

January 2024

RAANZ RECPILOT



- National Fly-in – soon!
- First Microlight Flight in the North
- Flight log requirements
- Vale John Bolton-Riley
- Districts Plans and Aviation



WELCOME TO THE January 2024 Edition

Here in Canterbury, we've finally hit a stretch of Summer – 5 days of 25 to 33° temperatures with some warm nights to match. I expect Autumn to hit very shortly!

My aircraft has had an extended period of maintenance which has been a matter of “while you're doing this, you might as well do that” but will end up with a full set of rubber replacements, cleaned fuel tanks, and many other niceties.

None of which would have been accomplished without the help and work of quite a few friends, which all come via RAANZ and the local club (in my case, shout out to CRAC).

Aviation is a community activity!

Cover – CRAC's lovely new ICP Savannah S, ZK-SGM, flown by Chris Pennell – Camera ship driver Roy Waddingham.

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Notes from the CEO

Scott James

Happy New Year! I hope everyone is enjoying the summer, and that there are some good flying days in there. Just a few weeks until the Hokitika fly in. The team there has been hard at work with the planning, and I am looking forward to a great weekend. Hope to see as many of you as possible. See below for registration information.

Just a quick note on rules. The rules are there for a reason. Sometimes, I know, the reason may no longer be applicable, or we simply don't agree with it. However, until the rule is changed (or we receive an exemption), they are not optional.

You may well get away with ignoring the rules – until you don't. We have had a few examples of this over

the last year, and it doesn't tend to end well. Even if the CAA doesn't get involved, you may have your insurance company to think about. Ignorance of the rules is no excuse. Making sure you are current with the rules and RAANZ Exposition is part of your responsibility as a pilot.

We have a great committee this year, but always keen for our members to help out. If you have skills that you think would be useful (social media comes to mind) and would be keen to assist, please let us know.

We will have a booth at Wings over Wanaka this year and would very much appreciate anybody who would like to talk to the public about microlighting.

RAANZ National Fly-in – Hokitika 2024

RAANZ National Fly-in Hokitika Airport, February 3rd to the 6th, 2024

Program and info [here](#). (PDF)

Registration link [here](#). (Hokitika Airport site)

Local advice suggests accommodation will be at a premium so early bookings are advised.

We suggest visitors do this through the Hokitika iSite, <https://hokitikainfo.co.nz>

Links for those working on a printed edition:

Program and information

<https://www.raanz.org.nz/wiki/uploads/Main/2024flyin.pdf>

Registration

<https://hokitikaairport.co.nz/generalaviation/raanz-fly-in/#>



RAANZ Operations

Rodger Ward

I hope the new year is treating you well and you are taking advantage of the nice weather as it appears occasionally.

On the horizon is our National Fly-in at Hokitika over Waitangi weekend. The hospitality and scenery on the coast are amazing and well worth the effort to get there. If you are contemplating participating in any competition, and it is healthy to do so, get out there and do some practice prior to the event.

As with anything getting there will involve quite a bit of planning. There is some big country and interesting weather patterns out there that demand respect.

Planning and preparation play an integral part of aviation. The more strategic planning we can do the less we need to tactically intervene during our trip. Yes, we will strike situations that will involve a short notice change of plan. Continual short notice changes of plan will eventually gang up on you. Sometimes the situation may surprise or startle us to the extent we do not react appropriately. Think about the 'what ifs' and try and have a plan B up your sleeve.

One event that has a high potential to surprise is trying to use equipment that you are not used to.

A recent reported incident involved a radio frequency being changed during a flight that was experiencing some turbulence. Dealing with the turbulence and not being totally familiar with the radio lead to the aircraft effectively flying NORDO for a safe landing at an airfield within an MBZ. The experienced aviator used good basic skills by looking out the window, sequencing and following traffic in the circuit.

You must be totally familiar with and competent at



using any equipment in the aircraft instinctively. This will mean sitting in the aircraft on the ground and learning where everything is and how to operate it. Trying to learn in the air in a stressful situation does not work.

A bit of planning will enable you to programme the radio to have the needed frequencies listed in the order they will be used. This may mean a little extra time on the ground, but preparation is a very big thing. Fumbling for the next frequency may well be the straw to break the camel's back.



During the early stages of learning a checklist could well be helpful.

