

**RISK FACTORS  
ASSOCIATED WITH  
RURAL AIRSTRIPS IN THE  
HASTINGS DISTRICT**

**TANIA KERR**

**2003**

**FOR KELLOGG RURAL  
LEADERSHIP PROGRAMME**

## EXECUTIVE SUMMARY

This report aims to identify risks factors associated with rural topdressing airstrips.

The objective is to minimise these risk factors by asking the Hastings District Council to take action, or ensuring the airstrip owners have sufficient information themselves to be able to take action.

Airstrips are at risk of closure due to trees or buildings being too close to the end of the runway. Also farmers are now justifiably concerned now that Occupational Safety and Health (OSH) are involved in airstrip operations and landowners no longer know what they are responsible for.

### Recommendations;

Council to change it's wording on documents and look to change the District Plan.

Airstrip owners will be given information, but must also be pro-active in finding a solution before land is sold and a problem arises.

OSH and CAA to continue to work together to clarify regulations.

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# **INTRODUCTION**

## **VIABILITY OF OUR RURAL AIRSTRIPS AND THE RISK FACTORS ASSOCIATED WITH THEM**

Airstrips are immensely important to our rural community. Some airstrips have been in operation for over 50 years and have been used by pilots to spread thousands of tonnes of fertiliser on farmland. Fertiliser is essential to the ongoing viability of agriculture on much of the hill country in the Hastings District.

Pilots had raised the safety issue, with Hastings District Council, of pine trees (or buildings) being within 450m from the end of the airstrip.

Farmers had concerns about who is responsible for safety on airstrips.

An Airstrip is an asset to the rural community. They are expensive to build and their value must not be taken for granted. (The actual costs associated with losing airstrips are quantified later, with analysis of the questionnaire that was sent to airstrip owners.)

# **DEFINE/DESCRIBE THE PROBLEM**

## **RISK FACTORS**

There appeared to be 2 major areas of concern for airstrips that are used primarily for aerial topdressing.

First, the development of houses or planting of trees close to an airstrip and second, the involvement of Occupational Safety and Health (OSH) in airstrip operations.

These concerns have been separated into 4 risk factors.

These are:

1. Residential development of lifestyle blocks encroaching onto rural landscape.  
Can I still use my airstrip? Can I build a new airstrip?
2. I want to subdivide part of my farm into lifestyle blocks, but I still want to retain the use of my airstrip. How do I protect it?
3. My neighbour has sold and the land may be developed or planted in trees.
4. OSH regulations. There are new regulations affecting aeroplanes and people working with them. Some of the regulations are not specific enough to ensure people know who is responsible for the safety of the airstrip.

## **OBJECTIVE OF THIS REPORT**

To minimise these risk factors by asking the Hastings District Council to take action, or by ensuring the airstrip owners have sufficient information to be able to take action

## **SUMMARY OF SOLUTIONS**

- A. The Hastings District Council has been asked to amend the wording on three documents.

Subdivision Consent Notice,  
Project Information Memorandum (PIM)  
Land Information Memorandum (LIM)

The Council has also been asked to take a non-regulatory approach with at-risk airstrips and map them on the council's Geographic Information System (GIS). This means when a Land Information Memorandum is applied for on a surrounding property, an advisory note would be generated on the report. (However Council would not be able to stop any building affecting an airstrip.)

- B. The Hastings District Council has been asked to review the District Plan to incorporate rural airstrips as a protected activity but to also provide guidelines for the use of the airstrip
- C. Landowners need to be aware of the risks associated with development, and to be pro-active and talk to neighbours about protecting the land at the end of the runway.
- D. Civil Aviation and Occupational Safety and Health must continue to work together to clarify the 'grey areas' with the application of new legislation.
- E. Airstrip owners need to be vigilant with "Hazard Management."  
This means they must Identify, then Eliminate, Isolate or Minimize hazards.

## **SCOPE OF REPORT**

Only airstrips within the Hastings District were investigated, although input was sought from neighbouring Councils. The information gathered would be of use to all councils who have topdressing airstrips within their boundaries.

## **STRUCTURE OF REPORT**

Four risk factors have been identified and are studied individually.

These are:

1. Residential development of lifestyle blocks in a rural area
2. Subdivision of farm near an airstrip
3. Neighbour developing land near another farmer's airstrip.
4. New 'OSH' regulations

## **LIMITATIONS**

The time taken to obtain postal addresses and physical addresses of airstrip owners and then the time taken for them to reply caused a delay in gathering some of the more valuable information.

The Health and Safety in Employment Act was amended effective May 2003 and the new regulations are still being clarified by a working party including CAA and NZAAA.

The Hastings District Council was unable to agree to changes at the Rural Community Board meeting in September due to more urgent and pressing matters being on the agenda. This report will be discussed at the next meeting in December.

## **ACKNOWLEDGEMENT OF ASSISTANCE**

Pilots Alan Nichol, Jim Frogley  
Ian MacDonald, Philip McKay, Sarah Waipouri,  
Hastings District Council  
Deborah Turner, Councillor, Hastings District Council  
Aviation Industry Association of NZ  
NZ Agricultural Aviation Association, in particular John Maber.

## **RESEARCH UNDERTAKEN**

1. The Hastings District Council (HDC) District Plan gave information on acceptable practises when land use changes i.e. from rural to rural residential.
2. The HDC Environmental Planning Department also gave information that would help protect an existing strip if an airstrip owner was to subdivide.
3. Wrote to other rural councils neighbouring our District.
4. Studied Resource Management Act (RMA)
5. Referred to new Local Government Act
6. Had the topic of 'Risks to rural airstrips' raised by another Rural Councillor at the Local Government Annual Conference.
7. Raised the topic at the Annual Community Board Conference.
8. Sought information on protections for the airstrip, should the neighbour's land be developed.  
Unfortunately there was no information, laws, or policies and no details in the Hastings District Council, District Plan specifically relating to rural airstrips. No other councils appeared to have protections in place either.
9. HEALTH AND SAFETY IN EMPLOYMENT AMENDMENT ACT 2002 came into force on 5 May 2003. Research was undertaken into the scope of change, which may affect airstrip operations.
10. Referred to the CIVIL AVIATION ACT.
11. Aviation Industry Association of NZ (AIA) and NZ Agricultural Aviation Association (NZAAA) were also contacted for definitions and clarification.
12. Contacted all known owners of rural airstrips within the Hastings District.

## ISSUE ONE.

### LIFESTYLE PROPERTIES BEING DEVELOPED ALONGSIDE FARMLAND

Concerns were;

Can I still use my strip?

Can I build a new strip if I choose to?

What actions must I take now there are residential properties near me?

### How existing airstrips are protected in the Hastings District.

The Hastings District Council (HDC) uses the District Plan as the tool to provide guides and controls as to how land is used, developed or protected, to avoid or lessen the impact of any adverse effects.

Rural airstrips are not specifically mentioned in the District Plan so consideration must be given to the more general policies that may give some security to the owner of the airstrip.

