

IN THE MATTER

of the Resource Management Act 1991

AND

IN THE MATTER

of hearings on the Proposed Gore District Council
District Plan

Submission from:

The New Zealand Helicopter Association (NZHA)

To:

Hearing Commissioners, Gore District Council Plan

Date:

09/10/2024

1. Introduction

- 1.1 I am Tony Michelle, Executive Officer of the New Zealand Agricultural Aviation Association (NZAAA). The NZAAA is one of 6 divisions of the Aviation Industry Association of New Zealand (AIANZ).
- 1.2 I recently retired after 38 years as a helicopter pilot undertaking agricultural and commercial aviation activities and as CEO of my own helicopter company in North Canterbury.
- 1.3 The NZHA is also one of 6 divisions of AIANZ. In this matter, I am acting as an interim advocate following the resignation of the incumbent NZHA Executive Officer until a replacement is appointed.

2. General

- 2.1 The NZHA made a submission seeking changes to a range of provisions to better provide for the use of helicopters for temporary commercial helicopter activities, including for infrastructure and construction activities such as power pole replacement following a weather event. These activities are intermittent, irregular and of short duration and so are distinct from the regular use of an airstrip or helicopter landing area as a base or depot for an aviation operation, where the effects of the activity are ongoing.
- 2.2 It is important that there is provision in the district plan for temporary commercial helicopter activities to ensure that the range of activities are able to be undertaken for the benefit and social and economic well-being of the community.
- 2.3 Given the intermittent, irregular and short duration of these activities and the low level of potential adverse effects such activities should be able to be undertaken as a permitted activity.
- 2.4 The changes sought in the submission which are considered in this hearing include to NOISE – R9 (now R-10), TEMP-R1 and inclusion of a definition for commercial helicopter activities and non-temporary activities.

3. S42A Response

- 3.1 The s42A Report (129) recognises that there may be occasions and situations where movements from aircraft and helicopters are temporary in nature, and these should be provided for through the PDP.
- 3.2 The s42A Report is recommending some changes (refer Para 149 – 160) by adding a new Temporary activities rule – TEMP-R11 Aircraft and Helicopter Movements and amending NOISE-R9 by deleting clause 2. However, the s42A Report recommendation rejects submissions from NZHA to delete NOISE-R9 (3) and the inclusion of a wider range of activities as temporary helicopter activities.
- 3.3 The s42A Report (159) considers that allowing for helicopter take-off and landings for temporary events without any further controls will not give effect to the objectives and policies which seek to protect people and communities from the adverse effects of noise.
- 3.3.1 These recommendations are justified by:
- Recommendations of Styles Group Report 2 August 2023
 - S32 Report
 - Analysis of other district plans.

4. Rationale for s42A Report recommendations and the NZHA comments

The s32 Report

- 4.1 The s32 Report Issue 3 seeks recognition that noise, generated by certain emergency, temporary or critical activities requires a different approach and provides for emergency response activities and some temporary activities subject to limits, recognising the nature and significance of these activities to the community and economy.
- 4.2 The s32 Report refers to the technical reports from the Styles Group. NOISE-R9 is based on the Styles Report 2 August 2023 – this is commented on below.
- 4.3 The s32 Report considers how other councils are addressing the same issue – which is addressed below.
- 4.4 The s32 Report also states that there have only been two consents relating to non-compliance with the noise standards in the last 10 years and states (4.6): *The level of compliance issues and number of resource consents issued indicates that generally the ODP noise provisions are managing noise appropriately.*
- 4.5 Yet the PDP is proposing significant changes to the noise provisions. The s32 Report does not include analysis of any complaints received on activities which would justify a change of approach from the Operative DP.
- 4.6 Section 5.1 of the s32 Report provides an evaluation of the scale and significance of the changes in the PDP. It assesses the likelihood of increased cost or restriction on individuals,

communities or businesses as low-moderate. Given that a range of temporary commercial helicopter activities which are currently undertaken as a permitted activity may require resource consent under the PDP, which will create a level of bureaucracy that is disproportionate to the task and the effect on people, NZHA does not consider that the effect is low-moderate.

