

Practice and Guidance note

Helicopters

Disclaimer

The information in this practice and guidance note is, according to Auckland Council's best efforts, accurate at the time of publication. Auckland Council makes every reasonable effort to keep it current and accurate. However, users of the practice and guidance note are advised that:

- *the information provided does not alter the Auckland Unitary Plan, Auckland Council District Plan - Hauraki Gulf Islands Section, Resource Management Act 1991 or other laws of New Zealand and other official guidelines and requirements*
- *this document sets out general principles which may be used as guidance for matters relating to the interpretation and application of the Auckland Unitary Plan and other statutory instruments; it is not intended to interfere with, or fetter, the professional views and opinions of council officers when they are performing any function or exercising any power under the RMA. Each consent application will be considered on a case-by-case basis and on its own merits*
- *Users should take specific advice from qualified professional people before undertaking any action as a result of information obtained in this practice and guidance note*
- *Auckland Council does not accept any responsibility or liability whatsoever whether in contract, tort, equity or otherwise for any action taken as a result of reading or reliance placed on Auckland Council because of having read any part, or all, of the information in this practice and guidance note or for any error, or inadequacy, deficiency, flaw in or omission from the information provided in this publication.*

Contents

| | | |
|-------|---|----|
| 1 | Introduction..... | 3 |
| 2 | How are helicopters regulated? | 3 |
| 3 | Why is helicopter and aircraft noise regulated? | 4 |
| 4 | Statutory documents..... | 4 |
| 4.1 | Auckland Unitary Plan (Operative in part)..... | 4 |
| 4.1.1 | Rules for the landing and take-off of helicopters | 5 |
| 4.1.2 | Rules for noise | 6 |
| 4.1.3 | Rules for notification..... | 8 |
| 4.2 | Auckland Council District Plan - Hauraki Gulf Islands Section..... | 9 |
| 4.2.1 | Rules for helicopter landing areas – general | 9 |
| 4.2.2 | Rules for helipads – Claris airport | 11 |
| 4.2.3 | Rules for noise | 11 |
| 4.2.4 | Rules for notification..... | 12 |
| 4.3 | New Zealand Coastal Policy Statement 2010..... | 12 |
| 4.4 | Hauraki Gulf Marine Park Act 2000 | 13 |
| 5 | Non-statutory documents..... | 13 |
| 5.1 | New Zealand Standard for Noise Management and Land Use Planning for Helicopter Landing Areas (NZS 6807:1994)..... | 13 |
| 5.2 | Fly Neighborly Guide and Program..... | 14 |
| 6 | Assessment of effects..... | 15 |
| 7 | Frequently Asked Questions..... | 17 |
| 7.1 | Are helicopter landing areas envisaged under the AUP (OP) for residential and business zones? | 17 |
| 7.2 | Why are helipad applications not automatically notified to the public or specific affected persons?..... | 17 |
| 7.3 | Why is private commuting in a helicopter not provided for as an ancillary activity to an otherwise permitted residential activity, the same way as vehicle commuting? | 18 |
| 7.4 | Is a noise assessment still required for a restricted discretionary helipad under ACDP:HGI plan rule 13.8.2? | 19 |
| 8 | Summary/Conclusion..... | 19 |
| 9 | Reference material | 19 |
| | Appendix 1 – Summary of Auckland Unitary Plan provisions | 21 |

1 Introduction

Helicopter flights are increasing in occurrence in built-up and open areas of Auckland. With an increase in flight numbers comes an increase in the number of helicopter landing areas (helipads) being proposed.

This practice and guidance note (PGN) details the planning rules around helipads under the Auckland Unitary Plan (Operative in part) (AUP (OP)) and the Auckland Council District Plan - Hauraki Gulf Islands Section (ACDP:HGI Plan).

It provides guidance on how to assess applications for resource consent, the potential effects of these activities, and likely information requirements.

It is important that the rules and standards of these Plans are understood to ensure that the effects of helicopter flights and helipads are well managed, particularly in residential areas and sensitive environments.

2 How are helicopters regulated?

The effect of [Section 9\(5\)](#) of the Resource Management Act 1991 (the Act) is to exempt overflying aircraft from control under the RMA.

Therefore when a helicopter is airborne (at 500 ft in open areas, and 1000ft in urban areas)¹, the provisions of the Civil Aviation Act 1990 apply².

This does place a limitation on the council's ability to control helicopter activity in terms of flight paths and overflying, and in terms of health and safety.

The same section of the RMA however does provide for control of "noise emission controls for airports".

Therefore, helipads and the take-off and landing of helicopters below the airborne height are managed under the provisions of the AUP (OP) and ACDP:HGI Plans. There are other statutory documents like the New Zealand Coastal Policy Statement and the Hauraki Gulf Islands Act 2000 that include provisions that may be relevant depending on geographic location, and the sensitivity of the environment surrounding the take-off and landing location.