Existing airstrips are protected using various methods and the Council has policies to reflect this.

Currently farmers do not require Resource Consent to create or operate a rural airstrip as operating an airstrip is seen as being an “approved operation” within the District Plan.

### The Right to Farm

Hastings District Council is aware of this right and is also mindful of managing any adverse effects. Council has a Rural Policy (RP2), which is “to enable rural activities which might generate adverse effects such as noise or smell, to operate in rural areas in accordance with accepted practices, without being significantly compromised by other activities demanding higher levels of amenity”.

Essentially this means new and emerging activities in a rural area must acknowledge the current practices that occur eg operation of rural airstrips.

### Noise

The District Plan does not specifically mention rural airstrips although it does cover helicopter-landing pads, but rural airstrips would be covered by an exemption from maximum noise limits.

i.e. “Maximum Noise Limits (Rule 14.2.8.1) shall not apply to vehicles, machinery or mobile equipment for land based primary production”.

These are the only forms of protection for rural airstrips within the District Plan, although under the Resource Management Act, the existing rural airstrip would have protection under Section 10 of the Act, which permits “existing use” rights.

Do other neighbouring councils specifically protect rural airstrips?

In May, a letter was sent to the 6 local rural based councils.

They were Central Hawkes Bay, Rotorua, Wairoa, Tararua, Taupo, and Gisborne. They were asked the following...

*Does your district plan specifically mention rural airstrips?*

*And what protection do airstrips have?*

*From new neighbours who don't want an airstrip near them?*

*From noise limitations?*

*What protection does the owner of a rural airstrip have, if the strip is near a boundary and the other owner wants to sell or subdivide their land?*

No council specifically mentioned rural airstrips within their District Plans.

All councils (with the exception of CHB who did not answer) acknowledged existing airstrips would have “existing use” rights under Section 10 of the RMA:

Under the Resource Management Act, activities are a permitted activity, a prohibited activity or an activity that requires resource consent.

A rule change in the District Plan (of any council) may mean an activity, which was once permitted, now requires a resource consent (or may even be prohibited). But the Resource Management Act says that land use may contravene the district plan, if that use was lawfully established before the new rule became operative. This is known as ‘existing use’ rights.

(Existing rights can also be extinguished if the activity has not operated for a continuous period of 12 months. This would then need a new application to the relevant council.)

It appeared that new airstrips would be a “non-complying activity” and would require resource consent.

One council has a “Rural Effects Area” Rule, which requires a new dwelling to be 100 metres from an external boundary. This is to provide a buffer zone from the effects of rural activities on adjoining properties. Building a house at least 100-metres from a rural boundary may mitigate some of the noise and other effects of a neighbouring airstrip.

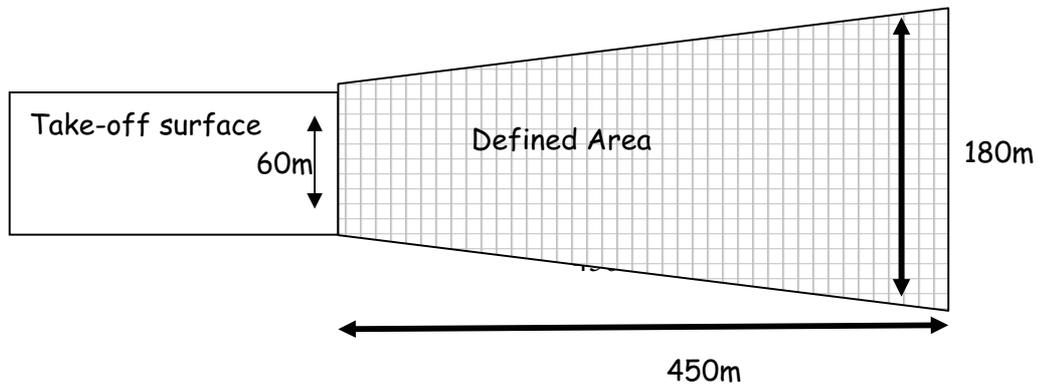
Another council wrote

*“The onus ... is on the owners of the airstrips to be pro-active when neighbours are subdividing around them, to bring it to our attention to aid protecting it if possible.”*

It is worth noting that the Hastings District Council would defer to Civil Aviation Authority (CAA) on aviation matters. CAA specifies how close an agricultural aircraft can fly to a third party or property of a third party. For example, a pilot must not fly too close to a house belonging to a neighbour.

“A third party risk exists where there is a third party or property of a third party within the defined area prescribed below”

CAA Rules part 137. Appendix A



I.e. if a house was within the “defined area” a pilot must avoid flying within a set distance of it. Depending on the site, it may impose so much limitation that the airstrip would be unusable.

## **SUMMARY ONE**

### **RESIDENTIAL PROPERTIES BEING DEVELOPED ALONGSIDE FARM**

Can I still use my strip?

Can I build a new strip if I choose to?

What actions must I take now there are residential properties near me?

1. Yes, the airstrip can still be used.  
Hastings District Council ensures the continued use of existing strips through the Hastings District Plan, a document that provide guides and controls as to how land is used, developed or protected.

Under the District Plan, aeroplanes used for fertiliser application do not have to comply with noise limits.

Farmers also have a right to farm and continue normal farming activities, as long as they do so in accordance with accepted practices, even if they cause adverse effects such as noise and smell.

The Resource Management Act also protects existing airstrips through Section 17, which allows for “existing use” rights.

2. Yes, a new airstrip can be built.  
Hastings District Council allows rural airstrips to operate and therefore, be built, as they are a ‘permitted activity’ within the District Plan

## **ISSUE TWO.**

### **I WANT TO SUBDIVIDE NEAR MY AIRSTRIP, BUT STILL RETAIN USE OF MY STRIP. CAN I? AND WHAT MUST I DO?**

The Council uses the Resource Management Act to support and guide its actions especially in the area of preventing disputes.

The act would be referred to in situations where disputes may arise. For example, a new residential owner may complain about the use of a nearby airstrip, or alternatively, the actions of a new residential owner may affect the use of the neighbouring airstrip (planting trees, erecting buildings).

The Hastings District Council gives several warnings to the non-farming resident, prior to their purchase of the newly subdivided land.

The council offers

1. Details on a Land Information Memorandum (LIM) which is a report provided only on request.

It provides details on any matters affecting the land including: a statement that the subdivision is in the productive rural area and that residents live in an environment where agricultural management practices such as agrichemical spraying, use of farm machinery, seasonal operation of bird scarers, traffic movements, dust, odour and night harvesting will occur.

2. On the subdivision consent, the council advises (again) of the subdivision being in a rural area and repeats the above warning. This is for information only and is not seen as being legally binding.
3. On a building consent, which is attached to the Project Information Memorandum (PIM) the same information is given, allowing the prospective purchaser to seek further information. The PIM serves to alert prospective builders and developers of issues relating to the location of buildings on the site.