- 4.7 Appendix One of the s32 Report includes feedback from NZHA and states that the rules have been amended to provide greater flexibility for the take-off and landing of helicopters by permitting a maximum number of hours per year. As proposed the rules do not include such a provision.

The Styles Report 2 August 2023

- 4.8 As a result of submissions on the Draft District Plan the Styles Group was asked to consider provisions for helicopter landing areas other than for agricultural aviation. The report recommended that a new rule be included to address such landing areas as a permitted activity rule with conditions including setbacks from boundaries, flight paths and number of movements (Pg 14).

4.8.1 The number of movements are not to exceed:

- a) 2 movements per day
- b) 4 movements per week
- c) 10 movements per month.

- 4.9 There are no details as to how the number of movements have been derived.

4.9.1 For context, a basic task replacing 1 power pole would require 6 movements:

- Approach and land, unload crew & lifting equip. Upload staff for reconnaissance flight
- Take-off and survey area for the task and hazards that affect safety of flight
- Land & unload staff
- Take-off to conduct job
- Land to upload crew and lifting equipment
- Take-off to depart.

- 4.10 The report makes a comment that the writer's experience is that noise effects from helicopter movements associated with informal landing areas are becoming an increasing source of noise complaint (across NZ). This appears to be the only justification for the recommended rule.

- 4.11 The NZHA is aware of concerns and complaints about noise from some helicopter operations elsewhere in NZ. Generally, these have been linked to urban areas and private or recreational use such as Waiheke Island and the urban areas of Auckland. It is not considered appropriate to include a blanket limitation in the Gore District based on some concerns in other areas, without quantifying the issue in Gore and the relevance of such issues to the Gore District.

- 4.12 It is the NZHA's opinion that there is no justification provided for the approach, the setback distances or the number of movements. Nor is there any quantification as to the extent such noise effects are an issue in Gore District. Nor is there any consideration of the costs and benefits associated with this approach.

- 4.13 The Styles report states (10.2): *We consider that the focus of the noise standard should be to control the noise effects from commercial helicopter depots/ airstrips that are likely to generate noise effects on a consistent basis.*

4.13.1 The NZHA supports such a focus, however

4.13.2 The recommended rule seeks to limit temporary movements rather than focus on ensuring that more permanent activities are regulated and require resource consent.

Other plans

- 4.14 The s32 Report and the s42A Report both refer to a number of different plans as examples of best practice that provide a direction for the Gore PDP:
- New Plymouth
 - Selwyn
 - Timaru
 - Clutha
- 4.15 NZHA does not accept that any of these plans as assessed provide an adequate framework for temporary commercial helicopter activities.
- 4.16 NZHA was involved in the Partially Operative Selwyn District Plan in a minor way, and, through mediation, changes have been made to the temporary activity rules to better provide for temporary commercial helicopter activities. These changes have not been assessed by either of the reports as the amended provisions were not included in the Appeals version of the Plan on which the assessment is based.
- 4.17 The s42A report (120) details proposed setbacks in the Timaru PDP.
- 4.17.1 NZHA has made substantive submissions on the Proposed Timaru District Plan which is still subject to hearings and decisions. Subsequent to the Timaru GRUZ Hearing B: 22-26 July, the Timaru s42A Report writer has proposed a modified rule that provides for permitted activity for helicopter movements and a practical setback from a noise sensitive area in the GRUZ.
- 4.17.2 This recommendation is still subject to decisions and there are also forthcoming hearings on noise and temporary activities that will also consider the issue. It is anticipated that there are likely to be further changes recommended through the hearing process.

