

**DECISION OF QUEENSTOWN-LAKES DISTRICT COUNCIL**

**RESOURCE MANAGEMENT ACT 1991**

<b>Applicant:</b>	<b>QUEENSTOWN LAKES DISTRICT COUNCIL</b>
<b>RM Reference:</b>	RM 100777
<b>Location:</b>	Ben Lomond Reserve, Bobs Peak
<b>Proposal:</b>	To operate a helicopter landing area from an existing helipad adjacent to the Skyline gondola and restaurant building at Bobs Peak.
<b>Type of Consent:</b>	Land Use Consent
<b>Legal Description:</b>	Section 1 SO 24832
<b>Valuation Number:</b>	2910614800
<b>Zoning:</b>	Rural General
<b>Activity Status:</b>	<b>Discretionary</b>
<b>Notification:</b>	2 March 2011
<b>Commissioners:</b>	W D Whitney & S Middleton
<b>Date of Decision:</b>	14 November 2011
<b>Decision:</b>	<b>Consent is Granted subject to Conditions.</b>

## **A. INTRODUCTION**

### **A.1**

1. The Queenstown Lakes District Council (QLDC) has applied to itself for land use consent to operate a helicopter landing area from an existing helipad adjacent to the Skyline gondola and restaurant building at Bobs Peak above Queenstown. The site subject to the application is located within the Ben Lomond Reserve at Bobs Peak and is described as Section 1 SO 24832 that is held with Section 1 SO 22971 in Identifier (Certificate of Title) CFR 3417 at the Otago Land Registry.
2. Although the existing helipad has been used since approximately 1975 no resource consent has been granted to date for this activity under the Resource Management Act 1991 (the Act) or under earlier planning legislation. The Commission has been advised that up until a recent High Court decision being Skyline Enterprises Limited v Queenstown Lakes District Council CIF-2008-425-650, French J it was thought that the helipad had been lawfully established. An application for land use consent has now been made to “legalise” the operation of the helipad and associated helicopter movements to and from the helipad.

### **A.2 The Proposal**

3. Land use consent is sought to operate a helicopter landing area from an existing helipad located within an area of land currently leased by Skyline Enterprises Limited by the QLDC. The proposed helicopter landing pad is located on a flat terrace approximately 30 metres from the Skyline gondola and restaurant building, and comprises a total current area of approximately 29.5m<sup>2</sup>.
4. Safety measures are proposed in the context of the current proposal to upgrade the existing helipad and its environs as follows:
  - A solid barrier safety fence 1.2 metres in height is to be constructed between the helipad and an adjacent pathway that is used by pedestrians and cyclists.
  - The existing concrete helipad is to be extended by an additional 15m<sup>2</sup>. The extension and associated earthworks are shown on plans attached to Mr Dent's evidence at Attachment [A].
  - Helimesh netting is to be installed to the eastern and western sides of the helipad.

5. These amendments were placed before the Commission at the commencement of the hearing and the Commission confirms that it is satisfied that such amendments and additional safety works discussed in section B.8 of this decision are within the scope of the notified application for land use consent. The improvements to safety infrastructure as now proposed will facilitate the safe operation of the existing helipad.
6. An annual limit of 3160 return flights per year is proposed, with a maximum of 15 return flights on any one day. Furthermore the applicant proposes that the maximum number of flights in any one 15 minute period will be limited to two. Flights are defined as a landing and a take-off (including the idling period in-between).
7. All flights are proposed to be undertaken between the hours of 10:00am and 7:00pm. A draft Helicopter Noise Management Plan was lodged with the application. This is intended to provide the basis for helicopter operator protocol at the proposed landing area and addresses a range of matters relating to the operation of the helipad, including flights paths. A final amended Helicopter Noise Management Plan was tabled by Mr Dent at the conclusion of the applicant's evidence.
8. In summary the proposal is to obtain retrospective land use consent for the operation of a helipad at the scale which has occurred to date (peaking at 1531 flights in 2003); and to obtain land use consent to authorise expanded use of the helipad into the future, subject to the annual, daily and 15 minute period limits stated above.

### **A.3 Zoning**

9. The site is zoned Rural General under the Operative Queenstown Lakes District Plan (Operative District Plan). The site is located within an Outstanding Natural Landscape (Wakatipu Basin) [ONL(WB)]. The site is also designated D248 Recreation Reserve in the Operative District Plan (see Maps 13 and 34).
10. The proposed activity is not authorised by designation D248. The operation of a helicopter landing area from an existing helipad falls outside the scope of the designated purpose for D248 being Recreation Reserve. Furthermore the proposal breaches conditions which relate to Recreation Reserve designations as detailed in Appendix A1 – Designations in Part B on page A1-16 and in Part G on page A1-54.

Resource consent is therefore required to authorise the proposal in terms of the Rural General Zone provisions of the Operative District Plan.

11. The proposal requires resource consent under the Rural General Zone provisions as follows:

- A **discretionary** activity consent pursuant to Rule 5.3.3.3v as the helipad has status as an Airport as defined on page D-1 of the Operative District Plan and is not an Airport to be used for emergency landings, rescues and fire fighting; or as an activity ancillary to farming activities.
- A **discretionary** activity consent pursuant to Rule 5.3.3.3i(a)(i) and (ii) for the construction of the concrete helipad extension and helimesh structures (buildings) and associated earthworks.
- A **restricted discretionary** activity consent pursuant to Rule 5.3.3.3xi as Site Standard 5.3.5.1vi(a) is breached as the proposed helipad extension and helimesh structure will infringe the 15 metre minimum setback required from internal boundaries.
- A **restricted discretionary** activity consent pursuant to Rule 5.3.3.3xi as Site Standard 5.3.5.1ix is breached as commercial recreational activities will be undertaken that may involve more than 5 people in any one group.

12. Zone Standard 5.3.5.2v has been amended by Plan Change 27A which became operative on 13 October 2011. Zone Standard 5.3.5.2v establishes noise levels for non-residential activities in the Rural General Zone. Expert evidence presented to the Commission confirmed that the proposal will comply with Zone Standard 5.3.5.2v and that consent is not required with respect to any breach of that rule.

13. Rule 18.2.5 of the Operative District Plan contains Zone Standards relating to signs. Signs are proposed for safety purposes which may, in combination with existing signage, exceed the maximum area of 2m<sup>2</sup> specified in Zone Standard 18.2.5 as this relates to rural areas. The Commission notes that Zone Standard 18.2.5 confirms that all signs required to be displayed by any legislation and displayed in accordance with the provisions of that legislation are exempt Zone Standard 18.2.5. The Commission therefore understands that safety signage required pursuant to section 12(1)(b) of the Health and Safety in Employment Act 1992 or in terms of other legislation will not breach Zone Standard 18.2.5.



14. Overall the proposal has been considered as an application for land use consent for a discretionary activity in terms of the Operative District Plan.

#### **A.4 Submissions**

15. A total of 10 submissions were received in response to the application by the closing date of 30 March 2011. The Commission notes that a submission by the Queenstown Mountain Bike Club was withdrawn on 6 April 2011 and that a submission by Kiwi Birdlife Park was withdrawn on 9 September 2011.
16. Of the remaining 8 submissions, three were in opposition (Clive Manners Wood, Arthurs Point Protection Society Incorporated and ZJV (NZ) Limited); four were in support (Bungy New Zealand Limited, Skyline Enterprises Limited, The Helicopter Line Limited and Heli Tours Limited); and one submission was neither in support of or in opposition to the application (Queenstown Commercial Parapenters Limited (trading as Gforce Paragliding)).
17. Affected persons approvals have been provided from Skyline Enterprises Limited (on the proposal as notified and incorporating the safety measures now proposed as discussed in paragraph 4 above), Kiwi Birdlife Park Limited, and Vertigo Bikes; and Mrs Macdonald confirmed that the QLDC as owner of the adjacent land consents to the setback encroachment. Effects on these parties are not to be considered pursuant to section 104(3)(a)(ii) of the Act.

#### **A.5 Reports and Hearing**

18. We had the benefit of a section 42A planning report from Ms Adonica Giborees, a planner with Lakes Environmental Limited; a landscape assessment report from Mr Richard Denney, Senior Landscape Architect with Lakes Environmental Limited; and an Environmental Health Officer's report from Ms Mary Rose Fitzgerald, the Principal : Environmental Health with Lakes Environmental Limited. Ms Rebecca Willey, the Committee Secretary at Lakes Environmental Limited, provided administrative support at the hearing. Ms Lucy Millton, a planner with Lakes Environmental Limited, was also in attendance at the hearing.

19. We have had the opportunity to consider the application and supporting material filed by the applicant together with the contents of the submissions. In the company of Ms Giborees we made a site inspection on the afternoon of Tuesday 18 October 2011.
20. At the hearing on 18 and 19 October 2011 the applicant was represented by counsel being Mrs Jayne Macdonald. Mrs Macdonald called evidence in support of the proposal from Mr Grant Bisset a Helicopter Pilot and Operations Manager for The Helicopter Line Limited; Mr John Fogden a Helicopter Pilot and Director of Total Aviation Quality Limited and formerly the Manager of the New Zealand Civil Aviation Authority's General Aviation Rotary Wing and Agricultural Operations Unit; Mr Vernon Goodwin a Specialist Advisor for the Ministry of Health's Environmental Noise Analysis and Advice Service; and Mr Sean Dent a Resource Management Planning Consultant with Southern Planning Group Limited.
21. Mr Mark Quickfall appeared in support of the submission by The Helicopter Line Limited.
22. Mr Clive Manners Wood appeared in support of his submission.
23. Mr Chris Streat appeared as an advocate in support of the submission by the Arthurs Point Protection Society Incorporated.
24. Mr Trent Yeo appeared in support of the submission by ZJV (NZ) Limited.
25. The planning, landscape and engineering reports were taken as read and Mr Denney was invited to comment prior to the adjournment of the hearing on 18 October 2011 (due to Mr Denney having another engagement on the following day); and Ms Fitzgerald and Ms Giborees were invited to comment following the presentation of the submissions and evidence by the applicant and submitters on 19 October 2011. Following a brief oral reply by Mrs Macdonald including comments from Mr Goodwin the hearing was adjourned. Leave was granted for Mrs Macdonald to provide her full reply in writing and this was forwarded to the Commission by Ms Willey on 31 October 2011.

