



**BEFORE INDEPENDENT COMMISSIONER
MR ALLAN CUBITT**

IN THE MATTER OF
RESOURCE CONSENT APPLICATION NO. 102.2018.78

MADE BY
SOUTH CANTERBURY DISTRICT HEALTH BOARD

A REPORT PREPARED UNDER
SECTION 42A OF THE RESOURCE MANAGEMENT ACT 1991

BY
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DATED
2 NOVEMBER 2018

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1.0 INTRODUCTION

1.1 GENERAL

This report sets out to provide an independent and objective assessment of the application in accordance with the Timaru District Council's statutory responsibilities to consider and determine the application. The report does not represent the views or opinions of the Commissioner or the Council.

1.2 QUALIFICATIONS AND EXPERIENCE OF THE REPORTING OFFICER

I, Hayden Blackler (the writer), hold a Degree in Environmental Management and Planning from Lincoln University. I am a graduate member of the New Zealand Planning Institute and have been a Planner at the Timaru District Council since November 2015.

2.0 PROPOSAL DESCRIPTION & BACKGROUND

2.2 PROPOSAL DESCRIPTION

It is proposed to relocate the site's existing helicopter landing pad from the Timaru Botanic Gardens to the south eastern portion of the subject site adjacent to the High Street carriageway. The helicopter landing pad is to be utilised specifically in relation to medical events and will not be used to service or refuel helicopters. It is specified in the application that it is not the intention to increase the number of helicopter flights to the subject site. Reasons for the chosen location of the helipad given in the application are listed below:

- Proximity to the relevant emergency facilities, specifically the MRI department.
- The proposed helipad will have direct covered access to hospital buildings.
- The proposed helipad location will provide a better flow for patients between the helipad and emergency departments and/or the intensive care unit.

The following reasons have been given as to why it is not desired to continue using the existing helicopter landing pad:

- The extended distances between the landing area and relevant emergency facilities (emergency department, intensive care, MRI department).
- Requires negotiating undulation surfaces/car park area.
- No cover provided.
- The difficulty of providing privacy for patients.
- The increased risks associated with landing in an uncontrolled public space.

Images of the existing helicopter landing pad are shown below:



Figure 1: Existing helicopter landing pad.



Figure 2: Path from helicopter landing pad to hospital site.



Figure 3: Path from helicopter landing pad to hospital building.

The existing helicopter landing pad is intended to be decommissioned subject to the establishment of the proposed landing pad.

2.1 BACKGROUND

An application for a proposed helicopter landing pad was originally made in March 2018. This application was returned under section 88 of the Resource Management Act 1991 (the Act) as an acoustic assessment was not submitted with the application.

The application was subsequently resubmitted in April 2018. During the processing of the consent a peer review of the acoustic assessment was carried out by an external noise expert. The applicant also responded to Council's request for further information and agreed to a time extension to allow for the acoustic report to be adjusted to only include land based helicopter activities from the proposed landing pad as stipulated in section 9(5) and section 326 of the Act.

Subsequent to the above, the application was publicly notified on 4 September 2018 for the following reasons:

- All of the information requested in regard to flight frequencies, noise estimations and mitigation was not available/provided.
- Nuisance effects were assessed to be more than minor.
- Amenity effects were assessed to be potentially more than minor.

The application received a total of six submissions. Of these five submissions were opposed to the application, while one supported the proposed development.

3.0 DESCRIPTION OF SITE & SURROUNDING ENVIRONMENT

3.1 SITE & SURROUNDING ENVIRONMENT DESCRIPTION

The subject site is located at 14-16 Queen Street, approximately two kilometres south of the Timaru town centre. The site is 2.8 hectares in area and covers the corner of Queen Street and High Street.

The site contains a number of buildings utilised in relation to the operation of the Timaru Hospital and the South Canterbury District Health Board. Buildings within the site range in height (5-15 metres) and size with the bulk of buildings located at the northern portion of the site where public hospital facilities are provided. Buildings within the southern portion of the site are utilised for ancillary hospital services. Figure 1 below indicates the use of each building and shows the bulk of buildings within the site.

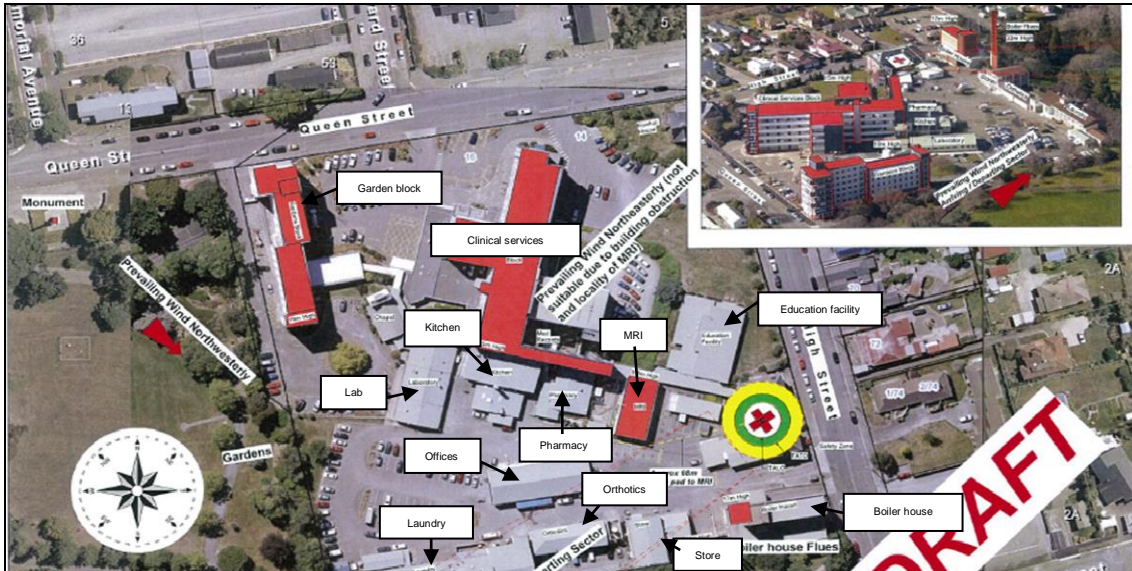


Figure 4: Site Map indicating the use and bulk of buildings within the site.

Parking areas for the site are located on High Street, Edward Street and within the site itself. There are three vehicle access points to the site on Queen Street, while there are two access points to the site on High Street. The main vehicular access point to the hospital is via Queen Street.

Adjoining development to the north and east contains a mixture of residential properties and ancillary medical services and to the south and west is the Timaru Botanic Gardens. Located within the Timaru Botanic Gardens approximately 30 metres to the west of the Timaru Hospital site is the hospital's existing helicopter landing pad.

The location of the site is illustrated in Figure 5, and adjoining development is illustrated in Figure 6. An aerial photograph of the site showing the location of the existing and proposed helicopter landing pad is provided in Figure 7.

