

Report for a discretionary resource consent application under the Resource Management Act 1991 (RMA)



1. Application description

Application numbers:	BUN60302136 LUC60112250 CST60082316
Applicant's name:	Rod & Patricia Duke
Site address:	75 Sarsfield Street, Herne Bay
Legal description:	Lot 1 DP 21410, Pt Lot 21410
Site area:	1563m ²
Operative plan:	Auckland Council District Plan – Isthmus Section Auckland Council Regional Plan - Coastal
Zoning:	Residential 7a
Special features, overlays etc:	Coastal Management Area (CMA) Soil Warning Area – Filled/Weak Ground Overland Flowpaths Cliffline Tree Amenity Area Coastal Protection Yard
Auckland Unitary Plan – Operative in Part (AUP OP) zoning & precinct:	Residential – Mixed Housing Urban Zone Coastal – General Coastal Marine Zone Coastal – Coastal Transition Zone
AUP OP special features, overlays etc:	Natural Resources: Significant Ecological Areas Overlay – SEA_T_6134, Terrestrial Controls: Coastal Inundation Control – 1m sea level rise Controls: Macroinvertebrate Community Index - Urban

Locality Plan



2. The proposal, site and locality description

Paul Arnesen of Planning Focus Ltd has provided a description of the subject site, background and proposal in a form and manner that is accepted by council. Having undertaken a site visit, I concur with that description of the proposal and the site. This can be found on pages 2-6 of the Assessment of Environmental Effects (AEE) entitled: 'Application for Land Use Consent & Coastal Permit; Replacement Boatshed with New Helicopter Landing', by Paul Arnesen of Planning Focus Ltd, dated August 2016. Further information was provided by Planning Focus Ltd, dated 21 September 2016.

In summary, the applicant proposes to alter the existing boatshed by adding new cladding and sliding section to house a new helicopter landing pad, and to use the structure for associated purposes. The new building would retain the same form as the existing boatshed, including a gable roof, but would be clad with slatted natural weatherboards on both the walls and roof. No excavation is required for the replacement boat shed. The helicopter landing pad would be constructed at the northern end of the boatshed and would be internal to the building. To expose the landing pad the northern section of the building would slide back over the southern end. The helicopter landing pad would be for occasional use only and is not intended to be used for the permanent storage of helicopters. A 35 year duration was proposed.

The applicant proposed 6 flights as part of their proposal.

The applicant offers the following measures to be taken to ensure that compliance is achieved with NZ6807:1994. These measures include:

- The flight paths to and from the helipad will generally be to and from the north until the helicopter is at a minimum height of 500ft.
- Restricting the hours of operation to between 7am and 7pm Monday to Friday and 9:00am to 7:00pm on Saturday, Sunday and Public Holidays or between Morning Civil Twilight and Evening Civil Twilight, whichever is the more restrictive.
- The proposed flight path will be to and from the north until the helicopter reaches 500ft in order to provide a reasonable noise level is maintained for the wider environment.
- No helicopter creating noise effects greater than an AS350 will be used unless the expected noise levels can be demonstrated to comply with the noise limits;
- A log will be prepared in order to keep a log of flights, which will be made available to Council if requested;
- All flights will be flown in accordance with the requirements of the Fly Neighbourly Guide.

The council's assessment has been based on a maximum of 3 flights (3 arrivals and 3 departures) in any 7 day period with a maximum of one flight in any one day. The applicant has accepted the application proceed on this basis.

The applicant has viewed all conditions and as accepted those with the exception of condition 7 relating to 3 flights.

Local Board

Information regarding the application was sent to the Local Board for comment. This included an email to the Waitemata Local Board Planning Spokesperson (Vernon Tava) on the 15th of August 2016. Following an assessment of the application, Mr Tava made the following comments on behalf of the Local Board in a response email dated the 23rd of August 2016:

"We submit that this application should be limited notified to surrounding properties on the basis of noise caused by the helicopter operation. We would also like to see public access along the waterfront to be maximised so that the passage of members of the public along the shoreline is not unreasonably obstructed by the construction."

These comments have been taken into consideration in this assessment.

Correspondence Received

A legal submission has been prepared as part of this application, included as Attachment 1. This submission disputes Council's interpretation of the rules, and those rules which apply to this application. The reasons of consent which are disputed are outlined within section 3 of this report.

The applicant has referred to granted and implemented resource consents for the construction of a new boat shed (R/LUC/2014/3231, R/REG/2014/3799) and the establishment of a helicopter landing pad on the roof of the boatshed (R/REG/2015/1185) at 12 Cremorne Street, Herne Bay. Conditions 7 - 15 of the latter consent stipulate hours of operation, the flight path, and noise

controls which reflect those offered by the applicant as part of this proposal. This consent was processed on a non-notified basis and was supported by written approvals.

3. Reasons for consent

As part of the processing of this consent, there has been a difference of opinion in terms of the reasons for consent, but also where applicable to the extent of the infringement being applied for. This is contained within the application documentation. For clarity, where there is a difference, this has been placed in *italics* with a brief commentary provided.

Resource consent is needed for the following reasons:

Land use consents (s9) – LUC60112250

Auckland Council District Plan (Isthmus section)

- Pursuant to rule 5B.7.1, all buildings and structures within the Coastal Management Area (CMA) requires consent as a **Controlled** activity
- Pursuant to rule 5B.7.2A(iv), buildings used principally for the storage or maintenance of boats within the Coastal Protection Yard (CPY) requires consent as a **Discretionary** activity.

Auckland Unitary Plan – Operative in Part

- Restricted Discretionary activity as the activity does not comply with a permitted activity standard pursuant to E25.4.1(A2). Standard E25.6.32 states that 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 . The proposal exceeds the permitted L_{dn} 50dB and 85dB L_{AFmax} . The proposal would exceed the L_{AFmax} by up to 10 dB and the L_{dn} by up to 2dB.

Commentary: The applicant disagrees with the L_{dn} infringement, and the advice they have received considers the proposal would be compliant with this measurement (see acoustic report by Hegley Acoustics).

- Restricted Discretionary activity as the proposal involves the construction of buildings and structures and structures on land which may be subject to instability pursuant to E36.4.1 (A51).
- Rule H5.4.1 (A31) states that accessory buildings are a permitted activity subject to compliance with the relevant standards. The proposal does not comply with the following standards and therefore pursuant to rule C.1.9(2) requires consideration as a **Restricted Discretionary** activity:
 - H5.6.8 (1): Yards: The proposed building is within the 10m coastal protection yard.
 - H7.11.3.1: Yards: The proposed building as it relates to the rear (southern) boundary, is within the 6m of a residential zone.

Coastal permits (s12) – CST60082316

Auckland Council Regional Plan: Coastal

The proposal involves the following works below mean high water springs (MHWS):

- *The demolition and removal of the existing boatshed and ramp. This requires **Controlled** activity regional consent pursuant to rule 12.5.10.*
- *The construction of a new boatshed, ramp and helipad, including the use of temporary structures/barge during works. This requires **Discretionary** activity regional consent pursuant to rule 12.5.18.*
- *The occupation of common marine and coastal area (CMCA) by the new boatshed, ramp and helipad. This requires **Discretionary** activity regional consent pursuant to rule 10.5.9.*
- *The use of the new boatshed roof as a helipad for the arrival and departure of a helicopter. This requires **Discretionary** activity regional consent pursuant to rule 11.5.5.*

Commentary:

As per correspondence received in Attachment 1, it is noted that the applicant does not agree to the reasons for consent noted above. It is my consideration that the modification of the boatshed, given that the material of the structure would change as the existing boatshed is clad with weatherboards and corrugated iron. Both the walls and the roof of the proposed boatshed structure would be clad with natural weatherboard hardwood slatted shutters.

