

## Memorandum

3 December 2021

**To:** Waiheke Local Board and Planning Committee

**Subject:** Response to a notice of motion by the Waiheke Local Board regarding helicopter activity

**From:** Plans and Places Department and Resource Consents Department

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## Purpose

1. To respond to the Waiheke Local Board's notice of motion dated 21 July 2021 seeking information on helicopter activity and options to further control helicopter activity (**Attachment A**).

## Summary

2. This memorandum has been prepared jointly by the Plans and Places Department and Resource Consents Department. The memorandum responds to matters raised in a notice of motion (**Attachment A**) passed by the Waiheke Local Board. The notice of motion seeks information on six items - (a) through to (f). These are discussed in sections A and B of this memorandum.
3. Section A of the memorandum addresses item (a). It discusses the regulatory framework that applies to helipads (and the associated take-off and landing of helicopters) and options to increase control. From the outset, it is important to note that the Resource Management Act (RMA) does not allow the council to consider the effects that arise from the broader overflying activity of helicopters, or to regulate health and safety matters for helicopter activity. These matters fall under the control of the Civil Aviation Authority (CAA).
4. A comparison of the Auckland Council District Plan Hauraki Gulf Islands section (HGI Plan) and the Auckland Unitary Plan (AUP) identifies that the HGI Plan provisions are less strict in terms of resource consent activity status and noise standards. However, the HGI Plan enables a broad assessment of impacts on visual amenity and aural amenity, including an assessment of cumulative effects, and enables the council to decline resource consent applications for helipads on Waiheke.
5. In terms of public and limited notification of helipad resource consent applications, the HGI Plan requires this to be determined on a case-by-case basis, and while the provisions generally preclude public notification, the council can consider special circumstances that may warrant notification under section 95A (4) of the RMA<sup>1</sup>.
6. The council cannot lawfully impose a moratorium on helipads. An alternative would be to apply prohibited activity status through a plan change to the HGI Plan. However, the legal tests for prohibited activity status are very high, as the underlying premise for this activity

<sup>1</sup> Section 95A(4) of the RMA in a former version as it was when the HGI Plan was made operative.

status is that there are no circumstances in which helipads are appropriate. This would be an extremely difficult position to establish.

7. Overall, given the ability of relevant effects to be considered under the HGI Plan as it currently stands, and taking into account the council's current resources, the significant policy workload arising from central government directions (such as the National Policy Statement on Freshwater Management and National Policy Statement on Urban Development), and the timing of the next AUP review in 2026, a review of the HGI Plan provisions as part of the scheduled AUP review is considered the most efficient use of the council's resources.
8. Section B of the memorandum addresses items (b) to (f) in the notice of motion.
9. Item (b) asks for the Planning Committee to endorse a change in the assessment criteria to enable public notification, cumulative effects, and assessment of effects on the wider community and amenity values.
10. Items (c) to (e) in the notice of motion seek information on existing helipad consents, including whether there are any lapsed consents; whether any consents can be cancelled under s126 of the RMA; and whether consent conditions can be reviewed under s128 of the RMA. Based on the review of the existing consents, their conditions and complaints on file, the Resource Consents Department is of the view that a review of the consents with a s128 condition is not warranted at this time.
11. Item (f) requests the support of the Planning Committee to a request from the Waiheke Local Board to the CAA to establish a 'special use airspace' to manage the impacts of helicopter flights over Waiheke.
12. It is noted that a 'special use airspace' application by 'Quiet Skies' has been lodged with the CAA. The application was endorsed by the Waiheke Local Board at its meeting on 25 August 2021 and a letter of endorsement<sup>2</sup> has been provided to the CAA. It is understood that the CAA is processing the application.

## Context

13. This memorandum responds to the Waiheke Local Board notice of motion dated 21 July 2021. The notice of motion seeks information on planning controls and resource consent processes relating to helicopter activity on the Hauraki Gulf Islands. A copy of the notice of motion is provided at **Attachment A**.

