

**BEFORE THE INDEPENDENT HEARINGS PANEL APPOINTED BY THE
TIMARU DISTRICT COUNCIL**

UNDER the Resource Management Act 1991 (RMA)

IN THE MATTER of the hearings of submissions on the Proposed Timaru District Plan

SUBMITTER Aircraft Owners and Pilots Association of New Zealand

Error! Unknown document property name.**JOHN EVANS ON BEHALF OF THE
AIRCRAFT OWNERS AND PILOTS ASSOCIATION OF NEW ZEALAND**

Usage and controls for small, fixed wing aircraft

Error! Unknown document property name.**5 July 2024**

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WYNN WILLIAMS

Solicitor: P A C Maw
(Philip.maw@wynnwilliams.co.nz)**Error! Unknown
document property name.**

INTRODUCTION

- 1 My full name is John Benjamin Evans. I am a farmer based in both the Timaru and Waimate District. I am also the Southern South Island representative on the Aircraft Owners and Pilots Association of New Zealand (**AOPA**) committee. This is a position I have held since 2023. In this role I am responsible for our Safety Group and I am a member of our Advocacy sub-committee.
- 2 My first introduction to aviation was through that of the late Sir Peter Elworthy, with his Tiger Moth, operated off his private rural airstrip. As Sir Peter flew over, my family and I would wave in awe. Following that, a close family friend would visit, also operating off his private rural airstrip. I learnt much during my early school education of Richard Pearce, possibly the first in the world to fly a powered aircraft, also operating off his private rural airstrip in our district. I was inspired, by aviation, to study towards my pilot's licence and an engineering degree, leading to aerospace endeavours, including with Rocket Lab developing orbital launch vehicles and with Wisk Aerospace, developing self-piloted air taxis.
- 3 I have prepared this brief of evidence to support the submission made by AOPA regarding the Timaru District Council (**Council**) Proposed District Plan (**PDP**). AOPA's submission relates in particular to rule GRUZ-R14 and the recommendations of the s 42A report.
- 4 My evidence addresses:
 - (a) The purpose and function of the AOPA;
 - (b) The background to how private airstrips have been used in the past, particularly in the Timaru District;
 - (c) Controls that already exist to control aircraft movements;
 - (d) The effect the GRUZ-R14 controls will cause on aviation activity;
 - (e) Investigations I have undertaken into the need to control noise;
 - (f) Other submissions on the PDP; and
 - (g) The Section 42A report.

QUALIFICATION AND EXPERIENCE

- 5 My qualifications include a Bachelor of Engineering with Honors and a Commercial Pilot's Licence. I have held a pilot's licence since the age of 20, and I own and operate a small Cessna aircraft based on my rural property.

BACKGROUND TO THE AOPA

- 6 AOPA's mission is to advocate on behalf of members to keep the cost of private and recreational flying affordable and accessible to as many people as possible. We encourage the social aspect of flying with like-minded people who share a passion for aviation.
- 7 We have "flyins" throughout New Zealand to airports and airstrips on private property (i.e. farms, backcountry airstrips etc). This type of activity has been occurring for as long as there has been recreational aviation in New Zealand (since the early half of the 1900's). AOPA also represents people with private airstrips on private property in the PDP General Rural Zone, many of whom have remote rural properties for which aircraft access plays an important role.
- 8 The wider community tends to have a limited appreciation for the use of private rural airstrips within Districts, likely because they are often on remote rural land and predominantly go unnoticed. However, the activity invariably is caught through district planning rules, many of which are restricting existing uses where there is no identified issue.
- 9 Aircraft are a functional and legitimate mode of transport providing for and supporting:
- (a) Rural business and recreation;
 - (b) Transport to and from remote and rural areas;
 - (c) Operations when roading infrastructure is damaged;
 - (d) Training pilots;
 - (e) Pest control and conservation activities; and
 - (f) Search and rescue.

BACKGROUND TO USAGE

- 10 My airstrip is used on an as-required basis by myself and friends, including for training and fertiliser application. The level of activity on the airstrip depends on the weather, farming activity and other time commitments.
- 11 My airstrip is nothing more than a paddock of sufficient length for the safe take-off and landing of small aircraft. The airstrip is often unusable as it is part of the farming system, encompassing cropping, irrigation and pasture production/grazing. This limitation is typical of all rural airstrips.
- 12 The Timaru District has a large number of fertiliser airstrips, which are also used for non-primary production purposes (i.e. recreation and training). I support the use of these airstrips for primary production purposes without limitations, as advocated by the organisations that represent their interests.
- 13 The Timaru District has a lesser number of airstrips used for private/recreational activity compared with those used for primary production. Often airstrips for private/recreational activity will have a shed in the vicinity for the storage of aircraft, sometimes a mowed/marked area showing the runway vector (typically 300-800m in length) and a windsock. In almost all cases, as applies to my own airstrip, these areas are contained within a farming system (encompassing cropping, irrigation or pasture production/grazing) and are only used subject to prior permission from landowners.
- 14 I am not aware of there ever having been an issue within the Timaru District regarding the use of small, fixed wing aircraft or permanent airstrips.
- 15 The number of private aircraft has remained steady over the decades within the Timaru district, as has the number of private recreational airstrips. Furthermore, newer aircraft are typically quieter. Therefore, there is no justification for the PDP to adapt, through increased regulation such as the controls in GRUZ-R14, as there has been no increase in the scale/intensity of activity in respect of private recreational aircraft or airstrips. The Timaru District does not have the increase in activity and need for control that you see in places such as Waiheke