However, regardless of the above, I refer to Condition 6 of the existing Coastal Permit no. 27797. This condition requires that “The consent holder shall only use the boatshed for the purpose of recreational boating and yacht storage.” Therefore, the proposed use of a helicopter would require a variation to the existing consent regardless of the disagreement regarding reasons for consent.

- *Rule 35.5.6 requires that noise generated from take-off and landing of helicopters in the CMA shall comply with the requirements of NZS 6807:1991 Noise Management and Land Use Planning for Helicopter Landing Areas, being L_{dn} 50dBA. The proposal would involve noise levels measuring up to L_{dn} 52dBA, exceeding the permitted level by 2dB. This requires **Discretionary** activity regional consent pursuant to rule 35.5.6.*

Commentary: The applicant disagrees with the L_{dn} infringement, and the advice they have received considers the proposal would be compliant with this measurement (see acoustic report by Hegley Acoustics).

Auckland Unitary Plan – Operative in Part

Coastal

- Non-Complying Activity as the proposal involves the construction of a helicopter landing area within the General Coastal Marine zone pursuant to 2.19.8 (A106).
- Discretionary activity as the proposal involves occupation associated with CMA structures pursuant to F2.19.10 (A127).

- Rule F2.21.1.1 (a) Noise & vibration states that activities in the CMA must not exceed the relevant levels specified in E25. The proposal does not comply with the following standards and therefore pursuant to C.1.9(2) requires consideration as a **Restricted Discretionary** activity:
 - E25.6.32: 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. The proposal exceeds the permitted 85dB L_{AFmax} .

4. Status of the applications

The application was lodged with Council on the 5th of August 2016 when the Auckland City Council District Plan (Isthmus Section), Auckland Council Regional Plan (Coastal) and the Proposed Auckland Unitary Plan (Notified Version). The application was 'bundled' by the applicant. This is considered appropriate as the resource consents required overlapped.

In summary, when it was first lodged:

- Auckland Council District Plan (Isthmus Section): Discretionary Activity
- Auckland Council Regional Plan (Coastal) - Discretionary Activity (*noting the discussion above*)
- PAUP Notified Version: Permitted Activity (*in terms of rules that had legal effect*)

Overall, the application was a discretionary activity.

The Auckland Unitary Plan became Operative in Part (AUP (OP)) on the 15th November 2016.

Under s9 of the RMA (restrictions on the use of land), this aspect of the proposal is deemed operative and is assessed as a restricted discretionary activity.

Under s12 of the RMA (restrictions on use of coastal marine area), and is assessed as a non-complying Activity. The AUP (OP) is not operative until the Minister of Conservation has formally approved the regional coastal part of the Auckland Unitary Plan.

Section 88A of the RMA provides for the activity status of an application to remain the same as first lodged. Under the AUP(OP) the activity status is non-complying. While this would change the overall activity status, the discretionary activity status when lodged is safeguarded by s88A.

Therefore, these applications are considered to be a **Discretionary Activity**.

5. Notification Assessment

Public notification assessment (sections 95A, 95C-95D)

Section 95A gives the council discretion in deciding whether to publicly notify an application or not. However an application must be publicly notified if (a) the activity will have or is likely to have adverse effects on the environment that are more than minor; (b) the applicant requests

public notification of the application; or (c) a rule or national environmental standard ("NES") requires public notification.

The applicant has not requested public notification.

All further information requested (under s92) has been provided.

No rules in the plan or in any NES preclude or require public notification of this application.

The following assessment addresses the adverse effects of the activity on the environment. The council must decide whether the activity will have, or is likely to have, adverse effects on the environment that are more than minor.

Adverse effects assessment (sections 95A and 95D)

Effects that must be disregarded

Effects on persons who are owners and occupiers of the land in, on or over which the application relates, or of land adjacent to that land

Under section 95D the council is to disregard any effects on persons who own or occupy the land in, on or over which the activity will occur, or any land adjacent to that land. The adjacent land includes the following properties:

Table 1: Address

73 Sarsfield Street	74 Sarsfield Street
71 Sarsfield Street	81 Sarsfield Street
76 Sarsfield Street	78 Sarsfield Street
79 A-D Sarsfield Street	

Any effect on a person who has given written approval to the application

The following persons have given their written approval:

Table 2

<u>Address</u>	<u>Legal Description</u>	<u>Owners</u>
73 Sarsfield Street	Lot 1 DP 47409	Peter Edward Francis Deborah Ann Francis Nigel Geoffrey Ledgard Burton
79 Sarsfield Street	Lot 2 DP 375454	Rodney Adrian Duke Alaister John Wall

Effects that may be disregarded

Permitted baseline

The permitted baseline may be taken into account and the council has the discretion to disregard those effects. In this case, noting the discussion below in terms of the receiving environment in terms of buildings and structures, there is no permitted baseline for the establishment of helicopter pad, noting that whilst there is disagreement in terms of the operative provisions, a variation would be required to the underlying consent.

In terms of noise effects, there are provisions (rules/standards) that are laid out in the respective operative / proposed plan(s). This is worthy of further comparison.

Receiving Environment

The receiving environment beyond the subject site includes permitted activities under the relevant plans, lawfully established activities (via existing use rights or resource consent), and any unimplemented resource consents that are likely to be implemented. The effects of any unimplemented consents on the subject site that are likely to be implemented (and which are not being replaced by the current proposal) also form part of this reasonably foreseeable receiving environment.

In this case, the site is used for residential activities and includes a dwelling and a boat shed to the rear. Resource consent was granted on the 10th of February 2016 for the replacement of the existing building with a new dwelling (R/LUC/2016/101). The consented dwelling is similar in scale and location to the existing building on the site, but provides only one dwelling unit rather than three units as per the existing building on the site. On the 9th of June 2016 consent was granted for the establishment of a swimming pool on the northern side of the dwelling, including the removal of small Karaka tree and the potential pruning of a Pohutukawa tree within a Significant Ecological Area (R/LUC/2016/1406). The proposal also involved the removal of the existing woodshed and the removal of the lean-to at the rear of the boatshed, together with the replanting of the embankment. As I have no information to determine whether this consent is likely to be implemented, I have disregarded this as part of the receiving environment.

The existing boatshed to the rear of the property measures approximately 25 metres in length by 6.4 metres in width and 6.3 metres in height (from the floor level to the apex of the gable roof). The boatshed is founded on concrete foundations and timber piles and is clad with timber weatherboards at the base with corrugated iron above, and a corrugated iron roof. A timber slipway extends from the floor of the boatshed, approximately 29 metres beyond its northern elevation.

