

QUEENSTOWN LAKES DISTRICT COUNCIL

MANAGEMENT OF INFORMAL AIRPORTS



Heliworks Informal Airport in Earnslaw Burn, Mt Earnslaw Station Pastoral Lease. Source - <http://www.heliworks.co.nz/earnslaw-exclusive-scenic-flight>

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Section 1.0

Introduction

“Informal airports” which are the focus of this report can be generally defined as all areas of land that are utilised for the arrival and departure of aircraft (both fixed and rotary wing) other than the Queenstown Lakes Districts designated commercial airports.

It is understood that aside from some activities that are specifically exempt from the current airport provisions in the Queenstown Lakes District Plan (“District Plan”) all arrivals and departure of aircraft are captured by the definition of airport.

The assessment of effects of informal airports is limited by legislation and specifically, it is understood that the Queenstown Lakes District Council (“Council”) does not have jurisdiction to consider the effects of aircraft when they are overflying pursuant to Section 9(5) of the Resource Management Act 1991 (“the Act”).

The Council only has the ability to assess the effects of aircraft when they are legally engaged in the use of land. This matter has been determined by the High Court in *Dome Valley District Residents Soc Inc v Rodney DC* [2008].

Reaching a determination as to when an aircraft is no longer in the process of using an airport and subsequently, “legally engaged in the use of land” is difficult because the flight operations are enforced by both the Resource Management Act and the Civil Aviation Authority (“CAA”) regulations.

It is understood that in terms of the CAA visual flight rules (“VFR”), a pilot in command of an aircraft in a rural area must not operate at a height of less than 500 feet (152.4 metres) above ground level from any obstacle, person, vehicle, vessel or structure that is within a horizontal radius of 150 metres from the point directly below the aircraft.

However, it is understood that this rule does not apply to a pilot when conducting a take-off or landing. Therefore, it is considered that an aircraft is overflying and outside the jurisdiction of the Act if the operator is abiding by the CAA VFR and is flying at a height equal to or in excess of 500 feet above ground level in the Rural General Zone.

As a consequence, it is considered that the scope for assessment of effects for informal airports is confined to the effects observed when an aircraft is undertaking arrivals and departures at an informal airport and is at or below 500 feet above ground level.

The issue of the District Plan provisions relating to the management of informal airports has been one of much contention between the Council, aircraft operators and members of the community in the Queenstown Lakes District since the enforcement of these existing provisions in relation to the Rural General Zone by the Council’s regulatory agent Lakes Environmental began in circa 2007.

Since the enforcement of the existing District Plan provisions that relate to informal airports by Lakes Environmental, literally hundreds of resource consent applications for informal airports have been lodged with Lakes Environmental.

The majority of these informal airports are located within the District Plan's Rural General Zone and encompass land holdings in private ownership, Public Conservation Land and Crown Pastoral Lease Hold land.

Local aircraft operators have argued that the existing District Plan provisions “double up” on the assessments undertaken by the administrators of Public Conservation and Pastoral Leasehold land when the operators have already obtained a Recreation Permit from the Commissioner of Crown Lands or a Concession from the Department of Conservation to operate on these lands.

From an aircraft operator's perspective, this unnecessarily increases costs to their business as well as adding an additional on-going compliance monitoring requirement i.e. annual activity returns for each airport, for each statutory body, and at different times of the year.



Hunters Departing an Informal Airport. Source – Rowan Muller April 2012

The Queenstown Lakes District Council (“Council”) has recognised the potential issues raised by the local aircraft operators and as part of the upcoming review of the District Plan the Council seeks to investigate whether the objectives, policies, rules and other provisions relating to informal airports can be simplified and streamlined to improve both their effectiveness and efficiency.

This research paper will address the feasibility of simplification and streamlining of the existing District Plan provisions for informal airports with due regard to the predominant types of informal airport consents sought, the approach taken by other District Council's in managing informal airports and the assessment of effects that are completed by other statutory bodies such as LINZ (Commissioner of Crown Lands) and the Department of Conservation.

1.1 What Are Informal Airports?

Airports are currently defined in the District Plan to mean:

“Any defined area of land or water intended or designed to be used whether wholly or partly for the landing, departure, movement or servicing of aircraft.”

This replicates the definition of airport contained within the Act¹

The definition although appearing simple is more complex than one may consider at a cursory reading. Specifically, there are three components to the definition which should be broken down for a complete understanding of what it captures.

1. Defined Area of Land

The question of what is a “defined area of land” in terms of an informal airport is likely to solicit a variety of different responses depending on whether the question is put to an aircraft operator or a resource management planner.

Specifically, most operators in our experience would prefer a defined area of land to mean ‘an area that contains the physical attributes of a formal airport such as; a concrete helipad and/or wind socks’ etc. Essentially, that an “airport” must be visually definable.



Source <http://imageshack.us/photo/my-images/168/hems2jj6.jpg/>

It is our understanding based on the results of this research and our experience in dealing with resource consents for informal airports that the District Plan definition does not suggest that an airport must be physically recognisable in order to be a defined area of land.

¹ Resource Management Act 1991 Section 2 Interpretation.

In interpreting a defined area of land it is our understanding that this would encompass any area of land in which any aircraft (fixed and rotary wing) were to use for landing and take-off where:

- An easement or Covenant on land identifying that the whole or part of the land can be used for the landing or departure of aircraft;
- Prior earthworks, landscaping or physical attributes that have made the area suitable for landing and take-off of aircraft;
- An agreement between a land owner and an aircraft operator to land on specific parts of a land holding. The land owner, in entering into an agreement with the aircraft operator can restrict the area on which the aircraft lands, departs and moves and this therefore defines the area intended for use;
- Identification in/on public documents and publications i.e. topographical maps.
- The frequent use of an area for landings and take offs i.e. the identification by means of prior use of the area as one appropriate for landings and take-off of aircraft although, as described below it is considered that even a single aircraft movement can meet the definition of airport.

Overall, a broad interpretation of the words “defined area of land” is required and does not require a visually or physically demarcated area.

2. Intended or Designed To Be Used

Part of the definition of an airport requires an intention to use the land as an area for the landing and take-off of aircraft. The act of an aircraft operator seeking and a landowner subsequently granting permission for the use of land as an airport and perhaps even accepting landing fees therefore demonstrates a clear intention to use the land for landing and taking off of aircraft.

The frequency of use can also be considered to go a long way towards proving an intention to utilise an area for the take-off and landing of aircraft.

Subsequently, it appears the element of intention can be easily satisfied.

3. Used Wholly or Partly

The use of the word partly in the definition clearly implies that an airport is not required to be an area of land used exclusively for the landing and taking off of aircraft.

Rather the definition contemplates the defined area as possibly having mixed uses i.e. pastoral farm paddock or amenity lawn.

General Comments Regarding the Definition

Based on our experience, it appears that the definition of airport in the District Plan has been used in order to capture a broad range of potential informal airports in order to ensure that the effects of these activities can be assessed through the resource consent process.

Further, the definition effectively captures all informal airports regardless of the frequency of use of a particular site. Inevitably, permission must be obtained from a landowner before an operator utilises their property for a landing and take-off event therefore, a defined area of land has been ascertained and an intention to use it established.

The results of the research indicate that with the exceptions already described in the District Plan i.e. for farming purposes, emergencies and fire fighting, all areas of land used for the landing and taking-off of aircraft require resource consent for an informal airport.

Further, the results of our research indicate that Lakes Environmental's current approach of requiring aircraft operators to apply for resource consent for an airport when they land and take off from sites in the District on Public Conservation Land and Crown Pastoral Land is correct. The existing District Plan rules clearly do not make any exceptions for land tenure.

Certainly on Crown Pastoral Land and Public Conservation Land where the operator holds the correct statutory approvals they will have defined the landing areas by way of topographical maps, place names and gps co-ordinates with the occupiers and/or administrators of the land thus easily meeting the three components of the definition discussed above.

1.2 Taking Off and Landing of Aircraft

It is also noted that the provisions regarding the operation of aircraft and airports in the District Plan are not consistent across all Zones.

Specifically, in the Rural General Zone resource consent is required for an "airport" when a defined area of land is used for the landing, departure or servicing of aircraft.

In other Zones such as; the Meadow Park and Rural Visitor Zones, resource consent is required for *"the take-off or landing of aircraft other than for emergency landings and rescues or fire fighting"*.

We understand that the difference in terminology may have been a deliberate attempt to narrow the aircraft/airport activities in some Zones. For example, by referring to the take-off and landing of aircraft, the references to the servicing of aircraft in the definition of airport are avoided.

However, as noted in Section 1 of this report, it is considered that any take-off and landing of aircraft would meet the definition of an airport.

Regardless of the terms used to describe aircraft landings and departures, both prescribed activities would require resource consent for essentially the same activity with the same potential effects therefore, a consistent terminology across all the Zones in the District Plan would assist in removing any ambiguity.

Section 2.0

How Does The Management Of Informal Airports In The Queenstown Lakes District Compare To Other Districts?