¹ See [Part 91.311](#) of Civil Aviation Rules for what 'urban' and 'open areas' means: unless conducting a take-off or landing, ...must not operate the aircraft... under a height of 1000 feet *over any congested area of a city, town, or settlement, or over any open air assembly of persons [urban areas]*, or a height of 500 feet above the surface over any other area [**open areas**].

² Environment Court: Dome Valley District Residents Society Inc. vs Rodney District Council [EC A000/07] (14 December 2017) found that a council's authority for helicopters and landing pads includes considering the noise of helicopters in the course of landing at the base, on the ground and departing from the base; but it is not intended to extend to effects generated by helicopters (or other aircraft) while airborne or in flight.

There are also non-statutory guides and tools that provide guidance on assessing and managing the effects of helicopters, and these are considered best practice in the profession and among operators.

The New Zealand Standard (NZS) for Noise Management and Land Use Planning for Helicopter Landing Areas (NZS 6807:1994) provides guidelines for assessing the effects of helicopter landings and take-off noise in the context of the RMA.

Note that while NZS 6807:1994 sets out daytime and night-time maximum noise limits for helicopter use, depending on the adjacent land use activities (i.e. industrial, residential, rural)³, these limits do not override any limits in the AUP (OP) or ACDP:HGI Plan.

The Fly Neighborly Guide is a further resource that offers technical information necessary for helicopter operators to fly both current and new advanced helicopters as quietly as practical, and to make helicopter operations compatible with most land uses.

With the exception of the Civil Aviation Act, the Plans and documents referred to above are detailed further in this PGN.

3 Why is helicopter and aircraft noise regulated?

Noise ranks highly on the list of environmental pollutants and is an increasing matter to which communities must have regard.

If the emission of noise from helicopter activities is not controlled, this is likely to result in long term adverse effects on the acoustic environment and the amenity of individual properties, localities, and the wider Auckland region.

The acoustic environment of Auckland varies from low background noise levels in rural areas including islands where there is little sound generated by human activity, to areas of more significant activities and land uses where noise levels are elevated.

Noise is not the only effect that can arise from the take-off and landing of helicopters. Further potential effects are discussed in [Section 6](#).

4 Statutory documents

4.1 Auckland Unitary Plan (Operative in part)

The AUP (OP) has different provisions that apply to the building of a helipad structure, the activity of the helicopter landing and taking-off, and the noise

³ This does not apply to infrequent use for police and emergency services.

generated by the take-off and landing.⁴ These are all considered as different activities.

The rules and standards that apply to helipad structures will be the same as any other structure. This will also include consideration of enabling works such as earthworks. Sometimes a physically formed helipad may not be required, as helicopters can also land in carparks, open grass, or in any large, flat area. The rules and standards that apply to the physicality of the landing area (if one is required) are usually those for buildings and structures, similar to any other building activity. The actual landing area may in some cases be a permitted activity, depending on its location and design.

Helicopter take-off and landing is then an activity in its own right. There is also a specific noise standard designed to protect the acoustic amenity of the receiving environment.

[Appendix 1](#) summarises the AUP (OP) provisions for the building of helipads and for helicopter landing and take-off in the varying zones.

4.1.1 Rules for the landing and take-off of helicopters

The AUP (OP) anticipates as a permitted activity helicopter facilities for hospitals⁵, and the landing and taking off of helicopters for the loading and unloading of cargo at the Port of Auckland⁶ and Onehunga (both on land and in the coastal marine area).⁷

Helicopter landing areas within the Coastal – Marina Zone are a discretionary activity.⁸ In the General Coastal Marine Zone (which is most of the coastal marine area in Auckland⁹), helicopter landing areas are a non-complying activity, unless for emergency services where they are permitted.¹⁰

For residential and business zones, helicopter landings and take-offs are considered a non-complying activity (except where hospitals are provided for as a specific activity, or emergency services where it can be proven that helicopter use is an ancillary activity¹¹).

⁴ The AUP (OP) sits within the RMA hierarchy which manages the landing and take-off of helicopters, but not the flights themselves. Flights are managed by the Civil Aviation Authority under the Civil Aviation Act.

⁵ Helicopter facilities are included in the definition of hospital in J1 Definitions. Any zone where a hospital is a permitted activity will by definition allow for associated helicopter facilities as a permitted ancillary use.

⁶ Port Precinct rule I208.4.1(A21)

⁷ Coastal – Minor Port Zone rule F5.4.2(A24)

⁸ Coastal – Marina Zone rule F3.4.2(A16)

⁹ Chapter F2 Coastal – General Coastal Marine Zone of the AUP (OP) applies to most of the coastal marine area, that is outside of the Mooring Zone, Marina Zone, Minor Port Zone, Ferry Terminal Zone, or the Defense Zone. This includes the coastal areas proximate to the Hauraki Gulf Islands.

¹⁰ Coastal – General Coastal Marine Zone rules F2.19.8(A105) and (106)

¹¹ Whether an activity is 'ancillary' is a question of fact and degree to be decided in the particular circumstances of a case. It would therefore depend on the nature and scale of particular activities and would need to be assessed on a case-by-case basis.

