

IN THE MATTER

of the Resource Management Act 1991

AND

IN THE MATTER

of hearings on the Proposed Wellington City District Plan Stream 5 Noise

Submission from:

New Zealand Agricultural Aviation Association (NZAAA)

To:

Hearing Commissioners, Wellington City District Plan

Date:

28 July 2023

1. Introduction

- 1.1 I am Lynette Wharfe, Consultant, to New Zealand Agricultural Aviation Association.
- 1.2 Tony Michelle, Executive Officer, New Zealand Agricultural Aviation Association is unable to attend the hearing today so I am presenting this statement on his behalf.
- 1.3 The New Zealand Agricultural Aviation Association (NZAAA), a division of Aviation New Zealand (AvNZ), represents fixed-wing and helicopter operators engaged in applying fertilisers, agrichemicals, and vertebrate toxic agents (VTA's) for the purposes of:
 - Rural production
 - Forestry production
 - Crop protection and disease control
 - Weed and pest control
 - 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 production, responding to biosecurity threats, and protecting biodiversity values including farming, plantation forestry, public land, and conservation land.

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

It is recognised that the rural area of Wellington City is limited for primary production but agricultural aviation activities contribute to the ability for primary production to occur within the rural area. Conservation activities, including biosecurity and weed and pest control, are also undertaken by agricultural aviation aircraft in the General Rural Zone, Natural Open Space Zone and Open Space Zone.

2. NZAAA's submissions and s42A Report response

2.1 NZAAA is concerned that the provisions for noise in the Proposed District Plan do not clearly and adequately provide for use of agricultural aviation aircraft undertaking activities in the General Rural Zone, Natural Open Space Zone and Open Space Zone.

2.2 To address this concern the Association sought a number of changes that are addressed in Stream 5:

- A new permitted activity rule be included in the plan to ensure clarity in providing for the activities (40.5)
- Add a new rule NOISE-R14 for the General Rural Zone, Open Space Zone and Natural Open Space Zone (40.6)
- Amend to NOISE-R4.2 Helicopter landing noise to provide for compliance with NZS6807:1994 or be for the purposes of agricultural aviation activities for primary production and conservation purposes (40.7).

2.3 NZAAA also sought inclusion of a definition for agricultural aviation activity which is not being considered as part of this hearing:

Agricultural aviation activity 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 application of fertiliser, agrichemicals or vertebrate toxic agents (VTA's. For clarity aircraft includes fixed-wing aeroplanes, helicopters, and unmanned aerial vehicles (UAV's).

2.4 The s42A Report (Para 187) rejects the submissions and states that there is no need for new rules relating to agricultural aviation. This assessment is based on the general exemptions listed in the introductory section of the Noise chapter:

1. *Aircraft being operated above 1,000 feet (305m) over built up areas or above 500 feet (152m) over rural areas*
7. *Rural activities, including agricultural vehicles, machinery or equipment used on a seasonal or intermittent basis in the Rural Zone.*

2.5 The s42A Report states:

*We conclude that helicopter (and other aircraft) operation for agricultural work **may** be covered by exemption 7 and, when flying above 500 feet (152m) in rural areas, is clearly covered by exemption 1. (Emphasis added).*

2.6 Other reasons provided in Noise Appendix B Recommended decisions on Submissions are:

- Agricultural aviation already adequately covered by agricultural machinery exemptions and general provisions for helicopters (40.5)
- No RMA purpose served by providing for noise from intermittent use of rural airstrips and helicopter landing areas for agricultural aviation activities (40.6)
- Insufficient evidence as to why there should be primacy for agricultural aviation activities for primary production and conservation purposes and why NZS6807 should not be the means of compliance (40.7).

3. NZAAA response

3.1 NZAAA does not consider that the responses provide certainty and clarity to ensure that the use of agricultural aviation aircraft is provided for as a permitted or exempt activity within the Plan. Discussions with other district councils indicate that there is not agreement that agricultural aircraft are 'agricultural vehicles' therefore there is uncertainty as to whether the exemption would apply.

3.2 Agricultural aviation aircraft generally operate under 500 feet which is provided for in CAA Rule Pt 137, so exemption 1 is not applicable.

3.3 It is also noted that the extent of council control on aircraft is landing and take-off, not in flight.

3.4 There are number of issues with Exemption 7 including:

- Definition of rural activities
- Limitation to Rural Zones

3.5 The application of Exemption 7 is contingent on the definition of rural activities in the plan:

Rural activities

means the use of land and/or buildings for agricultural, pastoral, horticultural, and forestry activities (not covered by the NES-PF); and includes:

- a. the storage of products and initial processing as an ancillary activity of horticultural and agricultural products produced on the site; and*
- b. the storage and disposal of solid and liquid animal waste.*

Intensive indoor primary production, rural industry, quarrying and mining activities, top soil stripping and turf farming are excluded.