Island which is regulated by the Auckland Council and which has larger scale private helicopter activity.

EXISTING AIRCRAFT REGULATIONS

- 16 Aircraft and pilots must be certified and operated through the regulatory oversight of the Civil Aviation Authority (**CAA**):
 - (a) Aircraft require Certificates of Airworthiness and a maintenance program performed by qualified and approved persons;
 - (b) Pilots require a licence, approved by the CAA and a medical certificate. Pilots are required to have passed “fit and proper person” scrutineering, which includes assessment of any criminal records and land transport infringements;
 - (c) Pilots require biennial (every 2-years) flight reviews, ensuring their competence to perform the privileges of their licence, alongside maintaining current knowledge and experience;
 - (d) Aircraft operations are subjected to very well defined regulations, including minimum altitudes, daylight limitations and meteorological requirements through the Civil Aviation Act 1990 and the rules and regulations which sit under that act.
- 17 Commercial non-rural production aviation activity requires resource consent under rule GRUZ-P3 of the PDP, therefore the activity we seek to be permitted is limited.

EFFECTS OF THE GRUZ-R14 CONTROLS

- 18 AOPA is concerned the proposed restrictions of GRUZ-R14 will:
 - (a) Reduce the ability for students to train in off-airport environments (which is necessary training in the case of an emergency and for pilots wishing to utilise their aircraft off-airport);
 - (b) Reduce the ability for aircraft to support conservation and biosecurity activities;
 - (c) Reduce the places for aircraft to land (if a landing area is heavily restricted it may become redundant as it will not be maintained as a landing area);

- (d) Result in reduced resilience in case of emergency and natural disaster. A number of our members supported response activity following the Hawkes Bay event;
- (e) Prevent private landowners affected by the PDP provisions from utilising aircraft as a legitimate mode of transport from their private property;
- (f) Reduce the recreational value of aviation in our communities, such as the social and economic aspect and enjoyment the activity provides;
- (g) Subject landowners, with a legally established activity under the Operative District Plan, to requirements to obtain an Existing Use Certificate under Part 139A of the RMA. This puts the onus on the landowner to justify the lawful existence of the activity at their cost;¹
- (h) Subject landowners to reverse sensitivity effects, if, for example, a new noise sensitive activity encroached on the setbacks as proposed in the s 42A report, turning a permitted activity into one that requires an Existing Use Certificate or a resource consent.²

INVESTIGATIONS UNDERTAKEN RELATING TO ANY NOISE ISSUES

- 19 I made a request for information from the Timaru District Council under the Local Government Official Information and Meetings Act 1987 (**LGOIMA**) in January of 2023 to ascertain the origins of GRUZ-R14 within the PDP. I requested the following information:

“Evidence supporting implementation of GRUZ-R14 PER-3 including the justification for setting **“Take offs or landings must not exceed 10 per month”**. Evidence may include noise complaint data, analysis of aircraft impacts within the district and the interpretation of NPS/RMA leading to the formation of GRUZ-R14.”

- 20 No information was provided in the response relating to noise complaint data, any analysis, or rationale for the formation of what was contained

² PDP page 121 and 122.

within the PDP or subsequent recommendations in the s 42A report. **I attach the information I obtained through my LGOIMA request as appendix A.**

- 21 The correspondence obtained through the LGOIMA request dated back to May 2021 and provides some background to the development of GRUZ-R14. The internal TDC Planner stated:

