



DECISION OF THE QUEENSTOWN LAKES DISTRICT COUNCIL

RESOURCE MANAGEMENT ACT 1991

Applicant:	CEDAR SAFARIS LTD
RM reference:	RM140704
Location:	76 School Road, Makarora.
Proposal:	Consent is sought to establish an airport for the take-off and landing of helicopters and the associated storage of aviation fuel.
Legal Description:	Lot 4 Deposited Plan 9420 held in Computer Freehold Register OT3D/86
Zoning:	Rural Lifestyle (Visitor Accommodation Sub-Zone).
Activity Status:	Discretionary Activity.
Limited Notification:	23 October 2014
Closing Date of Submissions	21 November 2014
Commissioner:	Commissioner A. Henderson
Date:	4 May 2015
Decision:	Consent is granted subject to conditions

UNDER THE RESOURCE MANAGEMENT ACT 1991

IN THE MATTER OF an application by Cedar Safaris Ltd to establish an airport for the take-off and landing of helicopters, with the associated storage of aviation fuel.

Council File: RM140704

DECISION OF QUEENSTOWN LAKES DISTRICT COUNCIL HEARINGS COMMISSIONER A. HENDERSON, HEARING COMMISSIONER APPOINTED PURSUANT TO SECTION 34A OF THE ACT

The Proposal

1. I have been given delegated authority to hear and determine this application by the Queenstown Lakes District Council ("Council") under section 34 of the Resource Management Act 1991 ("the Act") and, if granted, to impose conditions of consent.
2. The application (RM140704) has been made by Cedar Safaris Ltd to establish an airport for the take-off and landing of helicopters, with the associated storage of aviation fuel.
3. Since the Application was notified, the Applicant has made some amendments to the scale and nature of the proposal. These were explained by the Applicant and are as follows:
 - The predominant helicopter to be used will be the piston engine Raven R44 II aircraft. The jet turbine AS 350 B3 Squirrel will only be used to cover times when the Raven R44 is being maintained or repaired.
 - As a result of the correct measurement of the distance between the helipad and the nearest noise sensitive receiver, the maximum daily number of flights has been reduced to 5 flights (10 movements) of the Raven R44 or 3 flight (6 movements) of the AS 350 B3 Squirrel, and a condition has been volunteered to this effect.
 - The Applicant has abandoned plans to average the number of flights over 7 consecutive days, and consent is now sought for the maximum of 5 flights of the Raven R44 per day or 3 flights of the AS350.
 - The Applicant has volunteered a condition to prohibit advertising for 'drive in' flight operations to address the concern that the site would evolve into an airport for general tourism flights. The condition will require the majority of flights to be associated with the lodge, with a minor exception for two flights per day to be used for other pre-arranged purposes, such as those associated with hunting or mustering.
4. These changes were discussed at the hearing, and I am satisfied that they fall within the scope of the original application.

Site Description

5. A full description of the environment within which the application sits can be found in section 3 of the Assessment of Environmental Effects (AEE) prepared for the Applicant by Southern Planning Group, the Applicant's planning consultant. The description of the site was not disputed by any party and I am therefore content to rely upon them, noting that the descriptions accord with my impressions from my site visit.
6. The property is legally described as Lot 4 Deposited Plan 9420, held in Computer Freehold Register OT3D/86.

Notification and Submissions

7. Limited Notification of the application on 23 October 2014 drew two submissions, both of which opposed the application. The submissions were summarised in the section 42A report as follows.

Name	Location	Summary of Submission Points	Relief Sought
C & L Pine	72 School Road (marked with a red dot)	<ul style="list-style-type: none"> • Incompatibility with Makarora 2020 community plan • Need for the application to be treated as a new application • Mitigation boundary fencing and planting will restrict views • Acoustic and landscape reports submitted with the application have used an incorrect distance between the helipad and the nearest boundary - associated impact on flight numbers • Concern with the frequency and duration of the activity • Activity will affect the ability to sleep, adversely affect amenity, result in stress, and restrict conversation. • Mathematical modelling does not necessarily reflect how people experience an effect • Reduction to property values • Inconsistency with the relevant District Plan objectives and policies • Inconsistency with the Section 5 of the RMA • Concern helicopter maintenance has not been addressed • Inadequate consideration of alternative sites • Inadequate road infrastructure • The proposal will result in noise and visual effects, aviation and exhaust fumes, dust, a reduction to privacy, affect other recreational activities, affect health and safety, and result in cumulative effects 	Refuse consent
D Ross	Lot 5 DP 9420 (marked with a green triangle)	<ul style="list-style-type: none"> • Concern with noise, dust, and litter from helicopters • Submitter's Son suffers from Autism. Concern that the noise from helicopters would throw him off balance. Helicopter noise will be detrimental to the health of their Son and would represent a discriminatory practice. • Concern with loss of property value • An alternative airstrip is available in Makarora 	Refuse consent

8. The matters raised in the submissions are addressed where relevant later in this decision.

The Hearing

9. A hearing to consider the application was convened on 20 March 2015. In attendance were:
 - (a) The Applicant, Cedar Safaris Ltd, represented by Mr Brian Lloyd and Ms Rachel Lister (Counsel, Checketts McKay)
 - (b) Council Officers, being Mr Richard Kemp (reporting officer) and Ms Adonica Giborees (Senior Planner); and
 - (c) Colin and Liz Pine (submitters).
10. A statement of evidence was tabled from Mr Douglas Ross (submitter), who also made available a filmed presentation of this evidence.
11. Evidence was presented from the following parties and expert witnesses in support of the Applicant's case:
 - (a) Mr Christopher Daughters (Cedar Safaris);
 - (b) Mr Dion Matheson (Helicopter Pilot, Cedar Safaris);
 - (c) Mr Malcolm Hunt (Acoustic Expert); and
 - (d) Mr Sean Dent (Planning Consultant).

Summary of Evidence Heard

12. The following is a brief outline of the submissions and evidence presented on behalf of the Applicant and submitters. This summary does not detail all of the material that was advanced at the hearing, but captures the key elements of what I was told as the material generally reinforced the matters included in the application and submissions. Where relevant, I address specific issues in my assessment.
13. **Mr Daughters** spoke to the history of the Cedar Safaris Operation, and noted that the Lodge's point of difference in the tourism market is its unique fly out program, where anglers stay at the lodge and are flown to fly fishing destinations. The lodge is a well renowned business, and has a positive impact on the local and national economy. Mr Daughters noted that when the business was purchased they had understood that all necessary consents had been obtained. The application has been made based on their acceptance that this was not the case.
14. **Mr Matheson** explained the operational approach to flying in and out of the site, and indicated that where possible he flies in accordance with the Helicopter Association International 'Fly Neighbourly' program, which includes minimising ground or hover times, steeper take-off and landing profiles, and avoiding sharp manoeuvres. He also discussed the factors that must be taken into account when taking off and landing a helicopter, including:
 - The surface: The site has an existing helicopter pad with a suitable concrete surface for landing.
 - Wind: The prevailing wind at the site is Northerly, which requires takes off and landings into the wind in a northerly direction (over the Makarora River) to a height of 500 feet.
 - Approach and Departure: A clear approach and departure into the predominant wind is not closer to any residential dwellings than the current helipad location.

- Proximity to people: This is not normally an issue with approaches and departures over the river. If river users are encountered there is sufficient area to undertake appropriate safe flight manoeuvres.
 - Escape routes: there are adequate safe, open areas for emergency events or missed approaches.
15. Mr Matheson also explained that the average idling time during loading and unloading is three minutes, which can increase to five or six minutes during warm up times (or slightly longer in cold conditions). Flight time for a take-off and climb to 500 feet varies depending on loads and weather conditions, as can descent. Refuelling is undertaken on the concrete pad from an ex-airport refuelling tanker, with an automatic overfill shut-off valve and emergency shut off valve. Overall Mr Matheson considered that he can operate the helicopter safely while minimising the effects of noise from the aircraft.
16. **Mr Hunt** stated that his assessment of the noise from the proposed helicopter operation was based upon NZS 6807:1994 *Noise Management and Land use Planning for helicopter Landing Areas*. Mr Hunt noted that the District Plan rules referred to the assessment of helicopter noise based upon NZS6802:2008 *Acoustics – Environmental Noise*. However, as this standard specifically excludes transportations noise and aircraft noise, it is more appropriate to rely upon NZS 6807:1994 as a guide to assessing noise from helicopter movements.
17. Mr Hunt explained that the maximum number of flights had been recalculated given that there had been some confusion over the distance to the nearest residential boundary. The correct measurement is 71.6 metres, and as a result the proposal is for a maximum of 5 flights (10 movements) per day of the Raven R44 or 3 flights (6 movements) of the AS 350 B3 Squirrel.
18. Mr Hunt supported the inclusion of a Helicopter Noise Management Plan in the conditions of consent. Mr Hunt's overall conclusions were that the daily maximum levels of helicopter noise will fully comply with guideline limits in NZS6807:1994. He considered that the proposal would not result in adverse effects on the surrounding environment, including nearby residential sites and outdoor areas used by recreationalists. Overall he concluded that there were no environmental noise-related reasons to refuse consent, subject to appropriate conditions being imposed.
19. **Mr Dent** provided planning evidence in support of the application, and noted that he generally agreed with Mr Kemp's assessment in his s42A report. Mr Dent addressed the landscaping proposed as part of the application, noting that additional planting had been undertaken since the s42A report was prepared, and spoke to a volunteered a condition that the applicant proposed to address concerns relating to the potential height of trees against the neighbours' boundaries. Overall, Mr Dent concluded that the effects of the activity would not be more than minor and that the proposal is consistent with and achieves the objectives and policies of the District Plan.
20. **Mr Lloyd and Ms Lister** presented legal submissions on behalf of the applicant, noting in particular that:
- The distance between the helicopter pad and the nearest neighbouring boundary has been measured and it is not necessary to require a further survey as part of any consent conditions;
 - The measured distance has necessitated a recalculation of the number of helicopter movements to ensure that noise restrictions are not breached.

- Changes to the landscaping proposed, and that now planted, by the Applicant is to assist with a loss of privacy and a view of the airport activities and to maintain amenity values. The intention was that the landscaping would assist with the mitigation of helicopter take offs and landings, and was undertaken prior to the finding that the helicopter movements would comply with the restrictions in the relevant noise standards.
- It is important to distinguish between landscaping for mitigation purposes associated with the consent and the landowner's right to protect their privacy. There are no restrictions on what can be planted, and the expectation that open vistas as noted in the Makarora 2020 Community Plan is a goal but has no statutory weight. The applicant volunteered a condition to the effect that there shall be no trees within 3 metres of the boundary of the residential lots that grow to more than 5 metres in height.
- Matters raised in submissions regarding noise, dust, traffic movements and visual effects have all been appropriately addressed.

Submitters

21. **Mr Pine** spoke to his submission. The Pines own Lot 6, 72 School Road, which adjoins the site and is adjacent to the property owned by Mr Ross. Mr Pine considered that the proposal is inappropriate and out of context with the neighbourhood. He considered that the effects of a total of 2,400 movements over two thirds of the year could not be considered minor on their amenity. The application was opposed on the basis of the singular and cumulative effects of helicopter operations, and Mr Pine considered that the proposal was at odds with the ambience anticipated in a rural residential zone, the District Plan, and the Act.
22. Mr Pine considered that noise associated with the helicopter movements is intrusive, stressful, and cumulative. The movements will impact on their amenity both as the movements occur and knowing they will take place at the beginning and end of the day. Mr Pine did not agree that helicopter noise could be mitigated by planting or fencing, and considered the most recent planting undertaken by the applicant to be unacceptable.
23. Mr Pine also considered there would be adverse visual effects, as the fact the helicopter is visible during take offs and landings cannot be avoided. Helicopter movements are not anticipated in the sky in a rural residential area.
24. Mr Pine also addressed the Objectives and Policies of the Plan, and considered the proposal would give rise to significant adverse effects and would not achieve the outcomes sought by the Plan provisions, and would create a precedent. Overall Mr Pine concluded that the adverse effects of the proposal would include the distinctive cumulative and intrusive noise, safety risks, increased vibration, increased traffic along School Road, dust, air turbulence and aircraft emissions, risk of fuel spills, visual effects, effects on privacy and a decrease in property values.
25. Mr Pine also referred to an Issues and Options document the Council had produced for consultation purposes on the management of airport in rural areas, noting that it contemplated permitted activity status for airports in these areas where there was a 500m setback from adjoining residents.
26. **Mr Douglas Ross** is the owner of Lot 5 adjacent to the site. Mr Ross opposed the proposal on a number of grounds, including primarily the potential effects arising from helicopter noise on his autistic son. Mr Ross provided detailed evidence on the nature of sensory difficulties associated with autism, and considered that the adverse effects would be significant. He considered that it would be discriminatory and therefore illegal to allow the operation based

upon New Zealand's ratification of the United Nations Convention on the Rights of Persons with Disabilities.

27. Mr Ross also considered that the Applicants should utilise the existing airfield in Makarora as an alternative site. He also considered, based upon informal advice from a valuer, that there would be adverse effects on the value of his property.

Officers

28. Following the Applicant's case and the submitters' evidence, **Mr Kemp** sought clarification on three matters, as follows:
- The plans provided with the application identified two flight paths. Mr Kemp queried their rigidity. The applicant indicated that they are general routes and are subject to weather conditions.
 - How the standards relating to helicopter noise were set. The applicant indicated that the approach is a relatively cautious one, with consideration of community effects.
 - With respect to fuel storage, Mr Kemp noted that it had been assessed as part of the application, and queried how the provision of an alternative tanker could be provided for. The applicant indicated that they would be happy with a condition that provides for fuel storage up to a specified amount subject to the provision of a location test certificate.
29. Overall Mr Kemp remained of the view that consent could be granted on the basis that the actual and potential effects were not more than minor, and the proposal was not contrary to the provisions of the plan.

Applicant's Right of Reply

30. **Ms Lister's** closing comments were brief, reflecting the fact that the planners were in agreement over the nature of the effects of the proposal. Matters raised are as follows:
- Reference to a Council discussion document that suggests a 500m separation from helicopter noise is irrelevant and carries no statutory weight, as it was a discussion document only.
 - The issue of cumulative effects is not mathematical. There will be many days when there are no flights.
 - The area is not silent. Ambient noise, particularly in summer months, includes other aircraft (both fixed wing and helicopters) flying in the Makarora Valley at any time.
 - Autism is a broad spectrum, and it is not necessarily the volume of noise that is an issue.

District Plan Provisions

31. The subject site is zoned Rural Lifestyle (Visitor Accommodation Sub-Zone).
32. As identified in the section 42A report, the purpose of the Rural Lifestyle Zone (as outlined in Section 8.2 of the District Plan) is to provide for low density residential opportunities as an alternative to the suburban living areas of the District.
33. The provisions of the Plan that are relevant to this application are found in Parts 4 (District-Wide Issues), 8 (Rural Living Areas) and 16 (Hazardous Substances).
34. The proposal requires the following resource consents:

- A **discretionary** activity resource consent pursuant to Rule 8.2.2.3(ii) the proposed use of the site as an airport other than for emergency landings, rescues and fire fighting or ancillary to farming purposes.
- A **restricted discretionary** activity consent pursuant to Rule 16.2.2.2(ii)(a) for the breach of Site Standard 16.2.4(i) and (ii)(b) as the storage of aviation fuel on site does not have a secondary containment system with a storage volume of 120%.
- A **non-complying** activity consent pursuant to Rule 16.2.2.3(i) as it is proposed to store a maximum of 3000 litres of A1 aviation fuel within a certified tanker truck on the site. The District Plan permits a maximum storage of 50 litres of this fuel as prescribed in Column B of Table 1 of the Section 16 - *Hazardous Substances* rules.

35. Overall, I agree that the application is considered to be a **non-complying** activity.

Relevant Statutory Provisions

36. This application must be considered in terms of Section 104 of the RMA.

37. Subject to Part 2 of the RMA, Section 104 sets out those matters to be considered by the consent authority when considering a resource consent application. Considerations of relevance to this application are:

- (a) *any actual and potential effects on the environment of allowing the activity; and*
- (b) *any relevant provisions of:*
 - (i) *National environmental standards;*
 - (ii) *Other regulations;*
 - (iii) *a national policy statement*
 - (iv) *a New Zealand coastal policy statement*
 - (v) *a regional policy statement or proposed regional policy statement*
 - (vi) *a plan or proposed plan; and*
- (c) *any other matters the consent authority considers relevant and reasonably necessary to determine the application.*

38. In addition, Section 104D (Particular Restrictions on non-complying activity) states that:

- (1) *Despite any decision made for the purpose of section 95A(2)(a) in relation to adverse effects, a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either –*
 - (a) *the adverse effects of the activity on the environment (other than any effect to which section 104(3)(a)(ii) applies) will be minor; or*
 - (b) *the application is for an activity that will not be contrary to the objectives and policies of-*
 - (i) *the relevant plan, if there is a plan but no proposed plan in respect of the activity; or*
 - (ii) *the relevant proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or*
 - (iii) *both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity.*

39. The application must also be assessed with respect to the purpose of the RMA which is to promote the sustainable management of natural and physical resources.