It may be that agricultural aviation activities are classed as a 'use of land for agricultural, pastoral activities', but it is not explicitly clear.

3.6 The Exemption includes agricultural vehicles, machinery or equipment used on a seasonal or intermittent basis. It is uncertain as to whether this includes agricultural aviation aircraft – both fixed wing, helicopters and UAV's.

- 3.7 Exemption 7 only applies in Rural Zones. Agricultural aviation activities for conservation and pest control can occur within the Open Space Zone and Natural Open Space Zone, which are not included in the exemption. Such activities would then be subject to the rules in the chapter:
- Noise -R1 would apply to fixed wing aircraft as there is no specific rule and noise standards in APP4 would need to be met – which are unlikely to be met so a resource consent would be required for a routine activity to support primary production and conservation activities.
 - Noise- R4 would apply to helicopters where compliance with NZS6807:1994 Noise Management and Land Use planning for Helicopter Landing areas would apply. NZAAA sought an amendment to NOISE-R4.2 in respect of agricultural aviation activities which is not specifically considered in the s42A Report.
- 3.8 The amendment sought to NOISE-R4.2 is because NZS6807:1994 is not generally intended to apply to infrequently used helicopter landing areas. Such landing areas used for agricultural aviation may be used a number of times over a few days and then not for a length of time, whereas NZS6807 is designed for where there are more than 10 flight movements a month.
- 3.9 Because of the structure of NZS6807:1994 NZAAA sought that Noise R4.2 be amended to include 'OR the activities is for the purposes of agricultural aviation activities for primary production and conservation purposes.'
- 3.10 Such a provision would provide for the intermittent, infrequent use of helicopter landing areas for agricultural aviation activities.
- 3.11 Consideration of the relevance and provision for agricultural aviation activities should also be set in the context of provisions for rural activities in the General Rural Zone chapter and provisions for conservation activities in the Open Space Zone and Natural Open Space Zone.
- 3.12 GRUZ-O1 has the Purpose of the General Rural Zone:
- The General Rural zone predominantly provides for rural activities, complemented by informal outdoor recreation and other activities that have a functional need for a rural location.*
- 3.13 Agricultural aviation activities are an important part of providing for rural activities, particularly given the contour and terrain of the General Rural Zone in Wellington City. Therefore the purpose in providing for agricultural aviation activities is to enable primary production and rural activities to continue through provision of appropriate services. Provision for such activities meets an RMA purpose in the Plan.
- 3.14 The Natural Open Space Zone and Open Space Zone both have permitted activity rules (OSZ-R3 and NOSZ-R2) for conservation activities which are defined as:
- a) *Species protection and conservation management work including restoration and revegetation*
 - b) *pest and weed control.*

- 3.15 NZAAA has sought amendments to the definition of conservation activities to include biosecurity and use of aircraft.
- 3.16 Use of aircraft is an important method for weed and pest control in open space environments and the submission of NZAAA seeks that this be specifically provided for to ensure that the objective of the plan can be achieved.
- 3.17 The use of agricultural aircraft is a critical tool for achieving the governments “Predator Free 2050” aspirations. Large scale aerial operations are the most cost-effective method of achieving eradication in non-residential areas.
- 3.18 The s42A Report seems to accept that agricultural aviation activities would be exempt under Exemption 7. However the lack of certainty is of concern and NZAAA seeks changes to ensure that the exemption is clear and certain and also applies to conservation activities.

4. Decisions sought

- 4.1 There are a number of ways that the NZAAA concerns could be addressed:
 - 1. Amendments to exemptions
 - 2. New rule for agricultural aviation activities,
 - 3. Inclusion of a definition for agricultural aviation activities

EITHER

- 4.2 The Exemptions provide an exemption for aircraft used in emergencies or as air ambulances. A similar exemption could apply for agricultural aviation activities in the General Rural Zone, Open Space Zone and Natural Open Space Zone.
- 4.3 Alternatively Exemption 7 could be amended to specifically include agricultural aviation activities including in the Open Space Zone and Natural Open Space Zone.

AND

- 4.4 Amend NOISE-R4.2 to ensure that agricultural aviation activities are appropriately provided for by addition of specific provision as sought in submission of NZAAA.

OR

- 4.5 Inclusion of a new Permitted Activity Rule that specifically provides for agricultural aviation activities NOISE-R14 applicable to the General Rural Zone, Open Space Zone and Natural Open Space Zone for the purposes of agricultural aviation activities for rural activities and conservation purposes.
- 4.6 Inclusion of a new rule would remove the need to amend NOISE-R4.2 as sought in the NZAAA submission as the more specific rule would apply.

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

Tony Michelle
Executive Officer
NZ Agricultural Aviation Association