This is because helicopter landings and take-offs are not included in the activity tables for most residential and business zones. Rule (A1) of each residential or business zone activity table will usually apply, which is that 'activities not provided for' are considered non-complying activities.

For rural zones, helicopter landings and take-offs associated with servicing rural activities fall under the activity 'rural airstrip' and are a permitted activity in all rural zones. Helicopter activity outside of this context (i.e. for private use) is a discretionary activity under rule C1.7.

Helicopter landing and take-off could also be a temporary activity where outside the ordinary use of a site, and therefore subject to the rules and standards of Chapter E40. Whether outside the ordinary use of a site is generally case specific, however would not generally include landing and take-off of a helicopter for private use simply because it may be irregular.

4.1.2 Rules for noise

Standard E25.6.32 in Figure 1 applies to the assessment of the noise created by the aircraft landing and take-off in all zones.

Helicopter noise

E25.6.32. Noise levels for helicopters take-off or landing

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

Figure 1 – AUP (OP) Standard E25.6.32 Noise levels for helicopters take-off or landing

The noise created by the take-off or landing of a helicopter should not exceed the maximums set out in the standard.

If the standard is complied with, then the noise aspect of the application is considered a permitted activity under rule E25.4.1(A1).

If the noise generated exceeds the standard, then the noise aspect of the application is considered a restricted discretionary activity under rule E25.4.1(A2).

There are a few key terms used in the standard that need to be considered.

1. The standard does not apply to emergency services activities, which are defined in Chapter J1 of the AUP (OP) per Figure 2. The standard will also not apply to temporary noise events under Chapter E40.¹²

¹² While the Chapter E25 provisions apply to temporary activities in Chapter E40 (see relationship text), this is only where the latter does not include a more specific rule that provides for the activity. The rules in E40.4.1 Activity table for noise events are considered to be more specific rules.

Emergency services

Places occupied by organisations that respond to and deal with accidents, emergencies, or urgent problems such as fire, illness, or crime.

Includes:

- police, fire and ambulance stations;
- surf lifesaving activities;
- administration related to emergency services;
- vehicle and equipment storage and maintenance; and
- personnel training.

Excludes:

- healthcare facilities;
- hospitals; and
- private security companies.

This definition is nested within the Community nesting table.

Figure 2 - Definition of emergency services in AUP (OP) Chapter J1

2. The measurement of noise for the L_{dn} 50dB or 85dB L_{AFmax} limits will only be within the boundary or notional boundary of an adjacent site containing activities sensitive to noise. Adjacent does not mean that the site must be adjoining, but a site that is not adjoining must be nearby, for example, directly opposite or across a road or reserve.

Further, the adjacent site must contain an activity sensitive to noise. The qualifying activities are those shown in Figure 3.

Activities sensitive to noise

Any dwelling, visitor accommodation, boarding house, marae, papakāinga, integrated residential development, retirement village, supported residential care, care centres, lecture theatres in tertiary education facilities, classrooms in education facilities and healthcare facilities with an overnight stay facility.

Figure 3 - Definition of activities sensitive to noise in AUP (OP) Chapter J1

Measurement of noise for the L_{dn} 60dBA limit is for any other site, and does not need to be adjacent, or contain an activity sensitive to noise.

In both cases, the land in question must meet the definition of site in [Chapter J1](#). A piece of land that does not meet the definition of site will not need to be considered in determining compliance with this standard.

3. In determining whether the noise levels in the standard are complied with, general standard E25.6.1(1) references NZS 6801:2008 Measurement of

environmental sound.¹³ This NZS defines the noise metric ‘L_{dn}’, which is a measure (over a 24-hour period) of overall noise exposure. Compliance with the L_{dn} maximums in standard E25.6.32 must be measured over this period.

Example scenario

Mr. and Mrs. Jones are proposing a helipad and helicopter use for private transport in a residential zone in Auckland. Their proposal would be subject to the following provisions:

- The application would be an overall non-complying activity, based on the helicopter landing and take-off activity not being provided for within the residential zone activity table;
- The noise created by the aircraft for landing and take-off will be subject to Standard E25.6.32. Noise will be assessed per Standard E25.6.1(1); and
- The building of the helipad would be subject to provisions for building activities in a residential zone, including height and yards. A suite of other Auckland-wide provisions may also apply, including (but not limited to) vegetation management, land disturbance, and lighting. The physicality of the landing area may be a permitted activity subject to its design and location.

4.1.3 Rules for notification

In terms of public and limited notification of resource consent applications for helipads and the associated take-off and landing of helicopters, the AUP (OP) requires this to be determined on a case-by-case basis, based on the rules that apply to these activities.