40. Section 108 empowers me to impose conditions on a resource consent, if granted.
41. The purpose of the Act is to promote the sustainable management of the natural and physical resources. The definition of sustainable management, as expressed in section 5, is:
- “managing the use, development and protection of natural and physical resources in a way or at a rate which enables people and communities to provide for their social, economic and cultural well being and for their health and safety while:*
- (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations: and*
 - (b) Safeguarding the life-supporting capacity of air, water, soil and ecosystems: and*
 - (c) Avoiding, remedying, or mitigating any adverse effect of activities on the environment.*
42. Section 6 addresses matters of national importance. None are relevant to this application.
43. Section 7 is also relevant, requiring me to have particular regard to the following:
- (b) The efficient use and development of natural and physical resources*
 - (c) the maintenance and enhancement of amenity values*
 - (f) the maintenance and enhancement of the quality of the environment*
 - (g) any finite characteristics of natural or physical resources.*
44. Section 104(3)(b) requires that I have no regard to effects on people who have given written approvals of the application. This is particularly relevant in this application as written approval has been obtained from the following parties:

Person (owner/occupier)	Address (location in respect of subject site)
D & R Jones	Owner of 48 School Road (red dot in Figure 2)
J & M Lister	Owner of 70 School Road (blue square in Figure 2)
R Lister	Owner of 68 School Road (green triangle in Figure 2)
B Jones	Owner of 58 & 66 School Road (Red 'X' in Figure 2)

45. Pursuant to section 104(3)(b) of the Act, any effects on these properties have not been considered.
46. In reaching my decision I note that I have taken into account all of the information provided with the application, the section 42A report and appended assessments, and the evidence presented at the hearing. I undertook a site visit on March 19. I have also considered the provisions of the relevant plans, and Part 2 of the Act.

Permitted baseline, existing environment and receiving environment

47. Both Mr Dent, planner for the Applicant, and Mr Kemp, the reporting planner, agreed that the permitted baseline included a range of activities that could be undertaken as of right on the site, including in this case the following (relevant) activities:

- The storage of up to 50 litres of aviation fuel
- The use of land as an airport when associated with an emergency
- Farming activities
- Up to 100m³ of earthworks within a 12-month period, provided the area of earthworks (where the average depth of cut/fill is over 0.5m) is less than 200m², with a maximum height of cut and fill of 2.4m/2m. Environmental protection measures also need to be undertaken.
- Fences less than 2m in height

48. Both planners also agreed that the existing environment on the site and immediate surrounds includes:

- The existing Cedar Lodge, and associated residential dwelling
- The existing helicopter hangar and landing pad approved by Resource Consent RM051209, noting that there are no existing use rights for the use of the site as an airport, given that the operation has not been lawfully established
- Landscaping and fencing
- Residential and farm buildings on adjacent sites

49. In addition, Mr Dent considered that the existing environment also included consented commercial jet boating activity on the Makarora and Wilkins Rivers, which would involve up to 16 trips per day passing between 120 and 340 metres from the applicants' boundary, non-commercial jet boat trips on the rivers, other commercial and recreational uses of the rivers (including kayaking and angling), and, notably, other aircraft over flights.

50. I agree with the planners' interpretation of the permitted baseline, and the existing environment as expanded by Mr Dent. Furthermore, I consider it appropriate in this case to exercise my ability to apply the permitted baseline and disregard the actual and potential effects of activities where the Plan permits activities with that effect.

51. My assessment of this application, therefore, has been undertaken within the context of the receiving environment, as discussed by Mr Dent and Mr Kemp, cognisant of the fact that I am unable to consider any effects on parties that have provided written approval.

Aircraft Noise – Jurisdiction for Assessment

52. Mr Kemp identified that given the moving nature of a helicopter, consideration needs to be given as to the jurisdiction to consider aircraft noise i.e. the distance above ground level from the helipad where the aircraft is considered to be departing or landing. He referred to page 14 of the applicant's AEE, where it was noted that the High Court has previously directed that where an aircraft is operating over 500 feet in a rural area, noise emissions resulting from the aircraft lies outside the ambit of the RMA and resource consent process. I therefore agree with Mr Kemp that it is appropriate to use the 500 foot threshold as a line for assessment of all helicopter-related effects (including visual effects), whereby the helicopter is no longer arriving or departing. As part of my site visit, I requested that the helicopter fly at the 500 foot level in order to gain an appreciation of the level of noise and visibility experienced at that point.

Assessment

53. Planning evidence was provided by Mr Dent for the applicant and for Council via the section 42A report prepared by Mr Kemp. No other party provided expert planning evidence. Mr Dent and Mr Kemp were in agreement over most, if not all, of the actual and potential effects, and I accept their evidence. Any area where there is disagreement between them is addressed in the following considerations. No other party provided expert noise evidence, and I am content to rely on that of Mr Hunt for the Applicant.

54. I agree with the planning experts that a number of matters require assessment, and address them in the following paragraphs in the order in which they were addressed in the section 42A report.

Landscape and Visual Effects

55. Mr Kemp's assessment drew on a landscape assessment undertaken by Mr Richard Denney, Council's consultant landscape architect, the key points of which are:
- From State Highway 6, views of approaching and departing helicopters below the 500 foot threshold will be limited due to the interference of vegetation.
 - From School Road, views of helicopter movements will be restricted by fencing and planting.
 - While movements will be visible from the Makarora River, they will not be visually prominent such that they will detract from views characterised by natural landscape.
56. Having visited the site and viewed a helicopter on approach and departure, I agree with Mr Kemp's overall view that any visual or landscape effects will be less than minor. In reaching this view, I also note that the application involves no more than 10 helicopter movements per day. Any views of helicopters below the 500 foot threshold will be infrequent, and this visibility is further mitigated by the vegetation and the short period of time it takes to ascend to or descend from the 500 foot threshold.
57. Having considered the evidence presented in the Application and at the hearing, I find overall that the proposal will not have any adverse effects that are more than minor on visual amenity or the landscape.

Noise

58. Mr Kemp and Mr Dent both provided detailed assessments of the actual and potential noise effects arising from the application. Both relied upon the noise assessment undertaken by Mr Hunt, and the subsequent peer review undertaken by Dr Stephen Chiles.
59. Mr Hunt identified that the Operative QLDC District Plan rules state that noise from aircraft should be assessed in accordance with NZS 6802:2008. This standard, however, specifically excludes helicopter noise from assessment under this standard, and recommends that where activities fall within the scope of other standards, then the assessment should be subject to the provisions of that standard. In this case, there is a New Zealand Standard that is directly relevant to the assessment of noise from helicopter movements, being NZS 6807:1994 *Noise Management and Land Use Planning for Helicopter Landing Areas*. Mr Hunt considered that this standard is technically more appropriate for assessing noise associated with helicopter movements. Relevantly, he noted that Clause 4.1.2 of NZS 6807:1994 states that
- "This standard has been prepared taking into account the distinctive character of helicopter noise, and the nature of operations from the helicopter landings areas".*
60. I note that Mr Kemp and Mr Dent accepted this position, and I agree. Assessing the noise from the helicopter movements should be assessed using the most relevant standard, and I consider this is foreshadowed by NZS6802:2008 in that it anticipates the use of appropriate standards where activities fall within their scope.

61. Mr Kemp's report identifies that Lot 5 (Mr Ross' site) has been used as the nearest sensitive noise receiver, and both planners relied upon the findings of Mr Hunt in reaching their conclusions.
62. Mr Hunt's evidence provided a comprehensive assessment of the potential noise from the proposal and concluded that overall, the proposed helicopter landing area will emit modest, infrequent noise into the local environment during daytime. Based upon his assessment under NZS 6807:1994, Mr Hunt's evidence predicted that flights operating on the nominated flight paths to and from the landing pad showed that there would be no parties likely to receive helicopter noise at levels of 50 dB L_{dn} or above, which is the threshold in the District Plan.
63. I accept Mr Hunt's evidence. I consider that this evidence should also be considered in light of the frequency of flights and their predicted duration. The application is based upon a maximum of 5 flights (10 movements) per day. Mr Dent estimated that there may be only 20 minutes of noise per day from helicopter movements in total, based upon an estimate of 5.2 minutes for warm up, and 2- 3 minutes for arrival, pick up and departure. Mr Matheson noted that warm up and idle time is kept as minimal as possible to avoid burning too much fuel. Even if descents and ascents to the 500 foot level took slightly longer depending on weather conditions, I agree with Mr Dent that the overall duration of helicopter noise from the proposal will be a small portion of time each day, and that for the majority of each day, the ambient noise will prevail.
64. I also note that the Noise Management Plan provided with the application proposes that flights will be restricted to two windows of time per day, being between 8:45 and 9:30 each morning and between 4:30 and 5:30 each evening. I consider that restricting the movements to these windows, in tandem with the short duration of each flight, adds strength to the view that there will only be short, confined periods each day when noise from helicopters operating below 500 feet will be noticeable from the site.
65. I agree with Mr Dent's view that the ambient noise includes a range of noise sources, including overflying aircraft, vehicles on the State Highway and School Road, power tools, lawnmowers and noise from other residential and pastoral activities occurring in the vicinity. Based on the evidence of Mr Hunt, and the short duration of noise associated with each movement, overall I consider that there will be no adverse effects that are more than minor associated with helicopter noise from the proposal.
66. I note that noise in particular was of concern to submitters, and particularly to Mr Ross, with respect to the potential effects on an autistic family member. While I understand the concerns Mr Ross has, I cannot agree with his view that a grant of consent would be unlawful.
67. The District Plan, prepared in accordance with the requirements of the Resource Management Act 1991, establishes the consenting framework for activities that do not satisfy relevant activity standards. Applications made are assessed, based on evidence, to address the actual and potential effects of proposals that require consent or breach particular standards. In the case of a non-complying activity, such as this application, a consent may only be granted if it can be shown that the adverse effects are no more than minor, or the activity is not contrary to the provisions of the relevant planning instruments.
68. The expert evidence of Mr Hunt, which was not challenged by another acoustic expert, was that the noise arising from the helicopter movements would not exceed 50dB L_{dn} , would not be significant, and falls within the acceptable levels prescribed in the relevant New Zealand Standard. I note that Mr Hunt's overall view was subject to a peer review by Dr Stephen Chiles, who did not disagree with Mr Hunt's finding. I therefore am content to rely upon Mr Hunt's view, and consider that overall there will be no more than minor adverse noise effects arising from the

proposal. In reaching this view, I also consider that the additional mitigation measures proposed by the Applicant are appropriate and will further assist in avoiding any significant noise effects:

- The adoption of hours of operation that align with District Plan day time noise limits;
- Specifying the quieter Raven R44 II as the predominant helicopter to be used;
- Restricting the use and purpose of the helicopter flights; and
- Operating in accordance with the Helicopter Noise Management Plan provided as part of the application, which includes a requirement to operate all flights between 8:45am and 9:00 am and between 4:30pm and 5:30 pm wherever possible to ensure the majority of the day is free from aircraft noise.

69. Overall, I accept the view of the planning experts that there will be no more than minor adverse noise effects on any party arising from the proposal.

Landscaping

70. Mr Dent outlined that a landscape condition was recommended in the landscape report prepared by Mr Denney for the Council that provided for trees up to 8m in height could be planted within 5m of the property boundary. Despite that condition being agreed by the Applicant, following the release of the 42A report and prior to the hearing, the Applicant has planted additional trees on the site with the potential to grow up to 20m in height, with the potential to result in a loss of views and potential dominance and shading effects on adjoining properties, as acknowledged by Mr Dent.
71. I accept that the Applicant undertook this planting in order to address their own privacy and amenity issues, and I agree with Mr Dent that that the permitted baseline does not preclude the planting of such trees. However, the landscaping as originally proposed was included as part of the application to address potential adverse effects, and the submission of Mr and Mrs Pine agreed with the recommendation to avoid the lineal planting of trees (over 8 m in height) within 5 metres of the boundary.
72. In order to address the concerns of the submitters raised at the hearing, and in response to the additional planting, the Applicant proposed a condition that would require all trees planted within 3 metres of the property boundary to be limited to a maximum height of 5 metres. Mr Dent's opinion was that this condition would ensure that any potential adverse effects of the landscaping on the landscape and visual amenity of adjoining neighbours will be no more than minor, and I accept that the applicant will be required to ensure that any trees comply with this condition. I note that Mr Kemp did not raise an issue with this condition.
73. Neither Mr Denney nor a landscape expert for the Applicant was present at the hearing. In their absence I rely upon the views of the planners in coming to a view that the amended landscaping condition is appropriate to strike a balance between providing for the amenity and privacy of the Applicant, as well as providing some screening for the neighbouring properties without detracting from their overall amenity values to which the mountains on the far side of the Makarora River contribute. I also consider that the existing trees between the helicopter pad and the neighbours' properties provide some visual screening. Overall, I consider that the landscaping proposed will add to the amenity of the site, and provide some mitigation of views of helicopter movements from the site.

Dust and Aviation Fuel/Exhaust Fumes

74. Both planners identified that they did not witness any visible dust or litter being disturbed by the helicopter movements. They also confirmed that they did not identify any noticeable exhaust or aviation fuel fumes. I witnessed helicopter approaches and departures during my site visit, and I did not view any litter or dust being disturbed, and neither did I identify any exhaust or aviation fuel fumes. As Mr Matheson agreed, it is in the pilot's best interest to ensure that the landing area is free from debris given the risk this poses to a helicopter.
75. I agree with Mr Kemp that even in the event that odour may be experienced, any effects are likely to be experienced over a very short duration (generally less than 5 minutes) and would more than likely dissipate given the distance between the subject site and neighbouring sites. I therefore agree that the effects of odour are unlikely to adversely affect the amenity of the neighbours to a degree that is more than minor.

Traffic Effects

76. The application consists of a maximum of five helicopter flights per day during the months of October - May. I agree with Mr Kemp that the capacity of the helicopters (no greater than seven people) will ensure that any traffic generation on School Road and State Highway 6 (SH6) will be largely inconsequential. In particular, I note that the majority of flights are only for the use of the guests of Cedar Lodge, ensuring that additional vehicle movements are not generated other than those associated with the lodge.
77. Up to two trips per day are allocated for users other than guests at the lodge, such as pre-arranged hunting parties or farming activities. I agree that any vehicle movements associated with these flights will be insignificant, and as noted by Mr Kemp unlikely to be discerned from guests of Cedar Lodge and nearby residential or farming uses.
78. There is ample space on the site for parking, and I agree overall with the planning experts that there will be no more than minor adverse effects on the wider environment with respect to traffic generation and parking generated by the proposal.

Storage of Hazardous Substances

79. The fuel tanker proposed to be used by the Applicant contains 3,000 litres of aviation fuel. The Pine submission has raised the concern that the aviation fuel tanker located on site without provision for containment/mitigation of spillage could lead to groundwater contamination.
80. The section 42A report notes that the fuel will be stored in a purpose-built vehicle and is directly associated with the use of the helicopters. The Council's QLDC District Inspector advised that a HSNO (Hazardous Substances and New Organisms) test certificate is not required for this particular tanker, unless a permanent pump is to be installed in future, and I agree that an advice note can be included in this regard.
81. The Council's District Inspector also advised that Site Standard 16.2.4.1 requires a secondary containment system for the hazardous substance. Mr Dent's evidence noted that as the tanker has three 1,000 litre compartments, this would require a compound capable of containing 110% of the compartmental volume would be required to comply with HSNO requirements.
82. Mr Dent also noted that the applicant is considering acquiring a smaller tanker (1,500 litres) which would not require any secondary compound.
83. Mr Dent's proposed conditions included a requirement that the applicant obtain a Location Test Certificate under the HSNO legislation, and that such a certificate would provide the Council

with sufficient certainty that the storage facility contains the highest level of spill/leak control, and would appropriately address the potential adverse effects of not providing the full site containment required. I agree with Mr Dent. I also note that the applicant has indicated that they intend to replace the tanker, and as such agree with Mr Dent that it is appropriate that the conditions refer to a maximum storage of fuel as opposed to a specific storage container. I note that both Mr Kemp and Mr Dent agreed that there would be no more than minor adverse effects associated with the storage of fuel on the property, and I agree with that view.