## **A.6 Principal Issues in Contention**

26. The principal issues in contention before us were the effects on the environment of allowing the proposal and whether the proposal achieves the purpose of the Act.

## **B. EFFECTS ON THE ENVIRONMENT**

### **B.1 Receiving Environment**

27. Clause 5.3.1.1 of the Operative District Plan confirms that the Rural General Zone is characterised by farming activities and by a diversification of activities such as horticulture and viticulture and includes the majority of rural lands including alpine areas and national parks.

28. Activities in the vicinity of the existing helipad at Bobs Peak include the Skyline complex which includes restaurants, a shop and viewing platform; the Skyline gondola which terminates at the Skyline complex; the Skyline luge track that consists of a series of concreted tracks, underpasses, bridges and a chairlift; tandem paragliding; the AJ Hackett "The Ledge" bungy jump; the zipline flying fox operation Ziptrek Ecotours (Ziptrek) that incorporates a tree house structure below the helipad; the Vertigo mountain bike track; and the access carriageway within a right of way which is the main pedestrian and vehicular access up Bobs Peak to the activities in the vicinity of the Skyline complex. In essence Bobs Peak in the vicinity of the existing helipad is a focus for commercial recreation activity and other forms of active recreational activity.

29. When assessing the proposal against the receiving environment it is appropriate to recognise that the site and its immediate environs do not have a typical Rural General character given the concentration of commercial recreation activity and other forms of active recreational activity found in this locality on Bobs Peak.

### **B.2 Overflying by Aircraft**

30. Section 9(5) of the Act confirms that section 9 applies to overflying by aircraft only to the extent to which noise emission controls for airports have been prescribed by a national environmental standard or set by a territorial authority.

31. The legal position with respect to noise from overflying aircraft was settled by the High Court in Dome Valley District Residents Society Inc v Rodney District Council CIV-2008-404, Priestley J. The practical effect of this jurisdictional ruling is that actual and potential effects of noise on the environment is limited to the land parcel containing the existing helipad and nearby land in the immediate environs affected by the approach and departure paths, not including areas where helicopters are flying 500 feet or more above the ground. Mr Dent agreed at the hearing that helicopters flying over 500 feet which are hovering while waiting to land at the helipad could also qualify for consideration as not “overflying”.
32. The Commission acknowledges that it is not to consider effects associated with overflying aircraft when considering the current proposal.

### **B.3 Rural General Zone Assessment Matters**

33. The District Plan contains assessment matters in Part 5 that are relevant to development in the Rural General Zone. Rule 5.4.2 confirms that in considering whether or not to grant consent or to impose conditions Assessment Matters contained in Rule 5.4.2 are to be addressed. Rule 5.4.2.1 advises that there are three steps in applying the assessment criteria. These include Step 1 – Analysis of the Site and Surrounding Landscape, Step 2 – Determination of Landscape Category and Step 3 – Application of the Assessment Matters.
34. Mr Denney has provided us with his assessment that the landscape is part of the ONL(WB).
35. Rule 5.4.2.2(1) contains Assessment Matters specific to ONL(WB). These Assessment Matters are listed under the following headings:
- Effects on openness of landscape.
  - Visibility of development.
  - Visual coherence and integrity of landscape.
  - Nature Conservation Values.
  - Cumulative effects of development on the landscape.
  - Positive Effects.
  - Other Matters.

36. The Commission acknowledges that these Assessment Matters are primarily concerned with landscape and visual effects. In this instance the operation of the helicopter landing area primarily relates to effects in terms of amenity and safety factors. The Assessment Matters stated in Rule 5.4.2.2(1) are therefore of limited relevance in this instance.

37. Rule 5.4.2.3 contains Assessment Matters General, some of which are relevant to the proposed activity. These include:

- Rule 5.4.2.3iv Controlled and Discretionary Activity – All Buildings (except in Ski Area Sub-Zones).
- Rule 5.4.2.3xii Restricted Discretionary Activity – Structures.
- Rule 5.4.2.3xv Discretionary Activity – Commercial Recreational Activities (other than on the Surface of Lakes and Rivers).
- Rule 5.4.2.3xvii Discretionary Activity – Airports.

38. Following consideration of these Assessment Matters the Commission agrees with Ms Giborees that the effects of the proposal can be considered on the basis of the following actual and potential effects on the environment:

- Noise.
- Dust and Odour.
- Visual Effects.
- Character and Amenity.
- Health and Safety.
- Cumulative Effects.
- Positive Effects.

#### **B.4 Noise Effects**

39. The Commission has had the benefit of considerable technical information with respect to noise effects. An “Assessment of noise effects” prepared by Mr Goodwin and dated July 2010 was lodged with the application. In response to requests for further information a document entitled “Further Information on Noise” dated 10 August 2011 was prepared by Mr Goodwin; and an additional document entitled “Further Information on Noise – Clarification” dated 21 September 2011 was also

prepared by Mr Goodwin. All of these documents were available to us prior to the hearing.

40. At the hearing we had the benefit of comprehensive evidence from Mr Goodwin on the matter of noise. The Commission also acknowledges that the submission by Arthurs Point Protection Society Incorporated and the information provided by Mr Streat also provided us with considerable material with respect to noise effects.
41. Plan Change 27A became operative on 13 October 2011. The Commission notes that the "Assessment of noise effects" dated July 2010 addressed Zone Standard 5.3.5.2v that relates to noise as contained in the Operative District Plan and to the amended Rule contained in the Council's decision on proposed Plan Change 27A. As Plan Change 27A is now operative Mr Goodwin was able in his evidence to assess the proposal in terms of the new Zone Standard 5.3.5.2v as contained in the Operative District Plan and introduced by Plan Change 27A.
42. The Commission acknowledges that Mr Goodwin's assessment is based on the noise associated with helicopters using the helipad and excludes overflying aircraft, consistent with section 9(5) of the Act. Mr Goodwin has also assessed the proposal not only on the maximum number of 3160 flights per year and the maximum number of flights per day of 15, but also in terms of the additional limitation offered by the applicant that the maximum number of flights in any 15 minute period will be two.
43. Zone Standard 5.3.5.2v now refers to sound from non-residential activities in the Rural General Zone measured in accordance with NZS 6801:2008 and assessed in accordance with NZS 6802:2008. Mr Goodwin advised us that NZS 6802:2008 was never intended to be applied to assessment of helicopter noise; but that the effect of the new Zone Standard 5.3.5.2v(d) is to apply the provisions of NZS 6802:2008 to certain helipads, including the helipad at Bobs Peak.
44. Mr Goodwin has undertaken three approaches to assessment of noise as detailed in paragraphs 60-72 of his evidence. Mr Goodwin has confirmed by calculation that the proposed activity complies with Zone Standard 5.3.5.2v in terms of these assessments. Such assessments were undertaken at the three potentially worst affected residential locations being 2 Isle Street, 23 Robins Road and at a chalet at

the Queenstown Camping Ground. The Commission notes that Ms Fitzgerald concurs that such compliance is achieved at the notional boundary of the residential units concerned which are located in the residential area of Queenstown below Bobs Peak.

45. Mr Goodwin emphasised that calculation is the only practical method to assess the contribution of helicopter noise at these locations because of the almost continuous noise from other human activities including road traffic noise nearby and further afield.
46. A new Assessment Matter introduced by Plan Change 27A relates to the assessment of helicopter noise pursuant to NZS 6807:1994 being the New Zealand Standard for Noise Management and Land Use Planning For Helicopter Landing Areas. Assessment under NZS 6807:1994 was the third approach to assessment undertaken by Mr Goodwin. Applying NZS 6807:1994 Mr Goodwin advised us that at the camping ground site daily exposure will be 39 dBA  $L_{dn}$ , and at the Isle and Robins Road sites daily exposure will both be 37 dBA  $L_{dn}$ .
47. Mr Goodwin also assessed possible noise effects on people in the immediate vicinity of the helipad at Bobs Peak. Mr Goodwin confirmed that there will be no permanent damage to the hearing of persons in the vicinity of the helipad; and that stress related potential adverse health effects will not arise given that no person will be subject to long-term exposure to helicopter noise. Mr Goodwin also noted that sleep disturbance is not an issue because the flight operations are in daylight only (between 10:00am and 7:00pm).
48. Mr Goodwin noted that speech interference is a potential problem but only for people relatively close to the helipad. He considered that the potentially most affected premises would be on the upper platform of the Ziptrek zipline operation, when verbal instructions and briefings are given to individuals or groups of zipline riders. Such concerns with respect to impacts on briefings were expressed in the ZJV (NZ) Limited submission and by Mr Yeo who appeared in support of that submission at the hearing.
49. Mr Goodwin considered that restrictions on flight numbers and frequency (as proposed by the applicant) provides mitigation of potential adverse effects in terms of speech interference. The Commission notes in this context that a maximum of 15

flights per day are proposed; with no more than two flights in any 15 minute period. Mr Dent calculated that on the basis of approximately 2 minutes and 40 seconds per flight; helicopters would be present at or in the vicinity of the helipad for 40 minutes per day or for 11% of the time available between 10:00am and 7:00pm on a summers day. This emphasises the short term and intermittent nature of noise associated with the operation of the helicopter landing area.