With the few exceptions referred to in [Section 4.1.1](#), most applications for helicopter landing areas in the Auckland area will either be discretionary or non-complying, regardless of the level of noise generated. The more stringent activity statuses suggest that there can be a high-level of variability in the type and magnitude of effects generated by these activities and that a full assessment is required to determine whether the activity is appropriate in a particular location¹⁴, or that greater

¹³ Acoustic assessments often provide noise measurements and assessments in accordance with NZS 6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas. As noted in Section 6.1, this NZS has been specifically developed to provide procedures for the measurement and assessment of noise from helicopter landing areas, with recommendations on land use planning measures where necessary to mitigate the adverse effects of noise on land uses surrounding the helicopter landing area. However, this NZS has not been incorporated by reference into the AUP(OP), and while it provides for 7-day averaging of noise in some circumstances (e.g., to determine whether any exceedances constitute a nuisance), 24-hour averaging per the definition of L_{dn} in NZS 6801:2008 is what must be used to determine compliance with the L_{dn} maximums in standard E25.6.32.

¹⁴ See Rule A1.7.4 Discretionary activity

scrutiny is required and that a landing area is potentially inappropriate or effects significant in some environments.¹⁵

There is no limitation on the effects that can be considered for discretionary and non-complying activity applications, provided they are within scope of the RMA (see [Section 7](#)).

4.2 Auckland Council District Plan - Hauraki Gulf Islands Section

Due to the more remote location of the Hauraki Gulf islands, there have been a number of helicopter landing areas proposed in the region over the years, particularly on Waiheke. These landing areas serve a number of purposes, including private commuting, tourism, and business.

New landing areas in this part of Auckland are considered under the provisions of the ACDP:HGI Plan where located on land.

4.2.1 Rules for helicopter landing areas – general

The rules for helicopter landing areas are found at section 13.8 of the ACDP:HGI Plan¹⁶. Provision is made for permitted activities (Rule 13.8.1), restricted discretionary activities (Rule 13.8.2) and discretionary activities (Rule 13.8.3).

The rules and provisions in the ACDP:HGI Plan are set out in full below:

13.8.1 Permitted Activities:

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

13.8.2 Restricted Discretionary Activities:

¹⁵ See Rule A1.7.5 Non-complying activity

¹⁶ The ACDP:HGI plan sits within the RMA hierarchy, which manages the landing and take-off of helicopters, but not the flights themselves. Flights are managed by the Civil Aviation Authority under the Civil Aviation Act.

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

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

Matters of Discretion:

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

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

Assessment criteria:

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

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

13.8.3 Discretionary Activities:

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

13.8.4 Assessment criteria for discretionary activities

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

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

4.2.2 Rules for helipads – Claris airport

The Claris airport area activity table at 10b.19.1 specifically identifies helipads as a permitted activity. The entry in the activity table recognises that it was an existing airstrip at the time of the 2006 ACDP:HGI Plan review, which therefore warranted helipads in this area being treated differently to potential new individual helipads outside of the Claris airport area. Outside of this area, the global rules under section 13.8 apply.

4.2.3 Rules for noise

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

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

It should be noted that for Rule 13.8.2 restricted discretionary activities, a three-day rolling average is applied to the Ldn (i.e. it is the average over three days (rather than a 24 hour period)).

4.2.4 Rules for notification

In terms of public and limited notification of resource consent applications for helipads and the associated take-off and landing of helicopters, the ACDP:HGI Plan requires this to be determined on a case-by-case basis.

For restricted discretionary activities, while the provisions¹⁷ generally preclude public notification of restricted discretionary activities, the council can consider special circumstances that may warrant notification under [section 95A\(9\)](#) of the RMA. This assessment again must occur on a case-by-case basis.

For discretionary activity applications, there is no presumption of non-notification, and a full assessment is required.

4.3 New Zealand Coastal Policy Statement 2010

The [New Zealand Coastal Policy Statement](#) (NZCPS) is a national policy statement under the Resource Management Act 1991 ('the Act'). The purpose of the NZCPS is to state policies in order to achieve the purpose of the Act in relation to the coastal environment of New Zealand.

The council when considering an application for a resource consent and any submissions received, must, subject to Part 2 of the Act, have regard to, amongst other things, any relevant provisions of this NZCPS.¹⁸

The NZCPS may contain relevant provisions to have regard to where helicopter landing areas are proposed in the coastal environment¹⁹, including where no physical structures are proposed.

For example, [Policy 11](#) requires that to protect indigenous biological diversity in the coastal environment, adverse effects of activities on protected, threatened or at risk taxa, ecosystems, vegetation types and the like are avoided. This policy sets an extremely high threshold, making clear that no adverse effect is acceptable – regardless of its significance. The noise and aural impact of a helicopter can affect biology in different ways.

As such, resource consent applications for helicopter landing areas within a coastal environment should be supported by an assessment against the NZCPS, and supporting expert reporting, including on biodiversity.

¹⁷ HGI Plan, Part 13 Transport, Rule 13.5 Notification Requirements

¹⁸ Section 104(1)(b)(iv) of the RMA

¹⁹ What constitutes the coastal environment will need to be determined on a case-by-case basis in light of expert evidence, and with regard to [Chapter B8.6 Explanation and principal reasons for adoption](#).

