

Ian Sinclair - In person v3 - Post in person remote submission - GRUZ-P14

I appreciate that you have allocated time for me to talk to you.

Today I am presenting my own views during this time slot and I will be talking to you again tomorrow morning supporting the evidence I have added to the McAuley/AOPA NZ submission.

Today I will focus on my experience interacting with the PDP process and the negative impacts of the proposed rule GRUZ-P14 on myself and others.

Please accept my general comments as being about the PDP process and the system containing them. I do not intend to criticise individuals who are merely cogs in the machine.

My background

I have been exposed to aviation since I was 12 years old and began pilot training at 16 attaining my licence at 19.

I have owned and operated aircraft from the age of 25.

Flying is my main passion outside my family and work.

I am talking to you from the road on the way to Oshkosh, Wisconsin where I am attending the biggest aviation gathering on the planet.

I have worked for 35 years in the IT industry and been involved in Sales, Hardware Support, Application Support, Business Analysis and Application development.

I am experienced in a systems approach to problem solving and being part of structure systems, including those used for safety enhancement.

Aviation is a very structured industry even at the recreational and private pilot level.

My rural experience started when I was 12 working part time on farms and then full time for two years. We moved to our own farm when I was 28.

We purchased the property because it had a site suitable for an airstrip to be developed.

I consider myself an expert level contributor to this hearing for recreational and private flying and also an expert level contributor as a rural resident of 40 years.

A problem that does not need fixing.

As you have read in my original submission I do not believe there is any evidence of a problem that needs fixing.

There is no pattern of noise complaints to council or negative community feedback about aviation in the rural zones.

In my experience pilots go out of their way to foster good relations with neighbours and avoid situations that will aggravate others in the community.

Rural living

I am a farmer who lives and works on my own farm in the rural environment.

I suspect some of the people who are part of this hearing and involved in compiling proposed rules and reports for the PDP don't have significant rural experience.

The rural zone is often a quiet place, but often there is significant and noticeable noise.

Here is a list, that is not exhaustive, of things that have a much greater noise profile than my aircraft taking off, which is the most noisy phase of its operation.

Some of these examples are noisier than my aircraft by orders of magnitude,

- A two stroke dirt bike driving up our road. Even worse, a group of them.
- Newly weaned lambs and ewes in a neighbouring paddock
- My neighbour driving her tractor with 3 bales of baleage up or down our road
- A single stag during the roar
- The Timaru District Councils roading contractor grading our road
- A Tractor cultivating a neighbour's paddock
- A Truck spreading lime on a neighbour's paddock
- Hay and baleage making on a neighbouring paddock
- The annual Timaru Car Club car rally on our road. This single event over three hours on one day would create more noise than my aircraft does to our neighbours and ourselves for a whole year.
- The norwest wind blowing in the blue gums around my house.
- Chainsaws and firewood activity,
- Duck shooting on our pond

I could go on but my point is these are all normal activities where I live and I, or any of my neighbours, would not consider trying to limit these normal activities. While some of these activities are exempt from noise controls (vehicles on public roads or those ancillary to primary production), many are not and would breach the 55dB Laeq 15 min noise limit.

My aircraft noise profile is of short duration and moves away from its takoff point quickly.

None of my neighbours have raised my aircraft operating as a concern because they are tolerant of noise in the rural environment.

Tolerance is a normal part of rural life.

How did we get here

Central government promotes councils to further regulate noise, opting for one size fits all rulings without the possibility of ever enforcing regulations.

Some areas of the county have specific noise sensitivity, or tolerance issues, highlighted by complaints from community members. The Council changes their District Plans to address their specific local issues.

Conservative planners, without evidence of specific problems in our district, copy-paste presidents from other Councils district plans into our proposed Timaru District Plan plan, presumably to cover all possibilities to deal with a not yet present problem.