This section of the report summarises the applicable provisions for informal airports in the main Rural Zones of the following District's from throughout New Zealand:

- Far North District Council;
- Southland District Council;
- Westland District Council;
- Western Bay of Plenty District Council; and
- Mackenzie District Council.

The provisions have been confirmed through initial research into the relevant District Plans followed by phone interviews with the relevant Senior/Principal Planners or Planning Managers from each District.

A summary table of the applicable rules, policies and objectives for each of the Districts is appended to this report as **Appendix [A]**.

A copy of the relevant provisions from each Districts plan is also appended to this report as **Appendix [B]**.



Alpine Choppers R44 Contracted by Civic Corp and Landed Near Ben Lomond Station January 2006. Source Sean Dent

2.1 Far North District Council

The Far North District Plan (“FNDP”) is more prescriptive in its control of informal airports than the Queenstown Lakes District Plan.

The definitions section of the FNDP contains a definition of both airports² and helicopter landing areas³. These terms are defined as:

“Airport (as defined in s2 of the Act including any amendments) refer to **glossary”**.

The glossary states:

“Airport (as defined in s2 of the Act including any amendments)
Any defined area of land or water intended or designed to be used, whether wholly or partly, for the landing, departure, movement, or servicing of aircraft”.

“Helicopter Landing Area

Helicopter landing area means any defined area of land intended or designed to be used, whether wholly or partly, for the landing, departure, movement or servicing of helicopters”.

The Rural Production Zone in the FNDP is the equivalent of the Queenstown Lakes District Plan’s Rural General Zone.

The Rural Production Zone provides specifically for helicopter landing areas as Permitted Activities subject to meeting the noise limits⁴ for the Zone at the boundary of any other site in this same Zone, or at any site in the Residential, Coastal Residential or Russell Township Zones or at or within the notional boundary of any dwelling in any other rural or coastal zone.

In addition, the helicopter landing area must meet a minimum setback of 200 metres from the nearest boundary of any Residential, Coastal residential, Russell Township or Point Veronica Zones⁵.

If a helicopter landing area fails to comply with the Permitted Activity noise rules, which it should be noted refers to assessment in accordance with NZS 6801 and 6802: 1991, then it falls to be considered as a Restricted Discretionary Activity⁶.

If a helicopter landing area fails to meet the minimum 200 metre setback and the noise rules then it falls to be considered a Discretionary Activity pursuant to Rule 8.6.5.4.3.

Interestingly, there are no specific provisions for “airports” in the Rural Production Zone therefore; fixed wing aircraft may operate as a Permitted Activity subject to complying with the noise rules for the Zone and no setbacks are required from adjoining zone boundaries.

² Far North District Plan Chapter 3 – Definitions Page 1 and Chapter 3 – Glossary Page 18

³ Far North District Plan Chapter 3- Definitions Page 8

⁴ Far North District Plan Permitted Activity Rule 8.6.5.1.7 NOISE Chapter 8.6 Page 3

⁵ Far North District Plan Permitted Activity Rule 8.6.5.1.7 HELICOPTER LANDING AREA Chapter 8.6 Page 4

⁶ Far North District Plan Discretionary Activity Rule 8.6.5.4(c) and 8.6.5.4.3 HELICOPTER LANDING AREA Chapter 8.6 Page 7 and 9 respectively.

A failure for an “airport” for fixed wing aircraft to comply with the Permitted Activity noise rules will lead to it being assessed as a Restricted Discretionary Activity with Council’s discretion limited to the character, level and duration of noise, the hours of operation and the effectiveness of any noise mitigation proposed.

Having spoken with the Far North District Council’s Principal Planner (Pat Killalea), it is understood that there are no District Plan provisions or other mechanisms such as Bylaws that provide for the management of informal airports including temporary activities or “one off” aircraft landings.



Alpine Choppers Squirrel at Greenstone Car Park April 2006. Source – Sean Dent

2.2 Southland District Council

The Southland District Plan ("SDP") does not contain a definition of "airport" therefore, the definition contained within Section 2 of the Resource Management Act applies and this states:

"Any defined area of land or water intended or designed to be used whether wholly or partly, for the landing, departure, movement or servicing of aircraft".

Utilising the above mentioned definition, transportation rule TRAN.11 – *Commercial Airports* of the SDP applies to every defined area of land that is utilised for the landing and take-off of aircraft – similarly to the Queenstown Lakes District Plan. These airports would be assessed as a Discretionary Activity pursuant to this rule.

This rule encapsulates landings in the Southland Districts Rural Resource Area on Public Conservation Land, Pastoral Leasehold and privately owned land.

An exception is provided by way of Rule TRAN.12 – Rural Airstrips whereby airstrips associated with normal rural land management are a Permitted Activity. This exception is with regard to both fixed and rotary wing aircraft.

The applicable noise rules of the SDP must also be complied with and refer to assessment pursuant to NZS 6801:1991 Measurement of Sound and NZS 6802:1991 Assessment of Environmental Sound.⁷

The provisions in the SDP are very similar to the Queenstown Lakes District Plan in that they capture every informal airport within the District.

Discussions with the Southland District Council's Senior Planner (Ms Jennifer Green) confirmed that the Council does not enforce any particular policy or specified threshold with regard to frequency of use of an informal airport before resource consent is required.

Quite simply, if any aircraft landing falls within the parameters of Rule TRAN.11 resource consent will be required.

Ms Green also confirmed that no other mechanisms exist for the control of airports and/or temporary/one off landings.

⁷ Section 3.12 Rule NSE 1 Noise Measurement Southland District Plan

2.3 Westland District Council

Similarly to the SDP the Westland District Plan (“WDP”) also does not include a definition of an airport.

Neither does it provide a definition for helicopter landing area. Accordingly, the definition of airport contained in Section 2 of the Act applies.

The Rural Policy Unit is the Westland Districts equivalent of the Rural General Zone. The provisions for the Rural Policy Unit are contained within Section 5 of the WDP.

There are no rules that specifically relate to airports or the take-off / landing of aircraft within the Rural Policy Unit. However, the general rules that apply to all Zones in the Westland District are applicable and specifically Rule 6.5 – Discretionary Activities which states:

“(d) The following activities with the potential to distract traffic movement: helipads, and commercial operations of bungee jumping, hang gliding or similar types of leisure activities”

“Helipad” is not defined within the WDP but discussions with the Council’s Manager Planning & Regulatory (Mr Richard Simpson) has confirmed the interpretation of this rule to encapture informal helicopter landing areas/airports as they are referred to in the Queenstown Lakes District.

Additionally, while Rule 6.5(d) refers specifically to helipads it also refers to “similar types of leisure activities”. Leisure activities are not defined in the WDP either however, discussions with Mr Simpson have confirmed that this rule would also encapture informal airports or airstrips for fixed wing aircraft.



Mountain Helicopters Base, Fox Glacier. Source – Rowan Muller 03 April 2012

The question of how an activity captured by Rule 6.5(d) is considered as to whether it causes a distraction to traffic and thus requires consent was put to Mr Simpson. It is understood that the

New Zealand Transportation Agency staff are consulted with regards to the State Highway but generally, anything in excess of 50 metres from a road would not conflict with this rule.

In terms of local roads within the Westland District Councils jurisdiction, the Council would use their discretion as to whether the activity would cause a distraction. It is our understanding that in most cases, an airport would not trigger this rule.

The Discretionary Activity provisions contained within Section 6.5 of the WDP specifically state that the listed activities (inclusive of those in 6.5(d)) are not subject to any performance standards other than those listed in that section.

Accordingly, the performance standard for noise within the Rural Policy Unit which, is detailed in Table 5.7 of Section 5 of the WDP does not apply to informal airports. The noise generated will be assessed as part of the overall proposal as a full Discretionary Activity.

Interestingly, a recent notified (limited) resource consent for a commercial helipad (I10092) by Greenstone Helicopters undertook assessment of noise effects utilising the noise standard NZS 6807:1994 - *Noise Management and Land Use Planning for Helicopter Landing Areas*.

Mr Simpson has confirmed that there are no other mechanisms in place that allow the Council to control informal airports.

In regards to temporary or “one off” aircraft landings the Council also has no specific rules or other provisions to control these types of landings.

Council officer discretion is used to determine when a threshold or frequency of use of a site requires resource consent pursuant to Rule 6.5(d) of the Westland District Plan.

For example, discretion is exercised not to require consent for helicopter operators undertaking a few flights at a roadside paddock for hunter pick up and drop offs during the roar (March/April).

2.4 Western Bay of Plenty District Council

The Rural G Zone of the Western Bay of Plenty District Plan (“WBOP DP”) covers the majority of rural land in the District. It is the equivalent of the Queenstown Lakes District Council’s Rural General Zone.

The Western Bay of Plenty commenced its District Plan review in January 2009. Aside from an appeal relating to one specific part of this plan, the Western Bay of Plenty District Council is very close to making their proposed plan operative.