I don't think we need a limit on take-offs and landings that are not for a primary production activity – DIS status seems appropriate rather than trying to guess a threshold.
- 22 Information also obtained from the LGOIMA request shows that over the course of subsequent communications between the Council Planner and what is assumed to be an external consultant, a movement limit was introduced of 8 movements a day and 28 movements a week and then, subsequently a draft amendment was made increasing the limit to 16 movements a day and 28 movements a week.
- 23 The PDP as notified included a movement limit of 10 movements a month with a 500m setback in GRUZ-R14, the most restrictive movement limit of any Territorial Authority in New Zealand in a General Rural Zone.
- 24 Most of the dialogue within the LGOIMA information I received concerned the use of helicopters. Recreational fixed wing activity has simply been captured by the same provisions. Although separating out fixed wing aircraft and helicopters was discussed, for example "I thought we discussed separating out airstrips and helicopter landing areas because they create such different noises" (page 003 of appendix A), it was not actioned. The LGOIMA information confirmed the origin of the PDP 10 take-off and landing provision origins were from the helicopter noise standard NZS6807. Although this standard does not apply to fixed wing aircraft, the PDP's inclusion of fixed-wing aircraft in GRUZ-R14 has the effect of applying the helicopter standard to fixed wing aircraft, and by extension, recreational fixed wing aircraft.
- 25 The 2022 Timaru District Council s 32 report Noise Chapter mentions public feedback for the Draft District Plan: "There was concern that aircraft noise associated with the rural zone are not adequately provided for." This comment is not substantiated, and it is unclear if this

submission was related to recreational or commercial activity. Given that, it should not form the basis of the controls contained within GRUZ-R14.

NOISE EFFECTS AND CONTROLS

Setbacks

- 26 The setback values are defined in the PDP and s42A as being the distance from the airstrip, being the area used for the take-off and landing of aircraft. In practical terms, the airstrip is a narrow strip typically between 300-800m in length and 4m in width. The setback as defined in both the PDP and s42A results in a "zone" subjected to the rule provisions, representing an elongated circle. This "zone" as promulgated in both the PDP and s42A is totally inconsistent with the noise contour of an aircraft, and that of any airport which has a noise contour overlay. Fixed wing aircraft noise contours typically extend further out, in the direction of takeoff and landing, and to a much lesser extent, perpendicular to the direction of takeoff and landing. The promulgated zone does not represent the noise effect (i.e. noise contour) of a fixed wing aircraft.

Planning standards

- 27 New Zealand National Planning Standards (2019), Section 15, Noise and Vibration Metrics Standard, outlines the noise and vibration standards required to be referenced in any plan rule managing noise emissions including the following standards which are relevant to aircraft:
- (a) NZS 6805:1992 Airport Noise Management and land use planning;
 - (b) NZS 6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas; and
 - (c) NZS 6802:2008 Acoustics – Environmental noise (The scoping sections of NZS 6802:2008 exclude it from being used for the assessment of aircraft noise where the noise being assessed is within the scope of NZS 6805:1992).
- 28 District Councils apply NZS 6805:1992 to manage noise effects in proximity to aerodromes, for zoning and amenity protection. A 55dB Ldn

contour is applied, outside of which (i.e. less than 55db LDn) no controls are required.

- 29 We undertook some analysis of noise effects for typical small recreational aircraft consistent with NZS 6805:1992 using Acoustic Engineering Services Ltd. Our analysis found the typical movements of a recreational rural airstrip (often less than 2 movements a day, i.e. a departure for a flight followed by a landing) have the 55db Ldn noise contour contained within the extent of the area used for take off and landing, even before averaging provisions (typically 3-months) are taken into account (which often are per application of applying NZS 6805:1992).
- 30 In making our submission on the PDP AOPA considered if NZS 6805:1992 could be used to define setbacks for recreational airstrips in the Rural Zone. However, applying NZS6805:1992 would result in non-radial setbacks, and would require different and complex setbacks depending on the aircraft type and movement numbers. While this approach would be preferable to broad brush radial setbacks, as recommended in the s 42A report,³ it over defines a problem that does not exist, especially when the setback from existing noise sensitive activities for two daily movements applying NZS6805:1992 is essentially zero.
- 31 By comparison, the setbacks recommended by the writer of the s 42A report are larger than the 55dB Ldn contour for many regional airports, which have several thousand annual movements.

RESPONSE TO SUBMISSIONS

- 32 I have reviewed the submissions that comment on matters relevant to my evidence. Each of these is consistent with the evidence provided, with no submission in support of the PDP in its entirety concerning aircraft activity in the GRUZ.

RESPONSE TO S 42A REPORT

³ By proposing a flat 500m setback in GRUZ-R14.

- 33 I have reviewed the aspects of the s 42A report that comment on matters relevant to my evidence.
- 34 It is evident, through the information contained within the LGOIMA response, that the controls on aircraft included in the PDP through GRUZ-R14 are beyond what is required to manage any effects that private/recreational fixed wing aircraft are having on our community.
- 35 Below, I respond to the key matters raised within the section 42A report:
- (a) I agree with the s 42A report point, 10.25.20, to the extent that the author concedes that the original PDP ten take-off and landing monthly limitation lacks flexibility. I disagree, however, that a radial setback is required to ensure that the “amenity immediately around sensitive activities and zone boundaries is maintained.” Given that the use of recreational fixed wing aircraft on rural airstrips have operated as a permitted activity under the rules within the Operative District Plan and this has not resulted in any documented issue/s, and that both the 1000m and 500m radial setbacks are larger than what is required to manage the amenity around most regional airports, the amenity is maintained without any radial setback controls.
 - (b) I agree with the s 42A report point, 10.25.1, that >1000m setbacks have no limitations on activity. I disagree however, that <1000m setbacks requires controls and <500m setbacks ought to be a Restricted Discretionary activity.

