

IN THE MATTER

of the Resource Management Act 1991

AND

IN THE MATTER

of hearings on the Hutt City Proposed District Plan (PDP) Hearing 7 - NOISE

Submission from:

New Zealand Agricultural Aviation Association (NZAAA submitter #231) and the Helicopter Association (NZHA submitter #215)

To:

Hearing Commissioners, Hearing 7 - NOISE

Date:

05/10/2026

1. Introduction

- 1.1 I am Tony Michelle, the Executive Officer of the New Zealand Agricultural Aviation Association. In these matters I also represent the New Zealand Helicopter Association. Both organisations are part of the 6 divisions that make up the Aviation Industry Association of New Zealand.
- 1.2 I recently retired after 38 years as a commercial helicopter pilot and CEO of my own helicopter company in North Canterbury. Over the past four years, I have prepared submissions and represented NZAAA/NZHA in 21 district and regional plan reviews.
- 1.3 The NZHA is the peak body that represents the commercial interests of helicopter aviation (other than agricultural aviation). Commercial aviation businesses support NZ communities and the economy in a range of activities that includes but are not limited to:
- the construction, maintenance and repair of critical infrastructure, particularly energy and communications
 - asset management, survey and surveillance
 - infrastructure construction works
 - adverse event relief
 - flight training,
 - conservation management, science and research
 - search and rescue
 - ad hoc transportation
 - aerial photography and filming
- 1.4 The helicopter sector operates ~900 helicopters nationwide with a large portion operating in commercial roles supporting communities and the economy.
- 1.5 Restrictive district plan requirements can adversely affect the ability of helicopter operators to support critical industries and organisations therefore we seek to ensure that they are adequately provided for, along with appropriate land use provisions in plans.

- 1.6 The NZAAA is the peak body that represents fixed-wing and helicopter operators engaged in applying fertilisers, agrichemicals, and vertebrate toxic agents (VTA's) for:
- Rural production
 - Forestry production
 - Crop protection and disease control
 - Weed and pest control
 - Biosecurity threats
 - Biodiversity and conservation values
- 1.7 The industry is made up of circa 109 Civil Aviation Authority (CAA) certificated organisations operating ~55 fixed-wing aircraft and 250 helicopters. The industry adds an estimated \$2.5BN annually to primary production for the NZ economy alone.
- 1.8 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.
- 1.9 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.

2. General comments

- 2.1 NZAAA/NZHA do not seek permitted activity rules for permanent heliports or helipads that are utilised as aircraft bases or on a regular basis.
- 2.2 NZHA has sought a range of changes to the PDP to adequately provide for temporary commercial helicopter activities that reflect the infrequent and intermittent use of temporary helicopter landing areas other than agricultural aviation activities.
- 2.3 Helicopters are critical for maintaining and supporting infrastructure to ensure security of energy, communications and connectivity.
- 2.4 The provisions sought are for the use of a helicopter landing area for commercial helicopter activities on an ad hoc or infrequent basis not regular activities conducted from a heliport or aircraft base.
- 2.5 NZAAA and NZHA consider that it is very important that the plan clearly makes a distinction between regular and irregular activities as the effects are significantly different.

3. The Dome Valley decisions in context of the section 42A report recommendations

- 3.1 The s42A Report appears to rely partly on interpretations relating to the Dome Valley District Residents' Society Incorporated and Skywork Helicopters Limited versus Rodney District Council, Decision A099/2007 decisions.

