

To: Hutt City Council - Proposed District Plan  
[district.plan@huttcity.govt.nz](mailto:district.plan@huttcity.govt.nz)

Submission from: NZ Agricultural Aviation Association (NZAAA)

Submitter contact details:

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Submissions due: 4 April 2025 at 5pm

The NZAAA would not gain an advantage in trade competition through this submission.

The NZAAA wishes to speak to this submission.

If others make a similar submission, we will not consider presenting a joint case.

The NZAAA's submissions are set out in the attached table.

Signature:



Date: 04/04/2025

### Background

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:

- 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.

### Tony Michelle, Executive Officer (EO) NZAAA

My name is Tony Michelle, and I am the EO of the NZAAA. I have been in the agricultural aviation industry since 1983 completing 11,000+ hours of flying as a helicopter pilot. I have recently sold my interests in a Company that I owned and managed for 33 years specializing in agricultural aviation activities including land and aquatic weed control, crop protection, fertiliser application, and pest eradication (including International and NZ offshore islands).

### General feedback

NZAAA seeks to ensure that the intermittent agricultural aviation activities provided for within the plan include activities supporting primary production (farming and forestry production), biosecurity, and biodiversity (conservation). Aircraft depots/bases and heliports that are used on a regular basis are not part of the permitted activity that is sought.

The Hutt City district comprises a relatively small amount of rural zone land but extensive conservation land in the natural open space zone. It is important that the plan provides provisions that enable effective management for the natural open space zone in particular.

The PDP provisions for the intermittent use of aircraft for agricultural aviation activities in the general rural zone and the open space zone are confusing:

1. The proposed rules appear to manage aircraft in flight. Aircraft in flight are managed by the Civil Aviation Authority (CAA) rules NOT through district plan land use rules.

In flight, agricultural aircraft operate between 10 feet and 120 feet above ground level when undertaking application to ensure accuracy and mitigate the risks to persons and the environment from off target drift of agrichemicals, fertilisers and poison baits.

2. The intent of the proposed rules 'appears' to enable agricultural aviation activities, but it is not clear that the proposed rules provide for this i.e. the intermittent use of rural airstrips and helicopter and UAV landing areas.

3. The S32 Noise report recommendation notes:

*'In rural areas, establishing helicopter landing areas can lead to rural efficiencies and safety benefits. For non-noise reasons, it may be appropriate to provide at some level for helicopter landing areas in the rural zone, however that question is beyond the scope of this review.'*

Councils that provide for agricultural aviation activities without limitations 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 (Appeals: 22 Oct 2024)
- Dunedin City Council (Operative 2GP plan 12 September 2023)
- Selwyn District Council (Appeals version: 14 Nov 2024)
- Queenstown Lakes Proposed District Plan (Proposed Plan: Revision 28 May 2024)
- Whakatane District Council (Operative: 17 Jun 2017 Revision: 15 May 2024)
- Southland District Council (Operative plan 04 Apr 2024)
- Wairarapa WCDP COMBINED Plan (PDP notified October 2023)

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## NZAAA SPECIFIC SUBMISSIONS

Plan section	Plan provision	Support / Oppose	Reason	Decision sought
Definitions	Agricultural aviation activity	Support in part	<p>Defining a definition for Agricultural Aviation activities that provides clarity in the plan is supported.</p> <p>Councils do not control aircraft in flight, aircraft in flight are controlled through the Civil Aviation Authority rules. Inclusion of rules to control aircraft in flight in a district plan is inappropriate.</p> <p>The NZAAA seeks a definition that provides for the 'use' of rural airstrips, helicopter and UAV landing areas.</p>	<p><b><u>Amend</u></b> the definition by <b><u>deleting</u></b> and <b><u>adding</u></b>:</p> <p>Agricultural aviation activity means the intermittent operation of an aircraft <b><u>over a from a rural airstrip or helicopter and UAV landing area in the</u></b> rural zone or natural open space zone for primary production activities; conservation activities for biosecurity, or biodiversity purposes (including stock management); and the application of fertiliser, agrichemicals, or vertebrate toxic agents (VTAs). Aircraft includes fixed-wing aeroplanes, helicopters, and unmanned aerial vehicles (UAVs).</p>
Definitions	Conservation activities	Support	The NZAAA supports the definition that includes conservation management work weed and pest control	Retain the definition
Definitions	Helicopter landing area  New	n/a	It is important to provide a definition of a 'helicopter landing area' that can be used to clarify the difference between a landing area used on an intermittent temporary basis and a permanent heliport.	<p><b><u>Include definition:</u></b></p> <p><b><u>Helicopter landing area means any area of land, building, or structure used, whether wholly or partly, for helicopter movements on an intermittent temporary basis.</u></b></p>