As the proposed plan was notified prior to the simplifying and streamlining changes to the Act it is the proposed Plan that is being given the most weight at the current time.

The proposed WBOP DP does not contain any definitions for airports, helipads, helicopter landing areas or the like.

Accordingly, the Rural G Zone provisions do not specifically provide for informal airports in the prescribed rules or the Performance Standards for the Zone.

Subsequently, the overarching general rules for the District which are contained within Section 4 are relevant. There are no provisions for informal airports within this section of the District Plan either however, Section 4A refers to activities that are not specifically provided for and states:

***“4A.1 Activities Not Specifically Provided For
Explanatory Statement***

Activity lists are used in the District Plan to provide certainty for users and are intended to cover all likely expected activities. It is difficult for a District Plan to cover every eventuality with the use of such lists. Any activities not listed (other than those that fall within the jurisdiction of The Regional Council) shall, therefore, be treated as Non-Complying in order to provide a full opportunity to assess the adverse effects on the environment that the activity may give rise to”.

Therefore, informal airports (as defined by Section 2 of the Act) require Non-Complying Activity consent.

Section 16 (Rural) of the proposed WBOP DP stipulates that the Performance Standards in this section shall be met by all Permitted and Controlled Activities and shall be used as a guide for the assessment of all other activities.⁸

Section 16 requires the Performance Standards for noise found within Section 4C (Amenity) of the proposed WBOP DP to be given regard to⁹.

The noise levels are to be measured in accordance with the requirements of NZS 6801:2008 Measurement of Environmental Sound, and assessed in accordance with the requirements of NZS6802:2008 Assessment of Environmental Sound.

⁸ Proposed Western Bay Of Plenty District Plan Section 16.4.1 page 16.11

⁹ Proposed Western Bay Of Plenty District Plan Section 16.4.1(l) page 16.16

Having spoken with the Council's Consents Manager (Mr Chris Watt) it has been confirmed that there are no other mechanisms in place that allow the Council to control informal airports.

In regards to temporary or "one off" aircraft landings the Council also has no specific rules or other provisions to control these types of landings.



Mountain Helicopters Informal Airport West Coast. Source – Rowan Muller April 2012

2.5 Mackenzie District Plan

The Mackenzie District is predominantly rural in character. Of the total area of 745,562ha in the District, there is approximately 3,000ha of roading, urban settlement and other use.¹⁰

Accordingly the Rural Zone of the Mackenzie District encompasses a large area of lakes, riverbeds and mountain tops and the remainder is comprised of farm land.

In regards to the management of informal airports, the Mackenzie District undertook a consultation exercise in the mid-nineties which culminated in the Mackenzie Basin Aviation Strategy 1996 which is now contained within the Mackenzie District Plan as Appendix L.

This document was developed following a report titled “Mackenzie Basin Aviation Needs and Development Strategy” (BECA 1995). Subsequently, some (but certainly not all) of the content of the Aviation Strategy has been incorporated into the Mackenzie District Plan and the relevant provisions are described below.

The Mackenzie District Plan contains a definition of ‘Aviation Activity’ which states:

“Aviation Activity: means the use of land, air, water and buildings for commercial aviation purposes.”

Aviation Activities are provided for within the Rural Zone of the Mackenzie District as Permitted, Controlled and Discretionary Activities¹¹.

The determination as to which activity status is afforded to aviation activities depends upon the activity, land tenure and frequency of landings.

Specifically, the take-off and landing of aircraft for emergencies, fire fighting, farming, residential or non-commercial recreational purposes, management purposes on Public Conservation Land or activities of the NZ Defence Force are Permitted Activities pursuant to Rule 14.1.1 of the Mackenzie District Plan.

The Permitted Activity status also extends to aircraft landing sites for commercial recreation purposes within Public Conservation Land and, infrequent landing sites for commercial aviation activities on other land provided that no property shall be used for this purpose for more than five excursions in any week¹².

Controlled Activities are provided for rotary wing aircraft at aviation sites identified on the Districts Planning Maps. Aviation sites are not defined in the Mackenzie District Plan but Mr Nathan Hole, the Council’s Planning and Regulations Manager has advised that these are “high use scenic sites” specifically provided for on the Districts Planning Maps.

It is our understanding that these are limited to two sites at the Tekapo Canal and Pukaki Downs on the Mt Cook Highway (SH80)¹³.

¹⁰ Section 7 Rural Objectives and Policies Mackenzie District Plan page 7-1

¹¹ Section 7 Rural Zone Rules, Part 14 Aviation Activities Mackenzie District Plan

¹² Section 7 Rural zone Rules, Rule 14.1.2 and 14.1.3 Mackenzie District Plan

¹³ Aviation Sites Depicted on Mackenzie District Council Planning Map 28

Aviation activities that do not comply with the Permitted or Controlled activity standards for commercial aviation activities are provided for as Discretionary Activities¹⁴.

There are no specific noise rules that apply to the operation of Aviation Activities.

Mr Hole has confirmed that aside from the District Plan provisions, there are no other mechanisms that exist to control informal airports within the Mackenzie District.

The rules for aviation activities in the Rural Zone deal with all potential informal airports including setting a Permitted Activity threshold to allow for temporary or infrequent use of airports being five excursions (landing and take-off) per week from a property.



Mountain Helicopters Landing at Lake Roto Te Koeti, Jacobs River, West Coast. Source Sean Dent July 2009

¹⁴ Section 7 Rural Zone Rules, Rule 14.3.3 Mackenzie District Plan

Section 3.0

Identification of Environmental Effects Considered When Granting Consent for “Airports” in the Queenstown Lakes District

3.1 Summary of Resource Consents Reviewed

In identifying the other environmental effects aside from noise that are considered by the Queenstown Lakes District Council in the assessment of resource consent applications for informal airports a diverse range of resource consents were reviewed.

The specific consents are described in brief below:

1. RM080434 Totally Tourism Limited application for an airport at Arthurs Point. Rural Visitor Zone and privately owned land.
2. RM100777 QLDC application for an airport at Bob's Peak. Rural General Zone (Recreation Reserve Designation) leased land to Skyline Enterprises Limited. This decision is still subject to an Environment Court Appeal.
3. RM080669 High Plains Wine Co application for an airport near the Winehouse kitchen and Kawarau Bungy Bridge. Rural General and Gibbston Character Zone and privately owned land.
4. RM080631 Heliworks application for an airport at the Earnslaw Burn Rock Biv. Rural General Zone and Pastoral Lease Hold land.
5. RM080731 Heliworks application for an airport on the eastern face of the Humboldt Mountains. Rural General Zone and Public Conservation Land.
6. RM081474 Ngai Tahu Wakatipu Holdings Limited application for an airport in the upper Greenstone Valley. Rural General Zone and privately owned land.
7. RM090593 Alpine Helicopters Limited application for an airport on Buchannan Peak. Rural General Zone and Public Conservation Land.
8. RM081425 Jacks Point Limited application for 5 airports at Jacks Point. Jacks Point Resort Zone and privately owned land.
9. RM080743 Heliworks application for an airport in the Sth Von River Valley Mt Nicholas Station. Rural General Zone and Pastoral Lease Hold land.
10. RM090597 Alpine Helicopters application for an airport at Ferguson Hut. Rural General Zone and Public Conservation Land.

3.2 Environmental Effects Assessed

The resource consents outlined above required varied assessments given the diversity in the range of environments encountered due to the different District Plan Zones and proximity to urban environments.

Primarily in each resource consent noise was undoubtedly the single biggest environmental effect that was considered. However, the consents detailed above also considered other issues such as:

- Character and Amenity including:
 - (i) Dust emissions;
 - (ii) Smell of exhaust fumes;
 - (iii) Visual effects of helicopters;
 - (iv) Cumulative Effects;
- Health and Safety including:
 - (i) To helicopters, pilots, passengers and people on the ground;
 - (ii) Visual distractions to motorists;
 - (iii) Flight paths.
- Positive Effects;

3.3 Could These Matters be Addressed Through Standards in the District Plan?

All of the potential adverse effects/considerations described in Section 3.2 with the exception of flight paths and positive effects are considered to be matters that could be controlled by standards in the District Plan if the existing blanket Discretionary Activity status for airports in the Rural General Zone were to be altered.

Specifically, having considered the mitigation available for a range of these matters through our experience in overseeing resource consent applications for informal airports, there is one standard that could be implemented to address the potential adverse effects of all of the above.

The solution is considered quite simple – a minimum setback distance from site boundaries and specified features.

In regards to the above mentioned matters considered in the assessment of resource consents for informal airports a minimum separation distance is considered to mitigate most of these potential effects to an environmentally acceptable level as described below.

Character and Amenity

Character and amenity effects are afforded similar assessment in respect of the above mentioned resource consents.

Each of the informal airports listed above are located in areas with differing characteristics but the effects on amenity must be assessed in each case albeit with a differing expectation depending on the specific environment.