- 3.2 The Dome Valley decisions distinguish between helicopter effects associated with the use of land for the helicopter landing area including the noise from landing, ground operations and departure and the broader effects of aircraft while airborne or in flight.
- 3.3 The Environment Court concluded that the relevant effects for a land use consent include helicopter noise during landing, while on the ground, and during departure from the base; they do not extend to effects generated by aircraft generally while airborne or in flight. The decision was subsequently upheld in the High Court.
- 3.4 NZS6807 includes the definition of a movement:
 - 3.4.1 MOVEMENT, any single helicopter operation (e.g arrival or departure). Maintenance procedures are excluded.
 - 3.4.2 ARRIVAL, A helicopter flight operation prior to and including approach and landing, or approach and hover.
 - 3.4.3 DEPARTURE, A helicopter flight operation including hover or take-off (or aborted landing) and subsequent climb.
- 3.5 NZ Civil Aviation Rule Part 61 91.311 (Minimum heights for VFR flights) states that a pilot-in-command of an aircraft must not operate the aircraft under 500ft above ground level in an open area or 1000ft above ground level over a congested area, other than for the purposes of landing and taking off.
- 3.6 The RMA exempts aircraft during overflight from noise control but provides for control of noise emissions from airports.
- 3.7 Both agricultural aviation and commercial helicopter operations operate under different Civil Aviation Rules (CAR's) that provide provisions for operating an aircraft below 500ft in an open area and 1000ft in a congested area for a bona fide purpose. These rules supersede CAR Part 91.311.
- 3.8 CAR Part 135.85 (Minimum height for VFR flights) and 135.93 (Operations over congested areas) provide the provisions for flights below the minimum altitudes prescribed in CAR Part 91.311 for certain activities such as low level survey flights.
- 3.9 CAR Part 137.61 (Operations over congested areas) and 137.63 (Operations over non-congested areas) provide the provisions for flights below the minimum altitudes prescribed in CAR Part 91.311 for agricultural aircraft operations.
- 3.10 CAR Part 133.51 (Minimum Safe Height) and 133.69 (Operations over congested areas) provide the provisions for flights below the minimum altitudes prescribed in CAR Part 91.311 for helicopter external load operations.
- 3.11 Therefore it is not appropriate to apply rules based on CAR Part 91.311 to activities that are provided for under other rules.

- 3.12 Flights below 1000ft over congested areas or 500ft over open areas for agricultural aviation and specific commercial aircraft operations in accordance with the CAA are not controlled through resource consent processes in any other district plans.
- 3.13 On this basis I submit that flight paths for agricultural aviation activities and specific commercial aircraft operations are CAA matters, not district council matters.
- 3.14 It is important that this issue is clarified as a misinterpretation implies that district councils have authority to control flight operations relating to agricultural aviation activities and specific commercial aviation activities other than for take-off and landing.
- 3.15 I do not agree with the Report Writers (#119) opinion that aircraft operated below 500ft above ground level in an open area or 1000ft above ground level in a congested area can be linked to a particular use of land. For example:
- 3.15.1 The discharge of agrichemicals, fertilisers and poison baits from an aircraft are activities that are managed in regional air, land and water plans.
- 3.15.2 The aerial activity of surveying infrastructure assets such as powerlines is specifically related to the infrastructure not the land use.
- 3.16 The s42A Report dated 21 September 2026 for the Proposed Waitaki District Plan NOISE hearing includes references the report from acoustic engineers Marshall Day that clearly state that land use activities cannot be assigned to aircraft in flight:

122. With regard to the management of noise from aircraft, Marshall Day have advised that the management of aircraft noise by the general noise rules is not appropriate due to these not being land use activities once the aircraft are in flight. I therefore consider that the amendments sought to remove the exemption to noise standards for aircraft flight operations are inappropriate as these relate to flight operations and therefore managed through other processes

123. Marshall Day have also noted that requests to establish noise limits from NZS 6805 and NZS 6807 as suggested in the NPHS submission are not appropriate as these standards offer guidelines and assessment methodology and do not set noise limits. Therefore, I consider that their addition to the plan as noise standards is neither suitable or required.

- 3.17 The submitters sought that "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" be deleted.
- 3.18 For the reasons outlined above, the Report Writers (#116) recommendation to reject the deletion is not supported.
- 3. Section 42A report recommendations for temporary commercial helicopter activities**
- 3.1 The Report Writers (#179) recommendation to reject provisions providing for ad hoc or infrequent commercial helicopter activities from helicopter landing areas is not supported.