4.4 Hauraki Gulf Marine Park Act 2000

For the coastal environment of the Hauraki Gulf, the Hauraki Gulf Marine Park Act 2000 requires that [sections 7](#) and 8 of that Act must be treated as a New Zealand coastal policy statement issued under the Act.

The council when considering an application for a resource consent and any submissions received, must, subject to Part 2 of the Act, have regard to these sections of the Hauraki Gulf Marine Park Act 2000.²⁰

Note that [section 10\(2\)](#) of the Hauraki Gulf Marine Park Act 2000 states that if there is a conflict between sections 7 and 8 and the provisions of the NZCPS, the NZCPS prevails.

5 Non-statutory documents

While these documents are not incorporated by reference into the AUP (OP) or ACDP:HGI Plans, they are useful tools for council and applicants to refer to as part of scoping and planning for the location of helipads and associated helicopter flight paths.

5.1 New Zealand Standard for Noise Management and Land Use Planning for Helicopter Landing Areas (NZS 6807:1994)

[NZS 6807:1994](#) details the procedures for the measurement and assessment of noise from helicopter landing areas, and recommends land use planning measures where necessary to mitigate the adverse effects of noise on land uses surrounding the helicopter landing area.

The standard was produced to provide guidelines for controlling helicopter landing area noise in the context of the then newly enacted Resource Management Act, and after a series of contested Environment Court cases at the time.

The standard is not intended to apply to infrequently used helicopter landing areas or to emergency operations such as search and rescues including training. The standard is intended to apply to helicopter landing areas used for ten or more flight movements²¹ in any month or where flight movements are likely to result in a maximum sound level [L_{AFmax}] exceeding 70 dB at night time or 90 dB during day time in a residential zone or within the notional boundary of any rural dwelling.

As a technical document, a suitable qualified and experienced acoustic specialist should assist with its interpretation and application to any resource consent.

²⁰ Section 104(1)(b)(iv) of the RMA

²¹ NZS 6807:1994 makes clear that a “movement” is a single flight operation that is either an arrival or departure of a helicopter, but not both. An arrival and departure is two movements under the standard.

5.2 Fly Neighborly Guide and Program

The [Fly Neighborly Guide](#) is published under the auspices of Helicopter Association International (HAI) to promote helicopter noise abatement operations.

The guide is a core part of the Fly Neighborly Program, a voluntary noise abatement program developed by the HAI Fly Neighborly Committee. The program is designed to be implemented worldwide by large and small individual helicopter operators. This program applies to all types of civil, military and governmental helicopter operations.

The program and guide originated in the United States a number of decades ago following concern being expressed about helicopter noise by the general public and national authorities in a number of countries.

The guidelines are intended to assist pilots, operators, managers, and designated Fly Neighborly officers to establish an effective Fly Neighborly Program. The concepts and flight operations outlined in the guide must be tailored to suit local needs.

The program and guide offers the technical information necessary for helicopter operators to fly both current and new advanced helicopters as quietly as practical, and to make helicopter operations compatible with nearly all land uses.

The New Zealand Aviation Industry Association (AIA) has adopted the HAI program for New Zealand conditions and in 2011 instituted a similar certification scheme called “Aircare” and a “Noise Abatement Code of Practice”. Resource consents for helicopter landing areas should have a condition imposed that requires consent holders to ensure that all pilots using the landing and take-off area in question have current AIA Aircare certification under the code of practice.²²

There is an Appendix to NZS 6807:1994 dealing with noise management that includes recommendations to plan and conduct flight operations in accordance with the HIA Fly Neighborly Program. Compliance with the Fly Neighborly Guide should also be a condition of consent imposed on resource consents for helicopter landing areas.

Observance of the HIA Fly Neighborly Guide and the AIA Noise Abatement Code of Practice should in most cases satisfy the best practicable option obligation under [section 16](#) of the RMA.

²² This condition relates to the ongoing management of noise effects associated with helicopter landing and take-off. It can only be imposed where there is scope to consider noise effects. Any condition must be imposed as a requirement on the consent holder specific to the activity proposed, and not on third-parties generally.

6 Assessment of effects

Regardless of what Plan a resource consent is required under, an assessment of effects will be required in accordance with [section 88](#) and [Schedule 4](#) of the RMA.

Where the application is restricted discretionary, the council is required²³ to restrict its discretion to the matters prescribed when determining whether the application is notified, and whether it should be granted or refused. Objectives, policies and assessment criteria relevant to those matters can also be considered.

Where the application is either discretionary or non-complying activity, whether under the AUP (OP) or ACDP:HGI Plans, discretion is unlimited (within the scope of the RMA), and all relevant effects may be considered by the Council.

Any assessment provided with an application should be prepared by a suitable qualified and experienced person. This is particularly relevant to specialist areas like noise, landscape, and ecology.