Over the last few weeks, we have become aware of several incidents involving GA and Microlight aircraft. Be aware that this is what we know about, and the picture could well be worse. I'm not sure whether it is the onset of good weather, or the little bit of extra time people have up their sleeve but there certainly appears to be something in the water at the moment.

The difference between a no injury event and a fatality is quite often Good Luck and we must do what we can to avoid relying on Luck.

- A taxiing incident through unseen rough ground resulting in nose wheel and prop damage.
- Three separate events where tailwheel aircraft have ended up on their backs after landing.
- A runway excursion after landing resulting in significant damage.
- An unintentional wheels-up landing.

Without prejudicing any investigations that may be taking place it is essential that

- The area you intend to use is suitable for your type of aircraft.
- You are practically current for the type of flight you intend to do.
- You approach any flight in a non-rushed, planned, and methodical manner.

Rodger Ward

RAANZ Ops



Ed: I'd like to say "file photos" but these are some of the damage to my Rans S6 ZK-JOL after an EFATO and an argument with a fence 3 years ago.

Current Vector magazine online:

<https://www.aviation.govt.nz/safety/education/vector-magazine/latest-issue-of-vector/>



Vale JBR Rodger Ward

It is with much sadness we note the peaceful passing of JBR, John Bolton-Riley, who had been unwell for some time.

John was a very early member of the Manawatu Microlight Club, holding many positions and being a respected CFI and local ATO up until very recently.

John's Sky Arrow was a regular sight at most Microlight gatherings and was fierce in any competition.

A man very passionate about our sport, John was an integral part of a small team dedicated to the preservation of very early micros. This included a Pterodactyl, Robertson B1RD and Quicksilver MX2.

John's mischievous grin as he cleared the sheep off the grass strip at Taonui will be greatly missed.

An informal test I use with Instructors is the 'Wife and Kids' test, i.e., would you let this person take your precious people flying or teach them to fly. John was an extremely big 'Yes' in this test.

John was one of the first Life members of RAANZ which was awarded after in the mid 90's he pointed the beloved Sky Arrow West over "the big paddock" to Australia and returned a few days later after some R and R at Coffs Harbour.

Our thoughts are with Jane, Anna, Sam and James.

Heading photo and next page, photos of John Bolton-Riley in his much-loved Sky Arrow ZK-EBR at the 2017 RAANZ Fly-in spot landing competition.

This is the aircraft in which JBR gained the record of first Microlight across the Tasman – and return!

Brian Greenwood





First Microlight Flight in the North

Brian Millett, contributed by Keith Morris

There are many 'firsts' in the history of New Zealand microlighting. Now you will have the opportunity to read about the first flight of a microlight in the northern district at Mititai, near Dargaville, the home of Ian & Shirley Godfrey.

In late October 1981, a single seat Quicksilver 'M' kitset was purchased by Rex Lambess, Bruce Lambess's uncle, from Trevor Barrett & Ken Asplin. It was delivered by Marty Waller and before long it had been assembled at Ian & Shirley Godfrey's farm. The paddock there seemed a good size and it was in quite a convenient location, close to the river as well.

After assembly the engine was started and taxiing back and forth began, with the occasional liftoffs becoming much more frequent as confidence increased.

The first flight was well planned. It was to be from one paddock to another, on the opposite side of a deep drain, which separated the two paddocks. There was also a fence alongside the drain, which now created quite a challenge in the event of something not going

as intended. It was quickly removed in the interest of safety.

At last, in the still air, which prevailed, the throttle was pushed to full noise and the Quicksilver instantly leaped into the air. It flew across the drain and into the other paddock where it landed in no time at all. It had barely touched down when the rush was on to find some planks to lay across the drain so it could be dragged back and the excitement could be experienced all over again.

Heading photo – an early Quicksilver MX II somewhere in the north, supplied by Brian Millett.

Can anyone provide further details?

Could any early microlight flyers who have stories and photos from the early days please contact Keith Morris at keith.morrisKMM@gmail.com. This will enable the stories to be re-told in future issues of the RAANZ Newsletter and be kept as a record of the history of microlighting in New Zealand.



Everyone was so busy living the moment that no one thought to get out a camera and record the occasion for posterity. In fact several days later it was surprising that even then no one could remember on which actual day the first flight had taken place. The excitement had blended each day into one great blur of time. But one thing was certain; Rex had created history by being the first person to fly a microlight north of the Auckland area.

On December 5th the first circuits were flown by Bruce, Rex, and Ian, then for each of the two following evenings further flights were carried out in the continuing calm and still conditions.