Amenity values are defined in the Resource Management Act to mean:

“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”.

Character and amenity effects are considered in terms of the existing and receiving environment. Excluding the effects of noise, the assessment on character and amenity primarily focuses on the visual effect of the aircraft and any associated infrastructure.

With the exceptions of RM080434 and RM100777, the above mentioned consents for informal airports did not bear the hall marks of an airport i.e. no physical infrastructure or servicing equipment was to exist at the subject sites.

Therefore, the most common potential adverse effect on character and amenity assessed was the visual effects of the aircraft, taking off, landing, and idling on the ground. The majority of assessments by Lakes Environmental stated the same or similar comments to that quoted below:

“As it is generally the noise that draws attention to helicopters, it is debatable how many parties would chance to be looking in the direction of the helicopters if they were noiseless. It is considered that visually observing a ‘noiseless’ helicopter is unlikely. Even if the helicopter is seen, it will be visible for an extremely short time frame (in the order of minutes).”

While we tend to agree with the above, it is also considered that the visual intrusion of an aircraft landing in close proximity regardless of whether it is noiseless or not could have an adverse effect on a person’s amenity values i.e. if the location is characteristically remote for example.

Accordingly, maintaining an adequate separation distance from certain locations could also mitigate informal airports from adversely imposing on character and amenity.

Dust

Dust emissions have only been considered in significant detail within the informal airport decisions for RM080434 (Arthurs Point), RM100777 (Skyline) and RM081425 (Jacks Point).

Primarily, dust is considered an issue when an informal airport is proposed in close proximity to existing residential and/or commercial/recreational premises or facilities. For more remote sites, dust does not appear to be a significant issue due to the separation distance that exists from any potentially sensitive receivers.

Exhaust Fumes

Similarly, the smell of exhaust fumes was raised and considered in RM080434 and RM100777 due to the minimal separation distances between the proposed informal airport and other potential sensitive receivers.

In our view, exhaust fumes from aircraft are considered to be a Permitted Activity pursuant to Chapter 4.9, Section 16.2.5 of the Otago Regional Plan: Air. Accordingly, it is our view that it is not a matter for any great consideration by the Council.

However, in both the above cases cited above, the exhaust fumes were not considered to have a significant adverse effect and the commissioners who presided over each application considered these would dissipate quickly with natural air movement. Again, in more remote locations where separation distances from sensitive receivers are significantly greater than those within RM080434 and RM100777, this potential conflict is unlikely to occur.

Health and Safety

Health and safety effects are generally not focused on in great detail in the above mentioned resource consents as it is generally accepted that the Civil Aviation Authority manages the rules and procedures for the operation of aircraft.

The exceptions to this are resource consents RM080434 and RM100777 where the informal airports were proposed in more “urban” environments where residences, buildings, walkways and commercial activities are found in close proximity to the proposed airport.

Safety is also specifically referred to in RM080669 and provisions were ultimately made (by way of proposed flight paths) for the avoidance of high voltage power lines that ran through a portion of the subject site.

Accordingly, a minimum separation distance could also mitigate the major potential health and safety effects including those of low probability but high impact i.e. a crash.

Visual Distraction to Drivers

Visual distractions to motorists have been considered and the written approval of Transit New Zealand obtained with respect to the informal airport at the Kawarau Bungy Bridge (RM080669). Additionally, potential effects on driver distraction were also considered at the Sth Von informal airport site in the Von River Valley (RM080743).

In both cases, the separation distance between the State Highway and the Mt Nicholas Road were mitigatory factors in the provision of the affected party approval and ultimately issuing of the resource consents.

It is noted in Section 2.3 above that minimum separation distances from roads/high ways are also considered in determining whether an informal airport requires resource consent in the Rural Zone of the Westland District Plan.

Section 4.0

Identification of Matters Considered by the Minister of Conservation in Considering Aircraft Landing Concessions

4.1 The Conservation Act 1987 Matters to Be Considered by the Minister

Section 17U of the Conservation Act 1987 outlines in legislation the matters that the Minister of Conservation shall have regard to when considering any application (including those for aircraft landings) for a Concession on Public Conservation Land.

The matters as they are described in this Section of the Act are broadly encapsulating of all or any potential effects of the activity.¹⁵

Section 17U subsection 2 provides for the Minister to decline any application if it is considered that there are no adequate methods or no reasonable methods for remedying, avoiding or mitigating the adverse effects of any activity.

Having consulted with the Wakatipu Area DOC staff it has been confirmed that the wording of the legislation is interpreted and utilised to consider all potential effects of aircraft landing concessions only upon the Public Conservation Land in which it is located.

Accordingly, there is no certainty that a noise sensitive receiver i.e. a habitable building on an adjoining property would be taken into consideration in the assessment of effects for an aircraft landing concession on nearby Public Conservation Land.

While the above hypothetical situation is considered to be very rare, it is likely that the Wakatipu Area Office staff would note the presence of any such 'affected parties' when providing their recommendations to the concessions team but, the concessions processing team in Dunedin would make the final call as to the legality of assessing effects on any third party and determine whether that would be a consideration in the granting of the concession.

In addition, the assessment of effects of aircraft landing concessions on Public Conservation Land is limited in the extent to which the Concessions process can control them. Specifically, it is understood that legally, DOC cannot exert control in regards to overflying aircraft.

It is understood that their control is similar to the RMA, limited to aircraft movement (other than WARO – Wild Animal Recovery Operations) below 500 feet (152.4 metres). i.e. the effects associated only with the direct landing and departure of aircraft from a site is considered in the granting of a concession.

¹⁵ Section 17U(1)(c) Conservation Act 1987

4.2 The Relationship Between Conservation Management Strategies / Management Plans and the Concessions Process.

Section 17W of the Conservation Act states that, a Concession shall not be granted unless the Concession and its granting are consistent with the relevant Conservation Management Strategy or Conservation Management Plan.

As such, the provisions within each of these documents (in Queenstown Lakes the relevant documents are the Otago Conservation Management Strategy 1998 and Mt Aspiring National Park Management Plan 2011) provide the overarching provisions that enable the grant of Concessions for aircraft landings.

The Conservation Management Strategy includes the identification of “Special Places” throughout the Otago Conservancy and details the specific outcomes anticipated for each one – inclusive of aircraft landings.

Similarly, the Mount Aspiring National Park Management Plan (“MANP MP”) identifies visitor management settings where certain activities inclusive of aircraft landings, can be appropriately managed. The MANP MP achieves this by splitting the park into four zones managed to provide different experiences for visitors.

The types of visitors likely to use the various zones, and the visitor experiences each zone is managed for are detailed in the Department of Conservations Visitor Strategy 1996. Reference has also been given to the New Zealand Recreation Opportunity Spectrum Guideline for Users 1993. The resultant zones in the MANP consist of the following:

- Olivine Wilderness Area. The primary purpose of wilderness areas is not to lock up land or prevent use, but provide recreational opportunities and experiences for people seeking solitude and challenge in a natural environment free from facilities¹⁶;
- Remote Zone. The remote zones priorities are the protection of natural quiet and remote experiences whilst surrounding and acting as a buffer to the Olivine Wilderness Area. In general, there is very limited aircraft access to the remote zone although some mainly low use landing sites have been identified to allow for some exiting/historical uses¹⁷;
- Back Country Zone. The back country zone includes landscapes that remain unmodified and natural but which is generally more accessible than the remote and wilderness zones. Generally, there is a greater range of uses that can be considered within this zone including aircraft access¹⁸; and
- Front Country Zone. The front country zone is generally accessible by vehicles and may have infrastructure such as car parks, picnic and camping areas, toilets, viewpoints, public shelters and easy walking tracks. The front country zone receives the highest use of any of the parks areas by visits are normally short and visitors should expect to meet many other people.

¹⁶ MANP MP Section 6.6.2.1 page 57

¹⁷ MANP MP Section 6.6.2.2 page 58

¹⁸ MANP MP Section 6.6.2.3 page 58

A general summary is that the further one gets from the Front Country Zone, the less appropriate it is for mechanised transport such as; aircraft in order to maintain areas for users to achieve an expected solitude and “natural quiet”.

It should also be noted that the National Parks Act 1980 is relevant to the preparation of National Park Management Plans and Section 43 states:

“The Department shall, subject to this Act, and in accordance with—

(a) any statements of general policy adopted under section 44; and

(aa) any conservation management strategy for the time being in force in respect of a park; and

(b) any management plan for the time being in force in respect of a park—

*administer and manage all national parks in **such a manner as to secure to the public the fullest proper use and enjoyment of the parks** consistent with the preservation of their natural and historic features and the protection and well-being of their native plants and animals”. [My emphasis added].*

As stated above, aircraft landing concessions will not be granted where they are inconsistent with the provisions set for the special places and zones in each of these documents.

Both the Conservation Management Strategy and the MANP MP go through a significant amount of public consultation and are reviewed every ten years.

The consultation includes full public notification of each document and the opportunity for submitters to be heard at respective hearings – similar to the RMA District Plan review process.

