



Submission to the Environment Select Committee on the Planning Bill

13 February 2026

About the Aviation Industry Association

The Aviation Industry Association (AIANZ) is the peak industry body that represents the interest of the commercial aviation industry in New Zealand. Founded in 1950, its overall goal is to support a safe, sustainable and resilient sector in New Zealand.

The Association's role is primarily a policy one that is supported by evidence-based advocacy and lobbying of Government and their agencies. We support members in regulatory matters, advancing professionalism in all safety matters while being recognised as the voice of commercial aviation.

The Association is organised into six divisions that sit under the umbrella of the Aviation Industry Association:

- New Zealand Agricultural Aviation Association (NZAAA)
- New Zealand Helicopter Association (NZHA)
- Unmanned Aerial Vehicles Association (UAVNZ), also known as the Commercial Drone Association
- Training and Development
- Service, Supply and Engineering Division (SSE)
- Operations (including scheduled airlines and tourist flight operators).

The aviation industry is critical to local regions and NZ's economy and social wellbeing by supporting primary production and biodiversity, responding to biosecurity threats and adverse events and supporting the maintenance and repair of critical infrastructure.

The Association is actively involved in regional and district planning processes across New Zealand, particularly through NZAAA and NZHA where their activities interface with activities which councils seek to regulate. This involvement has identified key deficiencies with the current planning approach under the RMA including inconsistencies between districts and regions, a lack of understanding of aviation activities and the need to be actively involved in every planning process across New Zealand. These activities are time intensive to effectively achieve the same outcome in districts and regions across the country.

Submissions

1. General support

The Aviation Industry Association (AIANZ) welcomes the opportunity to make a submission on the Planning Bill and in general supports the approach in the Bill.

In particular the Association supports:

- The goals which include enabling economic growth, which would include growth of the primary sector;
- The intent for greater national direction under the Planning Bill.

2. Purpose

Clause 4 sets out the purpose for the Planning Bill:

The purpose of this Act is to establish a framework for planning and regulating the use, development, and enjoyment of land.

Throughout the bill provisions refer to the use and development of land, but do not include 'enjoyment' (such as Clause 11 Goal (1b)).

It is unclear what 'enjoyment' of land is intended to mean and how it would be implemented through the legislation. Enjoyment of land is subjective and will vary greatly. Clause 14 of the bill limits the effects that are outside the scope of the Act including visual amenity and views. These are matters that could be considered important for the enjoyment of land but are excluded from consideration. Therefore the extent to which enjoyment of land is a factor for consideration is limited.

Recommendation: Delete 'enjoyment' from the Purpose of the Bill:

The purpose of this Act is to establish a framework for planning and regulating the use **and** development, ~~and enjoyment~~ of land.

3. Goals

The goals in the Bill are intended to define the outcomes the planning system is trying to achieve.

Clause 11 sets out nine goals including:

- *to ensure that land use does not unreasonably affect others, including by separating incompatible land uses*
- *to support and enable economic growth and change by enabling the use and development of land*
- *to create well-functioning urban and rural areas*

AIANZ supports these goals. A well-functioning rural area will require ensuring that activities necessary to create that environment are enabled by the legislation. Many conflicts within rural areas arise from inappropriate location of incompatible land uses and a goal of separation is supported. However, in many cases such incompatible land uses already exist so the goal should also seek to manage reverse sensitivity effects from such activities. Managing such effects are critical for a well-functioning rural area, where competing objectives for the use of land can seek to limit legitimate and appropriate land uses, such as primary production, in the rural area.

Recommendation: Amend Goal a):

*to ensure that land use does not unreasonably affect others, including by separating incompatible land uses **and managing reverse sensitivity effects**.*

4. National Policy Direction

The Planning Bill includes provision for greater national policy direction in planning matters.

The main purpose of national policy direction (Clause 54) is to particularise the goals and direct how they must be achieved. Clause 55 sets out the content of national policy directions.

The national policy direction will be implemented through the national standards and land use plans.

AIANZ generally supports this approach.

It is noted that the national policy direction, which is to be made by the Minister, sits outside the Act and at this point in time it is unclear what that direction may contain and the level of direction to be made.

Given the pivotal importance of national policy direction to the whole framework in the Planning Bill it is imperative that there is clarity and certainty in the national policy direction to be implemented.

Recommendation:

Ensure clarity as to how national policy direction will be developed.

5. National Standards

Clause 58-62 provide for national standards.

The purpose of national standards includes:

- *Implement national policy direction*
- *Provide procedural or administrative consistency*
- *To provide regulatory consistency*
- *To provide specific direction on how a goal is to be achieved in relation to a matter that is not covered by a national policy direction.*

Regulatory consistency means consistency in how an activity or its effects is regulated nationally or within or across districts, regions or any specified area.

AIANZ supports the use of national standards for the above purposes.

In particular, AIANZ supports the use of national standards to achieve regulatory consistency. As outlined above the industry is having to be involved in multiple planning processes to try and achieve consistency of provisions between districts and regions.

A national standard for agricultural aviation activities would ensure that there is regulatory consistency without the need for involvement in multiple planning processes. Such a standard would be based on technical knowledge and awareness of the aviation activity and provide consistency for operators who work in multiple regions and districts across the country.