Shortly after this the Quicksilver was relocated to Titoki where Rex continued to enjoy flying it for many hours. His microlight was later registered as ESU when the regulations eventually began to catch up with microlight operations.

There was more to come. Something had stirred Ian & Shirley's excitement and they just had to have one of these exciting things to play with too. For a while Ian had been toying with the idea of getting a Mirage, so he made the decision to order one, but it never turned up.

Due to Ian's keen interest in microlights, plus his ongoing contact with the Quicksilver agents, he was offered the Dargaville area agency at the same time that Bruce Lambess was offered the Whangarei area agency. As Ian did not at the time feel that he was experienced enough as a microlight pilot to adequately represent Quicksilver, he suggested to Bruce that perhaps he should consider taking on the agency for the whole of the north to make it a worthwhile venture. This was a great opportunity for Quicksilver to have Bruce represent them in all of the north and it eventuated shortly thereafter.

While all this was going on, Marty Waller & Tommy Namias, who by then were the Auckland agents for the Quicksilver, took a gamble and imported a two

place MXII to be utilised for training purposes. They anticipated that Civil Aviation rule changes would permit the use of this dual seat microlight for training of ab initio pilots at Parakai or Helensville. This meant that the single seater that had only just arrived in the country, and which they had planned to use as a trainer, would now be available for immediate sale. Bruce Lambess contacted Ian to say that the single seat kitset was available "off the floor" if he was interested, and it was this machine which Ian was able to purchase.

On August 12th, 1982, the kitset arrived at Mititai, much to the joy of both Ian & Shirley. It was assembled, then registered as ZK-SIG (Shirley Ian Godfrey), and many happy hours of flying have been recorded in this great little microlight.

Written by Brian Millett from information supplied by Ian and Shirley Godfrey.

Flight Log Requirements

Rodger Ward

The CAA want us to remind members about logging of flight.

Each individual flight must be logged. Not one entry for the days flying.

Exceptions would be a series of Trial flights with very short breaks between, and multi leg cross-country flights which would be logged as, for example:

NZRT - NZKI/045- NZOM

i.e., to NZOM with a brief landing of 45 minutes at NZKI

Membership Changes

Name	Club	Certificate	Update
Andrew Carter	Urewera Microlight Club	Flt Instr	Upgrade
Timothy Bathgate	Canterbury Recreational Aircraft Club	Adv. National	Upgrade
Venkat Ram Vasant Raman	Whangarei Flying Club	Novice	Joined
Sarah Colliver	Feilding Flying Club	Snr. Flt Instr.	ATO apptmnt
Robert Bradnock	Feilding Flying Club	Flt Instr	Upgrade
Kanoj Boouodira	Waikato Microlight Club	Intermediate	Upgrade
Andrew Clive Maydon	Associate	Novice	Joined
Andrew Simpson	Wairarapa Aero Club	Adv. National	Upgrade
Kar Yung Lee	Canterbury Recreational Aircraft Club	Adv. Local	Upgrade
Enes Fraj	Whangarei Flying Club	Adv. National	Upgrade
Richard Prentice	Bay of Islands Aero Club	Adv. Local	Medical
Jeremy Cuthbert	Otago Aero Club	Adv. National	Upgrade
David Kenny	Associate	Novice	FRT0
Tuhirangi Manukau	Otamatea Ruawai Aero Club	Adv. National	Joined
Gary Montagu	Associate	Flt Instr	IA apptmnt
Raymond Ninow	Auckland Rec'l Microlight Aircraft Club	Adv. National	Upgrade
Brien O'Brien	Associate	Snr. Flt Instr.	Upgrade
John Crawford	Associate	not issued	IA apptmnt
Zane Fremaux	Manawatu Aviation Club	Adv. National	Joined
Josue Hernandez	Whangarei Flying Club	Novice	Joined
Peter Carter	Canterbury Recreational Aircraft Club	Adv. National	Upgrade
Hayden Ross	Associate	Intermediate	Upgrade
Edwin Dowden	Gore Aero Club	Adv. Local	Upgrade
Jeremy OHanlon	Parakai Aviation Club	Intermediate	Upgrade
Maximin Indrajith Perera	Matamata Aero Club	Novice	FRT0
Guy David Ross	Wairarapa Aero Club	Intermediate	Upgrade
Emma Bell	West Coast Microlight Club	Novice	Joined
Clinton Gardiner	Whangarei Flying Club	Intermediate	Upgrade
William Norman Iles	Associate	Novice	Joined
James David Work	Feilding Flying Club	Novice	FRT0
Nicholas Pooley	West Coast Microlight Club	Novice	Joined
Vincent Miller	Associate	Novice	Joined
Henry Muller	Associate	Adv. National	Joined
David Morley	Whangarei Flying Club	Novice	Joined
Rohit Menezes	Parakai Aviation Club	Novice	Joined
Kasius Max Rijkers	Associate	Novice	Joined
Carlos Victor Moura-Mesquita	Matamata Aero Club	Novice	FRT0
Ryan Dickson	Whangarei Flying Club	Novice	Joined
Graeme Spurdle	Associate	not issued	IA apptmnt
Fletcher William Parker	Matamata Aero Club	Novice	Joined
Samuel David Laurie	Associate	Novice	Joined
Pradeep Singh Shergill	Associate	Novice	Joined
Jonathan George Smyth	Associate	Novice	Joined
Daniel Wallace	Mercury Bay Aero Club	Novice	Joined
Joshua James Lightbourne	Associate	Novice	Joined