50. The applicant proposes to remove a picnic table located 19 metres from the helipad so as not to facilitate the public congregating at a point where the potential daily noise exposure of all helicopter noise would exceed the acceptable limits of NZS 6807:1994. During our site inspection we noted that there were several picnic tables located adjacent to the pathway between the helipad and the Skyline building. Mr Dent confirmed that a condition which requires that any picnic table located within 19 metres of the helipad be removed would be appropriate in these circumstances.

51. The Commission also notes, when assessing noise effects, that measurements conducted at Bobs Peak have confirmed that a helicopter will be idling on the helipad for no more than 1 minute [albeit that more time will be required if elderly or disabled passengers are involved] and that the total time required to utilise the helipad (including helicopter arrival and departure which does not qualify as overflying) will be a total of 2 minutes and 40 seconds. The Commission also acknowledges that hovering or standing off by helicopters (which Mr Bisset advised has occurred very infrequently) is to be precluded in terms of the final amended Helicopter Noise Management Plan.

52. Noise associated with helicopters may well decrease over time. Mr Quickfall noted that technology is improving all the time and that helicopters currently in use are significantly quieter than those used, say, 20-30 years ago. Mr Quickfall confirmed that quieter helicopters are being trialled at present and the Commission simply acknowledges that any noise effects may be further mitigated through advances in technology over time.

53. The Commission's conclusion is that any noise effects associated with the operation of the helicopter landing area at Bobs Peak will be no greater than minor. The Commission has come to this conclusion having regard to noise effects in the



immediate vicinity of the helipad at Bobs Peak and in terms of effects on the residential area of Queenstown, as calculated by Mr Goodwin.

## **B.5 Dust and Odour Effects**

54. Mr Bisset confirmed that the gravel surface adjoining the existing helipad is oiled irregularly to suppress dust and Messrs Bisset and Fogden considered that a more permanent solution is required.

55. As noted above the existing helipad is to be extended and works undertaken adjacent to the helipad to facilitate safety. The applicant has promoted that a condition of consent be applied to the effect that an environmentally favourable sealant, such as but not necessarily limited to Ottaseal, be applied to the gravel surface adjacent to the concrete helipad to ensure that there is no dust emission from the arrival and departure of helicopters.

56. The Commission considers that a condition to this effect will avoid any dust nuisance associated with the operation of the helicopter landing area.

57. Mr Dent acknowledged that there is often a light smell of aviation fuel associated with helicopter movements. Mr Dent considered that given the elevation of the helipad and the natural airflow that can be anticipated, the smell of fumes would be difficult to detect and would dissipate quickly once the helicopter has departed from the subject site. Mr Dent also advised that the emission of exhaust fumes from a helicopter is a permitted activity pursuant to the Regional Plan : Air for Otago which became operative on 1 January 2003. For completeness the Commission records Mr Fogden's opinion that there is no risk of ignition associated with such fumes.

58. The Commission's conclusion is that any adverse effects in terms of dust and odour will be no greater than minor.

## **B.6 Visual Effects**

59. The concrete helicopter pad is an existing and minor physical element within a modified landscape context. The applicant proposes additional safety works including

the extension of the existing concrete helipad and associated minor earthworks, a solid board fence to separate the helipad from the adjacent pathway and a helimesh catch net on two sides of the proposed helicopter landing area to provide a Safety Area.

60. The Commission considers that any effects associated with the extension of the helipad and associated earthworks will be no greater than minor. The Commission considers it appropriate to require that any exposed batters associated with the earthworks be revegetated. The proposed wooden board fence is to have a maximum height of 1.2 metres and will be unpainted. Mr Dent has observed that such fencing is a permitted activity and that similar fencing already exists along walkways within the Skyline lease area. The Commission is satisfied that the proposed fencing will have no more than a minor visual effect.

61. The helimesh will be visible from above and below (at the Ziptrek facility). The helimesh is to be finished in a Karaka green colour. The Commission is satisfied that visual effects associated with the helimesh and support framework will be mitigated by use of this colour, particularly when the helimesh is viewed from above and through the trees from below.

62. The upgraded helipad will be visible from the immediate vicinity at Bobs Peak only. While the helicopter landing area is visible from certain roads on Queenstown Hill the helipad will be viewed at a distance in excess of 2 kilometres and any visual effects are likely to be minor, given the significant development which exists on this part of Bobs Peak, particularly the Skyline gondola and restaurant complex.

63. Helicopter movements utilising the helicopter landing area will be of short duration, with no more than 15 flights per day and no more than two in any 15 minute period. In essence this is an intermittent activity which will occur for a total period of approximately 40 minutes on any day.

64. Helicopter movements will be visible from Queenstown below Bobs Peak and again it is noted in this context that the visual effects associated with such movements will be intermittent.

65. The Commission's conclusion is that any visual effects of the proposal will be no greater than minor.

## **B.7 Character and Amenity**

66. The receiving environment is relevant when considering the effects of the activity in terms of character and amenity. Although the site and environs is zoned Rural General they do not have a typical Rural General character given their relatively modified state. The character of adjacent land has been significantly modified as a consequence of the construction of the Skyline complex including the restaurant and the gondola terminal, the luge track and chairlift, the Ledge bungy jump, the Ziptrek zipline operation and other activities. The modifications resulting from the various tourism activities have reduced the naturalness of this location and the Commission considers that the operation of a helicopter landing area in this context will not have an adverse effect in terms of the character of the site and environs.

67. The term "amenity values" is defined in section 2 of the Act as follows:

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

68. The site and its immediate environs at Bobs Peak features a concentration of commercial recreational activities which attract approximately 500,000 visitors per year. The submission by Skyline Enterprises Ltd confirms that no complaints have been received about noise effects of helicopters landing at the helipad during a period of almost 6 years.

69. In all the circumstances the Commission is satisfied that this part of the reserve can be distinguished from more remote areas in the Rural General Zone which do not have such a concentration of tourist related activities. Given the receiving environment and the information contained in submissions the Commission is satisfied that the proposed activity will not have more than a minor effect on the amenity values enjoyed by those who visit Bobs Peak in the vicinity of the Skyline complex.

70. The Commission also acknowledges, when considering the effects on amenity values of those below in Queenstown, that overflying by aircraft is not a matter for consideration in the context of this application; and that the intermittent use of the helicopter landing area in terms of the limits proposed by the applicant will not have an adverse effect on amenity values that will be more than minor.

71. The Commission is satisfied that the proposal will not adversely affect the character and amenity of the site and its environs at Bobs Peak or the amenity values enjoyed by those below in Queenstown.

### **B.8 Health and Safety Effects**

72. Ms Macdonald advised the Commission that in response to concerns raised by submitters about safety of the helipad, the applicant had sought specialist expert advice from a senior pilot [Mr Bisset] and has had its application peer reviewed by an independent expert being Mr Fogden. The review conducted by the experts has resulted in a number of measures being proposed to avoid, remedy or mitigate safety concerns. These on-site measures include the provision of the solid barrier safety fence, the extension to the existing concrete helipad and the installation of helimesh to sides of the helipad.

73. The Commission is satisfied that these additional safety works are appropriate and will serve to avoid or mitigate potential effects in terms of the safe operation of the helipad. The Commission also considers that a wind direction indicator (windsock) should be installed being a matter drawn to our attention in Mrs Macdonald's reply.

74. The solid barrier will prevent unauthorised access to the helipad from the adjacent pathway and nearby areas where members of the public are likely to be present. The extension to the helipad will ensure that there is sufficient level landing area to allow a helicopter to land safely in the unlikely event that a pilot "comes in short" and to provide a sufficient safety margin forward of the helicopter between the helicopter and the proposed fence. The extension to the existing helipad is shown on the plans at Attachment [A] to Mr Dent's evidence. The helimesh is to be installed to provide protection for passengers and luge riders in the unlikely event of a helicopter rolling or passengers falling when disembarking.

75. The Commission acknowledges that the safety and operational requirements of the helicopter landing area fall under the jurisdiction of the Civil Aviation Authority (CAA) and that the relevant legislation and rules are discussed in detail in Mr Fogden's evidence. Mr Bisset informed us that CAA rules that are required to be complied with in regards to the use of a helicopter landing area are Rule 91.127 and Rule 135; and Mr Fogden confirmed to us that the governing rule in respect of selecting a landing site for commercial helicopter operations is CAA Rule 91.127.

76. Mr Bisset believed that with the implementation of the proposed modifications (being the helimesh) to protect the luge track that the helipad complies with Rule 91.127. He also considered that while the helipad usually meets Rule 135, use of the helipad ceases when meteorological conditions fall below the minimum specified in that rule.

77. Mr Fogden advised the Commission that it would be inappropriate and unsound to rely on a CAA Advisory Circular being AC 139-8 that was referred to in the submission of the Arthurs Point Protection Society Incorporated. Mr Fogden confirmed that the specific rule to which AC 139-8 refers was revoked in March 2010. For completeness the Commission notes that certain recommendations set out in Mr Fogden's evidence are drawn from AC 139-8 (as reproduced at Annexure 1 of Mrs Macdonald's reply) and that Mr Fogden's recommendations have exceeded the AC 139-8 recommendations in various respects.

