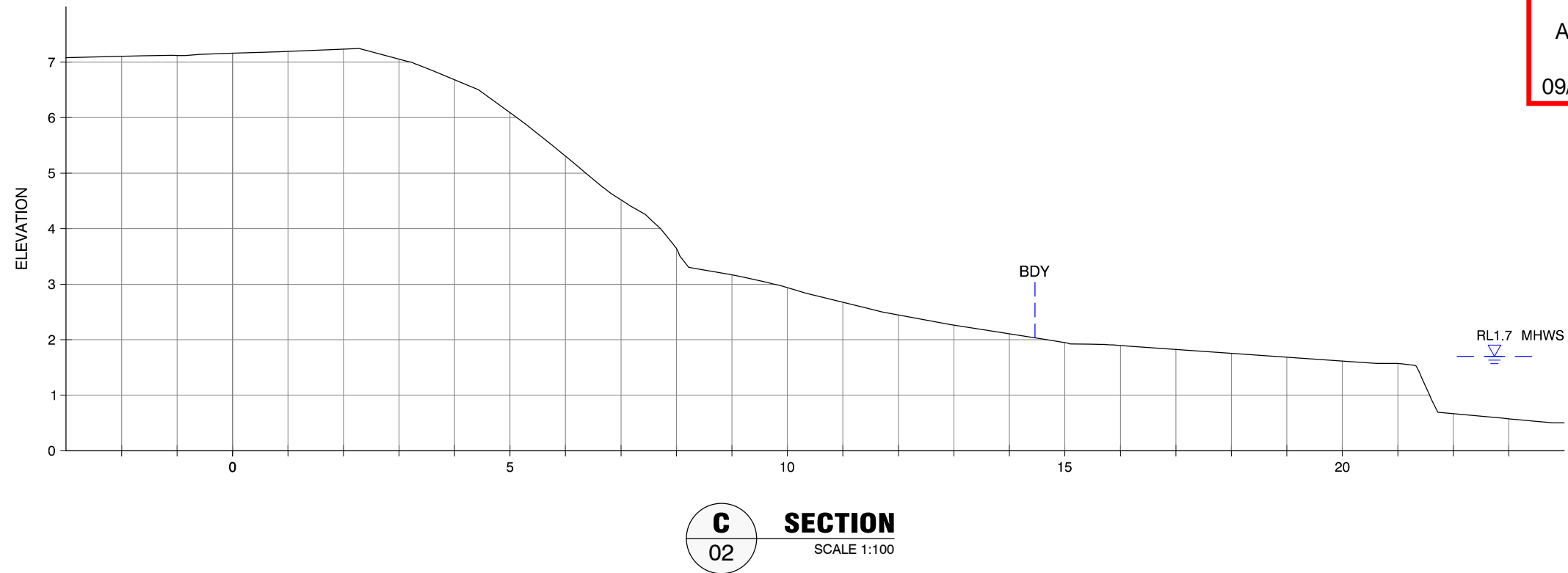


A
02
SECTION
SCALE 1:100

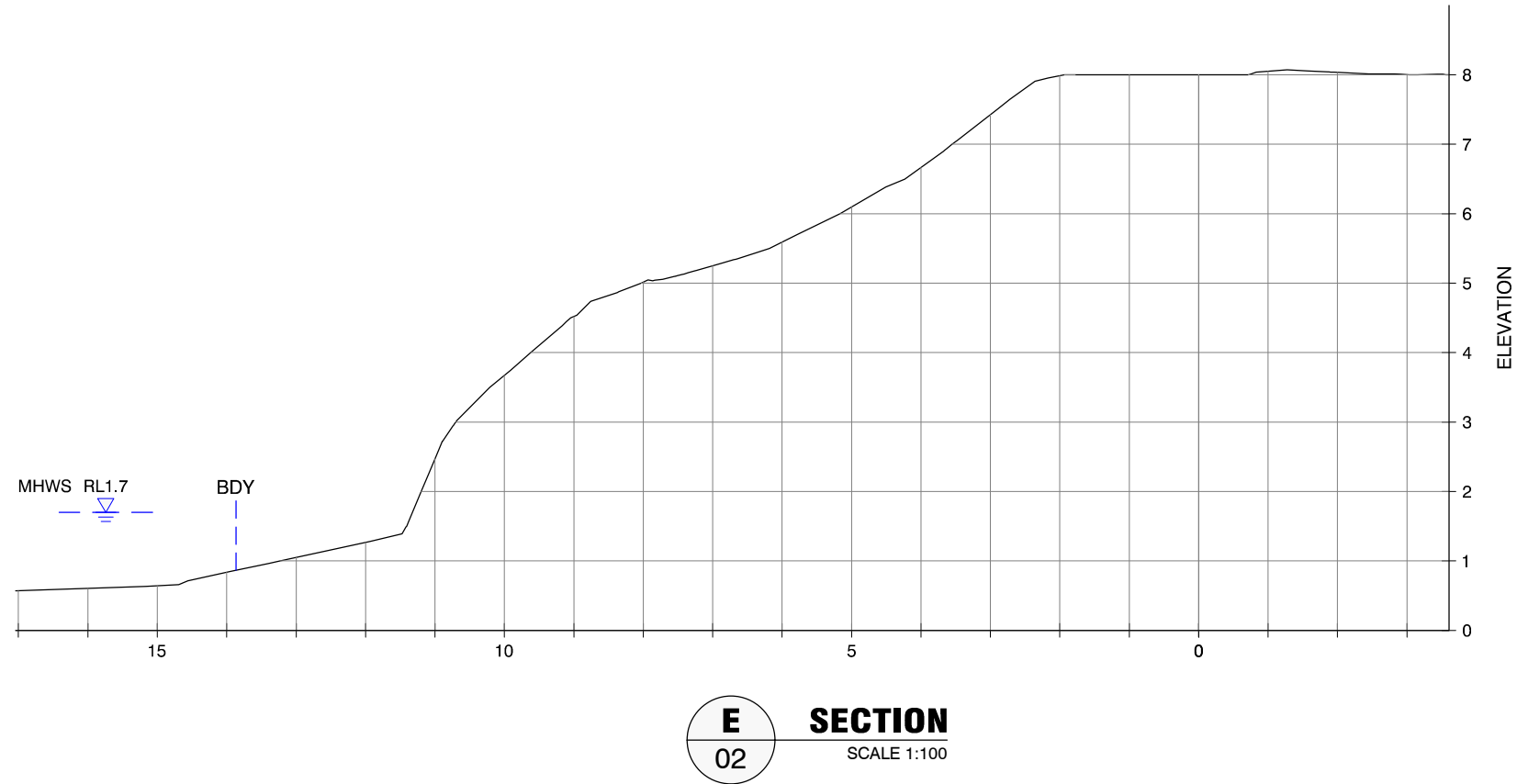


B
02
SECTION
SCALE 1:100

			DESIGN: DAVIS COASTAL CONSULTANTS	JOB TITLE: FORESHORE PROTECTION 38 RAWENE AVENUE WESTMERE		COASTAL MANAGEMENT AND ENGINEERING P.O. Box 185 Orewa Phone: 09 428 0040 Mobile: 021 627 193 Email: coastal@daviscoastal.co.nz	DRAWING TITLE: EXISTING SECTIONS 1 OF 3	FILE NO: 21012		
			SURVEY: ASBUILT					SHT NO: 03		
			DRAWN: JMA					REV: A		
			CHECKED: -				NOT FOR CONSTRUCTION			
			DATE: OCTOBER 2021							
			SCALE: 1:250 @ A3							
A	SECTION -B- UPDATED	04.10.2021	CAD FILE: 21012-02 38 Rawene Ave	RESOURCE CONSENT						
-	RESOURCE CONSENT	28.04.2021								
No.	REVISION DETAILS	DATE								



			DESIGN: DAVIS COASTAL CONSULTANTS	JOB TITLE: FORESHORE PROTECTION 38 RAWENE AVENUE WESTMERE	 DAVIS COASTAL CONSULTANTS	COASTAL MANAGEMENT AND ENGINEERING P.O. Box 185 Orewa Phone: 09 428 0040 Mobile: 021 627 193 Email: coastal@daviscoastal.co.nz	DRAWING TITLE: EXISTING SECTIONS 2 OF 3 SERIES: RESOURCE CONSENT	FILE NO: 21012
			SURVEY: ASBUILT					SHT NO: 04
			DRAWN: JMA					REV: A
			CHECKED: -					
			DATE: JULY 2021					
A	SECTION -D- ALIGNMENT MOVED	02.07.2021	SCALE: 1:250 @ A3	NOT FOR CONSTRUCTION				
-	RESOURCE CONSENT	28.04.2021	CAD FILE: 21012-02 38 Rawene Ave					
No.	REVISION DETAILS	DATE						



			DESIGN: DAVIS COASTAL CONSULTANTS	JOB TITLE:			COASTAL MANAGEMENT AND ENGINEERING	DRAWING TITLE:	FILE NO:
			SURVEY: ASBUILT					EXISTING SECTIONS 3 OF 3	21012
			DRAWN: JMA						SHT NO:
			CHECKED: -						05
			DATE: JULY 2021						REV:
			SCALE: 1:250 @ A3						A
			CAD FILE: 21012-02 38 Rawene Ave						
A	SECTION - E- ALIGNMENT MOVED	02.07.2021							
-	RESOURCE CONSENT	28.04.2021							
No.	REVISION DETAILS	DATE							

FORESHORE PROTECTION
38 RAWENE AVENUE
WESTMERE



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SERIES: **RESOURCE CONSENT**



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ALL SEAWALLS ROCK MASONRY SIMILAR TO SURROUNDING SEAWALLS

KEY	
	MEAN HIGH WATER SPRINGS
	TOE OF WALL
	BACK OF WALL

D	EXTENT OF EXISTING SHOTCRETE INCLUDED	06.12.2021
C	WALL AND DECK AREA UPDATES	04.10.2021
B	DRAWING UPDATED	28.07.2021
A	SEAWALL AND PLATFORM UPDATED	02.07.2021
-	RESOURCE CONSENT	28.04.2021
No.	REVISION DETAILS	DATE

DESIGN: DAVIS COASTAL CONSULTANTS
SURVEY: ASBUILT
DRAWN: JMA
CHECKED: -
DATE: NOVEMBER 2021
SCALE: 1:250 @ A3
CAD FILE: 21012-02 38 Rawene Ave

NOT FOR CONSTRUCTION

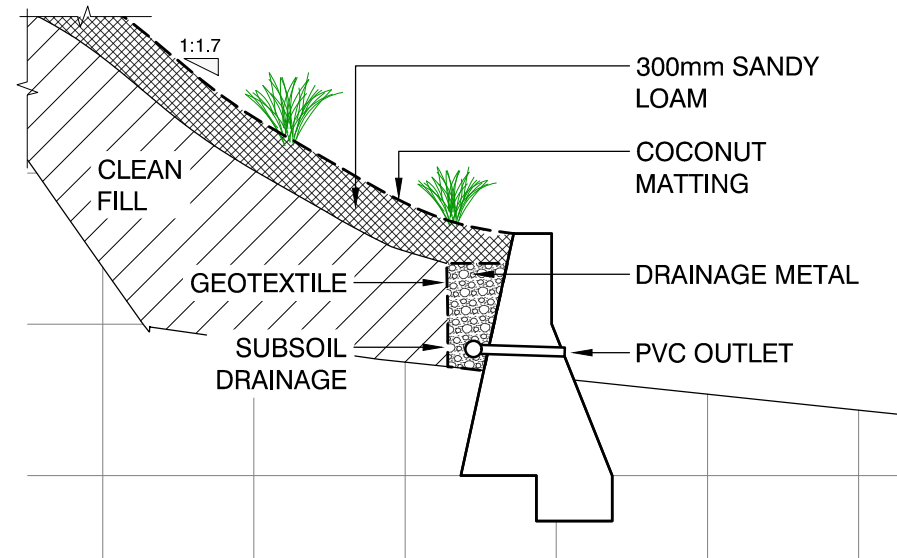
JOB TITLE:

**FORESHORE PROTECTION
38 RAWENE AVENUE
WESTMERE**

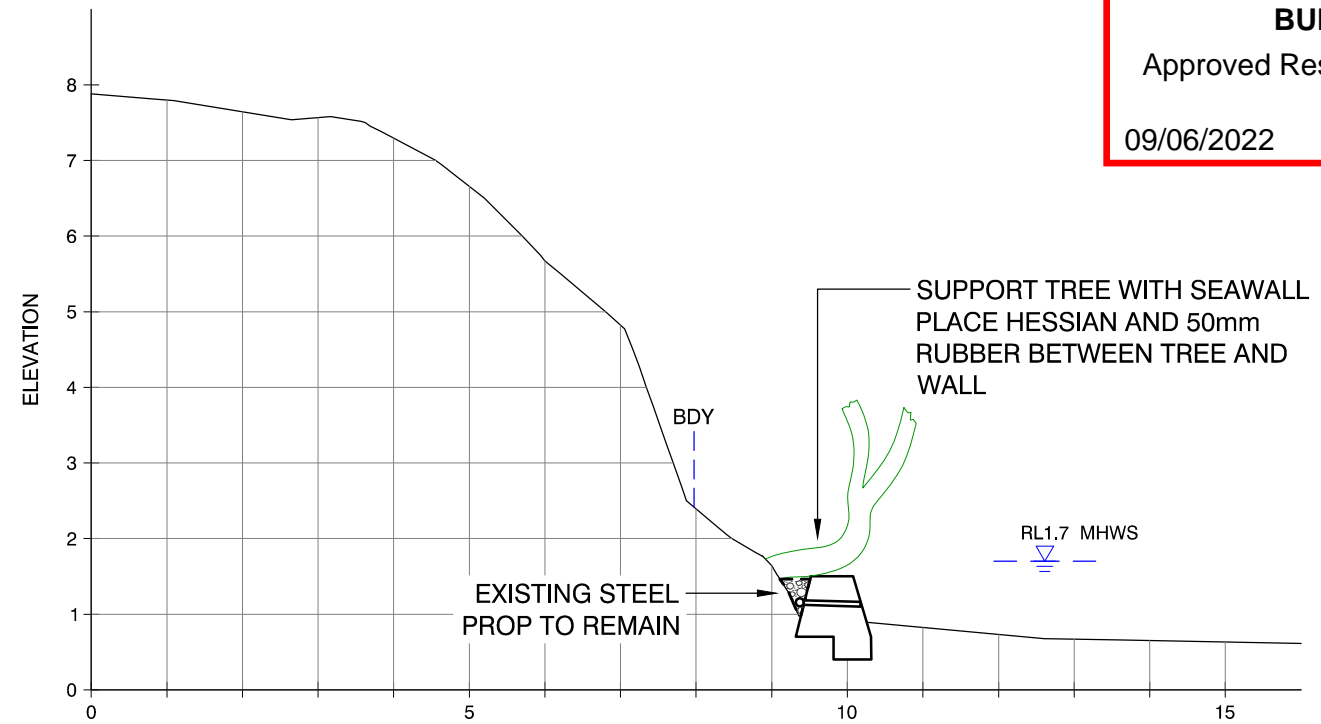
**COASTAL MANAGEMENT
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Mobile: 021 627 193
Email: coastal@daviscoastal.co.nz

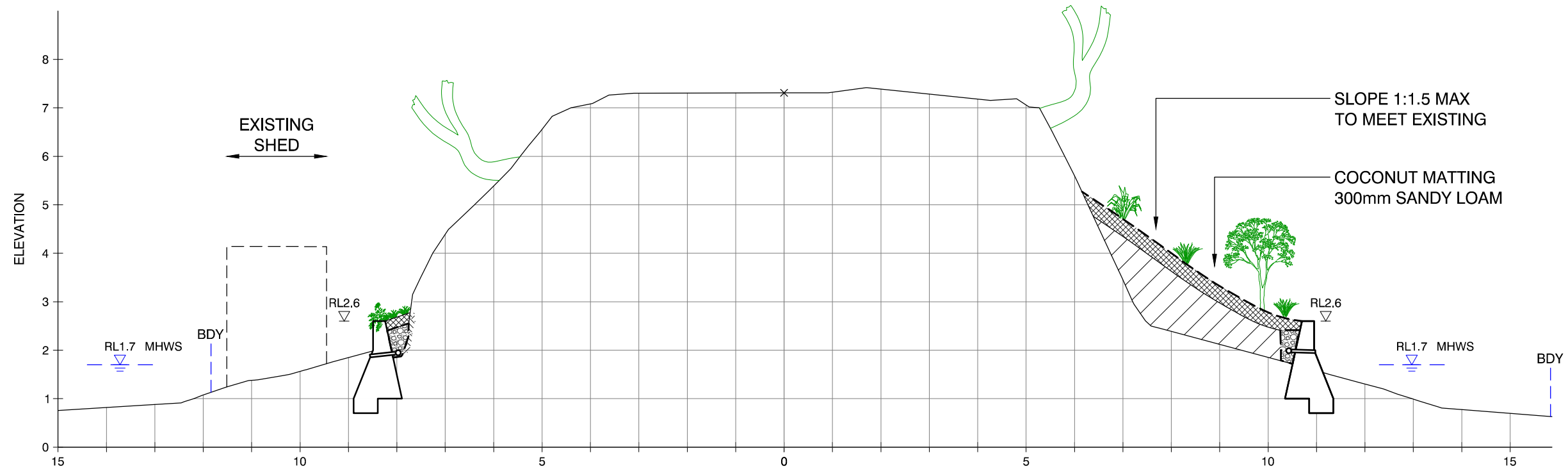
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PROPOSED LAYOUT PLAN	21012
SHT NO:	06
REV:	D
SERIES:	RESOURCE CONSENT



TYPICAL SECTION THROUGH WALL
SCALE 1:50



F
06
SECTION
SCALE 1:100



G
06
SECTION
SCALE 1:100

No.	REVISION DETAILS	DATE
C	SECTION - G- UPDATED	04.10.2021
B	PLANTING SLOPES UPDATED	15.07.2021
A	SEAWALL UPDATED	02.07.2021
-	RESOURCE CONSENT	28.04.2021

DESIGN: DAVIS COASTAL CONSULTANTS
SURVEY: ASBUILT
DRAWN: JMA
CHECKED: -
DATE: OCTOBER 2021
SCALE: 1:250 @ A3
CAD FILE: 21012-02 38 Rawene Ave

NOT FOR CONSTRUCTION

JOB TITLE:

**FORESHORE PROTECTION
38 RAWENE AVENUE
WESTMERE**



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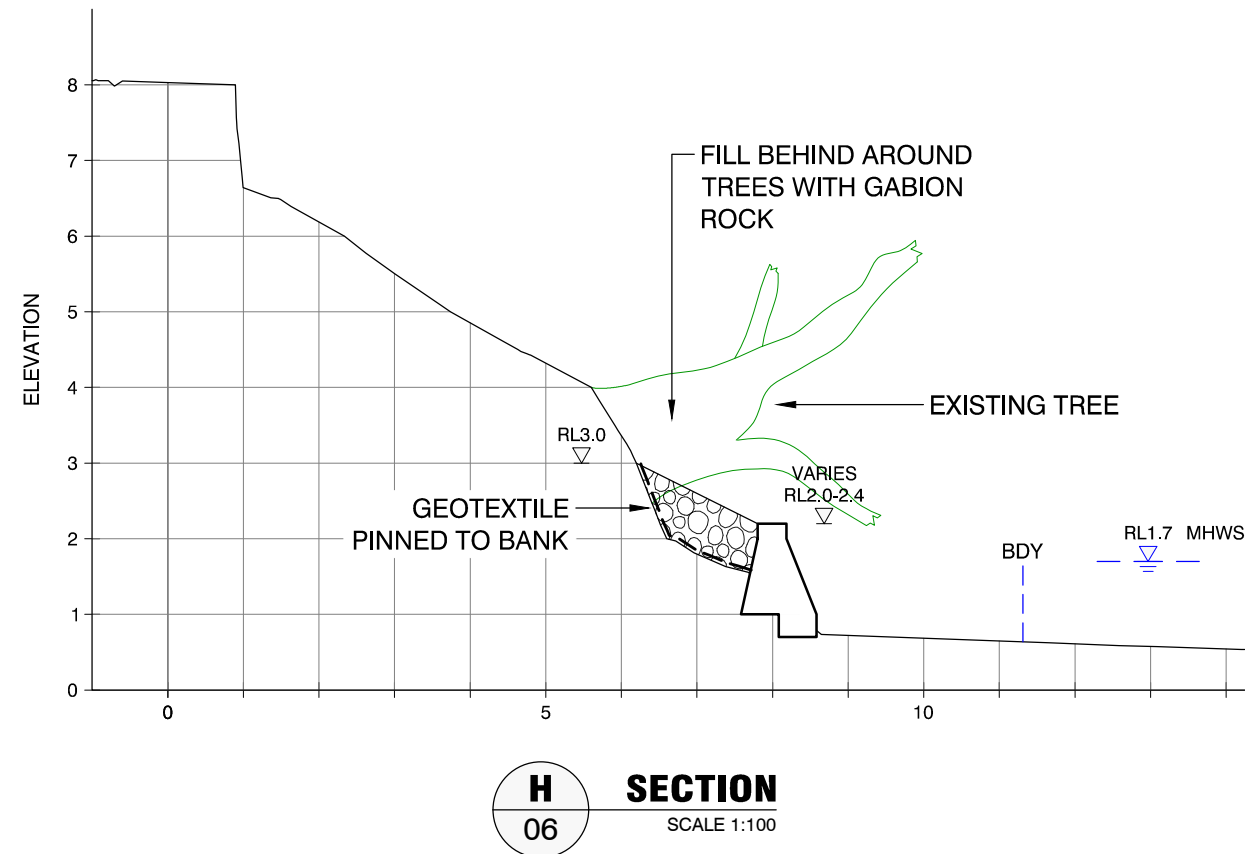
Phone: 09 428 0040
Mobile: 021 627 193
Email: coastal@daviscoastal.co.nz

DRAWING TITLE:
**PROPOSED SECTIONS
1 OF 3**

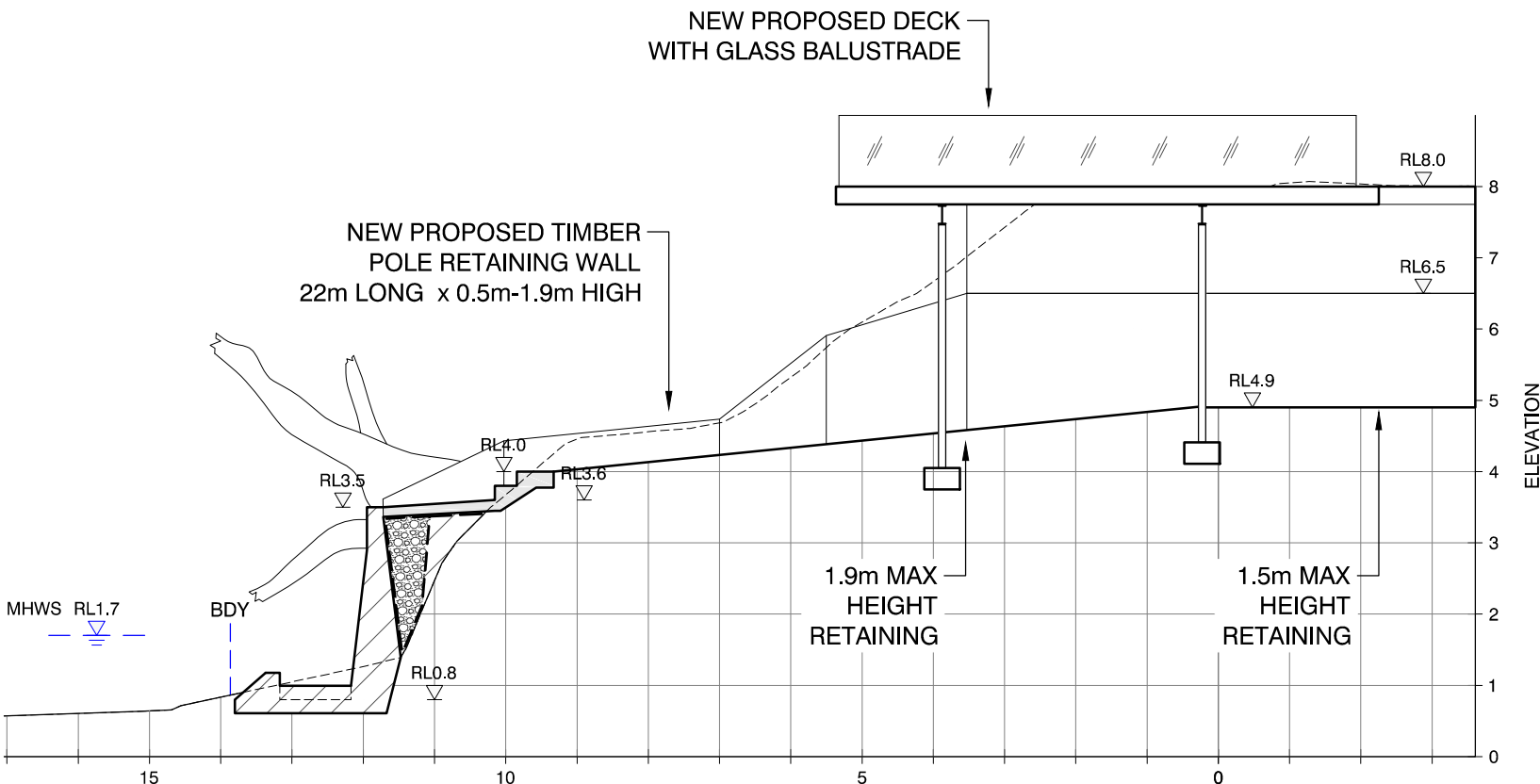
SERIES:

FILE NO: 21012
SHT NO: 07
REV: C

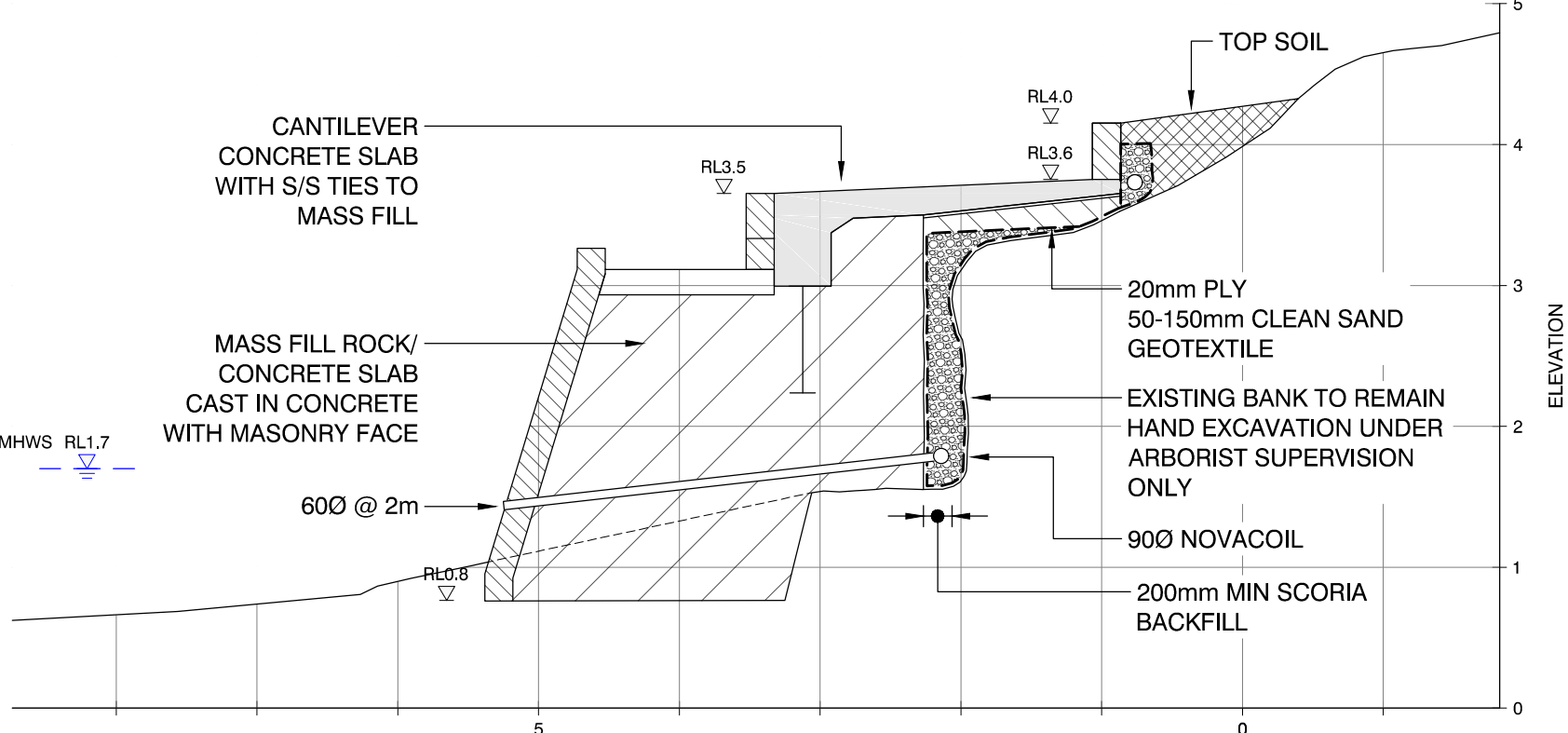
RESOURCE CONSENT



			DESIGN: DAVIS COASTAL CONSULTANTS	JOB TITLE: FORESHORE PROTECTION 38 RAWENE AVENUE WESTMERE		COASTAL MANAGEMENT AND ENGINEERING P.O. Box 185 Orewa Phone: 09 428 0040 Mobile: 021 627 193 Email: coastal@daviscoastal.co.nz	DRAWING TITLE: PROPOSED SECTIONS 2 OF 3	FILE NO: 21012	
D	DRAWING UPDATED	25.11.2021	SURVEY: ASBUILT					SHT NO: 08	
C	SECTION DESIGNATION UPDATED	04.10.2021	DRAWN: JMA					REV: D	
B	DRAWING UPDATED	28.07.2021	CHECKED: -						
A	SEAWALL UPDATED	02.07.2021	DATE: NOVEMBER 2021						
-	RESOURCE CONSENT	28.04.2021	SCALE 1:100 @ A3						
			CAD FILE: 21012-02 38 Rawene Ave						
No. REVISION DETAILS			DATE	NOT FOR CONSTRUCTION					SERIES: RESOURCE CONSENT