Wanted: Aircraft Constructor

We've had an e-mail from Chris Hegan who is a writer for The Shed, the Kiwi glossy magazine. Chris is keen to be in touch with someone building a Microlight (preferably from plans but a kit would be acceptable) and would be willing to be the subject of an article or two.

As Chris lives in Auckland, someone within cooeeee of the big smoke would be appreciated. If anyone is interested, e-mail editor@raanz.org.nz and we will put you in touch with Chris.



Random Aircraft Photo



White space is beautiful, but aeroplanes are better – De Havilland Dominie ZK-AKY flown by Adam Butcher, with the camera ship (Fox Moth ZK-ADI) flown by Lachie Falconer, taken during Warbirds over Wanaka 2018.

*I know this isn't a microlight, but it **is** relevant to your editor's happiness at the approaching Warbirds over Wanaka 2024.*

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F-117 Pilot featuring at Warbirds Over Wanaka



One of the star international pilots signed up for next Easter's Warbirds Over Wanaka Airshow still gets goosebumps when he sees an F-117 Nighthawk stealth fighter-bomber in a museum.

The Lockheed F-117 was the first stealth fighter aircraft to be deployed by the United States Air Force and Dean 'Wilbur' Wright flew the aircraft on numerous missions during the second Gulf War.

"Because of my nature, I rarely took the time to reflect on the uniqueness of what I was doing while I was doing it. I had a mission to complete, and I was purely focused on that. Having said that the very nature and ground-breaking achievements of the F-117 were not lost on me."

"It was by far the largest divergence from anything I had flown before. Not only did it not have normal flying characteristics because of its angular design but the mission was vastly different from anything I had done before. Most of the flying was night-time, single-ship bombing attacks and with very little pre-mission planning required by the pilot as most of that work was accomplished by the intel shop and then briefed to me before take-off."

He says the aircraft was incredibly effective at what it was assigned to do, take out high-value hardened targets with pinpoint accuracy. "Now it's been retired, I must admit I still get goosebumps when I see one in a museum."

"We will be flying at Warbirds Over Wanaka next Easter as part of the American Eagles jet display team." Back in the US he still flies at many airshows with The Patriots Jet team, widely considered the best civilian jet team currently in the US.

During his illustrious Air Force career Wilbur flew numerous aircraft types including the F-16, F-18, F-117, A-

10 Warthog, AT-33B and Hawk trainers along with the Harrier jump jet while on exchange with the RAF. He has flown 151 combat hours and has a total of 4,000 fighter hours.

Another major highlight of his military career was being selected to fly in the USAF's Thunderbirds F-16 jet display team – realising a childhood dream.

"I applied three times before I was finally accepted into the team for the 1999 and 2000 seasons. Interestingly, the selection process is not all about your flying ability. To make it through the interviews and into a cockpit requires the other team members to buy into who you are as a person. Do they like you? Can they live on the road with you for eight months at a time?"

Another big highlight was his time on exchange with the RAF flying Harrier Jump Jets. "The Harrier was the most challenging jet I ever flew. Also challenging at times were some of the accents of the other pilots. There was one particular sortie during my training when I was very thankful I paid close attention to the brief because my instructor was Scottish and my wingman was Irish and I rarely understood a word either of them said for the entire flight!"