The surrounding environment is largely residential in nature with a variety of housing styles. The site immediately to the west is vacant except for a boatshed. The subject site itself is located at the eastern end of Sentinel Beach, with the existing boat shed on the eastern extremity of the sandy beach. There is an existing boatshed serving the adjacent otherwise vacant site at 79 Sarsfield Street, immediately to the west of the application site. There are three boat shed within the Sentinel Beach embayment. Consent for the existing boat shed, the subject of this application, is No 27797 which expires on 10 July 2038. The resource consent (38448) for the boat shed immediately to the west of the application site which abuts 79 Sarsfield Street expires

on 30 June 2043. Consent 15557 for the boat shed adjacent to No 71 Sarsfield Street expires on 1 November 2031.

In terms of unimplemented consents on the surrounding properties, 79 Sarsfield Street is currently a vacant site and resource consent was granted in 2013 to construct a 4-residential unit development within a 5-storey building (R/LUC/2012/4356/1). Further to the west of the subject site at 81 Sarsfield Street, an unimplemented resource consent was granted in 2016 for additions and alterations to the existing dwelling (R/LUC/2016/4366). As there is no information to determine whether these consents will be implemented, they will not be considered as part of the receiving environment.

It is against this environment which this consent will be assessed.

Adverse effects

Landscape character and visual amenity

Boat shed (including the incorporation of a helipad)

The proposed building will have the same form, scale and location as the existing boat shed. This includes the gable-style roof structure. However, the materiality will change from a combination of weatherboards and corrugated iron to being fully clad with weatherboard slatted shutters. There will be periods when the boatshed is in the open position with a helicopter situated on the landing pad, exposing a timber and coated structure underneath. This will be visible during take-offs and landing and in-between these times but noting that the helicopter will not be stored permanently at this location. To expose the landing pad the northern section of the building would slide back over the southern end. The landing pad structure would consist of exposed timber and zinc coated steel. It is considered that this will not reduce the overall amenity, noting the highly modified nature of the surrounding coastal environment and the limited periods in which the boatshed would be open.

Council's Coastal Specialist, Ms Sivaguru has carried out a review of the proposal as it relates to the potential and actual adverse effects on the coastal environment. As per her technical memo dated the 10th of February 2017, Ms Sivaguru agreed with the applicant's assessment which notes that the immediate foreshore area of the site exhibits examples of human shoreline modification which include structures such as boatsheds, ramps, jetties and seawalls. In addition, the site is not within any significant landscape areas. While noting that there may be temporary visual and natural character effects, Ms Sivaguru surmised that when the helicopter is sitting on the roof while landing, this would be temporary and therefore the effects on natural character and visual effects from the proposal are likely to be minimal.

Having considered the above, I consider that the proposed boat shed will be of a similar bulk to the existing and conclude that it will result in similar visual effects to that of the existing shed and structures. Therefore it is considered that any adverse effects on the environment in terms of character and amenity in this instance will be less than minor.

Helicopter use

The proposed ancillary activity of providing helicopter flights and establishing a helipad on the roof of the proposed boatshed has the potential to give rise to adverse amenity and character effects on the coastal marine area and the wider environment.

Helicopter departures and arrivals would only be visible for short durations of approximately a few minutes, any adverse visual effects can be considered to be minimal and less than minor in nature. Additionally, the proposed flight path of the helicopter would be over the coastal environment and no flying would occur directly above the residential properties which will avoid and minimise any adverse visual effects within the immediate surrounds (beyond land identified as adjacent) which is mainly made up of residential dwellings and associated amenities.

Therefore, any amenity or character effects resulting from the proposal would be less than minor.

Public access and amenity

Ms Sivaguru noted in her memo that the boat shed immediate to the west (authorised by Consent 38448) occupies part of the beach and impedes access along the sandy beach to the east. It was further noted that public walking access can be gained from the seaward side of the ramp when the tide retreats. Accordingly, it was concluded that while the boat shed authorised to the west is present, the proposal will not provide any significant impediment to public walking access along the foreshore.

Consent 38448 expires in 2043. Given the proximity of the boat shed to Sentinel Beach, and the linkage in terms of effects public access to the presence of the boat shed authorised by Consent 34884, it was recommended by Ms Sivaguru that the duration for this boat shed should be linked to the expiry date for Consent 38448 such that when these consents expire the matter of the appropriateness of the presence of boat shed on Sentinel Beach can be considered as a whole. Instead of 35 years, It was therefore recommended that the duration of consent be set such that it expires on 30 June 2043. As per email correspondence by the applicant's agent Paul Arnesen, this condition has been offered.

I concur that this portion of the Herne Bay shoreline is not readily accessible to the public and note it will not hinder access along this portion of the coast given the location of the boat shed to the west. Therefore I consider the adverse effects of the proposal in terms of public access to be less than minor.

Acoustic amenity

For the purposes of this assessment, I note that I'm discussed the technical information and advice around acoustic amenity. This does have a bearing for both this assessment, and the subsequent limited notification assessment.

The proposed helicopter flights have the potential to result in adverse noise effects on the environment. An assessment of noise effects was provided to support the application, entitled "Proposed Helipad 75 Sarsfield Street, Herne Bay: Assessment of Noise Effects", prepared by Nevil Hegley of Hegley Acoustics and dated July 2016. Further information was also supplied in a letter by Nevil Hegley dated 14 September 2016. This reporting considers that the noise generated by the proposal including ground idling will comply with the requirements of the NZS6807:1994- *Noise Management and Land Use Planning for Helicopter Landing Areas*. The report states that based on the measured levels, they would comply with the 50 dBA L_{dn} limit at the most noise sensitive location (the neighbours on the foreshore adjacent to the boat shed). It is noted that the NZ6807:1994 averages the noise exposure over seven consecutive days and requires that the noise level on any single day to not exceed the permitted average by more than 3dbBA which is factored within the weekly average. From email correspondence (dated 2

November 2016 from Nevil Hegley) the L_{AFmax} level is predicted to be approximately 90dB.

The acoustic report also provides details on the required measures to be taken to ensure that compliance is achieved with NZ6807:1994. These measures include:

- The flight paths to and from the helipad will generally be to and from the north until the helicopter is at a minimum height of 500ft.
- Restricting the hours of operation to between 7am and 7pm Monday to Friday and 9:00am to 7:00pm on Saturday, Sunday and Public Holidays or between Morning Civil Twilight and Evening Civil Twilight, whichever is the more restrictive.
- The proposed flight path will be to and from the north until the helicopter reaches 500ft in order to provide a reasonable noise level is maintained for the wider environment.
- No helicopter creating noise effects greater than an AS350 will be used unless the expected noise levels can be demonstrated to comply with the noise limits;
- A log will be prepared in order to keep a log of flights, which will be made available to Council if requested;
- All flights will be flown in accordance with the requirements of the Fly Neighbourly Guide.

The above measures have been offered by the applicant as consent conditions to minimise and manage adverse effects. Calculations have also been undertaken by the applicant's acoustic consultant using the same helicopter (AS350) to determine noise as it would approach and departed the proposed helipad and are anticipated to comply with the NZS 6807:1994 standard for L_{dn} 50dBA, whilst not exceeding the average by more than 3dBA.