Note, in these situations the Hastings District Council warns of airstrips only in general terms.

i.e. “agricultural management practices will occur”

In an area of potential dispute, the Council uses Section 17 of the Resource Management Act, and seeks to obtain the “best practicable option” available to all parties.

And the ideal outcome that the council aims for, is that “adjoining activities will not be adversely affected”

In order to make this happen, the council suggests that a farmer wishing to subdivide near their airstrip take the following actions...

1. Create a “conditional subdivision” i.e. on the subdivision consent specify double-glazing and air-conditioning is mandatory in every dwelling. This would reduce the airstrip noise. (No open windows and the noise quietened by the double glazing)
2. Place a “no complaints covenant” on the title. This is limited in its use as it will only be permitted if the activity is an existing operation and falls within the District Plan. Refer Appendix 2
3. Place an easement on the land that would prevent trees and buildings being planted or erected within a set distance of the boundary or within the ‘flight fan’ at the end of the strip.

## **SUMMARY TWO**

### **I WANT TO SUBDIVIDE NEAR MY AIRSTRIP, BUT STILL RETAIN USE OF MY STRIP. CAN I? AND WHAT MUST I DO?**

Yes, a farmer can subdivide land near their airstrip or near the flight path of their airstrip.

But to prevent disputes arising over noise and dust etc from the fertiliser application, some legal protections are recommended by the council.

- a. A “No Complaints Covenant” should be put on the title of the land to be sold. These are commonly used within the Hastings District Council especially around vineyards where bird scarers are often in operation.
- b. Create a “Conditional Subdivision” specifying homes must have built in noise protection, for example double-glazing and air conditioning.
- c. Place an easement on the land where the planes flight path may go, to prevent buildings being erected and trees planted.

### **ISSUE THREE.**

MY NEIGHBOUR WISHES TO SELL HIS LAND FOR DEVELOPMENT OR FORESTRY.

MY STRIP IS NEAR HIS BOUNDARY AND PLANES FLY OFF THE STRIP AND OUT OVER HIS LAND.

WHAT HAPPENS WHEN A NEIGHBOUR OWNS LAND AT THE END OF THE AIRSTRIP?

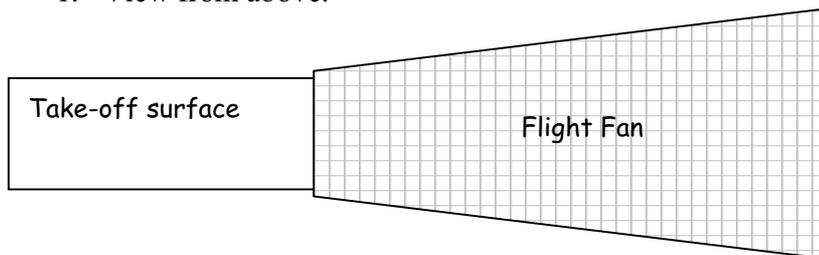
This issue was first raised by pilot Alan Nichol, of Robalan Air Limited, who was concerned at flying off airstrips that had development within 450m of the end of the strip. He felt some strips were at risk of closure due to safety aspects, yet the airstrip owner could do little to prevent it. He asked if the council could somehow prevent development within 450 of the end of an airstrip.

To clarify the situation...

At the end of every airstrip is a flight fan.  
This is a three dimensional but imaginary fan shape that goes out above the end of, and on either side of the runway. It is designed to provide clear space for safe takeoffs and landings.

Concern arises when another person owns the land under this flight fan.

1. View from above.



2. View from beside.



There have been several situations within the Hastings District Council that have caused problems for the landowners.

Following are two actual situations that have occurred in the last year.

### CASE ONE

#### PUKETITIRI

At the end of the airstrip runway is the legal boundary between two farms. 20-metres from the end of the runway is a small gully, which was owned by the neighbour. It was eventually fenced off and planted in pine trees.

About 8 years later the pilots noticed how close they flew to the trees and requested something be done.

The neighbour who owned the trees had no “interest” in the airstrip as he had a strip of his own.

Why should he cut down the trees?

They were on his land.

They were to produce an income in the future.

Potentially this situation could have caused the demise of this airstrip.

Luckily, due to some negotiation, and a realisation that the neighbour may need to use this strip in the future, an agreement was reached and the trees were felled.

## CASE TWO

### KAIWAKA

A farm was put on the market approximately 8 years ago and, as most farmland in the area was being planted in pine trees, the expectation was that it also would go into pine trees.

The owner of the farm to be sold realised his 'clear' land was essential for the continuing safe use of his neighbour's airstrip.

The two neighbours decided they needed to prevent trees being planted in this particular area, and therefore placed an easement on the land (in the shape of a triangle off the end of the airstrip).

The farm was duly sold to a forestry company. And the forestry company then subdivided the land they did not require which included the land containing the easement.

This small parcel of land was then sold as a lifestyle block and the new owner started to plant around his "house site".

The owner of the airstrip then pointed out to the new owner that due to the easement he could not build there, but was free to build at the back of the section, further away from the road...

This was to cost too much so the new owner went to the forestry company to ask for his money back! This did not happen! The house was not built.

(One of the better-known legal maxims is the expression "caveat emptor" or let the buyer beware.)

The new landowner has since decided to sell, and, as the Easement was never formally registered, he attempted to sell it with out any conditions on the land.

*A lot of stress happened!!!*

End result was the airstrip owner purchased the 8-hectare of bareland at a cost of \$43000!

But, if the easement had not been placed the land would have fetched much, much more than that.

The question is then raised...

Is the right of a landowner to do with his land what he wishes (within reason and within the District Plan) greater than the right of a farmer to use his airstrip?

I expect so!

#### To resolve this issue

1. Discuss with Hastings District Council the options available.
2. Consult with CAA and NZAAA regarding their definition of a safe airstrip.
3. Find out how many airstrips are within the Hastings District Council.
  - How many are operating/not-operating.
  - How many have a boundary within 450m of end of strip.
  - Identify costs to farmers if airstrip closed.
4. Send Questionnaire to all farmers in district that have an airstrip.
5. Seek input on resolutions from interested and affected parties.
6. Options could be
  - Information from the Hastings District Council to be sent to all airstrip owners and let farmers negotiate with neighbours to protect the airstrip using legal means.
    - i.e. recommending an easement is placed on the title to prevent building or planting within the Flight Fan
    - (Possibly include a copy of a sample easement)
  - Information be sent to all rural ratepayers via the quarterly council newsletter.
  - A non-regulatory approach with at-risk airstrips mapped on the council's Geographic Information System (GIS) and when a Land Information Memorandum is applied for on a surrounding property an advisory note would be generated on the report. However Council would not be able to stop any building affecting an airstrip.
  - Change the District Plan to prevent trees being planted and buildings being erected within a set distance of a rural airstrip. This will take some time to complete and is an involved process. Details of how this could take place follow.