Plan section	Plan provision	Support / Oppose	Reason	Decision sought
Definitions	Heliport  New	n/a	<p>Inclusion of a definition for a 'heliport' clarifies the difference between a 'helicopter landing area' that is used on an intermittent temporary basis and a 'heliport' that is used on a regular basis or as a permanent helicopter base.</p> <p>The proposed definition is the Civil Aviation Part 1 definition for a 'heliport'.</p>	<p><b><u>Include definition:</u></b></p> <p><b><u>Heliport means any defined area of land or water, and any defined area on a structure, intended or designed to be used either wholly or partly for the landing, departure, and surface movement of helicopters</u></b></p>
Definitions	Primary production	Support	The NZAAA supports the definition that is consistent with the NPS definition	Retain the definition
Definitions	Rural airstrip  New	n/a	The NZAAA seeks a definition that provides for the intermittent use of rural airstrips for agricultural aviation activities.	<p><b><u>Include definition:</u></b></p> <p><b><u>Rural airstrip means any defined area of land in the rural zone or natural open space zone, intended or designed to be used, whether wholly or partly, for aircraft movement where the principal use of that land is for primary production or conservation activities and is used intermittently for agricultural aviation activities.</u></b></p> <p><b><u>Accept:</u></b> The amendment to the definition of Agricultural Aviation activities as sought above.</p>



Plan section	Plan provision	Support / Oppose	Reason	Decision sought
NOISE	Rules Note on application of noise rules	Support in part	<p>Councils do not control aircraft in flight, aircraft in flight are controlled through the Civil Aviation Authority rules. Inclusion of rules to control aircraft in flight in a district plan is inappropriate.</p> <p>The NZAAA supports the inclusion of a note that the rules of the NOISE chapter do not apply to aircraft being used in agricultural aviation activities in the rural zone or natural open space zone as it relates to the use of rural airstrips and helicopter landing areas and seeks to have the note amended.</p>	<p><b>Delete:</b>  <del>a. Aircraft being operated above 1,000 feet (305m) above ground over the urban environment or above 500 feet (152m) above ground over the rural environment.</del></p> <p><b>Amend by deleting and adding:</b>  b. Aircraft being used <del>in</del> <b>for</b> agricultural aviation activities. <del>while in flight</del></p> <p><b>Accept:</b>  The amendment to the definition of Agricultural Aviation activities as sought above.</p>
NOISE	NOISE-R9	Oppose	<p>Subject to acceptance of the NZAAA amendment sought to the NOISE rule note providing for agricultural aviation activities, NOISE-R9(1) contradicts the rule note.</p> <p>Further, it is inappropriate to apply NZS6807:1994 to the intermittent use of a helicopter landing area for agricultural aviation activities.</p>	<p><b>Delete</b>  <del><b>NOISE-R9</b></del></p> <p><del><b>1. Activity status: Permitted</b></del></p> <p><b>Where:</b>  <del><b>1. The helicopter landing area is used solely:</b></del>  <del><b>a. For agricultural aviation activities between dawn and dusk, on no more than 30 days in any calendar year, or</b></del>  <del><b>b. In unforeseen emergencies, and</b></del>  <del><b>2. The helicopter landing area is managed to comply with the recommended noise limits and noise management</b></del></p>

Plan section	Plan provision	Support / Oppose	Reason	Decision sought
				<del>provisions set out in NZS6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas (excluding clause 4.3 Averaging):</del>
Natural Open Space Zone	NOSZ-O2	Support	Objectives that provide for the maintenance and enhancement of conservation are supported.	Retain the objective
Natural Open Space Zone	NOSZ-P1	Support	It is important to provide for activities that support conservation.	Retain the policy
Natural Open Space Zone	NOSZ Rules  Note:  New	n/a	Section 4(3) of the RMA exempts the Dept of Conservation from district plan rules for certain activities on land it administers. The NZAAA seeks to have these provisions included in the plan.	<b><u>Add to the NOSZ Rule Note:</u></b>  <b><u>The RMA Section 4 (3) allows certain Crown activity to contravene a District Plan in relation to any work or activity on land held under the Conservation Act 1987 that is consistent with a conservation management strategy, conservation management plan, or management plan and does not have a significant adverse effect beyond the boundary of the land. Accordingly, this chapter does not apply to the Department of Conservation activities that meet section 4(3) RMA, but does apply to their activities that do not meet section 4(3) RMA</u></b>