As mentioned in [Section 3](#), acoustic amenity is a key environmental effect that must be considered for all applications involving helicopter landings and take-off. In considering acoustic amenity, the following should be assessed:

- type of aircraft and its noise production
- direction of approach for landing and take-off – i.e. will it be over a residential area, or another sensitive location? Noise-sensitive areas should be avoided altogether, and instead flights should be along high ambient noise routes like major roads, or unpopulated areas. This may not always be possible depending on safety factors
- hours of operation – i.e. restrictions on the timing of flight landing and take-off. The background noise of residential areas for example reaches its lowest level between late evening and early morning. During warmer weather, people are likely to be relaxing outdoors in the evening and on weekends. At these times, they are most conscious and resentful of noise intrusion, including in some cases when using public spaces.
- flight movement restrictions – i.e. number of trips allowed.

Other effects or matters to consider include, but are not limited to, those listed below. Note that the relevance of these matters to an application will be determined on a case-by-case basis by the overall application activity status, and the characteristics of the site and environment:

- Earthworks for helipads
- Sand disturbance within the coastal marine area
- Lighting effects if a helipad is proposed to be used after hours

²³ Disregarding adverse effects unrelated to matters for discretion is mandatory under s95E(2)(b)

- Any visual effects including dominance associated with new helipads and their ancillary structures (if applicable), and helicopters themselves when stationary
- Landscape visual effects from a helicopter landing and taking off, particularly in more sensitive natural environments
- Character effects including on the natural and physical environment
- Effects on ecology, e.g. coastal or riparian, terrestrial and/or presence of native species. The relevance of this as an effect will depend on the sensitivity of the receiving environment. Effects on ecology will include flora and fauna – helicopter impacts on habitat (not just physical – includes aspect of undisturbed environment/quietness) and on behaviour. Undisturbed habitats (from noise, downdraft and lighting) contribute to the health and relative abundance of these populations
- Use, enjoyment and safety of nearby public land including the coast and its environs
- Amenity values generally, which by definition means the 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
- Effects on mana whenua values, where the landing and take-off location is proximate to a site or place of significance to iwi, whether or not that location is specifically scheduled
- Movement frequency. Extrapolating out the take-offs and landings for a specific proposal that comply with the permitted noise levels for helicopter take-offs and landings could result in hundreds or thousands of potential flights if frequency was not considered. Note that any annual movement limits proposed by an applicant must be realistic for the intended use, and can be a useful constraint on the scope of effects being considered.
- Cumulative effects arising from take-offs and landings occurring from a proposed helipad in combination with any existing effects arising from other consented or permitted helipads being located nearby or within a given area
- Future reverse sensitivity effects, noting the state of the receiving environment particularly in residential areas where new houses are often permitted, and could be located closer to helipads once legally established. This could also result in obstructions in some cases that compromise the safe and efficient operation of helipads, resulting in the need to change the flight direction for landings and take-offs, potentially over different sensitive receivers.
- Greenhouse gas emissions for applications lodged after 30 November 2022, once changes made to the RMA pursuant to the Resource Management Amendment Act 2020 come into force.

The following effects cannot be considered:

- Specific flight paths and overflying when a helicopter is airborne (at 500 ft in open areas, and 1000ft in urban areas). When airborne, the provisions of the Civil Aviation Act 1990 apply.

- Aviation related public health and safety matters where airborne.²⁴ These matters fall under the jurisdiction of the Civil Aviation Authority.

7 Frequently Asked Questions

7.1 Are helicopter landing areas envisaged under the AUP (OP) for residential and business zones?

Helicopter landing areas are generally not provided for in residential and business environments²⁵. The AUP (OP) does not specifically anticipate these activities in these zones.

Activities not provided for in these zones are non-complying activities under rule (A1) within each of the residential or business zone activity tables.

Activities are classed as non-complying where greater scrutiny is required for some reason.²⁶ This may include:

- where they are not anticipated to occur; or
- where they are likely to have significant adverse effects on the existing environment; or
- where the existing environment is regarded as delicate or vulnerable; or
- otherwise where they are considered less likely to be appropriate.

Any application for a non-complying activity must first be assessed under section 104D of the RMA. In order to grant resource consent for a non-complying activity, the Council must be satisfied that its adverse effects on the environment will be minor or that the activity will not be contrary to the objectives and policies of the AUP (OP).

If the application passes one or other of the limbs of the 'threshold' test, then its merits may be considered on a broadly discretionary basis and consent may be granted (with or without conditions) or refused. If an application does not pass either threshold, then consent must be refused.

7.2 Why are helipad applications not automatically notified to the public or specific affected persons?

There are no rules in the AUP (OP) or ACDP:HGI Plans that mandate public or limited notification of an application for a helipad. However, this is not to suggest that

²⁴ See [120] of *Kawau Island Action Incorporated Society v Auckland Council* [2018] NZHC 3306, where the HC suggests that potential health and safety effects below the airborne heights described in [Section 3](#) are able to be considered.

²⁵ These are not referred to in the activity table for residential zones which therefore renders this use a non-complying activity pursuant to rule (A1) within each of the residential zone activity tables.