## Discussion

### Section A

14. Item (a):

*Request an information report from council staff on options to increase control over the number of helicopter pads being consented, their locations, as well as the associated numbers of flights per helicopter pad, and means by which to manage cumulative and specific effects of the number of helipad consents and flight movements on Waiheke and the other islands in the Waiheke Local Board area. This also relates to nuisance and the protection, promotion and maintenance of public health and safety. This should also include an outline of the implications on Waiheke's current rules once the Hauraki Gulf Islands*

<sup>2</sup> Letter of endorsement from the Waiheke Local Board to the CAA, dated 30 August 2021 Re: Application to Civil Aviation Authority by Quiet Sky Waiheke for designation of Waiheke Island as Special Use Airspace and Mandatory Transponder Airspace (Civil Aviation Rules Part 71.9)

*District Plan (HGIDP) is replaced with the Unitary Plan (UP), and to advise whether it is feasible to apply a Moratorium on Helicopter Pad Consents until such controls are implemented.*

15. These matters are discussed under the following headings:
- regulatory framework
  - options for increasing control – planning provisions
  - options for increasing control over number of consents granted.

### Regulatory framework

16. The discussion below outlines the regulatory framework in the HGI Plan and the AUP that manages helipads, and helicopter take-off and landing in residential and rural zones.

### HGI Plan

17. The rules for helipads are found at section 13.8 of the HGI Plan. Provision is made for permitted activities (Rule 13.8.1), restricted discretionary activities (Rule 13.8.2) and discretionary activities (Rule 13.8.3). Permitted activities do not require a resource consent (provided they meet all other relevant rules in the HGI Plan); restricted discretionary activities require a resource consent that can be declined if the matters of discretion set out are not met; discretionary activities require a resource consent that can be declined and there are no limits on the scope of matters that can be considered (provided they are within the scope of the Resource Management Act (RMA)).

18. The rules in the HGI Plan are set out in full below:

#### **13.8.1 Permitted Activities:**

1. Helicopters or aircraft involved in emergency, police or rescue operations.
2. The existing Claris and Okiwi airstrips.
3. Landing areas in landforms 1 (coastal cliffs), 3 (alluvial flats), 5 (productive land), 6 (regenerating slopes) and 7 (forest and bush areas) where they are used for pastoral farming or horticultural purposes.
4. Any helicopter take-off or landing for the purposes of providing access to coastal fishing locations (excluding Waiheke Island) provided that:
  - a. a. the helicopter is at all times more than 1000m from any dwelling; and
  - b. b. there are no more than three inward and three outward movements in a seven day period.
5. Any helicopter take-off or landing for the purposes of providing access for the incidental maintenance of network utilities provided that there are no more than three inward and three outward movements in a seven day period.

#### **13.8.2 Restricted Discretionary Activities:**

*Helipads and airstrips, (other than those permitted above) where:*

1. There is no more than one helipad or airstrip per Site or for Pakatoa and Rotoroa Islands, there is no more than one helipad or airstrip per island;
2. The noise emissions from use of the helipad or airstrip comply with the following noise limits measured at or within the notional boundary of any noise sensitive activity (not on the same site):
  - a. Ldn 50dBA (3 day rolling average - where, as each new consecutive day is included in the calculated average, the last day of the period is deleted)
  - b. the following matters of discretion and assessment criteria apply:

#### **Matters of Discretion**

*When considering an application to establish a helipad, the council has restricted its discretion to the following matters:*

- Noise effects
- The visual effect of any earthworks or retaining structures required to establish a helipad.