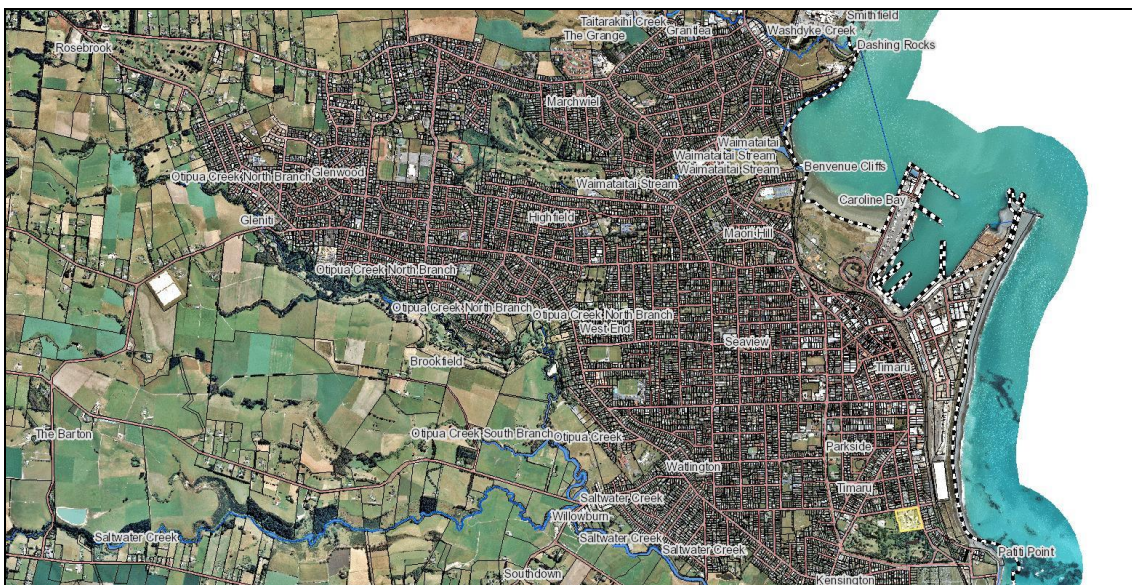


Figure 5 – Site location map. The subject land is indicated by a yellow shaded area.



Figure 6 – Site and adjoining development. The subject land is shaded yellow, adjoining hospital facilities/parking are shaded green, the existing hospital helipad is shaded blue and the proposed hospital helipad is shaded red. Non-residential sites within the vicinity of the site are shaded orange.



Figure 7 – Aerial photograph. The subject land is shaded yellow, the existing hospital helipad is shaded blue and the proposed hospital helipad is shaded red.

A site visit was undertaken on 20 April 2018. The applicant was not present during this site visit. Photographs taken during this site visit are held in the file.

4.0 DEVELOPMENT HISTORY

4.1 DEVELOPMENT HISTORY OF THE SITE

The South Canterbury District Health Board has been granted a number of building and resource consents in relation to healthcare activities carried out on the site. The proposed helicopter landing pad site was previously occupied by a large brick building. This has recently been demolished and is being used temporarily for parking.

4.2 DEVELOPMENT HISTORY OF LAND IN THE VICINITY OF THE SITE

The following is a summary of the relevant development history of the land in the vicinity of the subject site:

Resource Consent No. 5886 was granted in November 2005 to convert the household unit at 68 High Street to an eye clinic facility.

Resource Consent No. 101.2014.178 was granted in September 2014 for a two allotment subdivision at 72 High Street. At this stage no certification under section 223 or 224 of the act has been given for this consent meaning these allotments are yet to be created.

5.0 ACTIVITY STATUS

The subject site is zoned Residential 2 by the Timaru District Plan. The activity status of the application is commented on below:

- Part D2, Section 2.6.2, Rule 3.11 lists '*emergency services facilities*' as a discretionary activity in the Residential 2 Zone.
- Part D6, Section 6.21 (noise), Rule 6.21.2.4 of the District Plan specifies that "*any proposed new activity within the scope of New Zealand Standard 6807:1994 Noise management and land use planning for helicopter landing areas, shall be a discretionary activity in all zones*". As the proposed helipad is within the scope of this standard the application is assessed as a Discretionary Activity in accordance with this rule.

Overall, the application is assessed as a Discretionary Activity.

Note: There are no rules or performance standards in the District Plan relating to noise in the Residential Zones. This is because it is inherently anticipated residential activities will not generate noise disturbance.

6.0 NOTIFICATION STATUS

6.1 NOTIFICATION STATUS

The application was publicly notified on 4 September 2018 which included serving notice of the application on the following properties that were considered potentially affected:

Address
34-96 High Street & 29-37 High Street
2-6 Queen Street
1-35 South Street & 2-2a South Street
35-63 James Street & 36-56 James Street
75-101 Domain Avenue
15-63 Collins Street & 28 Collins



Figure 8 – Properties served with notice.

In addition to the above, the following authorities were notified:

- Environment Canterbury
- Aoraki Environmental Consultancy Limited
- Civil Aviation Authority

7.0 STATUTORY CONSIDERATION

This section of the report details the provision of the Act that are relevant to the consideration and determination of the application. The remainder of this report has been set out to address these provisions of the Act.

7.1 DETERMINATION OF APPLICATION

After considering an application for a resource consent for a discretionary activity, section 104B of the Act states that a consent authority —

- (a) may grant or refuse the application; and
- (b) if it grants the application, may impose conditions under section 108.

7.2 CONSIDERATION OF APPLICATIONS

When considering a resource consent application and any submissions, section 104 of the Act provides that the consent authority, must, subject to Part 2, have regard to the following:

- any actual and potential effects on the environment of allowing the activity
- any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity

- any relevant provisions of:
 - a national environmental standard:
 - other regulations:
 - a national policy statement:
 - a New Zealand coastal policy statement:
 - a regional policy statement or proposed regional policy statement:
 - a plan or proposed plan,
- any other matter it considers relevant and reasonably necessary to determine the application

When forming an opinion for the purposes of actual and potential effects on the environment of allowing the activity, subsection 104(2) of the Act states that a consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard or the plan permits an activity with that effect.

Subsection 104(3)(a) of the Act states that a consent authority must not when considering an application have regard to trade competition or the effects of trade competition, or any effect on a person who has given written approval to the application.

Subsection 104(3)(c) of the Act also provides that a consent authority must not grant a resource consent contrary to:

- section 107, 107A, or 217:
- an Order in Council in force under section 152:
- any regulations:
- wāhi tapu conditions included in a customary marine title order or agreement:
- section 55(2) of the Marine and Coastal Area (Takutai Moana) Act 2011:

Subsection 104(3)(d) of the Act specifies that a consent authority must not grant a resource consent if the application should have been notified and was not.

Subsection 104(4) of the Act specifies that the consent authority considering an application must ignore subsection (3)(a)(ii) if the person withdraws the approval in a written notice received by the consent authority before the date of the hearing, if there is one, or, if there is not, before the application is determined.

