

**BEFORE THE HEARING COMMISSIONERS IN CENTRAL HAWKES
BAY DISTRICT COUNCIL**

IN THE MATTER

of the Proposed Central Hawkes Bay District
Plan

**STATEMENT BY BRUCE PETERSON AND BILL MACGREGOR
FOR THE NEW ZEALAND AGRICULTURAL AVIATION ASSOCIATION
AND AEROSPREAD LIMITED
31 MAY 2022**

1. SUMMARY

The New Zealand Agricultural Aviation Association (NZAAA), a division of Aviation New Zealand (AvNZ), and Aerospread Ltd (Aerospread), made submissions on General District Matters including in the areas of Interpretations, Noise-S4 and S5, GRUZ-R4 and R5 and RPROZ-R4 and R5. Our submissions were made in consultation with Lynette Wharfe, who is presenting evidence for Horticulture New Zealand (Hort NZ). We will speak to the issues we raised with Bruce Peterson as an agricultural aviation operator and Bill MacGregor as an aviation regulatory specialist.

2. QUALIFICATIONS AND EXPERIENCE

Bruce Peterson, CEO Aerospread Ltd and Chair NZAAA

My name is Bruce Peterson. I am the CEO of Aerospread Ltd, an agricultural aviation operator based in Hawkes Bay. My company operates NZ purpose built PAC Cresco aircraft. I have been in the industry since 1992. I have over 25,000 hours flying experience as a topdressing pilot and have managed my own company for 20 years. I employ 21 people in the agricultural aviation sector. I hold D and E category flying instructor ratings and train fixed wing agricultural pilots. I am also the Chair of the NZAAA, a division of AvNZ.

Bill MacGregor, Executive Officer NZAAA

My name is Bill MacGregor. I am the Executive Officer for the NZAAA and the New Zealand Helicopter Association (NZHA), both Associations being Divisions of AvNZ. I am a pilot of both fixed wing and helicopters having first gained piloting qualifications in the RNZAF in 1972. I subsequently served as a pilot and senior officer with the RNZAF until 1999. I flew in excess of 5,500 hours, operating in the Antarctica, multiple Pacific Islands, Singapore and Malaysia, UK, USA and across all parts of NZ.

I am also an aviation regulator having been the Director of Civil Aviation in Solomon Islands from 2005 to 2008 and the Director of Civil Aviation for Niue since 2010, a position I still hold. I spent four years in the Civil Aviation Authority of New Zealand (CAANZ) as the Principal Aviation Examiner from early 2014 until August 2017. I have held my current position with AvNZ since 2017.

3. SPECIFICS

We note that the s42A report is recommending that nearly all our submissions be rejected. The report is recommending a new discretionary rule for airport/aerodrome and helicopter depots which clarifies that such regular use requires a resource consent. Our understanding of the issue is that the intent is to provide for agricultural aviation activities as a permitted activity but to manage all other aerial activities, especially where land is being used as a depot or base. However, the way the rules are currently drafted it is unclear and normal agricultural aviation activities could be required to obtain resource consents.

Our concerns are that normal agricultural aviation activity could become constrained by the unintended consequences of one size fits all regulations. We operate in an already highly regulated industry and are acutely aware of the impact of over-regulation on productive economic activity. To this end we make the following submissions.

We have three specific areas we wish to see amended or clarified for agricultural aviation operations plus changes to definitions and addition of national standards/industry best practice. These are in the areas of noise; hours of operation, number of movement, number of days of operation; restrictions on the footprint of fertiliser 'bins' at rural airstrips. These apply to both fixed wing and helicopters so where the term aircraft is used it applies to both.

a. Noise-S5. Noise in general can be annoying to some people while not to others. We contend that in the rural environment the sound of agricultural aircraft operating is perceived to be a good thing as it indicates that productive work is being done that will lead to pasture/crop growth thus generating an income for the farmer and is an economic benefit. We fully understand that the same noise can be an unwanted disturbance to some people but in the rural sense it is generated by an intermittent activity and is seasonal, not year round.

Agricultural aircraft noise has also reduced significantly over the years as piston engine aircraft have been replaced by larger turbine powered aircraft. Increasing aircraft efficiency generally leads to noise reduction as new technology enters operation.

b. Noise-S5. Hours of operation restriction in rural areas will have a detrimental effect on agricultural aircraft operations. It appears simple to restrict operations until 07:00 in the morning but such a restriction means that settled early morning weather conditions are lost thus shortening the operational day and hence operational effectiveness. Likewise restricting the operation at the end of the day leads to the same outcome. Hours of settled weather are lost when they could have been effectively used.

Settled weather in the early morning and late evening occur as thermal mixing is less than during full daytime. Thermal mixing occurs as the ground warms and causes the surface air to rise and mix with upper air winds and draws turbulent air towards the ground. Flying conditions become more 'bumpy' and wind leads to product being blown around more and can lead to product or spray drift onto adjoining areas. Conditions can deteriorate to the extent that flying operations are suspended until the conditions settle.