**Assessment criteria:**

*When considering the above matters of discretion, the council will have regard to the following assessment criteria:*

1. *The effects of noise received at or within the notional boundary of the noise sensitive activities;*
2. *The cumulative noise levels received at or within the notional boundary of any noise sensitive activity generated by use of the proposed helipad or airstrip along with any other consented or permitted landing area;*
3. *The adverse visual or amenity effects resulting from the type and size of the facility to be provided.*
4. *Whether the noise generated by use of the proposed helipad or airstrip can be adequately mitigated so as not to give rise to adverse noise and amenity effects, including appropriate controls over:*
  - *the type of helicopter(s)*
  - *the flight procedure, (flight track/path, ground idling, hovering)*
  - *the hours of operation and frequency of movements*
  - *the location of helipad or airstrip.*
5. *Proposed consent conditions which provide for recording, monitoring, reporting and review.*

**13.8.3 Discretionary Activities**

*Any helipad or airstrip that does not comply with rules 13.8.1 or 13.8.2.*

**13.8.4 Assessment criteria for discretionary activities**

*The council's assessment of an application for a helipad or airstrip as a discretionary activity will include consideration of the matters set out in 13.8.2 and the following matters*

1. *The extent to which the heli-noise boundary meets or exceeds the limits of acceptability of table 1 of NZS 6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas.*
2. *The extent to which the air-noise boundary meets or exceeds the recommended noise control criteria of table 1 of NZS 6805:1992 Airport Noise Management and Land Use Planning.*
3. *The tourism benefits that may accrue from the helipad or airstrip.*

19. With respect to noise measurement, Rule 13.8. uses the noise metric 'Ldn' which is used for noise comprised of a series of events throughout the day and/or night (i.e. not continuous). Ldn is the noise metric adopted for aircraft and helicopter landings and departures and is specified in NZS 6805:1992 (airport noise management) and NZS 6807: 1994 (helicopter landing areas). The Ldn is a measure (over a 24-hour period) of overall noise exposure and takes into account:

- the number of events (in this case flights)
- loudness of each event
- sensitivity at night.

20. It is noted that for Rule 13.8.2 Restricted Discretionary Activities, a three-day rolling average is applied to the Ldn (i.e. it is the average over three days (rather than a 24 hour period)).

21. The council is aware of alternative interpretations of the rules in the HGI Plan. An assessment of alternative interpretations is included as **Attachment B**.

**Auckland Unitary Plan**

Residential zones

22. For residential zones, helicopter landing and take-off is a non-complying activity under provision (A1) in the residential zones activity tables. Item (A1) applies non-complying activity status to activities not provided for (in the activity tables).

### Rural zones

23. For rural zones, helicopter landings and take-offs associated with servicing rural activities fall under the activity 'rural airstrip' and are a permitted activity in all rural zones. Helicopter activity outside of this context (i.e. private use) is a discretionary activity<sup>3</sup>.

### Noise

24. Helicopter landings and take-offs (all zones) are also subject to noise standards set out at E25.6.32:

*The take-off or landing of a helicopter on any site except for emergency services must not exceed Ldn 50 dB or LAFmax 85 dB measured within the boundary or the notional boundary of any adjacent site containing activities sensitive to noise and Ldn 60 dBA within the boundary of any other site.*

25. Helicopter noise that exceeds the standard is a restricted discretionary activity<sup>4</sup>.

### **Comparison of the HGI Plan and the AUP**

26. The discussion below compares the HGI Plan provisions at Part 13.8 with the AUP provisions at E25.6.32.

### Activity status

27. The AUP applies more restrictive provisions overall to the establishment of helipads in residential and rural areas. The greatest contrast in approach relates to the activity status applied in residential zones (non-complying activity in the AUP and restricted discretionary activity in the HGI Plan). For rural zones, both plans have a permissive approach to servicing rural activities. For non-rural helicopter activity (i.e. private use) the AUP takes a stricter approach than the HGI Plan (discretionary activity and restricted discretionary activity respectively).