²⁶ A statement is provided at A1.7.5 of the AUP (OP) to assist users of the plan to understand how and why the non-complying activity status is used.

these applications may not have wide-ranging effects that have the potential to have more than minor adverse effects on the public, or minor or more than minor effects on specific persons.

Whether an application must be notified must be determined on a case-by-case basis having regard to the specific effects of the activities proposed.

For restricted discretionary helipads under the ACDP:HGI Plan, while the provisions²⁷ generally preclude public notification, the council can consider special circumstances that may warrant public notification under [section 95A\(9\)](#) of the RMA. This assessment again must occur on a case-by-case basis.

There is no limitation on the effects that can be considered for discretionary and non-complying activity applications, under either the AUP (OP) or ACDP:HGI Plans.

The council is also able to consider special circumstances that may warrant limited notification of an application under [section 95B\(10\)](#) under both the AUP (OP) and ACDP:HGI Plans.

7.3 Why is private commuting in a helicopter not provided for as an ancillary activity to an otherwise permitted residential activity, the same way as vehicle commuting?

In the AUP aircraft activities including helicopters are treated differently in the AUP (OP) and ACDP:HGI Plans compared to other forms of road or other land transport and their associated parking and loading areas, the latter for which a comprehensive set of rules and standards apply.

For example, rule E27.4.1(A1) of the AUP (OP) expressly provides that parking, loading and access that is an accessory activity and complies with standards is a permitted activity across all of Auckland. There is no similar provision in any part of the plan that broadly provides for helicopter landing areas as an accessory activity.

Helicopter landing areas are only provided for in limited cases in some zones and for some activities, as set out in [Appendix 1](#) and are generally not provided for in residential and business environments.

For this reason, the AUP (OP) does not provide for helicopter use as a permitted activity simply as a result of a primary activity such as a dwelling being permitted. Instead, private helicopter use is considered as a non-complying activity in the residential zones.

²⁷ ACDP:HGI Plan, Part 13 Transport, Rule 13.5 Notification Requirements

7.4 Is a noise assessment still required for a restricted discretionary helipad under ACDP:HGI plan rule 13.8.2?

A resource consent application under rule 13.8.2 will still require a noise assessment. In this regard:

- Compliance with the noise standards, and having 1 helipad per site secures the activity status (provided no physical works or other triggers arise) only.
- The Ldn 50dBA measure is not a matter of discretion. Instead, it sets out one of the parameters for deciding whether an activity is a restricted discretionary activity or not.
- The rule then goes on to describe “noise effects” as a matter for discretion, and expands on this in the assessment criteria. This makes it clear that regardless of compliance with Ldn 50dBA, this assessment will still form a part of determining whether the resource consent should be granted.

8 Summary/Conclusion

The information in this PGN, together with ancillary resources and reference material like NZS 6807:1994 and the Fly Neighborly Guide, provide the basis for assessing resource consent applications for the physical construction of helipads, the helicopter landing and take-off activity, and noise generation.

This PGN should be referred to by staff and applicants to help clarify activity status and relevant matters for assessment. The location of helipads should be well planned to ensure that public disruption is minimised as far as possible. All stakeholders should be mindful that current public acceptance of helicopters is low. By following best practice guidance, a higher level of public acceptance may be obtained.

Applications for noise exceedances, or proposals that are discretionary or non-complying with wide-ranging effects, should be carefully scrutinised to determine whether public or limited notification is required under the provisions of the RMA.

9 Reference material

- Auckland Unitary Plan
 - E25 Noise and Vibration ([Link](#))
 - J1 Definitions ([Link](#))
- Auckland Council District Plan - Hauraki Gulf Islands Section
 - Part 10b – Settlement areas including Claris airport ([Link](#))
 - Part 13: Transport ([Link](#))

- Part 14: Definitions ([Link](#))
- New Zealand Standard for Noise management and land use planning for helicopter landing areas (NZS 6807:1994) ([Link – paywall](#))
- Specialist Tools of the Trade: A Review of NZ Acoustic Standards – 1992 to 2010 ([Link](#), see pages 20-22)
- Fly Neighborly Guide ([Link](#))

Appendix 1 – Summary of Auckland Unitary Plan provisions

Table A1.1 summarises the Auckland Unitary Plan provisions between a helipad structure, the activity of a helicopter landing and taking-off, and noise generation.