78. The Commission's conclusion is that safety effects in terms of the use of the helipad will be avoided through adherence to the appropriate CAA rules as discussed by Messrs Bisset and Fogden at the hearing.

79. Mr Bisset acknowledged that the operation of paragliders and helicopters in close proximity is potentially hazardous. He observed that the operations of paragliders and helicopters have co-existed at the subject site for many years on the basis of an understanding between the two parties that the helicopters approach over the ridge to the north-west of the pad, descend in a left-hand turn keeping well clear of the paraglider launch area and then complete the approach to the north-west. On departure helicopters lift off and track toward Hidden Island in Lake Wakatipu until crossing the shoreline of Queenstown Bay before turning north-east. Mr Bisset

advised the Commission that this has successfully operated for years and keeps the two forms of air traffic separated.

80. Mr Bisset observed that the flight paths described above are consistent with the submission of Queenstown Commercial Parapenters Limited, trading as Gforce Paragliding (QCPL), that the flight path from and to the helipad is only from and to the Cecil Peak direction. Mr Bisset noted that Hidden Island in Lake Wakatipu is in the direction of Cecil Peak.
81. Mr Bisset also advised that the understanding between paragliders and helicopter operators referred to above in essence means that paragliders operate generally to the north-east of the Skyline gondola route whereas helicopters operate to the south-west of the Skyline gondola route while helicopter operations are in progress.
82. Mr Streat tabled an email from Mr Rold a Director of Queenstown Commercial Parapenters Limited, trading as Gforce Paragliding which advised that paragliders have never agreed to “adherence to specific areas of flight” with any helicopter operator within the Ben Lomond Glider Flying area G750. This appears contrary to the understanding of Messrs Bisset and Dent who referred to discussions with Mr Rold and to the QCPL submission that during the last 20 years the submitter has worked with the helicopter operators landing at Bobs Peak. The Commission was unable to pursue this matter further given that Mr Rold did not appear in person before the Commission.
83. Messrs Bisset, Fogden and Dent supported dialogue being maintained between helicopter operators/the applicant and the paragliding community. The Commission considers that provision should be made for such dialogue through regular meetings to ensure that the knowledge of flight paths and agreements for co-existence remain a top priority for all parties. The final amended Helicopter Noise Management Plan requires that such regular meetings be held with the paragliding companies to ensure that such dialogue is maintained. The Commission is satisfied that provision for such dialogue will serve to avoid adverse effects of the operation of the helicopter landing area and paragliding activity.

84. The Commission also notes that the applicant's intention to hold any resource consent granted under RM 100777 will facilitate the management of helicopter operations, including control of which operators are permitted to land at the Bobs Peak helipad and the conditions under which such operations may occur as detailed in the final amended Helicopter Noise Management Plan. This management regime will also facilitate safe operations, including adherence to the requirement for dialogue with paragliders.
85. The Commission does not consider that the proposal will have any particular effect in terms of health. The Commission notes in this context Mr Goodwin's opinion that there will be no permanent damage to the hearing of persons in the vicinity of the helipad; and that stress related potential adverse health effects to people are of a longer-term nature and will not arise because no person is subject to long-term exposure to helicopter noise. The effects of noise on flight crew and their personal health is an Occupational Safety and Health (OSH) consideration which falls outside of the scope of effects which can be considered in the context of an application for resource consent.
86. The Commission is satisfied that any health and safety effects associated with the proposed activity will be no greater than minor.

## **B.9 Cumulative Effects**

87. The operation of the helipad will have a cumulative effect in addition to effects associated with the range of commercial recreational activities already established in the vicinity of the Skyline complex on Bobs Peak.
88. Any cumulative effects of the development on the landscape include the additional safety works which are proposed to upgrade the existing helipad. Such works will be undertaken in a significantly modified landscape setting on this part of Bobs Peak and such effects will be no greater than minor.
89. The operation of the helicopter landing area will have a cumulative effect in addition to existing commercial recreational activity in this locality. The Commission considers that any such cumulative effects will be no greater than minor given the range of

activities present which involves some degree of noise, including the luge, bungy and Ziptrek activities. In essence the operation of the helicopter landing area will contribute to the mix of tourism related activity which occurs on this part of Bobs Peak.

#### **B.10 Positive Effects**

90. The proposal will have positive effects by providing for helicopter access to the tourist attractions which exist at Bobs Peak. Mr Quickfall advised us that “combo” packages utilising helicopter transport are popular, and that the most popular combo product involves jet boating and flying to the Skyline site at Bobs Peak. Mr Yeo confirmed that Ziptrek was also part of a combo package accessed by helicopter at Bobs Peak.

91. The “entertainment” element of having helicopters utilise the helipad at Bobs Peak is acknowledged in the submission by The Helicopter Line Ltd which states:

*“...Helicopters are still a novelty to the majority and to see them operating within the context of other attractions can enhance the overall visitor experience.”*

92. The Commission has concluded that positive effects will be associated with the proposed activity.

#### **B.11 Conclusion : Effects**

93. The Commission has concluded that any adverse effects associated with the proposal will be no greater than minor; and the Commission acknowledges that positive effects will also be associated with the proposed activity.

### **C. THE QLDC DISTRICT PLAN : OBJECTIVES & POLICIES**

94. Parts 4 and 5 of the Operative District Plan contain objectives and policies for the whole district and for rural areas respectively. To a large extent the objectives and policies relate to matters discussed in the context of the effects on the environment of the proposal as discussed above. It is neither desirable or necessary, therefore, to undertake a line by line analysis of every objective and policy as this would involve a significant amount of repetition without materially advancing our analysis of this application.



## **C.1 Part 4 of the Operative District Plan**

95. Section 4.2 in Part 4 of the Operative District Plan relates to Landscape and Visual Amenity and Section 4.2.4(2) confirms that Outstanding Natural Landscapes are the romantic landscapes – the mountains and the lakes – landscapes to which section 6 of the Act applies. The key resource management issues within Outstanding Natural Landscapes are their protection from inappropriate subdivision, use and development, particularly where activity may threaten the landscapes openness and naturalness.

96. Objective 4.2.5 is:

***“Objective:***

***Subdivision, use and development being undertaken in the District in a manner which avoids, remedies or mitigates adverse effects on landscape and visual amenity values.”***

97. Objective 4.2.5 is supported by a number of policies. Policies of relevance include Policy 1 Future Development which relates to the effects of development; Policy 3 which relates to the Outstanding Natural Landscapes (Wakatipu Basin); Policy 8 that relates to Avoiding Cumulative Degradation; Policy 9 that relates to Structures; and Policy 17 that relates to Land Use.

98. As discussed above the proposal provides for upgrading the existing helipad to enhance safety which will occur in the context of a locality where commercial recreational activity is concentrated. In these circumstances and given that helicopters will be present on an intermittent basis the Commission is satisfied that the proposed activity is consistent with Objective 4.2.5 and its associated policies, as listed above.

99. Section 4.4 in Part 4 of the Operative District Plan relates to Open Space and Recreation. Objective 4.4.2 and relevant supporting policies state as follows:

***“Objective 2 – Environmental Effects***

***Recreational activities and facilities undertaken in a way which avoids, remedies or mitigates significant adverse effects on the environment or on the recreation opportunities available within the District.***

***Policies:***

2.1 To avoid, remedy or mitigate the adverse effects of commercial recreational activities on the natural character, peace and tranquillity of the District.

- 2.2 *To ensure the scale and location of buildings, noise and lighting associated with recreational activities are consistent with the level of amenity anticipated in the surrounding environment.*
- 2.3 *To ensure the adverse effects of the development of buildings and other structures, earthworks and plantings in areas of open space or recreation on the District's outstanding natural features and landscapes or significant natural conservation values are avoided, remedied or mitigated.*
- 2.4 *To avoid, remedy or mitigate any adverse effects commercial recreation may have on the range of recreational activities available in the District and the quality of the experience of people partaking of these opportunities.*
- 2.5 *To ensure the development and use of open space and recreational facilities does not detract from a safe and efficient system for the movement of people and goods or the amenity of adjoining roads...."*

100. The receiving environment is relevant to the assessment of the proposal in terms of Objective 2 and its supporting policies. In essence the proposal is to operate a helicopter landing area within a locality which features a range of existing commercial recreational activities. Again the Commission notes that approximately 500,000 visitors per year visit the Skyline complex and its environs and that the character of this locality can be distinguished from other areas within the Rural General Zone. The Commission has concluded that the proposal, subject to the limitations on flights proposed by the applicant and the implementation of additional safety measures, will not be contrary to Objective 4.4.2 and its supporting policies.

101. Objective 4.4.3 and relevant supporting policies include:

***"Objective 3 – Effective Use***

***Effective use and functioning of open space and recreational areas in meeting the needs of the District's residents and visitors.***

***Policies:***

- 3.1 *To recognise and avoid, remedy or mitigate conflicts between different types of recreational activities, whilst at the same time encouraging the multiple use of public open space and recreational area wherever possible and practicable.*
- 3.2 *To ascertain and incorporate the needs of communities by encouraging effective public participation in the design, development and management of public open space and recreational areas..."*

102. The Commission notes that the frequency of flights is to be limited to 15 per day with a maximum of two flights per 15 minute period. This limitation will serve to mitigate

conflicts between the operation of the helicopter landing area and the nearby Ziptrek zipline operation. Provision for dialogue with paragliders will also serve to avoid conflicts with that recreational activity. The Commission considers that the proposal is consistent with the encouragement of multiple use of public open space at Bobs Peak.