The above measures have been offered by the applicant as consent conditions to minimise and manage adverse effects. Calculations have also been undertaken by the applicant's acoustic consultant using the same helicopter (AS350) to determine noise as it would approach and departed the proposed helipad and are anticipated to comply with the NZS 6807:1994 standard for L_{dn} 50dBA, whilst not exceeding the average by more than 3dBA.

This has been reviewed by Mr Styles on behalf of Council. In his memo dated the 5th of May 2017, Mr Styles conducted his own measurements and noted the following:

“To determine the veracity of the HAC noise level predictions I undertook noise measurements of an AS350 helicopter approaching and departing a landing area at 20m and 40m using standard approach and departure angles, light loads and in accordance with the Fly Neighbourly Guide. The measurements were made at an angle of approximately 315 degrees (relative to the helicopter's heading) using Bruel & Kjaer instrumentation meeting IEC651 Type 1 accuracy criteria. All noise measurements were conducted in accordance with the relevant provisions of NZS6801:2008 and NZS6807:1994.

The logarithmic average of the measurements is as follows:

	SEL	L _{AFmax}
Arrival	102.4 dB	93dB - 95dB
Departure	101.0 dB	89dB – 90dB
Average	101.8 dB	n/a

The measured levels are higher than the predictions in the HAC Response, and based on these if the helicopter landed and took off again (2 movements) in one day the L_{dn} level would be 55dBA. If there were 6 movements in a 7 day period the noise level would be L_{dn} 52dBA. Based on my measurements the proposal will be noncompliant with the relevant L_{dn} noise limit (in both the ARP:C and the AUP-OP) by 2dB, and will be noncompliant with the 85dB L_{AFmax} limit in the AUP-OP by 10dB. Compliance with the AUP-OP limit of L_{AFmax} 85dB would not typically be achieved consistently within approximately 80m of the landing area.”

Based on the assessment provided by Mr Styles, it is likely that the permitted standard of 50 L_{dn} with 6 movements in a 7 day period would be exceeded, and would also exceed the 85dB L_{AFmax}

Mr Styles disagrees with the calculations and conclusions that have been provided in the acoustic report. Mr Styles conducted field tests using an AS350 helicopter approaching and departing a landing area at 20m and 40m using standard approach and departure angles, light loads and in accordance with the Fly Neighbourly Guide. The measured levels were shown to be higher than the predictions from Hegley Acoustics. Based on these measurements the proposed six arrivals and six departures in a seven day period would exceed the L_{dn} noise level by 2dB and would exceed the L_{AFmax} by up to 10 dB. The L_{AFmax} would not typically be achieved within approximately 80m of the landing area.

When considering noise, I also note this is limited to between ground level and 500ft. This is typically of a short duration, already the helicopter may be heard beyond this. From advice provided by Mr. Styles the typical duration to descend through 500ft and touchdown is in the order of 40-60 seconds. The timeframe to ascend through 500ft from lift off is typically 30-40 seconds or less. The timeframe for both operations can vary depending on the type of machine, loading, wind conditions and a range of other factors, but these durations can be considered typical.

Overall, having reviewed the information and rationales put forth by both Mr Hegley and Mr Styles it is considered that the proposed level of the helicopter activities would not comply with the noise limits set out in NZS 6807 given that the measurements taken by Mr Styles were based on field tests. Taking into account the conditions offered by the applicant to minimise adverse effects, noting that there will be adverse noise effects over that permitted beyond land adjacent that it is my opinion however that the adverse effects of helicopter use will not noticeably detract from aural amenities, and on those persons beyond land adjacent that are afforded notable separation as a result of the scale and duration of flights proposed. Adverse noise effects on the environment and on persons will be less than minor.

For the above reasons, I consider that adverse noise effects generated from the proposal on the wider environment will be less than minor, based on recommended mitigation measures, the

proposed frequency and short durations of the flights and the predicted noise levels resulting from the flights (although shown not to comply with the relevant noise standards).

Cumulative effects

Further consideration has been given to whether the adverse effects associated with the helicopter flights will give rise to any cumulative effects when considered in combination with other residential sites in the Herne Bay area which have a helipad approved. These include 12 Cremorne Street (as per R/REG/2015/1185), 15 Cremorne Street (as per R/LUC/2015/940) and 64 Sentinel Road (R/LUC/2011/1114). It is considered, given the separation distances of approximately 100 metres from the helipad at 64 Sentinel Road, approximately 400 metres from the site at 15 Cremorne Street, and over 500m from the site at 12 Cremorne Street, along with the scale and duration of the proposed helicopter use, that any cumulative noise effects resulting from the helicopter take off and landings flights will be less than minor.

In summary, having assessed the adverse cumulative effects of the activity on the environment, I considered that the activity will have a less than minor effect on the environment.

Construction Effects

Noise

There is the potential for adverse effects during the construction phase of the proposal in terms of noise and general disturbance. The applicant advised in their AEE that the replacement boatshed is unlikely to require any earthworks given that it will be constructed on the existing pad and foundations. Additionally the application notes that construction and demolition material would be transported to and from the site by barge, without requiring vehicle access to the rear of the site. The application also notes that a construction management plan would be drafted once a contractor for the works has been confirmed. Construction effects will only occur for a temporary period, will be localised and appropriately managed. Therefore it is considered that the proposal would maintain a suitable level of aural amenity throughout this period on the wider environment.

Therefore, although this construction will result in noisier activities, the adverse effects relating to construction noise will be less than minor on the environment.

Foreshore and Seabed Disturbance

No earthworks should be required to establish the boatshed structure as it will be constructed on the existing piles and slab (assuming the piles are certified suitable by an engineer). Therefore, there is not expected to be any disturbance of the foreshore and seabed as a result of the boatshed reconstruction.

Public Access

The boat shed immediately to the west (authorised by Consent 38448) occupies part of the beach and impedes access along the sandy beach to the east. Construction and demolition material would be transported to and from the site by barge, without requiring vehicle access to the rear of the site. Accordingly, the proposal will not provide any significant impediment to public walking access along the foreshore while the boatshed is being reconstructed.

Ground stability

Council's Senior Development Engineer, Scott Paton, reviewed the application and advised in an email dated the 17th of August 2016 that very little excavation is proposed and the existing piled foundations will be reused. Therefore it was advised that the stability effects on the site are unlikely to be escalated by any earthworks associated with the proposal. Therefore, I consider that any adverse effects on the environment in terms of ground stability will be less than minor.

Special circumstances and general discretion

Special circumstances

Special circumstances are those that are:

- exceptional or unusual, but something less than extraordinary;
- outside of the common run of applications of this nature; or
- circumstances which makes notification desirable, notwithstanding the conclusion that the adverse effects will be no less than minor.

In this instance I have turned my mind specifically to the existence of any special circumstances and conclude that there is nothing exceptional or unusual about the application, and that the proposal has nothing out of the ordinary run of things to suggest that public notification should occur as:

- In terms of the proposed boatshed, this will replace an existing boatshed with the same size and dimensions, and therefore does not give rise to special circumstances.
- In terms of the proposed helipad, although the activity of helicopter flights are not overly common within the coastal marine area and the wider environment, there are other examples of similar helicopter pads located on boatsheds within the Herne Bay area (such as 12 Cremorne Street). Additionally, particular circumstances being the location of the helipad/helicopter flights which provides separation from the surrounding properties, the type of helicopter proposed, the flight path proposed and other measures undertaken for operation of the helicopter will ensure that the proposal does not give rise to special circumstances.