Accordingly, it is considered that any aircraft landing concession granted by the Department of Conservation on Public Conservation Land has been fully, comprehensively and adequately assessed and ultimately, deemed consistent with the values specific to the Public Conservation Land upon which it is proposed to be undertaken and the users of that land.



Source - <http://rnzaf.proboards.com/index.cgi?board=agricultural&action=print&thread=12321>

4.3 Are There Additional Matters Captured by the RMA in the Assessment of Informal Airports

Having reviewed the legislation and having discussed the effects considered when granting an aircraft landing concession on Public Conservation Land with local DOC staff it is quite clear that DOC have a robust framework for assessing this type of activity.

The assessments for aircraft landings consider the potential impact on flora and fauna as well as those on the users of the Public Conservation Land with full regard to the special place provisions or visitor management settings that have been approved through public consultation. No concessions are granted for activities that are inconsistent with these documents.

However, as identified in Section 4.1 above, the Departments assessment of effects is restricted to only the effects on the Public Conservation Land which it administers. The assessment and decisions cannot legally include methods for the mitigation of effects on parties outside of the Public Conservation Land in question.



Mountain Helicopters Greer Stream Jacobs River. Source – Sean Dent March 2008

This appears to be the one major difference in assessment between the Conservation Act and Resource Management Act. The latter would consider effects beyond the boundary of the subject site i.e. the noise rules in Section 5 of the District Plan require noise limits to be complied with at the notional boundary of the nearest residential unit not located on the same site as the activity¹⁹.

Any future changes to the existing District Plan provisions regarding informal airports in the Rural General Zone and on Public Conservation Land would need to account for this difference in assessment.

¹⁹ Queenstown Lakes District Plan Zone Standard 5.3.5.2(v) Noise page 5-20

Section 5.0

Identification of Matters Considered by the Commissioner of Crown Lands in Considering Recreation Permits For Aircraft Landings

5.1 Matters Considered by the Commissioner of Crown Lands

Land Information New Zealand (“LINZ”) standard LINZ S45002 outlines the information requirements for applications for Recreation Permits over Crown Pastoral Land.

Section F.2.6 of this standard requires assessment of the potential impact of the proposed recreation permit (if granted), including:

- (a) If pastoral land, the impact on the inherent values of the lease/licence land
- (b) Impact on the current use of the land
- (c) Describing any adverse effects and how they will be reduced or ameliorated.

Discussions with staff in the LINZ Pastoral office have confirmed that the key matters for consideration when the Commissioner of Crown Lands (“CCL”) grants a Recreation Permit are the effects on the inherent values and the ability to maintain the current pastoral use of the land.

Section 2 of the Crown Pastoral Land Act defines inherent values as:

“Inherent value, in relation to any land, means a value arising from—

(a) a cultural, ecological, historical, recreational, or scientific attribute or characteristic of a natural resource in, on, forming part of, or existing by virtue of the conformation of, the land; or

(b) a cultural, historical, recreational, or scientific attribute or characteristic of a historic place on or forming part of the land”

The CCL is required to consult with the Director General of Conservation in regards to the effects on inherent values pursuant to Section 18 of the Crown Pastoral Land Act. Generally, the local area DOC office will be delegated this function from the Director General.

Similarly to the assessment of effects undertaken by DOC as outlined in section 4.1 of this report, consultation with LINZ staff has confirmed that the CCL is only concerned with the impact of the activity on the land under their jurisdiction.

In other words, they are not required to take into account the possible effects on other parties or land outside the Pastoral Lease concerned when making a decision on the grant of a Recreation Permit pursuant to Section 66A of the Land Act 1948.

5.2 Are there Additional Matters Captured by The RMA in The Assessment of Informal Airports?

Having reviewed the legislation and discussed the effects considered when granting a Recreation Permit for commercial aircraft landings on Crown Pastoral Land with LINZ Pastoral staff (Ms Penny Devine, Portfolio Manager), it is clear that the same limitations of the DOC assessment exist in regards to Crown Pastoral Land.

Specifically, that the assessment and decisions issued by the CCL under Section 66A of the Land Act 1948 cannot legally include methods for the mitigation of effects on parties outside of the Pastoral Leasehold Land in question.

Subsequently, any future changes to the existing District Plan provisions regarding informal airports in the Rural General Zone and on Crown Pastoral Land would need to account for this difference in assessment.



Mountain Helicopters Landing in the Butler River, West Coast 2007 Source – Sean Dent

Section 6.0

Proposed Activity Status for Airports in Each Zone

6.1 Are There Appropriate Circumstances For A Wider Range of Activity Status For Airports in the Rural General Zone?

Airports on Public Conservation or Crown Pastoral Land

Based upon our experience and the results of this research into the management/assessment of the same provisions by other District Councils, DOC and LINZ, it is considered that there are circumstances where an alternative activity status to the existing blanket Discretionary Activity status would be appropriate for airports in the Rural General Zone.

As identified within Sections 4 and 5 of this report, both the Department of Conservation and the Commissioner of Crown Lands undertake a thorough assessment of all the effects of permitting informal airports within lands under their respective administration and on the users of these lands.

However, it was noted that the assessment of effects undertaken by both statutory bodies concludes at the boundary of those organisations land parcels and does not provide for consideration of the wider environmental effects (most likely to be noise) that are created on adjoining land owners/users.

Further, it was identified within Section 3 of this report that the documented adverse effects considered in the assessment of a range of resource consents for informal airports can seemingly be mitigated by the imposition of a minimum separation distance.

Accordingly, it is considered appropriate to simplify the District Plan provisions in the Rural General Zone for informal airports on land administered by the Commissioner of Crown Lands and DOC subject to an appropriate separation distance.

Specifically we consider that a new Permitted Activity Rule could be imposed into Section 5 - Rural Areas of the District Plan for these land tenures as follows:

Airports on Public Conservation and Crown Pastoral Land

Airports that comply with the following standards shall be Permitted Activities:

- (a) Airports located on Public Conservation Land when the operator of the aircraft is operating in accordance with a Concession issued pursuant to Section 17 of the Conservation Act 1987;*
- (b) Airports located on Crown Pastoral Land when the operator of the aircraft is operating in accordance with a Recreation Permit issued pursuant to Section 66A of the Land Act 1948;*
- (c) Airports for emergency landings, rescues, fire fighting and activities ancillary to farming activities.*

And

- (d) *In regards to both (a) and (b) the airport is located a minimum of 500 metres from any other site or road.*

Overall, the addition of the above Permitted Activity standard into the District Plan would eliminate the 'double assessment' that is currently afforded to all informal airports on Public Conservation Land and Crown Pastoral Land while still effectively managing genuine adverse environmental effects.

This Permitted Activity Standard is considered appropriate due to the level of assessment afforded to aircraft landing approvals on lands within the jurisdiction of DOC and LINZ as outlined in Sections 4 and 5 above.

The requirement for a 500 metre minimum setback from any other site or road has specifically been included to address the one identified shortcoming of the assessment by DOC and LINZ whereby the effects assessed are limited to only those on the land within their jurisdiction.

The setback should ensure that the noise provisions are complied with at the boundary of the site in question and mitigate the potential for driver distraction from any roads in or adjacent to these lands.

Airports on Other Rural General Land

Further to the above scenarios, it is also considered that there are appropriate circumstances in which airports on other rural landholdings in the District for private and commercial purposes could be covered by a Permitted Activity Rule.

As detailed above, a suitable separation distance is considered to avoid, remedy or mitigate the adverse effects of airports that were identified in the decisions reviewed in Section 3 of this report.

Accordingly, if there are locations on other Rural General Zone land where an appropriate separation distance can mitigate these effects, it is recommended that there should be no need for resource consent to be sought.

Accordingly, it is considered that an additional Permitted Activity Rule could be included to read as follows:

Airports on Other Rural General Land

Airports that comply with the following standards shall be Permitted Activities

- (a) *Airports that do not exceed a frequency of 3 flights per week from any site;*
- (b) *Airports for emergency landings, rescues, fire fighting and activities ancillary to farming activities.*

And

- (c) *In regards to (a) the airport is located a minimum of 500 metres from any other site, public road, public place or trail.*

**note for the purposes of this rule a flight includes two aircraft movements i.e. a landing and a departure.*

The minimum separation distance for airports on other Rural General Zone properties is considered conservative enough that the proposed number of aircraft flights (both fixed and rotary wing) could occur without breaching the applicable relevant New Zealand Standards and District Plan provisions for noise at the distances specified.

This based on preliminary feedback from Mr Vern Goodwin, a specialist adviser for the Ministry of Health's Environmental Noise Analysis and Advice Service. Additional and more specific discussions may be required with an acoustic expert to confirm that this would be the case in all predictable scenarios i.e. downwind in severe winds.

Further, it is considered that the suggested separation distance will adequately deal with effects relating to dust emissions, exhaust fumes, visual distraction, health and safety, and visual effects to a level that is appropriate for Permitted Activities.

