

1 February 2024

Waimakariri District Council  
215 High Street  
Rangiora

Tēnā koe

## **Proposed Waimakariri District Plan – Hearing Stream 10A**

### **1 Introduction**

Fulton Hogan Limited (Fulton Hogan) made further submissions in opposition to a suite of provisions proposed by Christchurch International Airport Limited (CIAL) relating to bird strike. The key points of Fulton Hogan's submission are:

- The Independent Hearings Panel that considered the Christchurch Replacement District Plan concluded that a bird strike management area extending 3 km from the end of the CIAL runways was appropriate and no more.
- A number of potential bird attracting activities could be established on other sites as of right within Christchurch City Council territorial boundaries, which means the requested amendments would create an inconsistent planning system for effects on airport operations between districts.
- The CIAL proposal seeks to unduly limit activities that are a considerable distance from Christchurch International Airport.
- The 13km radius for bird strike provisions proposed by CIAL is therefore inappropriate.

This letter provides a brief summary of evidence presented on behalf of Fulton Hogan at this hearing in relation to bird strike risk, the S42A reporting officer's (s42A officer) position on the issue, and provides Fulton Hogan's overall position.

### **2 Evidence**

Tim Ensor (Planner) provided evidence on behalf of Fulton Hogan in Stream 1 of these hearings in relation to the new definition of 'Bird Strike Risk Activities' proposed by CIAL. In his evidence Mr Ensor concluded:

*"While aspects of CIAL's proposal may be appropriate in isolation, the definition of Bird Strike Risk Activity impacts the whole of the proposed bird strike risk framework creating an unreasonably restrictive set of rules. This is especially the case given that the Waimakariri River and a number of artificial water bodies exist within the 13 km buffer proposed. Based on the rationale of the IHP [Independent Hearings Panel] through the Christchurch Replacement Plan process, my view is the framework surrounding bird strike as a whole is not the most appropriate option for achieving the purpose of the Resource Management Act 1991."*<sup>1</sup>

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<sup>1</sup> Evidence in chief of Timothy Alistair Deans Ensor of behalf of Fulton Hogan Limited, Stream 1: Definitions, Strategic Direction and Urban Form and Development, 1 May 2023, Paragraph 25.

### 3 Section 42A report

#### 3.1 General comments

The s42A reporting officer (s42A officer) has addressed the CIAL submission points as a 'suite of provisions'. As a general comment, the s42A officer states:

*"...I [...] have difficulty with the relative merits of several aspects of CIAL's submission relating to bird strike."<sup>2</sup>*

The s42A officer also draws the overall conclusion *"...that the 'suite' of CIAL's requested amendments regarding bird strike be rejected."<sup>3</sup>*

#### 3.2 Bird Strike Management Areas

In relation to the proposed 'Bird Strike Management Areas' (areas within 3 km, 8 km and 13 km of the runway thresholds), the s42A officer states:

*"The vast majority of the areas within the 8km and 13km circles – and related land use controls – would lie within Christchurch and Selwyn Districts and be much closer to the Airport than in Waimakariri District. However, as I noted earlier, the 8km and 13km circles and related land use controls do not exist in the Christchurch and Selwyn District Plans. Therefore, in my opinion, the potential imposition of the 8km and 13km circles and related land use controls in Waimakariri District, when they are absent in the Christchurch District Plan, and when there is only one rule in the Partially Operative Selwyn District Plan relating to the 13km circle, does not make sense."<sup>4</sup>*

The s42A officer also makes the point that the Christchurch District Plan contains limited rules relating to bird strike risk management in the 3 km area, and lists fish processing and packing plants, abattoirs and freezing works, new stormwater basins or any new permanent waterbody greater than 500 m<sup>2</sup>, as permitted activities (subject to conditions).<sup>5</sup> These comments highlight the inconsistency that would arise should CIAL's suite of provisions be adopted in the Waimakariri District.

#### 3.3 Bird Strike Risk Activities

The s42A officer makes the point that the activities listed by CIAL as Bird Strike Risk Activities *"may be very difficult to monitor and enforce"<sup>6</sup>* and provides the following example which is of particular relevance to Fulton Hogan:

*"... item b. refers to "excavation works, including quarrying, which result in ponding exceeding 100m<sup>2</sup> or more of open water, for more than a continuous 48 hour period". The proposed area is relatively small and the proposed timeframe relatively short. By comparison, during periods of heavy or prolonged rainfall, farm paddocks north of Lineside Road are locally known to become inundated with stormwater and the area and duration would often well exceed the parameters proposed by CIAL and may occur several times a year."<sup>7</sup>*

These observations further highlight the potential cross boundary inconsistencies that might arise from introducing CIAL's suite of provisions into the Waimakariri District Plan.

The s42A officer is also of the opinion that *"the Proposed Plan already contains sufficient control over some of the activities CIAL consider 'bird strike risk activities'".<sup>8</sup>*

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<sup>2</sup> Officer's Report: Christchurch International Airport Ltd – Airport Noise Contours and Bird Strike, paragraph 165.

<sup>3</sup> Ibid, Paragraph 186.

<sup>4</sup> Ibid, Paragraph 174.

<sup>5</sup> Ibid, Paragraph 170.

<sup>6</sup> Ibid, Paragraph 179.

<sup>7</sup> Ibid, Paragraph 180.

<sup>8</sup> Ibid, Paragraph 182.

#### **4 Fulton Hogan's position**

Fulton Hogan has spent considerable time contemplating the issue of bird strike risk as it relates to quarrying activities through the Christchurch Replacement District Plan, and proposed Selwyn District Plan process. This issue was also given considerable thought through the consenting process for Fulton Hogan's Roydon Quarry (in the Selwyn District) where CIAL sought to control activities at the site approximately 8 km from the end of the runway.

The s42A officer discusses a number of the issues Fulton Hogan has identified in its submission and through the plan development and consenting processes identified above. After considering the s42A officer's reasoning, Fulton Hogan is supportive of the conclusion to reject the suite of CIAL's requested amendments. Therefore, Fulton Hogan remains of the opinion that the suite of provisions is inappropriate in the context of surrounding land use controls, may unduly limit activities that are a considerable distance from Christchurch International Airport, do not represent sustainable management and is contrary to the purpose and principles of the RMA.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Helen Caley', with a stylized flourish at the end.

**Helen Caley**  
**National Resource Consents Planner**