I
06
SECTION
SCALE 1:100



J
06
SECTION
SCALE 1:50

NOTES

PRIOR TO REMOVAL OF LARGE DEAD LOG, NEW TIMBER PROPS TO BE PLACED TO EXISTING POHUTUKAWA UNDER SUPERVISION OF WORKS ARBORIST TO ENSURE ADEQUATE SUPPORT IS RETAINED WHERE EXPOSED LIVE ROOTS TO UNDERCUT TREES ARE PRESENT, PLACE BACKFILL COMPRISING PLANTING SOIL IN HESSIAN BAGS AROUND ROOTS UNDER DIRECTION OF WORKS ARBORIST PRIOR TO PLACEMENT OF DRAINAGE BACKFILL TO SEAWALL

D	NOTES ADDED	22.11.21
C	WALL AND DECK AREA UPDATES	04.10.2021
B	DRAWING UPDATED	28.07.2021
A	SEAWALL UPDATED	02.07.2021
-	RESOURCE CONSENT	28.04.2021
No.	REVISION DETAILS	DATE

DESIGN: DAVIS COASTAL CONSULTANTS
SURVEY: ASBUILT
DRAWN: JMA
CHECKED: -
DATE: NOVEMBER 2021
SCALE: VARIES @ A3
CAD FILE: 21012-02 38 Rawene Ave

NOT FOR CONSTRUCTION

FORESHORE PROTECTION
38 RAWENE AVENUE
WESTMERE

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P.O. Box 185
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Phone: 09 428 0040
Mobile: 021 627 193
Email: coastal@daviscoastal.co.nz

DRAWING TITLE:
PROPOSED SECTIONS
3 OF 3

SERIES:

FILE NO: 21012
SHT NO: 09
REV: D

RESOURCE CONSENT



DO NOT OVERFILL WITH SOILS TO ENTIRELY COVER TRUNKS AND MAJOR STEMS OF POHUTUKAWA SLUMPED OVER BANK

E	NOTE ADDED	22.11.2021
D	WALL AND DECK AREA UPDATES	04.10.2021
C	DRAWING UPDATED	28.07.2021
B	PLANTING PLAN UPDATED	15.07.2021
A	SEAWALL AND PLANTING PLAN UPDATED	02.07.2021
-	RESOURCE CONSENT	28.04.2021
No.	REVISION DETAILS	DATE

DESIGN:	DAVIS COASTAL CONSULTANTS
SURVEY:	ASBUILT
DRAWN:	JMA
CHECKED:	-
DATE:	NOVEMBER 2021
SCALE:	1:250 @ A3
CAD FILE:	21012-02 38 Rawene Ave
NOT FOR CONSTRUCTION	

FORESHORE PROTECTION
38 RAWENE AVENUE
WESTMERE



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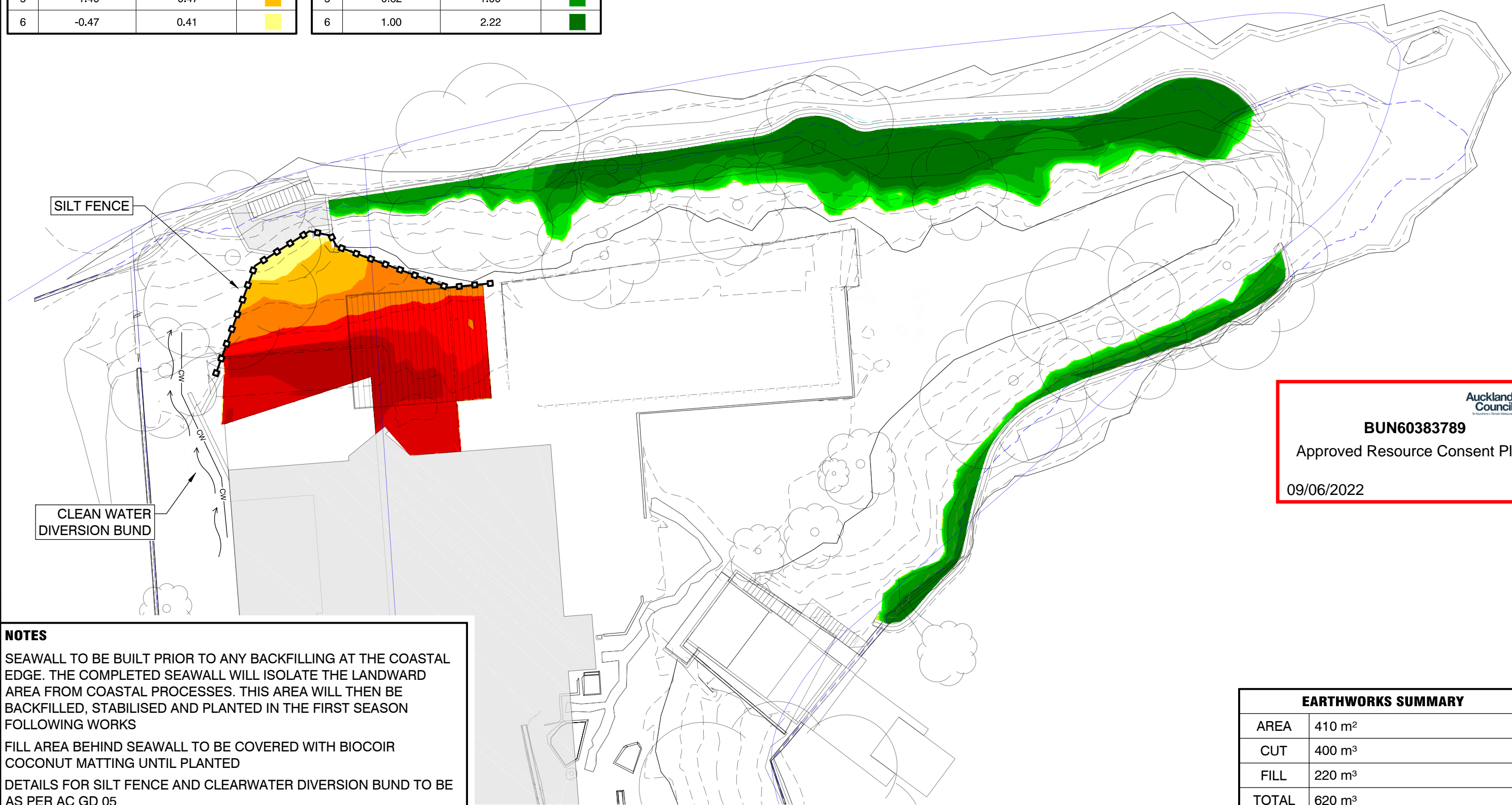
Phone: 09 428 0040
Mobile: 021 627 193
Email: coastal@daviscoastal.co.nz

DRAWING TITLE:	PLANTING PLAN
FILE NO:	21012
SHT NO:	10
REV:	E

SERIES:	RESOURCE CONSENT
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ELEVATIONS			
No.	MIN. ELEVATION	MAX. ELEVATION	COLOUR
1	-3.51	-3.25	Red
2	-3.25	-3.00	Red
3	-3.00	-2.23	Red
4	-2.23	-1.40	Orange
5	-1.40	-0.47	Yellow
6	-0.47	0.41	Yellow

ELEVATIONS			
No.	MIN. ELEVATION	MAX. ELEVATION	COLOUR
1	-0.40	0.02	Light Green
2	0.02	0.11	Light Green
3	0.11	0.31	Light Green
4	0.31	0.62	Light Green
5	0.62	1.00	Light Green
6	1.00	2.22	Dark Green



NOTES

SEAWALL TO BE BUILT PRIOR TO ANY BACKFILLING AT THE COASTAL EDGE. THE COMPLETED SEAWALL WILL ISOLATE THE LANDWARD AREA FROM COASTAL PROCESSES. THIS AREA WILL THEN BE BACKFILLED, STABILISED AND PLANTED IN THE FIRST SEASON FOLLOWING WORKS


FILL AREA BEHIND SEAWALL TO BE COVERED WITH BIOCOIR COCONUT MATTING UNTIL PLANTED


DETAILS FOR SILT FENCE AND CLEARWATER DIVERSION BUND TO BE AS PER AC GD 05

			DESIGN: DAVIS COASTAL CONSULTANTS
			SURVEY: ASBUILT
			DRAWN: JMA
			CHECKED: -
			DATE: NOVEMBER 2021
			SCALE 1:250 @ A3
			CAD FILE: 21012-02 38 Rawene Ave
A	SILT FENCE ALIGNMENT UPDATED	22.11.2021	NOT FOR CONSTRUCTION
-	EARTHWORKS ADDED	04.10.2021	
No.	REVISION DETAILS	DATE	

JOB TITLE:

**FORESHORE PROTECTION
38 RAWENE AVENUE
WESTMERE**

 <p>COASTAL MANAGEMENT AND ENGINEERING P.O. Box 185 Orewa</p> <p>Phone: 09 428 0040 Mobile: 021 627 193 Email: coastal@daviscoastal.co.nz</p>	DRAWING TITLE: EARTHWORKS AND SEDIMENT CONTROL PLAN		FILE NO: 21012
	SERIES: RESOURCE CONSENT		SHT NO: 11
			REV: A



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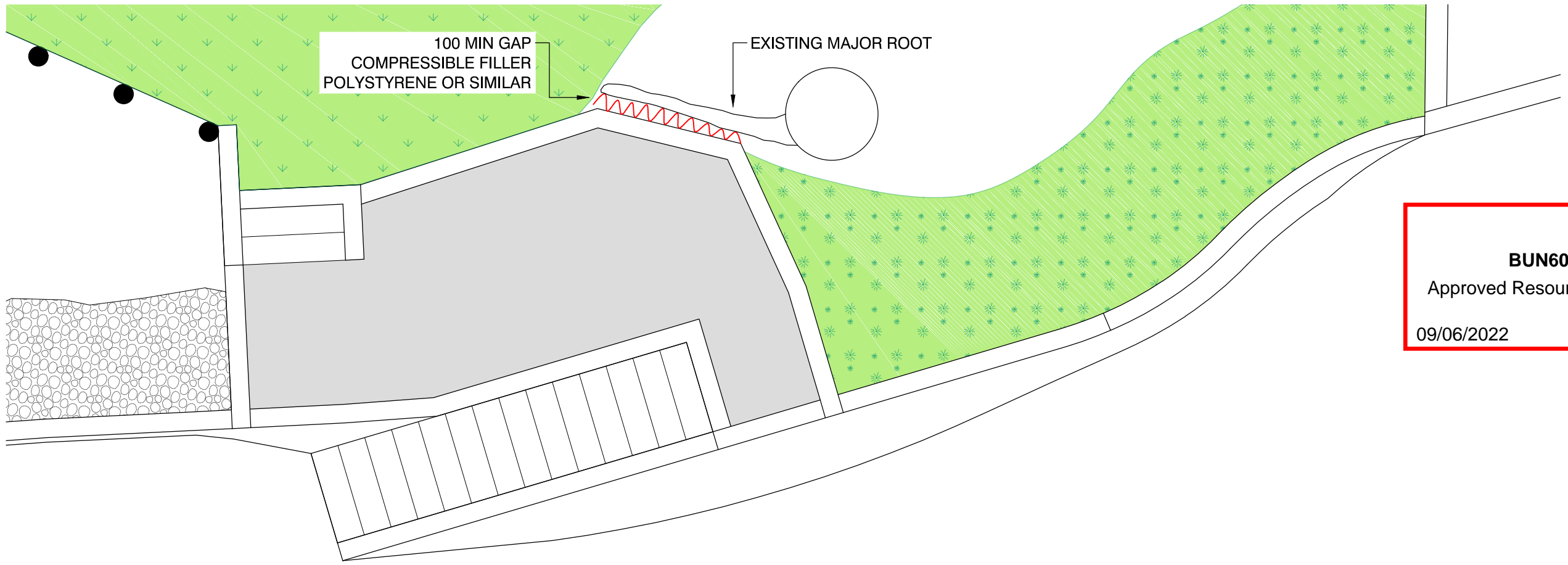
Approved Resource Consent Plan

09/06/2022

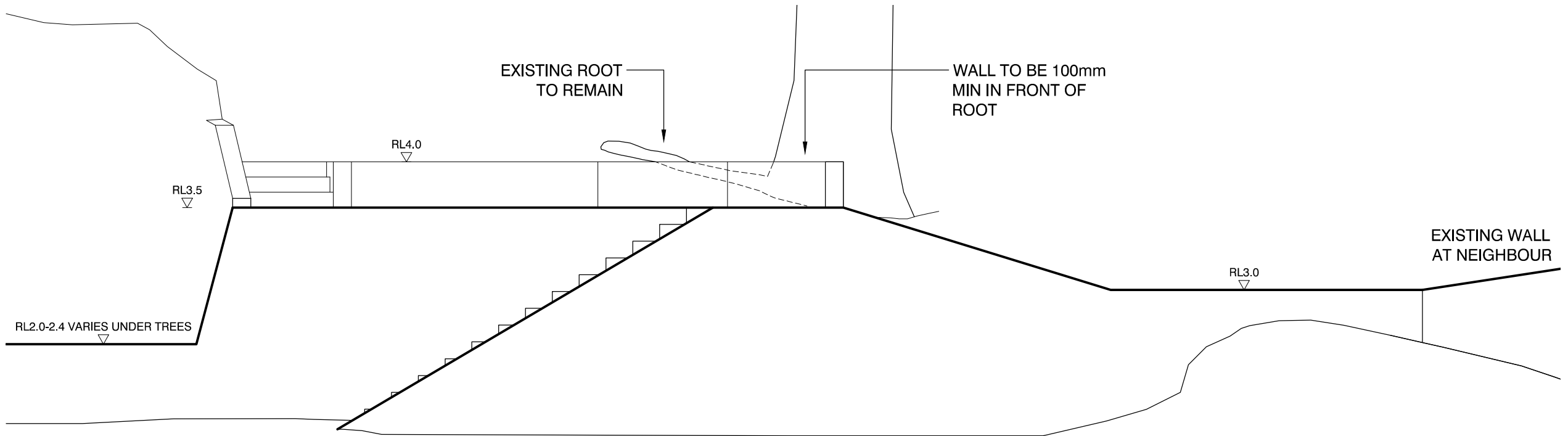
EARTHWORKS SUMMARY	
AREA	410 m ²
CUT	400 m ³
FILL	220 m ³
TOTAL	620 m ³



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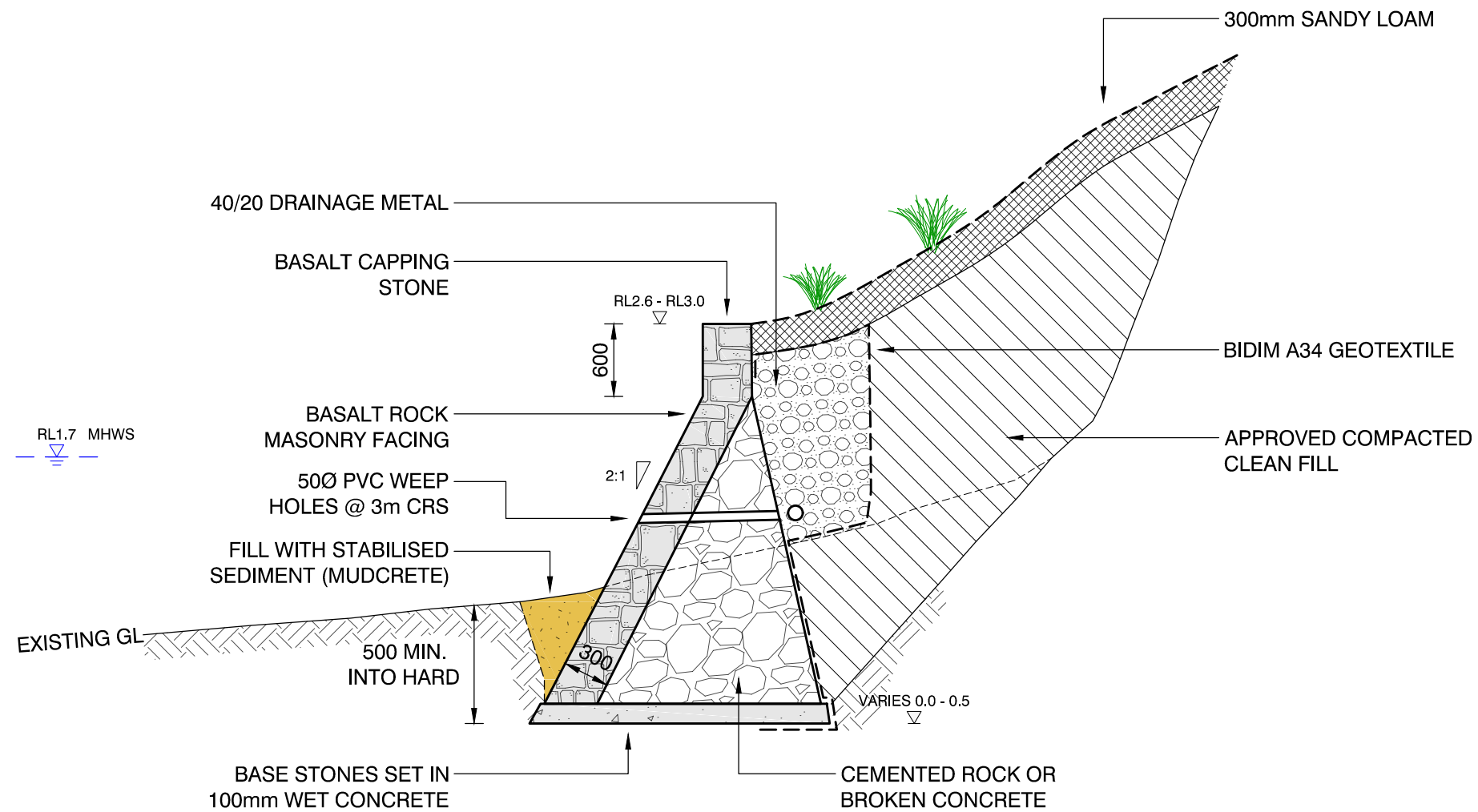


PLATFORM AND TREE ROOT
SCALE 1:50

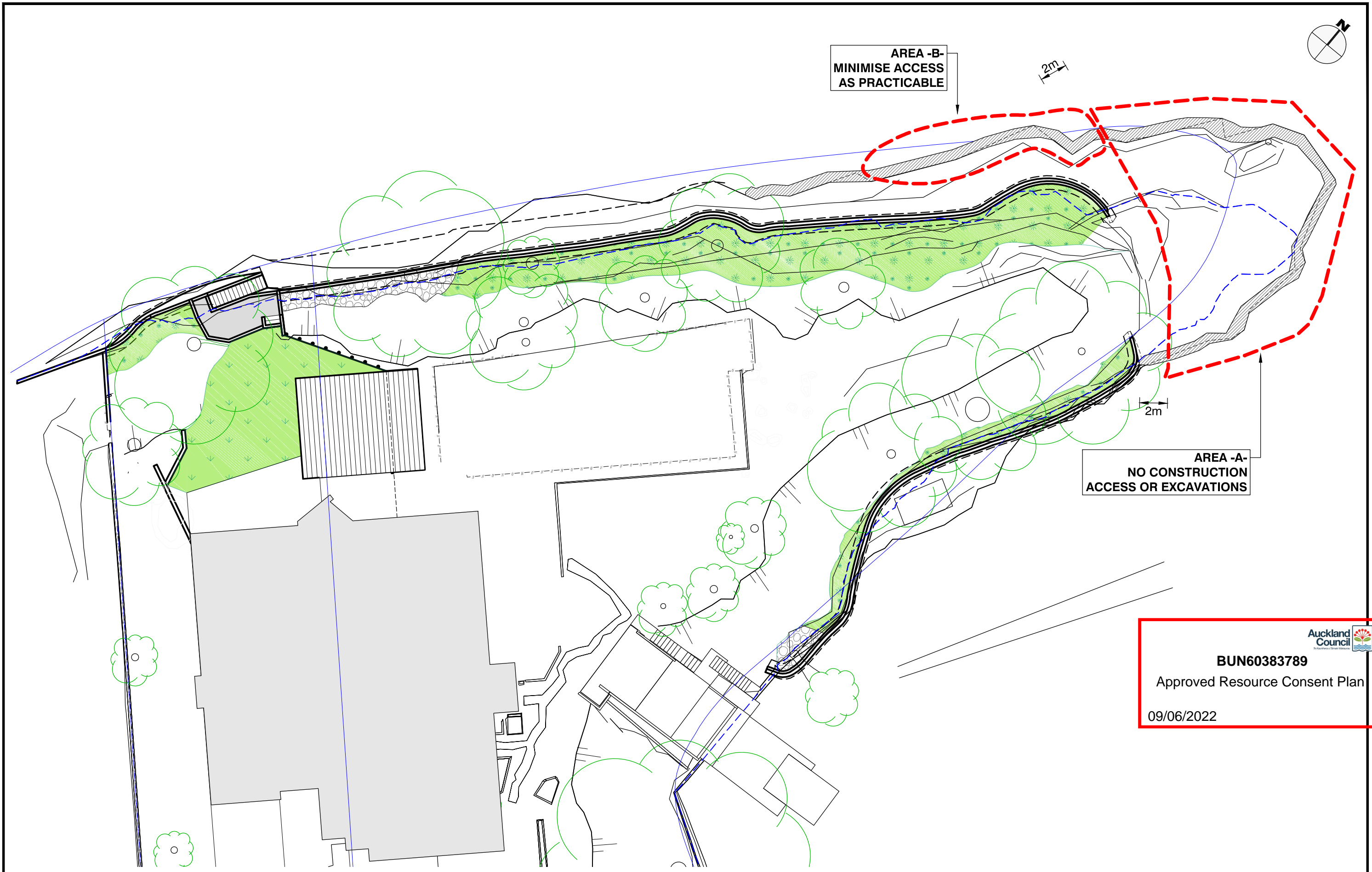


PLATFORM ELEVATION
SCALE 1:50

			DESIGN: DAVIS COASTAL CONSULTANTS	<div>JOB TITLE:</div> <div>FORESHORE PROTECTION</div> <div>38 RAWENE AVENUE</div> <div>WESTMERE</div>	<div></div> <div>DAVIS COASTAL CONSULTANTS</div>	<div>COASTAL MANAGEMENT AND ENGINEERING</div> <div>P.O. Box 185 Orewa</div> <div>Phone: 09 428 0040</div> <div>Mobile: 021 627 193</div> <div>Email: coastal@daviscoastal.co.nz</div>	<div>DRAWING TITLE:</div> <div>PLATFORM AND TREE ROOT PROTECTION</div>	FILE NO:	21012
			SURVEY: ASBUILT					SHT NO:	12
			DRAWN: JMA					REV:	-
			CHECKED: -						
			DATE: OCTOBER 2021						
			SCALE 1:50 @ A3	<div>NOT FOR CONSTRUCTION</div>			<div>RESOURCE CONSENT</div>		
			CAD FILE: 21012-02 38 Rawene Ave						
-	DRAWING SHEET 12 ADDED TO SET	04.10.2012							
No.	REVISION DETAILS	DATE							



			DESIGN: DAVIS COASTAL CONSULTANTS	JOB TITLE: FORESHORE PROTECTION 38 RAWENE AVENUE WESTMERE	 <div>DAVIS COASTAL CONSULTANTS</div>	COASTAL MANAGEMENT AND ENGINEERING P.O. Box 185 Orewa Phone: 09 428 0040 Mobile: 021 627 193 Email: coastal@daviscoastal.co.nz	DRAWING TITLE: TYPICAL SEAWALL SECTION	FILE NO: 21012
		SURVEY: ASBUILT	SHT NO: 13					
		DRAWN: JMA	REV: -					
		CHECKED: -	SERIES: RESOURCE CONSENT					
		DATE: FEBRUARY 2022						
		SCALE 1:50 @ A3						
		CAD FILE: 21012-02 38 Rawene Ave						
-	PRELIMINARY ISSUE	02.02.2022	NOT FOR CONSTRUCTION					
No.	REVISION DETAILS	DATE						



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BUN60383789
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09/06/2022

			DESIGN: DAVIS COASTAL CONSULTANTS
			SURVEY: ASBUILT
			DRAWN: JMA
			CHECKED: -
			DATE: FEBRUARY 2022
			SCALE: 1:250 @ A3
			CAD FILE: 21012-02 38 Rawene Ave
A	AREA DESIGNATIONS ADDED TO NOTES	11.02.2022	
-	PRELIMINARY ISSUE	09.02.2022	
No.	REVISION DETAILS	DATE	

JOB TITLE:

**FORESHORE PROTECTION
38 RAWENE AVENUE
WESTMERE**

**COASTAL MANAGEMENT
AND ENGINEERING**
P.O. Box 185
Orewa

Phone: 09 428 0040
Mobile: 021 627 193
Email: coastal@daviscoastal.co.nz

DRAWING TITLE:	FILE NO:
CONSTRUCTION ACCESS	21012
	SHT NO:
	14
	REV:
	A
SERIES:	
RESOURCE CONSENT	

ATTACHMENT FOUR
APPROVED HELIPADS IN LOCALITY

24 May 2011

John Childs Consultants
PO Box 52077
Auckland 1352

Dear Sir/Madam

**Application For Resource Consent R/LUC/2011/1114
64 Sentinel Road, Herne Bay, Auckland 1011**

This is to advise you that resource consent was granted under delegated authority by the Planning Team Leader, Quentin Budd, Resource Consents on **23/05/2011**.

The reporting officer for the application was **Kerstin Strauss**. If you have any questions relating to this decision, please contact the reporting officer via Council's customer call centre on (09) 301 0101.

A full copy of the decision, including conditions of consent, is attached. A copy of the conditions of consent and approved plans are to be held on site at all times during the works to which this consent relates. Please ensure that all contractors implementing the development associated with this resource consent are aware of their obligations to comply with the conditions of consent.

Please note that you are required to contact Council prior to any works commencing, by completing, the attached works commencement form and either fax it to (09) 353 9186, emailing to rcmadmin@aucklandcity.govt.nz, or phone the resource consent monitoring administrator via Council's customer call centre on (09) 301 0101.

You will need to submit a copy of this decision and the stamped approved resource consent plans with any building consent application that is lodged for this proposal.

Pursuant to section 116 of the RMA, this consent (or any part thereof) shall not commence until such time as all charges pursuant to section 36 of the RMA, owing at the time of Council's decision is notified are paid in full to the Council, noting the invoice will follow shortly.

The Resource Management Act provides certain objection (and appeal rights) from the Council's decision on an application.

Pursuant to section 357A of the Resource Management Act, you have a right of objection to the Council decision and conditions, which must be lodged in writing with the Council within 15 working days of receipt of the decision.

Pursuant to section 357B of the Resource Management Act 1991, you have a right of objection to additional charges relating to the processing of this application, which shall be lodged in writing with the Council within 15 working days of receipt of the invoice.