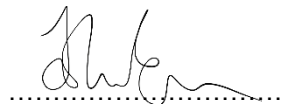
CONCLUSION

- 36 As such, AOPA considers GRUZ-R14 is capturing small, fixed wing aircraft and imposing unnecessary regulation on their activities despite no evidence of those aircraft ever having caused noise or amenity issues within the Timaru District.
- 37 GRUZ-P3 contains existing controls to prevent non-consented non-rural production commercial activity, which is likely associated with increased activity and reduced social licence.
- 38 The CAA rules sufficiently regulate what is a suitable and lawful place to operate a small, fixed wing aircraft, and the regulation of pilot licence

holders, and these controls are shown to have maintained the amenity of areas surrounding take-off and landing locations for recreational fixed wing activity in pour district.

39 The proposed radial setbacks in GRUZ-R14 are arbitrary and excessive, and not supported by evidence or the noise contour of a small, fixed wing aircraft.

40 We seek for the flying of small, fixed wing aircraft on permanent or non-permanent airstrips to be a permitted activity and for recreational fixed wing aircraft to be excluded from the provisions of GRUZ-R14.

A handwritten signature in black ink, appearing to read 'John Evans', written over a horizontal dotted line.

John Evans

5 July 2024

Appendix A to John Evan's Evidence

From: [REDACTED]
To: [REDACTED] (7) #1552337
Subject: RE: Noise Chapter
Date: Thursday, 12 August 2021 9:36:06 am
Attachments: [image001.png](#)
[image4990a0.PNG](#)

Thanks both 😊



[REDACTED] [REDACTED]
Timaru District Council | PO Box 522 | Timaru 7940
[REDACTED] | W: www.timaru.govt.nz

From: [REDACTED]
Sent: Wednesday, 11 August 2021 8:27 AM
To: [REDACTED]
Subject: RE: Noise Chapter

In which case [REDACTED] I think PER-2 of NOISE-R9 just needs to be deleted and that resolves the inconsistency.

From: [REDACTED]
Sent: Wednesday, 11 August 2021 8:26 am
To: [REDACTED]
Subject: RE: Noise Chapter

Hi [REDACTED]

I can confirm that the rule has been agreed with [REDACTED]

Cheers, [REDACTED]



[REDACTED] [REDACTED]
Timaru District Council | PO Box 522 | Timaru 7940
[REDACTED] | W: www.timaru.govt.nz

From: [REDACTED]
Sent: Tuesday, 10 August 2021 2:30 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: Noise Chapter

Hi [REDACTED]

I think I was bit long between innings of looking at this noise chapter in its entirety, after such a long break from it.

Sorry, I have a couple of questions.

Firstly, you asked about how the GRUZ had landed (pun intended) on Helicopter landing. I have attached the latest version below. I am trying to remember, but I thought we discussed separating out Airstrips and Helicopter landing because they create such different noises. Is this relevant for GRUZ-R12 below? The rules are quite different between GRUZ-R12 and NOISE R9 – do we need to ensure consistency?

Secondly, in NOISE is aircraft testing and maintenance only permitted at the Airport with a much stringent activity class elsewhere? I think it perhaps should be, but I when I look at the policies and rules, I am not sure this is clear.

FYI – Primeport are going away to see how they can compy with the NZ Standard, now they appreciate the mandatory nature of the NZS under the National Planning Standards and that we are no longer aiming for an October PP notification.

I have copied in [REDACTED] – because he may know more about the genesis of the GRUZ-R12. And please feel free to forward to [REDACTED], but I thought these might be simple matters you were able to address.

Thanks

GRUZ-R12	Use of airstrips and helicopter landing sites	
General rural zone	Activity status: Permitted	Activity status where compliance not achieved with PER-1, PER-2, and PER-3: Discretionary
	Where: PER-1 Associated flights are for emergency purposes such as medical evacuations, search and rescue, firefighting or civil defence; or PER-2 The use is limited to aircraft movements for primary production including spraying, stock management and fertiliser application for: a. a maximum seven days within any three month period; and the airstrip or helicopter landing site is setback between 500-1,000m from:	

- any Residential zone; and
- the notional boundary of a building containing a noise sensitive activity, not located on the site of the airstrip or helicopter land site; or

b. the airstrip or helicopter landing site is setback greater than 1,000m from:

- any Residential zone; and
- the notional boundary of a building containing a noise sensitive activity, not located on the site of the airstrip or helicopter land site; or

PER-3

Take offs or landings not addressed under PER-1 or PER-2 must not exceed 10 per month; and the airstrip or landing site is setback a minimum of 500m from:

- any Residential zone; and
- the notional boundary of a building containing a noise sensitive activity not located on the site of the airstrip or helicopter land site.

