

IN THE MATTER

of the Resource Management Act 1991

AND

IN THE MATTER

of hearings on the Proposed Waimakariri District Council District Plan Stream 6 Rural & Open Space Zone

Submission from:

New Zealand Agricultural Aviation Association (NZAAA)

To:

Hearing Commissioners, Waimakariri District Council Plan

Date:

03/10/2023

1. Introduction

1.1 I am Tony Michelle, Executive Officer of the New Zealand Agricultural Aviation Association.

1.2 I recently retired after 38 years as an agricultural helicopter pilot and CEO of my own helicopter company in North Canterbury that included operations in the Waimakariri District.

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 primary 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 to farmer/grower pests and 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.

It is recognised that the Waimakariri district includes a diverse range of farmer and grower primary production activities along with extensive areas of production forestry and large areas of conservation land with high biodiversity values.

2. NZAAA's Submissions NOISE Hearings

2.1 NZAAA has made submissions to ensure that agricultural aviation activities are provided for within the Plan in both the Noise chapter and the General Rural Zone chapter.

2.2 At the hearings on the NOISE chapter the submissions of NZAAA regarding the use of aircraft and helicopter landing areas were canvassed.

2.3 NZAAA did not support the position in the s42A Report for NOISE and sought alternative relief including a definition for agricultural aviation activities:

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 (VTA's). For clarity, aircraft includes fixed-wing aeroplanes, helicopters, and unmanned aerial vehicles (UAV's).

3. NZAAA's Submissions RURAL Zone

3.1 The NZAAA submissions on the GRUZ chapter sought that ancillary activities be included in GRUZ-R2 Primary production so that it is clear that activities such as agricultural aviation which are ancillary to primary production are explicitly included in the rules.

3.2 The s42A Report (Para 301) rejects the submission by stating:
Agricultural aircraft operations are not covered in the Proposed Plan, only Noise-R13 that permit certain aircraft operations at Rangiora Airfield. As the definition for primary production means any agricultural activity, the application of fertiliser would be considered as part of an agricultural activity in the same manner as application of fertilizer by truck. I do not agree with the proposed amendment.

3.3 In other words the s42A Report writer interprets the definition of primary production activities to include such activities as agricultural aviation. As such this would mean that agricultural aviation activities are provided for in GRUZ-R2 Primary Production as a permitted activity.

3.4 I am not averse to this interpretation but seek that if the Hearing Panel concur with the s42A Report writer, that somewhere in the Plan it is explicitly stated that agricultural aviation activities are part of primary production so that in future there is no potential to debate as to whether agricultural aviation is included as part of primary production.

- 3.5 Part of my reason for this is that there are other plans that interpret the definition differently and consider that agricultural aviation is not part of primary production, so the activity must be explicitly provided for.

For instance:

- The Selwyn District Plan has a rule specifically for agricultural aviation separate from the rules for primary production: GRUZ-R27 Aircraft and Helicopter movements ancillary to rural production.
- In the Proposed Gore District Plan the activity is provided for as a separate activity rather than part of primary production.
- The West Coast Combined (TTPP) has a specific rule for agricultural aviation separate from the rules for rural production NOISE - R2 Infrequent aircraft landing for rural production purposes on an intermittent basis, including aerial topdressing and helicopter movements.

- 3.6 As there is a divergence of opinion amongst planners regarding the status of agricultural aviation activities there is potential for confusion in the future. Therefore, I seek clarity and certainty in the Plan regarding the status of agricultural aviation activities.

4. Decisions sought

- 4.1 NZAAA's submission sought that agricultural aviation be included as part of primary production. This could be achieved through the addition to ancillary activities to GRUZ-R2 but there may be other ways that this could be achieved.

For instance:

- Inclusion of a statement in the Introduction to either RURZ or GRUZ and RLZ that primary production includes ancillary activities such as agricultural aviation.
- An addition to the definition sought in the NOISE hearing for agricultural aviation by adding: 'For the avoidance of doubt agricultural aviation activities are part of primary production'.

- 4.2 Either of these options would achieve the intent of the NZAAA submission to ensure that agricultural aviation activities are provided for in the General Rural Zone.

- 4.3 A similar change was sought to RLZ-R2 and the same issues apply to that submission to ensure that agricultural aviation is considered to be part of primary production activities.

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