103. Policy 3.2 refers to ascertaining and incorporating the needs of communities by encouraging effective public participation in the design, development and management of public open space and recreational areas. The Commission notes in this context that the Ben Lomond and Queenstown Hill Reserve Management Plan has been formulated through a public process under the Reserves Act 1977. The Management Plan permits the use of the helicopter landing area at Bobs Peak.

104. The Commission is satisfied that the proposal is not contrary to Objective 4.4.3 and its supporting policies.

## **C.2 Part 5 of the Operative District Plan**

105. Part 5 of the Operative District Plan contains objectives and policies that specifically relate to rural areas. These objectives and policies seek to allow the establishment of a range of activities that are managed in such a way as to protect the character and landscape values of the rural area. Objective 4.2.1 and its associated policies state as follows:

### ***“Objective 1 – Character and Landscape Value***

***To protect the character and landscape value of the rural area by promoting sustainable management of natural and physical resources and the control of adverse effects caused through inappropriate subdivision.***

### ***Policies:***

1.1 *Consider fully the district wide landscape objectives and policies when considering the subdivision, use and development in the Rural General Zone.*

...

1.4 *Ensure activities not based on the rural resources of the area occur only where the character of the rural area will not be adversely impacted.*

...

1.6 *Avoid, remedy or mitigate adverse effects of development on the landscape values of the District.*

1.7 *Preserve the visual coherence of the landscape by ensuring all structures are to be located in areas with the potential to absorb change.*

- 1.8 *Avoid remedy or mitigate the adverse effects of the location of structures and water tanks on skylines, ridges, hills and prominent slopes.*  
..."

106. In terms of Policy 1.1 the District Wide landscape objectives and policies in Part 4 have been considered fully above. In terms of Policy 1.4 the operation of the helicopter landing area will not adversely impact the character of this part of the rural area. The proposal is not contrary to Policies 1.6-1.8 given the low profile of the built form and colours to be incorporated in the safety structures proposed for the upgrading of the existing helipad. The Commission is satisfied that the proposal will not be contrary to Objective 5.2.1 and its supporting policies.

107. Objective 5.1.3 and relevant supporting policies state as follows:

***“Objective 3 – Rural Amenity***

***Avoiding, remedying or mitigating adverse effects of activities on rural amenity.***

***Policies:***

- 3.1 *Recognise permitted activities in rural areas may result in effects such as noise, dust and traffic generation, which will be noticeable to residents in the rural areas.*
- 3.2 *Ensure a wide range of rural land uses and land management practices can be undertaken in the rural areas without increased potential for the loss of rural amenity values.*
- 3.3 *To avoid, remedy or mitigate adverse effects of activities located in rural areas.*  
..."

108. Rule 5.3.3.3v permits airports for the purpose of emergency landings, rescues and fire fighting; and for activities ancillary to farming activities. In this instance the frequency of flights proposed exceeds that which would be likely to be associated with such permitted activity. The Commission considers that the receiving environment is relevant when assessing the proposal in terms of Objective 3 and Policies 3.2 and 3.3. In essence a concentration of commercial recreational activity and associated built development exists on this part of Bobs Peak in close proximity to the Skyline complex. The amenity values found in this locality can be distinguished from those found elsewhere within the Rural General Zone. The Commission considers that the proposal is consistent with Objective 5.1.3 and its supporting policies.

### **C.3 Summary : Objectives and Policies**

109. Following the above analysis, the Commission finds that the proposal is not contrary to the objectives and policies that are relevant to the application including objectives and policies specified in Parts 4 and 5 of the Operative District Plan.

## **D. OTHER MATTERS**

110. Section 104(1)(c) requires the consent authority to have regard to any other matter the consent authority considers relevant and reasonably necessary to determine the application.

### **D.1 Ben Lomond and Queenstown Hill Reserve Management Plan 2005**

111. The subject site is within the Ben Lomond Reserve and is classified as a Recreation Reserve under the Reserves Act 1977. Ms Giborees' section 42A report informed us that in August 2003 the QLDC prepared a Draft Management Plan under the Reserves Act for the Ben Lomond Reserve and the Queenstown Hill Reserve. The Reserve Management Plan went through the public consultation and notification process and was adopted in August 2005.

112. The Ben Lomond and Queenstown Hill Reserve Management Plan contains the following objectives relating to occupation agreements and the following policy relating to helicopter landings;

#### **"9.3 Objective : Occupation Agreements**

- 1 *To issue occupation agreements to commercial operators and other users of Ben Lomond reserve land which are compatible with the values of the reserve and support the long-term objectives for reserve development and use.*
- 2 *No commercial occupation agreements for Queenstown Hill except for:*
  - *essential services*
  - *existing leases or licences as detailed in this plan*
  - *rock climbing and abseiling on the Gorge Road faces*

#### **9.3.1 Policies**

- ...
- 10 *Helicopter landings will be restricted to those required for reserve management requirements (such as wilding pine control, forestry*

*operations, search and rescue and fire control) and landings at the helicopter landing pad adjacent to the Skyline Gondola Terminal for tourism purposes. These landings will be subject to helicopter operators having obtained a licence to land from the QLDC and complying with the following conditions:*

- only one helicopter to be on the helipad at any one time*
- no helicopter is to make an approach to the helipad or operate over the reserve while the pad is occupied by another helicopter*
- That the use of the helipad be limited from 10 a.m. to 7:00 p.m. daily*
- that the flight path to the helipad be such that flying over the urban areas of the District be prohibited*
- That scenic flights originating from and returning to the helipad be prohibited*
- That operators pay a licence fee as set from time to time by the QLDC.*

*The Council will continue to monitor the effects of helicopter landings at the Skyline Terminal and may impose limits on the number and frequency of flights via the licences issued."*

113. The Ben Lomond and Queenstown Hill Reserve Management Plan provides for landings at the helicopter landing pad adjacent to the Skyline gondola for tourism purposes subject to various conditions specified in Policy 9.3.1.10. The Commission considers it appropriate to acknowledge that the current proposal is consistent with the provisions of the Management Plan which has been prepared in accordance with the public notification and submission process provided for under the Reserves Act 1977.

114. The Commission notes that Policy 9.2.1.1 of the Management Plan confirms that the QLDC is to keep the Management Plan under "continuous review" and to formally review it at least every ten years. The Commission observes that there is a significant concentration of pedestrian and cycle activity on the pathway adjacent to the helipad between the Skyline complex and the Ziptrek facility. The Commission notes the potential for design improvements to occur in this locality as supported by Mr Yeo at the hearing. A review of the Management Plan may well provide the opportunity for all affected parties to contribute to an improved design solution in this locality outside the resource consent process.

## **D.2 Existing Helipad**

115. The existing helipad has been present at Bobs Peak for a considerable period of time and has operated since approximately 1975. While the High Court has found that the helipad is not lawfully established (and no existing use rights apply) in practical terms the existence and use of the helipad on an informal basis assists in assessing the effects of the activity on the environment albeit that the limited scale of the helipad operations that have occurred in practice at Bobs Peak over several decades must be acknowledged in this context.

## **D.3 Noise Standards/Plan Change 27A**

116. The Commission acknowledges that the activity complies with NZS 6807:1994 albeit that this standard is now referred to only as an Assessment Matter in Zone Standard 5.3.5.2v. In essence the Zone Standard acts as a screening tool and NZS 6807:1994 comes into play where the general noise limits specified in the Zone Standard are complied with.

117. The Commission notes that Mr Goodwin has expressed technical reservations about Zone Standard 5.3.5.2v as amended by Plan Change 27A at paragraphs 55-72 of his evidence. Mr Goodwin's opinion is that these provisions need to be revisited and the Commission anticipates that this matter will be addressed by the Council as a matter of urgency.

## **D.4 Other Matters**

118. There are no other matters which the Commission considers relevant and reasonably necessary to have regard to when determining the application.

## **E. SECTION 104D**

119. Section 104D relates to applications for resource consent for a non-complying activity. In this instance the Commission is satisfied that the application is for a discretionary activity. The Commission notes however that if safety signage were found not to be

authorised by the exemption to Rule 18.2.5 (that relates to signs) the proposal in such circumstances would be a non-complying activity.

120. Section 104D(1) confirms that 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 the relevant plan.

121. In this instance the Commission is satisfied that the proposal passes through both gateways as the Commission has concluded that the adverse effects of the activity on the environment will be no greater than minor; and that the activity will not be contrary to the objectives and policies of the Operative District Plan. The Commission therefore confirms that in the unlikely event that non-complying activity status were found to apply the Commission has discretion whether to grant or refuse consent in terms of section 104.

## **F. PART 2 OF THE ACT**

122. Part 2 of the Resource Management Act contains sections 5 to 8. We refer to them in reverse order.

123. Section 8 requires us, in exercising our functions on this application, to take into account the principles of the Treaty of Waitangi. No issues were raised with us in reports or submissions in relation to section 8.

124. Section 7 directs that in achieving the purpose of the Act we are to have particular regard to certain matters which include, of relevance here, the efficient use and development of natural and physical resources, the maintenance and enhancement of amenity values and the maintenance and enhancement of the quality of the environment. The proposal is to utilise the existing helipad (which is to be upgraded) at Bobs Peak where there is a concentration of commercial recreational activity.