- 3.1.1 Commercial helicopter activities are critical for maintaining and repairing critical infrastructure such as energy and communication, particularly following adverse events in remote locations in rural and open space zones
- 3.1.2 The Hunt report (APP3 #57) supports the NZHA submission point that intermittent helicopter movements should be permitted on a site for up to 3 days per 3 month period in rural and open space zoned sites
- 3.1.3 Some of these ad hoc activities will be provided for in the construction rules however activities that do not meet the plan definition of a 'building' will fall outside NOISE-R2 and the recommended note in NOISE-R9 for using temporary helicopter landing areas; for example:
- a) Transmission and power line surveys and the use of temporary landing areas for alighting/disembarking technicians
 - b) Running or replacing damaged conductors from a temporary landing area
 - c) Transporting technicians to and from remote locations to maintain or repair communication infrastructure using temporary landing areas.
- 3.1.4 Such activities are important in the Hutt City providing infrastructure to the city, region and the North Island.
- 3.2 The Report Writers (#180) recommendation to remove reference to NZS6087:1999 in the permitted activity arm of NOISE-R9 is supported.
- 3.3 The Report Writers (#181) and Erratum Report (#3) recommendation that noise from helicopters associated with construction work is provided for by NOISE-R9 is supported.
- 3.4 The Report Writers (#294) recommendation to reject a definition of a 'helicopter landing area' is not supported for the reasons outlined in Section 2 of this statement relating to the Dome Valley decisions.
- 3.5 The Report Writers (#296) recommendation to reject a definition of a 'heliport' is not supported for the reasons outlined in Section 2 of this statement relating to the Dome Valley decisions.
- 4. Section 42A report recommendations for agricultural aviation activities**
- 4.1 For the reasons outlined in Section 2 of this statement, NZAAA seeks to clarify that the scope of agricultural aviation activities relates to the use of land such as rural airstrips and helicopter and UAV landing areas, not agricultural aircraft in flight through an amended definition of 'agricultural aviation activities' and inclusion of a definition of a 'rural airstrip'.
- 4.2 For the reasons outlined in Section 2 of this statement, the Report Writers (#116) recommendation to reject the amendment's sought in the 'Note on application of noise rules b.' is not supported.

- 4.3 The Report Writers (#176) recommendation to reject NZAAA's submission to delete the permitted activity is supported in part subject to deletion of NOISE-R9 2) and retention of clause b. in the 'Note on application of noise rules.'

5. Decisions sought

- 5.1 Accept the definition for a 'Helicopter landing area' as sought by NZHA:

Helicopter landing area means any area of land, building, or structure used, whether wholly or partly, for helicopter movements on an intermittent temporary basis.

- 5.2 Accept the definition for a 'Heliport' as sought by NZHA:

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

- 5.3 Accept the ~~deletion~~ sought by NZAAA/NZHA in the **Note on application of noise rules:**

~~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,~~

- 5.4 Accept the amendments sought by NZAAA/NZHA in the **Note on application of noise rules by adding and deleting:**

b. Aircraft being used ~~in~~ for agricultural aviation activities. , ~~while in flight~~

- 5.5 Accept the Report Writers recommendation to remove reference to NZS6087:1999 in the permitted activity arm of NOISE-R9 by **deleting:**

~~2. The helicopter landing area is managed to comply with the recommended noise limits and noise management provisions set out in NZS6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas (excluding clause 4.3 Averaging).~~

- 5.6 Accept the provisions for ad hoc infrequent commercial helicopter activities in NOISE-R9 by **adding:**

3. Movements from or to a site are undertaken on no more than 3 days (either consecutively or non-consecutively) over a 3-month period; and
a. Movements are only undertaken between the hours of 7am and 7pm
b. For the purposes of this rule a 'day' is counted where there is at least one movement although there is no limit on the number of movements which may be undertaken on that 'day'.

- 5.7 Accept the Report Writers recommendation to **add** an advice note to NOISE-R9:

Note: this rule applies to aircraft only at helicopter landing areas. Aircraft in other

circumstances are controlled by other rules, e.g. helicopters used in construction are covered by NOISE-R2.

- 5.8 Accept the amended definition of 'agricultural aviation' as sought by adding and deleting:

Agricultural aviation activity means the intermittent operation of an aircraft ~~over a~~ **from a rural airstrip or helicopter and UAV landing area in the** 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).

- 5.9 Accept the inclusion of a definition of a 'rural airstrip' as sought:

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.

- 5.10 Accept the Report Writers recommendation to **reject the deletion** of NOISE-R9 1) a. and b. as sought, and; Accept the Report Writers recommendation to **delete** NOISE-R9 (2):

NOISE-R9

1. Activity status: Permitted

Where:

1. The helicopter landing area is used solely:
 - a. For agricultural aviation activities between dawn and dusk, on no more than 30 days in any calendar year, or
 - b. In unforeseen emergencies, and

2. The helicopter landing area is managed to comply with the recommended noise limits and noise management provisions set out in NZS6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas (excluding clause 4.3 Averaging).

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

Tony Michelle

On behalf of the NZ Agricultural Aviation Association, and
The NZ Helicopter Association