The separation distance is understood to be considerably more conservative than that which Southern Planning Group understands is required to comply with the relevant noise standards and particularly those contained within NZS 6807:1994 - *Noise Management and Land Use Planning for Helicopter Landing Areas*²⁰. It has been set at a 500 metre distance as it is considered that it will also appropriately deal with potential adverse effects on character and amenity other than just noise.

It can be difficult to quantify the effects on character and amenity as these effects can be somewhat subjective and varied between different parties.

As both DOC and LINZ undertake robust assessments of informal airports on land within their respective jurisdictions, it is considered appropriate that to enable a Permitted Activity Status for "other land" there must be a strict limit in the frequency of flights on any other land given the lack of any formal assessment.

The review of other District Plans revealed that in four out of the five reviewed, there is no specified threshold regarding the frequency of use. Only the Mackenzie District Council stipulated a maximum weekly frequency of five "excursions" for Permitted Activities.

It is recommended that a frequency of three flights per week (for either fixed or rotary wing aircraft or a combination of both) is appropriate for informal airports in the Rural General Zone with a Permitted Activity status.

This would allow for infrequent flights at wedding reception venues, wineries, and private residential/commercial landings and would cover a variety of "impromptu one off landings".

In addition, the proposed Permitted Activity status would reduce the costs to operators in obtaining the required approvals to establish the informal airports and it would reduce the amount of time spent dealing with compliance and monitoring requirements for different statutory bodies.

²⁰ Guide to determine likely noise effects on people. Vern Goodwin Environmental Noise Analysis and Advice Service, Ministry of Health. January 2008

In terms of compliance, monitoring and enforcement of the recommended Permitted Activity provisions we don't anticipate that allowing for some permitted airport use will significantly increase compliance and monitoring costs for the Council.

As outlined in Section 1, the definition of 'airports' appears to capture every aircraft movement. Accordingly, it could be suggested that this makes compliance with the rule simple i.e. a single landing reported by a member of the public that is found to have no consent for an airport on the land involved is non-complying and the appropriate enforcement action is undertaken against the landowner and operator (if known).

However, in our experience, landowners and operators alike are still unaware or confused when advised that all aircraft landings (other than those specifically exempt) require resource consent. Subsequently, there are still a number of non-complying landings being undertaken today which could result in enforcement action being required.

The recommended Permitted Activity status would provide absolute clarity to operators, landowners and the public that there is a small amount of aircraft activity Permitted in the Rural General Zone.

Accordingly, it is anticipated that with this clarity of permitted use, complaints about potentially unlawful aircraft activity may in fact be reduced.

We also note that Lakes Environmental's compliance department has been maintaining a spread sheet of all "one off" landing requests whether they have been granted or not. All of the nineteen landing requests made to Lakes Environmental for 'one off' landings in the 2011/2012 year are for three or less landings and departures. The two exceptions being landings and take offs associated with the Kingston Flyer opening and Challenge Wanaka.

Additionally, in our experience a number of informal airports in the District are utilised for single events for weddings or private functions etc. Based on our experience and the results of this research it appears unlikely that the recommended three landings per week would be exceeded at these 'low demand sites' and subsequently require monitoring and enforcement action.

However, should there be an instance where Council's compliance officers have reasonable grounds to believe that the level of helicopter activity exceeds the permitted limit, enforcement can be undertaken directly against the land owner who has authorised the airport rather than per suing one (or more) aircraft operators.

Specifically, the recommended Permitted Activity rule refers to a specified number of landings per site. As a landowner, permission must be provided to an operator to land on their site and subsequently, the landowner is the one ultimately responsible for managing the aircraft activity on their site.

Accordingly, the added clarity of the recommended rules and emphasis on land owners rather than aircraft operators to manage aircraft activity on their own sites is anticipated to result in a greater level of compliance than the status quo.

Overall, the suggested Permitted Activity Rules are thought to achieve the purpose of the Resource Management Act more appropriately than the existing blanket Discretionary Activity status.

General Comments on Activity Status for Informal Airports in the Rural General Zone

It is recommended that the existing Discretionary Activity provisions for airports in the Rural General Zone be amended to capture all airports that fail to meet the Permitted Activity standards such that it reads as follows:

Airports

Airports that do not comply with one or more of the Permitted Activity standards detailed in Rule 5.3.3.1.

This would effectively still provide Council the opportunity to rigorously assess any application where there is a potential for significant potential adverse effects from informal airports through either a less than desirable separation distance or frequency of flights.

The full Discretionary Activity status will of course allow the Council to assess any actual and potential effects of the proposed activity pursuant to Section 104 of the Act as well as any other matter the consent authority considers relevant and reasonably necessary to determine the application pursuant to Section 104(1)(c).

Overall, the suggested Rural General Zone provisions are considered to provide an adequate balance between the freedom to operate airports as of right (in terms of the District Plan) and requiring a full and comprehensive assessment of airports in which there may be potential for significant adverse effects.



Source - <http://rnzaf.proboards.com/index.cgi?board=agricultural&action=print&thread=12321>

6.2 Identification and Justification for Activity Status for Airports in All Zones

Based on the results of the research into the activity status for informal airports (or the taking off and landing of aircraft as described in Section 1.2 of this report) it is considered that the existing District Plan provisions for informal airports generally carry an appropriate activity status.

Specifically, in most instances, informal airports require either a Discretionary or Non-Complying activity status.

In determining whether the activity statuses are appropriate or not, consideration was given to the Zone Purposes at the commencement of each chapter in the District Plan. The only Zone Purpose in which informal airports were to some degree provided for was the Rural General Zone which states:

“5.3.1 Zone Purposes

5.3.1.1 Rural General Zone

The purpose of the Rural General Zone is to manage activities so they can be carried out in a way that:

- *protects and enhances nature conservation and landscape values;*
- *sustains the life supporting capacity of the soil and vegetation;*
- *maintains acceptable living and working conditions and amenity for residents of and visitors to the Zone; and*

- ensures a wide range of outdoor recreational opportunities remain viable within the Zone.

The zone is characterised by farming activities and a diversification to activities such as horticulture and viticulture. The zone includes the majority of rural lands including alpine areas and national parks”.[My emphasis added].

Accordingly, this Zone Purpose provided some emphasis for our recommendations for the Rural General Zone activity status described in Section 6.2 of this report.

However, it also assisted in confirming our assessment that for the remainder of the District Plan Zones there has not been an intention or a significant requirement to provide for informal airports in these other Zones as the focus is on providing for other activities and amenities.

This is further backed up by the lack of requests from operators to Lakes Environmental for “one off” informal airports at sites in these other Zones.

Of the nineteen landing requests which, it is noted were all for rotary wing landings (one which wasn’t technically a landing but a construction drop off) made since 31 May 2011, less than half have been in Zones other than Rural General Zone and those that have, have been within Areas Designated as Recreation Reserves or for Education purposes.

Accordingly, based on the results of this research there appears to be insufficient evidence to demonstrate that informal airports should be provided for in Zones other than Rural General by way of a more 'relaxed' activity status.

The activity status for informal airports should rightly aim to protect the residents, workers, activities, and anticipated amenities within these other Zones from the potential adverse effects of informal airports by requiring them to be assessed by resource consent.

A Discretionary or Non-Complying Activity Status for informal airports is considered appropriate as informal airports in most other Zones are unlikely to be suitable in all locations in a Zone or generally not anticipated within those Zones at all.

A table identifying the existing District Plan Zones, the current activity status for airports and those proposed is contained below:

ZONE	EXISTING ACTIVITY STATUS	PROPOSED ACTIVITY STATUS
Rural General	Discretionary	Permitted – subject to standards; and Discretionary
Ski Area Sub-Zone	Discretionary	Discretionary
Queenstown Airport Mixed Use Zone	Permitted – subject to complying with Noise Standards	Non-Complying
Low Density Residential	Discretionary	Non-Complying
High Density Residential	Discretionary	Non-Complying
Residential Arrowsmith Historic Management	Non-Complying	Non-Complying
Rural Lifestyle	Discretionary	Discretionary
Rural Residential	Non-Complying	Non-Complying
Townships	Non-Complying	Non-Complying
Town centres	Non-Complying	Non-Complying
Business	Non-Complying	Non-Complying
Industrial	Non-Complying	Non-Complying
Resort – Millbrook	Discretionary	Discretionary
Resort – Waterfall Park	Non-Complying	Non-Complying
Resort – Jacks Point	Discretionary	Discretionary
Rural Visitor	Discretionary	Discretionary
Penrith Park	Non-Complying	Non-Complying
Bendemeer	Non-Complying	Discretionary
Remarkables Park (all activity areas)	Non-Complying	Non-Complying
Hydro Generation	Permitted if associated with Hydro Generation Activity	Permitted and Discretionary pursuant to Hydro Generation and Rural

	Discretionary pursuant to Rules of Part 5 Rural Areas	General Zone Provisions
Quail Rise	Non-Complying	Non-Complying
Meadow Park	Non-Complying	Non-Complying
Frankton Flats A	Non-Complying	Non-Complying
Mount Cardrona Station	Discretionary	Discretionary
Ballantyne Road Mixed Use Zone	Permitted subject to meeting Zone Standard for Noise	Non-Complying
Three Parks	Non-Complying	Non-Complying
Kingston Village	Non-Complying	Non-Complying
Open Space – Landscape Protection	Prohibited	Prohibited

*Note: All zones allow airports for emergency landings, rescues and fire fighting.