Yours faithfully



Isabel Braganza
Administrator
Central Resource Consenting and Compliance

DECISION ON RESOURCE CONSENT APPLICATION R/LUC/2011/1114 AT 64 SENTINEL ROAD, HERNE BAY, AUCKLAND 1011

Application R/LUC/2011/1114 has been made by J and R Dunn for a non-complying activity land use consent to establish a helicopter landing pad at 64 Sentinel Road, Herne Bay, Auckland 1011 on land described at Lot 1 DP 39537, Lot 2-3 DP 324079 CT-97270. This requires resource consent for the following reasons:

Operative District Plan

- The landing and taking off of helicopters is not permitted.

Pursuant to section 104B of the Resource Management Act 1991, this application is **granted consent**.

Pursuant to section 113 of the Resource Management Act 1991, the reasons for this decision are as follows:

- In terms of section 104(1)(a) of the Act, the actual and potential effects from the proposal overall will be less minor. In particular, the noise effects generated by the arrival and departure of the helicopter on the site will have the greatest impact on neighbouring residential sites from whom written approvals have been received.
- In terms of section 104(1)(b) of the Act, the proposal is consistent with the objectives and policies for the Residential 6 zone and Coastal Management Area, as the proposed helicopter pad on the subject site will maintain the amenity that would be generally anticipated for the Residential 6 zone and will maintain the physical and intangible qualities of the coastal environment. The proposal is consistent with the objectives and policies in regards to helicopters, as the proposed mitigation will assist in mitigating any adverse noise effects on the surrounding environment.
- In terms of section 104(1)(c) of the Act, other relevant matters, including monitoring, have been considered in the determination of the application.
- In terms of part 2 of the Act, the proposal will contribute to social well-being of the applicant while avoiding, remedying or mitigating adverse effects on the local environment, in particular adjoining residential sites. The proposal will maintain the amenity values of the adjacent residential environment. Overall, the proposal meets the relevant provisions of Part 2 of the Act as the proposal achieves the purpose of the Act being sustainable management of natural and physical resources.

Pursuant to section 108 of the Resource Management Act 1991, this consent is subject to the following conditions:

Activity in Accordance with Plans

- (1) (a) The establishment and use of the helicopter pad shall be carried out in accordance with the plans and all information submitted with the application, being

Reference number	Title	Architect/Author	Date
Assessment of environmental effects	Town Planning Assessment	John Childs of John Childs Consultants Ltd	31 March 2011
Acoustic Assessment	60 Sentinel Road	Nevil Hegley of Hegley Acoustic Consultants	10 March 2011

Letter	Helipoint Unobjectionable Determination	Michael John Haines of Civil Aviation Authority New Zealand	30 June 2010
Letter	Applicant's Statement	John Dunn	Not dated
Sheet RC 01 B	Proposed Residence 64 Sentinel Rd, Herne Bay - Existing Site Plan	Fearon Hay Architects	23 March 2011

and referenced by Council as **R/LUC/2011/1114**.

- (b) In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.
- (c) Please read the conditions of this resource consent carefully and make sure that you understand all the conditions that have been imposed before commencing the development.

Administrative Charges

- (2) Pursuant to section 116 of the RMA, this consent (or any part thereof) shall not commence until such time as all charges pursuant to section 36 of the RMA, owing at the time of Council's decision is notified are paid in full to the Council.

Monitoring Charges

- (3) The consent holder shall pay the Council a consent compliance monitoring charge of \$800 (exclusive of GST), plus any further monitoring charge or charges to recover the actual and reasonable costs that have been incurred to ensure compliance with the conditions attached to this consent. (This 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).

The \$800 (exclusive of GST) charge shall be paid as part of the resource consent fee and 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.

Noise

- (4) Noise generated by helicopters, as measured at the boundary of any residential site shall not exceed a noise limit of Ldn 50dBA, with the exception of 81 Sarsfield Street, 83A Sarsfield Street, 83B Sarsfield Street, 95 Sarsfield Street, 60A Sentinel Road, 60B Sentinel Road, 60C Sentinel Road, 60D Sentinel Road, and 60E Sentinel Road, as written approvals have been obtained from these persons.
- (5) The daily Ldn measurement may be averaged over any one week. The exposure on any single day shall not exceed Ldn 53dB at any residential property.
- (6) The number of flights in any one week shall not exceed 10 (that is, 10 departures, and 10 arrivals).
- (7) All movements shall be restricted to the hours between 07:00am and 22:00pm each day or between Morning Civil Twilight and Evening Civil Twilight, whichever is the more restrictive.
- (8) The flight paths to and from the helipad shall be within the flight sector as shown in Figure 1 of the Hegley Acoustics Report, attached as Appendix B to the Application.
- (9) Measurements of helicopter noise shall be carried out in accordance with the provisions of NZS 6801:1991 "Measurement of Sound".

- (10) The consent holder shall keep a log of all movements to and from the helipad. This log shall be made available to the Council upon request.
- (11) The helipad shall not be used by any helicopter that creates a higher level of noise than a Hughes 500E helicopter.
- (12) All flights shall be flown in accordance with the recommendations of the Helicopter International Association publication "Fly Neighborly Guide" third edition, or any subsequent revisions thereof.
- (13) No re-fuelling of the helicopter shall occur on the site.
- (14) The arrivals and departure of the helicopter on the subject site shall be for domestic purposes only, and not for commercial purposes.

Advice notes

1. *This resource consent will lapse five years after the date of commencement **unless**:*
 - (a) *it is given effect to before the end of that period; or*
 - (b) *an application is made and granted prior to the expiry of that period for a time extension. The statutory considerations that apply to extensions are set out in section 125 of the Resource Management Act 1991.*
2. *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.*
3. *A copy of this consent shall be held on site at all times during the establishment and construction phase of the activity.*
4. *The consent holder is requested to notify Council, in writing, of their intention to begin works, a minimum of seven days prior to commencement. Such notification should be sent to the Team Leader Compliance and Monitoring – Central (email: rcmadmin or fax: 353 9186) and include the following details:*
 - *name and telephone number of the project manager and the site owner*
 - *site address to which the consent relates*
 - *activity to which the consent relates*
 - *expected duration of works*
5. *This consent does not relieve the consent holder of his/her responsibility to apply for any other consents which may be required by the New Zealand Historic Places Trust. This consent is issued under the Resource Management Act 1991 and does not remove the need to comply with all other applicable Acts (including the Property Law Act), regulations, Bylaws, and rules of law.*
6. *The scope of this resource consent is defined by the application made to Auckland Council and all documentation supporting that application.*
7. *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 Council within 15 working days of notification of the decision.*

SECTION 104B DETERMINATION – R/LUC/2011/1114

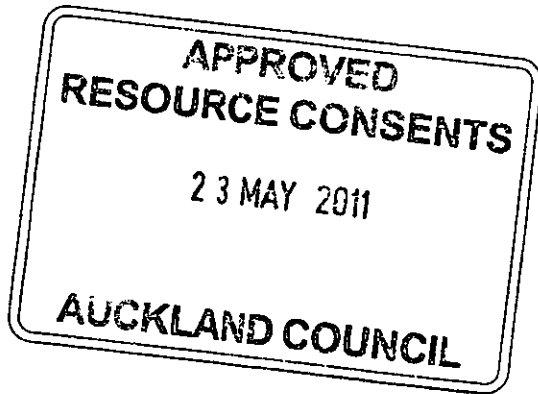
Having considered the submitted application material and all relevant statutory considerations, I concur with the foregoing assessment. As such, acting under delegated authority, this application at 64 Sentinel Road, Herne Bay, Auckland 1011 for resource consent shall be granted consent.



Quentin Budd

Planning Team Leader

Date: 23 May 2011



B	23.03.11	HELICOPTER LANDING ZONE
A	29.11.07	RESOURCE CONSENT ISSUE
NO.	DATE	DESCRIPTION

fearonhay

Date: 1:250 @ A1
 Date: NOV 2007
 Name: MC / JL
 Project: JLF
 Ref: M(7)10

The architect shall attend & verify all dimensions, lines and angles on site prior to commencing any work. All dimensions are in reference to the stated elevations.

The copyright in these drawings and all parts thereof remains the property of Federal City Architects Ltd.

Registered Architects No. 2375

RC 01 B



10 July 2015

John Childs Consultants Limited
PO Box 46015
Herne Bay
Auckland 1147

Dear Sir/Madam

RESOURCE CONSENT APPLICATION – ADVICE OF DECISION

Application Number(s):	R/LUC/2015/940
Applicant:	S G Lockwood
Proposed Activity(s):	To construct a helicopter pad and operate a domestic helicopter of not more than 2 flights per week within the Residential 2b Zone and Coastal Management Area.
Address:	15 Cremorne Street, Herne Bay, Auckland 1011

Following an assessment of your resource consent application under the Resource Management Act 1991 (RMA) and with reference to the Auckland Council Plan (Auckland City Isthmus Plan), a decision has been made to approve your application.

Please take the time to read and understand the conditions of consent. Council officers will undertake inspections of your project to check compliance with this resource consent. For your reference, a copy of the decision is attached. It outlines the basis for the decision and the conditions.

If you disagree with the decision, or parts of it, you can lodge an objection with us or file an appeal with the Environment Court within 15 working days of receiving this decision.

Objections should be addressed to the Principal Planner Hearings and Resolutions - Central, Auckland Council at 35 Graham Street, Auckland. Information on "The Objection Process" can be found on our website www.aucklandcouncil.govt.nz (select 'Rates, building and property', 'Consents' and then, under the green heading 'Resource Consents', select 'Conditions, appeals and objections').

Information on the appeal process can be found on the Environment Court website www.justice.govt.nz/courts/environment-court.

A final invoice will be sent shortly. No work is allowed to commence until all outstanding fees have been paid, as stated in the conditions of your consent.

If you have any queries, please contact Hester Gerber, by phone 09 353 9468 or email hester.gerber@aucklandcouncil.govt.nz, and quote the application number above.

Yours faithfully,

Emerald James
Resource Consents Administrator
Central Resource Consenting and Compliance



Resource Consent Notice of Works Starting

Please email this form to monitoring@aucklandcouncil.govt.nz at least 14 days prior to work starting on your development or post it to the address at the bottom of the page.

Site address: 15 Cremorne Street, Herne Bay, Auckland 1011				
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: R/LUC/2015/940			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:
--	--------------

Once you have been contacted by the monitoring inspector, 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 inspector on 09 301 0101 to discuss a likely timetable of works before the inspection is carried out and to avoid incurring this cost.

Decision on an Application for a Resource Consent under the Resource Management Act 1991



Application Number(s): R/LUC/2015/940

Applicant's Name: Stephen Graham Lockwood

Site Address: 15 Cremorne Street, Herne Bay

Legal Description: Lot 1 DP 208893, Lot 39 DP 2746 and Lot 1-2 DP 212064

Proposal: To construct a helicopter pad and operate a domestic helicopter of not more than 2 flights per week within the Residential 2b Zone and Coastal Management Area.

Activity Status: Non-complying

This requires resource consent for the following reasons:

Land use consents (s9) – R/LUC/2015/940

Operative Plan

- The applicant proposes to establish a helicopter pad on their property in the residential 2b zone. Pursuant to Rules 12.9.3.3 and 4A.1A ii(a), the landing and taking off of helicopters is not permitted activity in any part of the city and therefore requires a **non-complying** activity resource consent.

Overall the application is a **non-complying** activity.

I have read the application, supporting documents, and the report and recommendations on the consent application. 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 the application.

Acting under delegated authority, under sections 104, 104B, 104D, 108 and Part 2 of the Resource Management Act 1991, this application is **GRANTED**.

Reasons

Under section 113 of the RMA the reasons for this decision are:

- In terms of section 104(1)(a) of the Resource Management Act 1991, the proposed development may result in actual and potential effects on the environment. In particular, the installation of a helicopter pad, with associated domestic helicopter use will have some effect on the visual amenity of the coastal and residential environment. Having regard to the existing site circumstances, the proposed development and any mitigation, the actual and potential adverse effects of the proposal will be mitigated or avoided for the following reasons:
 - The helicopter pad cannot be seen from the coastal environment, surrounding residential properties or the street frontage due to sufficient screening in the form of the existing dwelling, mature vegetation and topography of the site and will have a minimal visual impact on the surrounding and wider coastal/residential environment;
 - The construction of a helicopter pad and operation of a domestic helicopter with two flights per week, and no more than one flight per day during daylight hours only within the Residential 2b Zone will have a less than minor effect on the surrounding environment. Any potential adverse noise and visual effects will be short term in duration, due to the limited amount of flights proposed each week and day; and
 - The noise levels generated by the helicopter will not exceed a level of 50dBA L_{dn} at the notional boundary (excluding those persons/property owners/occupiers who have given their written approval to the proposal).

In accordance with an assessment under s104(1)(a) of the Resource Management Act the actual and potential adverse effects from the proposal will be less than minor.

It should also be noted that the proposed activity will allow for an alternate means of transport to be used within a residential environment that suits the needs and wants of the occupants, to travel to other residential properties within the Hauraki Gulf.

- In terms of section 104(1)(b) of the Resource Management Act 1991, the proposal is generally consistent with the relevant policy statements and plans or proposed plans, including the relevant provisions of:

Auckland Council Regional Plan: Coastal

The relevant objectives and policies of the Auckland Council Regional Plan: Coastal are found in *Section 35, Noise; Clause 35.3.1 and 35.4.2*. These set out to ensure that noise emitted from an activity do not adversely affect the social well-being and amenity of the coastal marine area.

The proposed development is in keeping with the objectives and policies of this area, as the activity itself provides for an approved level of noise of 50dBA L_{dn} at the notional boundary of the site.

The Regional Policy Statement

The relevant objectives and policies of the Regional Policy Statement are found in *Chapter 7, sections 7.3(1); (2) and (3) and 7.4.1(i)*. The proposal is generally consistent with the above objectives and policies as the proposal will still retain and preserve the natural attributes of the coastal environment.

Auckland Council Isthmus District Plan

Clause 7.3.2; 7.3.4 and 7.6.2.1 - Residential 2b Zone Objectives and Policies

The proposal is consistent with the objective and policies of the Residential and Residential 2b zone under the Operative District Plan (Isthmus Section) as the proposal will maintain the architectural attributes and landscape qualities of the surrounding residential environment.

No structures, earthworks or vegetation is required to be removed as part of the proposed works, and existing screening in the form of the dwelling, and mature vegetation will shield the proposed helipad from adjoining residential properties, therefore maintaining the amenity of the area.

Clause 5B.4.1 and 5b.4.2 – Coastal Management Area Objectives and Policies

The objectives and policies of the coastal management area seek to conserve, protect and enhance the natural and physical resources of the coastal environment. By ensuring any development within this area, still protects and maintains the significant landform of the area in addition to scenic and heritage values.

The proposed helicopter pad will maintain the character and amenity values of the coastal environment. The helipad cannot be seen from the coast, due to the elevated site; and mature trees shielding the proposal.

Further no additional structures are proposed, (except for the helicopter pad itself), and no earthworks or vegetation will be removed as part of the works.

Overall, taking the above into account it is considered the proposal is consistent with the objectives and policies of the coastal management area.

Clause 12.9.3.1 Helicopters Objectives and Policies

The relevant objectives and policies of the Auckland Council District Plan pertaining to Helicopters are contained in *Clause 12.9.3.1 (Helicopters)*. The objectives and policies set out to ensure that helicopter facilities are compatible with the surrounding environment in which they are located and maintain the amenity of that area. The potential environmental impacts of the facility must be fully assessed, in addition to restricting the location of some of these facilities and imposing noise controls.

The proposed location of the helipad is located a sufficient distance away from residential site boundaries, and cannot be seen due to existing buildings and mature vegetation that will shield the proposed facility from adjoining sites. Further the landing and departure of the helicopter will be across the Waitemata Harbour only, without the need to cross residential properties. The proposed limitations on amount of flights and time of day will assist in mitigating any potential adverse noise effects. As such, it is considered the proposal is consistent with the objectives and policies relating to helicopters.

Proposed Auckland Unitary Plan (PAUP)

Part 2 Chapter D, Clause 1.1.4 Single House Zone

Under the Proposed Auckland Unitary Plan, the proposed development is consistent with the objective and policies of the Single House Zone as the proposal will maintain the residential amenity of the area.

Clause 5.1.5.1.15(3) General Coastal Marine Objectives and Policies

The objectives and policies of the General Coastal Marine Zone allow for structures and activities within the Coastal area provided the structures are appropriately located and designed to minimise adverse effects of the ecological, natural character, landscape, natural features, historic heritage and Mana Whenua Values of the Coastal Marine Area.

The proposed development will not adversely affect any of those elements outlined above, due to the location of the proposal and no earthworks or vegetation is proposed to be removed. In addition only two flights are proposed per week, and any potential adverse effects from the activity itself will be short term in nature.

The proposed development meets the requirements of the Proposed Auckland Council Unitary Plan, as there are no matters at this time that require consent under the operative provisions.

The assessments under the different plans do not result in different outcomes. Therefore, it is not necessary to undertake a weighting exercise in this instance.

- In accordance with an assessment under s104(1)(c) of the Resource Management Act the following other matter is appropriate to take in to account. Monitoring of the consent is necessary to ensure the proposal is undertaken in accordance with the application to ensure effects are not created beyond those assessed.
- In terms of s104D(1)(a) of the Resource Management Act, the potential adverse effects of the proposal are considered to be no more than minor, as no flights will occur over the residential properties, and the proposed heliport cannot be seen from the coastal nor residential environment. The noise from the proposed activity is also considered to be an acceptable level when in operation at the notional boundary of the subject property.

In terms of s104D(1)(b) of the Resource Management Act and as outlined above the proposal is considered to be generally consistent with the objectives and policies of the Auckland Council Isthmus Plan and the Proposed Auckland Council Unitary Plan.

In terms of section 104D(1)(a) and (b) it is considered that the proposal meets both the relevant test in that adverse effects as a result of the proposal will be no more than minor and that the proposal will not be contrary to the relevant objectives and policies of the applicable zones under both the operative district plan and the PAUP and that consent can be granted.

- In terms of Part 2, section 5 the proposal achieves the purpose of the RMA, being the sustainable management of natural and physical resources, by providing for the provision of a heliport on the site and within the coastal management area, without adversely affecting the environment.

Having regard to the effects of the proposal and relevant statutory documents the proposal is an acceptable form of development.

Conditions

Under section 108 of the RMA, this consent is subject to the following conditions:

General Conditions

1. The activity shall be carried out in accordance with the plans and all information submitted with the application, detailed below, and all referenced by the Council as consent number R/LUC/2015/940.
2. Application Form, and Assessment of Effects prepared by John Childs Consultants Ltd titled "15 Cremorne Street, Herne Bay", dated 17 March 2015.

Drawing reference (Sheet)	Title	Architect / Author	Dated
Figure 1.	<i>Flight Path</i>		17.03.15

- Assessment of Noise Effects Report, by Nevil Hegley, March 2104.
 - Part 157 Aeronautical Study, Construct Lockwood Helipad Auckland, Advanced Flight Limited, CAA Client 50568, by Peter White, Aeronautical services Officer, Civil Aviation Authority of New Zealand, dated 11 March 2015.
 - 29.06.15 email received confirming that two flights will occur each week, and only one flight will occur in any twenty-four hour period.
3. This consent (or any part thereof) shall not commence until such time as the following charges, which are owing at the time the Council's decision is notified, have been paid in full:
 - a. All fixed charges relating to the receiving, processing and granting of this resource consent under section 36(1) of the Resource Management Act 1991 (RMA); and
 - b. All additional charges imposed under section 36(3) of the RMA to enable the Council to recover its actual and reasonable costs in respect of this application, which are beyond challenge.
 4. The consent holder shall pay any subsequent further charges imposed under section 36 of the RMA relating to the receiving, processing and granting of this resource consent within 20 days of receipt of notification of a requirement to pay the same, provided that, in the case of any additional charges under section 36(3) of the RMA that are subject to challenge, the consent holder shall pay such amount as is determined by that process to be due and owing, within 20 days of receipt of the relevant decision.
 5. 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.
 6. The consent holder shall pay the Council an initial consent compliance monitoring charge of \$565 (inclusive of GST), plus any further monitoring charge or charges to recover the actual and reasonable costs that have been incurred to ensure compliance with the conditions attached to this consent.

Compliance with the consent conditions will be monitored by Council (in accordance with section 35(d) of the RMA). 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.

7. The consent holder shall ensure that the use of the landing area on the site to which this consent applies for helicopter operations shall not exceed a noise limit of Ldn 50dBA when measured at or within the boundary of any adjacent dwelling (excluding any dwelling where written approval has been provided);
8. All flights shall be restricted to the hours of 7:00am – 10:00pm each day or between Morning Civil Twilight and Evening Civil Twilight whichever is the more restrictive;
9. All arrivals and departures shall take place on the flight path outlined in Figure 1. "Proposed Helipad Site" of the Hegley Acoustic Consultants report dated March 2014;
10. The number of flights per week shall not exceed two (four movements) with no more than one flight (two movements) on any one day;
11. Measurements of helicopter noise shall be carried out in accordance with the requirements of NZS6801:1991 Measurement of Sound;
12. The helipad shall not be used for any helicopter creating noise effects greater than a 'Eurocopter 130' unless it has been demonstrated that the noise will comply with condition 7. above;
13. The consent holder shall require that all pilots using the site, plan routes and fly in accordance with the recommendations of the Helicopter Association International 'Fly Neighbourly' Guide;
14. The consent holder shall at all times ensure that a full and accurate log of helicopter flights is maintained and located on site. The log shall note the type of helicopter, the helicopter operator and the time of flight. This log shall be made available to the Council upon request by a Council officer, within 24 hours of the time of the initial request to view the register;

Review under section 128

15. Pursuant to section 128 of the RMA the conditions of this consent may be reviewed by the Manager Resource Consents at the consent holder's cost:
 - (a) On an annual basis, (or less regular over time) following commencement of consent in order:

- To deal with any adverse effect on the environment which may arise or potentially arise from the exercise of this consent and which it is appropriate to deal with at a later stage, in particular adverse effects on the coastal environment or residential properties in terms of potential adverse noise effects.
- (b) At any time, if it is found that the information made available to the Council in the application contained inaccuracies which materially influenced the decision and the effects of the exercise of the consent are such that it is necessary to apply more appropriate conditions.
16. The helipad shall not be used for engine testing or flight training purposes.

Advice notes

1. *The Consent Holder is responsible for obtaining all other necessary consents, permits, and licences, including those under the Building Act 2004, and the Heritage New Zealand Act 2014. This consent does not remove the need to comply with all other applicable Acts (including the Property Law Act 2007), regulations, relevant Bylaws, and rules of law. This consent does not constitute building consent approval. Please check whether a building consent is required.*
2. *The Consent holder is responsible for holding a copy of this consent on site at all times during the establishment and construction phase of the activity.*
3. *The consent holder is requested to notify Council, in writing, of their intention to begin works, a minimum of seven days prior to commencement. Such notification should be sent to the Resource Consent Monitoring Officer – Central (rcmadmin@aucklandcouncil.govt.nz or phone: 301 0101) and include the following details:*
 - *name and telephone number of the project manager and the site owner*
 - *site address to which the consent relates*
 - *activity to which the consent relates*
 - *expected duration of works*
4. *The scope of this resource consent is defined by the application made to Auckland Council and all documentation supporting that application.*
5. *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 Council within 15 working days of notification of the decision.*

Delegated decision maker:

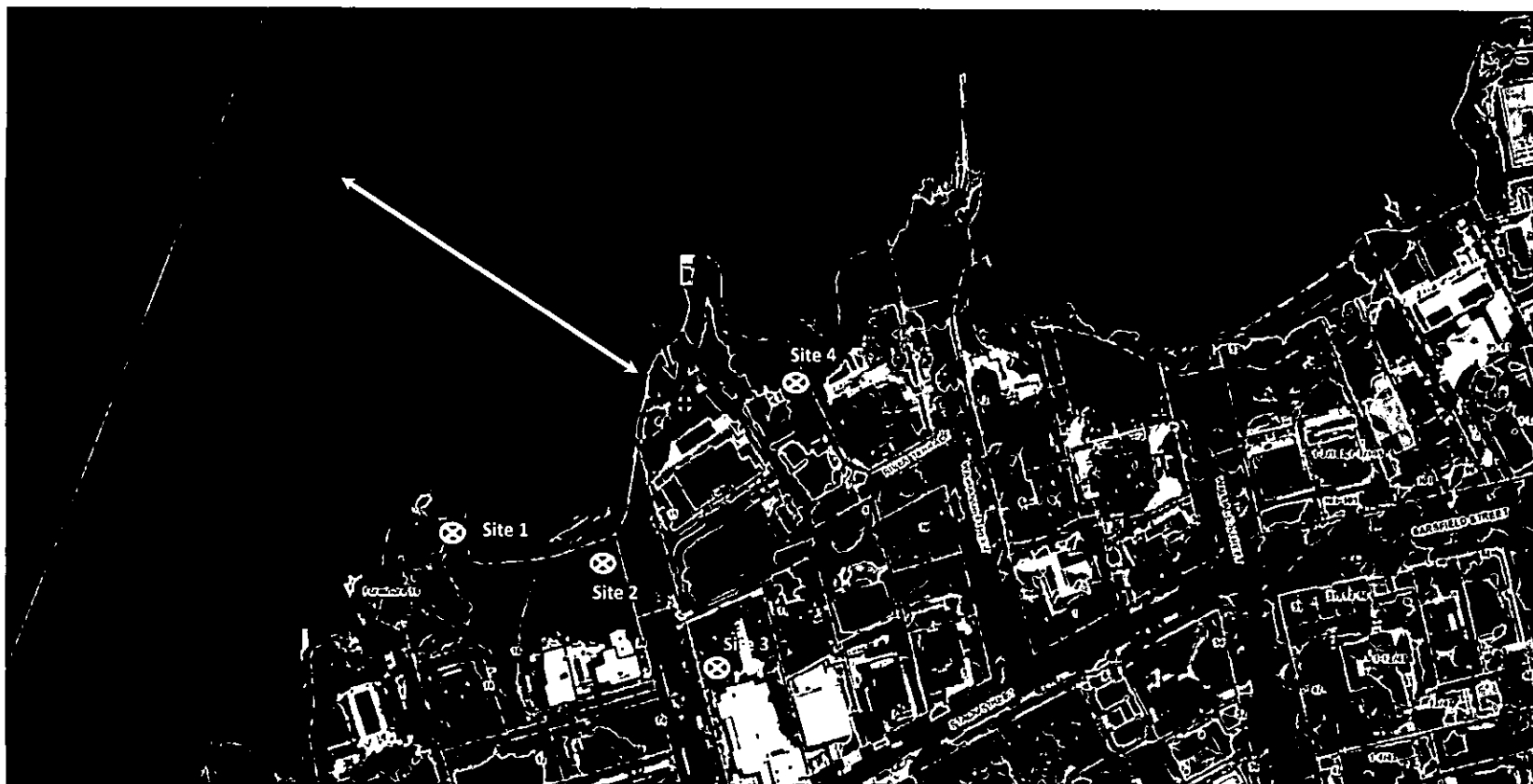
Name: Hester Gerber

Title: Team Leader, Resource Consents

Signed:

Date:  10/07/2015

Figure 1. Proposed Flight Path



**APPROVED
RESOURCE CONSENTS**

10 JUL 2015

AUCKLAND COUNCIL

15 Cremorne Street, Herne Bay R/LUC/2015/940



Site Plan

17.03.15

C.1

Photos from Site Visit



Location of proposed helipad

Decision on notification of an application to change/cancel conditions of a resource consent under section 127 of the Resource Management Act 1991



Application number(s): LUC60134603-A (s9 land use consent)
Applicant: Simon and Paula Herbert
Original consent number(s): LUC60134603 (Legacy number R/LUC/2015/940)
Site address: 15 Cremorne Street, Herne Bay, Auckland 1011
Legal description: Lot 1 DP 208893, Lot 39 DP 2746, Lot 1-2 DP 212064
Proposal:

To change the number of consented helicopter flights from two flights per week to four flights per week with no more than two flights on any one day.

Note: For the avoidance of doubt, any reference in this notification determination to 'vary' or 'variation application' shall be taken to mean an application to change or cancel consent conditions under s127 of the RMA.

This discretionary activity under s127 of the Resource Management Act 1991 (RMA) is for changes to conditions of consent LUC60134603-A involving the following amendments (with strikethrough for deletion, bold underline for insertions):

10. The number of flights per week shall not exceed ~~two (four movements)~~ **four (eight movements)** with no more than ~~one flight (two movements)~~ **two flights (four movements)** on any one day **and 104 flights (208 movements) in any year.**
12. The helipad shall not be used for any helicopter creating noise effects greater than a ~~'Eurocopter 130'~~ **'Airbus H130 T2'** unless it has been demonstrated that the noise will comply with condition 7 above.