## PROCESS TO FOLLOW TO CHANGE THE DISTRICT PLAN

To change the District Plan requires significant consultation. The Resource Management Act (RMA), Section 32, requires a council to consider all other options that may resolve the issue; prior to amending its district plan. In other words, regulation only as a last resort.

Ian MacDonald, Environmental Manager, of Hastings District Council gave the following details...

*“Should the Council decide to initiate a plan change to (protect airstrips), a high level of certainty is required to precisely identify and map each airstrip so that a restricted land use area could be clearly identified.*

*If there are 146 working airstrips in the district requiring identification, plotting with a GPS and entering into Council’s geographic information system (GIS), it is estimated that this could take one person up to seven months to complete.*

*Furthermore the “registration” of airstrips could be restricted to those most at risk.*

*A plan change would impinge on landowners’ rights to develop their properties. In some cases it may effectively restrict the ability of landowners to subdivide.*

*As part of the statutory process of completing a plan change, Council would be required to advise those landowners who would be affected by the restriction. It is likely that there would be some opposition to any regulation, and there is the possibility that Council may be required to defend the change at the Environment Court.*

*Should Council accept this option, there will need to be some definitive research as to what the level of risk to the use of these airstrips is.*

*It is (also) possible that Council could take a more non-regulatory approach to this matter.*

## QUESTIONNAIRE

Following on from the discussions with Ian MacDonald, Environmental Manager of HDC, a questionnaire was prepared and sent to all identified airstrip owners within the boundary of the Hastings District. (Appendix 1.)

This is an area that covers over 500,000 hectares, and stretches from the East Coast to the Ruahine and Kaweka Ranges. Approximately 470 000 hectares is rural.

Historically, the council had information on the general location of 147 airstrips. This data came from the Civil Defence files. But in order to write to the individuals that now own the airstrips, a lot of evenings were spent on the telephone trying to identify if strips ever existed, and who now owned the land.

Some Pilots were helpful, providing addresses of landowners that they dealt with.

Finally, 162 questionnaires were sent out.

This allowed us to identify

- which strips were non-operative and why
- which strips were at risk and why
- the cost of losing these strips.

No formal identification of the precise location of any 'at-risk' airstrips has been attempted at this stage.

## STATISTICAL RESULTS FROM QUESTIONNAIRE

Of the 162 Questionnaires sent, 88 returns were received.  
A return rate of just over 50%

### Assumptions

An assumption could be made that those with airstrips “at-risk” (near boundaries) will have replied in order to help find a solution.  
But equally, it is possible, that those with an issue will not reply for the simple reason they do not want anyone to know about it!  
Therefore no assumptions have been made.

Considering only the replies received, and completed:  
51 do not have a boundary within 450 metres of the end of their strip  
27 do have a boundary within 450 metres of the end of their strip.  
And another 6 acknowledged closure of their strip.

The 6 non-operating strips have been closed by farmers’ actions and choices. (They use neighbour’s better facilities; access road is too steep, farm now in trees, new farm policy to truck on fertiliser)

The 27 airstrips with a close boundary are utilised to fly approximately 4500 tonne of fertiliser on to farms within the district.

The majority of these airstrips (16) do not have another strip within 5 kilometres, with some strips being another 10-15 kilometres away.

The financial cost of not being able to use these 27 airstrips involves

- additional cartage (\$3.60/t average)
- additional flying time (\$11.20/t average)
- additional time for the land owner,
- “*massive inconvenience*” and a
- “*loss of income (\$1500-2000 pa in airstrip fees received from neighbours using the airstrip)*”

A simple calculation of 4500-tonne of fertiliser applied per year, multiplied by the additional costs of cartage and flying time (\$3.60 + \$11.20) equals additional costs of in excess of \$66,000. This excludes additional time involved for the farmer for travel or extra airstrip fees that may need to be paid.

When the airstrip owner was asked about factors that may limit the use of their airstrip:

9 acknowledged ‘insufficient clear air at the end of the strip’ (i.e. trees, buildings),

6 identified a fence at the end of the strip

4 recognised the insufficient length of the strip.

Other factors that were identified were

“*Regulations!*”

“*Cheaper to use higher strip*”

“*Lifestyle Blocks*”

The questionnaire results also provided information on non-financial use of the airstrip. The community would also suffer other social costs if these 27 airstrips were closed. They were identified as:

Recreational Flying (12),

Search and Rescue (13),

Emergency landings (13),

Natural disaster (12), for example Cyclone Bola

Rural Fire (13)

as well as “*Water supply for forestry*” and “*1080 poison drops*”

Discussions with Aviation Industry Association of New Zealand (AIA) and New Zealand Agricultural Aviation Association (NZAAA) were held.

*“The Aviation Industry Association of New Zealand (Inc) is the organisation of commercial aviation in New Zealand. The Association originated in 1949 when agricultural operators formed the "New Zealand Aerial Work Operators Association".*

*In 1952 the scope of the organisation was widened and its name became "Aviation Industry Association of New Zealand (Inc)" (www.aia.org.nz)*

The Association is divided into eight Divisions.

The Agricultural Aviation Division is now entitled the New Zealand Agricultural Aviation Association (NZAAA).

NZAAA represents about 95% of all agricultural aviation operators, including topdressing planes and helicopters.

*“NZAAA has always focussed on safety and is currently driving a new standard for airstrips in an attempt to lower the accident rate during the take-off and landing phases of flight.” (www.aia.org.nz)*

NZAAA have produced Airstrip Standards. They fully recommend these standards be met at all times on all operating airstrips. They encourage pilots to discuss with airstrip owners the safety standards required.

A benefit to the pilots of safer airstrips (apart from the obvious danger associated with poor strips) is the reduced insurance premiums if they have fewer accidents.

Considering a new Turbine aircraft costs about 1.5 million dollars and the insurance cost is approximately 10% of the planes value, even a small drop in insurance premiums will save pilots a lot of money!

I put to John Maber, (Executive Officer of NZAAA), the following statement

*“ A pilot will no longer fly from an airstrip that has trees or buildings within 450m of the end of the strip ”*

His reply included the following...

*“I couldn't confirm your statement because it is too limited and is saying that the only factor that makes the strip unsafe is this 450 m distance from the end with buildings or trees (of unspecified height) in that zone. ”*

He also went on to say...

*“The question of what constitutes an unsafe airstrip is complex because it involves so many factors - all those listed in the NZAAA standards plus the aircraft performance and of course weather conditions. The NZAAA specifications are a good starting point to deciding whether a strip is safe or not, so that if the strip did not meet these standards, the factors that will allow the strip to still be used must be specified (eg wind direction and speed).*

*“I have attached a copy of the airstrip standards that form part of the industry QA (Quality Assurance) programme, and as you see it refers (to) several factors including length, width and slope. It also refers to end clearance. One of the most critical factors is the fence across the end of the strip.*

Discussions with Maurice Manttan, Secretary of AIA confirmed the formal definition of an airstrip.