Safety Effects

84. Both planners addressed the issue of safety effects, as they were specifically raised in the submission of Mr and Mrs Pine, relating specifically to a concern that the helicopter movements (and associated visual and auditory cues) will draw the attention of people nearby. The submitter is concerned that this potential, in combination with an increase in vehicle movements could result in an accident.
85. The helicopter movements will be separated from School Road by a minimum of 80m and screened by existing buildings and trees/vegetation. The site is well setback from the State Highway so as to avoid adverse safety effects. In this respect I also note that the proposal will result in a maximum of 5 flights (10 movements) per day. Glimpses of helicopters either at a distance or between trees will be fleeting, and I do not consider that there will be any significant safety effects arising from the proposal.

Cumulative Effects

86. Mr Kemp noted that an adverse cumulative effect is an effect, when combined with other effects, is significant only when it breaches a threshold. The Pine submission requested that the various effects are not assessed in isolation, and submitted that the cumulative nature of all the effects assessed above will affect the peace and tranquillity of the area.
87. Mr Kemp's report identified that the immediate surrounding environment does not include any other helicopter operations or uses of a similar nature. While the proposal will result in a variety of adverse effects, none of these adverse effects are considered to be more than minor, nor will reach any form of threshold with respect to an unacceptable degradation of the rural and rural living amenity of the area. I also note that the proposal will only result in a maximum of 5 flights (10 trips per day), and I therefore agree with Mr Kemp that adverse cumulative effects are likely to be less than minor.

Alternative Sites

88. I note that both submitters consider that there are viable alternatives for the operation within the nearby Makarora area. The applicant has submitted that the continued use of Cedar Lodge as the departure/landing spot is the only viable alternative, and queried whether the potential alternative landing areas in the vicinity hold either existing use rights, or the required consents. I also note that the alternative site, operated by Southern Alps Air, is also located on private property and for that reason alone is not a viable alternative option for Cedar Lodge.
89. I agree with Mr Kemp's assessment that the adverse effects of the activity - both on the wider environment and the two submitters – will not be more than minor. The conditions agreed between the planners are appropriate, in my view, to appropriately mitigate any adverse effects. I therefore agree with the applicant that the proposed location is the most appropriate to suit their needs.

Summary of Effects

90. Overall, having considered the evidence presented at the hearing, the application and supporting reports, and the submissions, I am satisfied that the adverse effects of the proposed activity will not be more than minor, and that the conditions of consent agreed between the planners will ensure that any effects are appropriately managed. I accept that the conditions proposed are sufficient to avoid, remedy or mitigate any adverse effects of the proposal.

Objectives and Policies of the District Plan

91. I have considered the detailed assessments of the objectives and policies of the Plan as set out in the Application, the section 42A report and the evidence of the planning experts. I note that the planning experts were in general agreement, and I rely upon their views.
92. Mr Kemp's overall view is that the proposal is not contrary to the Plan, and Mr Dent agrees. Having considered the assessments of the planning experts, I am satisfied that the proposal is not contrary to the objectives and policies of the Plan.
93. I have earlier found that the adverse effects of the proposal are not significant and can appropriately be managed through conditions of consent.

Part 2 Matters

94. Section 5 states that the purpose of the Resource Management Act is "to promote the sustainable management of natural and physical resources". "Sustainable management" means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while —
- (a) *Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
 - (b) *Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
 - (c) *Avoiding, remedying, or mitigating any adverse effects of activities on the environment.*
96. Section 7 requires that I have particular regard to a range of matters. I am satisfied that the evidence presented on behalf of the Applicant, and that of the Council reporting officers, has demonstrated that these matters are appropriately addressed.
97. There are no particular Treaty of Waitangi issues (Section 8) that need to be taken into account in relation to this application.
98. For the reasons set out in this decision, I consider the application to be consistent with relevant matters in Part 2 of the Act.

Determination

99. Consent is sought to establish an airport for the take-off and landing of helicopters and the associated storage of aviation fuel.
100. Overall, the activity was assessed as a non-complying activity under sections 104, 104B and 104D of the Act.
101. The Act seeks to avoid, remedy and mitigate adverse effects associated with developments. I consider that the adverse effects of this application can be appropriately avoided, remedied or mitigated such that they are not more than minor.

102. I further find that the proposal is not contrary to the relevant objectives and policies of the District Plan.
103. Accordingly, I determine that Consent be **GRANTED** pursuant to section 104D of the Act subject to the attached conditions which are imposed under section 108 of the Act.

Dated at Queenstown this 4th day of May 2015

A handwritten signature in blue ink, appearing to read 'Andrew Henderson', with a stylized flourish at the end.

Andrew Henderson

Hearings Commissioner (on behalf of the Commission)

RM140704 - Cedar Safaris Limited Conditions of Consent

General Conditions

1. That the development must be undertaken/carried out in accordance with the plans and application documentation entitled:
 - Application documentation entitled '*Cedar Safaris Limited – Resource Consent Application For An 'Airport' At Cedar Lodge, 76 School Road, Makarora*' (dated 09 September 2014) and '*Cedar Safaris Limited – Clarification of Proposed Resource Consent Application RM140704*' (dated 24 January 2015), both prepared by Southern Planning Group.
 - '*Flight Path Plan*'
 - '*Helicopter Noise Management Plan*' Version 2.0 (dated 24 January 2015) submitted with the application.

stamped as approved on 4 May 2015 and the application as submitted, with the exception of the amendments required by the following conditions of consent.
- 2a. This consent shall not be exercised and no work or activity associated with it may be commenced or continued until the following charges have been paid in full: all charges fixed in accordance with section 36(1) of the Resource Management Act 1991 and any finalised, additional charges under section 36(3) of the Act.
- 2b. The consent holder is liable for costs associated with the monitoring of this resource consent under Section 35 of the Resource Management Act 1991 and shall pay to Council an initial fee of \$240. This initial fee has been set under section 36(1) of the Act.

Landscaping

3. The consent holder shall ensure in perpetuity that any boundary planting/trees on the site located adjacent to, and within three metres of the boundaries of Lots 5 and 6 DP 9420 shall be trimmed/pruned or otherwise maintained such that they do not exceed a maximum height of 5m above ground level.

Storage of Fuel

4. The maximum volume of aviation fuel stored on site within any road legal tanker or trailer wagon shall not exceed 3000 litres.
5. Within three (3) months from the date of this decision, the consent holder shall submit to Council a Location Test Certificate from a suitably qualified HSNO Test Certifier for the proposed method of fuel storage.

Should the consent holder change the fuel tanker or trailer wagon during the life of this resource consent, the consent holder shall submit to Council evidence from a suitably qualified HSNO Test Certifier of a Location Test Certificate for the new storage facility within 4 weeks of its location on the site.

Operation of the Activity

6. The aircraft consented for use pursuant to this resource consent is a single Raven R44 II piston engine helicopter.

The only exception to the use of this aircraft is that during times of maintenance and repairs (scheduled or un-scheduled) of the Raven R44 II, the consent holder may utilize an AS350 B3 Squirrel helicopter. The AS350 B3 shall cease operation at the site as soon as the Raven R44 II is available for service.

7. The consent holder shall keep a log of all servicing and repairs undertaken to the Raven R44 II aircraft up to date at all times and shall upon request provide a copy to the Council at any time to confirm compliance with Condition (6) above.
8. There shall be no engine testing or maintenance of helicopters undertaken on site.
9. If the helicopter is to be idling on the landing site for more than 5 minutes the aircraft must be shut down to prevent unnecessary noise and disturbance.
10. The maximum number of flights permitted from the subject site pursuant to this resource consent is as follows:
 - 5 flights per day of the Raven R44 II aircraft; or (during its maintenance and servicing):
 - 3 flights per day of the AS350 B3 Squirrel aircraft.

For the purpose of this condition, a flight comprises two 'movements' i.e. a landing and departure.

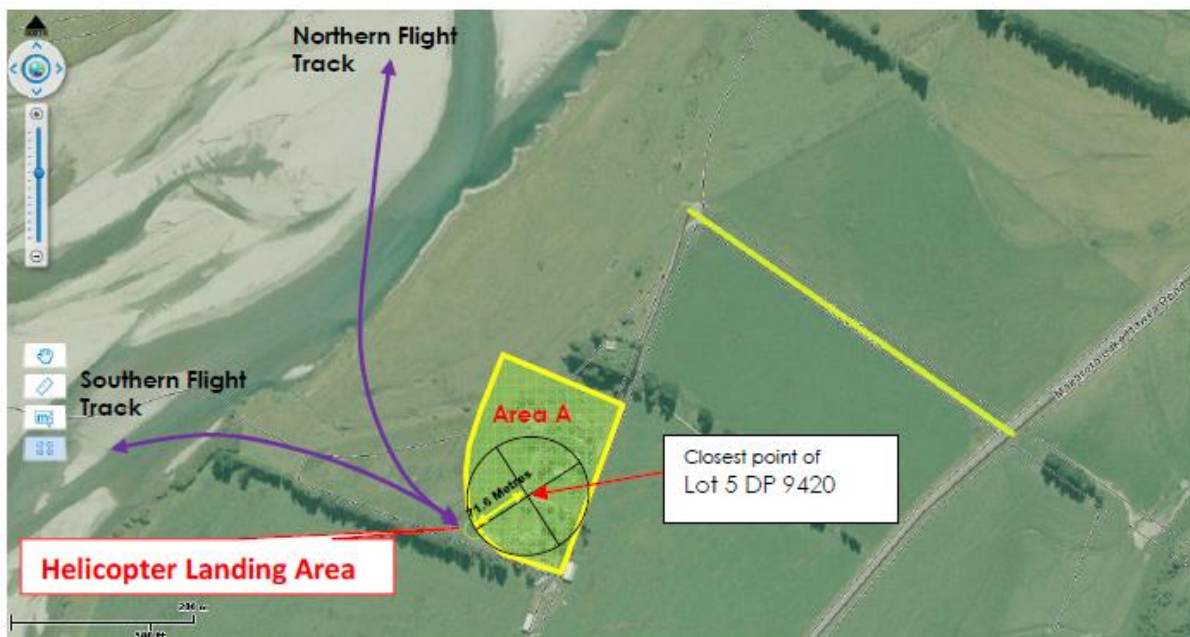
11. The consent holder shall ensure use of the helicopter landing area to which this consent applies shall be limited so that helicopter noise levels received within the boundary of Lot 5 DP 9420 do not exceed Ldn 50 dBA when measured and assessed in accordance with NZS6807:1994, excluding the 7 day averaging provided for within Section 4.3 of NZS6807:1994.

Advice Note: As a mitigation measure compliance with the Ldn limit shall be determined on a daily basis with no averaging across consecutive days. To achieve this no more than 10 movements per day of a Raven R44 II helicopter, or alternatively no more than 6 movements per day of the AS350B3 helicopter shall occur at the landing site on any day, For the avoidance of doubt, One approach = 1 movement, One departure = 1 movement.

12. The consent holder is not permitted to advertise in any form for the provision of 'drive in' scenic flight operations from the subject site. All flights are to be associated with the operation of the visitor accommodation activity on site and the activities of its guests with the following exception:
 - On any day a maximum of two flights may be used for any other reasons where the flights have been pre-arranged.
13. The consent holder shall ensure that all flights that operate into and out of the helicopter landing area shall comply with all operational requirements and protocols contained within the Helicopter Noise Management Plan (HNMP), and any subsequent variations or amendments to this plan. Prior to implementation, any variations or amendments to the HNMP shall be submitted to Council for certification to ensure that all relevant standards and best practise management tools are included and up to date. For avoidance of doubt, the HNMP shall always address the following matters:
 - Operator training;
 - Helipad Infrastructure;
 - Hours of operation;
 - Flight paths;
 - Idling times;
 - Blade Slap;
 - Helicopter types;
 - Number of flights;
 - Information recorded;
 - Liaison and complaint procedures;
 - Fly Neighbourly and/or any equivalent

For the avoidance of doubt, if there is any inconsistency between the HNMP and these conditions of consent, these conditions of consent shall prevail.

14. The consent holder shall provide to the Council an annual activity log of all helicopter activity at the helicopter landing area. The first log shall be submitted within 10 working days of the first anniversary of this consent. The activity log shall be kept up to date and provided to Council at any other time upon request to ensure compliance with the helicopter activity approved by this consent.
15. The consent holder shall ensure use of the landing area is controlled so that, except for emergencies, helicopter movements only take place between the hours of 8.00am to 6:30pm on any day, and are only undertaken during the months of October through to May the following year.
16. Where both the R44 II and AS350B3 are using the landing pad on the same day, the Noise Management Plan shall contain a method for assessing cumulative Ldn helicopter noise levels so that cumulative helicopter noise does not exceed the Ldn 50 dBA limit. This method shall be determined by a suitably qualified acoustic professional.
17. The consent holder shall ensure, other than in the event of emergencies, pilots using the site only use the flight paths set out in Figure 1 of the MHA acoustic report as identified below:



Advice Note: Compliance with Condition 17 does not require the consent holder to strictly follow the exact flight path lines as shown in the above image. A small degree of variation is expected due to the wind conditions at the time but no flights are permitted to operate closer than 71.6m from Lot 5 DP 9420.

18. The consent holder shall ensure pilots using the site conduct their flight operations to avoid, except in the case of emergencies, over-flight of dwellings at an altitude of 500 feet or less above ground. The consent holder shall require that all pilots using the site, plan routes and fly in accordance with the recommendations of the third edition of the Helicopter Association International [HAI] 2009 Fly Neighbourly Guide.
19. Other than from the helicopter during operation, there shall be no lighting of the helipad or surrounding area associated with the activity.

Litter and Dust

20. The consent holder shall ensure that a radius of 50m from the centre of the helipad and beneath the northern/southern flight tracks are kept free of litter at all times, and maintained in a grassed, vegetated, or hard surface to prevent dust emissions.

Review

21. Within ten working days of each anniversary of the date of this decision the Council may, in accordance with Sections 128 and 129 of the Resource Management Act 1991, serve notice on the consent holder of its intention to review the conditions of this resource consent for any of the following purposes:
 - (a) To deal with any adverse effects on the environment associated with conditions 6 to 19 that may arise from the exercise of the consent which were not foreseen at the time the application was considered and which it is appropriate to deal with at a later stage.
 - (b) To deal with any adverse effects on the environment associated with conditions 6 to 19 which may arise from the exercise of the consent and which could not be properly assessed at the time the application was considered.
 - (c) To avoid, remedy and mitigate any adverse effects on the environment which may arise from the exercise of the consent and which have been caused by a change in circumstances or which may be more appropriately addressed as a result of a change in circumstances, such that the conditions of this resource consent are no longer appropriate in terms of the purpose of the Resource Management Act 1991.
22. As part of the review clause stated in condition 21 of this consent, the Council may require the acoustic assessment submitted with the application and current Helicopter Noise Management Plan to be audited at the expense of the consent holder.

Advice Note

- i) The consent holder is advised of the need to comply with the Hazardous Substances and New Organisms Act 1996.
- ii) The consent holder is advised that safety signage is permitted to be constructed in the immediate vicinity of the helipad.