From: [REDACTED]
To: [REDACTED]
Cc: (5) #1552332
Subject: RE: District Plan Rules
Date: Wednesday, 23 June 2021 6:16:27 pm
Attachments: [image001.png](#)
[image002.jpg](#)

Hi [REDACTED]

Fixed Wing Movements

The 8 movements per day for fixed wing aircraft was discussed with [REDACTED] and assessed as what a farmer would reasonably need when a contractor topdresses a typical farm. Note; This movement limit only applies where the topdressing operator is operating on one farm but is servicing another farm, or where the movements are for a non-primary production purpose. There are no movement limits where the activity is undertaken for primary production purposes on the same site as the airstrip.

Helicopter Movements

As above, there are NO movement limits for helicopters where the use of a landing area is undertaken for primary production purposes on the same site as the landing area. The 10 exempt helicopter movements only apply to movements undertaken for non-primary production purposes or where the movements are for primary production purposes on another farm. This exemption come directly from the exemption provided for under NZS6807:1994 which states, provided certain (relatively permissive) Lmax noise limits are met, the Standard recommends no consent be needed for up to 10 movements / month providing each meets certain noise limits. Hope that clarifies the situation. I would think in reality it is dead easy to create a helicopter landing area on a farm (nothing special – just an open area) - so the need for a helicopter landing area to be used to service another farm for primary production purposes would be quite limited. This would be a noise advantage as helicopters would not need to fly around the zone area so much generating unnecessary noise. Airstrips on the other hand are not so easy to establish, so they can be used quite a bit where they are needed to be used to service another farm for primary production purposes.

Hope that clarifies the situation.

Regards,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

This e-mail is confidential, if you received this message in error, or you are not the intended recipient, please return it to the sender and destroy any copies.

From: [REDACTED]
Sent: Wednesday, 23 June 2021 4:16 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: District Plan Rules

Hi [REDACTED]

Many thanks for your input into the District Plan provisions. I just have one question if you don't mind? What is the reason for the significant disparity between the airstrips take off and lands (8 per day) and the helicopter landings (10 per month)?

[REDACTED]



[REDACTED]

[REDACTED]



3 February 2023

John Evans
027 5262111

Jben839@gmail.com

Dear John

Local Government Official Information & Meetings Act 1987 Request: Information Pertaining to the Proposed District Plan GRUZ-R14 PER-3

We refer to your email request 10 January 2023 for official information, your request is below along with Councils response.

Official information request: Evidence for, context leading to, justification for: Proposed District Plan rule **GRUZ-R14 PER-3**.

Please supply the following information under the Local Government Official Information and Meetings Act (LGOIMA):

- 1. All written communication concerning the formation of GRUZ-R14 PER-3, with, but not limited to; internally within Timaru District Council employees, between local government and with Ministers/Central Government*
- 2. Evidence supporting implementation of GRUZ-R14 PER-3 including the justification for setting "**Take offs or landings must not exceed 10 per month**". Evidence may include noise complaint data, analysis of aircraft impacts within the district and the interpretation of NPS/RMA leading to the formation of GRUZ-R14.*

The written documentation requested is attached along with a reference list highlighting 11 relevant documents.

Relevant background material on Rural Zone provisions can be found in the s32 evaluation report for the Rural Zone:

https://www.timaru.govt.nz/data/assets/pdf_file/0008/668699/29-Section-32-Rural-Zones.pdf

This was a revision on the relevant rule that was consulted upon in the Draft Plan (as attached). Given that the respondent has made a submission on the relevant rule in the Proposed Plan the issues raised will be addressed in due course, alongside any other submitters on the same point, in more detail through the s42a report and subsequent hearing process.

NB: GRUZ-R14 PER-3 does not have immediate legal effect and if an activity has been legally established then existing use rights would apply.

If you are not satisfied with our response, you have the right to ask the Ombudsman to investigate and review our decision. The Ombudsman can be contacted at PO Box 10 152, Wellington 6143, or Freephone 0800 802 602, or at <http://www.ombudsman.parliament.nz>

Yours faithfully



Paul Cooper
Group Manager Environmental Services
e. paul.cooper@timdc.govt.nz
p. 03 687 7281

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: GRUZ R-11 - Rural Airstrips
Date: Tuesday, 22 June 2021 11:59:16 am
Attachments: [image001.png](#)

(3) #1552336

Hi [REDACTED]

I've had a look over those GRUZ rules and make the following comments & recommendations.