We wish to ensure that agricultural aviation operations in support of primary production are exempted from the proposed restricted operation hours.

c. Noise-S5. Restricted aircraft movements, as outlined in the Annex from the Selwyn District Plan, do not apply to aircraft movements ancillary to primary production (rural production in the Selwyn Plan). Restricting agricultural aircraft movements in the rural zone would create an artificial restriction on economic activity and have a chilling effect on the industry. Restrictions on the movements of recreational aircraft using rural airstrips or landing sites are of no concern to the NZAAA but on productive agricultural aviation activity would certainly be a concern.

d. Noise-S5. Restrictions on the number of days of operation from a rural airstrip are again an artificial impost on economic activity. The suggested 14 days is a nonsense one size fits all approach. Should an aircraft commence an operation from a rural airstrip, fly one sortie and determine that the weather or some other cause makes that operation unsuitable, then a day has been used up. No economic benefit has been obtained by the farm but the clock is ticking on the usefulness of that airstrip to the farming operation. The very nature of sowing fertiliser is seasonal so the noise mitigation achieved by restricting the number of days of operation becomes problematical.

Our data indicates that there are 43 rural airstrips in the District. We acknowledge that the majority could meet the 14 day use restriction but several are used by either large farms or a group of farms and require more than 14 days usage per annum. The restriction could lead to the point where if jobs off a communal airstrip are not completed within the 14 days it will see the operation being moved to another airstrip further away increasing noise for longer periods of time, adding cost and a higher carbon footprint for no gain. This also has the potential to increase pressure on pilots to get the job done within the 14 days in conditions that are less than ideal increasing the risk around health and safety of flight.

We know that a resource consent could be obtained to increase the number of days but why impose an extra cost on the farmer to satisfy an artificial regulatory requirement? Does it add to the Districts economic output or does it restrict it?

e. GRUZ-R5. Our primary concern here is around fertiliser storage and handling at rural airstrips. The 100²m footprint for a building including sealed (hard surface) loading/manoeuvring area is too small for most airstrips. A fertiliser storage bin should be able to store, in a dry state, sufficient fertiliser for the requirements of the operation normally done from that strip.

Using an example where a property is going to apply 600 tonnes of product. Generally that would be a three day job for one aircraft or less than two days for two aircraft. 600 tonne of superphosphate is about 550 cubic metres. Stack that about 1.8 metres high and add in the hard surface handling/loading area and we get a footprint somewhere in the region of 15 by 25 metres (375²m). Delivery of a job lot of 600 tonnes of fertiliser will require 20 trucks (29.5 tonnes per standard load) so it's best to have the storage preloaded over a number of days rather than a stream of trucks on one day.

The fertiliser 'bin' is generally a three sided arrangement with a sliding roof, if only high enough to cover the stored fertiliser, or a fixed roof if high enough to permit a truck to raise its tray to dump the product. The fourth side is a door to make the storage waterproof. Dimensions will vary depending on location and storage needs.

The hard surface loading/manoeuvring area is important for the loader to be able to move about and for the aircraft to stand on when loading so that it is level and there are no rocks included in the product that is loaded into the aircraft. A rock could block the hopper and prevent either the load spreading or, in the worst case, prevent the load being dumped in an emergency and so lead to a crash.

The agricultural aviation industry as a whole is trying to raise airstrip standards across the country to bring all rural airstrips and associated access, storage and loading

facilities up to a better standard. To this end we are working with CAANZ to update the Rural Airstrip Guidelines. This is a guide for farmers who either have or intend to develop a rural airstrip for agricultural aviation purposes. The guide sets out the requirements for access, storage of fertiliser, handling, the strip size/orientation/obstacle clearance/surface condition etc. The Rural Airstrip Guidelines document was developed by the Department of Labour in consultation with the CAANZ and the NZAAA a number of years ago. It was last updated in 2015 and is now hosted by WorkSafe. It is available at <https://www.worksafe.govt.nz/topic-and-industry/chemicals/farm-airstrips-associated-fertiliser-cartage>

f. We earlier submitted on the subject of definitions and stand by our earlier suggestion that the District adopt appropriate aviation related definitions from those used by CAA. Our reasoning is that CAANZ definitions are used nationwide and are clearly understood by all aviation operators. CAANZ definitions are available in the Civil Aviation Rule Part 1, Definitions and Abbreviations and for specific definitions in appropriate Rules such as Rule Part 137, Agricultural Aircraft Operations. These Rules are available at <https://www.aviation.govt.nz>. General operating guidance is available in the New Zealand Aviation Information Publication (NZAIP) available at <https://shop.aeropath.aero>

g. Noted at several places in the Council reports is the desire to reference NZ Standards. We wish to make it clear that agricultural aviation operators refer to a number of standards in addition to the ones noted in the Council documents. In particular:

All certificated operators require an operating and effective Safety Management System (SMS) under Civil Aviation Rule Part 100. This SMS is certified and audited by the CAANZ.

The NZAAA also operates an environmental management system called 'AirCare™' to which operators can be accredited for a period of one to three years and which is independently audited by a firm called Navigatus. This is the only environmental management system in place for aerial operators in NZ. Accreditation to AirCare™ means that the operator meets the requirements of AirCare™, Aerial Spreadmark and GrowSafe™. GrowSafe™ is based on NZS8409-2021, Management of Agrichemicals.

AirCare™ includes a Noise Abatement Training section for both helicopters and fixed wing. This is available to all aircraft operators in New Zealand, not just AvNZ members. It trains operators to keep noise to a minimum through the way they operate their aircraft (power settings, flight path flown, etc). The h

elicopter course in particular is called 'Fly Neighbourly' and is administered by the Helicopter Association International (HAI). It is specific for each helicopter type and training is renewed biannually.



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