'Wilbur' and his three compatriots will be flying L-39 jets during their display at Wanaka, the same aircraft type they fly as members of The Patriots Display team back in the US.

"The L-39 has some interesting characteristics when it comes to formation flying. The engine has a dramatic lag in its response meaning when you push the power up, the engine's thrust will not increase for several seconds which can seem like an eternity in the middle of a loop."

Wilbur' says the L-39 is not as loud, not as big and not as fast as the F-16 or the F-18 but it makes up for that with its speed through a small turning radius. This makes for a display that stays in front of the crowd. "With our performance you won't see those typical dead times between manoeuvres that you normally see with other jet teams."

The American Eagles will be performing on all three days of Warbirds Over Wanaka, March 29, 30 and 31.



Might your District Plan restrict Recreational Aviation?

John Evans

If you have an unconsented airstrip or 'informal airport', you attend fly-ins or visit private strips, your farm requires the aerial application of product, or you are training and use airstrips to practise on, the rolling out of new rules/regulations within District Plans will affect you.

District Councils operate somewhat independently of central Government (probably less and less so in the current environment), and the 67 territorial councils within New Zealand each have their own rules, as set out in their District Plan, which has a tenure of ten years. Each council does, however, need to meet Government requirements as laid out in the National Policy Statement (NPS) and the Resource Management Act (RMA).

When District Councils initiate the process to develop each new District Plan, almost inevitably these become more prescriptive – not only because of changes within RMA/NPS, but also because districts change (urban sprawl and reverse sensitivity, population density, community values), and because other districts set precedents and Councils seemingly feel the need to follow that lead with additional rules and regulations, irrespective of their existing need.

As an example, I'll use the Timaru District with its Proposed District Plan (PDP).

In mid-December, myself and most of the private strip owners individually submitted on the proposed restrictions, as detailed in the new District Plan, the 'PDP'. The Cessna 180/185 Group, Recreational Backcountry Pilots Association, AOPA NZ and SAA also made a joint submission.

The particular point in this PDP that I'd like to bring to your attention is as follows: "GRUZ-R14 PER-3 take offs or landings 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."

Ten take offs or landings is ten movements per month. This severely limits how you can use your airstrip and hosting a bunch of fellow aviators (more than five in a month) would be prohibited. The agricultural aviation industry has their own set of



issues with the proposed plan, and their industry has responded accordingly. That's a Timaru District Plan issue, you say. Well yes, but you could have said the same thing when the Queenstown Lakes District Council initiated its drive to introduce prohibitions, so it could well be assumed that your district is next – and a lot of others have recently come to fruition, either in Proposed or Draft form.

In the Timaru District, it is unclear what the existing issue is regarding airstrips that the Council is trying to solve. Many private landowners who have airstrips have located them so far from neighbouring properties that those neighbours cannot even hear the aircraft movements, while others have neighbours with whom they maintain a positive relationship and operate with no ill-effect.

I contacted the Timaru District Council planners for clarification on the issue needing to be resolved, the justification for the ten-movement limit and to discover what, if any, guidelines they've been given from Central Government in addition to the NPS and RMA. It is difficult to find the right person to talk to, but the person contacted, who was not directly involved in this rule part, could only say that it was what had been decided was necessary to manage the effects and was in line with other District Council approaches. The only way to get anything more than an anecdotal picture is through an Official Information Act Request.

Next step, Local Government Official Information and Meeting Act Requests (LGOIMA), lodged on January 10 with a statutory response time of 20 working days, with two straightforward requests:

- All written communication concerning the formation of GRUZ-R14 PER-3
- Evidence supporting implementation of GRUZ-R14 PER-3

Of course, we could all apply for resource consents, but at huge bureaucratic cost with questionable benefit, as most of us do not consider our private airstrips to be airparks or airports. A consent would likely limit you in ways you probably wouldn't know

the effects of for some time to come. You might have to record/report movements, pay inspectors to audit, have safety and risk systems in place, who knows? We don't want to go there, and there should be absolutely no need to do so. What about existing use rights? That's a tricky question and a little hard to answer, more in Part 2.