*“(It) includes a definition where the take off flight path must have an unobstructed slope of 1 in 30 and that no fence shall be in the take off path for a distance of 185 metres from the end of the strip.”*

Historically, Civil Aviation Safety Orders (CASO) covered the airstrip standards. In 1969, when it was revised, through to 1996 the:

*“minimum available take off distance (was) to be 450 metres and a defined dimension for the third party fan (Appendix A Rule Part 137).*

## CIVIL AVIATION RULES

### PART 137 (Agricultural Aircraft Operations)

(This is the relevant rule for Agricultural Pilots)

Certified Agricultural Pilots are allowed exceptions to the standard operating and flight rules to enable them to perform their agricultural operation (Rule 137.1(2))

i.e. they are allowed to fly lower over populated areas (within limitations), and at any altitude or distance from an obstruction, if it is over a non-populated area.

But, if there is a third party risk, the rules change again.

*“The pilot shall determine the maximum take off weight from the requirements in rules 137.107 and 137.109”*

Rule 137.107 states

- a) *“Each pilot ... shall ensure that the take-off distance available is greater than the take-off distance specified in the aeroplane manual multiplied by a factor of 1.2.*
- b) *When calculating take-off distance, the pilot shall take the following factors into account:*
  - (1) *The weight of the aeroplane at the commencement of the takeoff run*
  - (2) *The pressure altitude of the aerodrome*
  - (3) *The ambient temperature at the aerodrome*
  - (4) *The runway surface type and condition*
  - (5) *The runway slope in the direction of take-off*
  - (6) *Not more than 50% of the headwind component or not less than 150% of the tailwind component”*

Rule 137.109 states

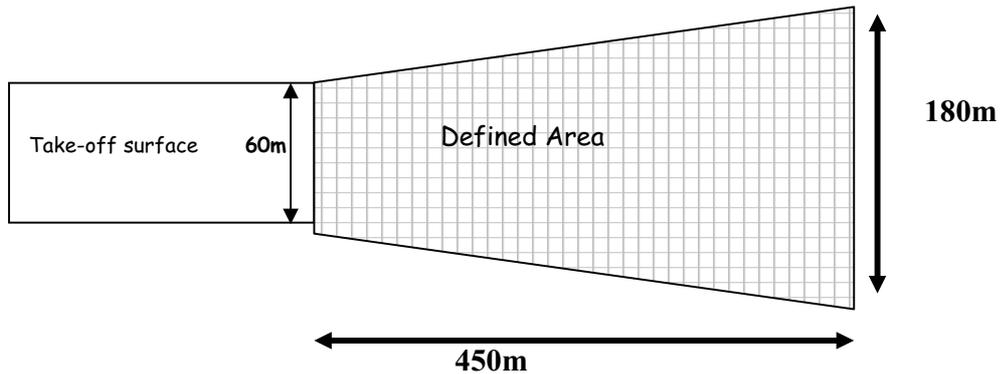
- a) *...each pilot ...shall ensure that the take-off path clears all obstacles by-*
  - (1) *a vertical distance of at least 50 feet plus 0.025 D; or*
  - (2) *a lateral distance of at least 30 metres plus 0.1D*

*where D is the ... distance travelled ... from .. take-off*

## DEFINITION OF THIRD PARTY

*“A third party risk exists where there is a third party or property of a third party within the defined area prescribed in figure 1.”*

CAA Rules part 137. Appendix A



## INTERPRETATION OF CAA RULE 137

Should there be an obstacle within the planned flight path, the pilot must make a calculation as to whether they can fly safely over or past the obstacle, remembering they must be 50 feet above an object or 30 metres across from an object.

Should they be unable to do so, they must “download” (reduce weight) until they can fly clear of the obstacle by the specified distances.

Essentially they carry less fertiliser per flight, which means they must fly more trips.

This results in increased costs to the pilot that will then be passed on the farmer. It may cause an airstrip to be uneconomical to fly off.

This assumes they can safely fly with a reduced load.

But, in extreme cases, the pilot may not be able to safely takeoff, even with an empty plane.

Definitely a “closed strip”!

Discussions were also held with pilot Jim Frogley, of Astro Air. His concern was that the airstrips would become uneconomical to fly from, and that would result in their closure.

### SUMMARY THREE

#### NEIGHBOUR OWNS LAND AT THE END OF THE AIRSTRIP

1. NZAAA and AIA are focussed on safety and reinforce the need to have a safe strip.  
They do not endorse the 450-metre rule as a single solution as they believe it is too limiting.  
They recommend airstrips meet the NZAAA airstrip standards that are part of their Quality Assurance programme. (Refer Appendix 3)  
A single ruling from the Hastings District Council will not prevent unsafe strips being used.
2. If an airstrip has a boundary within 450-metres, the council cannot assume development will impinge on the use of the strip. Other factors such as topography of the land, height of the trees or buildings, as well as the type of aircraft and the weight it carries.
3. To amend the District Plan involves much consultation, absolute clarity as to the area of land to be protected, and therefore much cost. It would be a long-term process that may involve going to the Environment Court for a settlement.  
The Resource Management Act gives instructions that legislation should be used as last resort, preferring other options such an agreement between neighbours.

## ISSUE FOUR.

### OSH and HSE ACT

### ANOTHER (PERCEIVED?) RISK TO RURAL AIRSTRIPS?

Since the amendment to the Health and Safety in Employment Act –effective 5 May 2003, OSH (Occupational Safety and Health) is now involved in airstrip occupations in a more defined way.

Below is a summary of the changes to the Health and Safety in Employment Amendment Act 2002.

- Loader drivers and ground crew are now covered  
*Deleted from Act – the exclusion of on ground crew*  
*“Crew” in relation to an aircraft ... does not include and person employed to*
  - a) ——— maintain it while it is not in flight*
  - b) ——— load, unload it or both;*
  
- Crew on board the aircraft is now covered  
*Deleted from the Act - the exclusion of onboard crew.*  
*“While any member of the crew of an aircraft... is on board the aircraft, this — act shall*  
*have effect as if — (a) the person — (i) is not an employee... (ii) is not a contractor... (iii) is not self-employed; and*  
*————— (b) the person is not in a place of work.”*
  
- The aircraft is now a place of work
- Crew are now employees
- The person who engages the crew is also covered by this Act  
*“A new section of the Act 3A(1) includes the aircraft as a place of work.*  
*(1) This Act applies to—*
  - (a) a person employed or engaged to work on board an aircraft;*
  - (b) the person who employs or engages the person specified in paragraph (a); and*
  - (c) the aircraft as a place of work.”*
- The aircraft is not included while flying, landing, or taking off  
*“(4) Section 16 does not apply to an aircraft while it is taking off, flying, or landing.”*

So since May 2003 the Health and Safety in Employment Amendment Act 2002 now applies to  
Persons employed on aircraft, and the  
Person who employs them, and the  
Aircraft as a place of work.