125. In all the circumstances the Commission is satisfied that the proposal is consistent with the efficient use and development of natural and physical resources, the maintenance and enhancement of amenity values and the maintenance and enhancement of the quality of the environment being matters specified in section 7(b), (c) and (f). There are no other matters stated in section 7 which are of any particular relevance to the current application.

126. Section 6 sets out a number of matters which are declared to be of national importance and directs us to recognise and provide for them. In this instance section 6(b) is relevant as the site is within the ONL(WB). The Commission is satisfied that the proposal does not represent inappropriate use and development in the context of this outstanding natural landscape. There are no other matters stated in section 6 which are of any particular relevance to the current application.

127. Section 5 sets out the purpose of the Act – to promote the sustainable management of natural and physical resources. Taking into account the definition of sustainable management contained in subsection 5(2) the Commission has reached the view that the application before us does achieve the purpose of the Act. Sustainable management means managing the use, development and protection of natural and physical resources within certain parameters. The physical resources in this instance will be developed in such a way that social and economic wellbeing are provided for while the potential of this resource is sustained in order to meet the reasonably foreseeable needs of future generations. The life-supporting capacity of air, water, soil and ecosystems is safeguarded; and the Commission is satisfied that any adverse effects of the proposal can be avoided, remedied or mitigated by adherence to appropriate conditions of consent including a limitation on the number of flights to be permitted.

## **G. OUTCOME**

128. Section 104 directs that when considering an application for resource consent and any submissions received in response to it, we must have regard to the actual and potential effects on the environment of allowing the activity together with the relevant provisions of the Operative District Plan. In the course of considering the application and the submissions and in reaching this decision the Commission has followed this

process. Under section 104B the Commission has discretion to grant consent to the application and we hereby do so subject to the imposition of conditions under section 108, such conditions being attached in a Schedule to this decision.

This decision on RM 100777 is dated 14 November 2011.

A handwritten signature in blue ink, consisting of a stylized 'W' followed by a series of loops and a final flourish.

**W D Whitney**

**COMMISSIONER**

**For the Commission being W D Whitney and S Middleton**

## **SCHEDULE : CONDITIONS OF LAND USE CONSENT FOR RM 100777 : QUEENSTOWN LAKES DISTRICT COUNCIL**

### **General Conditions**

1. The activity shall be undertaken in accordance with the plans **(Paterson Pitts Group Helipad Extension and Skyline Access Sheet 01 Rev B dated 12 October 2011 and Sheet 02 Rev A dated 13 October 2011 and the aerial photograph with the flight paths overlay –all such plans stamped as approved on 14 November 2011)** and the application as submitted with the exception of the amendments required by the following conditions of consent.
2. That the consent holder shall pay to Lakes Environmental Limited an initial fee of \$240 for the costs associated with the monitoring of this resource consent in accordance with Section 35 of the Resource Management Act.
3. The maximum number of flights (including both landings and take-offs) authorised by this resource consent are:
  - 3,160 flights per annum;
  - 15 per day;
  - 2 in any single 15 minute period.
4. The consent holder shall provide to the Principal : Planning at Lakes Environmental Limited an annual activity return of all helicopter activity at the helicopter landing area. The first annual return shall be due within 10 working days of 1 July 2012.
5. All operators authorised by the consent holder to operate flights into and out of the Skyline helicopter landing area shall comply with all operational requirements and protocols detailed within the Helicopter Noise Management Plan (HNMP), and any subsequent variations or amendments to this Plan. Any variations or amendments to the HNMP shall be submitted to Lakes Environmental Limited for approval to ensure that all relevant standards and best practice management tools are included and up-to-date. For avoidance of doubt, the HNMP shall always address the following matters:
  - Operator Training
  - Hours of Operation
  - Flight Paths
  - Paragliding Operations
  - Idling Times
  - Blade Slap
  - Helicopter Types
  - Number of Flights
  - Information Recorded
  - Helipad Infrastructure
  - Liaison and Complaint Procedures
  - Fly Neighbourly

Notes: 1. A copy of the Helicopter Noise Management Plan as amended to incorporate matters raised at the hearing is attached to this consent for convenient reference.  
2. For the avoidance of doubt if there is any inconsistency between the Helicopter Noise Management Plan and these conditions of consent, these conditions of consent shall prevail.

6. Within three months of the date of commencement of this consent, the consent holder shall:

- Submit to the Principal : Planning at Lakes Environmental Limited details of the solid wooden board fence of no more than 1.2 metres in height to be constructed along the western edge of the helicopter landing area (adjacent to the walking track) along with the approval of Skyline Enterprises Limited (particularly with respect to the provision of a gate in the fence for service access purposes) and shall complete the construction of the fence.
- Remove any picnic table located within 19m of the western edge of the helicopter landing area.
- Extend the existing concrete helicopter landing area to the east by a minimum of three metres, incorporate a skid resistant surface on the landing area compatible with the requirements of seasonal conditions (ie. ice) and sow any exposed batters in grass.
- Install a wind direction indicator (windsock).
- Engage a suitably qualified person to promulgate the helicopter landing area and all protocols for its use and operation in the official helipads register published by Airways Corporation, Aviation Information Publication. Confirmation that this has occurred shall be submitted to the Principal : Planning at Lakes Environmental Limited.

7. Within six months of the date of commencement of this consent the consent holder shall submit to the Principal : Planning at Lakes Environmental Limited for approval design plans and specifications for the installation of a helimesh safety structure on the northern and southern sides of the helicopter landing area. The design plans and specifications shall provide for the following:

- A helimesh extension of no less than two metres on the southern side of the helicopter landing area;
- A helimesh extension to the north of the helicopter landing area of sufficient size to effectively prevent a helicopter rolling onto the Luge track in the event of an accident.
- The helimesh extension shall be Karaka green.

8. The helimesh extension shall be installed within twelve months of the date of commencement of this consent.

Note: *The measures required in Conditions 6-8 include measures required for operational safety. It is acknowledged that other safety measures will also be implemented by the consent holder to comply with Civil Aviation Authority rules, being matters under the jurisdiction of the Civil Aviation Authority.*

9. Within three months of the date of commencement of this consent the consent holder shall apply a sealant such as, but not necessarily limited to, "Ottaseal" to the gravel surface adjacent to the concrete helipad to ensure there is no dust emission from the arrival and departure of helicopters. The details of the sealant used and the date of application shall be provided to the Principal : Planning Lakes Environmental Limited in writing.
10. The consent holder shall ensure that the operation of the helicopter landing area at Bobs Peak shall not exceed the limits of acceptability for helicopter landing area noise as stated in Table 1 of NZS 6807:1994 – Noise Management and Land Use Planning for Helicopter Landing Areas.
11. Flights shall occur between 10:00am and 7:00pm on any day.
12. No above ground outdoor lighting shall be installed to illuminate the helipad.
13. The consent holder shall arrange and facilitate quarterly meetings with the licenced helicopter operators utilising the helicopter landing area and the paragliding/parapenting community in the first twelve months of operation with the first such meeting to occur within three months of the date of commencement of this consent. After the first twelve months of operation these meetings may occur at intervals of no more than six months.

Note: *It is anticipated at the first quarterly meeting following the commencement of this consent an agreed process will be established to ensure any incident or safety concern expressed by either party is addressed in an adequate time frame so that matters can be addressed with urgency and not await the subsequent meeting provided for in terms of Condition 13.*

14. Safety signage is permitted to be constructed in the vicinity of the helipad in terms of this consent.
15. Within 10 working days of the anniversary of the date of commencement of this consent or upon the receipt of information identifying non-compliance with the conditions of this consent, 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. There is or is likely to be an adverse environmental noise effect as a result of the exercise of this consent, which was unforeseen when the consent was granted.
  - b. Monitoring of the exercise of the consent has revealed that there is or is likely to be an adverse effect on the environment particularly with respect to any adverse effects resulting from operation of the helicopter landing area on paragliding/parapenting activity at Bobs Peak.

- c. As a consequence of a. and/or b. it is necessary for the acoustic assessment and/or the Helicopter Noise Management Plan to be audited at the consent holder's expense.
- d. There has been a change in circumstances such that the conditions of the consent are no longer appropriate in terms of the purpose of the above Act.



## ***Helicopter Noise Management Plan***

### ***Skyline Gondola, Queenstown***

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The Queenstown Lakes District Council administers the use of the helicopter landing area located at Skyline Gondola, Queenstown.

Operations in respect of this helipad have received a significant amount of attention in recent years as a result of 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 Management Plan seeks to describe the way in which helicopter operations will be conducted at the Skyline Gondola helicopter landing area and the protocols for all authorised operators to abide by.

#### **Statement of Intent**

The consent holder (Queenstown Lakes District Council) will comply with and/or ensure that all authorised operators comply with:

- All requirements of this management plan;
- All requirements of the Ben Lomond and Queenstown Hill Reserves 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 controlling authority or nominated 'Operator' of the facility.

#### **Hours of Operation**

All flight operations will be restricted to between 10am and 7pm each day (emergencies accepted).

#### **Flight Paths**

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 ground based activities within the Ben Lomond Reserve while still maintaining compliance with NZCAA regulations.