### Assessment of effects

28. Both plans require an assessment of effects on visual amenity and aural amenity, including cumulative effects. While the HGI Plan provisions apply less strict activity status than the AUP, the assessment criteria are wide ranging and provide for a broad assessment of effects on visual amenity and aural amenity, including cumulative effects. Where discretionary and non-complying activity status is triggered, whether under the AUP or HGI Plan, the range of discretion is unlimited (within the scope of the RMA).
29. Comparing the noise standards (for guidance on the noise measures refer to **Attachment C**) it is noted that both plans apply Ldn 50dB. However, the AUP provisions are more restrictive, as they require compliance on any single (24 hour) day rather than an average over three days:
- AUP noise standard at Rule E25.6.32 applies Ldn 50 dB and LAFmax 85 dB
  - HGI noise standard for restricted discretionary activity at Rule 13.8.2 applies Ldn 50 (using a rolling three-day average). For additional context, it is highlighted here that Rule

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<sup>3</sup> Rule C.1.7 -Infringement of standards applies Discretionary Activity status to activities not specifically identified in an activity table.

<sup>4</sup> Rule C.1.9(2) applies Restricted Discretionary Activity status where an activity does not comply with a development standard.

13.8.2 is still more restrictive than NZS 6807:1994 as the NZ Standard refers to a seven-day averaging period.

30. Applying the AUP rules, an indicative setback distance to comply with 50 dB Ldn for one flight (landing and take-off) is a minimum of approximately 100m from the helipad to the nearest notional boundary, but factors such as helicopter type, flight path, duration of ground idle and topography will determine the actual setback distance.
31. In comparison, using the HGI Plan Ldn three-day rolling average, the minimum setback distance could be reduced by around 50m for one flight (i.e. the setback is approximately 50m).

### Options for increasing control – planning provisions

32. The Waiheke Local Board has requested information on options to increase control over flight movements including options to increase protection, promotion and maintenance of public health and safety from the effects of helicopter activity.

### HGI Plan provisions

33. It is important to note that the areas of concern raised by the local board relating to helipad locations, flight numbers, flight movements and cumulative effects are able to be considered under the existing provisions of the HGI Plan.
34. For restricted discretionary activities, Rule 13.8.2 limits the matters of discretion to noise effects and visual effects of earthworks or retaining structures required to establish a helipad or airstrip. Assessment criteria 3 provides for the consideration of visual effects in terms of the type and size of the facility together with an assessment of cumulative effects; Assessment criteria 4 provides for consideration of noise effects in terms of the type of helicopters, the flight procedure, hours of operation and movements and location of helipad. Assessment criteria 2 specifically refers to cumulative effects of noise, including that of other consented or permitted landing areas.
35. For discretionary activities, there are no limitations on the matters may be considered – provided they are within the scope of the RMA.

### Flight paths and overflying - health and safety

36. There are legal limitations on the council's ability to control helicopter activity in terms of flight paths and overflying, and in terms of health and safety. Having regard to *Dome Valley*<sup>5</sup> caselaw, the council's jurisdiction under the RMA to consider helicopter effects is limited to the effects that arise in relation to the taking off and landing of the helicopter, not those effects that arise from the broader overflying activity. The implications of this decision are that council does not have jurisdiction to consider effects that arise from the broader overflying activity. This falls under the jurisdiction of the CAA.
37. In terms of identifying the cut-off height for an effects assessment, the RMA does not provide a specific reference to helicopter elevation. However, in the *Dome Valley* case, the Environment Court referred to the relevant CAA rules to make its determination. The relevant rule is CAA Rule 91.311 (A0(2)), which identifies requirements for aircraft to be above 1000ft at the line of more intensive residential development or 500ft in the case of rural use land.