For reference condition 7 states:

7. The consent holder shall ensure that 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 when measured at or within the boundary of any adjacent dwelling (excluding any dwelling where written approval has been provided).

Decision

I have read the application, supporting documents, and the report and recommendations on the application for variation. 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.

Preliminaries and summary

This application has been referred to an independent commissioner on the basis of comments received from interested parties, and also due to the disagreement arrived at between the Council's processing officer Mr. Moss, and the Applicant's planning consultant Mr. Shearer. I have had no role in the decision to refer the proposal to an independent commissioner or in my specific appointment in that role.

I have read the correspondence received from the interested parties and accept the concerns expressed at face value. I wish to recognise the particular contributions made by Mr. Littlejohn (Counsel for the Applicant), Mr. Harrison QC (information provided to Herne Bay Residents Assn., and passed on to me), and Ms. Francelle Lupis, Greenwood Roche Ltd., (information provided to Niksha Farac and passed onto me)¹. These are all senior and highly respected legal practitioners and I have taken particular care and additional time to reflect on their specific comments.

For completeness, I have also undertaken a site visit to better understand the lay of the land. This was on 20 February 2022. I did not seek to enter any private property, but to inspect the Site and its neighbours from the street, and also Cremorne Reserve and Beach. I have satisfied myself that without having entered any private properties I properly understand the resource management issues and complexities raised by the Application and the interested parties.

I have read the report and recommendations given to me by the Council's planner Mr. Moss and the acoustic assessment attached and referred to within that by Mr. Gordon. I confirm that the Council's recommendations to me are not binding nor have they had the effect of positioning or setting my mind in favour of or towards any one side of the matter.

In light of the interest that exists surrounding the application, and I surmise also in terms of my decision, there are four key points that I wish to explain at the outset. These have influenced how I have evaluated the information before me and the conclusions I have reached.

First, I accept the Applicant's position that its application qualifies under and can be considered as a s.127 RMA change of consent conditions (the alternative being a resource consent application for a new activity). I sought additional information on this first question from the Council in the form of the original consent and its terms, with an invitation for any relevant commentary from the Applicant. Mr. Littlejohn provided his opinion and reasoning to me in a

¹ Comments were also received from Ms. Charlotte Muggeridge, Harkness Henry Ltd, on behalf of the owner of 9 Cremorne Street, but she did not provide any particular legal analysis of the matters I am to determine.

letter dated 16 February 2022. My interest in this question was to ensure that the variation of conditions proposed would not have the effect of improperly changing the activity to which the underlying consent relates to. I have in this respect interpreted the word “activity” as meaning both a distinguishable category of land use and also the scale, intensity, and overall characteristics of a specific land use. The consented activity would remain a private helipad accommodating helicopter take offs and landings associated with the use of a residential dwelling. The characteristics of the consented activity would change in terms of the maximum number of take offs and landings permitted per week. Retention of the existing maximum annual number of take offs and landings that are permitted (what I find to be a reasonably foreseeable derivative from existing condition 10) has been sufficient to persuade me that overall, the scale, intensity, and character of helipad activity will remain in accordance with what was envisaged in the original consent. I record for completeness that the Council’s planner Mr. Moss was also satisfied that a s.127 RMA application was appropriate and I therefore also accept his position.

Secondly, my evaluation of the application has been limited to the adverse effects that the change in consent conditions would give rise to. The application is not an opportunity to revisit the consented activity’s adverse effects on any other basis.

Thirdly, I accept that I am to make my notification decision on the basis of the provisions of the RMA as it existed at the time that the application was lodged (1 May 2020).

Fourthly, I find that section 9(5) of the RMA (as it was at 1 May 2020) only gives me the ability to consider the adverse effects associated with helicopter take offs and landings, not the general act of “overflying by aircraft”. I have expressed this clarification given how frequently the phrase “helicopter flights” has been used across the information provided to me. Following on from this, I have read the language of the existing condition 10, which refers to “two movements” per “flight”, as permitting a maximum of two helicopter take offs and two landings per week, and one helicopter take off and one landing on any single day. This would accumulate to an annual maximum of one hundred and four helicopter take offs and one hundred and four landings per calendar year.

In my detailed reasons that follow, I will set out why I have agreed with the Applicant that the application should proceed without public notification, but why I have agreed with the Council’s planner Mr. Moss and the interested parties (at least insofar as it relates to adverse effects on persons), that the proposal should proceed with limited notification to the owners and occupiers of at 3 River Terrace, 18 Cremorne Street, 20 Cremorne Street and 8 Wairangi Street.

Lastly, I have for convenience prepared this decision based on Mr. Moss’ recommendation. For the avoidance of any doubt, including where I have adopted some of the text provided by Mr. Moss, this decision is entirely my own.

Public notification

Under section 95A of the RMA, this application shall proceed without public notification, because:

1. I am required to follow the procedure set out in s.95A of the Act in the order given in that section.

2. I find that public notification is not mandatory under step 1, having followed the criteria set out in s.95A(3) and having considered s.95A(2) of the RMA. This requires me to proceed to step 2.
3. In terms of step 2, and having considered the criteria set out in s.95A(5) and s.95A(4) of the RMA, I am persuaded to agree with the Applicant's agents and Mr. Moss' that the helicopter take offs and landings that are subject to the proposed variation can be regarded as a "residential activity" under s.95A(6) RMA. Specifically, I find that the helicopter take offs and landings proposed to be varied are for the purposes of the "use" of the dwellinghouse on the land, which under the Auckland Unitary Plan is intended to be used solely or principally for residential purposes. It is not realistically possible or feasible for dwellinghouses on residential allotments to be "used" as intended without residents travelling on a frequent and generally daily basis (by way of a variety of travel modes) to off-site places for work, education, worship, or to satisfy other reasonable and foreseeable daily needs. I find that the helicopter use consented to and proposed would qualify as part of and contribute to the Applicant's household's travel needs. On this basis, public notification of the application is precluded under step 2. S.95A(4)(a) then requires me to not consider step 3 and instead proceed to step 4.
4. Having considered step 4 (s.95A(9) of the RMA), I find that there are no special circumstances that would make public notification mandatory. This is because:
 - a. The proposal involves disputed expert analysis and opinion relating to the noise effects likely to be generated by the helicopter take offs and landings. This is unremarkable in resource management practice and falls short of constituting a special circumstance relating to public notification.
 - b. In terms of the argument made by the Council's planner Mr. Moss that public notification in relation to the disputed expert acoustic information would lead to additional relevant information becoming available to an eventual s.104, s.104B and s.127 decision maker, I find that this assertion has not been sufficiently substantiated and cannot be taken further. Mr. Moss has for example not identified what if anything is deficient with the expert acoustic information that is already available to the Council. In any event, if additional assessment from the Applicant (or on behalf of the Council as the consent authority) was deemed necessary to help the Council properly understand the adverse effects or other characteristics of the proposed variation, the statutory mechanism to pursue that would be under s.92 of the RMA. As it stands, the Applicant is aware of and has responded in writing to the Marshall Day Ltd assessment provided by interested parties at 12, 14, 16 and 18 Cremorne Street. It has provided reasons why that information should not be preferred relative to the findings of the Applicant's own expert acoustician Mr. Hegley. I find that there is in totality a sufficient probatively-valuable body of information available to the Council to make a decision on the matter of acoustic effects and including cumulative effects.
 - c. In terms of the argument made by the Council's planner Mr. Moss that public notification would be in the public interest, I find this again not well substantiated and ultimately unpersuasive. Any adverse effects on local residents can be properly considered in the context of limited notification. The key limb of Mr. Moss' concerns on this matter was users of Cremorne Beach reserve, whom cannot be readily identified

for the purposes of limited notification. Mr. Moss' approach was that because the maximum noise levels likely to be experienced by a user of the reserve would be similar to that experienced by users of 20 Cremorne Street, it would follow that an equivalent adverse effect would be experienced by such a person. I disagree with this assumption. Adverse effects of the proposal on persons around the Site will be as a result of both the maximum noise levels emitted *and* the frequency and regularity of exposure to the noise of helicopter take offs and landings, taken together. I find it very unlikely that individual beach occupants would experience anything close to the frequency of helicopter take off and landing activities that neighbouring residents will because they will not be occupying the land in the same way or for the same duration (both in terms of the extent of a day and the number of days in total). In summary a reserve user would need to be more-or-less permanently occupying the reserve to be exposed to the same effect that residential neighbours around the Site would. I am satisfied that even individuals who visited the reserve on a daily basis would on the balance of probabilities likely be exposed to a scale of helicopter take offs and landings not discernibly different to the consented environment.

- d. Helicopter take off and landings are familiar in Auckland and to the Council in particular. There is nothing about the proposal that would suggest that it is out of the ordinary or beyond the capability of the Council to properly determine without public notification occurring.

Limited notification

Under section 95B of the RMA, this application shall proceed with limited notification because:

1. Having determined that public notification of the application is not required under s.95A of the RMA, I am required to follow the procedure set out in s.95B of the Act in the order given in that section.
2. I find that limited notification is not mandatory under step 1, having considered s.95B(2) and s.95B(3) of the RMA. This requires me to proceed to step 2.
3. I find that limited notification is not precluded under step 2, having considered s.95B(5) and s.95B(6) RMA. This requires me to proceed to step 3.
4. In terms of step 3, having considered s.95B(7) (which does not apply to the proposal), and s.95B(8) of the RMA - in accordance with s.95E of the Act – I find that there are affected persons and the Council is directed by s.95B(9) to notify those persons. My reasons and the persons I find to be affected are:
 - a. The key threshold of adverse effects that triggers whether a person is or is not affected is set out in s.95E(1) of the RMA, and is whether the effect is minor or more than minor, but not less than minor.
 - b. In terms of the existing environment, this includes the existing consent and relevant noise from other lawfully established activities (in terms of cumulative effects). I find that there is no relevant permitted baseline that should be additionally taken into account.

- c. The Applicant's argument is that, in part due to using a superior helicopter technology, it will be able to accommodate more take offs and landings per week than the existing condition 10 allows whilst still maintaining overall compliance with the noise limit specified by existing condition 7 (L_{dn} 50dBA). Coupled with retaining the annual overall limit of 104 take off and 104 landing movements that existing condition 10 could allow, the argument is that the overall adverse effects that would result on any person would be no worse than is the case currently (or would be at worst less than minor). I do not accept this, for the following reasons:
- i. Although I accept the practicality of assessing noise in accordance with NZS6807:1994, which has been specifically developed to assess helicopter landing areas, and as the Applicant has done, that approach sits outside of the Auckland Unitary Plan and it is not listed within Appendix 17 of the Unitary Plan (documents incorporated by reference). I see no basis to adopt the 7-continuous-day averaging of noise effects that NZS6807:1994 allows and that the Applicant has relied on. It can at most be an activity-specific guideline to be considered alongside what the Unitary Plan does specify.
 - ii. The Unitary Plan in turn does not provide a definition for how noise is to be measured, but NZS6801:2008 does (a 24-hour averaging). The relevance of this is that within Appendix 17 of the Unitary Plan that Standard *has* been incorporated by reference and I find that it is the approach that must be afforded the greater significance in the first instance.
 - iii. It follows that because NZS6807:1994 has not been referenced within the existing condition 7, that the condition must also be subject to NZS6801:2008 and be limited to noise averaged over a 24-hour, rather than 7-day, period. In all fairness I wish to record however that on that point, the existing consent itself does refer to the Applicant's use of NZS6807:1994 in the original application and the Council appears to have accepted the results of an assessment undertaken following that (page 10 of the decision). But no reference to that standard or its acceptability as a means of measuring compliance was carried over to the condition that was imposed on the consent.
 - iv. To make sense of the uncertainty that exists between the Unitary Plan, NZS6801:2008 and NZS6807:1994, I have resolved to not place a greater emphasis on either a 24-hour or a 7-day noise interval. Instead, I have considered them alongside one another as being equally helpful and relevant to the question of real-world adverse effects on persons.
 - v. When considering the effects of noise on persons I find that it is not as straightforward as checking whether or not a maximum noise limit has been exceeded; there are many different types and combinations of noise sources across a 24-hour period (or a 7-day one) that, whilst all complying with the maximum standard, have significantly different characteristics to one another and different effects on persons' amenity values. A quieter sound occurring more frequently and that might 'fade into the background' might not be as offensive to a person as a louder sound of much shorter duration (or vice versa, depending on the person), for example.

- v. The proposal will result in a potential doubling of permitted take off and landing movements on a single day (24-hour period) and I am satisfied that this is likely to be very noticeable (or perceptibly very and disruptively loud) to those persons close to the Site. Even when I consider the corresponding reduction in noise effects that will occur on other days and weeks where less take offs or landings would occur (due to the overall annual limit of 104 take offs and 104 landings proposed), there is a sufficient change in noise characteristics proposed that people close to the Site will experience an at least minor effect. I find that this minor effect will be adverse.
 - vi. I find that other than noise, the adverse effects of the variation of conditions proposed in all other respects including amenity values generally and safety, would be less than minor on any person.
 - vii. For the above reasons, I am persuaded to agree with the conclusions of Mr. Moss and Mr. Gordon for the Council. I find that the persons residing at 3 River Terrace, 18 Cremorne Street, 20 Cremorne Street and 8 Wairangi Street will be affected by the change in conditions proposed and notice must be served on these persons.
 - viii. I am satisfied that due to separation distance from the Site and the mitigation that will be provided by intervening buildings blocking and screening sound waves from the Site, that no other persons would be subject to minor or more than minor adverse effects, and would not be classified as affected persons. For completeness, I have previously considered individuals using the adjacent Cremorne Reserve in my consideration of special circumstances for public notification (s.95A) and with reference to that reasoning confirm my finding that there will be no affected persons in relation to that space.
5. Under step 4, and having considered s.95B(10) of the RMA, I find that there are no special circumstances that warrant the application being limited notified to any other persons. This is for the same reasons that I found in relation to s.95A special circumstances and I refer to those comments.

Accordingly, this application shall proceed with **LIMITED NOTIFICATION**. Notice of this application shall be served on the affected persons listed above unless their written approval is otherwise obtained.



Ian Munro

Duty Commissioner

9 March 2022

Decision on an Application for a Resource Consent under the Resource Management Act 1991

Discretionary under the Regional Plan: Coastal



Application Number(s): R/REG/2015/1185

Applicant's Name: Adrian Kenneth Burr and Mark Andrew Taylor

Site Address: 12 Cremorne Street, Herne Bay

Legal Description: Lot 1 DP 123996 & Lot 1 DP 438568

NZTM map reference: 1754215mE 5921225mN

Proposal To establish a helipad on the roof of an approved boatshed within the coastal marine area adjacent to 12 Cremorne Street and operate a domestic helicopter having no more than 6 flights (6 arrivals and 6 departures) in any 7 day period with a maximum of two flights in any one day.

This requires resource consent for the following reasons:

Coastal permits (s12) – R/REG/2015/1185

Auckland Council Regional Plan: Coastal

- Pursuant to Rule 11.5.5 of the Auckland Council Regional Plan: Coastal, any activity which is not a permitted, controlled or restricted discretionary activity and is not prohibited is considered to be a discretionary activity. The use of the roof of the approved boat shed to be used as a helipad in a coastal marine area is considered as a Discretionary activity.

I have read the application, supporting documents, and the report and recommendations on the consent application. 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 this application.

Acting under delegated authority, under sections 104, 104B and s108 this application is **GRANTED**.

Reasons

Under section 113 of the RMA the reasons for this decision are:

- (a) In terms of Section 104(1)(a) of the Resource Management Act 1991, the proposal will result in actual and potential effects. In particular, the use of the roof of an approved boat shed as a helipad for the arrival and departure of helicopters for domestic use will have less than minor adverse effects in terms of visual amenity, character noise and cumulative effects.

Any visual amenity and character effects will be mitigated with the location of the proposed helipad being extensively screened by mature vegetation and well separated from surrounding residential properties. The helicopters will be visible for short durations during departures and arrivals only and the flight path is proposed over the coastal environment with no flying occurring over residential properties which will further ensure that any visual effects on the surrounding residential properties are less than minor.

Although, the helicopter may be visible when flying over water, any adverse noise effects on the coastal marine area will be minimal and will not have any impact or adversely affect the recreational use nor any navigation and safety aspects of the coastal marine area. Therefore, any amenity or character effects will be less than minor on the coastal marine area and will be acceptable.

Due to the site location and characteristics, the proposed flight paths, the frequency of flights per week or per day and the short duration of the helicopter noise and the manner in which the helipad/helicopter will be operated does serve to mitigate such effects to a satisfactory degree and that subject to conditions of consent the adverse effects will be less than minor.

Furthermore, the potential noise to be generated as a result of the proposal has been assessed by the applicant's agent, Hegley Acoustic Consultants and Auckland Council's Consultant acoustic specialist, Marshall Day Acoustics. Findings and conclusion reached confirm that the proposed noise to be generated will be acceptable and reasonable and the consent conditions will further mitigate any adverse noise effects.

The proposal will allow for an alternate means of transport to be used for the applicants.

Overall, it is considered on balance that any actual or potential effects be acceptable within the context of the coastal marine area and the surrounding environment, and that any actual and potential adverse effects will be less than minor.

- (b) In terms of Section 104(1)(b) of the Resource Management Act 1991, the proposal is consistent with the relevant objectives and policies of the Regional Coastal Plan and the relevant assessment criteria. In addition, the proposal is consistent with the Proposed Auckland Unitary Plan. The outcomes sought under the operative and proposed provisions are similar as both seek the sustainable management of the natural heritage and the coastal environment whilst managing potential adverse effects. Accordingly, no weight exercise has been undertaken.

In addition, the proposal will be consistent with the New Zealand Coastal Policy Statement and the Hauraki Gulf Marine Parks Act 2000. Relevant provisions of the above documents seek outcomes relating to; recognition that there are activities that have a functional need to be located in the CMA, to avoid or mitigate adverse effects on ecological values, to protect the dynamic functioning of coastal processes, to preserve natural character, landscape quality, natural features and ecosystems of the coastal environment from inappropriate subdivision and the protection of natural character and outstanding landscapes and enable the appropriate use and development of the CMA in a manner that provides for the protection of values.

The proposal will not alter the ecology or coastal processes of the location, nor will the proposal restrict public access. Significant coastal vegetation will generally remain and the proposed helicopter flights will operate in a safe, effective and efficient manner while minimising the adverse effects.

Consent conditions will ensure the proposed activity is carried out in an appropriate manner as set out in the submitted application material and those further conditions put forth by specialists will ensure that any further potential effects are avoided or mitigated.

- (c) In terms of section 104(1)(c) of the Resource Management Act 1991, other relevant matters including monitoring, and conditions including a review condition to ensure noise levels generated are in accordance with those stated in the submitted application have been considered in the determination of the proposal. The duration of the consent has determined to match with the expiry date of the recently granted boatshed consent which is 23/10/49 as the helipad will be established over this approved boatshed.
- (d) The proposal meets the provisions of Part 2 of the Act. In particular, the proposal will generate acceptable effects on the environment and will provide a source of recreation to the applicant within the coastal marine area without adversely affecting the coastal environment.

Conditions

Under section 108 of the RMA, this consent is subject to the following conditions:

General Conditions

1. The proposed activity shall be carried out in accordance with the plans and all information submitted with the application, detailed below, and all referenced by the Council as consent number R/REG/2015/1186.
 - Application Form, and Assessment of Effects prepared by John Childs of John Childs Consultants Limited, dated 31 March 2015.
 - Acoustic report prepared by Neville Hegley of Hegley Acoustic Consultants and further information and attachments, dated February 2015, 29 July 2015 and; 25 August 2015.

Reference number	Title	Architect/Author	Date
<i>Sheet one</i>	<i>Proposed Helipad and flight path</i>	Hegley Acoustic Consultants	<i>Received</i>
<i>Sheet 2</i>	<i>Site Setout, Roof and Site Location Plan</i>	<i>Christian Anderson Architects</i>	<i>14/10/14</i>

- 2 This consent (or any part thereof) shall not commence until such time as the following charges, which are owing at the time the Council's decision is notified, have been paid in full:
 - a. All fixed charges relating to the receiving, processing and granting of this resource consent under section 36(1) of the Resource Management Act 1991 (RMA); and
 - b. All additional charges imposed under section 36(3) of the RMA to enable the Council to recover its actual and reasonable costs in respect of this application, which are beyond challenge.
- 3 The consent holder shall pay any subsequent further charges imposed under section 36 of the RMA relating to the receiving, processing and granting of this resource consent within 20 days of receipt of notification of a requirement to pay the same, provided that, in the case of any additional charges under section 36(3) of the RMA that are subject to challenge, the consent holder shall pay such amount as is determined by that process to be due and owing, within 20 days of receipt of the relevant decision.

Monitoring Charges

- 4 The consent holder shall pay the council an initial consent compliance monitoring charge of \$845 (inclusive of GST), plus any further monitoring charge or charges to recover the actual and reasonable costs that have been incurred to ensure compliance with the conditions attached to this consent.

Advice Note:

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 the council issue a letter confirming compliance on request of the consent holder.

Lapse of Consent

- 5 Pursuant to section 125 of the Resource Management Act 1991, 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.

Duration of Consent

- 6 Pursuant to section 123 of the Resource Management Act 1991, this resource consent shall expire on 23.10.2049 unless it has lapsed, been surrendered or been cancelled at an earlier date pursuant to the Resource Management Act 1991.

Hours of Operation

- 7 The helicopter flights shall be limited to the hours of 7:00am to 7:00pm Monday to Friday and 9:00am to 7:00pm on Saturday, Sunday and Public Holidays or between Morning Civil Twilight and Evening Civil Twilight, whichever is the more restrictive.

Type of Helicopter

- 8 The helipad shall not be used for any helicopter creating noise effects greater than a Eurocopter EC135 unless the consent holder can demonstrate to the satisfaction of the Team Leader Central Monitoring that the operation of the helicopter will comply with the noise limits specified in condition 11 of this consent.

Flight Track

- 9 The flight paths to and from the helipad shall be in accordance with Figure 1 of the report prepared by Hegley Acoustic Consultants dated February 2015.

Frequency

- 10 The number of helicopter flights shall be restricted to no more than 6 flights (6 arrivals and 6 departures) in a seven day period with no more than 2 flights (2 arrivals and 2 departures) in any one day.

Noise

- 11 The consent holder shall ensure that the use of the helipad to which this consent applies for helicopter operations shall not exceed a noise level of 50dBA Ldn when measured at the notional boundary of any adjacent dwelling (excluding any dwelling where written consent has been provided).
- 12 The Ldn value shall be averaged over a seven day period and the exposure on any single day shall not exceed an Ldn of 53dBA.
- 13 Measurements of helicopter noise shall be undertaken in accordance with the requirements of NZS 6801:2008 Acoustics – Measurement of Environmental Sound.
- 14 The consent holder shall at all times ensure that a full and accurate log of helicopter flight is maintained and located on site. The log shall note the type of helicopter, the helicopter operator and the time of flight. This log shall be made available to the Council upon request by the Team Leader Central Monitoring, within 24 hours of the time of the initial request to view the register.
- 15 The consent holder shall require that all pilots using the helipad, plan routes and fly in accordance with the recommendations of the Helicopter International Association document "Fly Neighbourly" Guide.

Review Condition

- 16 Pursuant to section 128 of the RMA the conditions of this consent may be reviewed by the Team Leader Central Monitoring at the consent holder's actual and reasonable cost:
 - (a) The Council may, upon the receipt of a credible/legitimate complaint/concern from any person, serve notice upon the consent holder of its intention to review conditions following the commencement of consent in order:

- To deal with any adverse effects on the environment which may arise or potentially arise from the exercise of this consent and which it is appropriate to deal with at a later stage, in particular adverse effects on the coastal environment or residential properties in terms of potential adverse noise effects, including issues resulting in, but not limited to, monitoring, complaints and the general operation of the helicopter flights.
- (b) At any time, if it is found that the information made available to the Council in the application contained inaccuracies which materially influenced the decision and the effects of the exercise of the consent are such that it is necessary to apply more appropriate conditions.

Advice notes

1. *The consent holder is responsible for obtaining all other necessary consents, permits, and licences, including those under the Building Act 2004, and the Heritage New Zealand Act 2014. This consent does not remove the need to comply with all other applicable Acts (including the Property Law Act 2007), regulations, relevant Bylaws, and rules of law. This consent does not constitute building consent approval. Please check whether a building consent is required under the Building Act 2004.*
2. *The consent holder is requested to notify Council, in writing, of their intention to begin works, a minimum of seven days prior to commencement. Such notification should be sent to the Team Leader Compliance and Monitoring (email: rcmadmin@aucklandcouncil.govt.nz or fax: 353 9186) and include the following details:*
 - *name and telephone number of the project manager and the site owner*
 - *site address to which the consent relates*
 - *activity to which the consent relates*
 - *expected duration of works*
3. *The scope of this resource consent is defined by the application made to Auckland Council and all documentation supporting that application.*
4. *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 Council within 15 working days of notification of the decision.*

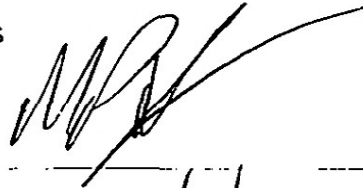
Delegated decision maker:

Name: Mark Weingarth

Title: Lead Consent & Performance Specialist

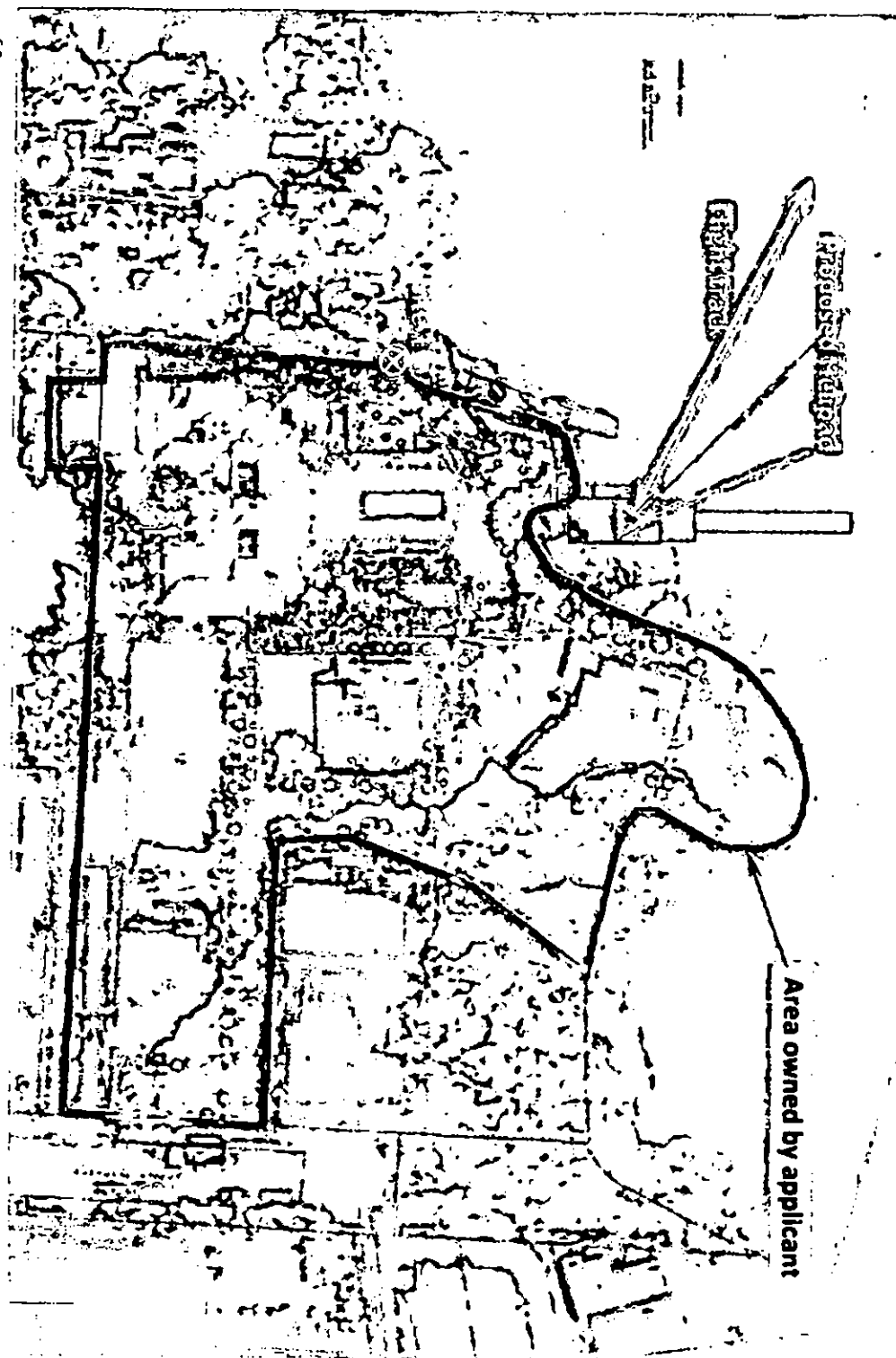
Resource Consents

Signed:



Date:

18/9/15



1.7

EXTERIOR WORKS KEY

EXISTING STRUCTURE TO BE DEMOLISHED

NEW ACCESS STAIRWAY TO NUMBER 12 CREMORNE STREET

MAKE GOOD EXISTING JETTY STRUCTURE

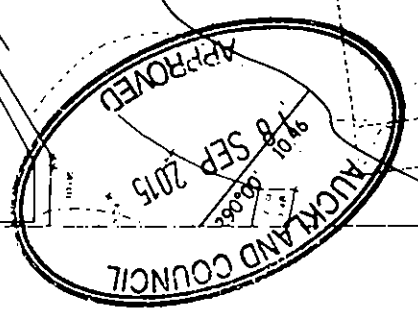
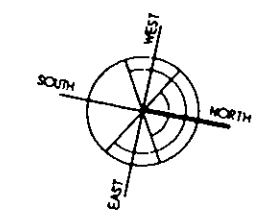
REMOVE EXISTING BOAT RAMP

NEW WALKWAY TO BOATSHED

SMUGGLER STRATA 850 / 900 / 950 OR SIMILAR TO BE CONFIRMED

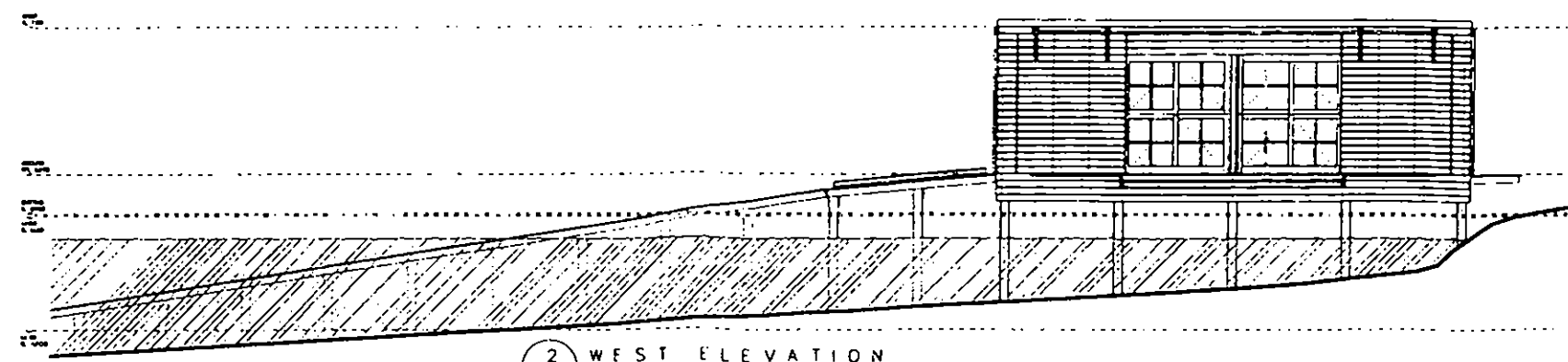
NEW BOATSHED STRUCTURE IN SIMILAR FOOTPRINT TO OLD STRUCTURE TO BE DEMOLISHED

DEMOLISH EXISTING BOATSHED STRUCTURE WHERE DASHED



1 SITE SETOUT, ROOF AND SITE LOCATION PLAN

SCALE 1:100



2 WEST ELEVATION

SCALE 1:100

SITE SETOUT, ROOF AND SITE LOCATION PLAN

christian anderson
architects

christian anderson architects ltd
P. Portland St, Herne Bay Auckland 9018
PO Box 47444 Herne Bay Auckland 9018
New Zealand
t 09 276 7370 f 09 277 370
g 09 276 7370 e info@ca.co.nz

PRELIMINARY 14.10.2014

client: ADRIAN BURR & MARK TAYLOR
project: 12 CREMORNE STREET, HERNE BAY
drawing: SITE SETOUT, ROOF AND SITE LOCATION PLAN

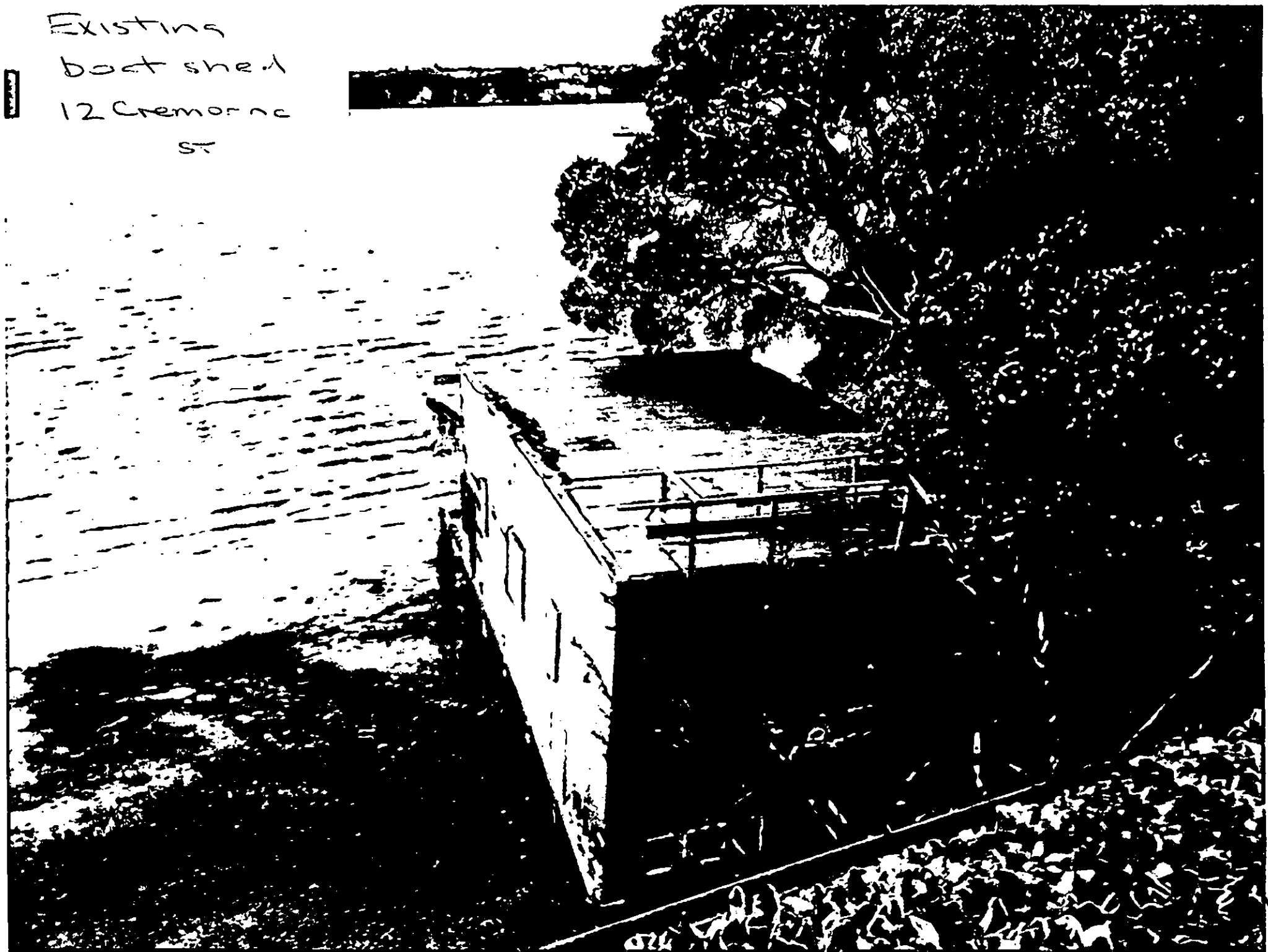
design	CRA	job no	1401
drawn	SW	date	BC
checked	CRA	date	29/10/14
date	OCT 2014	scale	1:100 & 1:500
scale			

Existing

boat shed

12 Cremorne

ST



17

Boatshed /
Slipway
12 Cremorne
St



ATTACHMENT FIVE

NOTIFICATION DETERMINATION REPORT

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



Non-complying activity

Application number(s): LUC60389929 (s9 land use consent)
Applicant: Alexander James Williams
Site address: 38 Rawene Avenue, Westmere
Legal description: Lot 55 DP 10231, Lot 56 DP 10231 held in Record of Title NA89D/452

Proposal:

To use a residential site in the Residential – Mixed Housing Suburban zone for helicopter take-off and landing, and to exceed noise standards.

Resource consents are required for the following reasons:

Land use consent (s9) – LUC60389929

Auckland Unitary Plan (Operative in part)

District land use (operative plan provisions)

Residential – Mixed Housing Suburban Zone

- The applicant proposes to establish a helicopter pad on their property. Use of a residential site for the take-off and landing of helicopters is not provided for as part of the use of the site for residential purposes, and as such is not an activity provided for in Activity Table H4.4.1, and therefore requires consent as a **non-complying** activity pursuant to rule H4.4.1(A1).

It is noted that the Mitchell Daysh AEE outlines that *helicopter take offs and landings would be a permitted activity if they comply with all applicable standards in the Unitary Plan*, noting this is based on a ‘decision made by Auckland Council in which helicopter take-offs and landings were considered “residential activities” associated with the “use” of a residential dwelling’¹. On this basis, the applicant has applied for resource consent as a *restricted discretionary activity*, where this proposal does not comply with Standard E25.6.32 Noise levels for helicopter take-offs and landing at two adjacent properties (34 and 36 Rawene Avenue). I do not agree with this interpretation of the helicopter activities being considered a residential activity, as helicopter landing areas are not referred to in the activity table for the Residential – Housing Suburban Zone, and as such are an activity not provided for in the zone.

Noise and Vibration

¹ Refer to decision LUC60134603-A, dated 9 March 2022.

- The proposed helicopter take-off and landing activity is predicted to exceed the noise standards of E25.6.32, and as such is a **restricted discretionary** activity under Rule E25.4.1(A2).

Specifically, standard E25.6.32(1) requires the take-off or landing of a helicopter on any site except for emergency services must not exceed L_{dn} 50dB or 85dB L_{AFmax} measured within the boundary or the notional boundary of any adjacent site containing activities sensitive to noise and L_{dn} 60dBA within the boundary of any other site.

The proposed helicopter take-off and landing activity is expected to result in exceedances of noise standards at the following properties:

Receiver address	Predicted one-day helicopter noise (L_{dn})	Predicted noise level (L_{AFMax})
36 Rawene Avenue	56 dB	91 dB
34 Rawene Avenue*	53 dB	89 dB
32 Rawene Avenue*	52 dB	87 dB
29 Rawene Avenue*	51 dB	85 dB

*It is noted that the helipad location as currently proposed on the plan dated 13 June 2024 is located approximately 10-15m further to the south than appears to have been assessed in the applicant's acoustic report. Council's acoustic specialist has assessed this as resulting in infringements in the order of 1 or 2 dB at 29 and 32 Rawene Avenue, and 2-4 dB at 34 Rawene Avenue. The flight sector also appears to be smaller in this latest plan. For the avoidance of doubt, a conservative approach has been taken in identifying all potential and maximum exceedances of noise standards, as identified by Council's acoustic specialist and set out above.

The reasons for consent are considered together as a **non-complying** activity overall.

Decision

I have read the application, carefully reviewed the supporting One Drive files², and the section 42A Report prepared by Ms Adonica Giborees³ with her recommendations on the notification of the application for resource consent. I have a very good understanding of the local area having been brought up in Herne Bay. 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.

Public notification

Under section 95A of the RMA, this application shall be **PUBLICLY NOTIFIED** because:

² Including the applicant's application material; 2 AAES; community correspondence; council specialists' inputs; the Waitemata Local Board comments and the section 92 responses.

³ Reporting Planner, Premium Resources Consents, Auckland Council

1. Public Notification is neither mandatory nor precluded under steps 1 and 2.
2. However, under step 3, public notification is required as:
 - a. while the application is for activities that are not subject to a plan rule or regulation in an NES that specifically requires public notification;
 - b. the adverse effects on the environment will be more than minor. This is because:
 - The proposal to include a deviation clause in the flight path to cater for emergency scenarios would potentially allow flights to occur over valuable foraging habitat during emergency scenarios. No assessment has been provided on how allowing this would impact birds as the emergency flight path has not been provided and are likely to be selected case by case. The extent of effects on habitats and ecological values is therefore unknown.
 - The proposal to allow flights to include "immediately adjacent times when avifauna are absent" increases the risk of accidental flights while birds are on the roost, which in turn could lead to birds abandoning the roost altogether. There is no detail on how this would work in practice or be monitored or enforced.
 - Lighting from the helicopter and landing area, along with associated noise, can induce stress for birds attempting to roost and sleep in the surrounding habitat. Birds can be impacted by light and noise, affecting not only the amount of sleep, but also the structure, timing, and regulation of their sleep. The application as proposed would allow helicopter operations to continue when the sun is down could disrupt critical parts of their lifecycle, such as breeding. Lighting from the helicopter may also startle roosting birds, increasing the likelihood of fly strike.
 - While the noise events from the helicopter operations may be short and [only] up to four times in a day, the impacts of noise on wildlife would be continuous rather than isolated events, and this continuous disturbance could lead to a whole area becoming inhospitable to some species. Causing birds to vacate an area during noise events would affect energy expenditure and foraging efficiency, which in turn, can lower survival and reproduction rates.
 - There are trees on and around the perimeter of the subject site (both existing and proposed under the seawall consent) that are very close to the proposed helipad and flight path. It is not clear on how the proposed helicopter operations will impact on the health and longevity of the coastal Pohutukawa trees on both sides of the cliff at north-west and north-east coasts, nor of the new trees to be planted along the coast in accordance with the seawall consent. It is also noted that any alteration of the Pohutukawa trees necessitated by the proposed helicopter operations would require resource consent, the effects of which have not been and are not able to be) adequately assessed.
 - Following on from the point above, the damage to or demise of trees has the potential to result in a significant consequential adverse effect on character and amenity values of the surrounding coastal area.
 - There is the potential for the proposal to have more than minor adverse effects on character and amenity values of the locality. The degree to which these adverse

effects impact on people will depend on a person's location relative to the site and activity, alongside whether or not a direct view of the helicopter arrival and departure is apparent (in combination with the noise impacts of the activity).

- The perception of recreational users of public places can differ, depending on the extent, period and frequency of use of public space such as Coxs Bay and the coastal environment. The varied extent of adverse nuisance effects on recreational activities by the general public as a result of disruption caused by helicopter operations has the potential to be more than minor.
- The proposal would have potentially repetitive (cumulative) adverse effects on the environment.

3. Consideration of step 4 is not required given the finding of step 3.

A handwritten signature in black ink, appearing to read 'Mark Farnsworth', with a stylized flourish at the end.

Mark C Farnsworth MNZM

Duty Commissioner

4 October 2024

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



Non-complying activity

1. Application description

Application number(s):	LUC60389929 (s9 land use consent)
Applicant:	Alexander James Williams
Site address:	38 Rawene Avenue, Westmere
Legal description:	Lot 55 DP 10231, Lot 56 DP 10231 held in Record of Title NA89D/452
Site area:	4,530 square metres
Auckland Unitary Plan (Operative in part)	
Zoning and precinct:	Residential – Mixed Housing Suburban Zone Coastal - General Coastal Marine Zone
Overlays:	Natural Heritage: Notable Tree - Pohutukawa (4), Pūriri – unverified position of tree (Schedule 45).
Controls:	Coastal Inundation – 1% AEP, 1% AEP plus 1m sea level rise, 1% AEP plus 2m sea level rise Macroinvertebrate Community Index – Urban
Special features:	N/A
Designations:	None
Proposed plan change(s):	Plan Change 78 (Intensification Planning Instrument)
Zoning:	Residential – Mixed Housing Suburban Zone Coastal - General Coastal Marine Zone
Spatially Identified Qualifying Matters:	Notable Trees Overlay Coastal Inundation Coastal Erosion
Statutory limitations:	Coastal Statutory Acknowledgement Area - Ngai Tai ki Tāmaki (outer edge of property adjacent to CMA)
Non-statutory limitations:	Geology: Neogene sedimentary rocks – East Coast Bays Formation of Warkworth Subgroup (Waitemata Group) Coastal erosion: Area Susceptible to Coastal Instability and Erosion (Level A – Regional) Land stability: <ul style="list-style-type: none">- Soil Warning: Unstable/Suspected Ground- Liquefaction Potential 1997: Class A (unlikely to liquefy)- Landslide Susceptibility 1997: High

2. Locality Plan



Figure 1. Map showing location of subject site [Source: Auckland Council GIS]

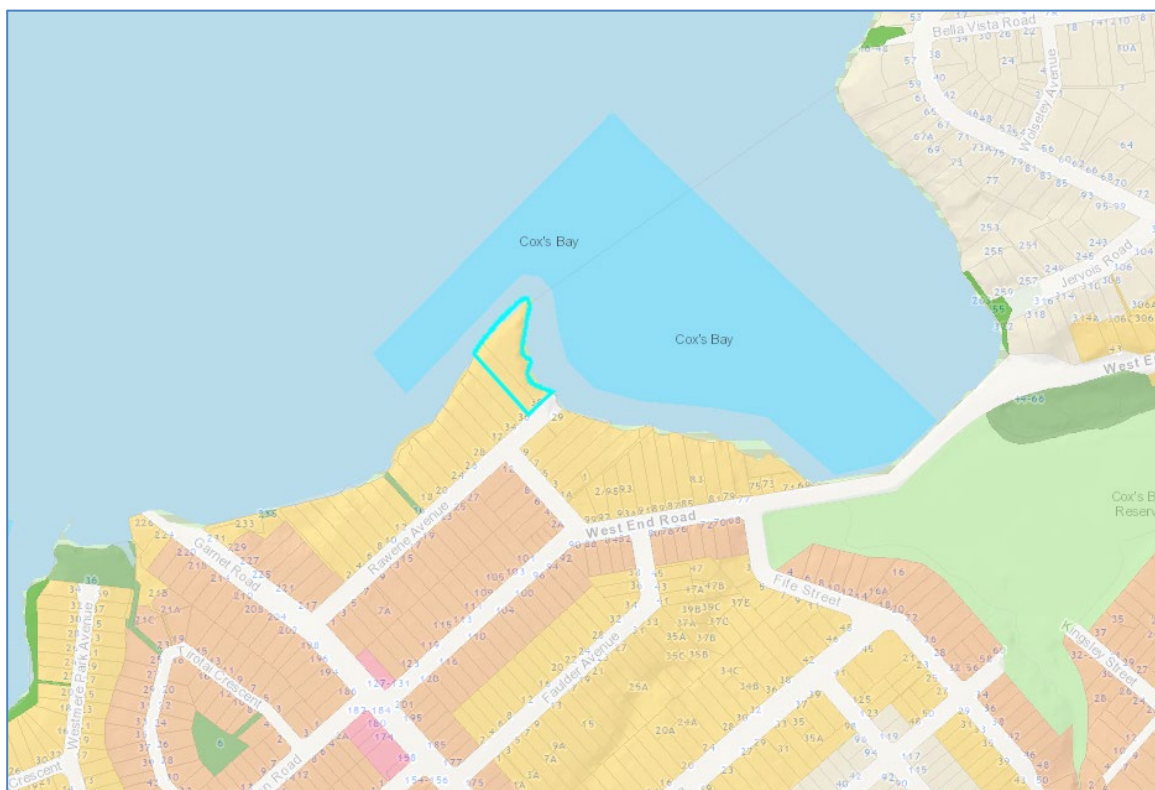


Figure 2. AUP(OP) Zoning Map of subject site and surrounding area [Source: Auckland Council GIS]

3. The proposal, site and locality description

Proposal, site and surrounding environment description

A resource consent application has been received for the use of the site for helicopter take-off and landing at 38 Rawene Avenue, Westmere.

Mark Benjamin of Mt Hobson Group has provided an “*Assessment of Effects on the Environment and Statutory Assessment, Helicopter Take Off and Landing Activity, 38 Rawene Avenue, Westmere, Anna Mowbray and Ali Williams*”, dated 21 November 2021. This is hereafter referred to as ‘the applicant’s original AEE’.

Phil Mitchell of Mitchell Daysh has provided a description of the proposal and subject site in Sections 1.3 and 1.4 (on pages 2-6) of the Assessment of Environmental Effects (AEE) titled: “*Anna Mowbray and Ali Williams – Helicopter Activity – Updated Information – 38 Rawene Avenue, Westmere*”, dated 23 April 2024. This is hereafter referred to as ‘the applicant’s updated AEE’.

The Mitchell Daysh AEE contains updated information on the application, and is to be read together with the applicant’s original AEE by Mt Hobson Group.

A request for further information was issued on 9 December 2021. Responses to these requests for further information and clarifications on the proposal have been provided on 01 & 26 April 2022, 30 June 2022, 23 April 2024, 7 & 16 May 2024, and 11, 13, & 14 June 2024.

Having undertaken a site visit on 31/05/2024, I concur with the description of the proposal and the site contained within the two AEE’s. I note the following salient points in respect of the proposal:

- The headland upon which the subject site is located is known as ‘Piper Point’.
- The proposed helicopter take-off and landings are proposed from a helipad located in the north-western corner of the site next to the existing swimming pool. At the time of site visit, this area was a formed terrace (ungrassed); the helipad area is to be planted in grass.
- No earthworks, structures, safety fencing, or signage is proposed in respect of the proposed helicopter take-off and landing area, nor is it proposed to remove or alter any existing vegetation to enable the helicopter operations.
- The proposed helipad is not located within the Coastal Marine Area (CMA).
- It is proposed to limit helicopter movements to a maximum of 4 per day (2 take-offs and 2 landings); this has been confirmed via e-mail on 7 May 2024. The flight arrival and departure pathway would be confined to an arc, as shown in Figure 3 below/overleaf. It is noted that an updated helipad location plan was provided on 14 June 2024, which clarifies the proposed helipad location and flight sector.

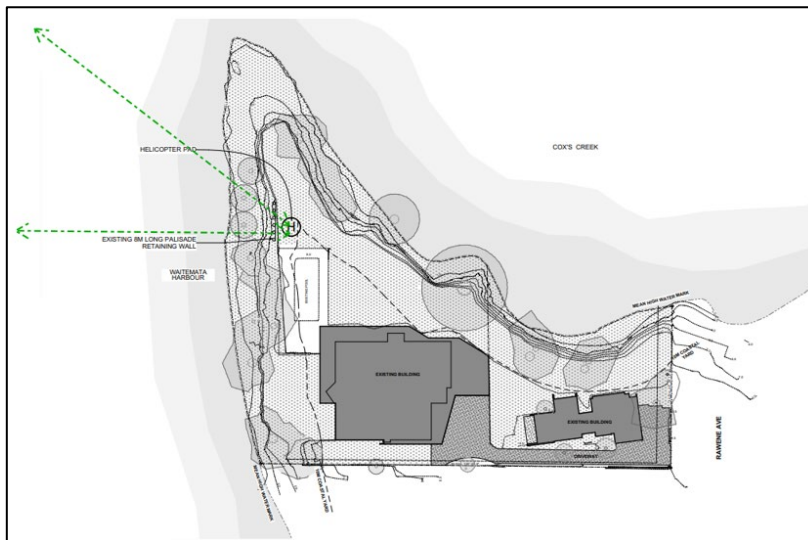


Figure 3. Helipad location plan with flight sector (Source: Application: Helipad Location Plan, dated 13-06-2024)

- The applicant is seeking the inclusion of a deviation clause to the flight path identified in Figure 3 above to cater for emergency scenarios. It is proposed that any such deviation would be at the discretion of a skilled pilot who trained in Confined Area Operations, holds their Commercial Pilots License (CPL), and who operate within Civil Aviation Authority (CAA) Guidelines.
- The applicant is proposing to use an Airbus H130 helicopter which [the applicant outlines] has a total elapse time of approximately 50 seconds on take-off; 30 seconds for the engine to start up and 20 seconds to take off and reach a height of 500 ft. The total time elapsed on landing is 90 seconds, 60 seconds being the approach to landing (from a height of 500 ft) and 30 second to shut down the engine. The applicant has clarified that the helicopter will be approximately 340m from the landing location as it passes through 500 ft, this applies to both take-off and landing.
- The proposal is for helicopter movements to be restricted to a window either side of low tide.
- The proposal does not include specific hours of operation for the proposed helicopter operations. However the proposal includes the following parameters::
 - The restriction of helicopter movements to a specific flight path envelope (excluding emergency); and
 - Restricting helicopter movements to two hours either side of low tide, and immediately adjacent times when avifauna are absent from the area (the intention being to avoid adverse effects on avifauna); this allows potential risk of accidental flights while birds are on the roost, which in turn could lead to birds abandoning the roost altogether. There is no detail on how this would work in practice or be monitored or enforced.

Further information

The applicant's agent has provided a letter regarding special circumstances (letter by Chancery Green, dated 25 July 2024). I have addressed special circumstances under section 6 of this report (Step 4 of the notification assessment).

The applicant's agent has also provided a letter by Chancery Green (dated 16 August 2024) addressing issues raised by members of the public (discussed in section 4 of this report); notably, the following matters which have been taken into account in the relevant sections of this report:

- A response to third-party technical reports;
- Response to a letter from Quiet Sky Waitematā including its description of the legal framework for notification;
- Irrelevant and/or incorrect matters raised.

4. Background

Procedural matters

The applicant's original AEE sought resource consent as a non-complying activity pursuant to Rule H4.4.1(A1) of the AUP(OP) for use of a residential site for the take-off and landing of helicopters not provided for as part of the use of the site for residential purposes.

During the processing of the application, the applicant considered the correspondence and information from interested parties, and (on 30 June 2022) advised the Council of their decision to provide the public an opportunity to highlight any issues of concern with the proposal would be beneficial. On 30 June 2022, the applicant formally requested that, pursuant to s95A(3)(a), this consent application be publicly notified.

The applicant's updated AEE (submitted on 23 April 2024) seeks resource consent as a restricted discretionary activity pursuant to Rule E25.4.1(A1) for infringements to noise standards, where it is considered helicopter take offs and landings would be a permitted activity if they comply with all applicable standards in the AUP(OP). The applicant's updated AEE provides an evaluation of the proposal against Section 104D of the RMA out of an abundance of caution, in the event that the interpretation of consent being required as a restricted discretionary activity is not agreed with. I do not agree with the applicant's updated AEE in respect of the activity status (as discussed in detail in section 5 of this report), and consider that resource consent would overall be required as a non-complying activity.

In the applicant's updated AEE, the applicant no longer requests the application be publicly notified pursuant to s95A(3)(a), concluding that the resource consent application for the proposal can be processed on a non-notified basis. As such, this report sets out to undertake a full assessment of adverse effects of the proposal in respect of s95 of the RMA.

Specialist Input

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

- Peter Runcie, SLR Consulting Limited – Acoustic specialist
- Maddie White – Ecologist
- Peter Kensington – Landscape specialist
- Regine Leung - Arborist
- Auckland Council Sport and Recreation

Record of Title

A review of the record of title for the application site confirms that there are no instruments contained within the records of title that will have any bearing on this resource consent application.

Relevant Consenting History

Application site

Resource consent BUN60373967 (LUC60369516 & WAT60373968) was granted on 3 September 2021 for substantial demolition of an existing dwelling and construction of new dwelling in its place, earthworks to construct basement, groundwater take (dewatering) and diversion, and works within the rootzone of a generally protected Pohutukawa tree. At the time of site visit, the new dwelling was under construction.

Resource consent BUN60383789 (CST60383790 & LUC60383791) was granted on 8 June 2022 for the construction of a rock masonry seawall around the perimeter of the subject site, in two portions, to address coastal erosion at the site, to construct stairs inset into the seawall to provide property access to the foreshore at the west of the foreshore, with associated earthworks and tree works. At the time of site visit, the seawall had been constructed, and the approved planting was in the process of being implemented. This consent is hereafter referred to as 'the seawall consent'.

Approved helipads in locality

Resource consent LUC60111440 (Legacy No. R/LUC/2011/114) was approved on 24 May 2011 for the establishment of a helicopter pad on a residential site at 64 Sentinel Road, Herne Bay.