GRUZ-R12

I don't think you're correct in stating that PER-2 and PER-4 are 'in balance' for aircraft movements related to primary production. This is because looking at the "or" and "and" requirements – my take is that unlimited movements for primary production purposes can be undertaken at airstrips located anywhere in the zone OR they are non-primary production movements that need to be limited in number (PER-3) and undertaken at airstrips meeting setback requirements (PER-4). This means movements for purposes ancillary to primary production are unlimited in number and can be undertaken at airstrips not subject to setbacks, so there is no balance.

The concern is this could allow for rural airstrips to be used as rural airports servicing all local farms and yet be located quite close to neighbours. Early morning movements typical of that industry would take place during what the district plan considers 'night time'. This is the problem that happened on an a farm airstrip in Hawkes Bay which I previously described to you.

I recommend the either;

- a. add back the words we'd originally drafted into PER-3 "*...undertaken on the same site as the site of the airstrip*" which will naturally cap the potential adverse effects, or;
- b. re-draft so that the setbacks required in PER-4 apply to both PER-3 airstrips (non-primary prod movements limited in number) and PER-2 airstrips (primary prod movements, unlimited in number).

If drone use for purposes ancillary to primary production is to be specifically provided for in the rural zone, then (a) would seem suitable as drone use can be easily undertaken on the same site as the primary production activities.

GRUZ-R13

Two issues here;

1. Primary Production Movements Helicopter Movements

Same issue as above - there's no limit on helicopter movements or setback to the landing area if helicopter movements are associated with primary production. Again, this can lead to a rural helicopter operator setting up a base on his farm with no impediments if movements are related to primary production (eg. Hawkes Bay example of noisy early morning operation near rural neighbours)
My recommendation is to adopt either (a) or (b) above. Just because the primary producers are effective lobbyists, it's no reason to throw away Council's duties to manage the effects of noise under RMA s.31.

2. Non-Primary Production Movements

The PER-3 limit on number of helicopter movements, on its own, isn't enough to control adverse effects as these 10 movements – they could occur at night or early morning at sites close to sensitive receivers in the rural zone (including close to sites zoned residential).
Originally, my advice closely followed the exemption set out in the helicopter noise std (NZS6807) which exempts up to 10 movements per month providing the noise levels didn't exceed 70 dB LAFMax between 10.00pm and 7.00am or 90 dB LAFMax between 7 00am and 10 00pm at any residential zone or within the notional boundary of a building containing a noise sensitive activity.

I see two possible options here;

- (i) Retain recommended wording specifying the above helicopter noise limits - this benefits operators with quieter helicopters who may operate closer to sensitive receiver sites, or;
- (ii) I understand for functional reasons it might be better to simply stipulate a setback distance. If so, the 500m as per GRUZ R-12 PER-4 would be adequate for all but the large military helicopters (military helicopters are covered by NOISE R-3 which under PER-5 of that rule are able to make use of the 10-movement exemption providing those helicopter noise limits are complied with).

Happy to further discuss so let me know if there's questions.

Regards,
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] this message in error or you are not the intended recipient please return it to the sender and destroy any copies.

From: [REDACTED]
Sent: Tuesday, 22 June 2021 10:30 AM
To: [REDACTED] >
Cc: [REDACTED]
Subject: RE: GRUZ R-11 - Rural Airstrips

Hi [REDACTED]

Since the last email exchange we have made some amendments to the GRUZ rules for use of air strips and helicopter landing sites. ... please take a read.

- In respect to R12: PER-2 does not impose a limit on aircraft movements ancillary to primary production but PER-4 requires minimum separation distance (so that is the balance)... whether those setbacks are adequate requires your input.
 - In particular, drones are aircraft and the use of small and numerous drones in horticulture is a future expectation which is not really workable with a threshold on number of take-offs and landings.

- But drones don't need an airstrip ... so I don't think we have quite got it right. Please advise.
- In respect to R13: We do not have a setback. ... should we and would it be the same as for aircraft?