Likewise a national standard for temporary helicopter activities which support critical infrastructure, disaster relief, conservation activities and biosecurity responses would ensure that there is regulatory consistency in provisions for these important activities. Such activities should not need to be subject to multiple plan processes across the country.

Recommendation:

Retain the provisions for national standards in the Planning Bill.

6. Effects

Clause 14 sets out effects outside the scope of the Planning Bill.

This clause narrows the scope of effects from the RMA.

AIANZ supports this approach.

Many of the effects that the aviation sector encounter relate to noise, particularly reverse sensitivity effects and so the industry seeks to ensure provisions in the bill that will enable provision of aerial services to communities without significant impositions due to reverse sensitivity effects.

Recommendation:

Inclusion of managing reverse sensitivity effects as a goal of the bill as sought in 3 above.

7. Existing use rights

Clause 20 provides for certain existing land use to be allowed providing the use is the same or similar in character, intensity and scale to those that existed before a rule came into force. However, provisions enabling existing use rights are limited if a land use has been discontinued for a continuous period of more than 12 months.

AIANZ supports the application of existing use rights but is concerned about the application of a 12 month limitation for intermittent land uses. Use of rural airstrips on farms occur intermittently, and not necessarily within a 12 month period, particularly if there is a down-turn in the rural economy and application of fertiliser is constrained.

If rural airstrips are considered to be included as part of a primary production activity (as defined in the National Planning Standards) then the land use time limitation would not be an issue. However, if a council determined that a rural airstrip is a separate and specific land use then the time limitation would be an issue. Experience from involvement in a range of planning processes indicates that councils have a range of views on the status of rural airstrips so this could be a significant issue in some districts.

Recommendation:

Ensure that existing use rights can apply to activities that are intermittent and occur less frequently than 12 months.

8. Noise

Managing the effects of aircraft noise is an important consideration for AIANZ, particularly for short term intermittent activities such as agricultural aviation and temporary commercial helicopter operations.

There are a number of provisions throughout the Planning Bill that will assist to ensure that the effects of noise from such activities can be appropriately managed and so enable the use of land for aircraft landings and take-offs.

These provisions include:

- Clause 17 (3) Restrictions on land use only applies to overflying by aircraft to the extent that the noise emission controls for airports are prescribed by a national rule or a rule in a plan. Therefore aircraft in flight are generally not controlled by restrictions on land use.
- Clause 247 Meaning of excessive noise does not include aircraft being operated during, or immediately before or after flight
- Definition of best practicable option in relation to emission of noise list matters to which regard is to be given. AIANZ supports the approach to consider:
 - a) The nature of the emission and sensitivity of the receiving environment
 - b) Financial implications and effects on the built environment
 - c) The current state of technical knowledge and the likelihood that the option can be successfully applied.
- Clause 24 Duty to avoid unreasonable noise requires application of the best practicable option to ensure the noise emissions do not exceed a reasonable level, but a national rule or a rule in a plan setting emission controls is not prevented.

It is noted that there is no definition or meaning for 'unreasonable noise'. The meaning of excessive noise does not include aircraft being operated during, or immediately before or after flight. For consistency AIANZ considers that unreasonable noise should also include such an exemption.

Recommendation: Include a meaning for unreasonable noise, including an exemption for aircraft being operated during, or immediately before or after flight.

9. Monitoring and enforcement

Part 6 of the Planning Bill addresses enforcement and other matters.

AIANZ is concerned about the enforcement provisions and the application of strict liability (Clause 258).

Under the RMA there have been inconsistent approaches to enforcement by regional and district councils, with some taking a punitive approach in applying strict liability in enforcement actions. Others take a 'fair and reasonable' approach including education and only use enforcement when all other reasonable avenues have been exhausted.

Such inconsistent enforcement approaches creates uncertainty for aircraft operators which threatens the ability of the commercial aviation industry to support the primary sector.

Recently an aerial operator was convicted under the RMA strict liability provisions in circumstance where they were unaware they were breaching the Act, the landholder admitted they neglected to advise the operator of the area that was to be excluded from treatment and the effects were minor. With the new offences this could result in an unfair and unreasonable punishment.

AIANZ seeks tiered levels of culpability based on intent and effects. The Planning Bill appears to broaden the enforcement and liability provisions through the infringement and declaration-type offences and to correspondently align penalties. However it is considered that for clarity there should be an explicit tier offence system included in the Bill.

Recommendation:

Explicitly include within the bill a tiered approach for enforcement:

- Higher end offences for the most serious environmental offending including strict liability
- Mid-range offences where level of environmental harm is limited but more than minor
- Minor offences for lower level non-compliance effects that are less than minor where strict liability would not apply.

10. Insurance against fines

Clause 287 of the Bill makes it illegal to insure against fines or infringement fees under the Act. The RMA was also recently amended to contain such a provision. AIANZ opposes this provision.

We acknowledge that in some cases, it is not appropriate for an insurance company to pay a fine. Such cases include wilful negligence and where the breach is done for commercial gain, noting that many insurance companies already exclude coverage for such circumstances. Businesses should be able to insure for risks outside their control.

Recommendation:

AIANZ seeks that the restrictions on insurance against fines is limited to cases of wilful negligence.

AIANZ thanks the committee for the opportunity to submit on the Planning Bill and would welcome the opportunity to present when the committee has hearings on these submissions.

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