Subsection 104(5) of the Act specifies that a consent authority may grant a resource consent on the basis that the activity is a controlled activity, a restricted discretionary activity, a discretionary activity, or a non-complying activity, regardless of what type of activity the application was expressed to be for.

Subsection 104(6) of the Act states that a consent authority may decline an application for a resource consent on the grounds that it has inadequate information to determine the application.

Subsection 104(7) of the Act states that in making an assessment on the adequacy of the information, the consent authority must have regard to whether any request made

of the applicant for further information or reports resulted in further information or any report being available.

7.3 CONDITIONS

Section 108 of the Act provides the consent authority with the ability to impose conditions on resource consent applications.

8.0 ASSESSMENT OF APPLICATION

8.1 ADEQUACY OF INFORMATION

Although the applicant did not provide all of the information requested it is considered that the information provided by the applicant is sufficient to determine the application in terms of section 104(6) of the Act.

8.2 ACTUAL & POTENTIAL EFFECTS ON THE ENVIRONMENT

8.2.1 PERMITTED BASELINE

As stated above, a consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard or plan permits an activity with that effect. This is termed the 'permitted baseline'. It is at the consent authority's discretion as to whether the permitted baseline is taken into account when considering an application. The following assessment has not taken into account the permitted baseline as helicopter landing pads within the scope of the New Zealand Standard 6807:1994 Noise management and land use planning for helicopter landing areas (NZS 6807) are not listed as a permitted activity in the District Plan.

8.2.2 WRITTEN APPROVALS

Section 104(3) of the Act provides that a consent authority may not have regard to any effect on a person who has given written approval to the application. No written approvals have been submitted with the application.

8.2.3 ENVIRONMENTAL EFFECTS ASSESSMENT

In assessing this application it is considered that the potential environmental effects are:

- Nuisance
- Residential Amenity
- Dust
- Public Amenity and Safety

These effects are considered as follows:

8.2.3.1 Nuisance

Assessment Matters

Marshall Day Acoustics (MDA) have prepared an Acoustic Assessment, dated 9 April 2018, to assess the potential noise effects associated with the proposed helicopter landing pad. This report was peer reviewed by Dr Stephen Chiles, Acoustic Engineer on behalf of the Timaru District Council. An updated acoustic assessment dated 30

June 2018 was submitted with the application following Council's request for the calculated noise levels to only include noise generated from land based helicopter activities. This is consistent with section 9(5) and section 326(1)(a) of the Act listed below:

Section 9 (5) specifies *"This section applies to overflying by aircraft only to the extent to which noise emission controls for airports have been prescribed by a national environmental standard or set by a territorial authority"*.

In regard to the above, the applicant provided adjusted noise estimation for night time disturbance (L_{AFmax}). However adjusted noise estimations for the day-night average sound level (dB L_{dn}) were not provided.

For clarity, it has been established through case law (CIV 2008-404-000587) that restriction under Section 9(5) of the Act is limited to 500 feet (152 metres) above ground level in rural areas and 1,000 feet (304 metres) in congested (urban) areas. It will need to be confirmed at the hearing if this was adhered to in flight modelling carried out by the applicant.

In accordance with section 9 (5) of the Act and the New Zealand Standard 6807:1994 Noise management and land use planning for helicopter landing areas (NZS 6807) an assessment has been carried out below.

Assessment

The NZS 6807 sets an acceptable noise limit of 50 dB L_{dn} (day-night average sound level over a seven day period) for residential human annoyance and a 70 L_{AFmax} (night-time maximum sound level) noise limit for protection against sleep disturbance.

In terms of the day-night average level, noise levels relating only to land based helicopter activities have not been provided. It is noted that the original noise assessment identifies that household units opposite the helicopter landing pad (70, 72, and 1-4/74 High Street) will experience noise exposure above the noise limits specified in NZS 6807 in a high use week. A high use week constitutes four daytime movements (two flights) and two night time movements (one flight). In regard to the day-night average sound level the following comment has been made by Dr Chiles:

"In general, I agree the potential daytime noise effects are limited by the relatively small numbers of flights that occur. This would hold true even if the number of flights as much as say doubled from the 74 flights (based on flight frequencies given in the original application) that occurred in 2017. Each helicopter event will be clearly audible across a wide area and may cause temporary disturbance, particularly at the nearest houses, possibly interfering with concentration, relaxation and communication. Due to the short and infrequent nature of this disturbance it should be acceptable for most people during the day, but this may depend on the sound insulation, layout and use of the nearest houses with the highest exposure."

I agree with the above and consider that the proposal has the potential to adversely affect the three properties identified by MDA (70, 72, and 1-4/74 High Street) to (in some instances) experience noise disturbance above the day-night average sound level limit in NZS 6807. In regard to this an assessment in terms of mitigation has been carried out later in this report.

In regard to the night-time maximum sound level for protection against sleep disturbance Appendix B of the MDA report (June 2018) identifies that a large number of

properties (approximately 100) will be exposed to noise levels above the night-time maximum level specified in NZS 6807. It is noted that a large proportion of these properties already experience a similar level of noise exposure from existing helicopter operations at the hospital. This is somewhat demonstrated in Appendix B which compares noise exposure between the existing and proposed helicopter landing pad. Appendix B is shown below.

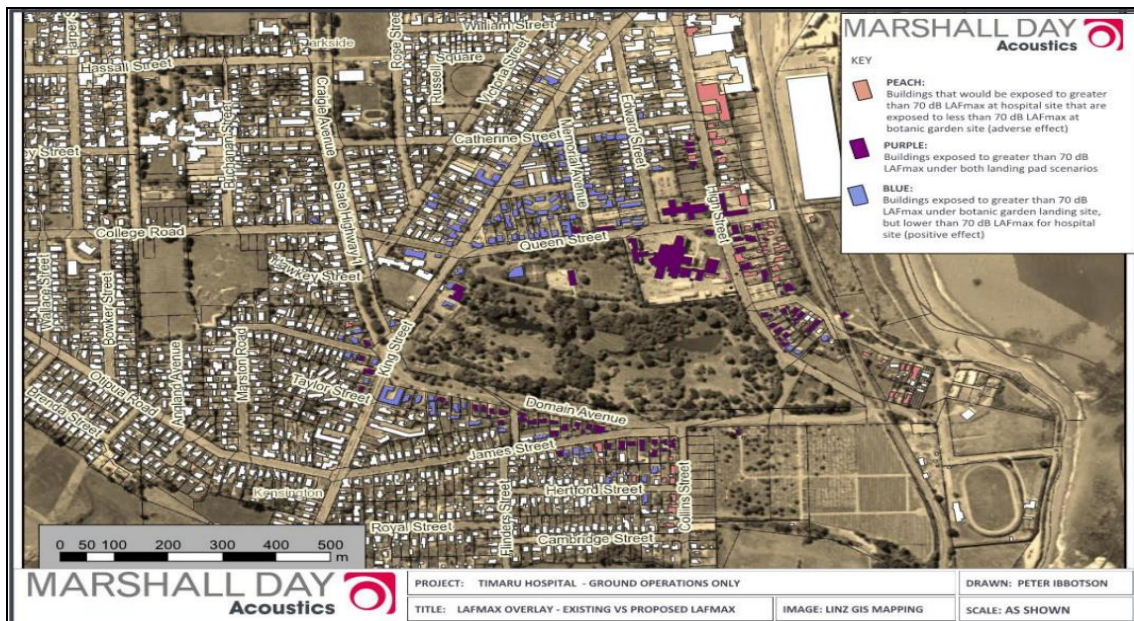


Figure 9: Existing vs proposed L_AF_{max} sound level.