The Queenstown Lakes District Council (QLDC) led the way in imposing restrictions, starting in the early 2010s. With the foresight of Jules Tapper, Vance Boyd and others, including AOPA NZ, the QLDC was tackled over the issue. The concern was that a precedent would be set; QLDC was one of the earliest councils to roll out the second generation of district plans, and there was the very real concern that other territorial councils would simply follow their lead. With an investment of tens of thousands of dollars and volunteer hours, significant inroads were made. The QLDC Plan, while fairly restrictive, is in many aspects far less restrictive than what the Timaru District Council is proposing.

For example, QLDC (outside the Wakatipu Basin) allows for two flights per day, five flights per week or twelve flights per month; 275m set back; and AOPA NZ is able to host six fly-ins per year with unlimited movements, a right exercised for our January Greenstone Station Fly-in.

Will we, in our fight with Timaru District Council, need to lodge an appeal with the Environment Court, enlist a court-appointed mediator and have a decision ratified by a judge of the Environment Court, all to play out in the next 5-10 years? Well, if we need to, we will.

In the next issue we will report on the response to our submissions once they have been heard, and will provide a summary of the content released under the Local Government Official Information and Meeting Act Request. It's unknown territory. Best case, the Council simply lists private airstrips as a permitted activity – otherwise we'll have to fight to retain our existing rights without the imposition of unjustified restrictions.



In the meantime, if this issue concerns you, then be proactive when your council puts out its PDP for consultation. Look it up. Rally around your district's airstrip users/owners to ensure everyone is informed and personally submits. It may help to set up an email group so information can be disseminated. And also, and just as important, fly neighbourly.

District Plans Part 2

There are common themes popping up within district plans and, for many of us, the following restrictions will limit the existing use or make it non-compliant. To illustrate I've picked a few councils who have most recently drafted/proposed plans. Note, these references mostly relate to fixed wing aircraft, not to helicopters or activities ancillary to rural production, as District Plans often treat these separately.

The place to look is in the relevant District Plan under the General Rural Zone, and also the Noise chapter.

Setbacks: From Residential zones, consented building platforms, neighbouring property, 500m (Timaru Proposed Plan), 2km from any residential zone boundary (Selwyn Operative Plan), 1km from any consented building platform (Selwyn Operative Plan).

Use: 4 movements per day (Selwyn Operative Plan), 10 movements per month (Timaru Proposed Plan), 8 movements per week (Waitaki Draft Plan)^[SEP]

Hours: 0700-1900 (Selwyn Operative Plan)^[SEP] Other requirements: a log kept of all movements (time/date), to be made available to council on request (Selwyn Operative Plan). Electric aircraft exempted from movement limits (Waitaki Draft Plan). No flight path is over a Residential Zone, Rural Lifestyle Zone, or Settlement Zone (Waitaki Draft Plan)

The electric aircraft feature of Waitaki's Draft Plan has me stumped. If it is about noise, what difference does the energy source make, especially if it is an electric vertical takeoff/landing (EVTOL) aircraft 'air taxi', which is not necessarily quiet! And Waitaki's Draft

plan seeking to restrict overflight is territory the Council and CAA lawyers will need to argue over.

Waitomo Proposed Plan (Notified October 2022) does not have specific rules concerning fixed wing aircraft as other councils tend to, but it has noise standards, between 0700–1900 of 50dB (LAeq). LAeq is an averaged noise measurement, typically taken over a period of 15 minutes unless stated otherwise. It is important to understand the logarithmic nature of dB values. What that means is that 80dB is 10,000 times the pressure of 40dB. Which means, when averaging, the LAeq value is extremely sensitive to even very short-term elevated noise levels, given it is the average of all the dB values in the data set to the power of 10 value.

As far as LAeq is concerned, a persistent lower level of noise can yield the same result as almost no background noise with a very short period of elevated noise. Which would you prefer?

50dB (LAeq) is really quiet; it is less than morning bird song in a rural area. Almost every noise generating activity would be prohibited if a neighbouring





property could hear it. But District Plans typically exclude noise generated by the likes of the following: aircraft in flight (other than noise associated with take-off and landing), vehicles on legal roads, trains, boats, primary production noise (including machinery, animals and non-recreational dogs). A recreational versus non-recreational dog you ask... It is unclear how District Plans filter out permitted noise from LAeq measurements, from what is subject to noise controls and, if more than one source generates “unpermitted noise”, who is enforced – the person that made the first noise or who added to it? Enforcing a noise complaint if it was exceeded by an intermittent source would be difficult, first requiring the evidence be collected by a specialist when the noise occurred, then presenting a case that had other background permitted noise filtered out, then adding in unpermitted noise, identifying its source, and so on.