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<sup>5</sup> *Dome Valley District Residents Society Inc v Rodney District Council*, Environment Court, Auckland 14/12/2007, Sheppard Judge, A099/07, and *Dome Valley District Residents Society Inc v Rodney District Council*, High Court, Auckland, 1/8/2008, Priestly J CIV-2008-404-587

38. The court considered that these elevations indicated a cut-off elevation to apply when considering effects of taking off and landing:

*...after take-off or landing, and in particular where an aircraft is operating above 500ft 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.*

### **Health and safety**

39. Aviation related public health and safety matters fall under the jurisdiction of the CAA. There is no jurisdiction under the RMA to regulate health and safety matters for overflying activity. At the moment, Waiheke airspace is 'uncontrolled Class G airspace'<sup>6</sup> meaning that it is not supervised by air traffic control and is therefore covered by Rules in Part 91<sup>7</sup> of the Civil Aviation Safety Regulations which provides operating and flight controls for pilots, and is managed case by case.

### **Options for increasing control over number of consents granted**

40. The local board has requested information on options available for increasing control over the number of helipads being consented in the Waiheke Local Board area, including whether it is feasible to apply a moratorium until increased controls are implemented.
41. Resource consents are determined on a case-by-case basis in accordance with the appropriate regulatory framework (i.e. the RMA and the HGI Plan). The approval or decline of a resource consent application is made either under delegated authority to staff or by independent hearing commissioners. It is not possible to direct this process in a way that would prevent resource consents from being approved.
42. With respect to applying a moratorium, this is not within the jurisdiction of the RMA. It would effectively be applying a prohibited activity status for helipads. The tests for justifying prohibited activity status are very high, as the underlying premise is that there are no circumstances in which the activity is appropriate. This would be a very difficult position to establish in a section 32 analysis under the RMA. In any case, applying prohibited activity status would require the preparation and public notification of a plan change to the HGI Plan.

### **Plan change to the HGI Plan**

43. A plan change to the HGI Plan would require the preparation of a section 32 evaluation under the RMA. The section 32 evaluation would need to examine and be satisfied with the extent to which the proposal being evaluated is the most appropriate way to achieve sustainable management, and that the proposed plan change is the most appropriate method to apply in terms of efficiency and effectiveness and meeting the objectives and policies of the HGI Plan.
44. A plan change based on the concerns expressed in the notice of motion may be difficult to justify in the section 32 analysis, taking into account that a number of the concerns identified are outside the council's jurisdiction (falling under the jurisdiction of the CAA rather than the RMA); and recognising that the current rules of the HGI Plan already provide scope for a broad assessment of effects, including cumulative effects.
45. Any change to the Part 13.8 provisions to increase control over helicopter activity would be highly contested, as there are many interested parties and a high degree of public interest.

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<sup>6</sup> Uncontrolled class G airspace: when an air traffic control service is not being provided within that control area or control zone [https://www.aviation.govt.nz/assets/rules/consolidations/Part\\_071\\_Consolidation.pdf](https://www.aviation.govt.nz/assets/rules/consolidations/Part_071_Consolidation.pdf)

<sup>7</sup> [Part 91 General Operating and Flight Rules | aviation.govt.nz](https://www.aviation.govt.nz/assets/rules/consolidations/Part_071_Consolidation.pdf)

These factors would potentially lengthen any plan change process. It is also important to note that the rules in any plan change would not have legal effect until the council releases its decision on submissions.

46. Given the wide range of interests, it is also likely the council's decision would be appealed to the Environment Court.

### **AUP plan review 2026**

47. Bringing the HGI Plan into the AUP is scheduled to be undertaken as part of the process of reviewing the AUP. This process is required to occur every 10 years. The HGI Plan was made operative in part (1 October 2013), making the commencement date of a review due in 2023. Covid 19 legislation extends this date to 1 October 2024.<sup>8</sup>
48. The AUP and HGI Plan adopt different formats, with the HGI Plan containing its helipad provisions in a transport chapter. The AUP uses a zone/activity table approach. Both plans apply noise standards.
49. Given the different formats, in bringing the HGI Plan into the AUP a primary consideration would be whether the AUP provisions should be applied in full (replacing the HGI provisions) or whether aspects of the HGI Plan should be retained for specified issues to give a more tailored approach. Provisions for helicopters will be considered as part of that process.
50. Overall, given the ability of relevant effects to be considered under the HGI Plan as it currently stands, and taking into account the council's current resources, the significant policy workload arising from central government directions (such as the National Policy Statement on Freshwater Management and National Policy Statement on Urban Development), and the timing of the next AUP review in 2026, a review of the HGI Plan provisions as part of the scheduled AUP review is considered the most efficient use of the council's resources.

