

IN THE MATTER

of the Resource Management Act 1991

AND

IN THE MATTER

of hearings on the Proposed Far North Proposed District Plan

Submission from:

New Zealand Agricultural Aviation Association (NZAAA)

To:

Hearing Commissioners, Hearing 6: Noise and Temporary Activities

Date:

18/10/2024

1. Introduction

- 1.1 I am Tony Michelle, the Executive Officer of the New Zealand Agricultural Aviation Association.
- 1.2 I recently retired after 38 years as an agricultural and commercial helicopter pilot, and CEO of my own helicopter company in North Canterbury.
- 1.3 The New Zealand Agricultural Aviation Association (NZAAA), a division of the Aviation Industry Association of New Zealand (AIANZ), 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. The NZAAA's submissions

2.1 The s42A Report (188) rejects the inclusion of a new objective to ensure that lawfully established and permitted noise generating activities can continue to function and operate. This is sought by the NZAAA to ensure that the plan recognises the importance of protecting these activities.

2.1.1 The s42A writer concludes that the concept of existing use rights under the RMA already provides for this in accordance with Sections 10, 10A, and 20A of the RMA where activities lawfully established under previous rules can continue as long as their effects remain the same or similar in character, intensity, and scale, making a specific objective redundant.

2.1.2 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.

2.1.3 The application of fertilisers and agrichemicals are intermittent and can cease for periods exceeding 12-months which can be determined by circumstances such as fluctuating primary production returns, the nature of the application requirements and prolonged adverse weather conditions.

2.1.4 The aerial application of fertilisers and agrichemicals has dropped by 52% since 2022 (Civil Aviation statistics) due primarily to the current recession in the sheep meat sector.

2.1.5 Currently, many existing rural airstrips and helicopter landing areas within the Far North district will have been unused for a period greater than 12-months so existing use rights won't apply to such rural airstrips and helicopter landing areas.

2.1.6 Hence there is a need to provide for the ability to continue to use such facilities beyond a 12-month timeframe. Therefore, the NZAAA considers that an objective as sought is appropriate to ensure that this outcome can be achieved.

2.2 The s42A Report (243) recommendation that a new definition of 'agricultural aviation activities' is added, is supported.

2.3 The s42A Report (244) that recommends an additional exemption note that states '*Agricultural aviation if compliance can be achieved with TA-R#*' is not supported.

2.3.1 The NZAAA agrees with the s42A writer that the NOISE-R7 PER 2 iii. should be deleted.

2.3.2 The NZAAA agrees that a separate rule should provide for agricultural aviation activities, however we disagree that this should be accomplished through the temporary activity rules.

2.3.3 Agricultural aviation is essential for supporting primary production and conservation activities so the inclusion of agricultural aviation activities in the temporary activity rules is inappropriate.

2.3.4 Agricultural aviation activities are intermittent, occur for short periods of time but are carried out on an ongoing seasonal basis.

2.4 The s42A Report writer for temporary activities (95-102) considers that agricultural aviation is 'arguably' a temporary activity and so should be included in the temporary activities provisions.

2.4.1 The NZAAA considers that agricultural aviation activities are a subset of primary production activities and so should be included as part of primary production activities, not a distinct temporary activity.

2.4.2 There are many activities that are undertaken as part of primary production that are seasonal, intermittent or irregular and it is not appropriate to separate out one activity as being temporary from the range of other similar activities that are part of primary production.

2.4.3 The PDP has a definition for temporary activities and agricultural aviation activities does not fit within that definition. Therefore, it is not appropriate to include agricultural aviation activities as a temporary activity in the temporary activities provisions.

2.4.4 The zone framework descriptions in the National Planning Standards for the General Rural Zone and the Rural Production Zone clearly identify activities that support primary production activities as being appropriate and part of the anticipated activities in those zones. The descriptions do not refer to temporary activities.

2.5 The NZAAA seeks a specific rule in the NOISE chapter to specifically provide for agricultural aviation activities or an exemption based on use up to 30 days or 315 aircraft hours in any 12-month period (whichever is greater) or be retained in the exemptions to the Noise Standards.

2.6 The NZAAA seeks a specific rule for agricultural aviation activities to ensure that they are adequately provided for in the Plan recognising the importance of the activities to support primary production and conservation activities.

2.7 Other district plans have provided for agricultural aviation activities as a permitted activity in district plans through the NOISE or the Zone rules, for example:

- Timaru District Council PDP notified September 2022:
'GRUZ-R14 Use of airstrips and helicopter landing sites' and 'NOSZ RMA Section 4 (3) exemption'
- Waitomo District Council PDP notified October 2022:
'NOISE-R8. Emission of noise from helipads, farm helipads and helicopter landing areas'

- Waimakariri District Council PDP notified October 2021:
'NOISE-R7'
- Gore District Council PDP notified August 2023:
'NOISE-R8 Noise from the take-off and landing of aircraft and helicopters used for agricultural aviation'
- Westland Combined TTPP notified September 2022:
'NOISE - R2 Emissions of Noise in All Zones'
- Wairarapa Combined PDP notified October 2023:
'NOISE Chapter (exemptions)'
- Selwyn District Council Operative Plan (Appeals Version) Appeals: 28 Aug 2024:
'GRUZ-R27 Aircraft and Helicopter Movements Ancillary to Rural Production'
- Central Hawkes Bay District Council Appeals Version 19 Aug 2024:
'NOISE-S5 Exemptions and Noise Limits for Specific Activities'
- Taupo District Council Appeals version June 2024 Plan Change 42:
'4B.2.13 MAXIMUM NOISE – OTHER'
- Waikato District Council Appeals version April 2024:
'GRUZ-R1 Farming' and *'GRUZ-R12 Conservation activity'*
- Wellington City Council 2024 District Plan: Council Decisions Version:
'Noise exemption'
- Mackenzie District Council Plan Change 23 (Rural Zones) Decisions 5th August 2024:
'GRUZ-R15 - Aircraft and Helicopter Movements'

2.8 Note, that apart from the Westland Combined TTPP and the Gore PDP, all other districts listed in 2.7 provide for the use of rural airstrips and helicopter landing areas for agricultural aviation activities without any 'hour' and/or 'daily' limitations.

2.9 The NZAAA seeks that agricultural aviation activities be provided for through a new rule NOISE-RX as sought.

2.10 The s42A Report (280) rejection of the relief sought by the NZAAA and Hort NZ to NOISE-S4 by noting that the standards do not apply to helicopter agricultural aviation activities is not supported.

3. Decisions sought

3.1 **Add an objective** as sought:

Lawfully established and permitted noise-generating activities can continue to function and operate.

3.2 **Accept a new definition of agricultural aviation activities** as recommended:

'Means the intermittent operation of an aircraft from a rural airstrip or helicopter landing area for primary production activities and conservation activities for biosecurity or biodiversity purposes, including stock management and the application of fertiliser, agrichemicals, or vertebrate toxic agents. For clarity, "aircraft" includes fixed-wing aeroplanes, helicopters, and unmanned aerial vehicles.

3.3 **Add** a new rule as sought:

NOISE-RX Agricultural aviation activities

Rural production zone

Horticulture Zone

Open Space and Recreation Zone

Natural Open Space Zone

Agricultural aviation activities for the purpose of farming, forestry or conservation on a seasonal, temporary or intermittent basis for a period up to 30 days in any 12-month period or 315 aircraft hours (whichever is the greater).

3.4 **Amend** the NOISE-S4 Note as sought by **adding**:

NZS6807:1994 does not apply to agricultural aviation activities.

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



Tony Michelle
Executive Officer
NZ Agricultural Aviation Association