In regard to the above, as specific noise levels have not been provided for existing and proposed helicopter activities I am unable to distinguish what the difference (increase or decrease) is between noise exposures at these properties. Nonetheless, it is likely that properties south of Domain Avenue and on Queen Street in the purple shaded areas identified in Appendix B (exposed to greater than 70 dB max in both situations) will experience a level of noise exposure less than what is currently experienced. This however could not be confirmed at the time of writing this report.

Further to the above, based on Appendix B-D of the acoustic assessment it is assessed that properties to the east of the proposed helicopter landing pad will experience a significant increase in noise exposure above the noise limits in NZS 6807. These properties are considered to be the most adversely effected by the proposal. It is also noted that a number of properties along Collins Street and James Street have been identified within Appendix B to experience a level of noise exposure above the noise standard not previously experienced. Again the level of noise exposure above the noise standard cannot be established based on the information submitted.

Sleep Disturbance

The Federal Interagency Committee on Aviation Noise (FICAN) dose response relationship is used by the applicant to assess the effects of the proposed helicopter landing pad on sleep disturbance. The following graph shows the results of this study.

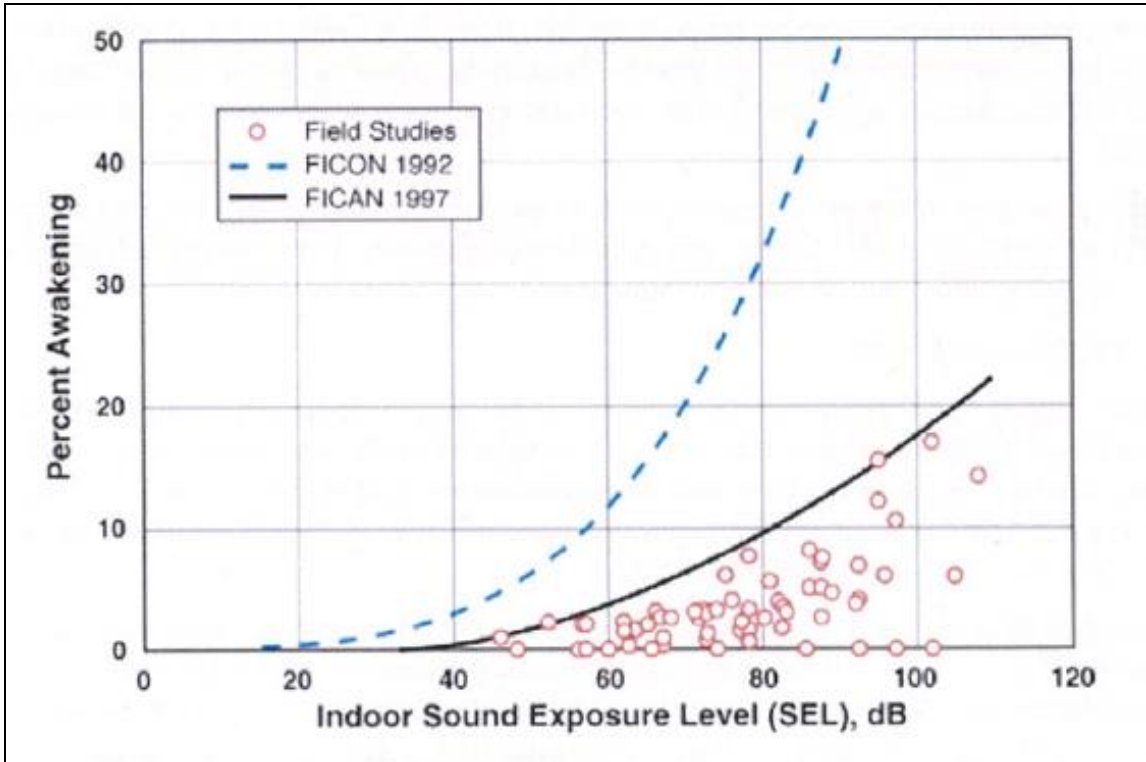


Figure 10: FICAN dose response relationship.

Based on the above, the applicant has summarised sleep disturbance effects below:

Table 1: Sound Exposure Level vs L_{AFmax} vs % awakenings

Indoor Sound Exposure Level dB L_{AE}/SEL	Outdoor Sound Exposure Level dB L_{AE}/SEL^*	Approximate Maximum Outdoor Noise Level dB L_{AFmax}^{**}	% Awakenings ^{***}
65	80	70	6
70	85	75	7
75	90	80	8.5
80	95	85	10

*based on a 15 dB noise reduction through a partially open window

**based on the typical relationship $L_{AFmax} = SEL - 10$ dB for aircraft noise

***from 1997 figure values

In relation to the above the following comment was made in the peer review carried out by Dr Chiles:

“MDA correctly identifies that sleep disturbance is likely to be the critical noise effect. MDA discusses the 70 dB L_{AFmax} criterion from NZS 6807 but essentially dismisses it in favour of a substantially more lenient 95 dB L_{AE} criterion. While 95 dB L_{AE} has previously been recommended as a criterion by MDA and used at some other airports, it is not a standard value. There is significant ongoing research into sleep disturbance from noise as recently summarised in WHO Environmental Noise Guidelines for the European Region: A Systematic Review on Environmental Noise and Effects on Sleep, International Journal of Environmental Research and Public Health 2018, 15, 519. Such research indicates greater sleep disturbance from aircraft noise than the older 1997 report cited in the MDA report.”

I agree with the statement made by Dr Chiles and also note the following:

- There is a significant difference (up to 40%) between the trend line of 1992 and 1997.
- Results in the 1992 show a significantly higher level of sleep disturbance.
- Specific noise exposure levels on residential properties have not been provided.

Having regard to the above, it is considered that the referenced study is not a reliable source for estimating the level of sleep disturbance created by the proposed helicopter landing pad. It is also considered that it is more than likely that a higher level of sleep disturbance would be experienced on residential properties in the surrounding environment than those specified.