Part 3 will go into more detail regarding how noise controls are applied in District Plans, and how aircraft measure up versus other noise generating activities. It is an area where we have to enlist the services of acoustic consultants to understand how the likes of ourselves, as aircraft operators, can work out whether we fit within it or not.

So, why is all this coming about? As Part 1 mentioned, District Councils feel a duty to control the unexpected, in case it was to ever be a problem. It also depends on how they interpret the National Policy Statements (NPS) and Resource Management Act (RMA), what they copy from other councils’ plans, and the shared guidance received from a small pool of consultants. In the current environment, interpretations of the NPS and RMA appear more progressive. Older District Plan Noise Chapters did not spell out specific dB values.

I filed a Local Government Official Information and Meeting Act Request (LGOIMA) with the Timaru District Council, on January 10 2023, with two simple questions. 1) All written communication concerning the formation of GRUZ-R14 PER-3, and 2) Evidence supporting implementation of GRUZ-R14 PER-3.

Concerning the formation of GRUZ-R14 PER-3, there was not really a lot of background as to why that rule was formulated, other than they just needed something and a number, so a number turned up. Evidence supporting implementation of GRUZ-R14 PER-3 (i.e. noise complaints) was not provided. I take that as the origin of GRUZ-R14 PER-3 (movement limits) is not based on evidence that an issue exists within the Timaru District. It is a fair assumption that the noise an aircraft creates is the issue, and as mentioned, enforcement of noise controls is much harder than enforcing a setback, or that a movement limit was exceeded.

District Council planners have a life expectancy in council similar to World War 1 fighter pilots. The plans take years to formulate, they present drafts, then have them proposed. So whoever wrote the rule is, more often than not, long gone. Yes, you’ve got it: the people who write the rules within our local democracies are rarely there when it comes to the commissioner absorbing the feedback (in the form of submissions) during the hearings on the rules they wrote, or when it ends up in the High Court.

After filing submissions on the Proposed District Plan late last year, many of us also submitted in support of others’ submissions, which is part of the process before we go to hearings. There were no submissions in support of the original rule and plenty of opposition to the original rules from a variety of individuals and organisations, therefore it is not legally enforced until it has been through the hearing process, which will be drawn out over years to come. Had no one submitted in opposition, then it would have taken immediate legal effect. So submitting is really important.

It is fair to say, irrespective of your council’s geographical location, that District Plans will further restrict private airstrips as they write their new plans or within plan changes. Sometimes, the only heads up you get is asking for feedback on “shaping the future plan”, even just within a plan change, and part of that feedback might be how aircraft are managed within the plan, as a bullet point hidden within swathes of documentation. In the background, the council has already written their rule, just awaiting the feedback.



If they don't receive feedback on how the community values an aspect, they go, perfect, we can roll with that. So submitting is really important, and you will hear more from us when we need your support.

So what can you do? There are three avenues to legally establish your rights from a District Council perspective, and another from the CAA. But you need to get on with it as one of them is fairly straightforward, for now but maybe not for much longer.

Certificate of Compliance

These are issued under Part 139 of the Resource Management Act. It allows you to certify your activity as being lawful under an existing set of rules within a District Plan provided no new plan is Proposed. The council does not exercise discretion: provided the activity is one that complies with the Operative District Plan, i.e. lawfully established, the council must issue the Certificate, within 20 working days. Your application needs to describe the activity in sufficient detail so that it is specific to the activity in question, it cannot be used for other purposes and that it complies with the operative plan rules. This will likely include a footprint where the activity occurs, i.e. your airstrip extent, and that your activity is in accordance with the District Plan rules (this rule may be, for example, that airstrips for non-commercial activity are permitted, or recreational activities are permitted). If movement limits are not limited within the relevant Operative Plan, then I would be using the words "used as required" so as to avoid a number being on that certificate. The Council Planners will almost certainly want to know more than they are entitled or required to know, so stick with the line "the activity is in accordance with the Operative Plan". The certificate is treated as if it is a resource consent should the rules change. The cost ranges between councils, but you are looking at \$400-1000. Most councils have a template on their website. If they do not, the information can be emailed using another council's template as a starting point.