<u>GRUZ-R14A</u>	<u>Aircraft and Helicopter Movements</u>	
<u>General Rural Zone</u>	<u>Activity status: Permitted</u> <u>Where:</u> <u>PER-1</u>	<u>Activity status where compliance not achieved: Restricted Discretionary</u> <u>Matters of discretion are restricted to:</u> 1. <u>the extent to which helicopter noise</u>

<u>Aircraft and Helicopter Movements are used for emergency purposes only such as medical emergencies, search and rescue or firefighting; or</u> PER-2 <u>Aircraft and Helicopter Movements are associated with purposes ancillary to rural primary production including topdressing, spraying, the application of fertiliser, agrichemicals, or vertebrate toxic agents, stock management, and frost mitigation, including the incidental landing and take-off of helicopters during their normal course of operation; or</u> PER-3 <u>All other aircraft and helicopter movements must be setback greater than 100m from:</u> <u>any Residential zone; and</u> <u>the notional boundary of a building containing an existing noise sensitive activity, on a separate site under different ownership.</u> ^[1]	<u>limits specified within Table 1 of NZS6807:1994 are complied with; and</u> <u>the level, duration and character of the noise; and</u> <u>proximity and nature of nearby activities and the adverse effects they may experience from the noise; and</u> <u>the existing noise environment; and</u> <u>effects on amenity values and anticipated character of the receiving environment; and</u> <u>effects on health and well-being of people; and</u> <u>noise mitigation measures; and</u> <u>the practicality of utilising alternative sites.</u> ^[2]
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4.18 It is accepted that Clutha is an older plan and has limited application to Gore.

4.19 NZHA was not involved in the New Plymouth DP but notes that the plan includes provisions that would provide for temporary commercial helicopter activities through the temporary activities' rules, a specific helicopter landing area rule and an exemption for helicopters used for an emergency. Standards are based on meeting NZS6807:1994 Noise Management and Land Use Planning for helicopter landing areas or specified noise limits for zones. There are no setbacks or restrictions on movements.

^[1] Helicopters Sth Cant. [53.25], NZAAA [132.31], Federated Farmers [182.201],

^[2] Helicopters Sth Cant. [53.25], NZAAA [132.31], Federated Farmers [182.201],

Talbot, J [79.1]

Talbot, J [79.1]

5. The NZHA response to the s42A Report recommendations

- 5.1 The NZHA supports the addition on a new TEMP-R11 for aircraft and helicopter movements but seek that it be extended to include a wider range of temporary commercial helicopter activities (listed at 6.12).
- 5.2 NZHA supports the deletion of clause 2 from NOISE-R9 but also seek the deletion of clause 3 limiting the number of movements.
- 5.3 The recommended changes address some aspects of the NZHA submission but do not adequately address:
- The need to differentiate between permanent and temporary helicopter movements.
 - The list of temporary activities in TEMP-R11 does not provide for a range of temporary commercial helicopter movements that may occur in the district.
 - The limitations of movements in NOISE-R9 clause 3 are unworkable and not reflective of the nature of temporary commercial helicopter movements in the district.
- 5.4 NZHA does not consider that the rejection of the NZHA submission points is justified by:
- The s32 Report
 - The Styles report 2 August 2023
 - The rationale in the s42A Report.

6. Decisions sought

- 6.1 The NZHA seeks the following (refer to attached strikethrough):
- Amendments to NOISE-R9 to delete number of movements in Clause 3
 - Inclusion of a condition to limit permanent bases or depots as a permitted activity
 - Amendment to TEMP-R11 to include Temporary commercial helicopter activities
 - Inclusion of a definition for Temporary commercial helicopter activities
 - Amendment to TEMP-R11 1a) to amend emergency works to emergency response.

The basis for these changes is below:

NOISE-R9

- 6.2 Given the lack of justification for the setbacks and limitations on movements in the s32 Report, the s42A Report and the Styles Report, the NZHA seeks that NOISE-R9 (3) be deleted and replaced with a clause that clearly limits the use of helicopter landing areas on a regular basis as a depot or base as a permitted activity.
- 6.3 The proposed limitations on movements are inappropriate for the nature of temporary commercial helicopter movements that occur across the district. In particular, there appears an assumption that the recommended number of movements from the Styles Report is adequate to provide for temporary helicopter movements, yet there is no discussion on how the numbers were derived or justified, or the appropriateness of the number of movements.
- 6.4 NZHA has opposed the limitations on movements as they do not adequately provide for temporary commercial helicopter activities such as construction activities, critical infrastructure

activities, track maintenance, communication tower installation and maintenance. Refer the example in 4.9.1.