Therefore in this instance I conclude there are no special circumstances under s95A(4).

General discretion

I have also considered the residual discretion left under s95A(1), and whether the substantive decision making, in terms of achieving the sustainable management purpose of the RMA, would benefit from information brought about via public notification of this application. I consider there is adequate information, and there is nothing about the specifics or issues of the proposed activity that warrants exercise of any residual discretion under s95A(1) for public notification to better inform substantive decision making in achieving the purpose of the RMA.

Public notification conclusion

This application can be processed without public notification for the following reasons:

- Adverse effects are considered to be less than minor.

- There are no special circumstances to warrant notification.
- No reasons exist to exercise the general discretion under s95A(1).

In summary, it is considered that the activity will have or is likely to have adverse effects on the environment that are less than minor and that there are no special circumstances nor reasons to exercise the general discretion. Therefore, it is recommended that this application be processed without public notification.

6. Limited notification assessment (sections 95B, 95E-95G)

If the application is not publicly notified the council must decide if there are any affected persons, or customary rights or title groups. These persons must then be notified.

There are no rules that preclude limited notification.

In deciding if a person is affected:

- A person is affected if the adverse effects of the activity on that person are minor or more than minor (but not less than minor).
- Adverse effects permitted by a rule in a plan (the permitted baseline) may be disregarded.
- The adverse effects on those persons who have provided their written approval must be disregarded.
- The council must have regard to any statutory acknowledgement under schedule 11. Within the Auckland region the following are relevant:
 - Te Uri o Hau Claims Settlement Act 2002
 - Ngāti Manuhiri Claims Settlement Act 2012
 - Ngāti Whātua Ōrākei Claims Settlement Act 2012
 - Ngāti Whātua o Kaipara Claims Settlement Act 2013
 - Te Kawerau ā Maki Claims Settlement Act 2015

Adversely affected persons assessment (section 95E)

The permitted baseline may be taken into account and the council has the discretion to disregard those effects. In this case, noting the discussion below in terms of the receiving environment in terms of buildings and structures, there is no permitted baseline for the establishment of helicopter pad, noting that whilst there is disagreement in terms of the operative provisions, a variation would be required to the underlying consent.

In terms of noise effects, there are provisions (rules/standards) that are laid out in the respective operative / proposed plan(s). This is worthy of further comparison.

Disregarding those persons who have provided their written approval (listed in Table 2 above), no other persons are considered adversely affected for the following reasons:

Character/ Visual Amenity

The proposed boatshed and helicopter activity has the potential to have adverse amenity and character effects on persons in the surrounding environment.

The proposed boatshed has the same dimension and is proposed in the same location as the existing boatshed, and is relatively well separated from adjacent sites in the surrounding area with existing mature vegetation ensuring that there will be limited visibility to the persons occupying these properties.

The helicopter flights may be visible for short durations during departures and arrivals onto the surrounding area. However as this will only be for short durations of approximately a few minutes at a time, any adverse visual amenity effects can be considered minimised. The proposed flights of the helicopter are proposed over the coastal environment and no flying will occur overhead of the residential properties below 500ft which will further ensure that any visual effects on the surrounding residential properties are further reduced.

Similarly for the above reasons, any adverse visual amenity or privacy effects on nearby persons with the operation of helicopter flights will be negligible. Screening by mature trees within the coastal marine area, the topography of the surrounding area and the flight path taken by the helicopter will adequately reduce any visual amenity effects. Overall the adverse effects in terms of character and visual amenity are less minor.

Acoustic amenity

1-4/71A, 71 and 81 Sarsfield Street

The closest persons to the proposed helipad outside those directly adjacent occupy the properties at 1-4/71A and 81 Sarsfield Street, which are located approximately 40m from the proposed helicopter pad. Noting the assessment undertaken by Mr Styles, it is noted that compliance with the AUP OP limit of L_{AFmax} 85dB would not typically be achieved consistently within approximately 80m of the proposed helicopter landing area. I note from Mr. Styles assessment that the proposal will comply with the L_{dn} noise limit of 50dBA.

Noting this, and considering the scale and duration of the proposed activity that is minimised and managed through the measures adopted for the operation of the proposed helicopter flights offered as consent conditions, the proposed frequency, flight path (to the north) and short durations of the flights, it is considered that adverse noise effects on these persons will be less than minor.

74-78 Sarsfield Street

There is a large separation distance of approximately 100 metres between the proposed helipad and these adjacent sites, which are located to the south and are separated from the subject site by the road reserve. Also, given the location of the proposed helipad downslope of these sites within the foreshore, this will ensure that any adverse noise effects are reduced as a result of the acoustic barrier separating these sites through natural topography. Adverse effects, in terms of the noise provisions of the respective plans is no greater than that permitted, and minimised and managed through the measures adopted for the operation of the proposed helicopter flights offered as consent conditions, the proposed frequency, flight path (to the north) and short durations of the flights. It is therefore considered that adverse noise effects will be less than minor for persons located at 74, 76 and 78 Sarsfield Street.

Other persons

There is a larger separation distance together with the undulating topography between the proposed helipad and all other residential sites within the surrounding area. Furthermore, the measures adopted for the operation of the helicopter flights and consent conditions offered by the applicant will ensure that any adverse noise and residential amenity effects on the adjacent sites as well as the surrounding residential area are reduced and will be adequately mitigated.

Construction

The proposal is for the construction of a new building (boat shed) in an established residential area. As such, persons at sites within the vicinity will be subject to increased noise levels throughout the construction period. However, the construction will be temporary in nature and not atypical within a residential zone. The applicant advised in their AEE that the replacement boatshed construction and demolition material for the boatshed would be transported to and from the site by barge, without requiring vehicle access to the rear of the site. The nature of the works will not be out of scale with this type of activity and it is considered that aural amenity will be maintained and that there will be less than minor adverse effects on all persons in term of construction in the surrounding environment.

7. Notification recommendation

Non-notification

For the above reasons, this application may be processed without public notification or limited notification.

Accordingly I recommend that this application is processed non-notified.



Angela Taganahan
Intermediate Planner
Resource Consents

Date 18/08/2017

8. Notification determination

Acting under delegated authority, and for the reasons set out in the above assessment and recommendation, under sections 95A, 95B and 95C of the RMA these applications shall be processed non-notified.

A handwritten signature in black ink, appearing to read 'Matthew Wright', written in a cursive style.

Matthew Wright

Team Leader

Date: 18th August 2017

Decision on application for resource consent under the Resource Management Act 1991



Discretionary activity

Application number: LUC60112250
CST60082316

Applicant's name: Rod & Patricia Duke

Site address: 75 Sarsfield Street, Herne Bay

Legal description: Lot 1 DP 21410, Pt Lot 21410

Proposal:

To alter the existing boatshed by adding new cladding and sliding section to house a helicopter landing pad and to use the structure for associated purposes. The helicopter landing pad would be at the northern end of the boatshed and is internal to the building. The use of the helicopter landing pad is for occasional use and not intended to be used for permanent storage of helicopters.