Frequency

To assess the extent of effects generated from exceeding the noise limits of NZS 6807 specifically in regard to night-time disturbance a record of helicopter movements to the hospital for the last five years was requested to be provided. Following this request the applicant provided the following information shown in Table 2 below:

Table 2: Helicopter Flights to the Timaru Hospital

Year	Time of day	Christchurch based helicopter	Dunedin based helicopter	Total	% for the year
2017	Day (7am to 7pm)	53	26	79	78%
	Night (7pm to 7am)	19	3	22	22%
	Total	72	29	101	
2016	Day (7am to 7pm)	53*	13	79	76%
	Night (7pm to 7am)	19*	2	21	24%
	Total	72	15	87	

*2017 numbers used, as actual number not supplied.

The above is not considered to be sufficient to establish the frequency or pattern of helicopter movements to the site. A thorough assessment has therefore not been able to be made to determine the level of disturbance created by the proposal. Specifically, the following has not been able to be established:

- If helicopter movements to the site are incrementally increasing over time.
- If helicopter movements fluctuate dramatically year to year.
- If helicopter movements would cause a significant level of sleep disturbance.
- If helicopter movements occur mainly during the day or at night. It is however noted that based on the information provided that it would appear that helicopter movements predominately occur during the day.
- What/if mitigation is required.

However for the purpose of making an assessment and considering potential future effects it is considered appropriate to adopt a scenario which reflects a high level of use. To reflect this 2017 flight frequency numbers have been increased by 30%. Adjusted flight data is shown in Table 3 below.

Table 3: *Adjusted Helicopter Flights to the Timaru Hospital*

Year	Time of day	Christchurch based helicopter	Dunedin based helicopter	Total	% for the year
2017 +30%	Day (7am to 7pm)	69	34	103	78%
	Night (7pm to 7am)	25	4	29	22%
	Total	94	38	132	

Having regard to the adjusted flight frequency data it is considered that a sufficient number of flights could be generated to the hospital which would result in a noticeable level of sleep disturbance on nearby residential properties. However, there is no way to qualify this effect as the number of flights cannot be quantified.

Mitigation

In instances where the specified noise limits in NZS 6807 are exceeded the standard stipulates that compatible land use planning provisions shall be implemented to ensure that adverse effects are mitigated. Given the nature of helicopter movements (medical events) to the site, mitigation measures such as limiting the use of the helicopter landing pad is not suitable as recommended in NZS 6807. Dr Chiles has however stated that the treatment of individual buildings and/or construction of an acoustic barrier could be a form of potential mitigation that could be implemented in this situation.

In response to the above, it was requested that the applicant investigate the viability of implementing the suggested mitigation measures outlined by Dr Chiles. The applicant did not provide any information in terms of treating individual buildings. In regard to providing an acoustic barrier, correspondence was submitted from Helicopter Otago Ltd. It was unclear from this correspondence whether erecting an acoustic barrier would be a viable option or not.

To address the above, based on noise modelling data provided it is unclear what residential buildings would need to be treated. Additionally, as no investigation has been carried out by the applicant it is unclear if this would be a suitable mitigation measure in terms of practicality and noise reduction.

In terms of an acoustic wall it is noted that a wall would mitigate noise generated from helicopters during ground activities however would not mitigate noise effects immediately before landing or after landing and take off (up to 1,000 feet above ground). Again, as no investigation has been carried out it is unclear if this would be a practical mitigation solution or would provide a suitable level of noise mitigation.

In this instance, it is considered that the most practical measure to minimise nuisance effects of helicopter movements to the Timaru hospital is to create separation between helicopter activities and residential activities. In regard to this, an assessment of alternative locations for the helicopter landing pad is carried out in Section 8.2.3.4 of this report.

Conclusion

In conclusion it has been difficult to determine the extent of noise effects generated by the proposal as the frequency of helicopter movements has not been clearly established and also because the level of night-time noise exposure above the noise standard has not been provided. Additionally, suitable mitigation has not been proposed or established as part of this assessment. On this basis, it is considered that effects of the proposal in terms of nuisance will be more than minor.

8.3.2.3 Residential Amenity

The proposed helicopter landing pad is a non-residential use and therefore has the potential to have an adverse effect on the residential amenity of the surrounding environment. An assessment on residential amenity has been carried out below.

Public and Resident Safety

Public safety is a relevant consideration given the proximity of the proposed helicopter landing pad to Council's road reserve containing a public footpath and adjoining residential area. In regard to this Council's Land Transport Manager has advised that mitigation is required to ensure pedestrians and cyclists are not adversely effected by high wind flows generated from helicopters. I also consider it appropriate to ensure the protection of nearby residences from high winds. Suggested mitigation in this instance is limited to solid boundary fencing. In the absence of an assessment from a suitably qualified wind expert I am unable to distinguish how high such a fence would need to be or if this would be a suitable mitigation measure. However on the assumption that wind generated from helicopters is dispersed relative to the width of the helicopter in a downwards direction towards the ground such a fence would not need to be significantly high.

Dust

The proposed helicopter landing pad has the potential to generate adverse dust effects on adjoining residential properties and the public road carriageway. Effects of dust within the scope of this consent are considered to be limited to the dirtying of cars and private property. It is noted that dust effects created on air quality are controlled by the Regional Council. To avoid effects of dust it is considered appropriate that boundary fencing be required. Similar to the above, without assessment from a wind expert it is unclear how high such a fence would need to be.

Visual Amenity

In regard to visual amenity the proposed helicopter landing pad is considered to be within what would be expected to be seen on a site historically utilised as an emergency facility. Effects in terms of visual amenity are therefore considered to be less than minor. It is noted that this will need to be reassessed if it is established that high boundary fencing is required for mitigation purposes.

8.3.2.4 Assessment of Alternatives

On request the applicant provided an assessment of alternative locations for the proposed helicopter landing pad. Figure 12 below shows the alternative locations considered by the applicant:

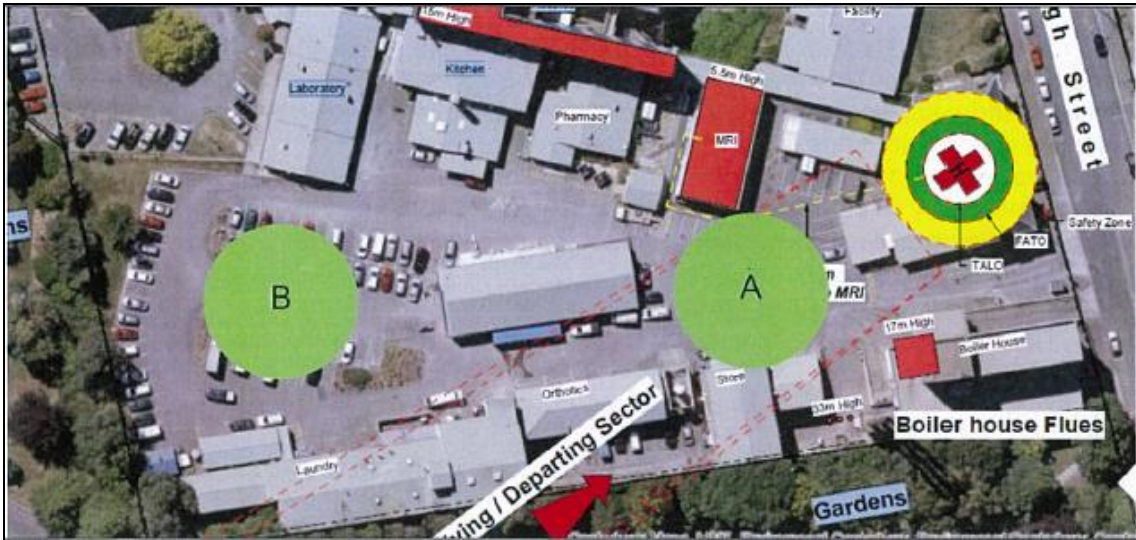


Figure 12: Alternative locations considered by the applicant.