'Flight Path Plan'

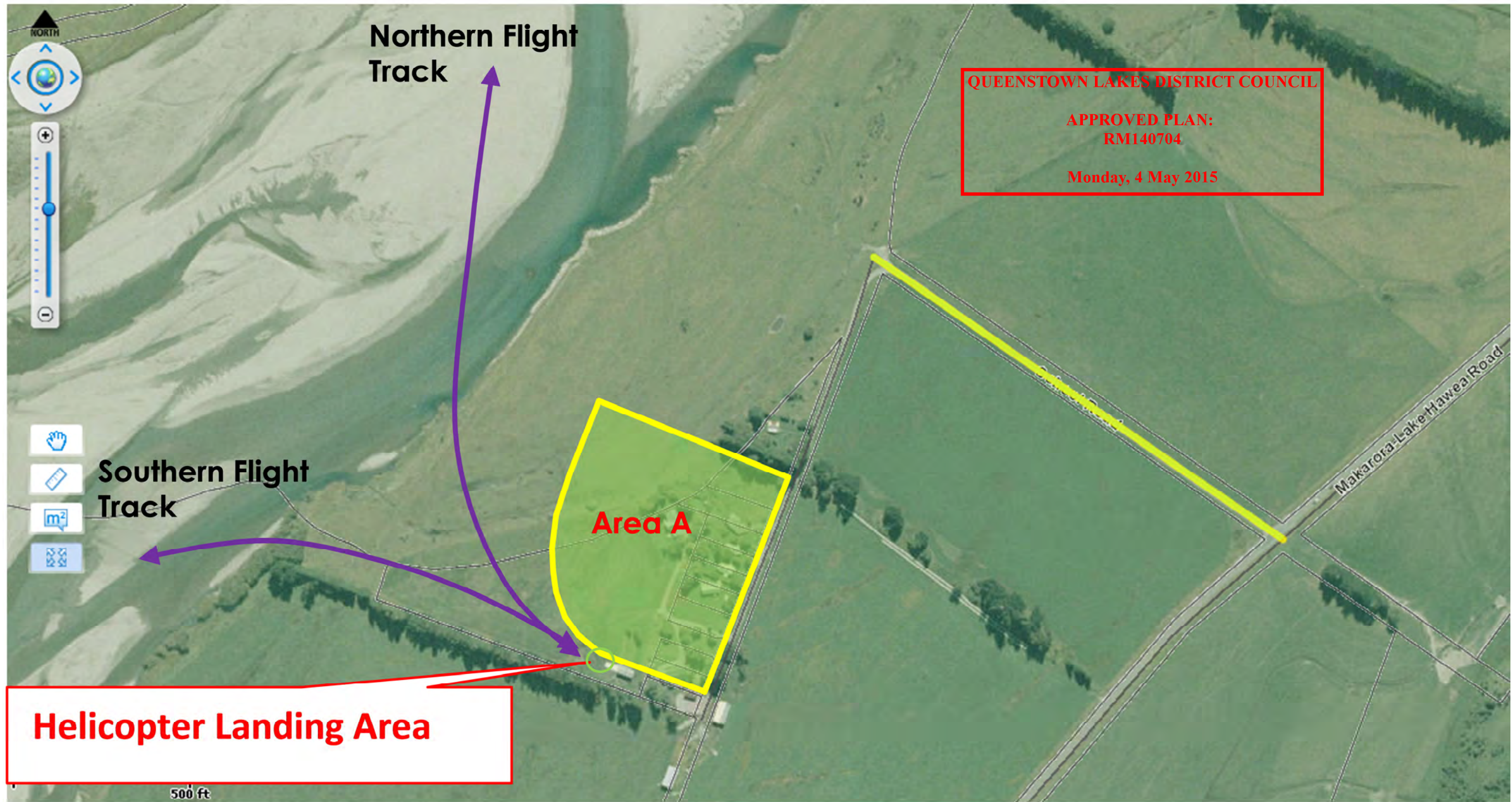


Figure 1: Aerial photo of the site showing the northern and southern flight tracks Helipad site and surrounds. Also shown "Area A" no fly zone. Ref: Google Maps. NTS.

09 September 2014

Queenstown Lakes District Council
Private Bag 50072
QUEENSTOWN 9348

Attention: Planning Department

Dear Sir/Madam;

**CEDAR SAFARIS LIMITED – RESOURCE CONSENT APPLICATION FOR AN
'AIRPORT' AT CEDAR LODGE, 76 SCHOOL ROAD, MAKARORA**

Southern Planning Group act for Cedar Safaris Limited who seeks resource consent from the Queenstown Lakes District Council for the arrival and departure of helicopters ('airport' by definition) from Cedar Lodge, in Makarora.

The proposal is described in detail in the accompanying resource consent application submitted on behalf of Cedar Safaris Limited by Southern Planning Group.

A copy of the application and all associated documents are attached to this correspondence.

The resource consent deposit fee of \$820.00 has been paid by direct credit on 09 September 2014 with the reference 'RMCEDAR'.

Please contact me should you have any questions in relation to this letter and the supporting information.

Yours faithfully



Sean Dent
RESOURCE MANAGEMENT PLANNER

SOUTHERN PLANNING GROUP
14032- CEDAR SAFARIS LIMITED

QUEENSTOWN LAKES DISTRICT COUNCIL

**APPROVED PLAN:
RM140704**

Monday, 4 May 2015

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1.0 THE APPLICANT AND PROPERTY DETAILS

Site Address: Cedar Lodge, 76 School Road, MAKARORA.

Applicants Name: Cedar Safaris Limited

Address for Service Cedar Safaris Limited
C/- Southern Planning Group
PO BOX 1081
QUEENSTOWN 9348

ATTENTION: Sean Dent

Legal Description: Lot 4 Deposited Plan 9420 as held within Certificate of Title OT3D/86.

Site Area: Cedar Lodge - 2.33 hectares more or less

Brief Description of Proposal: Resource consent is sought to legalise the arrival and departure of helicopters from Cedar Lodge.

Summary of Reasons for Consent: The taking off and landing of aircraft is deemed to be an 'airport' by definition in the District Plan. Airports in the Rural Lifestyle Zone require resource consent as a Discretionary Activity.

The following is an assessment of environmental effects that corresponds with the scale and significance of the effects that the proposed activity may have on the environment.

LIST OF INFORMATION ATTACHED

Appendix [A]	Cedar Lodge Site Location Plan
Appendix [B]	Certificate of Title
Appendix [C]	Cedar Lodge Helicopter Flight Path Plan
Appendix [D]	Proposed Helicopter Noise Management Plan
Appendix [E]	MHA Acoustic Assessment
Appendix [F]	Affected Party Approvals

Sean Dent

Resource Management Consultant, Southern Planning Group



Date: 09 September 2014

2.0 RESOURCE MANAGEMENT BACKGROUND

Resource Management History

Cedar Lodge was originally established in the early to mid - 1970's. The existing lodge building was constructed in its current position the early 1980's.

The lodge and the operation of guided fly fishing via aircraft have been undertaken from the subject site since the lodge's inception in the 1970's. Initially, it is understood that the aircraft operations involved a fixed wing and rotary wing aircraft however, this proposal seeks approval only for rotary wing aircraft (helicopters) to be utilised.

In terms of the relevant planning provisions applicable when the aircraft operations began it is understood that the 1970 District Scheme which was prepared pursuant to the Town and Country Planning Act 1953 is the relevant planning document in which to consider the issue of existing use rights.

In terms of this District Scheme the site is understood to be Zoned Rural. Pursuant to the rules of the District Scheme, if a use is a 'Predominant Use' and all the ordinances are complied with, no approval is required from the Council. If a use is a 'Conditional Use', then approval is required.

If a use is 'not expressly mentioned' then the Council shall determine which Zone or Zones such a use may be permitted and whether it shall be a Predominant or Conditional Use and if Conditional, what conditions are required.

Our assessment of this District Scheme is that helicopter landings/airports are not mentioned as Predominant or Conditional Uses. As such a use is not expressly mentioned, Council approval for the aircraft activities would have been required.

Given the above, and that the applicant does not hold any records of Council approval, it is considered that the proposed helicopter landings were not lawfully established and therefore existing use rights do not exist in this circumstance.

Further to the above, it is acknowledged that the applicant obtained resource consent RM051209 from the Council on 03 April 2006 to construct a shed on the subject site for the purpose of a helicopter hangar. This consent has been exercised and was signed off by the Council's compliance team on 26 September 2007.

During the processing of this consent it was acknowledged that the applicant had not produced evidence of existing use rights however, as it was only the hangar that was applied for the processing planner did not consider the matter of helicopter movements at that time.

Accordingly, the proposal seeks retrospective resource consent for helicopter movements from Cedar Lodge.

3.0 SITE DESCRIPTION AND SURROUNDS

Site Details

The site at the crux of this resource consent application is Cedar Lodge which is located at 76 School Road, Makarora. A site location plan depicting the subject site is contained within **Attachment [A]**.

The subject site is accessed via School Road, Makarora. A gravel surfaced driveway enters the subject site on its eastern boundary. Specifically, the access is located between Lot 3 Deposited Plan 9420 which is owned by the applicant and Lot 5 Deposited Plan 9420 which is owned by John Ross.

After entering the subject site the gravel access way turns ninety degrees to the north and culminates at Cedar Lodge which is located in the north western corner of the triangular shaped site.

The lodge is surrounded by mature trees on all but its southern elevation allowing privacy from the residential sections located to the north and east of the subject site and spectacular views across the lawn to the south over the pastoral farmland and towards the junction of the Makarora River and Wilkin River Valleys.

The lodge is a single story building with a classic pitch roofed design. The building is painted in dark recessive tones and contains decks/verndahs along its entire southern elevation as depicted in the photograph below:



Cedar Lodge Looking south East. Source – Sean Dent

Internally the Lodge is comprised of four guest rooms, a lounge, and a dining area. Rooms are twin single accommodation.

A post and rail fence demarcates the lodge grounds from the remainder of the 2.33 hectare site which is typically pastoral in appearance consisting largely of pastoral grass species.

A couple of isolated mature trees exist between the access to the helicopter hangar approved by RM051209 which is located in the subject sites southern corner directly to the west of Lots 1- 3 Deposited Plan 9420, all of which are owned by the applicant.

An existing shelter belt hedge of approximately 15m to 20m in height is located along the entire south western boundary of the site.

Legal Encumbrances

The subject site comprising Cedar Lodge is contained within Certificate of Title OT8D/636. There are no legal encumbrances registered against this Certificate of Title which are of relevance to this proposal.

A copy of the Certificate of Title is contained within **Attachment [B]**.

4.0 PROPOSAL

Overview

Retrospective resource consent is sought from the Queenstown Lakes District Council to authorise the take-off and landing of helicopters from Cedar Lodge, based at 76 School Road, Makarora.

Specifically, it is proposed to undertake the following activities:

- 6 flights per day of a Raven R44 II helicopter or 3 flights per day of an AS350B3 helicopter (averaged over 7 consecutive days) or a combination of the two from Cedar Lodge on any one day (1 flight = an arrival and departure or two movements);
- All aircraft movements at Cedar Lodge will occur between the hours of 8:00am and 6:30pm;
- All aircraft activity at Cedar Lodge will occur during the months of October – May;
- All aircraft activity will be undertaken in accordance with an approved helicopter noise management plan;
- No aircraft movements will be permitted to overfly the adjoining residential properties and must arrive and depart the site in accordance with the flight path plan contained in **Attachment [C]**.
- No fixed term of consent is sought for the proposal.

Proposed Helicopter Type

The proposed helicopter landings at Cedar lodge are currently undertaken utilising a Raven R44 II piston engine helicopter. The applicant has specified a Eurocopter AS350B3 helicopter as an alternative as a future replacement and/or temporary machine during periods of required servicing on the R44.

Malcolm Hunt and Associates (“MHA”) have prepared an acoustic assessment which confirms that an average of 6 flights per day of the R44 and 3 flights per day of the AS350B3 would comply with the relevant acoustic standard NZS 6807:1994 – Noise Management and Land Use Planning for Helicopter Landing Areas. A copy of this assessment is contained within **Attachment [D]**.

A draft helicopter noise management plan has been prepared and is contained within **Attachment [E]**. The draft helicopter noise management plan contains a table enabling a quick and easy calculation of the complying number of flight movements that can be undertaken with either helicopter type.

Provision is provided for the management plan to be updated should a change in machine occur. Any change would necessitate an acoustic assessment to accompany the submission of the updated management plan to Council’s compliance officers to ensure the noise emissions remain compliant with NZS 6807:1994 – Noise Management and Land Use Planning for Helicopter Landing Areas.

Proposed Reasons for Flights

While the predominant use of the helicopter arrivals and departures from Cedar Lodge are for the purpose of undertaking fly fishing trips on the nearby rivers, the applicant also offers heli-hiking and/or scenic flights from the subject site to cater for the interests of partners of fishermen staying at the lodge.

While the above mentioned activities are the predominant purposes for the flights at present, the applicant does not propose to be limited to flights for those specific purposes. Rather, the purpose of the flights is proposed to remain open to any activity to enable diversification in the future.

Proposed Landing Location

Historically the helicopter arrivals and departures have occurred from the paddock directly in front of the Cedar Lodge building and approximately 40m from the boundaries of the residential properties to the east of the site.

However, during consultation with the adjoining residential neighbours the proximity to these properties was identified as a concern.

As such, the applicant proposes to continue to store the helicopter in the existing hangar on the subject site and operate only from the concrete pad directly in front. This increases the separation distance from the nearest property containing a residential unit to approximately 90m.

The landing location is depicted on the flight plan contained within **Attachment [A]**.

Proposed Hours of Operation

Generally, the typical flight operations from the subject site will involve the flights being undertaken in equal numbers in the morning and afternoon/evening between the following time periods:

- Morning 8:45am – 9:30am
- Afternoon 4:30pm – 5:30pm

However, sometimes because of (but not necessarily limited to) weather conditions, flights may not be able to occur until later in the day and similarly, flights may be slightly delayed in arriving back at the lodge.

Sometimes a fishing guide will need to be flown to check out the river conditions before clients can be dropped at a certain location to ensure the rivers are still running clear enough to fish.

As it is difficult to draft as well as enforce a condition for hours of operation as outlined above with various exceptions it has been considered best to simply propose overall hours of operation of 8:00am to 6:30pm to account for these circumstances.

Proposed Landscaping

During consultation with the adjoining residential neighbours it was alleged by the owners of 72 School Road¹ that the proposed helicopter landing area would result in a loss of privacy and result in visual effects from the airport and localised air traffic.

The applicants have taken this on board and now propose to extend an existing 1.8m high wooden board fence along their boundary with 72 School Road and Lot 5 DP 9420 right to the boundary of the subject site with School Road.

Further, it is also proposed to plant the grass verge between the driveway and the fence on the applicant's site with fast tall growing trees that achieve a height of at least 5m. A minimum of 50% of the proposed planting will be of native species. The proposed height is specifically proposed as the existing hangar is 4.83m tall.

¹ Email correspondence from Colin and Liz Pine to Sean Dent dated 08 June 2014

The following conditions of consent are proposed to ensure that the above screening is adequately achieved:

Within 1 month of the date of this consent being granted the consent holder shall submit to the Principal: Landscape Architect Queenstown Lakes District Council for approval a landscape plan that meets the following objectives:

- *The inclusion of tree and shrub species that will achieve a minimum height of 5m in order to screen the view of the helicopter operations on the subject site and the existing 4.83m high helicopter hangar from Lot 5 and 6 DP 9420;*
- *The landscape plan shall specifically detail the numbers and the specific species of proposed plants;*
- *At least 50% of the plantings shall be of native species; and*
- *The landscape plan shall confirm the height, location and materials of the proposed boundary fence.*

“All planting shall be irrigated and maintained and any plant loss shall be replaced with the same species in the next planting season.”

Proposed Term of Consent

The applicant does not seek a fixed term of consent. A fixed term may be appropriate where use of land is subject to additional lease agreements or statutory approvals (i.e. DOC Concession) with a finite term. This is because there is no certainty beyond the term of a lease or Concession that the activity could continue to be undertaken. In simple terms, you could not lawfully undertake the activity without both approvals therefore it is appropriate that they should both expire at the same time.

However, the subject site is owned by the applicant. They are not subject to a lease or any other statutory approval that limits their operations from the subject site.

The subject site has been utilised for the proposed activity for almost forty years and the applicants intend to continue to operate the same business into the foreseeable future. Accordingly, to maintain the value of the lodge site and provide long term certainty for the existing business, the applicant does not propose a fixed term of consent.

5.0 OPERATIVE DISTRICT PLAN - RULES ASSESSMENT

Statutory Provisions

Operative Queenstown Lakes District Plan

In terms of the relevant provisions of the Operative Queenstown Lakes District Plan, the proposal requires resource consent for the following matters:

Rural Lifestyle Zone

- A **Discretionary Activity Consent** pursuant to Rule 8.2.2.3(ii) - Airports for the establishment of an airport for purposes other than the emergency landings, rescues and fire-fighting and activities ancillary to farming activities.

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health

All applications for resource consent need to be determined if they apply under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health ("NES").

The NES is understood not to apply where an application does not involve earthworks over 25m³ per 500m², subdivision, change of use or removal of (part of) a fuel storage system.

The proposal will not require any earthworks, subdivision or change of use of the land therefore the NES does not apply.

Summary of Consents Required

Overall, the proposal is considered to be a Discretionary Activity.

6.0 RESOURCE MANAGEMENT ACT 1991 ASSESSMENT

Where it is likely that an activity will result in any significant adverse effect on the environment, a description of any possible alternative locations or methods for undertaking the activity

The proposal is retrospective in nature. Cedar Lodge and the associated aircraft activity have been on-going since the 1970's.

With the established lodge and helicopter activities and the hangar approved by RM051209 all existing on the subject site, alternative locations are not considered viable.

During consultation with adjoining neighbours it has been suggested that "Cedar Lodge could use the existing airstrip 3kms down the road for their business"².

It is my understanding that there are in fact two 'airport' activities in this vicinity. The first is Back Country Helicopters ("BCH") base which is located on Lot 1 Deposited Plan 25911. I note that BCH sought a Certificate of Compliance from the Council for their helicopter operations from this site in 2004.

The Certificate of Compliance decision RM040406 dated 26 July 2004 declined the application as it was not permitted by the Partially Operative District Plan. The decision stated that either a resource consent application would need to be made or alternatively, existing use rights would need to be demonstrated.

It is my understanding that existing use rights for this site have not been established and BCH have sought resource consent RM090167 to legalise their business. This consent has been 'on-hold' since 2009 as all affected party approvals had not been obtained.