The resource consents are:

Land use consents (s9) – LUC60112250

Auckland Council District Plan (Isthmus section)

- Pursuant to rule 5B.7.1, all buildings and structures within the Coastal Management Area (CMA) requires consent as a **Controlled** activity
- Pursuant to rule 5B.7.2A(iv), buildings used principally for the storage or maintenance of boats within the Coastal Protection Yard (CPY) requires consent as a **Discretionary** activity.

Auckland Unitary Plan – Operative in Part (AUP (OP))

- Restricted Discretionary activity as the activity does not comply with a permitted activity standard pursuant to E25.4.1(A2). Standard E25.6.32 states that 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. The proposal exceeds the permitted L_{dn} 50dB and 85dB L_{AFmax} . The proposal would exceed the L_{AFmax} by up to 10 dB and the L_{dn} by up to 2dB.
- Restricted Discretionary activity as the proposal involves the construction of buildings and structures on land which may be subject to instability pursuant to E36.4.1 (A51).

- Rule H5.4.1 (A31) states that accessory buildings are a permitted activity subject to compliance with the relevant standards. The proposal does not comply with the following standards and therefore pursuant to rule C.1.9(2) requires consideration as a **Restricted Discretionary** activity:
 - H5.6.8 (1): Yards: The proposed building is within the 10m coastal protection yard.
 - H7.11.3.1: Yards: The proposed building as it relates to the rear (southern) boundary is within the 6m of a residential zone.

Coastal permits (s12) – CST60082316

Auckland Council Regional Plan: Coastal

The proposal involves the following works below mean high water springs (MHWS):

- The demolition and removal of the existing boatshed and ramp. This requires **Controlled** activity regional consent pursuant to rule 12.5.10.
- The construction of a new boatshed, ramp and helipad, including the use of temporary structures/barge during works. This requires **Discretionary** activity regional consent pursuant to rule 12.5.18.
- The occupation of common marine and coastal area (CMCA) by the new boatshed, ramp and helipad. This requires **Discretionary** activity regional consent pursuant to rule 10.5.9.
- The use of the new boatshed roof as a helipad for the arrival and departure of a helicopter. This requires **Discretionary** activity regional consent pursuant to rule 11.5.5.

Auckland Unitary Plan – Operative in Part

Coastal

- Non-Complying Activity as the proposal involves the construction of a helicopter landing area within the General Coastal Marine zone pursuant to 2.19.8 (A106).
- Discretionary activity as the proposal involves occupation associated with CMA structures pursuant to F2.19.10 (A127).
- Rule F2.21.1.1 (a) Noise & vibration states that activities in the CMA must not exceed the relevant levels specified in E25. The proposal does not comply with the following standards and therefore pursuant to C.1.9(2) requires consideration as a **Restricted Discretionary** activity:
 - E25.6.32: 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. The proposal exceeds the permitted 85dB L_{AFmax} .

Decision

I have read the application(s), supporting documents, and the report and recommendations on the application(s). I am satisfied that I have adequate information to consider the matters

required by the Resource Management Act 1991 (RMA) and make a decision under delegated authority on the application(s).

Acting under delegated authority, under sections 104, 104B & 105 the application is **GRANTED**.

1. Reasons

The reasons for this decision are:

1. Section 88A of the RMA provides for the activity status of an application to remain the same as first lodged. Under the AUP(OP) the activity status is non-complying. While this would change the overall activity status, the discretionary activity status when lodged is safeguarded by s88A.
2. In accordance with an assessment under s104(1)(a) of the RMA, the actual and potential effects from the proposal will be acceptable for the following reasons:
 - The existing boatshed measures approximately 25 metres in length by 6.4 metres in width and 6.3 metres in height (from the floor level to the apex of the gable roof). The boatshed is founded on concrete foundations and timber piles and is clad with timber weatherboards at the base with corrugated iron above, and a corrugated iron roof. A timber slipway extends from the floor of the boatshed, approximately 29 metres beyond its northern elevation. Consent for the existing boat shed, the subject of this application, is No 27797 which expires on 10 July 2038.
 - There are three boat shed within the Sentinel Beach embayment. Consent for the existing boat shed, the subject of this application, is No 27797 which expires on 10 July 2038. The resource consent (38448) for the boat shed immediately to the west of the application site which abuts 79 Sarsfield Street expires on 30 June 2043. Consent 15557 for the boat shed adjacent to No 71 Sarsfield Street expires on 1 November 2031.
 - The immediate foreshore area of the site exhibits examples of human shoreline modification which include structures such as boatsheds, ramps, jetties and seawalls. The subject area is not within any significant landscape areas.
 - The proposed boatshed will have the same form, scale and location as the existing boat shed. This includes the gable-style roof structure. However, the materiality will change from a combination of weatherboards and corrugated iron to being fully clad with weatherboard slatted shutters. There will be periods when the boatshed is in the open position with a helicopter situated on the landing pad, exposing a timber and coated structure underneath. This will be visible during take-offs and landing and in-between these times but noting that the helicopter will not be stored permanently at this location. To expose the landing pad the northern section of the building would slide back over the southern end. The landing pad structure would consist of exposed timber and zinc coated steel. It is considered that this will not reduce the overall amenity, noting the highly modified nature of the surrounding coastal environment and the limited periods in which the boatshed would be open.
 - The helicopter activity does not have a functional or operational need to be undertaken in the coastal marine area, but recognising, the activity will occur in association with the boatshed, will not noticeably detract from amenity values, natural character or public access.

- The helicopter departures and arrivals would only be visible for short durations and the visual effects of the helipad would be temporary as it will only be when a helicopter is sitting on the roof while landing and before take-off.
 - The portion of the Herne Bay shoreline where the boatshed is located is not readily accessible to the public and the proposal will not further reduce public access of the coast due to the location of the boatshed. Noting both the duration of the existing consent, and the boatshed that authorised by Consent 38448 occupies part of the beach and impedes access along the sandy beach to the east. It was further noted that public walking access can be gained from the seaward side of the ramp when the tide retreats. With the boat shed authorised to the west is present, the proposal will not provide any significant impediment to public walking access along the foreshore. As Consent 38448 expires in 2043, the duration of this consent will expire on the 30 June 2043 so this aspect can be considered holistically at that time in terms of maintaining and enhancing public access.
 - Helicopter flights may be visible for short durations during departures and arrivals onto the surrounding area. However as this will only be for short durations of approximately a few minutes at a time, any adverse visual amenity effects can be considered minimised. The proposed flights of the helicopter are proposed over the coastal environment and no flying will occur overhead of the residential properties below 500ft which will further ensure that any visual effects on the surrounding residential properties are further reduced.
 - The proposed measures to restrict the flight path height, frequency of flights and hours of operation will ensure that the helicopter use and noise generated from the activity will not noticeably detract from aural amenities.
 - Construction will be temporary in nature and a construction management plan will ensure that the construction works will be appropriately managed.
 - The proposed works will only be for shallow excavations and existing piled foundations will be reused therefore site stability will be maintained and there will be no disturbance to the foreshore and seabed.
3. In accordance with an assessment under s104(1)(b) of the RMA, the proposal is consistent with the relevant statutory documents. In particular:

The AEE has assessed the proposal against the New Zealand Coastal Policy Statement, the Auckland Council Regional Plan: Coastal and Auckland Council District Plan (Isthmus Section). Other documents, such as the RPS and AUP where referenced but this relates to the notified versions.