## **Section B**

### **Notice of Motion items (b) to (f)**

51. Items (b) to (f) of the notice of motion are discussed below:

52. Item b):

*Asks Auckland Council's Planning Committee to endorse a change in the assessment criteria for new helipad consents on Waiheke Island to:*

- a. enable public notification of all helipad consents so those directly affected in the vicinity and on projected flight paths can place submissions.*
- b. include the consideration of the cumulative effects of helicopter movements.*
- c. widen the assessment of the effects of helicopter flights, take offs and landings on the wider community and the amenity values of Waiheke and the rights of residents to the quiet enjoyment of their property.*

53. The discussion in section A of this memorandum is relevant to the issue of notification, effects assessment and consideration of additional assessment criteria. Section A also highlights the jurisdictional limitations on the council's ability to apply regulatory controls.

54. Item c):

*Review all existing helipad consents to determine if any have lapsed during the past 5 years so that the resource consent can be cancelled pursuant to Resource Management Act Section 126.*

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<sup>8</sup> It is noted that the Government's Resource Management Reform Programme may result in timeframe changes.



55. A spreadsheet providing details of the existing resource consents is provided at **Attachment D**. There are currently 45 approved consents for helipads on Waiheke Island. In summary:

- none have lapsed;
- three of the 45 approved consents have yet to be given effect to (but have not yet lapsed). If these consents lapse before being given effect to, the activities will no longer be lawful;
- one of the consents still to be given effect to is Cable Bay – the consent was recently granted an extension of time in order to keep their consent alive for implementing<sup>9</sup>. It is noted that there have been prosecutions against Cable Bay in relation to helicopter movements, however the prosecutions were not against its consented helipad activities, but rather its existing use rights on flights (which were noted in the prosecutions as being relied upon, however they were never formalised under a Certificate of Existing Use Rights).

56. Item d):

*Where a review provision exists in the consent, undertake a review pursuant to Resource Management Act Section 128, to determine how conditions of operation could be changed to reduce their impact on amenity value. Notification should be made of each review to receive public comment on effects.*

57. Under s128, in the absence of the application containing incorrect information at the time of granting the consent, the council is only able to review consents that contain a s128 condition.<sup>10</sup> The scope of the review is limited to circumstances described in s128(1) and the condition itself. When reviewing conditions the council cannot cancel a consent – it can only amend conditions.

**128 Circumstances when consent conditions can be reviewed**

*(1)A consent authority may, in accordance with section 129, serve notice on a consent holder of its intention to review the conditions of a resource consent—*

*(a)at any time or times specified for that purpose in the consent for any of the following purposes:*

*(i)to deal with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage; or*

*(ii)to require a holder of a discharge permit or a coastal permit to do something that would otherwise contravene section 15 or 15B to adopt the best practicable option to remove or reduce any adverse effect on the environment; or*

*(iii) for any other purpose specified in the consent; ...*

58. Eight of the 45 granted consents are unavailable for a s128 review for the following reasons:

- five are Certificates of Existing Use rights; and
- three do not contain a s128 condition:
  - R/VCC/2013/2495 at 150 Trig Hill Road;
  - R/LUC/2013/2797 at 43 Dolphin Lane; and
  - R/LUC/2012/4669 at 729 Orapiu Road.

<sup>9</sup> R/LUC/2014/341 - Extension of time granted under s125 of the RMA for extension to lapse date of by a period of 24 months to 31 July 2022.