Accordingly, it is my view that any aircraft arrivals and departures from this site would be unlawful. Further, it would most likely be outside the scope of that application to include the additional flights required by Cedar Lodge.

Subsequently, I do not consider that this is a lawfully viable alternative for the applicant.

The second 'airport' operation is directly adjacent to BCH on a site legally described as Lot 2 DP 25911. Southern Alps Air ("SAA") operates a fixed wing scenic flight operation³ from the subject site.

Resource consent was sought for an aircraft hangar on this site in 2003 (aircraft were previously stored at another site and operated from the airstrip on this site). The decision RM030901 referred to the 'airport' operations as 'existing' although no documentation proving existing use rights appears to have been provided with the application.

However, upon investigating this consent I un-covered correspondence that it was SAA and their solicitors who raised the non-compliance of BCH's operations on the adjoining site via a letter to Council's CEO dated 11 October 2005.

A response to that correspondence by Council's Principal: Monitoring and Compliance dated 18 October 2005 alleges in points 1- 3 that SAA have not demonstrated existing use rights for their use of Lot 2 DP 25911 as an 'airport' and nor are there any resource consents that authorise the activity.

There is no other correspondence on the file following this response and it is therefore uncertain whether SAA are in fact operating the 'airport' from their property in accordance with a lawful existing use right.

² E-mail correspondence from Colin and Liz Pine to Sean Dent Dated 10/06/2014

³ https://www.southernalpsair.co.nz/southern_alps_air_scenic_flights.html

Even if SAA can prove they are operating subject to an existing use right the transfer of the proposed Cedar Lodge flight operations to this site would increase the scale, nature and activity of SAA such that a new resource consent would still be required at this site.

Subsequently, I do not consider that this is a lawfully viable alternative for the applicant.

In addition to both of these sites not having the correct approvals to undertake their existing activities let alone the cumulative flights for Cedar Lodge, the use of these sites would be subject to commercial negotiations, additional expense and limited certainty of continuance into the future.

For all of these reasons the continued use of the Cedar Lodge site for the helicopter operations is considered to be the only viable location.

An assessment of the actual or potential effects on the environment of the proposed activity.

The proposed development will have the following actual and potential effects on the environment:

- Noise Effects;
- Visual Effects;
- Effects of Aviation Fuel and Exhaust Fumes;
- Effects of Dust Emissions;
- Effects on Privacy / Dominance on Residential Neighbours;
- Effects on other Recreational Activities

As a Discretionary Activity of course Council can assess any and all effects of the proposal.

Permitted Baseline

The Permitted Baseline with regards to the take-off and landing of helicopters from the subject site is particularly limited.

Specifically, the Operative District Plan only provides for the take-off and landing of aircraft as a Permitted Activity if the use is for emergencies, rescues and fire-fighting and activities ancillary to farming activities. Any aircraft arrivals and departures for purposes other than the above require resource consent for an 'airport'.

Accordingly, in this circumstance it is considered that there is no relevant Permitted Baseline with respect to aircraft arrivals and departures from the subject site.

Existing Environment

The existing environment is relevant to any assessment of environmental effects. I understand that this includes what exists together with unimplemented consents which are likely to be implemented.

In this regard, the applicants lodge, accommodation facilities and helicopter hangar and concrete landing pad already exists on the subject site. All of the adjoining residential properties behind the subject site and accessed off School Road contain existing residential units with the exception of Lot 5 DP 9420.

Pastoral farming operations occur in the wider environment 360 degrees from the subject site. There are aircraft overflights – presumably a large proportion would be from Back Country Helicopters and Southern Alps Air.

While the legality of the arrivals and departures of those aircraft are questionable, those specific activities occur over 3 kilometres from the subject site. The overflying activities are outside the RMA's jurisdiction and therefore can still be considered as part of the existing environment.

Other aircraft overflights do occur from light aircraft accessing Mt Aspiring National Park under existing Concessions and / or flying between the West Coast and locations in the Queenstown Lakes and Central Otago Districts.

The applicant's pilot has made the following observation in regards to other overflying aircraft:

"The Makarora valley is a main flight path to and front the west coast for both commercial and recreational aircraft, including to Mt Aspiring. On busy summer days there may be as many as 20-30 flights throughout the valley and at varying heights due to weather. "

The Makarora River is also used for commercial and recreational jet boating. Wilkin River Jet holds resource consent RM970184 to undertake up to a maximum of 16 jet boat trips per day along the Makarora River and into Kerin Forks on the Wilkin River. The jet boats will travel past the applicant's site at a distance of approximately 120m to 340m.

Evidence that was accepted by the Environment Court in their decision on Southern Alps Air Limited's application to operate a second commercial jet boat service⁴ was that:

- Wilkin River Jet has only exercised up to 12 trips per day not the full 16 per day they are entitled to;
- For about 300 days per year there are likely to be a maximum of 10 commercial jet boat trips per day and for 60 days per year there are likely to be a maximum of 12 commercial jet boat trips per day;
- Levels of non-commercial jet boat use for about 300 days per year are likely to be a maximum of 1 jet boat per day and for about 60 days per year there are likely to be a maximum of 4 jet boat trips per day. On rare days (I understand over the xmas and/or summer period) there may be up to 20 non-commercial jet boat trips per day.

There is public walking access to the Makarora River approximately 300m north east of the applicant's site. This is to provide fishing and recreational access to the river but no data is available on the level of use this receives. It is assumed that its use will be relatively low.

It is understood that there may be low levels of existing commercial and recreational kayak use on the Makarora River.

The applicant's pilot has made the following observation in regards to the recreational use of the river in the vicinity of Cedar Lodge:

"With regard to other river users, yes you occasionally see trampers /fishermen and private jet boat users, and very rarely swimmers, along the river near the lodge. This may be 3-4 times a week in the height of summer

⁴ ENV-2006-CHC-7 page 5, paragraph 21

and this number has not changed in the last 6 years I have operated out of the lodge. It is my legal requirement to avoid where possible, and not overfly such users.”

There are no other known relevant activities in the immediate vicinity that exist or are approved in as yet unimplemented resource consents which can be reasonably expected to be implemented.

Given the above, it is my opinion that while at times, the receiving environment will be quiet and peaceful there are transient noise sources that occur on a significant number of days per year from both existing commercial operators and from pastoral farming operations.

Noise Effects

Jurisdiction for the Consideration of Noise Pursuant to the RMA 1991

It is important to understand the jurisdiction for the consideration of the effects of aircraft noise under the Resource Management Act 1991 before leading into an assessment of the noise from the proposal.

On 1st August 2008 Justice Priestley’s High Court Decision commonly referred to as “Dome Valley” was released⁵. This decision confirmed the jurisdiction of the Resource Management Act 1991 with regards to consideration of the effects from overflying aircraft.

Specifically, Justice Priestley’s decision details at paragraphs 58 – 66 how and why he came to the penultimate conclusion in paragraph 66 that:

“[66] As in so many areas of the law, arbitrary lines have to be drawn. The issue of whether land can be used for an airport, aerodrome, or heliport is a resource consent issue. So too, clearly in terms of s 9(8) and other provisions, is the issue of control of noise emission generated by an airport. But after take off or landing, and in particular where an aircraft is operating above 500 feet over a rural area or above a thousand feet over a congested area, such aircraft and its effects, in my judgment lie outside the ambit of the Act and the resource consent process.”[my emphasis added].

The Dome Valley decision is very clear that the assessment of effects from aircraft by the Council in terms of Section 9(8) [now Section 9(5)] of the Resource Management Act is restricted to only the portion of the flights that occur below 500ft (as the subject site is a rural area).

Accordingly, the Council must not give any consideration to the effects of aircraft overflying en-route to and from the subject site. Only the effects of the aircraft as they descend below 500ft, idle on the site and their ascent back to 500ft can be considered.

In this regard, the applicant’s pilot advises me that the Raven R44 II aircraft currently utilised for their operations can descend from 500ft along either of the proposed arrival flight paths to the landing location in approximately one minute.

Idling time on the ground during loading/unloading would be no more than three minutes. During warm up procedures this would increase to between five and six minutes. Ascending along either of the flight paths the aircraft can reach 500ft in one minute.

⁵ CIV 2008-404-000587 THE DOME VALLEY DISTRICT RESIDENTS SOCIETY INCORPORATED vs. RODNEY DISTRICT COUNCIL AND SKYWORK HELICOPTERS LIMITED

As such, each flight is likely to generate a total of five minutes of noise within jurisdiction of assessment of the Resource Management Act 1991.

Overall, for the eight flights proposed per day (on average), the maximum duration of the noise effects that can be given consideration on any one day is approximately forty minutes +/- three to six minutes to account for two warm up periods during the day.

In addition, the applicant advises that the helicopter will obtain a height of 500ft above ground level without overflying any other private landowner's property.

Both proposed flight paths in and out of the site will ascend to and descend below 500ft over the Makarora River. No other land will be overflowed below 500ft.

During the Environment Court direct referral hearing for RM120052 – NZOne (an application to increase fixed wing aircraft flights associated with a commercial parachute operation from an existing airstrip adjacent to Jacks Point) the Environment Court queried whether or not transiting airspace below 500ft in conjunction with or for the purpose of physically landing and/or departing a specified site is also deemed an 'airport'.

Specifically, would resource consent be required for transiting above a separate site below 500ft in the process of landing on another property?

Unfortunately, in the Court's decision which declined the NZOne proposal, a determination on this matter was not made.

However, I have given this matter considerable thought. I have previously assessed the definition of 'airport' quite extensively as part of a research report⁶ I prepared for the Queenstown Lakes District Council in regards to their District Plan review.

Further, I have had regard to the definition of "land" in Section 2 of the Resource Management Act, and note that this refers to the airspace above land.

My assessment is that for all intents and purposes the definition of an 'airport' is intended to capture only the 'on-ground' component of the airport activity at the specifically defined or intended site of landing and departure.

I do not consider that the low level transiting of adjacent airspace during the arrival and departure of aircraft on a specified site would trigger resource consent having to be sought for an airport on any adjoining landholding.

However I would like to clarify that my position on this matter does not negate the requirement for a robust assessment of the effects on the surrounding environment when resource consent for an 'airport' on a specifically defined site is required.

On the basis of the above, it is my opinion that the jurisdiction for the assessment of noise from the arrival and departure of aircraft is limited to all noise emitted from the helicopter when it is within 500ft above ground level and that resource consent is only required for the activity on the site physically hosting the arrival and departure of the aircraft – in this case, 76 School Road, Makarora.

Effects of Noise

⁶ Queenstown Lakes District Council Management of Informal Airports – Report dated April 2012

It is my understanding that the assessment of noise from a helicopter is intended to be measured in accordance with the general noise standards in Zone Standard 8.2.4.2(iii) of the Operative District Plan being NZS6801:2008 and NZS 6802:2008.

It is my opinion that the assessment of helicopter noise pursuant to NZS 6802:2008 is incorrect and that in effect, there are no applicable noise rules for assessing helicopter noise under the Operative District Plan.

I come to this conclusion based on the following expert acoustic advice of Vern Goodwin provided to Commissioners David Whitney and Sally Middleton at the Council hearing for RM100777 (Skyline Helipad):

“To the extent it applies because of an amended District Plan Rule, NZS 6802:2008 was never intended to be applied to assessment of helicopter noise. This is explicit in the scope of the standard.”

The scope of NZS 6802:2008 states:

*“1.2.1 This standard does not apply to the assessment of sound where the source is within the scope of and subject to, the application of other New Zealand Acoustical Standards, except as provided for in 1.2.3 and 1.2.4. In particular, assessment of specific sources of sound including road or rail transport, **flight operations of fixed or rotary winged aircraft associated with airports or helicopter landing areas**, construction, port noise, wind turbine generators and impulsive sound (such as gunfire and blasting), requires special techniques that generally are outside the scope of this Standard. This Standard covers air borne sound, but does not cover structure borne sound and vibration”. [My emphasis added].*

Zone Standard 8.2.4.2(iii) of the Operative District Plan does not specifically state that this Section of NZS 6802 does not apply, is to be disregarded or read as subordinate to the District Plan rules.

So in effect, Zone Standard 8.2.4.2(iii) appears to incorrectly apply the assessment of helicopter noise via the general noise standards notwithstanding the express limitations of NZS 6802:2008.

My opinion that the District Plan noise provisions do not apply to helicopter landing area noise has also been previously confirmed by Commissioners Matthews and Overton in their decision on the Arthurs Point helicopter landing area application RM080434 where they stated:

“It follows that there is no Zone Standard relating to noise which is of relevance, and accordingly, as the application complies with all other Zone Standards, it is to be treated as an application for a Discretionary Activity.”⁷

Malcolm Hunt and Associates have also confirmed the above issues with the scope of NZS 6802:2008 at page 11 of their acoustic assessment contained in **Attachment [D]**.

Similarly to RM080434, this application for an ‘airport’ is a Discretionary Activity and the Council has the ability pursuant to Section 104(1)(c) of the Resource Management Act 1991 to consider to any other relevant matter.

As such, the Council may consider the assessment of noise from the proposed helicopter landing area pursuant to NZS 6807:1994 - *Noise Management and Land Use Planning for Helicopter Landing Areas*.

Section 4.1.2 of NZS 6807:1994 reaffirms the inapplicability of assessment of helicopter noise under the Operative District Plan Zone Standard as it states:

⁷ RM080434 Decision of Commissioners Matthew and Overton, page 3.

“4.1.2

*This Standard has been prepared taking into account the distinctive character of helicopter noise, and the nature of operations from helicopter landing areas. **NZS 6802 Assessment of environmental sound and NZS 6805 Airport noise management and land use planning are inappropriate for the assessment of noise from helicopter landing areas** (except as provided in 1.1.3).” [My emphasis added].*

I note that Section 1.1.3 relates to ancillary operations such as maintenance which are stationary activities more in the nature of an ordinary industrial activity and for which assessment using NZS 6802 would be appropriate.

This is not applicable for this application because the proposed helicopter landing area is not a maintenance base – it used solely for the arrival and departure of helicopters.

As identified above, the applicant has engaged MHA to undertake an acoustic assessment of the proposal. This assessment has confirmed that utilising the Raven R44 II aircraft, 6 flights per day averaged over a consecutive 7 day period could be undertaken from the subject site while complying with the recommended limits of acceptability (50dBL_{dn}) in NZS 6807:1994.

Similarly, utilising only the AS350B3 helicopter 3 flights per day averaged over a consecutive 7 day period could be undertaken from the subject site while complying with the recommended limits of acceptability (50dBL_{dn}) in NZS 6807:1994.

MHA have prepared a table depicting the corresponding number of flight movements per day that could also be undertaken using a combination of the two aircraft whilst maintaining compliance with the limits of acceptability (50dBL_{dn}) in NZS 6807:1994. A copy of the MHA acoustic assessment is contained within **Attachment [D]**.

I understand there are a range of possible adverse effects arising from exposure to helicopter noise including: hearing impairment, stress, sleep disturbance, speech interference and annoyance.

As the proposal complies with the limits of acceptability of NZS 6807:1994 I do not consider that any parties including long term residents living adjacent to the subject site will be subjected to noise levels sufficient to cause adverse health effects such as stress or hearing impairment.

As the proposal includes hours of operation that preclude very early or very late aircraft movements from the subject site I consider that there will not be adverse effects of sleep disturbance on any parties including the residents living adjacent to the subject site.

However, it is possible that the residential properties located directly adjacent to the subject site may have a low potential to experience short periods of temporary speech interference and experience annoyance from the noise emissions which could affect their amenity.

It is acknowledged that NZS 6807:1994 has been prepared taking into account the distinctive character of helicopter noise, and the nature of operations from helicopter landing areas. Therefore, compliance with the 50 dBL_{dn} limit of acceptability is considered to already provide for consideration on the effects of amenity.

In my experience, noise is subjective and affects people and there anticipated amenity in different ways and their annoyance with aircraft often refers to the noise level, duration and/or the number and frequency of noise events.

Based on the above, it is my opinion that the only parties close enough to the subject site to genuinely receive noise that would constitute a potential adverse effect on amenity are the directly adjacent neighbours along School Road.

Interestingly, Council's compliance records confirm that despite this activity having operated from the subject site for almost forty years, there has only ever been one complaint about the helicopter landings and associated noise. This was received in March 2014 and has been the kick start to the current application.⁸ Most of the current landowners have lived at these properties for many years so it is perplexing as to why the flight operations have only been complained about now.

The majority of these neighbours with the exception of those at 72 School Road and Lot 5 DP 9420 have provided their written approval and therefore any effects on those parties may be disregarded.

In terms of effects of the proposal on the amenity of the owners of 72 School Road and Lot 5 DP 9420 it is my opinion that these effects are minor.