This overreach in our TDV PDP has caused Ratepayers, Businesses and Member organisations to spend time and resources advocating to preserve their existing rights and to protect future generations rights to valued and essential activities.

Why is this proposed rule a problem

The District Plan should be a guiding document for the community to restrict activities that are causing an issue in the district or that specific council, based on evidence and the desire of their community to limit these activities.

It should be simple, useable and useful to its audience and be fit for use for the local community.

Unneeded rules create unneeded cost and unneeded restrictions for the community.

Unneeded rules also burden Council with ongoing monitoring and compliance monitoring costs .

Ratepayers who continue with previously lawful activities risk prosecution or, at their cost, to prove the lawfulness of an activity with an Existing Use Certificate.

Previously accepted unrestricted activities may require expert advice and support to be approved under the new rules, which comes with a social and economic cost.

District Plans have become more complex and less usable by normal citizen ratepayers.

Not an even playing field

I am a Timaru District rate payer.

As a rate payer -

I fund the planner who instigated this unneeded rule.

I funded the consultants employed by TDC who contributed throughout the rule formation.

I fund the Author of the 42a report summarising objections to this unwanted rule (There were no supporting submissions).

I fund the council staff that manage the hearings process.

I fund this panel.

I give up doing productive work in my own business to spend time defending my rights, so I self fund that too.

I am a paid up member of AOPA NZ who help fund the legal submission they are party to.

I have also personally contributed funds to the legal submission.

All of this I fund to protect a right I already have from a rule that does not need to exist.

Can you see the problem here.

There must be a better way

This PDP process is broken and only serves to enlarge an industry that could be leaner and more fit for purpose.

Reviewing the DP is an unwieldy and large process that requires many external contractors, consultants and commissioners to run, not to mention council staff.

I would like to know, for example, the cost of the 42a reporting, which I paid for.

Surely Council can break the process into small manageable chunks so that the scope is limited on each chunk.

Doing these sequential would stop circular issues between interdependent rules proposals.

The process should start with the council appealing to its ratepayers for elements of the plan part they want to amend. Council will also have issues to include.

Followed this by gathering evidence to support or reject the proposed changes.

Followed that by getting interested parties around the table to have an informal discussion before forming a draft.

This GRUZ-P14 issue should have been extinguished at that point of informal discussion due to a complete lack of evidence of any problem that is needing to be fixed. While consultation is an RMA requirement, Councils seldom initial consult on the exact detail they wish to limit, even though this is already written before the consultation occurs. The informal discussion would remove misunderstandings and mistakes.

Then a Draft (part) plan should be drafted and published for wider consultation and adoption.

I can hear you all saying that I don't understand the enabling legislation, the RMA and professional practice required. To which I reply, you lot, the authors and guardians of the district plan, collectively, have got us to the point where we have an exclusive, expensive process that is disconnected from the people it is designed to serve.

Going forward

Being part of an organisation which is involved in submitting to district plans across the country (AOPA NZ) there is a gaping hole between councils notifying they have changes afoot and interested parties, especially national organisations, being made aware of the proposed changes.

There is an easy fix.

A simple national register where local and regional authorities publish notifications of the start of the process of change to plans where they would provide

- A brief summary
- A link to the public document
- Choose one or many of classes of interest ie
 - All classes (ie the current TDC PDP)
 - Rural
 - Aviation
 - Noise

Interested individuals and organisations could register to receive all notifications and optionally limit these to Classes of Interest, if they desired

The implementation of this simple register would save thousands of wasted hours by multiple organisations reviewing individual council websites.

Council's commitment to this type of sharing would reinforce their commitment to consultation and an open and fair process.

Summary

If aviation was run in a similar manner to amending a district plan we would not get the plane off the ground.

This process needs to reflect communities need and involve the community.

It needs to be transparent and simple to understand.

Participation is too expensive in time and money for most rate payers and is complex, jargon filled and closed shop.

Please make a commitment to revise and improve this process.

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