

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 Agricultural Aviation
Association (NZAAA)

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 New Zealand Agricultural Aviation Association represents fixed-wing and helicopter operators engaged in applying fertilisers, agrichemicals, and vertebrate toxic agents (VTA's) for the purposes of:
- Primary production
 - Biosecurity threats
 - Biodiversity and conservation values

The industry is made up of circa 109 Civil Aviation Authority (CAA) certificated organisations operating circa 76 fixed-wing aircraft and 248 helicopters. Services provided by our industry add an estimated \$2.75BN annually to primary production for the NZ economy alone.

Agricultural aircraft are crucial in maintaining and enhancing primary production, responding to biosecurity threats, and protecting biodiversity values.

Restrictive district plan requirements can adversely affect the ability of aerial operators to undertake and respond to farmer/grower pests/diseases, and biosecurity and biosecurity threats, so the industry seeks to ensure that the use of airstrips and helicopter landing areas for agricultural aviation activities on an intermittent basis are adequately provided for in plans.

2. NZAAA's submissions

General

- 2.1 The notified Gore PDP does not adequately provide for agricultural aviation activities in the General Rural Zone (GRUZ) or the Rural Lifestyle Zone (RLZ).
- 2.2 The NZAAA acknowledges that some amendments proposed in the s42A reports are appropriate for providing for agricultural aviation activities, while other recommendations are not.
- 2.3 The proposed setbacks of 500 mts for airstrips and helicopter landing areas from the notional boundary of a noise sensitive activity is problematic for the use of existing airstrips and helicopter landing areas.
- 2.4 The limitation of 315 hours in a calendar would be adequate provided that the definition of what constitutes an 'hour' is appropriately defined.
- 2.5 The S42A report (55) that recommends that the definition of 'agricultural aviation' be retained as notified is supported.
- 2.6 The recommendation in the s42A report (Appendix A) that a definition of 'contiguous site' be included is supported.
- 2.7 The recommendation in the s42A report (Appendix A) that NOISE-R89 1. be amended is supported.
- 2.8 The s32A report (Appendix 1) states that the relevant rule and standard relating to agricultural aviation has been amended to reflect the feedback received and ensure that the provisions are practical and fit for purpose.
- 2.9 The NZAAA considers that the provisions are not 'fit for purpose' given that clarification of what constitutes an 'hour' is required and the proposed setbacks for rural airstrips and helicopter landing areas will restrict the ability of operators to support primary production.
- 2.10 The recommendation in the Appendix s42A report (Appendix A) that NOISE-R89 2. permits take off and landings for no more than 315 hours in any 12-month period is supported in part subject to the addition of the word **aircraft** hours..... to prevent ambiguity as sought:
 - 2.10.1 Aircraft hours are measured from when the aircraft leaves the ground to when it touches down. Time spent loading or refuelling on the ground with the aircraft engine running at flight idle is not recorded as an aircraft hour.
 - 2.10.2 Suitable weather conditions are required for aircraft to land and take-off safely. In ideal weather conditions pilots will take-off with the maximum certified

load of agricultural product. In deteriorating conditions, the load will be reduced to provide an appropriate margin of safety.

2.10.3 Due to weather and supply logistics such as fertiliser deliveries, operating hours can vary for less than 1 aircraft hour to 10.5 aircraft hours in a single day that may span over 15 – 16 actual daylight hours.

2.10.4 'Hub' airstrips service multiple farms on different sites.

2.10.5 Not measuring 'hours' by 'aircraft hours' will diminish the ability of agricultural operators to adequately support primary production and pose a flight safety risk in circumstances where pilots feel pressured to 'push on' and carry maximum loads of agricultural products when weather conditions have deteriorated.

2.11.6 As an example, there have been 10 serious accidents/incidents in 10 weeks this spring in agricultural aircraft operations nationwide. One common theme in these accidents/incidents has been pressure resulting from appalling weather conditions providing limited safe operational envelopes along with related pressure from farmers who are struggling to feed lactating stock without the assistance of fertiliser.

2.11 The NZAAA opposes the inclusion of a 500m setback for rural airstrips and helicopter landing areas from the notional boundary of a noise sensitive activity not located on the same a site not being serviced by the use of the airstrip.

2.11.1 The s42A report (120) details proposed setbacks in the Timaru PDP. The NZAAA 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 aircraft and helicopter movements that are associated with purposes ancillary to rural primary production in the GRUZ.

2.11.2 This recommendation is still subject to decisions and there are also forthcoming hearings on noise that will also consider the issue:

GRUZ-R14A	Aircraft and Helicopter Movements	
General Rural Zone	<u>Activity status: Permitted</u> <u>Where:</u> <u>PER-1</u> <u>Aircraft and Helicopter Movements are used for emergency purposes only such as medical emergencies, search and rescue or firefighting; or</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 limits specified within Table 1 of NZS6807:1994 are complied with; and</u>

PER-2

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

PER-3

All other aircraft and helicopter movements must be setback greater than 100m from:

1. any Residential zone; and
2. the notional boundary of a building containing an existing noise sensitive activity, on a separate site under different ownership.^[1]

2. the level, duration and character of the noise; and
3. proximity and nature of nearby activities and the adverse effects they may experience from the noise; and
4. the existing noise environment; and
5. effects on amenity values and anticipated character of the receiving environment; and
6. effects on health and well-being of people; and
7. noise mitigation measures; and
8. the practicality of utilising alternative sites.^[2]

2.11.3 District plans must be prepared having regard to management plans, strategies, and regulations prepared under other identified legislation, including any emissions reduction plan or national adaptation plan under the Climate Change Response Act. The proposed setbacks will result in take-offs and landings being undertaken further away from the treatment areas increasing aircraft time, aircraft emissions, costs to farmers and noise effects.