As identified above, each flight will have a duration of noise within jurisdiction of the RMA of approximately 5 minutes. For the average 6 flights per day of the R44 this equates to approximately 30 minutes of noise per day.

This is further reduced by the fact that the applicant intends to generally undertake the flights in two distinct periods over the course of the day.

Accordingly, if three flights were undertaken in the morning and three in the afternoon there would be approximately 15 minutes of noise during two succinct periods of the average day on which the helicopter operates.

This 15 minute duration of noise in each half of the day will not occur continuously but for brief and intermittent periods as the helicopter undertakes the necessary number of flights to pick up or drop of the applicants clients.

In my opinion, the effects of the duration of the noise throughout the day will be minor given the intermittent and temporary nature of the noise during these times.

Further, in my experience a lot of the concerns about the effects of noise on amenity arise from a receiver's anxiety over the unknown number, duration and timing of aircraft flights.

Accordingly, in this proposal the applicant has been as transparent as possible and provided an acoustic assessment and draft helicopter noise management plan which specifies the number of flights that may occur to give all adjacent landowners certainty over the level of activity proposed.

As detailed above, the applicant has provided some very specific details over the duration of noise to be expected from the proposed flights on an average day.

In addition, while the official proposed hours of operation are 8:00am to 6:30pm the general timing of flights to and from the site will be 8:45am – 9:30am and 4:30pm to 5:30pm.

The broader hours of operation that are proposed have been sought to enable more flexibility for arrivals and departures if the applicants activities are affected by weather i.e. morning rain delays the start of a fly

⁸ E-mail correspondence from QLDC's Principal Enforcement Officer Anthony Hall to Sean Dent dated 23 July 2014

fishing trip until lunchtime or if a pilot and guide need to go and check the river conditions before delivering clients to a location to fish.

The general hours of operation detailed above mean that there will normally to be two succinct periods of operation per day which should assist in mitigating the anxiety or 'unknown' of the applicant's helicopter operations on the adjoining neighbours. These operational details are included within the proposed helicopter noise management plan.

It is considered that this level of transparency and specificity of the proposed helicopter flights from the subject site will mitigate the effects on amenity for the adjoining landowners.

The timing of the two 'normal flight periods' each day is considered to mitigate the potential adverse effects on the adjoining neighbour's amenity. The morning flight period will generally commence from 8:45am to 9:30am.

With aircraft flights generally commencing at this time it is considered to have allowed neighbours the opportunity to sleep in without the potential effects of helicopter noise disrupting them.

Further, it is considered that it enables adjoining residents time to relax (in the milder months) with breakfast or a hot drink in their outdoor seating areas before helicopter operations commence that could affect their peace and quiet.

The 'normal' afternoon or evening period has similar benefits. Specifically, with the flights generally occurring between 4:30pm and 5:30pm it means that flights will normally have ceased by the time adjoining residents may be enjoying an evening meal or beverage in their respective outdoor areas.

Overall, the applicant is attempting to ensure that where practicable all the adjoining neighbours will be free from helicopter noise during key times of the day and evening (in fact most of the day) during which there could otherwise be an adverse effect on amenity and specifically the adjoining neighbours anticipation for peace and quiet.

In addition to the above, while MHA have demonstrated that the applicant could undertake 6 flights per day on average from the subject site and comply with the limits of acceptability in NZS 6807:1994, the applicant acknowledges that Section 16 of the RMA requires the occupier of land to adopt the best practicable option to ensure that the emission of noise from their land does not exceed a 'reasonable level'.

The draft helicopter noise management plan and the MHA assessment both detail methods of aircraft operation to ensure the noise levels emitted are minimised as much as practicably possible. Such methods include avoiding high banking turns that exacerbate blade vortex interaction or 'blade slap', maintaining steep ascent and decent profiles and shutting down if idling on the ground will exceed five minutes.

In addition, moving the flight movements from outside the lodge where it was most convenient for clients to the existing hangar has increased the separation distance between the neighbours to minimise noise from the aircraft when on the ground.

Overall, given the proposed flight operations it is considered that the potential adverse effects of noise emissions on the adjoining neighbours will be no more than minor.

Visual Effects

The visual effects of the proposed airport are considered to be de-minimus. The proposal does not involve creating a heli pad with physical infrastructure.

Rather, the proposal will utilise a hangar and concrete pad approved by resource consent RM051290 and which presently exists on the subject site.

The helicopter will be stored inside the hangar when it is not in use therefore the visual effects of the airport will be limited to the brief periods during which the helicopter is arriving and departing the subject site and disembarking/embarking passengers.

This visual effect is temporary in nature and considered to be less than minor. However, during consultation with the owners of 72 School Road they have alleged that the proposal will have “visual effects both of the airport and an increase in local air traffic” and “loss of privacy”⁹.

In order to mitigate these alleged adverse effects on the owners of 72 School Road and Lot 5 DP 9420 the applicant proposes to erect a 1.8m high wooden board fence along the boundary with these two properties and their own site.

The fence will continue on from an existing fence of the same construction that already exists between the applicant’s property and that of 66 - 70 School Road And which is shown below:



Existing Wooden Board Fence between Cedar Lodge and 66-70 School Road. Source - Sean Dent

It is also proposed to landscape the grassed area between the new proposed fence and the drive way of the applicant’s site with rapid growing screen planting comprising a minimum 50% of native plants. This area is depicted in the photograph below:

⁹ E-mail from Colin and Liz Pine to Sean Dent dated 08 June 2014



Looking north at the proposed landscape strip between the property boundary and existing driveway. Source – Sean Dent

It is proposed that the following conditions of consent are imposed on the decision that states:

“Within 1 month of the date of this consent being granted the consent holder shall submit to the Principal: Landscape Architect Queenstown Lakes District Council for approval a native landscape plan that meets the following objectives:

- *The inclusion of tree and shrub species that will achieve a minimum height of 5m in order to screen the view of the helicopter operations on the subject site and the existing 4.83m high helicopter hangar from Lots 5 and 6 DP 9420*
- *The plan shall detail the numbers and the specific species of proposed plants;*
- *At least 50% of the plantings shall be of native species; and*
- *The landscape plan shall confirm the height, location and materials of the proposed boundary fencing.”*

“All planting shall be irrigated and maintained and any plant loss shall be replaced with the same species in the next planting season.”

On the basis of the above, the potential adverse visual effects and effects on privacy for the adjoining neighbours at 72 School Road and Lot 5 DP 9420 are considered to be less than minor.

Screening will not mitigate the visual effects of a helicopter arriving and departing the subject site when viewed from the Makarora River; however these intermittent and temporary visual effects are considered to be less than minor on any users of this public waterway which may be in the vicinity while the aircraft arrives and departs the subject site below 500ft.

Effects of Aviation Fuel and Exhaust Fumes

Again during consultation with the adjoining residential neighbours¹⁰ the following alleged adverse effects associated with the proposed helicopter landing area were raised:

¹⁰ E-mail from Colin and Liz Pine to Sean Dent dated 08 June 2014

- Increase in particulate matter
- Smell and pollution
- Reduction in air quality

I have had considerable experience with arrival and departure of various models of rotary winged aircraft for recreational and work related tasks and note that when in close proximity and particularly, downwind of the exhaust there is often a light smell of aviation fuel/exhaust fumes associated with the aircraft movements.

In my opinion, the smell of these fumes is generally faint and most noticeable as the machines 'power up' and depart the helicopter landing area.

I note that this proposal is changing the flight operations from how they have previously operated on the subject site. Specifically, prior to this application, the helicopter would normally pick the guests up from the lawn directly outside the lodge.

This is approximately 40m from the concerned neighbour's house. The proposal now seeks to have all flights arrive and depart from the existing aircraft hangar on the subject site some 90m from their property.

I consider that given the increased separation distances proposed and the natural air flow that can be anticipated in this open site, the smell of the aviation fuel/exhaust fumes would be difficult if not impossible to detect and would dissipate quickly once the helicopter has departed the subject site.

Minimising idling time on the ground is another of the mitigation measures proposed by the applicant to reduce this effect as much as practicably possible.

Given the above modifications to the applicants flight operations I consider it unlikely that there will be any noxious, dangerous, offensive or objectionable odours imposed on any sensitive receivers.

Further to the above, I note that the emission of exhaust fumes from a helicopter is a Permitted Activity pursuant to Rule 16.2.5 of the Otago Regional Plan – Air.

Overall, I consider that any potential effects on air quality, particulate matter or smell will be less than minor.

Effects of Dust Emissions

Similarly to the above, consultation undertaken with the adjoining neighbours alleged that the proposed helicopter landing area will have an increase in localised dust emissions.¹¹

In my opinion an increase in localised dust emissions is a negligible potential adverse effect. The existing hangar located some 90m from this neighbour and from which some of the proposed flights will occur contains a concrete pad from which the aircraft will arrive and depart.

¹¹ E-mail from Colin Pine to Sean Dent dated 08 June 2014



Existing Aircraft Hangar Approved by RM051209 – Source Sean Dent

As such, I consider the potential dust emissions from the flights in this proposed location will be de-minimus.

Effects on Privacy and Dominance of the Residential Neighbours

It is considered that the proposed helicopter landing area will not result in significant adverse effects on privacy and dominance of any adjoining neighbours who have not given their approval to the proposal.

As identified above, the applicant has proposed to relocate the flight operations within their site to occur from the existing aircraft hangar that provides a separation distance of approximately 90m from the nearest property with a residential unit.

In addition to this direct separation distance, the applicants flight paths will ensure that the aircraft will not fly over any residential properties or within 90m horizontally of them during arrival and departure from the subject site. This is depicted on the flight track plan on page 7 of the MHA acoustic assessment.

This ensures compliance with the acoustic standard NZS 6807:1994 and that the pilot and occupants of the helicopter will not have direct views into or over any adjoining residential properties.

Further, to address the specific concerns over visibility of the helicopter landing area operations raised by the neighbours of 72 School Road the applicant has agreed to fence and landscape the boundary of their property with 72 School Road and Lot 5 DP 9420. This will be implemented through proposed conditions of consent which have been outlined above.

Further to all of the above, it is my opinion that the passengers (and certainly the pilot) will be focused on the airspace and vista in front of the helicopter. For most passengers a helicopter flight is an infrequent and exhilarating occurrence and they will be enjoying the views presented of the Makarora Valley as opposed to focusing on views of the adjoining residential properties.

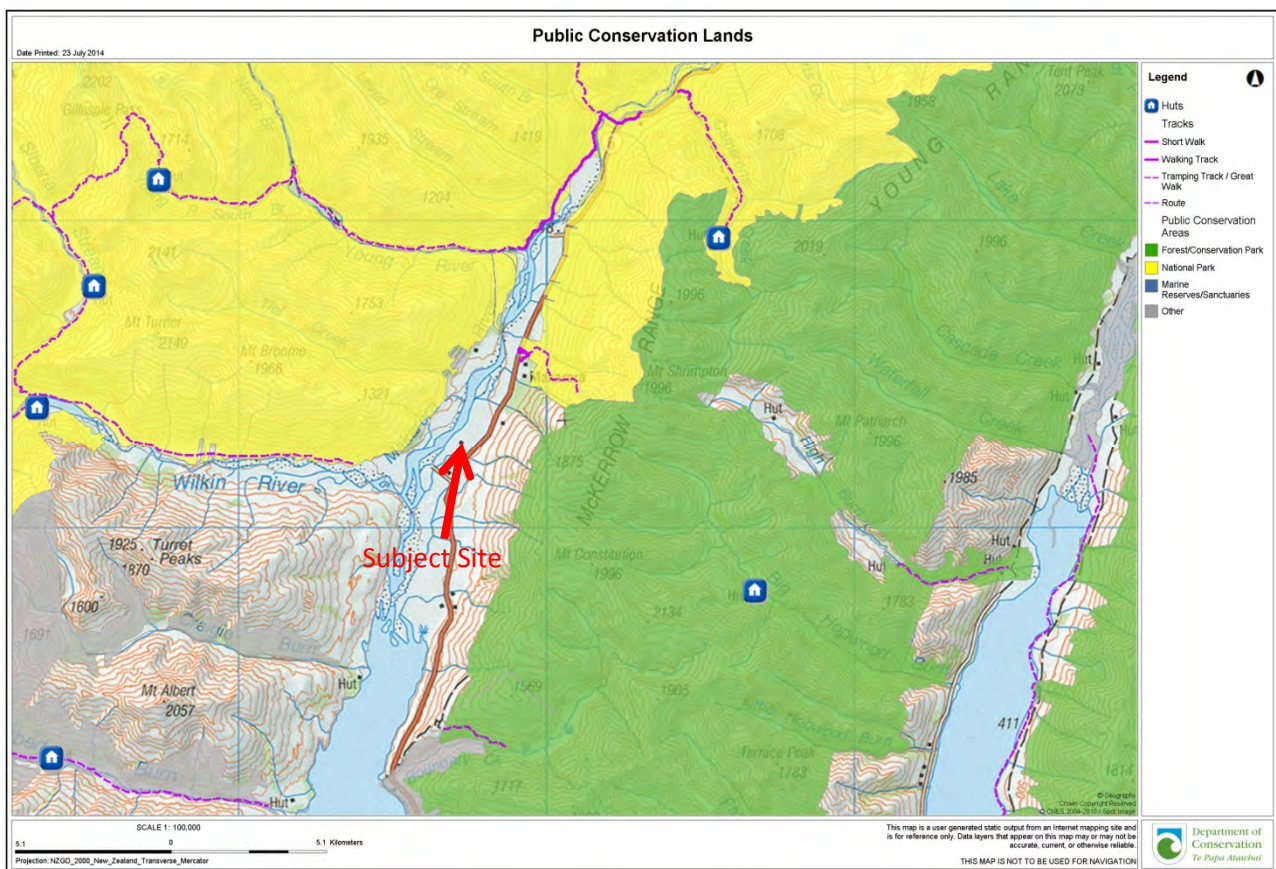
The proposed separation distances of the helicopter landing areas from the adjoining residential properties and the proposed physical landscaping will mitigate any perception of a loss of privacy by the adjoining residential neighbours.

Overall, the potential adverse effects on privacy and dominance of the adjoining residential neighbours are considered to be less than minor.

Effects on Other Recreational Activities

The proposed helicopter landing area is considered to have potential adverse effects on other recreational activities within the immediate vicinity that are less than minor.

As can be seen in the diagram below the subject site is separated from the nearest Public Conservation Land on either side of the Makarora River Valley by at least 1 kilometre.



Public Conservation Land and Nearest tracks and Huts – Source <http://maps.doc.govt.nz/Viewer/Index.html?viewer=rwa>

The nearest public tracks on these Conservation Lands are located between 3.5km and 6.5km from the subject site in the Wilkin and Young Rivers and the Mt Shrimpton Track. The nearest huts on these lands are the Cameron Creek and Big Hopwoodburn Huts located approximately 11 km east of the subject site.

Accordingly, because of these separation distances it is considered that users of the adjoining Public Conservation Land will not be adversely affected by the proposed helicopter landing area.

As identified earlier, it is acknowledged that Wilkin River Jet have resource consent to operate commercial jet boat trips on the Makarora River which passes by the southern corner of the subject site at a distance of approximately 120m. There are also occasional recreational jet boaters that use the river as well.

Given the noise and visual intrusion associated with a fast moving commercial or recreational jet boat it is not considered that the quality of the recreational experience of these river users would be significantly adversely

affected by the noise and visual effects of helicopter operations on the subject site or the transiting of a helicopter over the river on arrival and departure from the site.

The river may from time to time be utilised by commercial¹² and recreational kayakers, recreational fishermen and potentially walkers/swimmers although the observations of the frequency of use by these groups from the applicant's pilot conclude such use is very rare.

Any of the above such recreational uses in the vicinity of the subject site may experience noise and visual effects from the operation of a helicopter landing area on the subject site.

However, it is important to note that these types of recreational uses will mean that users will be transitory and unlikely to be located directly in front of or adjoining the subject site for any significant periods of time.

As such, recreational users in this area are likely to only be subjected to a small number of aircraft flights during their time near the subject site.

It is my opinion that the potential for temporary speech disturbance, annoyance, and loss of amenity on these recreational users will be less than minor. While the surrounding environment is rural, it is not considered to be a remote wilderness location as there are existing residential and farm buildings in the vicinity, agricultural activities and commercial jet boats operating nearby.

Accordingly, the proposed helicopter operations are considered to have less than minor adverse effects on the quality of the experience of people partaking in recreational and other activities near the subject site.

Where the activity includes the use of hazardous substances and installations, an assessment of any risks to the environment which are likely to arise from such use

The applicant will be refuelling from the subject site. All refuelling will occur at the existing aircraft hangar and the aviation fuel will be transported and stored at the site in an appropriately certified and road legal Flammable Liquid Tank Trailer.