Relevant provisions of the above documents, in summary, seek outcomes relating to; recognises that there are activities that have a functional need to be located in the CMA, to avoid or mitigate adverse effects on ecological values, to protect the dynamic functioning of coastal processes, to preserve natural character, landscape quality, natural features and ecosystems of the coastal environment from inappropriate subdivision and the protection of natural character and outstanding landscapes and allow use and enable the appropriate use and development in a manner that provides for the protection of values.

In addition, with the introduction of helicopter activities, is to limit adverse effects of noise on amenity values and human health.

- The proposal will not be inconsistent with the New Zealand Coastal Policy Statement and the Hauraki Gulf Marine Park Act 2000.

Objective 2 seeks to preserve the natural character of the coastal environment and protect natural features and landscape values. Objective 4 seeks to maintain and enhance public open qualities (including public walking access). Objective 6 refers to enable people and communities to provide for their social wellbeing through use and development recognising that the protection of the values of the coastal environment does not preclude use and development in appropriate places and forms, and within appropriate limits.

Particular regard has been had to policies 6, 13, 14, 15, 18 & 19. The subject site lies within a modified portion of the coastline, and the proposal will not compromise its natural (albeit modified) character nor impact on natural landscapes and features.

The proposal will maintain public space qualities and recreational opportunities of the coastal environment. The duration of the coastal permit to be linked with coastal permits of the adjacent boat sheds will ensure that when the coastal permits expire, the appropriateness of these structures will be considered as a whole if it is recognised that there is a need for public open space and walking access along the coast. The proposal maintains the character of the existing built environment, with adverse effects minimised and managed. The functional need of the boatshed has been recognised, and whilst the same can't be applied to the helicopter activity, it does involve the efficient use of occupied space.

- The proposal will not be inconsistent with the objectives and policies of the Regional Policy Statement. Particular regard has been had to objectives B8.2.1(1-3), B8.3.1(1-6), B8.4.1(1-2) and policies B8.3.2(4), B8.3.2(1-4) and B8.4.2(1, 3). This centres on natural character, use & development and public access.

The proposal avoids, remedies and mitigates adverse effects on natural character of the coastal environment not identified as of outstanding or high natural character; development is located in an appropriate place and of appropriate form and limits; has a functional need and / or efficient use of space (helicopter activity); and has been designed and managed to minimise impacts on public use of and access to and along the coastal marine area.

- The proposal is generally consistent with the objectives and policies relating to the Coastal Management Area (5B.4.1-5B.4.6) under the Auckland Council District Plan (Isthmus Section) which enables the use and development of the coastal environment while ensuring the protection and enhancement of the coastal landscapes and habitats. The proposal will not detract from the coastal management area as the boatshed will maintain a similar form and scale and therefore the visual effects are similar to what currently exists on the coastal area. The proposal will not hinder public access to the coastal marine area along the Herne Bay coastline and little disturbance to the foreshore and seabed will maintain the ecological and natural values of the area. Overall the proposal will not detract from the amenity and character within this modified coastal environment.

- With regards to the Auckland Regional Plan – Coastal, the proposal is generally consistent with the objectives 10.3.1-3 and policies 10.4.3 and 10.4.5 which aim at ensuring the appropriate use and development in the coastal marine area. It recognises that the use and development of the marine area is appropriate where the environment has been modified by human activities and located in areas where development already exists. The proposal will reconstruct the existing boat shed to a similar scale and form. The proposal will not detract from the existing modified coastal environment and the shallow excavations will maintain the ecological values and coastal processes of the coastal marine area. The use of the boatshed as helicopter pad is also appropriate given the measures proposed to restrict the operation.
- The proposal is generally consistent with the objectives and policies of the AUP (OP) with specific regard to:
 - **Noise:** the proposal will not be contrary to Objectives E25.2 (1), (2) and (4) and Policies E25.3 (1)-(4) as the proposed measures to restrict hours of operation, flight path height and frequency of flights will ensure that amenity values of residential zones are maintained especially at night time. The helicopter activity is also sufficiently separated from adjacent residential sites ensuring aural amenities will be maintained.
 - **Stability:** The proposal is generally consistent with Objective E36.2 and policies E36.3 (31)-(33) as the proposal will only involve shallow excavations and existing piled foundations will be reused for the boatshed therefore it will not increase stability risks on the site.
 - **Mixed Housing Urban Zone:** The proposal is consistent with the objectives (H5.2(4)), policies (H5.3(2) as the bulk, form and height of the boatshed will be similar to the existing. The scale of the proposal will not detract the amenity values of the area.
- **Coastal:** The proposal is consistent with the objectives and policies of the General Coastal Marine Zone (Objectives F12.14.2(1)-(3) and policies F12.14.3(1),(2), (3), (4) & (11). The proposal will reconstruct the existing boatshed to a similar scale and therefore the occupation of the marine area is appropriate. The helicopter activity does not have a functional or operational need to be undertaken in the common marine and coastal area and does not enhance amenity values, but recognising, the activity will occur in association with the boatshed, will not noticeably detract from amenity values, natural character or public access.

The duration for the occupation of the coastal marine area will be limited to 26 years (expires on 30 June 2043) which is consistent with the coastal permit of an adjacent boatshed to ensure that the appropriateness of the occupation of these similar structures will be considered as a whole.

Weighting only becomes relevant in the event that different outcomes arise from assessments of the objectives and policies of the relevant plans. In this instance, as the outcomes are similar, no weighting is considered necessary.

4. In accordance with an assessment under s104(1)(c) of the Resource Management Act, other matters, including monitoring and conditions of consent have been considered in the

determination of the application. Monitoring and the associated monitoring fee are appropriate to ensure compliance with the conditions attached to this consent.

5. The proposal achieves the sustainable management purpose of the RMA under Part 2 because it will maintain the quality of the environment and amenity values of the coastal environment. Adverse effects will be suitably avoided, remedied or mitigated.

2. Conditions

Under section 108 of the RMA, these consents are subject to the following conditions:

General Conditions

1. The proposal shall be carried out in accordance with the plans and all information submitted with the application, detailed below, and all referenced by the council as consent number LUC60112250 & CST60082316
 - Application Form, and Assessment of Environmental Effects prepared by Paul Arnesen of Planning Focus Limited, dated August 2016.
 - Coastal Permit 27797, dated 16 July 2003.
 - Assessment of Noise Effects, prepared by Hegley Acoustic Consultants, dated July 2016.
 - S92 response from Nevil Hegley of Hegley Acoustic Consultants, dated 14 September 2016.
 - Response to further information request, prepared by Paul Arnesen, dated 21 September 2016.

Plan title and reference	Author	Rev	Dated
RC 01 – Existing Plans & Elevations	Julian Guthrie		14/07/2016
RC 02 – Proposed Plans	Julian Guthrie		14/07/2016
RC 03 – Proposed Elevations	Julian Guthrie		14/07/2016
Correspondence			Dated
Letter from Setareh Masoud-Ansari			12 April 2017
Email from Paul Arnesen to Thomas Faherty regarding PAUP DV and AUP OP			29 March 2017
Email from Setareh Masoud-Ansari			27 April 2017
Email from Paul Arnesen regarding duration of coastal permit			14 February 2017
Email from Paul Arnesen			13 March 2017

2. Under section 125 of the RMA, this consent lapses five years after the date it is granted unless:
 - a. The consent is given effect to; or
 - b. The council extends the period after which the consent lapses.