Resource consent LUC60134603 was granted on 10 July 2015 to construct a helicopter pad and operate a domestic helicopter of not more than 2 flights per week within the Residential 2b Zone and Coastal Management Area at 15 Cremorne Street, Herne Bay. A s127 application to change the number of consented helicopter flights from two (2) flights per week to four (4) flights per week, with no more than two (2) flights on any one day, however this s127 application was withdrawn and did not proceed.

Resource consent CST60082172 (Legacy number R/REG/2015/118) was approved on 21 September 2015 to establish a helipad on a boat shed for domestic use, within the coastal marine area adjacent to 12 Cremorne Street, Herne Bay.

Mana whenua consultation

Iwi comment on the proposed application was invited from the relevant iwi in the locality by way of Council's iwi facilitation service (on 13 May 2024). The council has not received any response at the time of writing this report.

Local Board

Local Board member notification comment on proposed application

Local Board member comment on the proposed application was received by the council's processing planner on 13 May 2024 from Alexandra Bonham, the planning spokesperson for Waitemata Local Board, and has been received. The Local Board member raised the following issues, noting the local board do not support the application, and strongly recommend public notification for this (and all) helicopter pad application(s).

“...Please refer to Waitemata Local Board Resolution number WTM/2023/125 from December 2023.

https://infocouncil.aucklandcouncil.govt.nz/Open/2023/12/20231212_WTM_MIN_11846_WEB.htm

The board notes that helicopter movements are currently non-complying activities in the Auckland Unitary Plan, and as these are not in alignment with multiple strategies or council legal obligations can and should be declined unless there is a compelling reason otherwise. Existing strategies include, but are not limited to the transport emission reduction plan, Te Taruke a Tawhiri Auckland's Climate Plan, and the Local Government Act that centres the council's purpose to ensure the four wellbeings. As the Westmere site is easily accessible to transport links, including a helipad in Mechanics Bay, it is impossible to justify helicopter movements onsite.

The assertion in the report “Additionally, based on a recent Auckland Council decision, the proposal has been reassessed on the basis that it is a restricted discretionary activity, while notification matters have also been reassessed” is not valid. All the helipads in Herne Bay were consented before the AUP plan change that made helipads a non-complying activity. They do not set a precedent for this application. The recent resource consent proposed in Cremorne St was with regard [to] a variation to an existing consent, not a new consent.

Noise pollution significantly impacts on the mental health and wellbeing of local neighbours and those enjoying the beach reserve, including in the future, the Sea Scouts and users of all ages. The council is investing heavily in reducing pollution levels. The noise impacts on wildlife and the environment. The proposal may be on the point but it is in a built up area and because helicopter pilots are obliged to take a pathway that is safe on approach, one must anticipate that there will be many other residents, and users of the beach like kayakers etc, close to the flightpath who will be effected in a way that is more than minor.

Helicopter movements can be an issue for health and safety. It is also noted that because helicopter movements are known (and are expected) to change path to ensure safety, noise breaches can occur where no consent has been given. We note also that buffering elements like trees can be removed. This consent would be in perpetuity and could impact people more severely over time. It is impossible to effectively mitigate and manage noise, safety and wellbeing so we recommend the application is declined and if it is to be progressed it must go through full public notification.

We have attached a letter from local residents that raise concerns around acoustic modelling, the environmental assessment and the interpretation of the Auckland Unitary Plan. We share their concerns. These are the board's concerns and they should be taken into account. We do not want to set a precedent for helipads in Westmere, Point Chevalier or beyond where significant intensification is planned. The board wishes to be kept informed with regard this consent. It is of major interest to the board. This would include any further information on the application, for example timelines or if new information is sought.

We urge once again to decline the consent, or if it is progressed to go through full public notification.”

The Local Board member comment has been considered within the notification assessment below, where relevant.

The following points raised by the Local Board are not considered relevant under s95 of the RMA (instead, they would be a consideration under s104(1)(c) of the RMA in respect of ‘any other matter the consent authority considers relevant and reasonably necessary to determine the application’):

- Precedent set by previous decisions made by Auckland Council.
- Assessment of the proposal in relation to Council strategies such as the transport emission reduction plan, Te Taruke a Tawhiri Auckland’s Climate Plan, and the Local Government Act.

Third-Party Technical Reports

During the processing of the resource consent application, the following third-party technical reports have been received from interested parties:

- *‘Expert Peer Review: Assessment of the Effects of a Proposed Helipad at 38 Rawene Avenue, Westmere, on the Coastal Avifauna.’*, prepared by Alliance Ecology, dated May 2024 (hereafter referred to as ‘the Alliance Ecology (AE) report’).
- *‘Peer Review of 38 Rawene Avenue Helicopter Landing Area Noise Assessment’* prepared by Marshall Day Acoustics, Ref: Lt 001 R03 20211247 PI dated 28 May 2024 (hereafter referred to as ‘the MDA review’).

These third-party reports have been reviewed in respect of the application by Council’s specialists. In addition, the applicant has responded to these reports (in a letter from Chancery Green, dated 16 August 2024). I do not consider that the applicant’s response to these reports add to or change the assessments undertaken or conclusions drawn in the application documents provided prior to receipt of this correspondence. I have referenced any areas of disagreement between the experts below.

AE report

The AE report identifies limitations of the surveys undertaken by the applicant’s ecological report by Bioresarches. Council’s ecologist, Ms Maddie White, has reviewed both the applicant’s ecological assessment and the AE report, and provides comments on those points raised by AE in her memo. The points raised in the AE report and Ms White’s commentary on the same, are summarised below. An assessment of adverse ecological effects is more specifically provided in section 6.A. of this report.

- *Value of Meola Reef for nesting and roosting*

The AE report considers the applicant’s ecological assessment understates the value of the Meola Reef for nesting and roosting.

Ms White agrees that areas within Meola Reef provide suitable nesting habitat for Caspian Terns, however, considers the suitable nesting areas will be avoided if the flightpath restrictions are imposed.

- *Ecological surveys*

The AE report identifies the limitations and constraints, including surveys excluding May and June, vegetation blocking the line of sight on the western shoreline, survey techniques

being less likely to detect small cryptic non-flocking birds, low tide surveys amounting to 2.5% of diurnal low tide sampling, and surveys being undertaken after cyclone Gabrielle.

Ms White agrees that May and June are important months for wader surveys, as this will capture South Island pied oystercatchers, wrybill and banded dotterel that migrate north during the non-breeding season. Surveys were undertaken in July, which would capture species that are not present over breeding season. However, one low-tide survey during the appropriate season limits the data. Ms White considers that this limitation could have been identified with a desktop survey of bird records within the area, however, it is unlikely to change the conclusions drawn in respect of survey results.

Cyclone Gabrielle is likely to affect the data as storms will affect food with the harbour and roost suitability. This is a natural event; however Ms White considers historic surveys could be used to reflect what impact the cyclone had on surveys and on under-reporting of bird's post cyclone.

- *Classification of roosts*

The AE report considers the Rawene Avenue roost meets a single Ramsar criterion of international significance, because it regularly supports 1% of the individuals in a population'. The report also notes that Cox's bay meets Significant Ecological Area (SEA) factors 2, 3, 4, 5 and 6.

Ms White agrees that Cox's Bay meets SEA factors and that the roost meets a Ramsar criteria, however they are not currently identified as SEA. Notwithstanding this, the assessment of adverse effects to follow acknowledges the value of this area for wader species that need a safe area to rest and sleep during high tides and nighttime.

- *Caspian terns*

The AE report states, 'Of the avifauna species present in the Area of Interest (AOI), Caspian tern are expected to be the most sensitive to helicopter noise disturbance.

Ms White outlines that studies on the impacts of helicopter noise on Caspian terns are limited, however she acknowledges that Meola Reef is a potential nesting site for Caspian terns, and that during nesting helicopter movements at low tide would affect nesting birds. The applicant has agreed that Meola Reef will be avoided by proposing to restrict the flight path to an arc between nominal 315° and 045°, to avoid passing over Meola Reef, leaving suitable nesting and foraging habitat outside of the flight path. This is further discussed in the assessment to follow.

- *Flight times*

The AE report agrees with the applicant's ecological assessment that the proposed confinement of helicopter activities to within two hours either side of low tide will avoid adverse effects on coastal birds roosting at Rawene Avenue. However the AE report raises uncertainty of the proposal to extend this to also include "immediately adjacent times when avifauna are absent" as there is no detail on how this would work in practice or be enforced".

Ms White agrees with the AE report on this point, noting this wording is ambiguous and increases the risks for flights occurring when birds are occupying the roost. Ms White

further notes that isolated cryptic waders can be difficult to detect on mud flats close to the roost, and this may lead to an area appearing to be absent of avifauna in immediately adjacent times to the two-hour low tide flight window when it is not. This is further discussed in the assessment to follow.

MDA review

The MDA review questions the accuracy of noise predictions, methodology, and the assessment of adverse noise effects outlined in the applicant's acoustic assessments. Council's acoustic specialist, Mr Peter Runcie, has reviewed both the applicant's acoustic assessments and the MDA review, and provides his own analysis on those points raised by MDA in his memo. The points raised in the MDA review and Mr Runcie's commentary on the same, are summarised below:

- *Location of helipad*

MDA identify the helipad location as currently proposed on the plan dated 13 June 2024 is located approximately 10-15m further to the south than appears to have been assessed in the applicant's acoustic report.

Mr Runcie's view is aligned with that of the MDA review, where he has assessed this as resulting in infringements in the order of 1 or 2 dB at 29 and 32 Rawene Avenue. A conservative approach has been applied in identifying all potential exceedances of noise standards, as set out in the reasons for consent in section 5 of this report.

- *L_{dn} noise predictions at 29 and 32 Rawene Avenue*

MDA assert that it is possible that L_{dn} noise levels could be slightly above 50 dB L_{dn(1 day)} at 29 and 32 Rawene Avenue (assuming 4 movements per day) even under idealised landing conditions.

Mr Runcie acknowledges that there is always a level of uncertainty in noise predictions, however highlights that the applicant's acoustic assessment notes that it does not account for screening by intervening buildings and that it is based on measurements of the proposed helicopter with a direct line of sight. Mr Runcie considers the level of uncertainty (other than as noted above in relation to the helipad location) is therefore considered no different to the typical level of uncertainty expected in noise level predictions. In any case, MDA have provided predicted levels based on their own interpretation, which Mr Runcie considers to be reasonably worst case, and which account for the close helipad location. MDA's predictions align with the applicant's acoustic assessment which Mr Runcie agrees with.

- *L_{AFmax} noise levels at 32 Rawene Avenue*

MDA assert that, depending on how the aircraft is flown, there is risk that L_{AFmax} noise levels could potentially be above 85 dB L_{AFmax} at up to 150 metres from the landing pad at the dwellings (at 32 Rawene Avenue) side-on from the movement direction.

The acoustic report identifies compliance with the L_{AFmax} criteria at 32 Rawene Road, however as noted above, with the closer helipad location it is reasonable to assume that noise levels may be 1-2 dB higher. Mr Runcie notes that, whether or not the higher noise levels up to 150m noted in the MDA review could occur depends on whether the helicopter

would be likely to be flown in the same manner as generated those specific measurements (which the MDA review notes are not common). Without further information from MDA (and comparative information from the applicant to confirm the likelihood of this occurring at the subject site) Mr Runcie is of the opinion that it is not possible to confirm further. However, Mr Runcie highlights that the description in the applicant's acoustic report notes short times for landing and take-off, which indicates that the site is not expected to be complex to navigate as noted in the MDA review as part of the cause for concern.

○ *Ldn noise levels at the CMA boundary*

MDA assert that noise levels would be above 60 dB Ldn at the boundary with the coastal marine area, and that planning analysis is required to determine whether the CMA is "any other site" and what the consequences are for compliance with the AUP 25.6.32 rule.

Whether the CMA is "any other site" for the purposes of the rules contained in E25 of the AUP(OP) is a planning interpretation matter. In this regard, I refer to the AUP(OP) definition of "site" which describes [a] site as:

Any area of land which meets one of the descriptions set out below:

(a) an area of land which is:

- (i) comprised of one allotment in one certificate of title, or two or more contiguous allotments held together in one certificate of title, in such a way that the allotments cannot be dealt with separately without the prior consent of the council; or*
- (ii) contained in a single lot on an approved survey plan of subdivision for which a separate certificate of title could be issued without any further consent of the council;*

being in any case the smaller area of clauses (i) or (ii) above; or

(b) an area of land which is composed of two or more contiguous lots held in two or more certificates of title where such titles are:

- (i) subject to a condition imposed under section 75 of the Building Act 2004 or section 643 of the Local Government Act 1974; or*
- (ii) held together in such a way that they cannot be dealt with separately without the prior consent of the council; or*

(c) an area of land which is:

- (i) partly made up of land which complies with clauses (a) or (b) above; and*
- (ii) partly made up of an interest in any airspace above or subsoil below a road where (a) and (b) are adjacent and are held together in such a way that they cannot be dealt with separately without the prior approval of the council;*

Except in relation to each description that in the case of land subdivided under the Unit Titles Act 2010, the cross lease system or stratum subdivision, 'site' must be deemed to be the whole of the land subject to the unit development, cross lease or stratum subdivision.

I note that the adjacent land to the east of 38 Rawene Avenue (shaded blue in Figure 4 below) is a parcel of land owned by Council, with its own record of title.

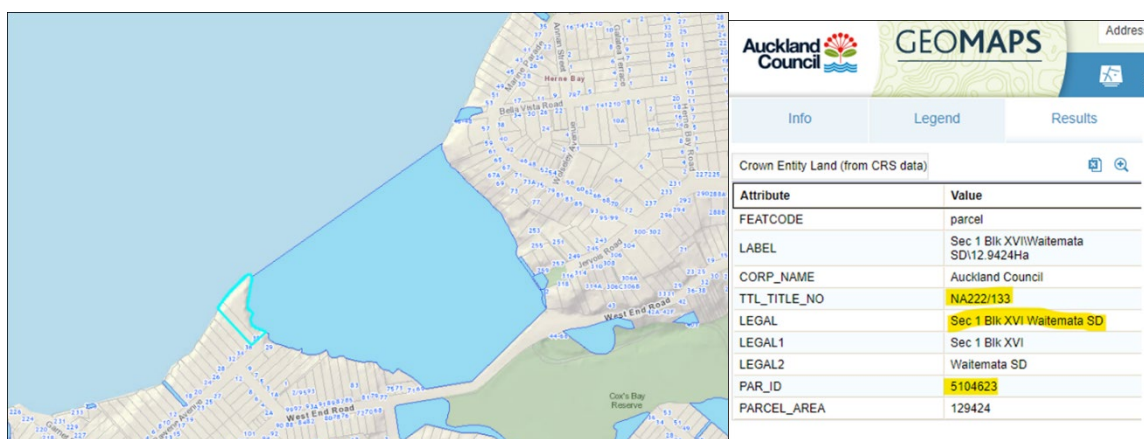


Figure 4. Map showing adjacent coastal environment owned by Auckland Council [Source: Auckland Council GIS]

Mr Runcie notes that assessment of airborne noise effects in the Coastal Marine Area (being an area not permanently occupied, as a dwelling is, and typically only passed through in a transient nature) is not common in his experience. In my (planning) experience, I do not consider it standard practice to assess airborne noise effects in coastal environments given they are not permanently occupied.

Therefore, whilst the coastal environment to the east of the subject site could be interpreted as meeting the definition of “site”, to apply the noise standards of Chapter E25 of the AUP(OP) to the coastal environment would not serve any purpose in respect of assessing adverse effects of noise and vibration on amenity values or human health, as provided for by the objectives and policies in E25.

- *Helicopter noise level testing*

MDA are of the view that the applicant should carry out helicopter noise level testing on the site to demonstrate that noise levels can comply, and that unless such testing is performed (and the results demonstrate compliance), the application should be considered as potentially non-compliant with the AUP E25.6.32 helicopter noise rule.

In response to this point, Mr Runcie highlights that this is not commonly achievable at the application stage of an assessment as the applicant may not have consent to land a helicopter on the site, as is the case here. Instead, Mr Runcie considers a compliance monitoring consent condition could be included (should consent be granted), requiring compliance monitoring to occur during the first month of use to confirm compliance with the relevant condition noise limits with the results provided to Council. I note that the applicant has not proposed compliance monitoring as part of the application.

- *Assessment of noise effects*

The MDA review notes that the applicant’s acoustic assessment is one of compliance, and does not contain an assessment of noise effects on the environment.

In respect of this point, Mr Runcie highlights that the applicant’s acoustic report identifies compliance at residential sites where written approval has not been obtained (notwithstanding above comments related to the changed helipad location), and that it is

not uncommon for acoustic assessments, when compliance is predicted, to forgo a further assessment of noise effects. Mr Runcie further considers [from an acoustic perspective] that inference being that meeting the specific noise limits set out in the AUP(OP) for the activity under assessment at the closest receivers meets the level of noise effects deemed acceptable and reasonable in the AUP(OP). He notes that properties further afield (the wider residential area) would experience lower noise levels due to being further from the helipad and effects at these properties would be similar or lower than those deemed acceptable in the AUP(OP).

I acknowledge the points raised by MDA and Mr Runcie as outlined above, although I note their views are from a technical acoustic perspective. I consider the adverse effects of noise from the helicopter operations is wider than simply compliance with the AUP(OP) noise standards, noting the relevance of compliance with permitted noise levels is limited in terms of the permitted baseline as the application is being considered as a non-complying activity, and therefore the noise effects are interwoven within the activity being considered (as is outlined in section 6 of this report). As such, the assessment of adverse effects contained in this report incorporates an assessment of noise effects on the environment, including nuisance effects on the amenity experienced by the general public as they relate to noise emissions and associated disruption from the proposed helicopter take-off and landing operations, as well as potential acoustic impacts on wildlife from helicopter operations.

Correspondence Received

There is a petition against the proposal which can be viewed at [Petition · Ban Private Helicopter Use in Residential Auckland - Auckland, New Zealand · Change.org](#)

At the time of preparing this report (as of 2 October 2024), the online change.org petition has 3,156 signatures.

A number of interested persons / parties have written to the Council in respect of this application. I note that correspondence has been received from interested persons / parties in the neighbourhoods of Westmere, Grey Lynn, Herne Bay, and Freemans Bay. A summary of issues is provided below (bullet points).

I note that the applicant has provided a response to matters raised by members of the public (in a letter by Chancery Green, dated 16 August 2024). I acknowledge these comments from the applicant, however I have instead provided my own commentary below in respect of matters raised.

Character and amenity effects on Westmere residents and visitors

- Westmere is a 'tranquil', 'peaceful', 'quiet', and 'suburban' residential neighbourhood. Private helicopter use will detract from those attributes and is inappropriate within this setting.
- The proposed helipad will be located on a prominent headland, meaning visual and noise effects will be experienced far beyond adjacent sites.
- Residents did not expect to be affected by private helicopter use when purchasing properties in this area, would otherwise have bought elsewhere.

- There is a need for peaceful open spaces like Cocks Bay Reserve as Auckland intensifies, noting that Westmere is earmarked for intensification. Helicopter operations will detract from the peacefulness of this environment.
- The likelihood of adverse effects on recreational users of the Bay and Reserve, etc.

My assessment of the above matters can be found in section 6.C. of this report in respect of adverse effects on character and amenity values, and section 6.0. of this report in respect of adverse effects on recreational values in public places/spaces.

Natural justice and public notification

- Non- or limited notification will not uphold natural justice in this situation, noting:
 - The extent of public opposition arising from beyond immediate neighbours (some responses from visitors to Westmere and residents of neighbouring suburbs such as Grey Lynn, Ponsonby and Herne Bay).
 - The likelihood of adverse effects on those beyond immediate neighbours (such as those with properties across Cocks Bay, recreational users of the Bay and Reserve, etc).

These matters are not specifically related to the s95 notification assessment, however an assessment of adverse effects in respect of a notification determination recommendation can be found in Section 6 of this report.

I also note that the applicant has provided a response to matters raised in respect of the legal framework for notification (in a letter by Chancery Green, dated 16 August 2024). I consider these matters are addressed throughout this report in respect of the appropriate planning framework and steps for notification.

Distribution of benefits

- This proposal proposes a highly inequitable distribution of costs and benefits, with a small number of people (the applicant's family) benefiting to the detriment of many others.

This matter is not related to an assessment of adverse effects under s95 of the RMA; an assessment of the proposal under s95 of the RMA is instead in relation to the extent to which the proposal would be adverse effects on the environment which has been undertaken in section 6 of this report.

Public safety

- Helicopter operations in this area poses a safety risk to users of Cox's Bay and Cox's Bay Reserve (arising from factors such as downdraft), including the Sea Scout's Club, kayakers, 'explorers', sports activities, and other recreational users.
- Helicopter operations are a substantial risk within a built-up residential area, noting the widespread damage if there were an accident.

The proposed flight path is oriented towards the adjacent coastal area and does not traverse over any residential properties (noting the inclusion of a deviation clause to the flight path sought by the applicant in the event of emergency scenarios).

The safety and operational requirements of the helicopter operations falls under the jurisdiction of the CAA, being the statutory body governing aviation safety (although the ultimate responsibility for ensuring compliance with the CAA regulations lies with the operator in command of the aircraft). The RMA is also concerned with safety matters, such as the safety of recreational users of public spaces. An assessment of adverse safety effects as it relates to Council's jurisdiction is provided in section 6.E. of this report.

Nuisance

- The proposed activity will impose intolerable noise levels/acoustic effects within a quiet residential neighbourhood; these may negatively impact on the mental health of those affected.
- Acoustic effects on the wider neighbourhood and users of Cox's Bay and the Reserve will be highly disruptive, also noting the amplifying effect of the enclosed bay landform and tidal mudflats.

My assessment of the above matters can be found in section 6.C. of this report in respect of adverse nuisance effects on residential amenity values, and section 6.0. of this report in respect of adverse nuisance effects on recreational values in public places/spaces.

Adequacy of applicant's reports and assessments

- The applicant's ecology and acoustics reports are flawed/inadequate, downplaying or failing to address the importance of the site to birds and the likely effects of the activity on this habitat, and the severity of acoustic effects.

Council's specialists have undertaken reviews of both the applicant's technical reports as well as the third-party technical reports provided by interested parties (as noted above).

Ecological and environmental impacts

- Effects on protected/notable trees within/adjacent to the site.
- Effects on birdlife and other fauna, for which Cox's Bay and Meola Reef (SEA) are a feeding and nesting habitat. These include endangered species. Such effects mean the proposed activity is inconsistent with the NZCPS.
- Wildlife within Cox's Bay is part of the inner harbour ecosystem, effects on immediate habitat need to be considered within this wider context.
- Significant community work has gone into protecting and promoting birdlife within the area, which will be put at risk by this proposal.

My assessment of the above matters can be found in sections 6.A. of this report.

Precedent-setting nature of the application

- 'Floodgates' argument: granting this application will encourage further applications for helipads/helicopter operations within neighbouring suburbs and the wider Waitemata Harbour. If granted, it will be difficult for Council to decline subsequent applications. This risks the harbour becoming a 'highway for helicopters'.

The meaning of “effect” under s3 of the RMA includes: any positive or adverse effect; temporary or permanent effect; past, present, or future effect; and any cumulative effect which arises over time or in combination with other effects; and also includes any potential effect of high probability; and any potential effect of low probability which has a high potential impact.

Precedent effects are not included in the meaning of effect under the RMA, and are therefore not a consideration under s95 of the RMA; rather they are considered (if appropriate) under the decision-making process for a resource consent under s104(1)(c) of the RMA. However cumulative adverse effects may be considered under the s95 assessment, and are assessed in section 6.F. of this report.

Climate change

- The proposed activity is contrary to Council’s Climate Action Plan and other commitments relating to reducing greenhouse gas emissions, fossil fuel use, etc.

Consideration of the proposal in respect of Council’s Climate Action Plan is to be considered under the decision-making process for a resource consent under s104 of the RMA. It is accordingly not relevant to the notification assessment.

Activity status

- i. It undermines Council’s encouragements that people use public transport, suggesting one rule for some and another for the well-resourced.
- ii. Application should be processed as a Non-Complying activity, not Restricted Discretionary as requested by the applicant.
- iii. AUP should be changed to classify private helipads within the urban area as a prohibited activity.
- iv. No private helicopter landings should be permitted within the urban area, noting that this is the policy of other cities including Sydney.

On points [i] and [ii] in respect of activity status, the activity status of this resource consent application has been set out in section 5 of this report (noting I have assessed this application as a non-complying activity for the reasons set out in section 5 of this report).

A resource consent application has been received under s88 of the RMA for the proposed use of the site for helicopter take-off and landing, the effects of which are assessed within this report. This report provides an assessment of the proposal under s95 of the RMA for which resource consent is sought – It does not assess changes to the AUP(OP); any changes to the AUP(OP) must be proposed by way of plan change. As this report provides an assessment of adverse effects under s95 of the RMA, no decision on helicopter landings in urban areas (either generally or specifically on the application site) can be considered under the s95 RMA process. Therefore points 3-4[iii] and [iv] in respect of activity status changes to the AUP(OP) are not a consideration for the assessment of this resource consent application and decision.

Proposed conditions

- Proposed conditions, such as requirement that flights take place two hours either side of low tide, will be difficult to enforce or otherwise monitor compliance, noting ‘vagueness’ of conditions and Council’s resourcing/capacity issues.

The proposed conditions form part of the application material (namely: The restriction of helicopter movements to a specific flight path envelope; and restricting helicopter movements to two hours either side of low tide and immediately adjacent times, when avifauna are absent from the area, and adverse effects avoided). The adverse effects of the proposal, including the proposed conditions as offered by the applicant (and which form part of the application), are assessed in section 6 of this report.

Property values

- Noise and safety effects arising from helicopter operations may deter people from buying into the suburb, reducing property values for existing residents.

Reduction in property values is not a consideration under the RMA. Noise and safety effects are assessed in section 6.C. of this report.

Alternatives

- A private helipad is unnecessary at this location, noting the presence of a designated heliport at Mechanics Bay, within a relatively short distance of the site.

A resource consent application has been received under s88 of the RMA for the proposed use of the site for helicopter take-off and landing, the effects of which is assessed within this report. The RMA (in Schedule 4) sets out that an assessment of an activity's effects on the environment must include a description of any possible alternative locations or methods for undertaking the activity, if it is likely that the activity will result in any significant adverse effect on the environment. In this respect, the application has not provided an assessment in respect of alternative locations. However, the applicant is not required to establish necessity before making an application for resource consent.

Correspondence in support

One member of the community has written to Council in support of the application, emphasizing rights of a property owner and the relevant laws that support the application; notably the New Zealand Bill of Rights Act 1990, the Property Law Act 2007, the Civil Aviation Act 1990, Civil Aviation Authority rules, and the Resource Management Act 1991.

Civil Aviation Authority (CAA) vs. Local Authority jurisdiction

The effect of Section 9(5) of the RMA is to exempt overflying aircraft from control under the RMA. Therefore when a helicopter is airborne (at 500ft in open areas, and 1000ft in urban areas)¹, the provisions of the Civil Aviation Act 1990 apply². This places a limitation on the Council's ability to control helicopter activity in terms of flight paths and overflying, and in terms of health and safety under the RMA. The same section of the RMA however does provide for control of "noise emission controls for airports". Therefore, helipads and the take-off and landing of helicopters below the airborne height (in this instance, up to 500ft above the coastal environment over which

¹ See [Part 91.311](#) of Civil Aviation Rules for what 'urban' and 'open areas' means: unless conducting a take-off or landing, ...must not operate the aircraft... under a height of 1000 feet over any congested area of a city, town, or settlement, or over any open air assembly of persons [urban areas], or a height of 500 feet above the surface over any other area [open areas].

² Environment Court: Dome Valley District Residents Society Inc. vs Rodney District Council [EC A000/07] (14 December 2017) found that a council's authority for helicopters and landing pads includes considering the noise of helicopters in the course of landing at the base, on the ground and departing from the base; but it is not intended to extend to effects generated by helicopters (or other aircraft) while airborne or in flight.

the flight path is proposed) are managed under the provisions of the AUP(OP). An aircraft must remain above 500ft under CAA regulations unless it is either landing or taking off.

In light of the above, the assessment of effects in the sections of this report to follow is limited to the adverse effects of the proposal within Council's jurisdiction, that is, the helicopter operations up to 500ft which includes the helicopter take-offs and landings.

Acoustic Performance Standards

The acoustic assessment notes that there is no New Zealand Standard referenced within the AUP(OP) for the assessment of helicopter noise. The assessment therefore adopts New Zealand Standard NZS 6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas for the measurement and assessment of noise from the proposed helipad.