Although OSH seems to immediately cause concern with farmers, the purpose of the act is to promoting safe work places.

The Object of Health and Safety in Employment Act—

The object of this Act is to promote the prevention of harm to all persons at work and other persons in, or in the vicinity of, a place of work by—

- (a) Promoting excellence in health and safety management, in particular through promoting the systematic management of health and safety; and
- (b) Defining hazards and harm in a comprehensive way so that all hazards and harm are covered, including harm caused by work-related stress and hazardous behavior caused by certain temporary conditions; and
- (c) Imposing various duties on persons who are responsible for work and those who do the work; and
- (d) Setting requirements that—
  - (i) Relate to taking all practicable steps to ensure health and safety; and
  - (ii) Are flexible to cover different circumstances; and
- (e) Recognizing that volunteers doing work activities for other persons should have their health and safety protected because their well-being and work are as important as the well-being and work of employees; and
- (f) Recognizing that successful management of health and safety issues is best achieved through good faith co-operation in the place of work and, in particular, through the input of the persons doing the work; and
- (g) Providing a range of enforcement methods, including various notices and prosecution, so as to enable an appropriate response to a failure to comply with the Act depending on its nature and gravity; and prohibiting persons from being indemnified or from indemnifying others against the cost of fines and infringement fees for failing to comply with the Act.

Department of Labour Information Resource 2003

## CAA VS OSH

*'Farmers with airstrips are feeling very concerned that OSH is now involved.'*

*'Farmers perception was that CAA dealt with any airstrip accidents but now OSH is taking a more hands on approach.'* (Discussions in April 2003 at a Federated Farmers meeting.)

Historically (prior to May 2003), aircraft accidents and incidents were self-reported to Civil Aviation Authority (CAA). Then the CAA investigated if needed and the information was shared to allow others to learn from trends and mistakes.

*"This is about the safest system you can have. All the time, the CAA is saying this has gone wrong, you better watch this"* (John Sinclair, NZAAA Chairman.)

*"The CAA or Transport Accident Investigation Commission also investigates all serious aircraft crashes. Sometimes both do...The Coroner also investigates if there is a fatality. Now there is the possibility of OSH and the police investigating accidents as well, further multiplying the tension and stress on victims families and employers"* (John Sinclair, NZAAA Chairman.)

*If OSH regulates the industry the attitude of operators will change because of the punitive nature of the government agency"* (Straight Furrow 15/1/03)

*"If people shut-up and say nothing to OSH and the CAA either, then everyone is going to stop learning from incidents"* (John Sinclair, NZAAA Chairman)

People are concerned that OSH has taken over a system that has worked well in the past and continues to provide excellent reporting.

Farmers who do not have their own airstrip are also expressing concern. They are not sure how secure their ability to use the 'local' strip will be.  
(Federated Farmer meeting, April 2003)

*“The rural sector is already very aware of the impact of OSH. This bill could see farmers having an implied responsibility for aircraft safety relating to top dressing aircraft using airstrips on their property. Some farmers generously allow companies to use their strip for a whole district of farms, specially hill country sheep and beef farms, and this will no doubt stop if this Bill succeeds.”*  
*John Funnell, President AIA*

Upon reading the Select Committee Hearing report, it is noted that some submitters argued that the CAA already adequately provided for health and safety matters, while others submit that OSH should administer health and safety issues in the aviation industry.

But new provisions in the Act (Section 28B) allow for the Prime Minister to designate other agencies, apart from the Department of Labour, to administer the Act for a particular industry. So it is possible that the CAA will continue to undertake this role.

*“In relation to crew aboard aircraft, the Select Committee made no specific recommendation in relation to the administration of coverage of the Act. It did however include a comment that it accepts that the CAA is the most appropriate agency to administer occupational safety and health for aircrew while aircraft is in operation.”*

*Transport and Industrial Relations Select Committee Report  
21/10/2002*

Many questions then arise...

If an airstrip owner has a safe strip, as judged by the NZAAA standards and yet there was an accident, what liability does the landowner have?

The pilot is in sole charge of the plane flying, on landing and taking off, but while the plane is on the ground, is it the land owners responsibility or is it the person who employed/contracted the pilot?

When brief reference is made to the Berryman's case, it appears that a person was tragically killed while operating near their farm, without their knowledge, crossing a bridge they did not own, while doing a job that did not involve the Berryman's (they were not contractors or employers). It appears that a family lost everything, farm and income, because of the persecution by OSH.

Farmers look "over the fence" and think how easily this could have been them.

A rural airstrip appears to have even greater links with risk. The farmer owns the land, they usually collect a small fee for the use of the airstrip and, as a result, they always know when the strip is being used.

Does this need to be tested in court first to ascertain who is responsible?

If CAA were to administer occupational Safety and Health for aircrew, then surely it should have been included within this legislation.

## SUMMARY FOUR

### AMENDED OSH REGULATIONS ARE CAUSING CONCERN

Essentially, airstrip owners need to know what their responsibility is.

John Maber of AIA echoes this sentiment.

*“As you say, there are many issues and I think one of the first things to get is clarity on who is responsible for what (and what can they reasonably be held responsible for) eg wires - it is the (responsibility of the) prime contractor person hiring the aerial operator to warn the pilot about wires that they know about. So what happens if the pilot hits a wire that he was not warned specifically about and the prime contractor could not reasonably have know about, then are they still liable even though they did all they could by warning the pilot about wires? Commonsense would suggest that they are not liable, (provided they could prove that they did warn about wires) but I don't know what a court would decide. As I say, if people know what they are responsible for then we are more than halfway there”.*

## **CONCLUSIONS**

There is room for improvement in the protection of rural airstrips.

In regard to land use near an airstrip, the Hastings District Council can take action immediately to help educate airstrip owners and the council can also alter wording on their information documents.

Changing the District Plan is a long-term course of action that the Council is considering.

Since the new Health and Safety in Employment Act amendments came into effect, the “grey areas” of responsibility have been recognised. But unfortunately they have not been resolved, so the landowner should assume they are responsible and do all they can to reduce the likelihood of an accident.

## **RECOMMENDATIONS**

In my opinion the following actions should be taken.

1. **Hastings District Council** to send out a new letter to airstrip owners advising them of the council actions planned and also giving advice on how to protect their airstrips themselves, using an easement or in the event of a new subdivision, a no-complaints covenant, and/or conditional subdivision
2. **Hastings District Council** to alter the wording on Land Information Memorandum (LIM), Subdivision Consent notice and Project Information Memorandum (PIM) to include airstrip as part of the general warning.

“...the subdivision is in the productive rural area and that residents live in an environment where agricultural management practices such as agrichemical spraying, use of farm machinery, seasonal operation of bird scarers, traffic movements, dust, odour, night harvesting and *fertiliser application from airstrips* will occur.