Please respond



GRUZ-R12 Use of airstrips		
General rural zone	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The use of the airstrip is limited to flight movements for emergency purposes such as medical evacuations, search and rescue or firefighting and civil defence; or</p> <p>PER-2 The use of the airstrip is limited to use for aircraft movements for purposes ancillary to primary production including spraying, stock management and fertiliser application; or</p> <p>PER-3 The number of take-offs or landings from the airstrip do not exceed 8 per day and 28 per week; and</p> <p>PER-4 The airstrip is set back a minimum of 500m from:</p> <ul style="list-style-type: none"> • any Residential zone; and • the notional boundary of a building containing a noise sensitive activity. 	Activity status where compliance not achieved with PER-1, PER-2, PER-3 or PER-4: Discretionary
GRUZ-R13 Helicopter Landing Sites		
General rural zone	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 Flight movements for emergency purposes only such as medical emergencies, search and rescue, civil defence or firefighting; or</p> <p>PER-2 The use of the helicopter landing site is limited to use for helicopter movements for primary production including spraying, stock management, fertiliser application, and frost mitigation; or</p> <p>PER-3 Take offs from any site must not exceed 10 per month; and CONFIRMING IF LANDINGS SHOULD BE INCLUDED AND WHETHER THERE SHOULD BE A SETBACK REQUIRE</p>	Activity status where compliance not achieved with PER-1, PER-2, PER-3 or PER-4: Discretionary

TIMARU



DISTRICT COUNCIL
Te Kaunihera o Te Tai o Maru

Timaru District Council | PO Box 522 | Timaru 7940
P: 03 687 7594 | W: www.timaru.govt.nz

From:

Sent: Monday, 17 May 2021 10:19 AM

To:

Cc:

Subject: RE: GRUZ R-11 - Rural Airstrips

Hi [REDACTED]

Thanks for sending through your proposal for GRUZ R-11 that enables the use of rural airstrips associated with primary production as a permitted activity. Owing to the 500m setback and potential aircraft noise effects which are expected to be intermittent, I support your amendment to GRUZ R-11. However, I see a couple of issues that you should have regard to. I make two comments that I think justify further amendments your suggested wording, as follows;

1. Just as rural activities make use of fixed wing aircraft for primary production purposes, helicopters are also used in rural areas for similar purposes and should be included for similar reasons. It's worth noting NZ Civil Aviation legislation actually includes helicopters within the definition of 'aircraft'. Liz and I have recently proposed some amendments to helicopter noise controls in Noise R9 to allow for a fair amount of 'exempt' helicopter movements (30 in 3 months) in response to submissions from rural helicopter operators seeking to service their rural clients. To address those concerns, I think it would make sense to expand the wording of for your proposals for GRUZ R-11 to allow helicopter landings and takeoffs on rural properties for primary production purposes for the same reasons. If this suggestion is taken up, I recommend to Liz that we change our recent Noise R-9 recommendation back to the wording as notified in the draft plan as that wording (10 per month meeting certain noise criteria) has come directly from the NZ Std for helicopter noise NZS6807 and is an exemption needed in other zones (for example, helicopter operators such as NZ Defence rely on that exemption).
2. The biggest issue that your GRUZ R-11 proposal raises with me is that it may allow for a commercial rural aircraft operator to set up their own airfield in the rural zone as a base for on-going commercial aviation by a rural aircraft contractor as a permitted activity. I attach an example where a rural aviation contractor set up his own airfield on his own farm in the Hawkes Bay (which is now registered as an official aerodrome by Civil Aviation Authority who have authorised it for up to 240 movements per month!). The Council was faced with the prospect that, as a primary production based activity, the owner was able to show, on the face of it, that this was permitted under the district plan. The neighbours located at 500m or more away objected to (a) periods of high use when topdressing locally in the district and (b) at other times the regular daily early morning departures as he flew off for a days work spreading fertiliser when based at other rural airstrips in the district. My involvement was to assess noise effects – Council asked to show compliance against the usual rural noise limits, however this was a bit remiss as NZS6802 (the general noise assessment std) includes some words that means this Std is not supposed to be applied to aircraft noise. Trying to show the airstrip shouldn't be allowed to operate because it infringed the district plan noise limits was really grasping at straws! Overall observation: The district plan should not have allowed commercial operator to establish a permanent airbase as a permitted activity simply because the activity is related to primary production – this is a real issue when planners are soft on regulating effects of any activities related to primary production. Somehow planners feel it is important to enable farmers to prosper but can be caught with throwing the baby out with the bathwater! Based on my experience, I recommend that a permitted activity standard be imposed in your GRUZ R-11 to ensure any rural airstrip or landing area to which it applies are permitted for intermittent use associated with a primary production activity and not be able to be used as a base for on-going commercial rural aviation businesses.

Happy to discuss further.

Regards,

[REDACTED]

[REDACTED]

This e-mail is confidential if you received this message in error or you are not the intended recipient please return it to the sender and destroy any copies.

From: [REDACTED]
Sent: Thursday, 13 May 2021 4:31 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: GRUZ - feedback and response on Noise chapter

Hi [REDACTED]

On Monday could you follow up this with [REDACTED] to know their views.