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

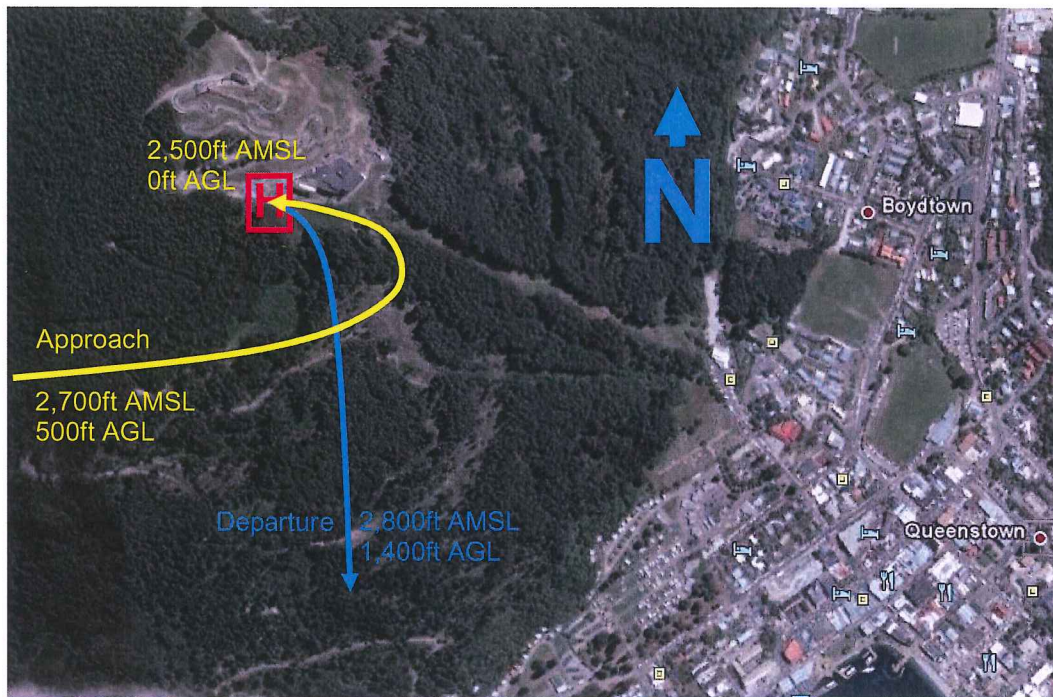


## Helicopter Noise Management Plan

### Skyline Gondola, Queenstown



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



*Skyline Gondola Helipad Detailed Approach and Departure Paths*

In the unlikely event that a second helicopter arrives to use the helipad while it is already occupied, the second helicopter shall not hover or “stand off” over any part of the Recreation Reserve 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 Skyline helipad shall cease.

### **Paragliding Operations**

With regard to paragliding operations from above and around the area to the north west of the Skyline terminal, Civil Aviation Rule 91.229 (c) requires powered aircraft to give way to non-powered aircraft. Helicopter Operators must remain compliant with this rule at all times.

Helicopter Operators and Paragliding Operators already maintain an open line of communication. There is an accepted agreement between helicopter operators and paragliding operators that helicopters will remain south west of the gondola cable lines and Para-gliders will remain north east of the gondola cable lines.





## **Helicopter Noise Management Plan**

### **Skyline Gondola, Queenstown**

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Exceptions to this may be required on occasion due to wind conditions. At all times, however, helicopter operators remain vigilant with respect to sighting, avoiding and giving way to paragliders.

The consent holder shall arrange and facilitate quarterly meetings with the licensed helicopter operators utilizing the helicopter landing area and the paragliding community in the first twelve months of operation.

At the first quarterly meeting following the grant of consent an agreed process should be established to ensure any incident or safety concern expressed by either party is addressed in an adequate timeframe.

After the first twelve months of operation these meetings may occur at intervals of no more than six months.

#### **Idling Times**

The proximity of the helipad to noise sensitive locations necessitates minimal idling. Pilots will retard throttles to 'ground idle' immediately after landing on the helipad. 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 1 minute.

If an operator is required to remain situated on the helicopter landing area for in excess of 1 minute 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 primary operator at the Skyline helicopter landing area utilises AS355F1, AS350 Super D and AS350B2 variants of the 'Squirrel' family of rotary wing aircraft.

Generally, the aircraft that will operate at the helicopter landing area subject to obtaining resource consent will consist of variants from the Aerospatiale (Eurocopter) 'Squirrel' family in the AS350 and the newer, quieter enclosed tail rotor EC series of rotary wing aircraft. Occasional MD Helicopter 500 or 600 (NOTAR series helicopters, i.e. without a tail rotor), may be authorised to utilise the helicopter landing area.



## **Helicopter Noise Management Plan**

### **Skyline Gondola, Queenstown**

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#### **Number of Flights**

One flight in respect of the Skyline Helipad is deemed to comprise the following flight profile:

- Descent below 500ft AGL over the terrain immediately west 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:

Maximum Flights Per Day	Maximum Flights Per Annum
15	3160

Further to the daily and annual restrictions on the number of flights, no more than two flights shall be authorised within any 15 minute period.

When multiple flights are known to be booked for larger parties the operating company should ensure that ground staff are positioned at the helipad to facilitate the loading/unloading of passengers to ensure their safety, minimise ground idling time and minimise the time spent away from the helicopters controls by the pilot.

#### **Information Recorded**

All operators authorised to use the Skyline Gondola 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



## ***Helicopter Noise Management Plan***

### ***Skyline Gondola, Queenstown***

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All authorised operators will be required to submit an activity return to APL Property Limited for flights undertaken to the Skyline Gondola helicopter landing area on a monthly basis. The activity returns will be due within 10 working days of the 1<sup>st</sup> day of each month.

APL Property Limited will provide an annual activity return of all flights to the Council's regulatory agent – Lakes Environmental for compliance purposes. This annual activity return will be due within 10 working days of the 1st of July each year. The first return will be due within 10 working days of 1st July 2012.

In addition to the operator's activity returns, the consent holder will investigate, install and maintain in good working order a video camera focused on the helicopter landing area.

The consent holder will randomly audit landing records and compare the information with the operator activity returns provided to APL Property Limited.

Any operator found to be submitting fraudulent activity returns will have their landing authorisation revoked immediately by the consent holder.

### **Helipad Infrastructure**

The consent holder shall provide and maintain all necessary infrastructure associated with the safe operation of the helipad in good working order.

This shall include but necessarily be limited to:

- Warning/safety signage;
- Provision of an Aqueous Film Forming Foam fire extinguisher;

### **Liaison and Complaint Procedures**

General liaison with respect to helicopter operations at Skyline Gondola can be facilitated as follows:

- APL Property Limited  
03 442 7133; or
- APL Property Limited  
Level 1  
50 Stanley Street  
PO BOX 1586  
QUEENSTOWN 9348





## **Helicopter Noise Management Plan**

### **Skyline Gondola, Queenstown**

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Issues or complaints with respect to helicopter operations at the Skyline Gondola helicopter landing area helipad should be made in writing initially to APL Property Limited, or thereafter to Council's regulatory agent - Lakes Environmental, 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.

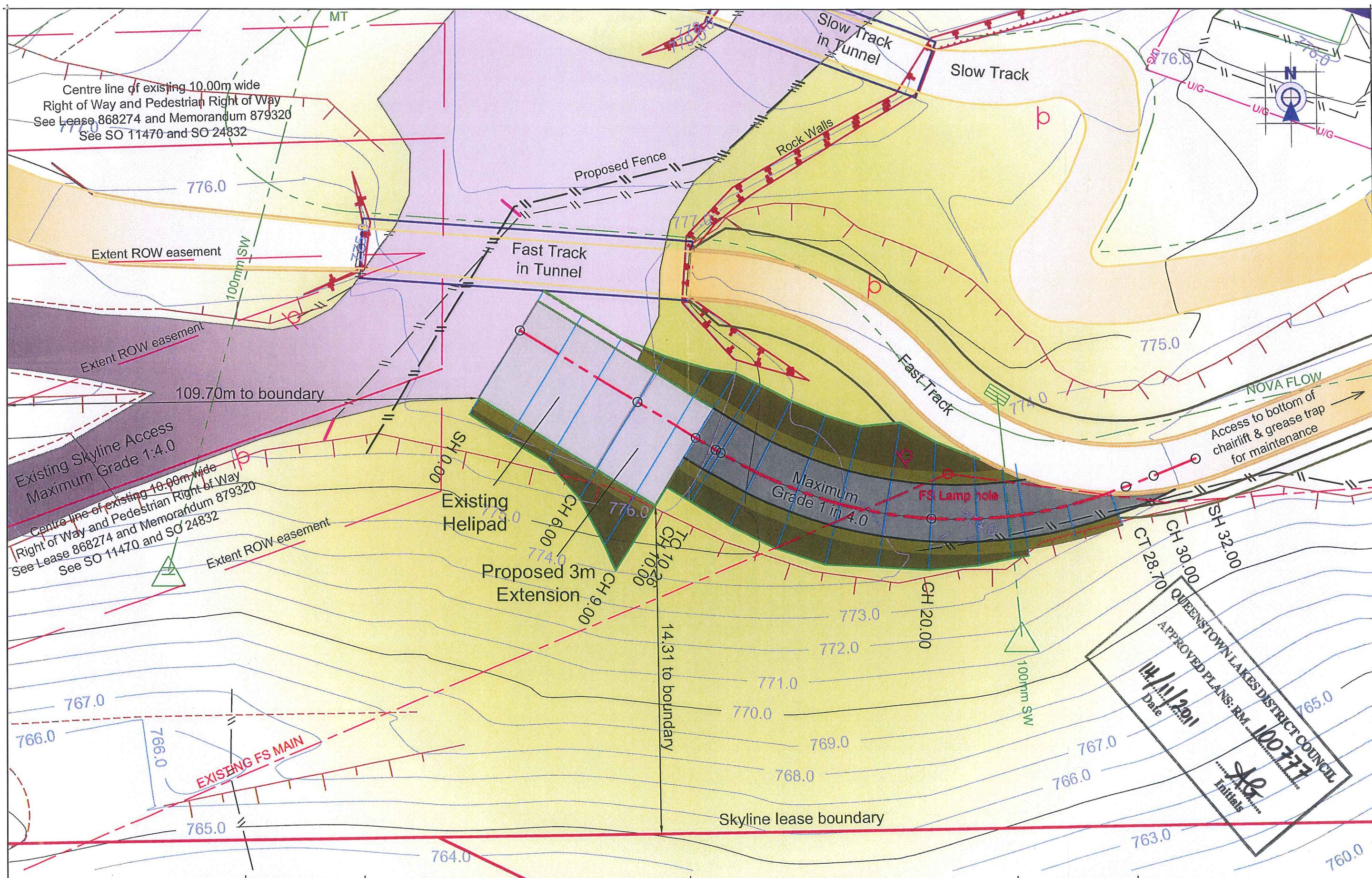
All helicopter operations at the Skyline Gondola helicopter landing area shall be flown and managed in accordance with the Aircare Accreditation scheme and all pilots must hold a current Noise Abatement Certificate issued under the scheme.