2. **Hastings District Council** to start the process of altering the District Plan.
  - A) To permit the council to identify and map on the GIS, each “at risk” airstrip so that a restricted land use area could be clearly identified. These airstrips could be identified from the Questionnaire results or the subsequent letter that will be sent out.
  - B) Include the Code of Practice for Fertiliser Use 1998 (amended 2003) in the District Plan as a way of guiding actions of airstrip operators. i.e. Airstrip operators should ensure fertiliser is only applied to the target area and not on the neighbours, and neighbours should be notified when fertiliser is to be applied and any concerns raised by the neighbours should be addressed. This will help prevent/reduce disputes. Refer Appendix 5
3. **Airstrip owners** must be “pro-active” when a neighbour owns land within the flight path of their airstrip and seek to get the land protected from development before a potential dispute arises.
  - a. Request an easement be put on the land where the planes flies over (Flight Fan), to prevent buildings being erected and trees planted.
  - b. A “No Complaints Covenant” could be put on the title of the land if it was to be sold.
  - c. Ask for a “Conditional Subdivision” which specifies new homes must have built-in noise protection, for example double-glazing and air conditioning. This may reduce noise complaints.

4. **Airstrip owners** need to be aware of the amendments to Health and Safety in Employment Act and comply with NZAAA airstrip standards completely. Owners must talk to the pilot and loader driver and record, in writing, their agreement that the strip is complying with these standards, and they can identify no other hazards.  
They should also talk to the truck drivers to identify any hazards within their work area (tracks to the fertilizer bin, and unloading of the trucks and trailers). Then take action on any matter that is raised. Record what was done and when. I recommend they meet with an OSH inspector and discuss any concerns they might have, and take action on those concerns.

At all costs an airstrip owner wants to avoid an accident, and whether OSH or CAA, is called on to investigate, is an issue an airstrip owner does not want to face!

**The right information in the right  
hands at the right time can  
prevent problems in the future**

## REFERENCES

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*Straight Furrow* p19
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<http://www.clerk.parliament.govt.nz/cgi-bin/select-reports>

## APPENDIX ONE

**Name** «Address»

**Address** «Address1», «Address2», «Address3»

1. Is your airstrip still operational?  **Yes**  **No**

2. If not operational, why not? (*Tick as many as apply*)

- |  |   |
|--|---|
| <input type="checkbox"/> Size of planes?               | <input type="checkbox"/> Change in land use i.e. forestry |
| <input type="checkbox"/> Size of airstrip?             | <input type="checkbox"/> Neighbour's boundary too close   |
| <input type="checkbox"/> Condition of airstrip surface | <input type="checkbox"/> Buildings too close to strip     |
| <input type="checkbox"/> Condition of airstrip fencing | <input type="checkbox"/> New farming policy               |
| <input type="checkbox"/> Design of airstrip            | (ie. fertiliser applied by truck?)                        |
| <input type="checkbox"/> Trees too close to strip      | <input type="checkbox"/> Other. Please explain below.     |

---

3. Please advise the amount of fertiliser flown from your strip (*including lime*) \_\_\_\_\_ tonnes per year

4. How close is another airstrip to your property? (*The most practical to use*) \_\_\_\_\_ kilometres by rd

5. What would be the cost of not being able to use your strip?

Additional cartage cost per tonne \$ \_\_\_\_\_  
Additional flying cost per tonne \$ \_\_\_\_\_  
Time \_\_\_\_\_ hours  
Other. Please explain \_\_\_\_\_

---

6. Do you have a boundary fence within 450 metres of the end of the airstrip?

**Yes**

**No**

Does this pose a problem now?

**Yes**

**No**

Could this become a problem in the future if the neighbour's land was sold and was then either planted or was built on?

**Yes**

**No**

7. In the future, what factors do you think may limit the use of your airstrip? Please tick all that apply, if any...

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Insufficient length   | <input type="checkbox"/> Uneven surface           | <input type="checkbox"/> Insufficient clear air at end of strip (ie. trees, buildings) |
| <input type="checkbox"/> Insufficient width    | <input type="checkbox"/> Poor Fencing             |  |
| <input type="checkbox"/> Fence at end of strip | <input type="checkbox"/> Other. Please explain... |  |

---

8. Is your airstrip used for other purposes? Or could it be used for...

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Recreational flying | <input type="checkbox"/> Emergency landings       | <input type="checkbox"/> Natural disaster |
| <input type="checkbox"/> Search and rescue   | <input type="checkbox"/> Tourism                  |   |
| <input type="checkbox"/> Rural Fire          | <input type="checkbox"/> Other. Please explain... |   |

---

## APPENDIX 2

### An Example of a No Complaints Covenant

That a Consent Notice pursuant to Section 221 of the Resource Management Act 1991 be issued by Council and registered against the certificate of title to be issued for Lot # and description.

The notice shall be registered at the Subdivider's expense and shall read as follows:

This property is located in a productive rural area where agricultural management practices such as agrochemical spraying, use of farm machinery, the operation of aerial topdressing and other similar activities may occur.

Where land use activities in the surrounding area are carried out in accordance with the relevant District Plan requirements, the property owner, or their successor in title shall not:

Bring any proceedings for damages, negligence, nuisance, trespass or interference arising from the use of that land; or

(I) Make nor lodge; nor

(II) Be party to; nor

(III) Finance nor contribute to the cost of;

Any application, proceeding or appeal (either pursuant to the Resource Management Act 1991 or otherwise) designed or intended to limit, prohibit or restrict the continuation of the operations of any rural activity on surrounding land, including without limitation any action to require the surrounding landowners/occupiers to modify the rural operations carried out on their land.

Details provided by Philip McKay, Team Leader, Environmental Planning  
Hastings District Council.

## APPENDIX 3

### AIRSTRIPS AND HELIPAD STANDARDS

#### 1. AIRSTRIPS

The following standards should apply to all airstrips used by NZAAA Accredited Operators whilst operating single engine agricultural aircraft.

##### 1.1 LENGTH (Flat Equivalent)

	Optimum	Minimum
Sea level	550 metres	390 metres
1000' ASL	605 metres	415 metres
2000' ASL	670 metres	460 metres
3000' ASL	745 metres	510 metres

Minimum overall length 300 metres if slope is 8% or greater.

##### 1.2 SLOPE

Maximum slope shall not exceed 1 in 5 (20%)

##### 1.3 WIDTH

Minimum width shall be 30 metres

##### 1.4 SIDE CLEARANCES

Strips shall have a clear area of no less than 12 metres on each side measured from 15 metres from the centreline. For the purposes of this requirement the side clearance line may be sloped from the edge of the strip to a maximum slope of 1 in 10 (10%)

##### 1.5 END CLEARANCE

###### 1.5.1 Take Off

The Take off path shall be unobstructed at a gradient of 1 in 30 (3.3%). No fence shall be in the take off path for a distance of 185 metres from the end of the strip.

###### 1.5.2 Landing

The overshoot area of the strip shall be unobstructed by the fertiliser bin or any other structure.