It is my opinion that the transportation and storage of aviation fuel at the site in this containment system does not trigger the need for resource consent under the hazardous substance provisions of the District Plan.

However, compliance with the Hazardous Substances (Tank Wagons and Transportable Containers) Regulations 2004 will ensure that the transportable tank wagon will be kept in as best condition as possible to ensure there are no spills or accidents.

Where the activity includes the discharge of any contaminant, a description of:

1. **The nature of the discharge and the sensitivity of the proposed receiving environment to adverse effects; and**
2. **Any possible alternative methods of discharge, including discharge into any other receiving environment.**

The proposal includes the discharge of exhaust fumes from the helicopter engines which have been confirmed above to be a Permitted Activity pursuant to the Otago regional Plan: Air.

A description of the mitigation measures (safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce actual and potential effects:

¹² <http://www.alpinekayaks.co.nz/>

The application proposes a number of mitigation measures to avoid remedy or mitigate potential adverse effects on the adjoining residential property owners:

- Increased separation distances of the helicopter landing areas from residential properties from the current 40m to approximately 90m;
- Compliance with NZS 6807:1994;
- Limits on the hours of operation;
- Proposed hard and soft landscaping;
- Adherence to a helicopter noise management plan.

These measures have all been discussed in the above application and are intended to be controlled through conditions of consent and the proposed helicopter noise management plan.

An identification of those persons interested in or affected by the proposal, the consultation undertaken, and any response to the views of those consulted.

There are a number of residential properties located directly adjacent to the eastern boundary of the subject site. It is considered that these adjoining residential neighbours would be affected by the proposed helicopter landing area.

The written approvals from the following residential neighbours have been obtained:

- | | |
|------------------------------|--|
| ➤ Bridget Jones | Lots 9 & 10 Deposited Plan 9420; |
| ➤ James and Margaret Lister | Lot 7 Deposited Plan 9420; |
| ➤ Deborah and Roderick Jones | Section 1 BLK VIII Wilkin Survey District - 48 School Road Makarora; |
| ➤ Rachel Lister | Lots 8 Deposited Plan 9420. |

Copies of these affected party approvals are contained within **Attachment [F]**.

Two of the adjoining residential neighbours deemed affected have not provided their written approval. These parties are:

- | | |
|----------------------------|--------------------------------|
| ➤ Colin and Elizabeth Pine | Lot 6 Deposited Plan 9420; and |
| ➤ John Ross | Lot 5 Deposited Plan 9420 |

No other parties are deemed to be affected by the proposal.

Where the scale or significance of the activities effects are such that monitoring is required, a description of how, once the proposal is approved, effects will be monitored and by whom.

Monitoring of the activity is proposed. This will occur by the requirement of the consent holder to keep up to date records of all flights to and from the subject site. This will be submitted to the Council every year in June and at any other time as requested to assist investigations of any alleged non-compliance.

7.0 CONCLUSIONS

Retrospective resource consent is sought from the Queenstown Lakes District Council to authorise the take-off and landing of helicopters from Cedar Lodge, based at 76 School Road, Makarora.

Specifically, it is proposed to undertake the following activities:

- 6 flights per day of a Raven R44 helicopter or 3 flights per day of an AS350B3 helicopter (averaged over 7 consecutive days) or a combination of the two from Cedar Lodge on any one day (1 flight = an arrival and departure or two movements);
- All aircraft movements at Cedar Lodge will occur between the hours of 8:00am and 6:30pm;
- All aircraft activity at Cedar Lodge will occur during the months of October – May;
- All aircraft activity will be undertaken in accordance with an approved helicopter noise management plan.
- No aircraft movements will be permitted to overfly the adjoining residential properties and must arrive and depart the site in accordance with the flight path plan contained in **Attachment [C]**.
- No fixed term of consent is sought for the proposal.

An assessment of the actual or potential effects of the proposal has been undertaken. Based on this assessment, it is considered that the potential adverse effects on parties who have not provided their approval will be minor.

Overall, it is considered that the proposal is consistent with the purpose and principles of the Act.

24th January 2015

Queenstown Lakes District Council
Private Bag 50072
QUEENSTOWN 9348

QUEENSTOWN LAKES DISTRICT COUNCIL

**APPROVED PLAN:
RM140704**

Monday, 4 May 2015

Attention: Richard Kemp

Dear Richard;

**CEDAR SAFARIS LIMITED – CLARIFICATION OF PROPOSED RESOURCE
CONSENT APPLICATION RM140704**

Introduction

Southern Planning Group act for Cedar Safaris Limited who seeks resource consent from the Queenstown Lakes District Council for the arrival and departure of helicopters (an 'airport' by definition) from Cedar Lodge, in Makarora.

The application is referenced as RM140704 and was Limited Notified on 23rd October 2014. Two opposing submissions were received by the closing date for submissions being 21st November 2014.

The applicant subsequently invited you to the subject site for the purpose of witnessing the effects of the proposed helicopter movements from the site on 5th December 2014.

I also attended this site visit and during the course of the discussion held between ourselves and the applicant, it was agreed that we would provide formal clarification around parts of the proposal that are slightly ambiguous, potential conditions of consent that more clearly define the intended use of the helicopter landing area and to provide information regarding the duration of helicopter noise which was being measured by the applicants for each aircraft movement.

The purpose of this correspondence therefore is to provide this information to the Council (and submitters) in a formal capacity.

Proposed Matters of Clarification

As discussed with you on-site this correspondence will provide clarification on the following matters:

1. The actual distance from the center of the proposed helicopter landing area to the property boundary of Lot 5 DP 9420 – this being the boundary of the nearest noise sensitive receiver.
2. Confirmation based on the distances described in (1) above as to whether the daily number of flights proposed in the original application can still comply with NZS 6807:1994.
3. Confirmation of the intended use of the AS350 B3 Squirrel helicopter. I.E. will it be a regularly used aircraft or simply a 'back up' aircraft when the R44 is unavailable.
4. Confirmation regarding any potential reduction in the number of daily or weekly flights;
5. Clarify the scope of the proposed helicopter flights I.E. confirm that the site will not be used as a base for 'drop in' scenic flight excursions for the general public.

6. Confirmation of the actual duration of noise measured from the applicants flight operations over the 2014/2015 season.
7. Confirmation as to whether the proposed landscaping conditions in the Councils landscape report are agreed to or whether or not additional changes are proposed.

Each of these matters is discussed in detail below:

1. Distance of the Helicopter Landing Area from Lot 5 DP 9420

In the application submitted to Council on 9th September 2014 it was stated that compliance with the helicopter noise standard NZS 6807:1994 would be achieved by the proposal. The Malcolm Hunt & Associates "MHA" acoustic assessment submitted with the application as Appendix E confirmed this situation.

The assessment of noise effects had been undertaken with due consideration that while a Non-Complying Activity consent is required and neighbours approvals (including the applicant's) may be required for breaching the 10m internal boundary setbacks, it is not fanciful for a residential unit to be constructed on the nearest but currently vacant, residential allotment legally described as Lot 5 DP 9420.

An updated MHA acoustic report was submitted to the Council on 02 October 2014 with an amendment to the diagram on page 7 of the report to depict the minimum separation distance of 81m from the closest boundary of Lot 5 DP 9420 to the center of the helicopter landing area which was required to ensure compliance with NZS 6807:1994. It is understood that this distance was measured using aerial imagery available from Google Earth.

On the 6th November 2014 Council advised that following a meeting with the owners of Lot 6 DP 9420 there was some uncertainty regarding the measurements used to determine compliance with NZS 6807:1994. Specifically, Council's GIS mapping programme indicated that the distance from the helicopter landing area to the nearest corner of Lot 5 DP 9420 was approximately 59.7m or some 21.3m closer than had been assessed by MHA.

It is our understanding that as the latest survey information for the Certificates of Title in the vicinity of School Road is quite old (circa 1969) the data uploaded to QLDC's GIS system is therefore not necessarily accurate. In fact the following disclaimer is found on any aerial photograph downloaded from the Council's website:

"The map is an approximate representation only and must not be used to determine the location or size of items shown, or to identify legal boundaries. To the extent permitted by law, the Queenstown Lakes District Council, their employees, agents and contractors will not be liable for any costs, damages or loss suffered as a result of the data or plan, and no warranty of any kind is given as to the accuracy or completeness of the information represented by the GIS data. While reasonable use is permitted and encouraged, all data is copyright reserved by Queenstown Lakes District Council. Cadastral information derived from Land Information New Zealand."[My emphasis highlighted]

Accordingly, it is our view that the Council's GIS information cannot be relied on. However, since the ambiguity with this distance arose the applicants had their pilot Dion Matheson who is also a qualified surveyor (NZCLS, B Surv), measure the distance from the center of the helicopter landing area to the corner of the post and rail fence (now behind the solid wood fence) at the corner of Lot 5 DP 9420. This distance is now confirmed as 71.6m.

The implications of this change in distance are detailed in the next section of this correspondence.

2. Compliant Number of Flights at 71.6m From Lot 5 DP 9420

MHA have re-calculated the number of flights that would comply with NZS 6807:1994 based upon a revised distance to the property boundary of Lot 5 DP 9420 of 71.6m.

In short, a maximum of five flights per day of the Raven R44 II helicopter could be undertaken as opposed to the six flights per day originally proposed.

For the AS350 B3, the number of daily flights originally proposed in the application (three) does not change. There is no change because in the original application the number of movements for the AS350 B3 calculated by MHA were rounded down to whole numbers.

An addendum to the MHA acoustic report explaining the changes is attached.

In light of the above information the applicant proposes to formally amend the application so that the proposal is for a maximum of five flights per day of the Raven R44 II aircraft and three flights per day of the AS350 B3 or a combination of the two.

3. Intended use of the AS350 B3 Squirrel Helicopter

As identified in the original application the predominant aircraft to be used from the subject site is the Raven R44 II piston engine helicopter. There are a number of reasons for the choice of this type of aircraft but most importantly the lower operating and maintenance costs make it an ideal choice of machine for the applicants operations.

The indirect benefit for adjoining landowners is that it is also less noisy than other models of aircraft with jet turbines. Accordingly, in terms of Section 16 of the RMA the predominant use of this type of aircraft is also the best practicable option for reducing noise emissions.

However, the application also stated that an AS350 B3 Squirrel helicopter was a future replacement option and/or an alternative aircraft if the Raven R44 II requires scheduled maintenance etc.

A lower number of flights would need to occur each day with the AS350 B3 to comply with NZS 6807:1994 due to its higher noise output and this was documented within the original application, however; Council has raised some concern regarding the effects on the amenity of the area due to the increased noise of this aircraft despite the lower number of flights that would occur if it was utilized.

In order to alleviate these concerns for the Council and the opposing submitters the applicant wishes to clarify that the Raven R44 II aircraft will be the predominant aircraft used now and into the future. The AS350 B3 is no longer being sought as potential full time replacement aircraft within the context of this resource consent application.

The AS350 B3 will however remain as an alternative for times when maintenance and servicing prevents the Raven R44 II from operating and the following conditions of consent are proposed to afford certainty over this matter:

- 1. The aircraft permitted for use pursuant to this resource consent is a single Raven R44 II piston engine helicopter.*

The only exception to the use of this aircraft is that during times of maintenance and repairs (scheduled or un-scheduled) of the Raven R44 II the consent holder may utilize an AS350 B3 Squirrel helicopter. The AS350 B3 shall cease operation at the site as soon as the Raven R44 II is available for service.

2. *The consent holder shall keep a log of all servicing and repairs undertaken to the Raven R44 II aircraft up to date at all times and shall upon request provide a copy to the Council at any time to confirm compliance with condition (x) above.*

It is considered that the above mentioned conditions of consent will ensure the use of the quietest possible aircraft from the subject site and provide certainty that the exception provided for periods of maintenance and servicing will be capable of effective monitoring for compliance if necessary.

4. Confirmation Regarding the Number of Daily and Weekly Flights Sought

The original application sought 6 flights per day of the Raven R44 II aircraft and 3 flights per day of the AS350 B3 aircraft (averaged over a consecutive 7 day period) or a combination of the two. In hindsight this wording is slightly ambiguous and has led to the opposing submitters suggesting that up to 42 flights could potentially occur on a single day in any one week.

What the text above was attempting to portray is that NZS 6807:1994 is an averaging of helicopter noise undertaken over a seven day period. Part of the averaging allowed within the scope of NZS 6807:1994 provides for a doubling of the sound exposure limit on one day in each seven day period. Essentially this allows a doubling of the number of flights that would normally occur on any other day.

Had this been approved, a maximum of 12 flights of the Raven R44 II aircraft could have occurred on one day each week (twice the normal daily limit of 6 flights). At no time was it ever sought or did the applicant ever have any intention to undertake all the helicopter flights for a week on a single day.

The averaging component of NZS 6807:1994 can be helpful in circumstances where hypothetically speaking, weather has prevented normal daily flight activity occurring due to weather as any back log of flights that occurs can be undertaken on another day with the doubling of flight numbers.

However, in the context of this application the helicopter flights from the subject site are predominantly for the purpose of transporting the guests staying within the lodge. As the guests are pre-booked and the number of flights required per day is determined by the occupancy of the lodge, the daily flights do not 'back up' if flights on one day are cancelled due to poor weather.

If the weather is so bad so as to prevent flying, the guests are either transported by motor vehicle or worst case, they miss out on the days scheduled heli fishing and heli hiking activities and will instead partake in a Central Otago wine tour / tasting or other similar activity.

Given the above, the applicant is prepared to reduce the scope of the proposal and make the daily flights exempt from the averaging component of NZS 6807:1994 which provides for a doubling of the sound exposure limit so there will not be any 'peak' flight day. Accordingly, the following conditions of consent are proposed for Council's certainty with respect to the number of flights sought:

3. *The maximum number of flights permitted from the subject site pursuant to this resource consent is as follows:*
 - *5 flights per day of the Raven R44 II aircraft; or (during its maintenance and servicing)*
 - *3 flights per day of the AS350 B3 Squirrel aircraft.*

For the purpose of this condition, a flight comprises two 'movements' i.e. a landing and departure.

4. *The consent holder shall ensure use of the helicopter landing area to which this consent applies shall be limited so that helicopter noise levels received within the boundary of Lot 5 DP 9420 does not exceed Ldn 50 dBA when measured and assessed in accordance with NZS6807:1994 excluding the 7 day averaging provide for within Section 4.3 of NZS6807:1994.*

Advice Note: As mitigation measure compliance with the Ldn limit shall be determined on a daily basis with no averaging across consecutive days. To achieve this no more than 10 movements per day of a Raven R44 II helicopter, or alternatively no more than 6 movements per day of the AS350B3 helicopter shall occur at the landing site on any day. For the avoidance of doubt, One approach = 1 movement, One departure = 1 movement.

5. Scope of the Proposed Helicopter Flights

The application stated that while the predominant use of the helicopter arrivals and departures from Cedar Lodge are for the purpose of undertaking fly fishing trips on the nearby rivers, the applicant also offers heli-hiking and/or scenic flights from the subject site to cater for the interests of partners of fishermen staying at the lodge.

However, the applicant wanted the flexibility to provide for diversification in the future and did not wish to be limited to those exact requirements. Council has raised concern about the potential effects should the helicopter operations evolve into a 'drive in' scenic flight attraction. Such an evolution would result in additional traffic movements, parking and potentially more irregular hours of operation.

In response, the applicants state this is not their intention. There are two existing aircraft operators in the Makarora valley that provide these types of scenic flight experiences (Back Country Helicopters and Siberia Experience) and the applicant does not wish to compete with these operators.

Further, because the aircraft stays with the lodge guests after they have been dropped at their fishing destination the helicopter is generally not located on the site during the day and would therefore be unavailable to cater for 'drive-in' scenic flight services.

However, on occasion the helicopter may arrive and depart the subject site to assist in agricultural work on the adjoining farming properties and/or may by prior arrangement drop hunters into the Public Conservation Land nearby and particularly during the balloted roar period throughout April.

By and large the vast majority of the flights proposed to be undertaken are directly associated with the operation of Cedar Lodge. The flights for additional purposes are exceptions but are also important to the viability of maintaining a helicopter on the subject site during quiet periods and enabling some business diversification.

However, to ensure the Council and submitters that the site will not evolve into a significant 'drive in' scenic tourism operation the following condition of consent is proposed:

5. *The consent holder is not permitted to advertise in any form for the provision of 'drive in' scenic flight operations from the subject site. All flights are to be associated with the operation of Cedar Lodge the activities of its guests, staff and owners with the following exception:*

On any day a maximum of two flights may be used for any other purpose where the flights have been pre-arranged.

The intent of this condition is to afford the opposing submitters and Council certainty that large numbers of tourists will be prevented from driving to the site to enquire as to the availability and pricing of flights

and subsequently undertake scenic flights. Such an occurrence would lead to potentially significant effects of traffic generation and noise and visual effects of additional parked vehicles.