2.11.4 Other district plans that are currently under review that do not include setbacks include:

- Central Hawkes Bay District Council (appeals version 19 Aug 2024)
- Taupo District Council (appeals version June 2024 Plan Change 42)
- Waikato District Council (appeals version April 2024)
- Wellington City Council (2024 District Plan: Council Decisions Version)
- Dunedin City Council (Operative 2GP plan 12 September 2023)
- Selwyn District Council (Appeals Version 28 Aug 2024)
- Wairarapa (WCDP) Combined (PDP notified October 2023)
- West Coast (TTPP) Combined (PDP current hearings 2024)

2.11.5 The aerial application of fertiliser is undertaken in early spring to promote pasture growth to sustain lactating and young stock when ground conditions are unsuitable for ground spread application methods. This current spring is a very good example of this.

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

Talbot, J [79.1]

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

Talbot, J [79.1]

2.11.6 Airstrips and helicopter landing areas are typically located in close proximity to roads to allow safe and suitable access for bulk fertiliser trucks and aircraft support vehicles.

2.11.7 The NZAAA has identified at least 4 existing rural airstrips and 18 helicopter landing areas that are within 500mts of the notional boundary of a noise sensitive area not on the same site. These are generally neighbour's houses and buildings.

2.11.8 Section 10 (1) (a) & (b) 'Certain existing uses in relation to land protected' of the RMA provides for existing use rights.

2.11.9 Section 10 (2) 'Certain existing uses in relation to land protected' of the RMA determines that existing use rights lapse when a use of land that contravenes a rule in a district plan or a proposed district plan has been discontinued for a continuous period of more than 12 months after the rule in the plan became operative or the proposed plan was notified

2.11.10 The application of fertilisers and agrichemicals are intermittent and can cease for periods exceeding 12-months which can be determined by circumstances such as primary production returns, the nature of the application requirements and weather conditions which the Gore district is currently experiencing.

2.11.11 The aerial application of fertilisers and agrichemicals has dropped by 52% since 2022 (Civil Aviation Statistics) determined primarily by the current recession in the sheep meat sector.

2.11.12 Many existing rural airstrips and helicopter landing areas within the Gore district will have had their existing use rights lapse.

2.12 The NZAAA supports the recommendation in the Appendix s42A report (Appendix A) that NOISE-R89 4. that a record of take offs and landing times and dates is maintained by the landowner of the site where the rural airstrip and/or helicopter landing area is located and the record is made available to the Council upon request.

2.13 The NZAAA supports the recommended changes to GRUZ-P7 as per the GRUZ s42A report (Appendix A) for managing noise effects of rural airstrips and helicopter landing areas for primary production and conservation activities.

2.11.1 It is appropriate to manage noise effects through limiting the number of operational hours in a calendar in the rural zones.

2.11.2 It is inappropriate to manage noise effects in the rural zones by restricting the locations of rural airstrips and helicopter landing areas.

3. Decisions sought

3.1 The NZAAA seeks to have the definition of **agricultural aviation** retained as notified:

Means the use of aircrafts or helicopters used ancillary to and in association with primary production and/or conservation activity.

- 3.2 The NZAAA seeks to have the recommended definition of a **contiguous site** accepted:

means two or more sites which share a common boundary or are separated only by a road, railway, drain or river and which are held as a single rating unit. Where 'rating unit' has the same meaning as rating unit under the Local Government (Rating) Act 2002.

- 3.3 The NZAAA seeks to have the recommended amends to **NOISE-R89 1.** accepted:

1. The take-off and/or landing is to and/or from a rural airstrip, a helicopter landing area located in the rural environment, or the Mandeville Aviation and Rail Precinct;

- 3.4 The NZAAA seeks to have the word **aircraft** added to **NOISE-R89 2.** added as sought:

2. Take off and landings do not occur for more than 315 aircraft hours in any 12 month period.

- 3.5 The NZAAA seeks to have **NOISE-R89 3.** deleted as sought:

~~3. The rural airstrip or helicopter landing area is separated by at least 500m from any notional boundary on a site not being serviced by the use of the airstrip; and~~

- 3.6 The NZAAA seeks to have the proposed recommendation to **NOISE-R89 4** accepted:

4. A record of take offs and landing times and dates is maintained by the landowner of the site where the rural airstrip and/or helicopter landing area is located and the record is made available to the Council upon request.

- 3.7 The NZAAA seeks to have the proposed recommendation to **RLZ-R6** amended as sought:

1. The take-off and/or landings are to and/or from a rural airstrip or helicopter landing area. ~~complies with Rural Lifestyle Zone standard RLZ-S8.~~

- 3.8 The NZAAA seeks to have the proposed **RLZ-R6** deleted as sought:

~~1. Any rural airstrip or helicopter landing area is separated by setback at least 500m from any the notional boundary of a noise sensitive activity not located on the same a site~~

- 3.9 The NZAAA seeks to have the proposed recommendation to **GRUZ-R16** amended as sought:

1. The take-off and/or landings are to and/or from a rural airstrip or helicopter landing area. ~~which complies with General Rural Zone standard GRUZ-S9.~~

3.10 The NZAAA seeks to have the proposed GRUZ-S9 deleted as sought:

~~1. Any rural airstrip or helicopter landing area is separated by setback at least 500m from any the notional boundary of a noise sensitive activity not located on the same a site~~

3.11 The NZAAA seeks to have the changes to the proposed GRUZ-P7 accepted as recommended:

Enable agricultural aviation activities, and rural airstrips and helicopter landing areas to support primary production and conservation activities, whilst managing the noise effects through controlling the location of airstrips and scale of their use.

Thank you for the opportunity to present this statement in support of the NZAAA's submissions and further submissions.



Tony Michelle
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NZ Agricultural Aviation Association