Section 7.0

Temporary Activities

7.1 Threshold for Irregular Landings in the Rural General Zone

Southern Planning Group has considered the types of occasions when a temporary airport may be required. Based on our experience and assessment of the process for obtaining “one off landing approvals” from Lakes Environmental’s compliance department, these types of informal airports are generally required but not necessarily limited to, weddings (dropping off/picking up bridal parties) and transport to wineries or lodges.

These temporary airports are generally assessed by Lakes Environmental in terms of the frequency in which ‘one off landings’ occur at the subject site, the reason for the flights and the number of flights required, the time of day and the type of aircraft to be used.

While this one off approval process appears to have worked well in mitigating effects (i.e. a lack of complaints about the approved landings) until the time of drafting this report, using discretion to override the District Plan Rules as they currently exist is technically unlawful.

In addition, it is our understanding that some sites have reached a threshold in terms of frequency of use that Lakes Environmental are no longer comfortable in approving one off landings at these locations.²¹.

Based on the above, the recommended Permitted Activity Rules detailed in Section 6.2 of this report would appropriately provide for “one off” or temporary landings in the Rural General Zone, if they meet the separation distance criteria. (Those that don’t will still fall to be assessed as a Discretionary Activity).

Accordingly, specifying an additional and specific temporary activity rule for informal airports within the Rural General Zone is not considered necessary if the suggested Permitted Activity status described in Section 6.2 is adopted.

7.2 Proposed Temporary Activity Provisions

As detailed in Section 7.1, it is considered that the suggested Permitted Activity Rule for the Rural General Zone will provide for ‘one off’ or temporary landings in the appropriate circumstances within that Zone.

Accordingly, any possible additions or amendments to the Temporary Activity Rules in Section 19 of the District Plan in regards to informal airports should be considered in light of what other Zones may reasonably require the use of informal airports.

The need for one off or temporary approvals within the other District Plan Zones forms less than half the seventeen one off landing requests made to Lakes Environmental since May 2011²².

²¹ Phone Conversations with Lakes Environmental Senior Compliance Officer Anthony Hall in 2011

²² Spreadsheet of one off landing applications made to Lakes Environmental’s compliance department 31 May 2011 - Current

Accordingly, based on this information it seems most appropriate to maintain the opportunity for an informal airport for private or commercial purposes to be assessed through a resource consent (Discretionary or Non-Complying Activity) in these other Zones rather than to promote informal airports within them through the provision of “one off” or temporary provisions.

It makes sense to protect these other District Plan Zones, their inhabitants and activities from the potential effects of informal airports (outlined in Section 3 above) except in exceptional circumstances.

However, it is noted that informal airports may on rare occasions, be used for community purposes such as the Arrowtown Primary School Fair on 19 November 2011²³ where helicopter rides were provided as a means of fundraising.

Another example (also for Arrowtown Primary School) was where England Rugby Team players were flown to the school as part of their ‘community engagement’ requirements in association with the Rugby World Cup.

It is therefore considered appropriate that a temporary activity exemption is provided for informal airports for rotary wing aircraft landings that are ancillary to community events.

In addition to providing an exemption for the informal airport itself, it would also be necessary to exempt the airport from the noise provisions of the District Plan as it is likely that an informal airport for this purpose may not comply for the District Plan noise provisions however, for a special and appropriately limited duration event such as that described above, it is considered an appropriate exemption.

Such a rule could read as follows:

Informal Airports

Informal airports for rotary wing aircraft flights in association with the use of the site for public carnivals, fairs, galas, market days, meetings exhibitions, parades rallies, cultural and sporting events, concerts, shows, musical and theatrical festivals are permitted activities provided that;

- *The informal airport is only used during the hours 8am – 6pm;*
- *No more than 5 flights shall occur for each day that the event runs;*
- *No site shall be used for an informal airport for more than 7 days in any calendar year;*
- *The operator has notified Council’s compliance department of the use of the informal airport; and*
- *For the purpose of this Rule the relevant noise standards of the Zone shall not apply to informal airports.*

²³ <http://www.arrowtown.com/events/festival/2011-11/arrowtown-primary-school-fair.31/>

**note for the purposes of this rule a flight includes two aircraft movements i.e. a landing and a departure.*

The above mentioned rule would appropriately capture the rare events where an aircraft (specifically a helicopter) is used in association with activities that benefit the Queenstown Lakes District community directly i.e. through fundraising or by association with high profile sporting events and similar engagements that highlight the District nationally and internationally i.e. the Rugby World Cup.

These events are considered to be rare enough that the exemption to the noise rules to allow them to occur for a limited duration is appropriate.

The use of the term “public” within the wording of the suggested rule will ensure that it is only events open to the public that fall within this exemption. For example, landing a celebrity such as the All Blacks Captain at the Rugby Sevens or Father Christmas at a local school. The proposed wording would not permit landings for private wedding functions or similar public excluded events.

The exemption to the noise rule is required to allow for these rare events to be undertaken without any resource consent. A special landing(s) undertaken at Arrowtown Primary School for example may have the potential to breach the Low Density Residential Zone noise provisions.

An exemption to the noise rules for such limited duration public events is not considered to result in any significant adverse effects

In terms of the other potential adverse effects associated with informal airports, safety is considered to be the effect with the greatest potential risk to the community.

In this regard, it is noted that safety still ultimately lies with the Civil Aviation Authority (“CAA”) and the requirements for the pilot in command of any aircraft to comply with the applicable CAA visual flight rules.

These rules apply regardless of whether resource consent is required or not and thus it is considered that there is not necessarily a significantly greater risk to the public than if the informal airport was operated with or without resource consent.

Section 8.0

Other Relevant Considerations

8.1 Noise Standards for Helicopter and Fixed Wing Noise

The current District Plan provisions relating to the measurement and assessment of noise refer to NZS 6801 and 6802 2008 except where specifically provided otherwise.

In terms of aircraft noise assessment the only New Zealand Standard referenced within the District Plan Zone Standards is NZS 6805:1992 - *Airport Noise Management and Land Use Planning*.

I am advised by Mr Vern Goodwin that this standard is for the measurement and assessment of airport noise from commercial airports and does not provide scope for the appropriate assessment of aircraft noise from infrequent and low use informal airports.

NZS 6807:1994 - *Noise Management and Land Use Planning for Helicopter Landing Areas* which is the appropriate acoustic standard for the measurement and assessment of helicopter noise has been included in the District Plan through Plan Change 27A however, the mediated outcome only provided for this standard as an Assessment Matter with limited functionality.

Ultimately, at the current time the District Plan requires the assessment of aircraft noise to be undertaken in accordance with NZS 6801 *Acoustics - Measurement of Environmental Sound* and NZS 6802 *Acoustics – Environmental Noise* 2008. Mr Vern Goodwin advises that the scope of these standards does not extend so far as to cover transportation noise and especially that from aircraft.

In fact, in terms of the resultant outcome of Plan Change 27A in regards to the limited references to NZS 6807:1994 now contained within the District Plan, Mr Vern Goodwin made the following comments in evidence before Commissioners David Whitney and Sally Middleton at the Council hearing for RM100777 (Skyline Helipad):

“To the extent it applies because of an amended District Plan Rule, NZS 6802:2008 was never intended to be applied to assessment of helicopter noise. This is explicit in the scope of the standard. A more detailed explanation has been provided in the ANE (see paragraphs 11-19). It is also implicit in the new rule amendment at Rule 5.3.5.2 Zone Standards (v) Noise (d) which states:

“(d) The noise limits in (a) shall not apply to sound associated with airports or wind farms. Sound from these sources shall be assessed in accordance with the relevant New Zealand Standard, either NZS 6805:1992 or NZS 6802:1998. For the avoidance of doubt the reference to airports in this clause does not include helipads other than helipads located within any land designated for aerodrome purposes in this Plan”

Not mentioned in this new rule provisions in the same way as NZS 6802 or NZS 6805, lack of any mention of NZS 6807 in relation to the object of the clause, i.e.

noise limits under clause (a) means all the provisions of NZS 6802:2008 apply, including the limitations to its scope. This states:

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

The amended District Plan Rule does not specifically state that this Section of NZS6802 does not apply or is to be disregarded or read as subordinate to the District Plan rules. There is no guidance to the relationship between plan parts, and of plan parts to cited external documents including New Zealand Standards. Being generous about the District Plan Rule drafting not aspiring to chancery standards, the intention of Council seems to be without saying so overtly, that the limitation to the scope in NZS 6802 is to be read down by the specific provision of the Council's new rule addition Rule 5.4.2.3 Assessment Matters General, pp. 5 – 36, xvii Discretionary Activity – Airports. This states at subsection (f)

Assessment of helicopter noise pursuant to NZS 6807:1994, excluding the levels contained in Table 1 of Section 4.2.2 to the intent that the levels in Table 1 do not override the noise limits in Rule 5.3.5.2 v”

So in effect, Rule 5.3.5.2 (v) appears to be a screening tool where general Zone noise limits applicable to all noise except from other aircraft, wind farms and construction noise are applied to helicopter noise notwithstanding the express limitation of NZS 6802.²⁴

While there is a specific acoustic standard for dealing with helicopter noise (despite its current limitations in the District Plan provisions) we have been advised by Mr Goodwin that there is no existing acoustic standard for addressing the low levels of use of informal airports by fixed wing aircraft.