3. The consent holder shall pay the council an initial consent compliance monitoring charge of \$300 (inclusive of GST), plus any further monitoring charge or charges to recover the actual and reasonable costs incurred to ensure compliance with the conditions attached to this consent/s.

Advice note:

The initial monitoring deposit is to cover the cost of inspecting the site, carrying out tests, reviewing conditions, updating files, etc., all being work to ensure compliance with the resource consent. In order to recover actual and reasonable costs, monitoring of conditions, in excess of those covered by the deposit, shall be charged at the relevant hourly rate applicable at the time. The consent holder will be advised of the further monitoring charge. Only after all conditions of the resource consent have been met, will the council issue a letter confirming compliance on request of the consent holder.

Construction hours and noise

4. All construction, demolition and earthworks activities on the subject site shall comply with the New Zealand Standard 6803:1999 for Acoustics – Construction Noise at all times.
5. The use of noise generating tools, motorised equipment, and vehicles that are associated with construction and earthworks activity on the subject site shall therefore be restricted to between the following hours to comply with this standard:
 - a. Monday to Saturday: 7:30am to 6:00pm
 - b. Sundays or Public Holidays: no works

Helicopter Operation

6. The consent holder shall ensure that the flight paths to and from the helipad shall generally be to and from the north until the helicopter is at a minimum height of 500ft in order to provide a reasonable noise level for the wider environment.
7. The consent holder shall ensure that the helicopter activity shall have a maximum of 3 flights (3 arrivals and 3 departures) in any 7 day period with a maximum of one flight in any one day.
8. The consent holder shall ensure that all flights are restricted to the hours of 7:00am to 7:00pm Monday to Friday and 9:00am to 7:00pm Saturday, Sunday and Public Holidays or between Morning Civil Twilight and Evening Civil Twilight, whichever is more restrictive.
9. The consent holder shall ensure that no helicopter creating noise effects greater than an AS350 will be used unless the expected noise levels can be demonstrated to comply with the noise limits.
10. The consent holder shall ensure that a log will be prepared in order to keep a log of flights, which will be made available to Council if requested.
11. The consent holder shall ensure that all flights will be flown in accordance with the requirements of the Fly Neighbourly Guide.
12. No refuelling of the helicopter shall be undertaken on the helicopter pad.

13. Prior to the commencement of the helicopter pad operation, the consent holder shall obtain the approval of the Civil Aviation Authority to construct a helipad on the boat shed. The approval shall be provided to the Team Leader Central Monitoring.
14. The arrival and departures to and from the helicopter pad shall be for domestic purposes only and not for commercial purposes.

Noise

15. The noise generated by the helicopters, as measured at the national boundary of any dwelling (with the exception of 73 & 79 Sarsfield Street) shall not exceed a level of 50dBa Ldn.
16. The Ldn value shall be averaged over any one week in accordance with the requirement of NZS6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas. The noise exposure on any single day should not exceed an Ldn of 53dBa.
17. Measurements of helicopter noise shall be undertaken in accordance with the requirements of NZS 6801:2008 Acoustics – Measurement of Environmental Sound.

Construction of the boat shed

18. A minimum of 10 working days prior to the start of the construction activity, a Construction Management Plan (CMP) shall be submitted to and approved by the Team Leader Central Monitoring.

The CMP shall specify but no necessarily be limited to the following:

- a. Construction timetable
 - b. Construction methodology
 - i. Details of any temporary structures in the coastal marine area (e.g. construction staging)
 - ii. Methods to remedy any disturbance resulting from the works.
 - c. Contingency plans in case of discharges to the coastal marine area during works
 - d. Site management including details of:
 - i. Site access
 - ii. Confirmation that no equipment or machinery is cleaned, or refuelled or stored in any part of the coastal marine area
 - iii. Methods to ensure compliance with noise standards
 - iv. Methods to avoid effects on the public use of Sentinel beach and adjacent water space
19. No construction activity in the coastal marine area shall start until the CMP is approved by Council and all measures identified in the plan are in place.
 20. All works shall comply with the approved construction management plan at all times. All personnel working on the site shall be made aware of the requirements contained in the CMP. A

copy of the approved CMP shall be held on site at all times while any activity associated with construction is occurring.

21. Public access to and along the coastal marine area shall not be impeded by the construction works except for health and safety reasons.

Restrictions on use

22. The consent holder shall only use the boat shed for the purpose of recreational boating and yacht storage.

Specific to CST60082316

Maintenance

23. The consent holder shall ensure that the structure permitted to occupy the coastal marine area by this consent is maintained in good and sound condition and shall make any repairs that are necessary, subject to obtaining the necessary resource consents.

Extent of occupation

24. The right to occupy part of the Common Marine and Coastal Area shall be limited to the area of the structure identified in the documents listed in Condition 1 above.
25. The right to occupy part of the common marine and coastal area with the boat shed and helipad shall be an exclusive right.
26. The right to occupy the common marine and coastal area with the slipway is not an exclusive right, and the consent holder shall at all times permit all persons to use the slipway for the purpose of providing public access to and along the coastal marine area.

Duration

27. Consent to occupy common marine and coastal area shall expire on 30 June 2043 unless it has lapsed, been surrendered or been cancelled at an earlier date pursuant to the Resource Management Act 1991.

Removal

28. Within forty (40) working days of the expiry, termination or surrender of this consent, or within a period as otherwise agreed in writing by the Team Leader Central Monitoring, the consent holder shall, at their own expense, entirely remove the structure authorised by this consent from the coastal marine area to the satisfaction of Team Leader Central Monitoring, unless an application for a replacement consent has been accepted for processing by the Council at least six months prior to the expiry of this consent.

Advice notes

1. Any reference to number of days within this decision refers to working days as defined in s2 of the RMA.
2. For the purpose of compliance with the conditions of consent, "the council" refers to the council's monitoring inspector unless otherwise specified. Please contact monitoring@aucklandcouncil.govt.nz to identify your allocated officer.
3. For more information on the resource consent process with Auckland Council see the council's website www.aucklandcouncil.govt.nz. General information on resource consents, including making an application to vary or cancel consent conditions can be found on the Ministry for the Environment's website: www.mfe.govt.nz.
4. If you disagree with any of the above conditions, or disagree with the additional charges relating to the processing of the application, you have a right of objection pursuant to sections 357A or 357B of the Resource Management Act 1991. Any objection must be made in writing to the council within 15 working days of notification of the decision.
5. The consent holder is responsible for obtaining all other necessary consents, permits, and licences, including those under the Building Act 2004, and the Heritage New Zealand Pouhere Taonga Act 2014. This consent does not remove the need to comply with all other applicable Acts (including the Property Law Act 2007 and the Health and Safety at Work Act 2015), regulations, relevant Bylaws, and rules of law. This consent does not constitute building consent approval. Please check whether a building consent is required under the Building Act 2004.
- 6.

Delegated decision maker:

Name: Matthew Wright
Title: Team Leader, Resource Consents
Signed:



Date: 18 August 2017