The following reasons were given for Location A not being suitable:

- A location adjacent to the MRI department (Location A) is likely to be of insufficient size and would conflict with vehicle movements to and from the site.

In relation to Location A it is acknowledged that some investigation in terms of spatial requirements would need to be carried out. It is noted that the Civil Aviation Authority is responsible for the regulation of aviation safety and set the special requirements for helicopter landing pads. These spatial requirements shown in Figure 11 below.



Figure 11: Helicopter landing pad spatial requirements.

The following definitions are given in Civil Aviation Authority (CAA) advisory circular (AC139-8) for heliports for the three defined landing pad areas:

- “Final approach and take-off area (FATO) means a defined area over which the final phase of the approach manoeuvre to hover or landing is completed and from which the take-off manoeuvre is commenced and, where the FATO is to be used by performance Class 1 helicopters, includes the rejected take-off area available.”
- “Touchdown and lift-off area (TLOF) means a load bearing area on which a helicopter may touch down or lift off.”

- *“Safety area means a defined area on a heliport surrounding the FATO which is free of obstacles, other than those required for air navigation purposes, and intended to reduce the risk of damage to helicopters accidentally diverging from the FATO. It should be capable of supporting the weight of a helicopter.”*

In accordance with AC139-8 the above areas are required to comply with the following dimension requirements:

- *“The dimensions of a FATO should be of sufficient size and shape to contain an area within which can be drawn a circle of diameter not less than 1.5 times the over-all length or width, whichever is the greater, of the longest or widest helicopter the heliport is intended to serve.”*
- *“The TLOF should be of sufficient size to contain a circle of diameter 1.5 times the length or width of the undercarriage, whichever is the greater, of the largest helicopter the area is intended to serve.”*
- *“The safety area should extend outwards from the periphery of the FATO for a distance of at least 3000 mm or 0.25 times the over-all length or width, whichever is the greater, of the longest or widest helicopter the area is intended to serve.”*

Additionally it is noted in AC139-8 that,

“By necessity, a hospital heliport is required to be in close proximity to the hospital to avoid medical complications during the transfer of patients or during the delivery of persons requiring urgent medical treatment. In recognition of this factor, and that some hospital sites and facilities are long established, the hospital heliports design standards may be reduced as follows

Where it is impossible to provide a FATO with a surrounding 3000 mm safety area, the safety area may be omitted. Obstacle free surfaces and distances to objects should then be taken from the edge of the FATO.”

In terms of conflicting with vehicle movements further investigation in terms of the spatial requirements is needed for an assessment to be made. Additionally, further investigation would need to be carried out to determine if the increased separation from residential housing would be sufficient to avoid/mitigate noise effects.

The following reasons were given for Location B not being suitable:

- A location towards the south-west area of the site would result in:
 - Reduced, but still undesirable transfer distances.
 - Likelihood of continuing to require some negotiation in/around the car park area.
 - No cover is available and continued privacy concerns
 - Loss of existing parking resource

In regard to Location B the transfer distance from the helipad would be approximately 35-40 metres further away from the MRI building when compared to the proposed helipad. However if Location B was shifted to the east slightly this distance could be reduced by 10-20 metres.

In relation to access it is acknowledged that some negotiation around the car park may be required. However the car park could be re-designed to avoid this issue.

In terms of losing car parking it is noted that the area of the proposed helipad could be used for parking. It is also noted that a new parking area has recently been established at north east corner of the site (although without Council consent). With this in mind, the loss in parking is not considered to be an issue.

To address privacy there is likely to be more privacy achieved from a centralised helicopter landing area when compared to the proposed helicopter landing pad which is adjacent to a public road and residential area.

Lastly, it is likely that significantly less noise disturbance would be experienced by nearby residential properties from Location B when compared to the proposed helicopter landing pad. However further investigation would need to be carried out to confirm this.

In conclusion it is unclear if Location A would be a suitable area for a helipad while Location B would likely be suitable.

Further to the above, an assessment in terms of retaining the sites existing helicopter landing pad has been carried out below:

The reasons for not wishing to keep the sites existing landing pad relate to the separation distance between emergency facilities, negotiating undulating surfaces and privacy concerns. These are considered to be fair reasons for not wishing to continue using the existing landing pad.

In terms of effects generated from the existing helicopter landing pad it is noted that the nearest residential household unit is located approximately 120 metres to the north of the helipad. Between residential properties to the north and the helipad is dense mature landscaping which would provide some noise mitigation. In terms of receivers to the east the closest household unit is approximately 230 metres away. Between residential properties to the east and the helipad is immense built form which range in height up to 15 metres. This built form would provide a significant level of noise mitigation to properties to the east.

Having regard to the above, it is considered that the location of the existing helicopter landing pad is the most ideal location in terms of avoiding and mitigating adverse effects on the environment. It is however acknowledged that this location does not necessarily best suit the needs of the hospital.

8.3 Conclusion

Based on this assessment of actual and potential effects on the environment, I consider that the application will have effects that are more than minor on the environment in terms of nuisance.

8.4 ASSESSMENT OF APPLICABLE STATUTORY PLANNING DOCUMENTS

The Timaru District Plan is the only statutory planning document that is pertinent to the consideration of the subject application. It is noted that civil aviation's rules will apply. Accordingly, and in the interests of conciseness, no other statutory planning documents are considered in this assessment.

8.4.1 TIMARU DISTRICT PLAN

The site is zoned Residential 2 by the District Plan. Given the zoning of the site and the proposed activity, it is considered that the Objectives and Policies of the following sections are relevant to the consideration of the application:

- Townscape (Part B, Section 11(c) and Part D2, Section 2.1)
- Noise (Part B, Section 12 and Part D2, Section 2.2); and
- Dust and wind generation (Part D2, Section 2,3)

The Applicant has provided an assessment of the above sections of the District Plan in the Assessment of Environmental Effects (pg. 9-10).

An assessment against the objectives and policies of the District Plan has been carried out with reference to the assessment made by the applicant where appropriate.