As you know TDC has been working with a Major Rural Stakeholders Group to redraft the GRUZ - Unfortunately what you did not know is that the group agreed (23.4.21) to make take-offs/landings exempt when they service a 'primary production' activity. We have not agreed the drafting but here is my first attempt at it:

GRUZ-R11	Airstrips and aircraft takeoffs and landings	
General rural zone	Activity status: Permitted	Activity status where compliance not achieved with PER-1 or PER-2: Discretionary
	<p>Where:</p> <p>PER-1 Airstrips and take-offs or landings are associated to a primary production activity; and</p> <p>PER-2 The airstrip is set back a minimum of 500m from: a. any Residential zone; and b. the no ional boundary of a building containing a noise sensitive activity.</p> <p>Note: The requirements of this rule do not apply to any aircraft movements required for emergency purposes such as medical emergencies, search and rescue, or firefighting.</p>	

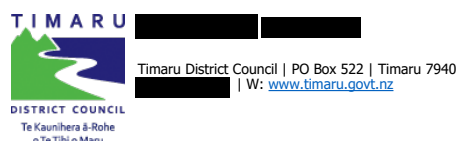
Reasons:

1. Applying fertilizer happens in concentrated events of multiple take-offs over a day and then none at all for months or a year – so imposing a daily limit is not effective or efficient. It would add cost and complexity to primary production activity even though the zone is meant to enable that. ... so that is inconsistent. Which is why edits to GRUZ – R11 – PER-1 are needed
 - a. NOISE-R1 – Includes an exemption: **activities of a limited duration required for normal seasonal agricultural, horticultural and forestry activities, such as harvesting; and therefore logically** GRUZ – R11 should contain an exemption for ‘primary production’ activity.
2. Having said that the group had no issue (that I remember) with PER-2 ... so the protection of amenity for existing/legally established residential activity and sensitive activities is accepted.
3. I don't think we need a limit on take-offs and landing that are not for a primary production activity – DIS status seems appropriate rather than trying to guess a threshold.
4. Note that I have edited heading because that is imprecise: e.g. What is private purposes? I think reading between the lines this rule was never intended to restrict primary production activity but was instead intended to apply to ‘other’ activity... which is why the heading refers to the vague idea of private landings.

I'd like us to agree on this next week or at least before we present draft provisions at next Major Rural Stakeholders Group in the first week of June.

My apologies for the non-communication – Ideally we would have addressed this with Malcolm before end of April.

Kind regards,
Alex



From: [REDACTED]
Sent: Thursday, 13 May 2021 1:53 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: GRUZ - feedback and response

Hi [REDACTED]

I think you are looking after the GRUZ chapter. Please find attached a feedback point and suggested response to it, from our noise consultant.

I hope this is self-explanatory but if not, happy to discuss. I will delete this from the NOISE feedback table so its covered in GRUZ instead.

Thanks

141 133	Horticultural New Zealand - Rachel McClung / 113	NOISE-R1	<p>NOISE-R1 Activities generating noise not otherwise specified in NOISE-R2-R11- Support in part</p> <p>HortNZ supports the exclusion for noise generated for normal seasonal agricultural, horticultural and forestry activities such as harvesting</p> <p>Standard 5 related to use of airstrips and helicopter landing sites and refers to GRUZ-R11 which states that take-off or landing do not exceed 8 per day and 28 per week. This is impractical and would mean that aircraft applying fertiliser would need a resource consent as they will exceed 8 in one day but only on a limited number of days a year. This would potentially be a non-complying activity. The approach is not effects based.</p> <p>Retain Noise-R1 exemption for rural production activities</p> <p>Amend GRUZ-R11 by excluding intermittent use of airstrips and helicopter landing areas for rural production purposes in the General Rural Zone</p>	Accept in part	<p>NOISE-R1 provides exemptions for activities from compliance with the rule, including an exemption for aircraft noise arising from the use of rural airstrips that comply with GRUZ-R11 PER-1 to this rule allows 8 take-offs or landings per day which this submitter considers would mean farmers would typically need a resource consent to carry out normal fertiliser application. The rule also limits take-offs or landings per week to 28. We assume that the submitter is satisfied that the 28 take offs & landings per week would not be breached as they have not commented on this aspect.</p> <p>We agree that 8 take-offs or landings per day can be increased to 16, so long as the weekly limit is retained, without adverse noise effects for sensitive receiver sites located greater than 500 metres away (as currently stipulated). This will still ensure that the distance setback and weekly flight limits will provide adequate protection from adverse aircraft noise effects.</p> <p>In regard to the request for "intermittent use" of airstrips be exempted, this term is considered too imprecise to be able to be included within an exemption from the noise provisions.</p> <p>The submitter also refers to applying the exemption to helicopter landing sites however these are not covered by GRUZ-R11 and therefore not covered in the recommended amendment.</p> <p>Recommendation</p> <p>Amend PER-1 of GRUZ-R11 to read:</p> <p>The number of take-offs or landings from the airstrip do not exceed 816 per day and 28 per week; and..."</p>
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