However, Mr Goodwin has advised that it would not be a difficult task for the Queenstown Lakes District Council to implement its own standard within the District Plan for fixed wing aircraft.

It would require some investigation into an appropriate sound exposure level by an appropriately qualified acoustic expert but we are advised this would not be a particularly onerous task – especially if the noise provisions were already being reviewed in association with the informal airport provisions.

²⁴ Evidence of Vern Goodwin for RM100777

Subsequently, based upon the acoustic advice of Mr Vern Goodwin, it is our opinion that the noise provisions in the District Plan are inadequate for the assessment and measurement of the noise effects from informal airports and should be re-visited in conjunction with any future Plan Change that addresses the issue of informal airports.

8.2 Aircare Accreditation

Southern Planning Group has considered whether or not it would be appropriate to require aircraft operators who wish to utilise land for informal airports as Permitted Activities to be Aircare Accredited.

The Aviation Industry Association of New Zealand describes AIRCARE™ as

“an integrated accreditation programme for all of an aviation business. It brings flight safety and environmental safety together in one safety assurance programme”.

There are a number of standards under the Aircare Safety Management System to which organizations can be accredited depending on what activities they undertake.

The Environmental Management System component of the Aircare Accreditation contains four codes of practice.

The Safety Management System and the Codes of Practice are third party audited, offering assured performance to regulators, customers and the public at large.

Of specific relevance to the District Plan provisions and the mitigation of potential adverse effects is the Code of Practice for noise abatement.

The Department of Conservation is now requiring all existing and new concessionaires to become Aircare Accredited. In addition, other organizations/statutory bodies including, LINZ, Animal Health Board and LandCorp are requiring aircraft operators to be Aircare Accredited.

Staff at Southern Planning Group (Sean Dent) has gained certification under the Code of Practice for noise abatement.

Having completed the seminar and read the course material for the noise abatement Code of Practice it is considered that being Aircare Accredited would not necessarily result in any greater level of noise mitigation over and above that achieved through the provisions suggested in Section 3 and 6 of this report.

Specifically, the noise abatement Code of Practice requires a culture change in the aviation industry such that operators of aircraft think about the noise effects of their aircraft, the differences in noise emission when an aircraft is operated in different maneuvers and consideration to the overall environment in which noise from aircraft is emitted.

For example, this Code of Practice outlines environmental planning regimes such as; where possible avoiding repetition of flight paths or identification of watersheds where aircraft over flights should be expected and stick to those areas or flying along high noise routes such as highways where possible.

Other matters related to aircraft noise are recognizing the side of the aircraft (rotary wing) which produces the greatest level of High Speed Impulsive noise (HSI) during approach and high speed cruise and flying with noise sensitive receivers (habitable buildings or built up locations) on the opposite side of the aircraft to avoid the highest noise level being emitted onto those receivers.

Likewise, when undertaking in flight maneuvers recognizing the point at which the aircraft (rotary wing) creates Blade Vortex Interaction (BVI) otherwise known as “blade slap” which, is one of the more impulsive characteristics of helicopter noise.

While all of the above factors are considered likely to reduce an aircraft’s noise footprint if adhered to, it is important to note that they predominantly relate to noise mitigation during flight – something that the RMA has no control over.

It is our understanding that the noise mitigation measures recommended in the Noise Abatement Code of Practice would not afford any significant mitigation to the effects of noise and subsequently the effects on character and amenity experienced in direct association with the landing and taking off of aircraft.

While there may be no direct noise mitigation benefits from adherence to this Code of Practice in terms of the noise effects that occur during take-off and landing we do acknowledge the benefit in the Code of Practice for high use landing sites (those that would require Discretionary Activity Consent in the Rural General Zone for example).

In those situations, the mitigation of in-flight noise characteristics can be a welcome and additional mitigation tool proposed by applicants.

In this regard, while not forming a required component of the Permitted Activity rule, we do consider that Aircare Accreditation could be of benefit if it were inserted into the Assessment Matters for airports in all Zones within the District Plan.

It is also acknowledged that it is a matter that can be given regard to in the assessment of a Discretionary or Non-Complying airport consent pursuant to Section 104(1)(c) of the Act.

In addition to the above, it should be noted that there is a cost to becoming Aircare Accredited and maintaining that accreditation. Some aircraft operators particularly those of small companies or private operators may not join this voluntary scheme.

Given the lack of perceptible benefits in reducing/mitigating the effects of noise specifically from landing and departure operations of a flight, it does not seem equitable to exclude these smaller operators from the suggested Permitted Activity Status in the Rural General Zone by requiring all operators to be Aircare Accredited.

Section 9.0

Summary and Recommendations

Southern Planning Group began this research with considerable professional experience in overseeing resource consent applications for informal airports within the Queenstown Lakes District.

That background experience allied with the information gained throughout this research project has led to our conclusion that the blanket Discretionary Activity status for informal airports in the Rural General Zone is unnecessarily restrictive.

While some of the District Plans that were reviewed contain similar provisions and rely to some degree on officer discretion as to when a threshold has been met whereby consent is required, it is our opinion that the most appropriate provisions identified were those contained within the Mackenzie District Plan.

Specifically, providing for a distinction between Public Conservation Land and “infrequent” informal airports (Aviation Activities in the Mackenzie District Plan) as Permitted Activities on other land tenure provides for an equitable balance between allowing appropriate environmental effects from informal airports and assessment of those with the potential for effects that could be significant to be assessed through the resource consent process.

The similarities that exist in terms of geography and land tenure between the Mackenzie and Queenstown Lakes Districts demonstrated an immediate link between the two Districts.

After closer review of the Mackenzie District plan provisions and investigation into the assessments undertaken by DOC on Public Conservation Land and then expanding this to include Crown Pastoral Land, it became clear that the Mackenzie example could be moulded to achieve provisions for informal airports in the Queenstown Lakes Districts Rural General Zone that would ultimately better align with the purpose of the Act than the existing provisions.

Subsequently, it is recommended that the Rural General Zone provisions are amended to provide for informal airports as Permitted Activities in limited circumstances (subject to minimum separation distances and frequency of flights) and retaining the Discretionary Activity status in all other cases.

Based on the results of our research it is considered that the majority of the District Plan activity statuses for informal airports in other Zones are appropriate and afford an appropriate opportunity for the assessment of private commercial informal airports in these Zones on the rare occasions and locations in which they are proposed.

Equally, the activity statuses afford a reasonable level of certainty and protection to the Districts residents who occupy these other Zones in a far greater density and with differing expectations for character and amenity than is the case with the Rural General Zone.

As such, only minor amendments have been suggested to the provisions for informal airports in a limited number of other Zones.

Overall, it is Southern Planning Groups recommendation that the Queenstown Lakes District Council considers our suggested recommendations and utilises them as a basis to move towards a formal change to the District Plan provisions for informal airports.

It is also recommended that further consultation is undertaken with the appropriate experts with regards to the noise provisions of the District Plan and reviewing whether a specific reference to assessment of helicopter noise pursuant to NZS 6807:1994 is appropriate.

Certainly from the preliminary acoustic advice that has been obtained, we understand that the current noise provisions for the measurement and assessment of helicopter noise contain insurmountable interpretation problems²⁵ and should be re-assessed in conjunction with any change to the activity status for informal airports.

Similarly, as airports include fixed wing aircraft and no acoustic standard exists specifically for the assessment of noise from limited frequency fixed wing use of informal airports²⁶ consultation should be progressed with the appropriate acoustic experts to define an appropriate noise level specific to the Queenstown Lakes District for this type of noise.

It is our recommendation that any changes to the informal airport provisions are undertaken simultaneously with steps to provide the most appropriate assessment methodology for the noise effects generated.

²⁵ Evidence of Mr. Vern Goodwin RM100777 paragraph71

²⁶ Phone conversation with acoustic expert Vern Goodwin 04.04.12

Appendix [A]

Table of Airport Rules for Other Districts Main Rural Zones

Appendix [B]

Copy of District Plan Provisions for Other Districts Rural Zones