#### **Review**

The Helicopter Noise Management Plan shall be reviewed if there are any significant operational changes such as a new or modified flight path.

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





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**HELIPAD EXTENSIONS**  
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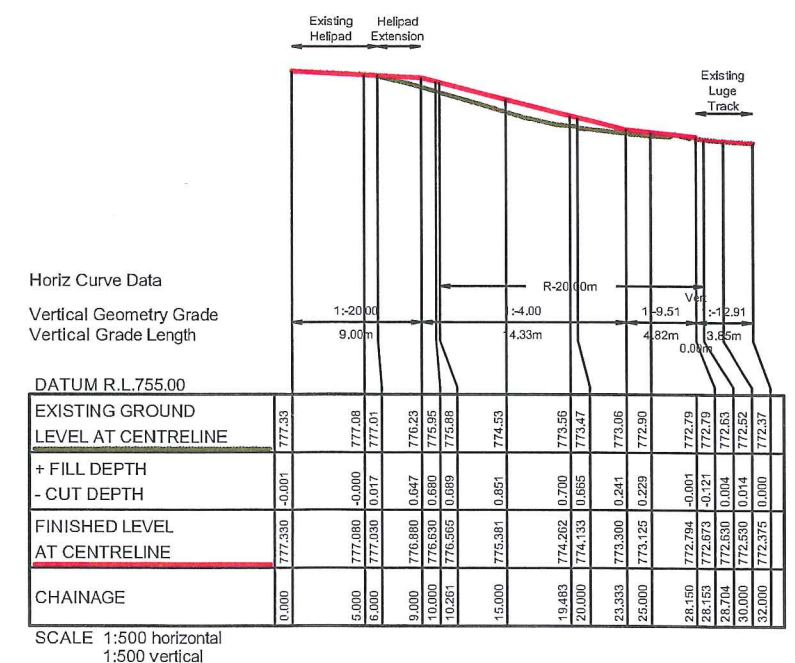
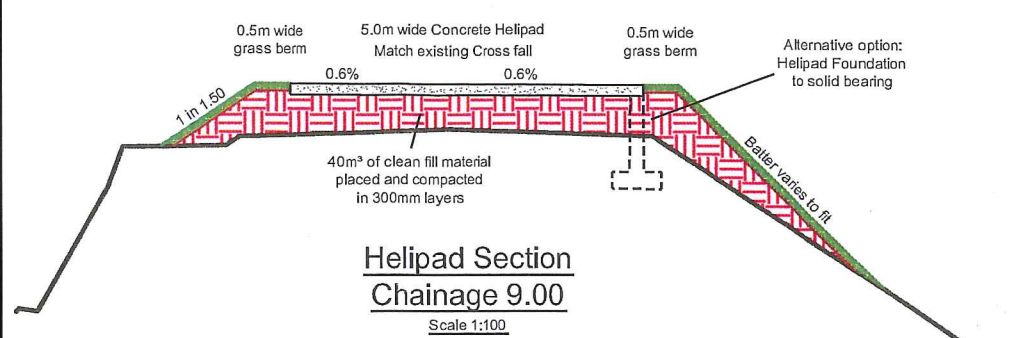
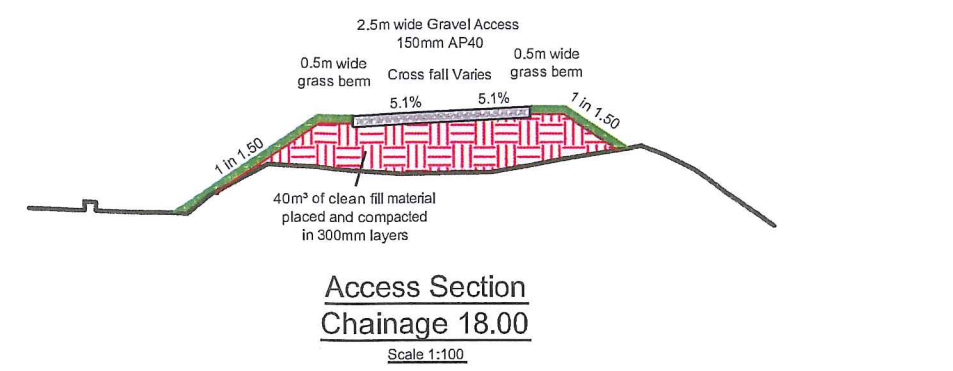
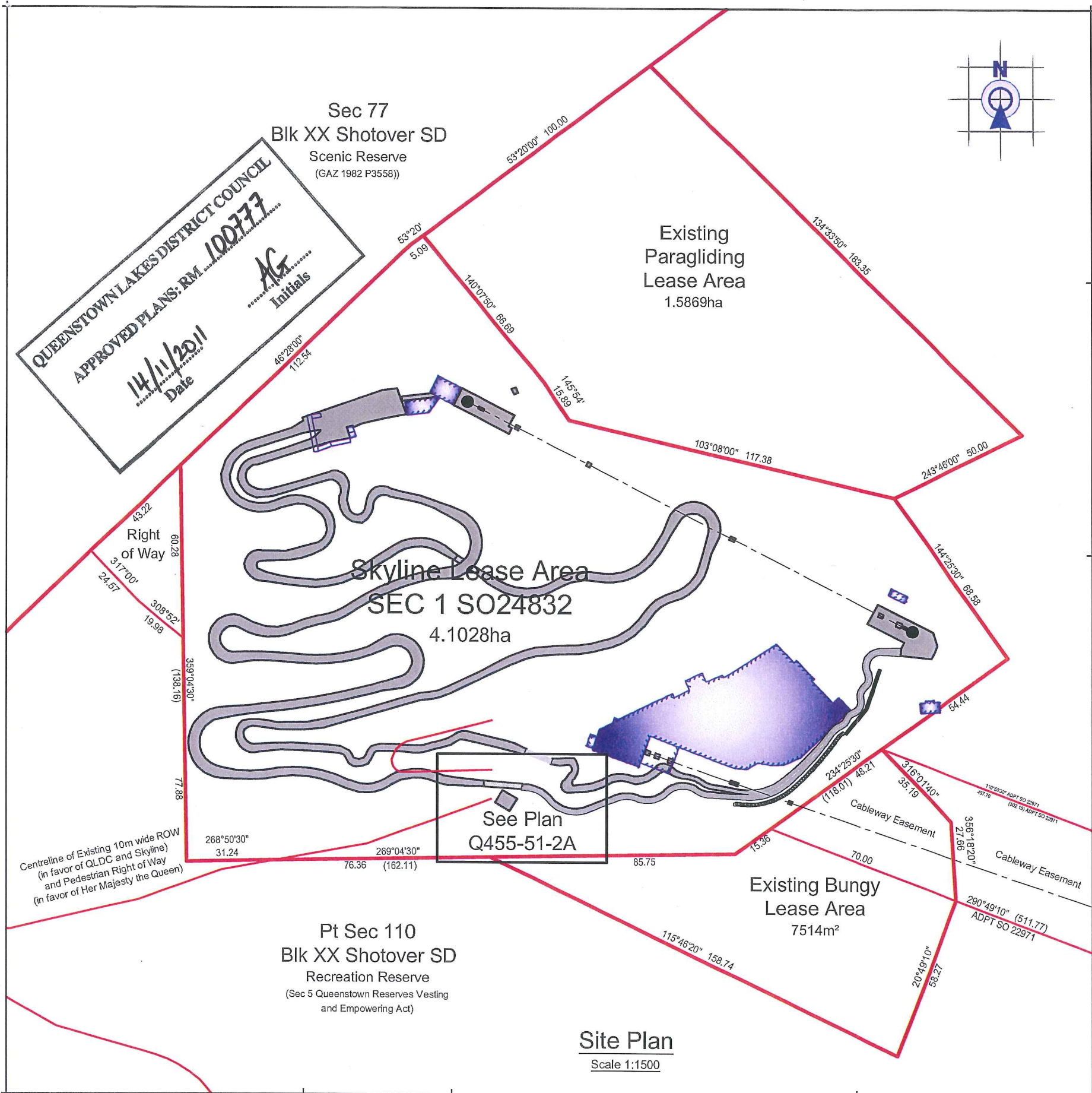
**HELIPAD EXTENSION**  
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