<sup>10</sup> Section 132(2) of the RMA provides that s120 (right to appeal to the Environment Court) applies as if the review were an application for consent and the consent holder were an applicant for a resource consent.

59. Based on the review of the existing consents, their conditions, complaints on file, and liaising with the council's Compliance and Monitoring Department, the Resource Consents Department is of the view that there is no trend of non-compliance on these consents, and a review of the consents with a s128 condition is not warranted at this time.

60. Item e):

*Subsequent to each review, conditions should be amended or added, including, at a minimum, a requirement that each helicopter shall implement tracking (such as the ADS-B satellite-based system) sufficient to show its approach and departure routes taken to any consented helipad, and that the tracking shall be available online to the public so that it can be monitored even in the absence of any Council monitoring.*

61. Undertaking e) would be subject to the determination of d) above as to whether any reviews are undertaken under the provisions of s128. Existing standard conditions (since 2015) include requirements that:

- *Evidence that written agreements have or will be obtained from all helicopter operators who intend using the helipad, including requirements on the operators that:*
  - *all helicopters that may use the helipad will have GPS tracking devices. The helicopter operator shall agree that the GPS tracking on any helicopter model will be set to the maximum resolution when enroute to or from the site and will be sufficient to show that the helicopter has likely complied with condition x including altitude;*
  - *that the flight path used for each movement will be accurately recorded; and*
  - *that condition x of this consent will be complied with at all times;*
  - *it is the consent holder's responsibility to collect details of the flight path to be used, and how the information will be retained to confirm this information for each movement;*
  - *the consent holder is to ensure that all arriving and departing helicopters remain within the flight path shown in Figure 1 of the Acoustic Assessment by XXX referenced in condition 1 by using the GPS tracking required by condition X when flying at altitudes of less than 500/1000 feet, unless required to deviate for safety or to meet CAA requirements.*

62. Where provided for under resource consent conditions<sup>11</sup>, the council could periodically request the site flight logs to confirm compliance. However, as highlighted above, the current interest in helipad activity largely stems from the total number present rather than from any documented non-compliance issues. Given the relatively small number of resource consents that have this condition (19 of the 45 resource consents), an educational approach is being considered by the council's Regulatory Services Division, in conjunction with an upcoming educational approach being undertaken by the CAA, to engage with all helipad consent-holders on Waiheke. This approach would align with the graduated enforcement approach the council takes, which focuses on education in the first instance (where appropriate).

63. Item f):

*Request Auckland Council's Planning Committee supports a request from the Waiheke Local Board to the Civil Aviation Authority for approval of the Minister of Transport to establish a **Special Use Airspace** pursuant to Section 29A of the Civil Aviation.*

64. It is understood that an application for special use airspace has been lodged with the CAA by 'Quiet Skies'. The CAA is currently working through the application with 'Quiet Skies' to meet their requirements for accepting the proposal. Once accepted, it is understood that the CAA will publicly consult on the proposal, with specific engagement with affected parties or stakeholders, including the council.

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<sup>11</sup> Note: this would apply to consents from approx. 2014 onwards when the condition was added to the standard condition set.

## Next steps

65. The Resource Consents Department is discussing the feasibility of the Compliance and Monitoring Department undertaking an educational approach for all existing helipad resource consent holders on Waiheke in conjunction with a CAA educational initiative that is also underway.
66. A review of the AUP is required to commence in 2026. Provisions for the Hauraki Gulf Islands (including provisions relating to helipads) will be evaluated in detail in terms of section 32 of the RMA and incorporated into the AUP at that time.

## Attachments

<b>Attachment A</b>	Copy of Notice of Motion – Waiheke Local Board
<b>Attachment B</b>	Alternative interpretations of provisions in the HGI Plan relating to helicopters
<b>Attachment C</b>	Guidance on noise measurement metrics
<b>Attachment D</b>	Resource consents spreadsheet