Part B, Section 11(c) – Townscape and Lifestyle

The District Plan provides the following statements in relation townscape and lifestyle:

Issue 1(a)

“There is a general lack of amenity in some urban areas where land use degrades the appearance of “streetscapes”, and where the scale and coherence of new development in relation to existing developments reduces the amenity of these areas.”

Explanation

“The visual appearance of buildings and other structures including overhead wires and signs, in residential, commercial and industrial areas is of concern to the community.”

The following objectives and policies are considered to be relevant in the consideration of this proposal:

- Objective (1) seeks *“Improved amenity and safety of urban “streetscapes” in the District.*

Principal Reason: Addresses the wide community concern that the appearance of urban areas in the District needs improvement.”

The above objective is supported by the below policy of the District Plan:

- Policy (1) seeks *“To permit the use and development of residential and commercial sites while protecting and enhancing the amenity and safety enjoyed by neighbouring properties and the public enjoyment of the streetscape (other than during short term construction).”*

Assessment:

As previously discussed the helicopter landing pad is considered to be within what would be expected to be seen on the subject site given its historic use as a public hospital. In terms of public safety, in the absence of an assessment from a wind expert suitable mitigation has not been established through this assessment. As such, it is unclear if the proposal will be consistent with the above objective of the District Plan.

Part B, Section 12 - Noise

The District Plan provides the following statement in relation to noise:

“The adverse effects of noise are an issue in both urban and rural areas where noise may have an adverse effect on the health of people and communities and their enjoyment of the District, as well as an effect on natural values.”

Further to the above the following explanation is given:

“While there is always background noise, some noise can give rise to nuisance and even health problems through either its character, duration, or time of occurrence..”

The following objectives and policies are considered to be relevant in the consideration of this proposal:

- Objective (1) of the District Plan seeks to *“minimise the situations where there is conflict between noise emissions from land use activities and other more sensitive land uses.”*

Principal Reason

“Where activities such as motorsport, which emit high noise levels, and more sensitive uses such as dwellings are in close proximity there is potential for conflict about adverse noise effects and degradation of amenity values. This should be avoided where practical, or means found to mitigate the effects where practical...”

The above objective is supported by this policy of the District Plan:

- Policy (1) seeks *“To avoid or mitigate effects of noise on residential uses and other sensitive areas, by limiting noise emissions within residential, rural and natural areas, and by discouraging residential and other sensitive uses from locating close to land zoned or used for noisy activities.”*

Explanation and Principal Reason

“The simplest and most effective way to minimise conflicts between land use over noise is to achieve separation of the land uses wherever possible...”

Assessment

Having regard to the above, it is clear that the District Plan puts a strong emphasis on restricting situations which give rise to a significant rise in noise disturbance unless adverse effects can be avoided or mitigated.

The applicant has specified that the proposal assists in minimising conflict by limiting the use of the helipad to only medical events and reducing the number of dwellings exposed to noise above 95db L_{AE} (adopted acceptable noise criteria by the applicant).

In regard to this, given the medical use of the site it is considered that restricting the use of the helipad to medical events is not a limiting factor in this instance. As such, it is unlikely that the site would be utilised in relation to any other activities which would necessitate the use of a helicopter.

Additionally, while the overall number of properties that will experience noise exposure above 95db L_{AE} will decrease, a number of properties (namely properties to the east of the proposed helipad) will experience a significant increase in noise exposure beyond what is currently experienced. It is also important to note that there is dense vegetation

and built form surrounding the existing helipad which provides some noise mitigation to nearby residential properties. As such, the proposed helicopter landing pad will result in a significant increase in disturbance when compared to the existing situation.

To address other possible mitigation, it was identified in the peer review carried out by Dr Chiles that erecting an acoustic barrier and/or treating individual buildings may be effective mitigation measures. As previously discussed, the applicant has not actively investigated these measures. As such, it is unclear if these are suitable modes of mitigation.

The most practical method for avoiding nuisance (as indicated in Part B, Section 12, Policy (1)) is to achieve separation between land uses. As assessed in Section 8.3.2.3 of this report it is considered that there is scope to establish a helipad within a more centralised location of the site, which would likely result in significantly less noise disturbance.

Lastly, as previously established it is not considered appropriate to put any restriction on the use of the helipad in terms of hours or use or frequency given that the helipad is to be utilised for emergency purposes.

In conclusion, it is considered that the proposal does not minimise or mitigate the effects of the proposal. It is also considered that there are not any mitigation measures that could practically be implemented to mitigate the effects of the proposal. As such, it is considered that the proposal is contrary to the above objective and policy of the District Plan.

Part D2 (Residential Zones), Section 2.1 – Visual

Townscape and lifestyle objectives and policies are listed in the residential zone section of the District Plan which relate to visual appearance and surroundings. Relevant objectives and policies are listed below:

- Objective 2.1.1.1 seeks to *“recognise the importance of maintaining and enhancing the amenity values of residential areas.”*
- Policy 2.1.2.1 seeks *“to protect and enhance the visual appeal, coherence, and quality of residential areas.”*

Assessment

On the basis that high fencing is not erected adjacent to the helicopter landing pad it is considered the proposal in terms of visual amenity will be consistent with the above objective and policy of the District Plan.

Part D2 (Residential Zones), Section 2.2 – Noise

Specific reference is given to noise in Part D2, Section 2.2 of the District Plan.

The following statement and explanation is given in relation to noise:

“Sound levels may have a very detrimental effect on people in residential areas who are seeking to rest or carry out quiet residential and recreational activities.

Explanation:

Environmental noise is a major environmental and health issue. The adverse effects of noise which people have no control over or which are not produced naturally (like the

sea) are especially stressful at times when most people are trying to rest (night time) or relax (outside normal work hours).”

The following objectives and policies are considered to be relevant:

- Objective 2.2.1.1 seeks *“That as far as practical residential zones should be areas where people are able to find rest and relaxation with a minimum of interference from unwelcome noise.*

Principal Reason:

People's homes should provide an environment where they can escape the stresses brought about by industrial, commercial and recreational activities.”

- Policy 2.2.2.1 *“To only provide for those activities which are unlikely to add significantly to noise levels in residential areas.”*

Explanation and Principal Reason

Separates activities producing adverse effects from residential areas while protecting the quality of life in residential areas. Activities which are not compatible with residential character can be located in other zones. Some other activities which provide important services to residential zones are provided for in the lists of permitted, controlled or discretionary activities in those zones.”

Assessment

The proposed helicopter landing pad will result in a significant increase in noise disturbance on residential properties to the east of the proposed helicopter landing pad. It is therefore considered that the proposal is contrary to the above objective and policy of the District Plan.

Part D2 (Residential Zones), Section 2.3 – Other Environmental Effects

The District Plan provides the following statement in relation to this section of the District Plan:

“There are other environmental effects such as odour, and dust emissions, lighting or traffic effects which can arise from activities which impact on the amenity of residential areas.