Table A1.1: Summary of Auckland Unitary Plan provisions for helicopter flights and helipads

| Helipads/ Helicopter Flights | Activity/ Scenario | Relevant rules to consider |
|--|--|--|
| Helipad structures | Building of helipads | <ul style="list-style-type: none"> If there is a 'structure' involved, as defined in s2 of the RMA, will be considered as a 'Building' under the J1 Definition and subject to relevant provisions in the applicable zone |
| | Helipads on the top of buildings and/ carparks or other structures | <ul style="list-style-type: none"> No change to the physical structure, therefore no resource consent required. The change of use, however, would require a resource consent (other than where the landing and take-off activity is permitted). |
| | Helipad structures in coastal marine and port areas | <p><i>General Coastal Marine Zones</i></p> <ul style="list-style-type: none"> General Coastal Marine Zones, helicopter landing areas for emergency services are permitted, but it is non-complying for all other activities (rules F2.19.8(A105) and (A106)) |
| The activity of helicopter landing take-off | Hospital / medical emergency use | <ul style="list-style-type: none"> The definition of 'hospitals' includes helicopter facilities. Where hospitals are permitted, for instance, in Chapter H25: Healthcare Facilities and Hospital Zone; helicopter landings and take-off are permitted subject to permitted activity standards. |
| | Emergency services | <ul style="list-style-type: none"> The definition of 'emergency services' does not expressly include helicopter facilities, however inclusion lists are non-exhaustive per rule J1.1(5). It is feasible that helicopter landings and take-off could be an ancillary activity associated with an organisation that responds to and deals with accidents, emergencies, or urgent problems such as fire, illness, or crime. If found to be an ancillary activity (considered on a case-by-case basis having regard to the nature of the activity), emergency services as an activity will require resource consent in most major zones, apart from Business – City Centre and Business – Light Industry, where they are permitted under rules H8.4.1(A20) and H17.4.1(A28). |

| | | |
|--|--|---|
| Coastal marine and port areas | | <p><i>Coastal – General Coastal Marine Zone</i></p> <ul style="list-style-type: none"> • General Coastal Marine Zones, helicopter landing areas for emergency services are permitted, but it is non-complying for all other activities (Table F2.19.8; rules A105 and 106) <p><i>Coastal – Marina Zone²⁸</i></p> <ul style="list-style-type: none"> • Helicopter landing areas are a discretionary activity in the Coastal – Marina Zone (rule F3.4.2(A16)) <p><i>Coastal – Minor Port Zone²⁹</i></p> <ul style="list-style-type: none"> • Helicopter landing and take-off is a permitted activity in the Minor Port Zone, for the loading and unloading of cargo (rule F5.4.2(A8)) • Helicopter facilities (including the landing and taking off of helicopters and associated fuelling and service facilities) for other activities (i.e. not cargo loading), is a discretionary activity (rule F5.4.2(A24)) <p><i>Port Precinct³⁰</i></p> <ul style="list-style-type: none"> • Helicopter landings and take-off associated with loading and unloading of cargo is a permitted activity (subject to standards) under rule I208.4.1(A21) • Helicopter landings and take-off for reasons other than cargo loading) is a discretionary activity (rule I208.4.1(A20)) <p><i>Westhaven Marina Precinct</i></p> <ul style="list-style-type: none"> • Helicopter landing areas are a discretionary activity (rule I213.4.1(A34)) |
| Private helicopter use in a residential or business zone for transport | | <ul style="list-style-type: none"> • Helicopter landing and take-off are not specified in the activity tables in any residential or business zone in the Auckland Unitary Plan (with the exception of hospitals, where they are provided for as a specific activity) • As such, private helicopter use is considered a non-complying activity as outlined in rule (A1) within each of the residential or business zone activity tables. |
| Private helicopter use in a rural zone for transport | | <ul style="list-style-type: none"> • Helicopter landing and take-off to service rural land (not for commuting) is a permitted activity in all rural zones under rule H19.8.1(A3) as part of the rural airstrips activity. |

²⁸ Chapter F3 in the Auckland Unitary Plan, the Coastal – Marina Zone, provides for the development and operation of various established marinas, both land and water components

²⁹ Chapter F5 in the Auckland Unitary Plan, the Coastal – Minor Port Zone, provides for the water transport facilities and port activities (e.g., Ports of Onehunga etc.)

³⁰ The Port Precinct (Chapter I208) comprises of the land and coastal areas at the Port of Auckland

| | | |
|-----------------------------|---|--|
| | | <ul style="list-style-type: none"> • Helicopter landing and take-off for other private uses is considered a discretionary activity under rule C1.7(4) |
| | Noise levels from helicopter landings and take-off in any zone | <ul style="list-style-type: none"> • Chapter E25: Noise and Vibration, sets out Helicopter Noise Standards for non-emergency flights (standard E25.6.32). Complying with this standard is a permitted activity under rule E25.4.1(A1) • Resource consent applications that do not meet this standard is considered a restricted discretionary activity under rule E25.4.1(A2) • Helicopter landings and take-off associated with emergency services activities are not required to comply with standard E25.6.32 |
| Temporary activities | Temporary activity helicopter landings and take-off, including noise generation | <ul style="list-style-type: none"> • Helicopter landing and take-off can come within the definition of 'temporary activity' in Chapter J1 if it is outside the ordinary use of a site. Whether the activity is temporary would need to be considered on a case-by-case basis. If found to be temporary, then the relevant rules and standards of Chapter E40 would apply • If the temporary landing and take-off of the aircraft comes within the definition of 'noise event', the noise output from the temporary landing and take-off of the aircraft would be subject to the noise event rules and standards of Chapter E40 |