- 6.5 Generally, for such activities there may be a number of movements in a day or number of days, and then no movements for a significant period of time. In most instances there would be more than 2 movements per day, 4 movements per week or 10 movements per month, and

6.5.1 There would not be 2 movements every day or 4 movements every week or 10 movements every month of the year because of the short term and irregular nature of temporary commercial helicopter activities, therefore

6.5.2 The number of movements are inappropriate and will limit economic activity in the district, and

6.5.3 It is not effective or efficient planning to require a resource consent for such a limited activity.

- 6.6 NZHA considers that limiting temporary commercial helicopter activities does not achieve NOISE-O1 to recognise and provide for activities that generate noise. Temporary and intermittent noise or an irregular basis is unlikely to generate unreasonable noise as identified in NOISE-O2.
- 6.7 NZHA considers that an amendment to the provision to specify that use of a helicopter landing area as a base or depot would provide clarification that it is these types of commercial aviation activities that would require the regular use of the facilities. This is consistent with the statement in the Styles Report.
- 6.8 NZHA seeks the following changes to **NOISE-R9**:
- **Delete clause 2** as recommended in the s42A Report
 - **Delete clause 3**, number of movements
 - **Add a new clause 1 c) The helicopter landing area is not used on a regular basis as a depot or base for commercial aviation activity.**

TEMP-R11

- 6.9 The NZHA specifically sought that helicopters be provided for as a permitted activity in TEMP-R1 and be exempt from NOISE-R9 (3).
- 6.10 The s42A Report recommends that some activities be provided for in a new rule TEMP-R11, however it does not include the range of temporary commercial helicopter activities identified in the NZHA submission.
- 6.11 NZHA is of the view that TEMP-R11 should include activities which are important for the economic wellbeing of the district. Because of the intermittent and temporary nature of the activities the adverse effects are limited. Providing for such activities as a permitted activity will still achieve the objectives and policies in the Plan.
- 6.12 The NZHA submission identified a list of specific activities to be provided for. Rather than include such a list in a rule NZHA considers that it is more appropriate to include provision for

Temporary commercial helicopter activities in the rule and seeks the **inclusion of a related definition** to describe such activities:

Temporary commercial helicopter activities are intermittent activities that are of limited duration including but not limited to:

- **Infrastructure repairs and development**
- **Construction**
- **Aerial spotting**
- **Asset management**
- **Disaster relief work (when State emergency has ended)**
- **Flight training**
- **Science and research**
- **Surveillance**
- **Survey operations**
- **Infrequent transportation of people**

- 6.13 NZHA sought a definition for **commercial aviation activity** that listed a number of temporary commercial helicopter activities and that it be used in the Plan. It is now considered that a more refined definition for **temporary commercial helicopter activities** is more appropriate and linked to the activities sought to be provided for in TEMP-R11.
- 6.14 NZHA is also concerned that the limitation in TEMP-R11 of 'emergency works' is too limiting. It would mean that use of helicopters in an emergency as a permitted activity is limited by s330 of the RMA and does not provide for the range of situations where such usage is needed, or any rectification after the emergency response. The community is dependent on use of helicopters in a range of emergencies and the district plan limiting such use does not adequately provide for the social, economic and cultural well-being of the community.
- 6.15 It is unclear that any submission sought the change from '**emergency response**' to '**emergency works**.' The NZHA seeks that this be **amended** to '**emergency response**' as in the PDP.

Thank you for the opportunity to present this statement on behalf of the NZHA submissions and further submissions.



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NZ Agricultural Aviation Association