The following objectives and policies are considered to be relevant in the consideration of this proposal:

- Objective 2.3.1.1 seeks *“The retention of residential character and a high standard of amenity.*

Principal Reason

To provide for a quality of life that allows people to rest and enjoy their homes without suffering significant adverse effects from other land uses.”

Assessment

Other environmental effects of the proposal generated on residential properties are considered to be limited to dust and wind generation. In the absence of an assessment from a wind expert suitable mitigation has not been established through this

assessment. As such, it is unclear if the proposal will be consistent with the above objective of the District Plan.

Conclusion

Based on the above assessment, I have concluded that the proposal will be contrary to the objectives and policies of the District Plan.

8.5 SUBMISSIONS RECEIVED

The application received a total of six submissions. Of these, five submissions were opposed to the application, while one supported the proposed development. Table 4 provides the names and addresses of each person who lodged a submission in respect of the application.

Table 4: – List of Submitters on the Application

Name	Address	Support/Oppose
Bob Langreish	29 South Street	Support
Steven and Diane Laws (owners)	74/1-4 High Street	Oppose
Pauline Hearfield* *	74/1 High Street	Oppose
Phil and Veronica Van der Merwe*	70/2 High Street	Oppose
Aiswarya Vecappan**	70/3 High Street	Oppose
David Whytock**	2 South Street	Oppose

*late submission

**late and incomplete submission

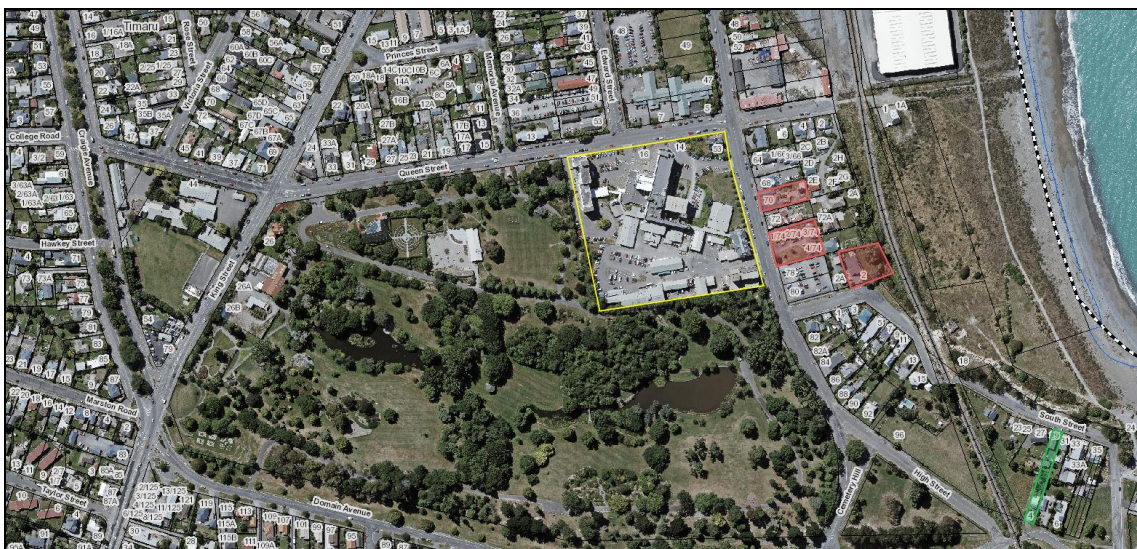


Figure 12 – Location of Submitters in Locality; Red shaded areas indicate persons in opposition; green shaded area indicates person in support. The subject site is outlined in yellow.

Submissions marked with an asterisk were received late. It is recommended that the Commissioner determine at the hearing, as an initial matter, as to whether these submissions will be accepted or not.

The issues raised in the submissions are as follows:

- Noise

- Dust generation
- Wind disturbance
- Public safety
- Traffic safety
- Residential amenity
- Public amenity
- Future effects (hospital expansion)
- Contrary to the objectives and policies of the District Plan

The following non resource management issues were raised in the submissions:

- Lack of consultation
- Helicopter safety (controlled by Civil Aviation Authority)

The relevant issues raised above have been considered throughout this report.

8.6 ANY OTHER MATTER

It is considered that there are no other matters that are relevant or reasonably necessary to determine the application.

8.7 PART II MATTERS

Part II of the Resource Management Act stipulates the purpose and principles of the Act. The purpose of the Act is to promote the sustainable management of natural and physical resources.

Part 2, section 5 of the Act states that, “*sustainable management means managing the use ... of natural and physical resources in a way ... which enables people and communities to provide for their social, economic and cultural wellbeing and for their health and safety while ... avoiding, remedying or mitigating any adverse effects on the environment*”.

I consider that the proposal does not avoid, mitigate or remedy nuisance effects on nearby residential properties which will result in the social wellbeing of those people being adversely effected.

Section 6 of the Act relates to matters of national importance. This section does not contain any provisions relevant to this application.

Section 7 of the Act relates to managing the use, development and protection of natural and physical resources. The following provisions are relevant to this application:

- (a) *the efficient use and development of natural and physical resources:*
- (b) *the maintenance and enhancement of amenity values:*
- (c) *maintenance and enhancement of the quality of the environment:*

The proposal is considered to be an efficient use of currently vacant land. In terms of maintaining and enhancing the amenity values and quality of the environment I consider the adverse environmental effects created by the proposal in terms of nuisance result in section 7(c) and (d) not being adhered to.

Section 8 of the Act requires the Treaty of Waitangi to be taken into account when considering the use, development and protection of natural and physical resources.

The proposed development does not raise any concerns regarding the Treaty of Waitangi.

Overall, it is considered that the proposal does not accord with Part II of the Act.

9.0 CONCLUSION

This report has included an assessment of the potential effects on the environment of the proposed activity. An assessment of the objectives and policies of the District Plan has also been undertaken.

Having completed this assessment, I have concluded that the application will have a more than minor effect in terms of nuisance. It has also been assessed that the proposal is contrary to the objectives and policies of the District Plan and Part 2 of the Act. On this basis, I recommend that the application be declined.

10.0 RECOMMENDATION

Pursuant to sections 104 and 104B of the Act, it is recommended that consent is REFUSED.

The reasons for recommending refusal are listed below as follows:

- It is considered that the proposal will have a more than minor effect in terms of nuisance on nearby residential properties.
- The proposal is contrary to the objectives and policies of the District Plan which seek to:
 - Minimise the situations where there is conflict between noise emissions from land use activities and other more sensitive land uses.
 - That as far as practical residential zones should be areas where people are able to find rest and relaxation with a minimum of interference from unwelcome noise.
 - To only provide for those activities which are unlikely to add significantly to noise levels in residential areas.
 - To avoid or mitigate effects of noise on residential uses and other sensitive areas, by limiting noise emissions within residential, rural and natural areas, and by discouraging residential and other sensitive uses from locating close to land zoned or used for noisy activities.
- The proposal does not accord with the applicable sections of Part 2 of the Act.
- Lack of information in relation to effects and suitable mitigation.