Mr Runcie notes that the Ldn noise descriptor referenced for the assessment of aircraft noise in the AUP(OP) appears to be derived from NZS 6807:1994 and therefore agrees that standard NZS 6807:1994 is the appropriate standard for measurement and assessment of noise from the helipad.

However, Mr Runcie notes that NZS 6807:1994 is based on studies of community response from typically large numbers of flights (e.g., at airports); the standard states that it is intended to apply to helicopter landing areas used for ten (10) or more flight movements in any month which may not be achieved at the proposed helipad. However, Mr Runcie further notes that there is little in the way of alternative guidance or literature relating to the assessment of aircraft noise where relatively few flights occur per day such as at private helipads. Notwithstanding, Mr Runcie considers the Ldn limits are those that are commonly applied to the assessment of helicopter movements in a range of scenarios across New Zealand, including private helipads such as proposed.

The assessment of noise effects is therefore based on NZS 6807:1994.

Notable Permitted Activities

For clarification, this differs from the effects that may be disregarded (permitted baseline) considered later in this assessment.

There is a group of notable trees (4 Pohutukawa trees and 1 Puriri) recorded as Notable Trees #45 in Schedule 10 of AUP(OP). Documentation in the BUN60373967 consent confirmed that these notable trees are not located near the proposed helipad location.

However there are some mature Pohutukawa trees located on both sides of the cliff and within 10m of the location of the proposed helipad. Any alteration of these trees would likely trigger resource consent under E15.4.1 (A21) and (A22) of AUP(OP) for alteration or tree removal of any indigenous tree over 3m in height within 20m of mean high water springs or a horizontal distance of 20m from the top of any cliff.

A request was made to the applicant to address this matter in respect of the proposed helicopter operations in the context of these trees, to confirm that consent is not required under Chapter E15 (initially raised in the further information request in relation to the coastal consent, and more specifically on 5 June 2024). In response, the applicant has advised (in correspondence dated 7 June 2024):

There is no evidential basis for asserting that existing trees will be damaged by the use of the helipad and consent has not been sought to damage any existing trees under the rules listed. In the extremely unlikely event that some damage occurred, that would be a compliance / enforcement matter.

This matter is assessed in further detail in Section 6 of this report.

5. Reasons for the application

Resource consents are required for the following reasons:

Land use consent (s9) – LUC60389929

Auckland Unitary Plan (Operative in part)

District land use (operative plan provisions)

Residential – Mixed Housing Suburban Zone

- The applicant proposes to establish a helicopter pad on their property. Use of a residential site for the take-off and landing of helicopters is not provided for as part of the use of the site for residential purposes, and as such is not an activity provided for in Activity Table H4.4.1, and therefore requires consent as a **non-complying** activity pursuant to rule H4.4.1(A1).

It is noted that the Mitchell Daysh AEE outlines that *helicopter take offs and landings would be a permitted activity if they comply with all applicable standards in the Unitary Plan*, noting this is based on a ‘decision made by Auckland Council in which helicopter take-offs and landings were considered “residential activities” associated with the “use” of a residential dwelling’³.

On this basis, the applicant has applied for resource consent as a *restricted discretionary activity*, where this proposal does not comply with Standard E25.6.32 Noise levels for helicopter take-offs and landing.

I do not agree that helicopter take-offs and landings are a residential activity associated with the use of a residential dwelling. Fundamentally, whilst use of the residential dwelling on the subject site would require residents to travel on a frequent and generally daily basis by way of a variety of travel modes to off-site places for work, education, worship, or to satisfy other reasonable and foreseeable daily needs, I do not consider the helicopter use proposed would qualify as part of and contribute to the applicant’s household’s travel needs. Furthermore, the residential locality does not necessitate the mode of travel to be by helicopter/flight (that is, there are multiple other travel modes available to residents on this property, and residents are not isolated such that helicopter is the only travel mode available to them).

Noise and Vibration

- The proposed helicopter take-off and landing activity is predicted to exceed the noise standards of E25.6.32, and as such is a **restricted discretionary** activity under Rule E25.4.1(A2).

³ Refer to decision LUC60134603-A, dated 9 March 2022.

Specifically, standard E25.6.32(1) requires the take-off or landing of a helicopter on any site except for emergency services must not exceed L_{dn} 50dB or 85dB L_{AFmax} measured within the boundary or the notional boundary of any adjacent site containing activities sensitive to noise and L_{dn} 60dBA within the boundary of any other site.

The proposed helicopter take-off and landing activity is expected to result in exceedances of noise standards at the following properties:

Receiver address	Predicted one-day helicopter noise (L_{dn})	Predicted noise level (L_{AFMax})
36 Rawene Avenue	56 dB	91 dB
34 Rawene Avenue*	53 dB	89 dB
32 Rawene Avenue*	52 dB	87 dB
29 Rawene Avenue*	51 dB	85 dB

*It is noted that the helipad location as currently proposed on the plan dated 13 June 2024 is located approximately 10-15m further to the south than appears to have been assessed in the applicant's acoustic report. Council's acoustic specialist has assessed this as resulting in infringements above the noise limits prescribed in the AUP(OP) in the order of 1 or 2 dB at 29 and 32 Rawene Avenue, and 2-4 dB at 34 Rawene Avenue. The flight sector also appears to be smaller in this latest plan. For the avoidance of doubt, a conservative approach has been taken in identifying all potential and maximum exceedances of noise standards, as identified by Council's acoustic specialist and set out above.

The reasons for consent are considered together as a **non-complying** activity overall.

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 not precluded from public notification as:

- the activities are not subject to a rule or national environmental standard (NES) which precludes public notification (s95A(5)(a)); and

- the application does not exclusively involve one or more of the activities specified in s95A(5)(b).

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

The application is not required to be publicly notified as the activities are not subject to any rule or a NES that requires public notification (s95A(8)(a)).

The following assessment addresses the adverse effects of the activities on the environment, as public notification is required if the activities will have or are likely to have adverse effects on the environment that are more than minor (s95A(8)(b)).

Adverse effects assessment (sections 95A(8)(b) and 95D)

Effects that must be disregarded

Effects on persons who are owners and occupiers of the land in, on or over which the application relates, or of land adjacent to that land

The council is to disregard any effects on owners and occupiers of the land in, on, or over which the activities will occur, and on persons who own or occupy any adjacent land (s95D(a)). The land adjacent to the subject site is listed in the following table (the locations of these properties are shown in Figure 5 to follow):

Table 1

Address

34 Rawene Avenue
 36 Rawene Avenue
 29 Rawene Avenue
 9 Kotare Avenue



Figure 5. Map showing location of adjacent land (marked with purple triangle) in relation to the subject site (outlined in blue). The approximate location of the proposed helipad is marked 'H' [Source: Auckland Council GIS]

Any effect on a person who has given written approval to the application

The following persons have provided their written approval and any adverse effects on them have been disregarded (the locations of these properties are shown in Figure 6 to follow):

Table 2

Address	Legal description	Owner / occupier
36 Rawene Avenue	Lot 57 DP 10231	Owners & occupiers

It is noted that:

- The owner of 9 Kotare Avenue and 29 Rawene Avenue provided their written approval to the application (written approval form dated 5 March 2022, and contained in the s92 response dated 1 April 2022), but this was subsequently withdrawn (on 5 April 2022). Effects on this person are therefore not disregarded.
- The owner of 34 Rawene Avenue provided their written approval to the application (written approval form dated 19 October 2021, and contained in the application as lodged), but this

was subsequently withdrawn (on 3 September 2024). Effects on this person are therefore not disregarded.



Figure 6. Map showing location of property from which written approval has been provided (marked with red dot) in relation to the subject site (outlined in blue). The approximate location of the proposed helipad is marked 'H'. [Source: Auckland Council GIS]

Effects that may be disregarded

Permitted baseline

The permitted baseline refers to the effects of permitted activities on the subject site. The permitted baseline may be taken into account and the council has the discretion to disregard those effects where an activity is not fanciful. In this case the permitted baseline includes the physicality of the helicopter landing area (proposed to be a grassed area which does not contain any structures, safety fencing, or signage, nor does it require any earthworks for its establishment). I consider the effects of the physical aspects of the helicopter landing area can be disregarded.

Whilst there are permitted noise levels associated with helicopter take-offs and landings (except for emergency services), their relevance in terms of the permitted baseline is limited, as helicopter

take-offs and landings are an activity not provided for within the Residential – Mixed Housing Suburban Zone, and are therefore not a permitted activity and the adverse effects of which are interwoven with the activity being considered. As such, I do not consider the noise effects of the helicopter take-offs and landings can be disregarded.

Overall, application of the permitted baseline is of limited relevance in this instance, given the non-complying activity status of the application, where the adverse effects are interwoven with the activity being considered (albeit acknowledging the physical aspects of the helicopter landing area can be disregarded).

Assessment

Receiving environment

The receiving environment beyond the subject site includes permitted activities under the relevant plans, lawfully established activities (via existing use rights or resource consent), and any unimplemented resource consents that are likely to be implemented. The effects of any unimplemented consents on the subject site that are likely to be implemented (and which are not being replaced by the current proposal) also form part of this reasonably foreseeable receiving environment. This is the environment within which the adverse effects of this application must be assessed.

The consents granted on the application site (as outlined in Section 4 of this report) include a dwelling near the proposed helipad (along with associated earthworks, groundwater take (dewatering) and diversion, and works within the rootzone of a protected Pohutukawa tree); and a rock masonry seawall around the perimeter of the subject site to address coastal erosion at the site (inclusive of stairs to provide property access to the foreshore and associated earthworks and tree works). These consents are largely implemented, considered lawfully established, and therefore form part of the receiving environment.

The approved helicopter pads in the locality and their associated use (as outlined in Section 4 of this report) also form part of the receiving environment, within which the adverse effects of this application are assessed (in addition to the permitted baseline outlined above). Notably, helicopter landing pads have been lawfully established at 12 and 15 Cremorne Street, and 64 Sentinel Road, Herne Bay.

There are no known unimplemented consents on the subject site or the immediately surrounding area.

Adverse effects

I consider the proposal would have actual or potential adverse effects on the environment as follows:

- A. Effects on ecological values.
- B. Effects on trees / arboricultural impacts.
- C. Effects on character and amenity.
- D. Effects on recreational activities in public places.
- E. Effects on public safety.

F. Cumulative effects.

These matters have been assessed in the relevant sections below.

A. Adverse Effects on Ecological Values

The northernmost edge of the property is a sandstone platform, which is a high tide roost for several species of wader birds. The wader bird high-tide roost is located approximately 35m away, with a 6m drop in elevation, from the proposed helipad.

Council's Ecologist, Ms Maddie White, has reviewed and assessed the application, including undertaking a peer review of the ecological report submitted by the applicant (titled '*Assessment of Ecological Effects*', prepared by Bioresearches, Version: Draft 1, dated 1 November 2023 (hereafter referred to as 'the Bioresearches report')). A peer review of the Alliance Ecology (AE) report has also been undertaken.

Ms White's assessment is adopted for the purpose of this report, and as such is not repeated here. However a summary of Ms White's assessment is provided in the assessment to follow, including considerations of both the Bioresearches and AE reports. Ms White's memo is to be read in conjunction with the following assessment.

The potential and actual adverse effects from the proposed helicopter are:

- Disturbance of the high tide roost
- Disturbance of bird species during foraging
- Disturbance of birds during nesting and breeding
- Downdraft on birds.

This wader high tide roost has not been identified as Significant Ecological Area (SEA) under the AUP(OP). The Bioresearches report therefore does not specifically assess this wader high tide roost under the SEA criteria. Instead, it appears to focus on the effects on SEA-M1 which is a marine area to the west that includes Meola Reef.

The AE report considers that, given the identified coastal marine habitat and coastal bird values, this area (that being Coxs Bay) qualifies for marine SEA status when assessed against relevant AUP criteria. Accordingly, the AE report has undertaken a broad assessment of the Coxs Bay Area of Interest (AOI) which encompasses both Coxs Bay and Meola Reef. Although this high tide roost has not been identified as Significant Ecological Area (SEA) under the AUP(OP), Ms White considers it still provides a highly valuable area for wader species that need a safe area to rest and sleep during high tides and nighttime, and has therefore assessed the proposal within this context.

Flight path

Having reviewed the application material, the Bioresearches report, and the AE report, Ms White considers that, it provides a highly valuable area for wader species that need a safe area to rest and sleep during high tides and nighttime. That said, the AE report considers the Bioresearches report understates the value of Meola Reef for nesting and roosting. In this respect, Ms White agrees that areas within Meola Reef provide suitable nesting habitat for Caspian Terns, however, in Ms White's opinion, if the flight path restrictions are imposed, the suitable nesting areas (and the associated adverse effects on Caspian Terns) will be avoided.

The AE also states 'Of the avifauna species present in the AOI, [I] expect Caspian tern to be the most sensitive to helicopter noise disturbance'. In this regard, Ms White outlines that '*Studies on the impacts of helicopter on Caspian terns are limited. During nesting helicopter movements at low tide would affect nesting birds and given the Meola Reef is a potential nesting site for Caspian terns there would be effects*'. Therefore as the applicant has agreed that Meola Reef will be avoided, Ms White considers there would be suitable nesting and foraging habitat outside of the flight path for Caspian tern.

It is proposed to include a deviation clause in the flight path to cater for emergency scenarios. Ms White highlights that it is unknown how allowing this would impact birds as the emergency flight path has not been provided and are likely to be selected case by case. It is also unclear what is defined as an emergency scenario. As discussed above, the flight path over Meola Reef should be avoided. As such, allowing emergency flights to deviate from the proposed flight path would potentially allow flights to occur over valuable foraging habitat during emergency scenarios. Whilst I accept that this may be low probability, and I consider its impact is unable to be quantified, the adverse effect will have or is likely to have adverse effects on the environment that are more than minor. I recognise this probability exists in light of the location of the proposed activity

Hours of operation

The AEE does not mention night time restrictions to the proposed helicopter take offs or landing. However, the *Assessment of Noise* report states '*It is assumed all flights are between 7:00am – 10:00pm each day*'. Ms White highlights that roosts are not only used at high tide but are also inhabited at night for sleeping. No surveys were carried after sunset or before sunrise, therefore it is unknown if birds were occupying the roost between sunset and 22:00 or between 07:00 and sunrise.

Whilst no specific lighting is proposed, Ms White notes that lighting from the helicopter and landing area, along with associated noise, can induce stress for birds attempting to roost and sleep in the surrounding habitat. Birds can be impacted by light and noise, affecting not only the amount of sleep, but also the structure, timing, and regulation of their sleep⁴. Ms White is of the opinion that allowing helicopter operations to continue when the sun is down could disrupt critical parts of their lifecycle, such as breeding. She also notes lighting from the helicopter may also startle roosting birds, increasing the likelihood of fly strike.

Given the parameters of the proposed activity, and no 'restriction' to the hours of operation, the proposal will have adverse effects on the environment that are more than minor.

Downdraft

The Bioresearches report does not provide any information on the potential impact on downdraft on roosting and foraging birds. However, the submitted *Memorandum of Effects on Recreation Activities and Values* includes an assessment of the proposed helicopter operations on recreational users from rotor downwash: '*from a safety or compliance perspective, would be the effects of rotor downwash while directly underneath or close to (within approx. 200 ft) the helicopter*'. Ms White considers that, if the same principal is applied to fauna, then downwash from 200 ft (60.96m) will impact birds that inhabit the roost at high tide, as this is 6m below and

⁴ Jenny Newport, David J. Shorthouse, Adrian D. Manning 2014. The effects of light and noise from urban development on biodiversity: Implication for protected areas in Australia. Ecological Management & Restoration.

34m from the helipad. This further emphasises the importance of limiting the flight times to avoid helicopter operations during high tide and civil twilight hours.

Given the parameters of the proposed activity, and no 'restriction' to the hours of operation, the proposal will have adverse effects on the environment that are more than minor.

Potential Acoustic Impacts on Wildlife

There are potential acoustic impacts on wildlife from helicopter operations. I understand that different species have different sensitivities to noise. In this respect, Mr Peter Runcie has outlined that SLR are not aware of specific government policies or other widely accepted guidelines with specific noise levels or thresholds related to the avoidance of adverse effects on wildlife. Whilst the lack of guidelines means that in general noise effects on most wildlife species are poorly understood, Ms White's assessment (summarised) below incorporates an assessment of potential acoustic impacts on wildlife from helicopter operations in respect of behavioural impacts, ecological values and effects.

The predicted noise level (LAFMax) will reach 89 dBA to the closest neighbour (36 Rawene Avenue), noting that this house is further away from the proposed helicopter landing area than the roost. Ms White has noted that dBA is a measure of the perceived loudness of a sound specifically weighted for human hearing, dB SPL is the raw measure of sound (Sound Pressure Level), this would almost certainly have a higher value and may be the more appropriate unit for the noise study, given the importance of the nearby wildlife. She further outlines that birds certainly hear frequencies that humans do not, and dBA may mask the full impact of the noise of a helicopter on the nearby fauna. Ms White has highlighted that research has shown that loud noises have the potential to produce a suite of short- and long term sensory, behavioural, and physiological changes in birds⁵, as well as impacting communication, such as alerting other birds to nearby threats.

While the noise events from the helicopter operations may be short and only up to four times in a day, Ms White considers the impacts of noise on wildlife are continuous rather than isolated events, and this continuous disturbance could lead to a whole area becoming inhospitable to some species. Ms White highlights that bird species near airfields have been shown to habituate to loud noises, depending on the frequency of flight and type of aircraft⁶. However, Ms White advises that causing birds to vacate an area during noise events would affect energy expenditure and foraging efficiency, which in turn, can lower survival and reproduction rates.

The applicant is anticipating the proposed helipad to be used by an Airbus H130, which is a single engine light utility machine. A condition is proposed to not allow helicopter that create noise effects greater than an Airbus H130, unless it has been checked that the noise level will comply with the requirements of the AUP(OP). The effects on fauna from helicopters that generate louder noises has not been provided for in this application, therefore, Ms White considers that the model of helicopter allowed to use the proposed helipad should be restricted, as has been proposed in the application.

⁵ R. Dooling, D. Buelhler, M. R. Leek, A. N. Popper 2019: The Impact of Urban and Traffic Noise on Birds. *Acoustics Today*, volume 15, issue 3.

⁶ Van der Kolk et al 2020 Spatiotemporal variation in disturbance impacts derived from simultaneous tracking of aircraft and shorebirds. *Journal of Applied Ecology* <https://doi.org/10.1111/1365-2664.13742>.

In light of the above assessment, I consider that the proposal would have potential acoustic impacts on wildlife, resulting in adverse effects on the environment that are potentially more than minor.

B. Adverse Effects on Vegetation

There are some mature Pohutukawa trees located on both sides of the cliff and within 10m of the location of the proposed helipad. These Pohutukawa trees provide landscape value, amenity, ecological functions, screening effects to the seashore and soil stability on the cliff area.

It is noted that trees and vegetation for rehabilitation purposes along the coastal environment and 20m MHWS were approved under the seawall consent, to be planted next to these mature Pohutukawa trees on the cliff edge, which are also located within 20m of the proposed helipad.

The proposed site plan shows that the proposed flight path will be on top of the Pohutukawa trees and the proposed coastal replanting at the northwest cliff.

The applicant has not provided an assessment on the potential impacts on the existing Pohutukawa trees and approved replanting along the cliff as a result of the proposed helicopter operations. As such, Council's Arborist, Ms Regine Leung has undertaken her own assessment of the proposal.

Ms Leung's assessment is outlined below:

- The effect of proposed helicopter operations on the existing Pohutukawa trees along the coastal environment and 20m MHWS, it is very likely the forces generated by the helicopter operations will damage the branches of these existing trees and resulted in a detrimental impact on their health in the long term, in particular on the canopy growth and then the roots for soil stability along the coast. In addition, the damage on the canopy can result in safety concerns of the helicopter operations from these broken branches in the spinning turbulence. The existing Pohutukawa trees are also good habitats for birds along the coast. The spinning turbulence from the helicopter operations can result in safety concerns on helicopter operations from birds using the trees.
- The trees proposed for rehabilitation purposes along the coastal environment and 20m MHWS (as per the seawall consent), cannot establish on the cliff area under the spinning turbulence when considering the force generated by helicopter operations is significant, and the location of the new tree planting is within 20m of the flight path. The applicant has proposed to provide screening of these new trees to be planted along the coast; it is recommended that details of the screening proposal are provided to demonstrate how these new trees can be screened and protected for their establishment under the helicopter operation without the requirement for resource consent.

It is Ms Leung's assessment that it is very likely the applicant needs to apply for canopy reduction on the existing Pohutukawa trees to allow safe operation of a helicopter on site (under E15.4.1 (A21) and (A22) of AUP(OP)).

As the applicant has not provided an assessment by a suitably qualified arborist, I rely on the expert opinion of Ms Leung and adopt her assessment accordingly.

Based on the current limited information, it is not clear on how the proposed helicopter operations will impact on the health and longevity of the coastal Pohutukawa trees on both sides of the cliff

at north-west and north-east coasts, nor of the new trees to be planted along the coast in accordance with the seawall consent.

I also note the assessment made by Council's Landscape specialist, Mr Peter Kensington, in respect of the potential impact of the proposed helicopter activity on the health of existing trees on the site, and the ability to implement the planting approved in the seawall consent. This is addressed in respect of character and amenity values later in this report.

Given the above, and relying on Ms Leung's advice, I consider adverse effects on the arboricultural values of the coastal Pohutukawa trees and the trees approved to be planted along the coast in accordance with the seawall consent are likely to be more than minor on the environment.

C. Adverse Effects on Character and Amenity

Physical environment

The proposed helipad is located in the north-western corner of the site next to the existing swimming pool, to be planted in grass. No earthworks, structures, safety fencing, or signage is proposed in respect of the proposed helicopter take-off and landing area, nor is it proposed to remove or alter any existing vegetation to enable the helicopter operations. It is noted that the site is outside of the SEA identified in respect of the surround area.

As such, there will be no adverse physical effects generated by the proposed helipad, including in respect of the adjacent coastal environment. This being on the basis that no vegetation is required to be removed or altered, as has been raised in respect of arboriculture above.

Visual amenity

The proposed helipad, located at the rear of the subject site, is not visible from the street front.

The proposed helicopter landing area is located on a site adjacent to the coastal environment. This has the potential to adversely affect the visual amenity of the area due to the location of the site on a coastal headland (albeit not located in the CMA).

The site is elevated above the foreshore, and the helicopter landing and take-off area is screened by a number of mature trees surround the subject site, such that the grassed helipad cannot be seen from the coast.

The proposed flight path is proposed over the coastal environment, and no flying is to occur overhead of surrounding residential streets and properties. There would be visual effects of a helicopter approaching or leaving the site, however this would temporary and the visual effects transitory in nature.

Given the above, and due to the frequency of flights (being two helicopter flights (four movements) per day), the visual amenity values and the natural character of the coastal environment would be affected to a degree that is no more than minor.

Adverse effects on residential character and amenity, including adverse nuisance effects on amenity values

In the following assessment, I have considered adverse nuisance adverse effects such as noise and disruption in respect of potential impacts on the amenity experienced by people in terms of use, enjoyment and safety of nearby public places, rather than compliance with a standard.

That said, Council's acoustic specialist, Mr Peter Runcie, notes that whilst inaudibility is not the intention of the AUP(OP) noise rule, it is noted that the short term noise levels generated by arrivals and departures of helicopters would be expected to be clearly audible at receivers potentially as far as 500m from the helipad. The applicant's acoustic assessment(s) seek to provide context to the helicopter noise levels predicted by comparing them with the existing noise levels in the area which are driven largely by vehicle noise on surrounding roads. Mr Runcie does not consider the comparison of long-term noise levels from relatively continuous noise sources (i.e., regular flows of traffic with limited and smooth fluctuations) to a small number (4) of isolated high level noise events averaged over a 24-hour period to be instructive in furthering understanding of effects.

Mr Runcie considers the proposed flight management plan as part of an appropriate suite of measures is an appropriate way to control noise effects from the proposed helipad [from an acoustic perspective].

Noise relating to the proposed helicopter take-off and landing operations would be noticeable from areas that are frequented by the general public, such as Coxs Bay Reserve and the adjacent coastal area. Such effects would be related to the amenity experienced by persons in respect to use, enjoyment and safety of nearby public places.

Adverse nuisance effects on the amenity experienced by the general public as they relate to noise emissions and associated disruption from the proposed helicopter take-off and landing operations are discussed below. Nuisance effects on recreational activities is assessed in section 6.0. of this report.

Mr Kensington, has provided advice on the potential adverse effects from the proposed activity on existing character and amenity values. No expert assessment has been provided by the applicant. I have relied on the expert opinion of Mr Kensington and adopt his assessment accordingly.

I refer to Mr Kensington's memo where he has described the existing character and amenity values of the local neighbourhood and coastal environment within proximity of the site. I agree with Mr Kensington's description of existing character and amenity values, which I have incorporated in the assessment to follow.

Natural and physical characteristics apparent from the CMA of the inner Hauraki Gulf include northerly views towards the water (at high tide). Moored vessels and water-based activities, together with a vegetated coastal edge (defined primarily by Pohutukawa canopy) add to the overall pleasantness of the area. There is a marked difference in outlook between low and high tide sea states.

Mr Kensington considers (and I agree) that the availability of public views of the coastal environment and the site are limited to:

- The northern end of Garnet Road;
- The northern end of Rawene Reserve;
- The eastern end of Rawene Avenue, West End Road in the vicinity of Coxs Bay Reserve;
- The western end of Jervois Road; and
- Bella Vista Reserve

Whilst 'amenity values' are defined in the Resource Management Act 1991 (RMA), I agree with Mr Kensington that an understanding of an area's existing amenity values can really only truly be described by those people that directly experience an area on a regular basis (either by living or recreating regularly within an area, for example). Mr Kensington's assessment is therefore limited to that of an impartial expert observation based on recent site visits and general knowledge of the Coxs Bay environment.

Noise relating to the proposed helicopter take-off and landing operations would be noticeable from areas that are frequented by the general public, such as Coxs Bay Reserve and the adjacent coastal area. Such effects would be related to the amenity experienced by persons in respect to use, enjoyment and safety of nearby public places. This is discussed further below.

Mr Kensington has described the immediate local Westmere residential area as having relatively high amenity values (as experienced from Rawene Avenue and Kotare Avenue), attributed to a pleasant streetscape, with grass verges and street trees contributing positively to these values. The presence of overhead powerlines and poles are somewhat of a detracting feature. I agree with Mr Kensington that the streets do not appear to be busy with traffic, which contributes to a relatively quiet residential area.

In contrast, West End Road, which provides a physical separation between the immediate residential neighbourhood of the site and the wider Westmere area, is a busy road. Mr Kensington highlights that the road provides a physical barrier between Coxs Bay Reserve and the coastal marine area, and considers this somewhat detracts from the amenity values of this localised area, particularly given noise from passing vehicles. Mr Kensington describes the open space character of Coxs Bay Reserve, in both active and passive recreation modes, contributes positively to the amenity values of the wider area, by providing an open green space with quality amenities and many opportunities to enjoy this space (including walking through and around the park).

In Mr Kensington's opinion, many people experience the amenity values offered by the area as fleeting views when travelling (by private motor vehicle, public bus transport, cycling/scootering, or on foot), with the site particularly noticeable (albeit momentarily) when travelling in a westerly direction on West End Road. I agree with this assessment.

Mr Kensington considers the proposal is likely to result in temporary, but repetitive (cumulative) adverse effects on the existing amenity values of the local area. He notes that, while there will be no direct physical impacts on those natural and physical qualities and characteristics of the environment which contribute to existing amenity values, there will be a negative perceptual impact on people's appreciation of the area's pleasantness. Mr Kensington is of the opinion that the degree to which these adverse effects impact on people will depend on a person's location relative to the site and activity, alongside whether or not a direct view of the helicopter arrival and departure is apparent (in combination with the noise impacts of the activity).

I agree with Mr Kensington's opinion that adverse amenity effects experienced by the general public utilising Coxs Bay Reserve are not likely to be more than minor due to the distance of Coxs Bay in relation to the proposed helipad, together with existing tree canopy which will screen views of a helicopter on the site. This aligns with comments from Council's Sport & Recreation department who consider that, while general activities at Cox's Bay reserve may not be directly impacted [by the proposed helicopter operations], it would still be a distraction. I agree with these assessments.

Mr Kensington goes on to assess potential effects on the amenity values of persons located within those residential properties located at the immediate coastal edge of Cox Bay to the east and west, as well as those in elevated positions where the proposed helicopter operations could be viewed above the canopy of Pohutukawa trees. Mr Kensington also outlines in his assessment that it is difficult to be certain in identifying exactly which people/properties would be impacted. I agree with this assessment, and note reference to persons located within residential properties, however I consider the extent to which there are adverse amenity effects on residential properties in the surrounding area is difficult to define in terms of individual properties. I consider that the extent of potential effects on amenity values corresponds to adverse effects on the wider environment (albeit the aforementioned assessment being limited to the residential area located at the immediate coastal edge of Coxs Bay to the east and west, and those in elevated positions as described above).

