

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of hearings on the Proposed Te Tai o Poutini Plan

Submission from: New Zealand Agricultural Aviation Association (NZAAA)

To: Hearing Commissioners, Te Tai o Poutini Plan

Date: 05/09/2024

Introduction

I am Tony Michelle, Executive Officer of NZ Agricultural Aviation.

I filed a statement of evidence on matters pertaining to this hearing.

Since filing that statement an additional point has come to my attention which could significantly impact on activities undertaken within the conservation estate on the West Coast.

1. Application of the OSRV Zone

1.1 The OSRV Zone Chapter Overview sets out how the chapter will apply:

There are a range of open spaces in the West Coast/Te [Tai o Poutini](#) districts that are covered by the OSRZ - Open Space and Recreation Zones. The three Councils own reserves and open spaces generally for local community use. There are a number of community organisations that own and operate open spaces such as racecourses and golf clubs. The Department of Conservation administers 84% of the [land](#) on the West Coast under the Conservation Act which is also included in the Open Space and Recreation Zones.

These Objectives, Policies and Rules apply to all three types of open space, however, the Department of Conservation is exempt under Management Act from being required to meet these on [land](#) it administers. Concessionaires and other organisations undertaking activities on Department of Conservation administered [land](#) are required to work within the Te Tai o Poutini Plan framework.

1.2 The RMA s4 has specific provisions relating to relationship of the RMA to the Crown and s4(3) relates specifically to land managed under the Conservation Act:

Section 9(3) RMA does not apply to any work or activity of the Crown within the boundaries of any area of land held or managed under the Conservation Act 1987 or any other Act specified in Schedule 1 of that Act that-

a) is consistent with a conservation management strategy, conservation management plan, or management plan established under the Conservation Act 1987 or any other Act specified in Schedule 1 of that Act; and

b) does not have a significant adverse effect beyond the boundary of the land.

1.3 Section 9(3) relates to use of land. It is NZAAA's understanding that 'any work or activity of the Crown' within the conservation estate would include work that the department has contracted to be undertaken within the estate therefore the exemption from the provisions of the Te Tai o Poutini Plan framework should also apply to organisations undertaking such work on behalf of DOC.

1.4 The way that the overview is worded in the TTPP OSRV Zone Chapter Overview would suggest that all work by other organisations is subject to the Plan provisions.

1.5 The Proposed Timaru District Plan has taken a different approach to implementing s4 (3) of the RMA. The Introduction to the Natural Space Zone states:

Section 4 (3) RMA 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. [Appendix 1](#) contains a list of activities that the Department of Conservation considers meets the requirements of Section 4(3) RMA.

1.6 There is a specific Schedule in the Proposed Timaru District Plan that specifies the work or activities of the Department of Conservation that it considers meets the requirements of Section 4(3) of the Resource Management Act 1991 for exemptions from land use consents

<https://docs.isoplan.co.nz/figures/timaru/48/District%20Plan%20Review%20%20Drafting%20%20Appendix%20%20Work%20or%20activities%20of%20Department%20of%20Conservation.pdf>

1.7 It is the NZAAA's view that a similar approach should be taken in the West Coast so those parties undertaking activities in the conservation estate on behalf of the Department of Conservation are able to operate under the framework provided for in the RMA. Such an approach would require the Overview in the TTPP OSRV Zone Chapter to be amended.

1.8 For clarity, despite seeking relief for activities undertaken on conservation land in accordance with s4 (3) of the RMA, the NZAAA does not support the day limitations recommended in the S42A for agricultural aviation and conservation activities.

1.9 Day limitations pose flight risks particularly where multiple farms are serviced from a single 'hub' airstrip.

1.10 The NZAAA original evidence presented still stands.

2. Decisions sought

2.1 Amend the Overview in the TTPP OSRV Zone Chapter:

These Objectives, Policies and Rules apply to all three types of open space, however, the Department of Conservation **and workers and contractors carrying out work for the department** ~~are~~ exempt under Management Act from being required to meet these on [land](#) it administers **if the requirements of s4(3) of the RMA are met**. Concessionaires and other organisations undertaking activities on Department of Conservation administered [land](#) are required to work within the Te Tai o Poutini Plan framework.

2.2 NZAAA seeks to have the proposed revised provision for agricultural aviation activities in NOISE-R2(12) amended:

12. Infrequent aircraft take-off and landing associated with rural production activities and conservation activities purposes on an intermittent basis

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

3. Supplementary Information Requested by the Panel

Next page.....

Council's that have adopted the definition of 'agricultural aviation activity'

Council	Definition	Plan status
Central Hawkes Bay District Council	AGRICULTURAL AVIATION ACTIVITY means intermittent operation of an aircraft or helicopter for primary production, biosecurity and biodiversity purposes, including stock management, pest control, the application of fertiliser or agrichemicals, frost mitigation, and associated refuelling	Appeal decisions 7th August 2024
Wellington City Council	AGRICULTURAL AVIATION ACTIVITY means the intermittent operation of an aircraft over a rural or natural open space zone using a rural airstrip or helicopter landing area 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).	2024 District Plan: Council Decisions Version
Mackenzie District Council	Agricultural aviation activities means intermittent aircraft and helicopter movements for primary production activities, including stock management, frost management, topdressing, the application of fertiliser, agrichemicals, or vertebrate toxic agents; and conservation activities for biosecurity, or biodiversity purposes	Plan Change 23 (Rural Zones) Decisions Notified 5th August 2024
Wairarapa COMBINED Plan	Agricultural Aviation means intermittent operation of an aircraft from a rural airstrip or helicopter landing area for primary production, biosecurity, or conservation activities including stock management, pest control, the application of fertiliser, agrichemicals, vertebrate toxic agents, frost management and associated refuelling.	PDP notified October 2023