Allowing for a limited number of pre-arranged flights is considered to be acceptable as the level of traffic generation and parking etc. will have a negligible cumulative effect over and above the existing operations at Cedar Lodge.

Further, and to put it simply, the noise effects of the helicopter flights do not change if the purpose of the flights change. Ultimately, these effects are still controlled by the limited number of daily flights and other proposed operating protocols.

6. Duration of Noise from Helicopter Operations

Over the course of the 2014 / 2015 season the applicant has whenever practicable, recorded the duration of helicopter activity on the subject site. A copy of the spreadsheet of the helicopter noise duration is **attached**.

The spreadsheet details in green the warm up period and a departure from the site with a full load on each day that was recorded.

The subsequent times recorded below these green entries for the same date represent the time the helicopter spent arriving, descending below 500ft, idling on the heli pad while loading and then departing to 500ft again or alternatively, arriving and shutting down at the end of the day.

The records undertaken indicate that:

- The average time for a warm up procedure and subsequent departure is 5.2 minutes;
- The time taken for an arrival and subsequent departure is generally 2 – 3 minutes;

Given the above, taking a conservative approach and assuming each flight (arrival and departure) and the final return flight and shut down are all 3 minutes in duration a typical day with five flights (10 movements) comprising a warm up at the start of the day and a shut down at the end of the day would equate to approximately 20 minutes of noise.

It is important to note that in addition to complying with NZS 6807:1994 the noise above will generally be dispersed between two periods during the day described in the application as 8:45am – 9:30am and 4:30pm to 5:30pm.

Once the last group of passengers has departed in the morning the helicopter normally stays with the clients and returns them to the lodge in the evening.

Therefore, for the majority of the day, the environment will be completely free from helicopter noise from the site and adjoining residents can enjoy the environment and its background noise which you will have witnessed on our site visit of 5th December 2014 as including:

- The farmer next door undertaking tractor work in the adjacent paddock and driving down school road,
- Vehicles leaving Cedar Lodge to drive clients to other destinations,
- Golf carts were taking food deliveries dropped off at school Road by a large truck back to the lodge,

- Chainsaws and lawn mowers operating on adjoining and distant properties,
- Trucks and vehicles could be heard on SH6,
- One of the residential neighbours was using power tools.
- Overflying aircraft such as an R44 helicopter which flew overhead heading from Wanaka to Haast and a fixed wing aircraft flying in the same direction;
- Council rubbish truck picking up rubbish and recycling along school road.

7. Landscaping

During initial correspondence with the opposing submitters it was alleged that the proposed helicopter operations would result in a loss of privacy and increased visual effects. Accordingly, the applicant proposed to extend an existing 1.8m high wooden board fence along their boundary with Lot 5 and 6 DP 9420 right to the boundary of the subject site with School Road. This did not require resource consent and has since been established.

Further, it is also proposed to plant the grass verge between the applicant's driveway and the fence on the applicant's site with fast tall growing trees that achieve a height of at least 5m. A minimum of 50% of the proposed planting will be of native species. The proposed height is specifically proposed as the existing hangar is 4.83m tall.

It is noted that the opposing submitters have opposed such landscaping and do not wish to have their views (through the applicants site) blocked by tall fast growing trees.

The Council's landscape architect has recommended an alternative landscape condition to that originally provided by the applicant that would avoid dominance of tall trees on the neighbouring properties and lineal planting of tall trees within 5m of the property boundary.

Firstly, the applicant wishes to advise that the fence they have constructed and the proposed landscaping was not only for the benefit of the submitters who raised concerns with privacy and visual effects but for the benefit of the applicant.

Specifically, they have mown and kept tidy at their own time and expense Lot 5 DP 9420 but are no longer willing to do so. To avoid their guests having to view the unkempt section it is in their benefit to screen the views of this property.

Similarly, the applicants want privacy from and to obstruct views of the house on Lot 5 DP 9420 and the residential activity associated with it such as the piles of firewood, derelict caravan and (possibly un-consented¹) sleep out building etc.

As noted above, the wooden fence did not require resource consent and the applicants have already constructed this to obtain its immediate benefits for the 2014 / 2015 season. The landscaping proposed could also be undertaken as a Permitted Activity and the applicant is reluctant to relinquish their rights to plant and landscape their site as they see fit.

However, if resource consent is granted for the number of flights now sought as detailed within this correspondence, the applicants will accept the landscaping conditions detailed on pages 4 and 5 of Mr Denney's landscape report.

¹ The sleep-out is not depicted on the site plan in the building consent drawings for the construction of the original residential unit or on the later resource consent RM950546 for extensions to the same residential unit. Depending on the date of its establishment resource consent may be required pursuant to the provisions of Section 8 of the Operative District Plan.

Summary

I trust that the information contained in the correspondence above clarifies the points in the proposal that were slightly ambiguous and the applicants overall intention for the use and operation of the proposed helicopter landing area.

In light of the proposed amendments I have attached to this e-mail a set of proposed consent conditions and an amended helicopter noise management plan. These documents take into consideration the proposed conditions by MHA, Dr Stephen Chiles and Council's landscape architect Mr Denney.

Please contact me should you have any questions in relation to this letter and the supporting information.

Yours faithfully



Sean Dent
RESOURCE MANAGEMENT PLANNER

SOUTHERN PLANNING GROUP
14032- CEDAR SAFARIS LIMITED

Attachments:

1. MHA Addendum;
2. Spreadsheet of Recorded Heli Noise Duration;
3. Proposed Conditions of Consent; and
4. Updated Heli Noise and Operational Plan V2.0

Helicopter Noise Management Plan & Operation Protocols



Cedar Lodge, Makarora

QUEENSTOWN LAKES DISTRICT COUNCIL

**APPROVED PLAN:
RM140704**

Monday, 4 May 2015

Cedar Safaris Limited administers the use of the helicopter landing area located at Cedar Lodge 76 School Road, Makarora.

Operations in respect of this helicopter landing area have received attention recently as a result of complaints from an adjoining neighbour and a District wide legalising of helicopter landing areas ("airports") under the Resource Management Act 1991 and pursuant to the provisions of the Queenstown Lakes District Plan.

This Helicopter Noise Management Plan & Operation Protocols seeks to describe the way in which helicopter operations will be conducted at the Cedar Lodge helicopter landing area and the protocols for all authorised operators to abide by.

Statement of Intent

The consent holder (Cedar Lodge) will comply with and/or ensure that all authorised operators comply with:

- All requirements of this management plan;
- The conditions of consent authorising the use of this helicopter landing area under the Resource Management Act 1991.

Operator Training

Pilots not already approved to use the helipad should be subject to specific training in approach and departure routes and procedures in the event of an emergency to the satisfaction of the consent holder or nominated 'Operator' of the helicopter landing area.

Hours of Operation

All flight operations will be restricted to between 8am and 6:30pm each day (emergencies accepted).

Generally, flights will occur between 8:45am and 9:30am and 4:30pm and 5:30pm. The operator will make every effort to comply with these specified flight periods except where absolutely necessary. Acceptable exceptions to operate outside of these times will be:

- If weather delays the morning departures;
- If river conditions are un-certain and a guide needs to be flown to assess river quality in advance of their clients.

Helicopter Noise Management Plan & Operation Protocols



Cedar Lodge, Makarora

Flight Paths

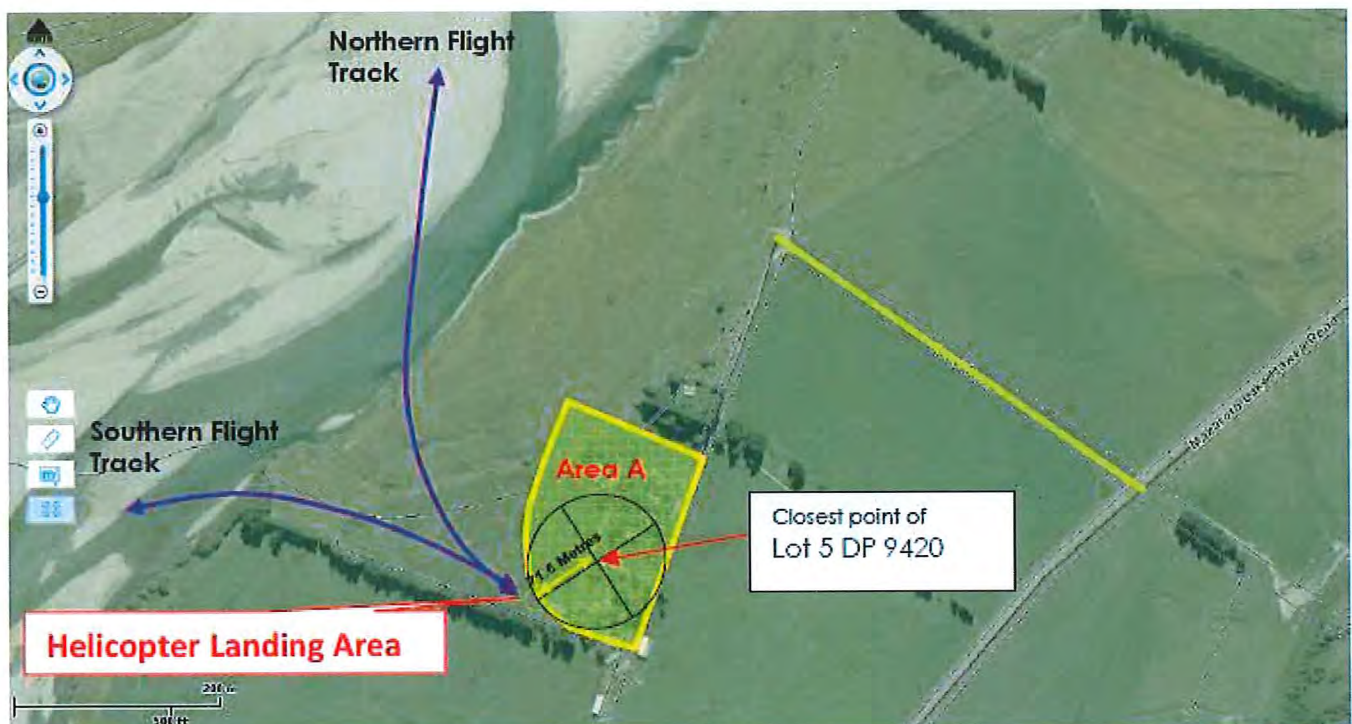
The applicant proposes to undertake helicopter arrivals and departures from the concrete pad directly in front of the existing hangar approved by resource consent RM051209.

The flight paths have been designed to accommodate the variable wind conditions and direction of the sun in relation to the operator at various times of the year.

Additionally, the authorised flight paths will minimise as much as practicably possible the effects of helicopter noise on residential properties located adjacent to School Road and Cedar Lodge while still maintaining compliance with NZCAA regulations.

There is limited discretion for operators to deviate from the identified flight paths only for safety and emergency purposes.

The figure below depicts the approved approach and departure paths which an operator may fly when arriving and departing from the helicopter landing areas described above.



Pilots shall use the steepest ascent and decent profiles possible when arriving and departing the helicopter landing area to minimize noise received on the ground.

Helicopter Noise Management Plan & Operation Protocols



Cedar Lodge, Makarora

In the unlikely event that a second helicopter arrives to use the helicopter landing area while it is already occupied, the second helicopter shall not hover or “standoff” whilst waiting for the opportunity to land.

Should meteorological conditions fall below the minimum requirements of Civil Aviation Rule Pt 135, all flight operations into the helicopter landing area shall cease.

Idling Times

The proximity of the helipad to noise sensitive locations necessitates minimal idling. Pilots will retard throttles to ‘ground idle’ immediately after landing at the helicopter landing area. The pilot or loader (if present) will exit the aircraft as soon as is practicable and deplane the passengers.

Passenger loading/unloading should, on *average*, not exceed 3 minutes.

If an operator is required to remain situated on the helicopter landing area for in excess of 5 minutes the machine is required to be shut down.

Blade Slap

Pilots will avoid ‘blade slap’ during approach and departure. Steep turns will be avoided and gradual and smooth control inputs will be utilised to reduce noise emissions.

Helicopter Types

Historically, the operators of Cedar Lodge have utilised a variety of aircraft types including Hughes 369, Hughes 500 and Raven R44 helicopters as well as fixed wing aircraft.

The flight operations authorised by this version of the helicopter management plan are for the rotary wing aircraft known as a Raven R44 II or Eurocopter AS350B3.

The Raven R44 II aircraft is the predominant helicopter type authorised for use under this helicopter management plan.

The only exception to the use of this aircraft is that during times of maintenance and repairs (scheduled or un-scheduled) of the Raven R44 II the operator may utilize an AS350 B3 Squirrel helicopter.

The AS350 B3 shall cease operation at the site as soon as the Raven R44 II is available for service.

Helicopter Noise Management Plan & Operation Protocols



Cedar Lodge, Makarora

Number of Flights

One flight in respect of the Cedar Lodge helicopter landing area is deemed to comprise the following flight profile:

- Descent below 500ft AGL over the terrain immediately west and north of the helicopter landing area;
- Approach;
- Landing;
- Take off;
- Departure;
- Climb until above 500ft AGL

Numbers of flights will be limited to NO MORE THAN:

- 5 flights per day of the Raven R44 II; or
- 3 flights per day of an AS350B3; or
- Any combination of the Raven R44 II and AS350B3 that complies with the flight movements in the table below:

Max Movements Per Day		
Movements / Day EC350 B3	Movements / Day R44 Raven II	Movements / Day TOTAL Daily
0	10	10
1	8	9
2	6	8
3	4	7
4	3	7
5	1	6
6	0	6

In addition to all of the above, the aircraft flight operations shall only occur during the months October to May each year.

When multiple flights are known to be booked the operating company should ensure that ground staff are positioned at the helicopter landing area to facilitate the loading/unloading of

Helicopter Noise Management Plan & Operation Protocols



Cedar Lodge, Makarora

passengers to ensure their safety, minimise ground idling time and minimise the time spent away from the helicopters controls by the pilot.

Information Recorded

The operator authorised to use the Cedar Lodge helicopter landing area will be required to record the following information for EVERY flight undertaken:

- Date
- Aircraft Type
- Aircraft Registration
- Pilot in Command
- Time departed
- Time landed

The operator will be required to submit an activity return to the Queenstown Lakes District Council on an annual basis. The activity return will be due within 10 working days of the 1st day of June each year.

The operator shall ensure that the log of flights into and out of the site is kept up to date at all times, as this information may be required to be submitted to the Queenstown Lakes District Council at any time during the year at their request to ensure on going compliance.

The helicopter operator shall also keep a log of all servicing and repairs undertaken to the Raven R44 II aircraft detailing the date and times during which the aircraft was unavailable for flight operations.

This log shall be kept up to date at all times and the operators shall upon request, provide to the Queenstown Lakes District Council a copy of the log at any time to confirm compliance with the management and operational protocols contained within this management plan.

Liaison and Complaint Procedures

General liaison with respect to helicopter operations at Cedar Lodge can be facilitated as follows:

- Cedar Safaris Limited
03-443-8285 (in season)
541-510-4365 (out of season)

Chris Daughters

caddiseug@aol.com

Helicopter Noise Management Plan & Operation Protocols



Cedar Lodge, Makarora

Shauna Daughters

shaunalsmith@hotmail.com

Issues or complaints with respect to helicopter operations at the Cedar Lodge helicopter landing area should be made directly to Cedar Safaris Limited, or thereafter to Queenstown Lakes District Council's Principal: Enforcement, noting the date, time and registration of the aircraft to which the issue or complaint attaches.

Fly Neighbourly

Pilots are responsible to ensure methods are used for noise control including the provisions in each aircraft flight manual required by Civil Aviation Rules Part 91, noise abatement procedures for that aircraft as published by the Helicopter Association International, and the manufacturers recommended noise abatement procedures for each aircraft type.

Re-Fuelling

Re-fuelling on the subject site will occur only from the existing aircraft hangar and concrete pad approved by RM051209.

No permanent fuel storage facility is approved by this resource consent and helicopter management plan. Accordingly, re-fuelling shall only occur via an appropriately certified and road legal tanker.

The Tanker shall at all times be in compliance with the Hazardous Substances (Tank Wagons and Transportable Containers) Regulations 2004 and all other applicable Health and Safety regulations.

When not stored within the approved helicopter hangar the fuel tanker shall be parked on the south side of the hangar and completely out of view of the residential properties not owned by the applicant along School Road.

Review

The Helicopter Noise Management Plan shall be reviewed if there are any significant operational changes such as a new or modified flight path or a different aircraft proposed to operate from the Cedar Lodge helicopter landing area.

A revised helicopter noise management plan and supporting acoustic report shall be submitted to Council each time any modification event gives rise to such a revision.