As noted earlier in this report, Mr Kensington has considered the potential impact of the proposed helicopter activity on the health of existing trees on the site, particularly those that are located around the coastal edge and which currently contribute positively to the character and amenity values of the area. Mr Kensington is of the opinion that there would be significant adverse effects on these amenity values if these existing trees were impacted by the proposed helicopter operations. Mr Kensington stresses the importance of the protection of these trees, a natural element which forms a ribbon around the coastal edge of Herne Bay and Westmere, that assists with the integration of dwellings in the coastal landscape.

Concerns have been raised by both Mr Kensington and Ms Leung with regard to the potential impact of the proposed helicopter activity on the ability of the consent holder to establish these proposed trees on the site. The planting of vegetation on the subject site for rehabilitation purposes (as per the seawall consent) has also been considered in Mr Kensington's assessment, where he notes an important mitigating element of the seawall was the restoration of tree canopy within the existing 'gap in tree canopy' at the site's northern coastal edge. As noted earlier in this report, the applicant has not sought consent to alter any trees to enable the proposed helicopter operations, and appears to be of the opinion that it is unlikely that damage to trees will occur (noting there is no evidential basis for the assertions made by Council). Having reviewed the proposed plans in the context of the approved plans for the seawall consent, and viewing the proposed helicopter landing area in relation to existing trees on site, I prefer the opinions of Mr Kensington and Ms Leung, as it is apparent that the trees (both existing and proposed) are very close to the proposed helipad and flight path. I do not consider there to be sufficient information from the applicant to be able to confirm that these trees would not be impacted by the proposed helicopter operations, and that those adverse effects are minor or less. As such, based on the application as lodged, there are potentially likely to be more than minor adverse effects on the existing and/or proposed trees to be planted along the coast as a result of the proposal. In turn, the damage to or demise of trees has the potential to result in a significant consequential adverse effect on character and amenity values of the surrounding coastal area.

D. Adverse Effects on recreational activities in public places

As with amenity values, adverse effects on recreational activities in public places would be dependent on those persons that directly experience an area or recreational activities.

The applicant has provided a Memorandum of Effects on Recreation Activities and Values (by Rob Greenaway & Associates, dated 3 October 2023) which broadly identifies existing recreational activities occurring near the site as follows, and their significance, as follows:

- Kite surfing on the eastern side of Meola Reef, with activity avoided at high tide due to a lack of local beaches for launching (although there are differing opinions about preferred tide times). Of regional significance.
- Walking with and without dogs along the coast between Westmere Park and Coxs Bay, with low levels of activity and not possible at high tides. Of local significance
- Paddle boarding and kayaking between Westmere and into Coxs Bay, with most activity in Coxs Bay and east of the proposal site, but passing close to the headland. Of local significance.
- No significance for swimming due to poor water quality for contact recreation.
- Boat mooring in Coxs Bay. Of local significance.

I also note comments received from Council's Sport & Recreation department who have confirmed known recreation activities in the surrounding area (in consultation with Sport Auckland). These include, but are not limited to:

- Hawke Sea Scouts – an organisation who teach youth to kayak in and around Coxs Bay, up to and around Piper Point.
- Meola Dog Park – used by the general public who often walking along the coast towards Coxs Bay.
- Paddle boarding and casual kayakers.
- Kite surfers on the eastern side of Meola Reef.
- Recreational swimmers at high tides and children cooling off in summer.
- General activities in Coxs Bay Reserve.

I agree with the above, and have also undertaken my own assessment in respect to observing recreational activities in the locality on various occasions.

The applicant's recreational effects assessment (by Rob Greenaway & Associates) identifies two potential effects on recreational users of the setting described in the report (and summarised above): hazard from rotor downwash, and noise. Noise effects on recreation activities is incorporated in the assessment to follow, whilst effects in terms of hazard from rotor downwash is assessed as a public safety issue in section 6.E. below.

The applicant's recreational effects assessment describes publicly accessible areas in the locality of the subject site, which I generally agree with. I acknowledge that limited public access to the coastal environment is available in the vicinity of the subject site, where there appears to be limited opportunity to walk along the coastal edge during low tide due to the seabed being thick with mud and silt unless appropriate footwear is worn (i.e. gumboots). Recreational use of the coastal area in the vicinity of the site by recreational watercraft use appears more popular during periods of high tide.

The recreational effects assessment makes reference to Strava – a social media platform where users record their GPS activity via their smartphones or other devices whilst recreating (primarily used by regular cyclists and runners, as well as rowers, kayakers, walkers, waka ama, and swimmers). Being familiar with Strava, I understand that the platform is increasingly being used, and provides an indication of frequently used areas. Whilst Strava data is somewhat useful, the recreational effects assessment alludes to its reliability being questionable in terms of participation levels, bias towards a more physically active and reasonably tech-savvy population, mis-codification of activities, and inaccuracy of GPS recording. I do not consider that Strava data can be relied upon in terms of undertaking a full assessment of effects on recreational activities.

The recreational effects assessment provides analysis of moorings and large vessels in the locality. At the time of writing this report, fourteen moorings have consented within Coxs Bay and immediate west of the subject site⁷.

The recreational effects assessment also provides information on the passage of larger recreational and commercial vessels which utilise an Automatic Identification System (AIS), however use of AIS is voluntary for pleasure craft. Similar to Strava, the recreational effects assessment outlines that the respondent group is self-selected, therefore I do not consider this to be an accurate representation of vessels in the vicinity of the subject site.

Further to the above, the applicant's recreational effects assessment refers to various references/publications in respect of bathing water quality for swimming in the Meola Reef catchment, and other recreational activities such as walking (with or without dogs), kayaking, kite surfing, and paddle boarding.

I agree with the applicant's recreational effects assessment that:

- Noise sensitive recreation activities are primarily walking with and without dogs between Westmere Park and Coxs Bay on the foreshore at low tide (the four-hour window of activity).
- Swimming near the landing site at low tide now and in the future is unlikely to be affected due to the site's distance from beach access points and the nature of the local mudflats.
- Boating activities – especially those associated with moored vessels – will be similarly limited due to the tidal nature of the setting. Boat users may, however, access their vessels at low tide for, for example, maintenance activities.
- Sea kayaking and paddle boarding will be carried out with some separation from the landing site during the low tide window.

As noted earlier in this report, general activities at Cox's Bay reserve may not be directly impacted [by the proposed helicopter operations], it would still be a distraction. The adjacent coastal environment is less likely to be utilised by members of the general public during low tide when helicopter movements are proposed (primarily for watercraft), although it is possible for persons to walk along the coastal edge. Notwithstanding this, I acknowledge that the perception of recreational users of public places can differ, depending on the extent, period and frequency of use of public space such as Coxs Bay and the coastal environment.

I disagree with the assertions made in the applicant's updated AEE, that any effect on individual recreational users will be minimal. I do agree with the applicant's agent that it is impossible to

⁷ Auckland Transport [Moorings map \(at.govt.nz\)](https://at.govt.nz/moorings-map/)

identify individuals, and therefore consider that the varied extent of adverse amenity effects on recreational activities on the environment as a result of disruption caused by helicopter operations will have, or is likely to have more than minor adverse effects on the environment.

E. Adverse Effects on Public Safety

As outlined in section 4 of this report, the ultimate responsibility for ensuring compliance with the CAA Rules lies with the operator in command of the aircraft.

The applicant's recreational effects assessment has identified hazard from rotor downwash as a potential adverse effects on recreational users. Reference has been made to a statement by Mr John Fogden, provided by the applicant in response to matters relating to aviation operational and regulatory requirements (dated 14 March 2022).

Mr Fogden describes the potential effects of rotor downwash on recreational users of Coxs Bay, including activities such as kite surfing, sailing, or other coastal or water users transiting below the departure or arrival path of the helicopter utilising the proposed helipad, while recreational users are directly underneath or close to (within approx. 200 ft) the helicopter. Mr.Fogden considers such effects would be negated by one of two actions of the pilot complying with Civil Aviation Rules, which he asserts are common practices pilots employ to comply with the rules where third parties are involved:

- They may deviate their flight path to another portion of [but remaining within] the approach/departure sector as shown in Fig. 1 of the Hegley Acoustic Consultants Acoustic Report filed with the application, to avoid overflying or otherwise affecting other persons; or
- They may delay their approach or departure, for what will amount to a minute or so, whilst recreational or other water users continue on their travels away from the beneath the flight path.

It is not clear how the above actions would work in practice (i.e. the pilot might be waiting for some time as these users are not particularly fast-moving in the context of helicopter movements, there would unlikely to be any communication channels between pilot and recreational users, and (for helicopters taking off), how does the pilot monitor the recreational users within (or approaching) the flight path?) Nonetheless, I understand the helicopter will fly in and out to pick up / drop off passengers, monitoring of the recreational space will be undertaken by the pilot in command visually on approach and reassessed from the helipad on departure. Providing any deviation of the flight path remains within the proposed flight sector, together with a maximum of 4 helicopter movements restricted to the period two hours either side of low tide, I consider potential adverse effects on public safety as a result of rotor downwash are able to be appropriately managed, to an extent that is no more than minor.

F. Cumulative Effects

Cumulative effects are those which arises over time or in combination with other effects.

In regard to existing approved helipads in the surrounding area, as outlined in respect of the receiving environment, there are three consented domestic helicopter landing pads in the locality of Herne Bay. The closest of these (at 12 Cremorne Street) is in excess of 1.2km from the proposed helipad, as shown in Figure 7 below. The locations of the consented helipads are on coastal headlands, as is the helipad proposed in this application.



Figure 7. Map showing consented helipads in locality in relation to the subject site (subject site outlined in blue). [Source: Auckland Council GIS]

The helicopter flight paths of these three helipads have been approved over the Waitematā Harbour only, over water. Therefore no flights, either proposed or approved, will occur over the residential environment, thereby reducing both noise and visual amenity effects on the surrounding environment.

Furthermore, due to the location of the proposed helipad and those consented in the Herne Bay area adjacent to the coastal environment, topography of the sites and locality, and screening by way of buildings and mature vegetation, it would not be possible to see the consented and proposed helicopter landing areas in a single view.

Given the above, particularly the separation distance of over 1.2km between the properties, the proposed helicopter operations would have less than minor cumulative adverse effects on the environment when combined with the consented helipads and associated helicopter flights.

The proposal also has the potential to cumulatively result in significant effects on the environment due to the repetitive nature of the helicopter operations. In this regard, whilst four helicopter movements per day may appear a small number of flights, four helicopter movements over 7 days a week, every day of the year, cumulative adverse effects of the proposed helicopter operations would be potentially more than minor.

Overall, the proposal would have potentially more than minor repetitive (cumulative) adverse effects on the environment given the number and frequency of helicopter flights proposed.

Adverse effects conclusions

The preceding assessment has identified the adverse effects of the proposal on the environment that are actually or potentially will have adverse effects on the environment that are more than minor for the following reasons:

- The proposal to include a deviation clause in the flight path to cater for emergency scenarios would potentially allow flights to occur over valuable foraging habitat during emergency scenarios. No assessment has been provided on how allowing this would impact birds as the emergency flight path has not been provided and are likely to be selected case by case. The extent of adverse effects on habitats and ecological values is therefore unknown, and potentially more than minor.
- The proposal to allow flights to include "immediately adjacent times when avifauna are absent" increases the risk of accidental flights while birds are on the roost, which in turn could lead to birds abandoning the roost altogether. There is no detail on how this would work in practice or be monitored or enforced.
- Lighting from the helicopter and landing area, along with associated noise, can induce stress for birds attempting to roost and sleep in the surrounding habitat. Birds can be impacted by light and noise, affecting not only the amount of sleep, but also the structure, timing, and regulation of their sleep. The application as proposed would allow helicopter operations to continue when the sun is down could disrupt critical parts of their lifecycle, such as breeding. Lighting from the helicopter may also startle roosting birds, increasing the likelihood of fly strike.
- While the noise events from the helicopter operations may be short and [only] up to four times in a day, the impacts of noise on wildlife would be continuous rather than isolated events, and this continuous disturbance could lead to a whole area becoming inhospitable to some species. Causing birds to vacate an area during noise events would affect energy expenditure and foraging efficiency, which in turn, can lower survival and reproduction rates.
- There are trees on and around the perimeter of the subject site (both existing and proposed under the seawall consent) that are very close to the proposed helipad and flight path. It is not clear on how the proposed helicopter operations will impact on the health and longevity of the coastal Pohutukawa trees on both sides of the cliff at north-west and north-east coasts, nor of the new trees to be planted along the coast in accordance with the seawall consent. It is also noted that any alteration of the Pohutukawa trees necessitated by the proposed helicopter operations would require resource consent, the effects of which have not been (and are not able to be) adequately assessed.
- Following on from the point above, the damage to or demise of trees has the potential to result in a significant consequential adverse effect on character and amenity values of the surrounding coastal area.
- The proposal will have more than minor adverse effects on character and amenity values of the locality. The degree to which these adverse effects impact on people will depend on a person's location relative to the site and activity, alongside whether or not a direct view of the helicopter arrival and departure is apparent (in combination with the noise impacts of the activity).

- The perception of recreational users of public places can differ, depending on the extent, period and frequency of use of public space such as Coks Bay and the coastal environment. The varied extent of adverse nuisance effects on recreational activities by the general public as a result of disruption caused by helicopter operations to be more than minor.
- The proposal would have potentially repetitive (cumulative) adverse effects on the environment.

Overall, considering the above assessment, any adverse effects of the proposal on the environment are considered to be **more than minor**.

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.

Consideration of step 4 is not required given the conclusion drawn in step 3 (that the activities will have adverse effects on the environment that are more than minor).

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 required as while the application is for activities that are not subject to a rule that specifically requires it, it is considered that the activities will have adverse effects on the environment that are more than minor.
- Consideration of step 4 is not required given the conclusions drawn in step 3.

It is therefore recommended that this application be processed with public notification.

7. Notification recommendation

Public notification

For the above reasons under section 95A, I recommend that this application is processed on a **publicly notified** basis.



Adonica Giborees
Reporting Planner
Premium Resource Consents

Date: 1/10/2024

Approved for release

Section 95A recommendation approved for release to the duty commissioner for determination.



Matthew Wright
Team Leader
Resource Consents

Date: 2/10/2024

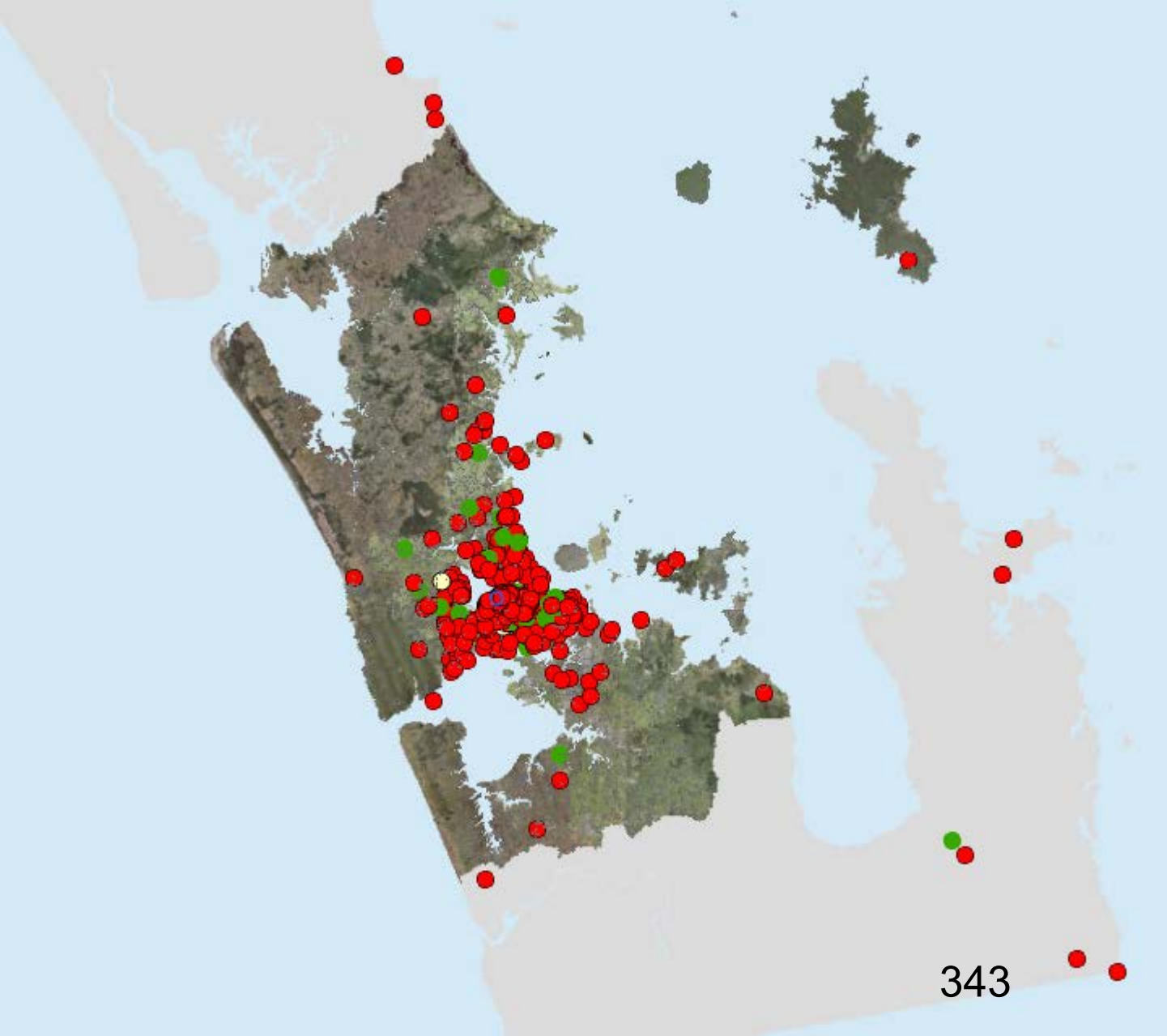
ATTACHMENT SIX

MAP OF SUBMITTER'S LOCATIONS



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38 Rawene Ave Submission Responses
1 km buffer



343

ATTACHMENT EIGHT

**CHANGES MADE AFTER THE APPLICATION IS
NOTIFIED**

From: [Phil Mitchell](#)
To: [Adonica Giborees](#)
Cc: [Chris Simmons](#); [Robyn Pilkington](#)
Subject: 38 Rawene Road
Date: Thursday, 12 December 2024 6:30:40 pm
Attachments: [image002.png](#)
[ATT00002.png](#)

Dear Adonica

The purpose of this email is to confirm the advice provided on 9 December, that being that our clients wish to clarify that they have never intended using helicopters on a twice daily basis each and every day , 365 days per year, as recorded in many of the submissions.

Accordingly, and to provide a further level of assurance to those that may be concerned, our clients would be willing to accept a condition that limited helicopter trips to a total of 10 per month (noting that each “trip” would involve both a landing and subsequent departure).

Could you please ensure that your section 42A report includes the applicant’s proffering of that condition.

Thanks and kind regards

 **Phil Mitchell**
Partner

+64 21 966 175 | PO Box 331152, Takapuna, Auckland 0740
www.mitchelldaysh.co.nz

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**MERI KIRIHIMETE AND HAPPY NEW YEAR
FROM THE MITCHELL DAYSH TEAM.**

This year, we are pleased to continue supporting the charitable work of the Cancer Society NZ, Ronald McDonald House and St John Ambulance.



ATTACHMENT NINE

SUGGESTED DRAFT CONDITIONS OF CONSENT (SHOULD INDEPENDENT HEARING COMMISSIONERS DECIDE TO GRANT RESOURCE CONSENT)

ATTACHMENT 9: Suggested draft conditions of consent

Conditions

Under sections 108 and 108AA, I recommend any grant of this resource consent is subject to the following conditions:

General conditions

These conditions apply to all resource consents.

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 LUC60389929.
 - Application Form and Assessment of Environmental Effects prepared by Mark Benjamin of Mt Hobson Group, titled “*Assessment of Effects on the Environment and Statutory Assessment, Helicopter Take Off and Landing Activity, 38 Rawene Avenue, Westmere, Anna Mowbray and Ali Williams*”, dated 21 November 2021.
 - Assessment of Environmental Effects prepared by Phil Mitchell of Mitchell Daysh, titled “*Anna Mowbray and Ali Williams – Helicopter Activity – Updated Information – 38 Rawene Avenue, Westmere*”, dated 23 April 2024.

Report title and reference	Author	Rev	Dated
Proposed Helipad, Report No. 21021	Hegley Acoustic Consultants	-	24 September 2021

Drawing title and reference	Author	Rev	Dated
Helipad Location Plan, RC-13	Pointing Fitzgerald Architects	-	13/06/2024

Other additional information	Author	Rev	Dated
S92 response letter	Mark Benjamin, Mt Hobson Group	-	1 April 2022
S92 response – acoustic	Rhy Hegley, Hegley Acoustic Consultants	-	21 April 2022
S92 response – acoustic	Rhy Hegley, Hegley Acoustic Consultants	-	10 June 2022

S92 response – ecology	Bioresearches	-	22 June 2022
S92 response – location, trees, ecology	Phil Mitchell, Mitchell Daysh Ltd	-	11 June 2024

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.
3. This consent must expire on [\[expiry date\]](#) unless it has lapsed, been surrendered or been cancelled at an earlier date pursuant to the RMA.
4. The consent holder shall pay the council an initial consent compliance monitoring charge of \$1,020 (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(s). 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(s) have been met, will the council issue a letter confirming compliance on request of the consent holder.

Arboriculture

5. To understand the impacts on the canopy of protected trees on the cliff and within 20m of the Mean High Water Springs (MHWS) of the site, the consent holder must engage a Council approved, qualified and experienced works arborist to monitor and review the health stature of the branches, canopy and overall vitality of these protected trees regularly on a three-month basis for five years, after the commencement of helicopter operations on the site.
6. The works arborist must prepare and submit to Council the quarterly reports with photographic records and description to record the changes in health stature of the protected trees compared to the stature prior to helicopter operations, and recommend mitigation measures to rectify and sustain the tree health if necessary, in accordance with the arboriculture practices.
7. Should the protected trees die or decline beyond recovery due to operation of helicopters on site, mitigation replanting in terms of canopy coverage in 1:1 ratio with native trees species (in minimum of Pb12) must be provided by the consent holder along the cliff or within 20m MHWS, within the site to mitigate the loss of the protected trees. A replanting plan showing this mitigation replanting must be

submitted, reviewed and approved by Council prior to the commencement of replanting on site.

The replacement trees required by Condition 6 must be located in such a position so that their long-term growth and development is taken into consideration and maintained thereafter in correct arboricultural fashion, including irrigation and mulching as necessary.

The replacement trees' growth and development must be monitored for five years following planting. If any of the replacement trees die or decline beyond recovery during this period, it must be replaced by the consent holder with a new specimen of a similar size and species to that which was originally planted.

Title Restrictions

8. Prior to commencing helicopter operations in accordance with this consent, the consent holder must include on the Record of Title of Lot 55 and Lot 56 DP 10231 all restrictions of the helicopter operations as set out in Conditions 9 - 20 below.

Flight Management Plan

9. A Flight Management Plan, as set out in Appendix A of the Hegley Acoustic Assessment 21021 dated 24 September 2021 must be implemented for the helipad, and the proposed helicopter operations must be complied with at all times.

Within the Flight Management Plan the consent holder must ensure that a complete and accurate log of all helicopter movements to and from the site is maintained at all times. The consent holder must maintain a record of the following information.

- a) The date and time of each flight, including the low tide times for the day of the movement.
- b) The flight path of each movement, including whether the consented flight sector was deviated from below 500 feet.
- c) Records of the helicopter owner, operator or helicopter transit company undertaking the helicopter flight.
- d) The helicopter model type or Civil Aviation Authority registration number visiting the site.
- e) The number of bird strikes and near misses of bird strike.

The log must be made available to Council officers within ten (10) working days upon request.

Type of Helicopter

10. The helipad must not be used for any helicopter creating noise effects greater than an Airbus H130.

Hours of Use

11. All flights must be restricted to:
 - a) Two (2) hours either side of low tide; AND
 - b) The hours of 7:00am – 10:00pm each day, or between Morning Civil Twilight and Evening Civil Twilight, whichever is the more restrictive.

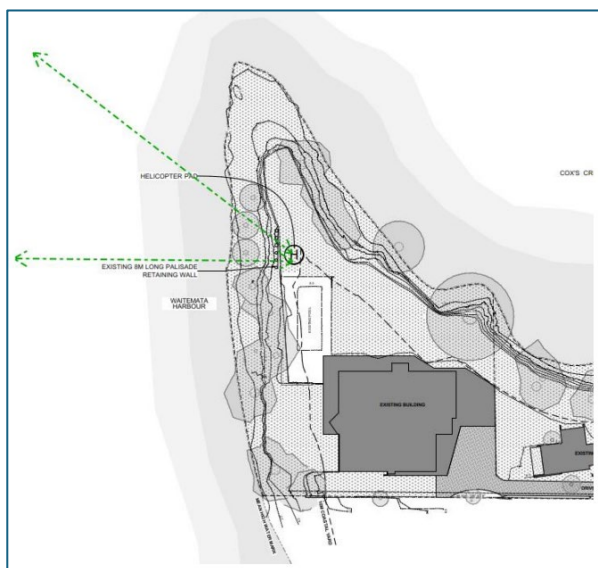
Number and Frequency of Flights

12. The number of flights must not exceed two flights (formed of two (2) approaches and two (2) departures) per day (24 hours), to a maximum of 10 flights (formed of 10 approaches and 10 departures) per calendar month.

Flight Path

13. The consent holder must ensure that all arriving and departing helicopters remain within the flight path approved under Condition 1 and included below (which restricts the flight path to an arc between nominal 315° and 045°) when flying at altitudes of less than 500 feet, unless required to deviate for safety or to meet Civil Aviation Authority requirements.

Manoeuvring outside the approved flight sector when flying at altitudes of less than 500 feet must occur for no more than one in 20 flights to or from the site. If manoeuvring outside the approved flight sector occurs for more than one in 20 flights, Council must be advised of the situation within 10 working days. An updated assessment must be provided to Council to demonstrate how compliance with the noise limit in Condition [1] is being met under these conditions or else a cessation of flights outside the approved flight sector must occur until such a time as compliance with the conditions of this consent can be achieved.



Advice note:

If the number of helicopter movements permitted under Condition 12 changes as a result of flying outside of the sector this is likely to require an amended resource consent.

Noise Limit and Operation

14. Noise generated by helicopters, as measured within any residential boundary where no written consent has been given must not exceed a level of 53 dBA Ldn and 89 dB LAFmax.
15. Noise from helicopters must be measured and assessed in accordance with the requirements of NZS 6807:1994 *Noise Management and Land Use Planning for Helicopter Landing Areas*, except the assessment period should be limited to one day.
16. No aircraft must be 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 which must be in accordance with the information noted in Condition 1.
17. The helipad must not be used for engine testing unless required for demonstrable safety or emergency reasons.
18. No helicopter flight training or major helicopter/aircraft maintenance is permitted on the site.
19. 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.
20. The arrivals and departure of helicopters on the subject site must be for domestic purposes only, and not for commercial purposes.

Advice notes

1. Any reference to number of days within this decision refers to working days as defined in s2 of the RMA.
2. For the purpose of compliance with the conditions of consent, "the council" refers to the council's monitoring officer unless otherwise specified. Please email monitoring@aucklandcouncil.govt.nz to identify your allocated officer.
3. 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.
4. If you disagree with any of the above conditions, and/or disagree with the additional charges relating to the processing of the application(s), you have a right of objection pursuant to sections 357A and/or 357B of the Resource Management Act 1991. Any objection must be made in writing to the council within 15 working days of your receipt of this decision (for s357A) or receipt of the council invoice (for s357B).
5. The consent holder is responsible for obtaining all other necessary consents, permits, and licences, including those under the Building Act 2004, and the Heritage New Zealand Pouhere Taonga Act 2014. This consent does not remove the need to comply with all other applicable Acts (including the Property Law Act 2007 and the Health and

Safety at Work Act 2015), regulations, relevant Bylaws, and rules of law. This consent does not constitute building consent approval. Please check whether a building consent is required under the Building Act 2004.

- 6. The consent holder is advised that most native birds are absolutely protected under the Wildlife Act 1953 under which it is an offence to disturb, harm, or remove them without a permit from the Minister of Conservation.*