## 1.6 SURFACE

Airstrip surfaces shall be smooth over the full area. The definition of smooth is that the airstrip is capable of being driven over in a motorcar at 80 kph in reasonable comfort.

## 1.7 LOADING AREA

The minimum loading area shall be 40 metres square, sloped to shed water away from the airstrip. The surface should be hard and smooth.

The loading area shall be secured against unwanted stock and visitors. Signs warning of loading operations shall be displayed at the end of the airstrip access road whilst the airstrip is in use.

## 1.8 FENCING

The airstrip and loading area shall be completely fenced so that stock can be reliably excluded. If the airstrip is contained within a larger well fenced paddock the area must be free of places where stock can be obscured. e.g. gullies, bush etc. This will permit a reliable aerial inspection to determine that no stock are present in the paddock.

Any fence situated at the take off end of the airstrip shall be placed so that the top wire of the fence is at least one metre below the airstrip surface.

All airstrips that do not comply with the optimum length detailed in Para 1.1 shall have the fence at the take off end of the airstrip removed prior to any aerial agricultural operations taking place from those airstrips.

## 1.9 FERTILISER BINS

To prevent the inclusion of stones or clods, which could present a hazard to persons or property when dropped, a concrete pad or similar surface from which fertiliser can be uplifted shall be provided.

The fertiliser bin opening should be a minimum of 4.6 metres.

## 1.10 AIRSTRIP REPORT

In order to maintain the standards detailed here and to assist in the application of the HSE Act, an airstrip and bin report form is to be prepared by the pilot and driver and submitted to the airstrip owner at the completion of each job. This form, a copy of which appears overleaf shall be completed in ink and in duplicate and the operator is responsible to hold the duplicate copies on file at the operator's base.

## APPENDIX 4

Glossary of Terms from [www.virtualrealty.co.nz/terms](http://www.virtualrealty.co.nz/terms).

- **Boundary:** The dividing line that separates adjoining properties.
- **Building Consent:** A local authority permit issued to an owner or occupier undertaking building work to ensure all work complies with relevant codes.
- **Caveat:** This indicates the rights or interests of a third party in the property. A caveat is a legal document which, when lodged in the Land Registry Office, gives the caveator the opportunity of protecting an existing right or of establishing an existing claim in property. The most common form of caveat is the caveat against dealings with the land concerned. In effect, while the caveat is in place, it forbids any dealings in the land from being registered.
- **Caveat Emptor:** ‘Let the buyer beware’. Examine the goods before buying.
- **Certificate of Title:** The document of title to the land held under the Torrens System of land registration. It consists of duplicate deeds stating the fact and extent of the interest held in the land. One copy is held by the Land Transfer Office and the other by the registered proprietor.
- **Conditional:** The status of an agreement for sale and purchase which is subject to specified conditions to be satisfied to make it binding.
- **Contract of Sale:** A legal document setting out terms/conditions the seller & buyer enter into when a sale takes place.
- **Controlled Activity:** Those activities where Resource consent will be granted but may or may not be subject to conditions imposed by the consenting authority.
- **Covenant:** An agreement or promise by deed by which one party pledges to another that something will be done or has been done, and relates generally to the relationship between vendor and purchaser or lessor and lessee. It is commonly used to control the quality and type of building or tenants within new developments.
- **Discretionary Activity:** Those activities where Resource consent may or may not be granted.
- **Easement:** A right which a person has to use land belonging to another in a particular manner without the right of possession of the land, or to take any part of the soil or its produce, or to prevent a landowner from using their land in a particular way. A common form of easement is the right of access over another's property.

- **Land Information Memorandum (LIM):** A report provided by a Local Territorial Authority on request. It provides details on any matters affecting the land including:

  - Compliance with resource management issues such as use, zoning, designations and building consents.
  - Details on utilities such as water, sewerage, stormwater and any possible hazards on the site.
  - Any outstanding charges and arrears
  - Compliance with the Building Act
- **Notification:** Notification of a resource consent application involves the placement of a public notice in the newspaper, notification of people most likely to be affected by the activity, including adjoining owners, and a sign at or near the property to indicate what is proposed.

In general terms, an application for a resource consent need not be notified if the activity to which it relates is a controlled activity and all affected parties provide written consent. Discretionary activities need not be notified if they are expressly permitted as such by a district plan, or a district authority is satisfied any adverse effects will be minor and written consent is obtained from adversely affected parties.
- **Permitted Activity:** Those activities that are permitted as of right under a District Plan and for which no consent is required.
- **Prohibited Activity:** Those activities that are prohibited under a district plan and for which no Resource consent can be granted.
- **Project Information Memorandum (PIM):** A Project Information Memorandum (PIM) can be obtained from a Local Territorial Authority and serves to alert prospective builders and developers of issues relating to the location of buildings and how the use of those buildings may affect services to them. A PIM is provided for under the Building Act 1991 and includes all information or requirements that could affect the construction of a proposed building including:

  - Location of services
  - Permitted footpath crossing points
  - Geological history
  - History of flooding
  - Other approvals required from the local authority
- **Property:** Refers to land with or without improvements.
- **Resource Consent:** A local authority permit issued to enable a property owner or occupier to carry out an activity on the property that is not permitted as of right under a local District Plan.

- **Riparian Rights:** Rights of access to and use of natural waterways, rivers, streams and coastline etc.
- **Title:** This is the person's name that the home is legally registered to.
- **Title Search:** Investigating or examining the title to land to determine if the seller has the right to transfer ownership. This type of search reveals the owner's names and any other details relating to the existence of any restrictive covenant, mortgage or caveat on the property title.

## APPENDIX 5

### Code of Practice for Fertiliser Use 1998 (updated 2003)

- 5.1. The target application site should be clearly specified, and users shall ensure that fertiliser is confined to the application site.
- 5.4 Prior notification should be given where fertiliser application may directly affect third parties. It is recommended that third parties be consulted on the method of application timing and effects.
- Fact sheet 7. Application equipment and fertiliser type should be set to maximum amount being dropped on application area.
- Fact sheet 13. The ideal outcome (would be to have) no fertiliser applied outside the application area.
- Addendum 2. Application of fertiliser can affect... people outside the immediate area. (Any) concerns should be addressed. Fertiliser users have a right to apply fertiliser but along with that go an obligation to do so responsibly.

## APPENDIX 6

An actual example of operating costs and returns associated with an airstrip in hill country Hawkes Bay.

Value of strip	\$30000 (approx)
Tonnes applied by district	550 t
Tonnes applied by farmer	70 t
Funds received from airstrip use at 3.50/t	\$1680
Costs -to maintain track	<u>\$1250</u>
Income	\$430
Less tax at 33%	
<b>Net income</b>	<b>\$288</b>
<b>Annual rate of return</b>	<b>&lt;1%</b>
This excludes hidden costs such as:	
Days of lost grazing	7-10 days/year
Unable to graze cattle on strip when fertiliser is in bin.	20-30 days/year
Additional management to muster stock off strip	10-12 times/year