My airstrip is in the Waimate District, and I applied for a Certificate of Compliance, with the rule permitting

my activity Section 4 Rural, 2.13 Aviation Activities limited to airstrips associated with: a. primary production; b. residential activities; or c. non-commercial recreation or transportation. You'll note that these older plans are simple in nature, largely non-restrictive, versus the types that are now being proposed, and which no doubt will be when that plan is reviewed.

The Operative Timaru District Plan lists the following as a permitted activity: "Airstrips or helicopter landing sites used for private purposes". A stark contrast to that now proposed with conditions as listed, and it is too late to apply for a Certificate of Compliance with those old rules. Do not think for a second that your council will not do the same. It really makes no difference how rural your district is (consider Gore, Waitaki and Waitomo, all very rural districts). Within 20 workings days I received my Certificate of Compliance legally establishing my activity on the land footprint I defined on an as required basis for primary production and non-commercial recreation/transportation.

Existing Use Certificates

These are issued under Part 139A of the Resource Management Act. If an activity was legally established under an applicable district plan, and the plan rules are subsequently changed or even Proposed, so that the same activity requires resource consent, then the activity may avoid the consenting requirement as an "existing use". This requires that the present effects of the activity are the same or similar in character, intensity and scale as they were before the rule change occurred. It also requires that the activity has been continuous, which the Act measures by reference to whether it has been discontinued for more than twelve months.

As with certificates of compliance, the council does not exercise a discretion whether to issue an existing use certificate: if the activity meets the existing use requirements outlined above, the council must issue the certificate. However, in practice, there is more scope for the existence or extent of an existing use right to be debated because it relies on there being credible evidence of the past activity, and the council



needs to understand the character, intensity and scale of the activity well enough to document that within the certificate. This is important as it establishes the yardstick by which the character, scale and intensity of future activity will be assessed, to ensure the activity does not stray beyond the lawful certified use, and what was the existing use. As far as the law is concerned, existing use rights do not exist unless you have the paperwork cementing them. It is advisable to secure the existing right before being forced.

Awarora in the Able Tasman went through a lengthy and expensive battle to prove existing rights; expensive and lengthy because they had to fight opposition. Think how easy it would have been to cement that right with a Certificate of Compliance for either Timaru (based on operative and now proposed rules aforementioned) or Tasman District Councils, as examples, while that activity was permitted, versus the Existing Use Certificate pathway.

Resource Consent

This is the final avenue and not one I'll explore. It will be expensive, you may have to go public or limited notification, neighbours will likely have to sign their approval, the consent activity goes on neighbouring titles, it can get untidy, particularly if you are in a more built-up area. But for some, it may be the only avenue.

Part 157 Aerodromes

So that is all about local authorities, what about the Civil Aviation Rules? CAR Part 157 applies to an aerodrome or heliport restricted to VFR operations that is used or intended to be used for a period of more than 7 days in any 30 consecutive day period. Part 157 proposals require the CAA to consider the impact of the aerodrome on the existing airspace environment and the risk aircraft activities present to the safety of persons or property on the ground. The CAA's determination may include features such as managing firearm discharge during duck shooting season, public exclusion through fencing, windsocks,

signage, obstacles/terrain, circuit directions and use of standard overhead rejoin procedure, briefings for visiting aircraft, aerodrome layout in accordance with Advisory Circular AC139-7, and communication with other aerodrome operators/users in the surrounding area.

Few private recreational airstrips will meet the 7 days in 30 threshold, but it is worth being aware of the existence/applicability of Part 157. In your case, Part 157 may further legitimise your airstrip but that is alongside local authority certificates and does not override anything the council imposes. It is optional whether the Part 157 aerodrome is included in the NZAIP and identified on aeronautical charts.

In summary, if you can comply with what is in your Operative District Plan and nothing is yet proposed, then cement that lawful right with a Certificate of Compliance. If you cannot operate within a Proposed or Operative Plan, but previously you had complied with the past rules permitting it, and you have evidence to support that use, then apply for an Existing Use Certificate. If you operate more than 7 days in 30, or want to further legitimise your airstrip, then a CAR Part 157 applies.

We want to help anyone out who wants to take this advice on, so please get in touch. We have engaged an Environmental Lawyer to advise us on the RMA Act and some of what I have referred to. That clarification is available to anyone who would like it, so please get in touch.

Be proactive when your council puts out any plans for consultation or asks for feedback. Please let us know so we can get further support amongst our community, so our members can retain the right to a private airstrip and allow us to visit during fly-ins. And also, and just as important, fly neighbourly!

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