

**Before the Hearings Panel
At Waimakariri District Council**

Under Schedule 1 of the Resource Management Act 1991

In the matter of the Proposed Waimakariri District Plan

Between **Christchurch International Airport Ltd**
Submitter

And **Waimakariri District Council**
Territorial authority

Joint Witness Statement (Planning) in relation to Bird Strike Risk

Date: 21/03/2024

INTRODUCTION

- 1 This Joint Witness Statement (JWS) records the outcome of conferencing of planning expert witnesses in relation to potential bird strike risk to aircraft using Christchurch International Airport from land use activities in Waimakariri District. The planning witnesses that prepared this JWS are:
 - a. Mr John Kyle – representing Christchurch International Airport Ltd (CIAL); and
 - b. Mr Neil Sheerin – representing Waimakariri District Council (District Council).
- 2 In undertaking conferencing and preparing this JWS the planning witnesses have continued to abide by the Code of Conduct for Expert Witnesses contained in the 2023 Practice Note issued by the Environment Court.

DIRECTION FROM HEARINGS PANEL

- 3 In Minute 20 the Panel directed conferencing to occur on the following ecological and planning questions relating to bird strike, and to provide JWS' no later than 4pm on Friday 22 March:

Q1 – What are the types of activities that may generate bird strike effects and what is the best management approach(es) in respect of those activities? (Ecological)

Q2 – What is the most appropriate approach, including provisions if any, for managing the potential effects of bird strike in the Proposed District Plan, taking into account other non-regulatory methods and the nature and activity status of the activities that may generate bird strike effects? (Planning)

CONFERENCING

- 4 Ecological experts Dr Rachel McClellan (on behalf of the District Council) and Dr Leigh Bull (on behalf of CIAL) carried out conferencing **with respect to Q1** and prepared a separate Ecological JWS dated 13 March 2024. The witnesses in this Planning JWS have taken into account the opinions expressed in the Ecological JWS.
- 5 Conferencing between planning expert witnesses **with respect to Q2** is summarised below.
- 6 Mr Sheerin does not consider the Proposed Plan need include any rules relating to bird strike risk, for the reasons discussed in section 3.4 and Appendix C of his s42A report. Mr Sheerin

considers the most appropriate approach to managing bird strike risk to aircraft using Christchurch International Airport, is non-statutory Canterbury-wide multi-agency management approaches outside the District Plan, along with existing on-Airport bird strike risk management. Mr Sheerin considers this approach will be more flexible and responsive and therefore more effective than district plan regulation, and notes this is supported by Dr McClellan in the Ecological JWS.

7 Mr Kyle agrees that the matters identified by Mr Sheerin are important methods for managing bird strike risk. However, for the reasons set out in section 8 of his evidence dated 1 February 2024, Mr Kyle holds the opinion that it is also an important corollary for the Proposed Plan to include suitable management methods where land use activities give rise to potential bird strike risk.

8 Mr Sheerin notes that in the Ecological JWS, the only activity in CIAL’s proposed definition for “*bird strike risk activities*” the two ecological experts both agree should be regulated within the District with respect to bird strike risk, is new “*waste management facilities*.” This is listed in CIAL’s proposed definition alongside “*composting facilities*.” On this basis, Mr Sheerin considers the Proposed Plan could include an assessment matter applicable to these two activities only, such as the following (or words to similar effect):

“Whether any proposed new waste management facility or composting facility has a bird strike risk management plan prepared by a suitably qualified and experienced ecologist with experience in bird strike issues to demonstrate the activity will be designed, operated and managed to minimise the attraction of bird species (such as black-backed gulls) that may pose a bird strike risk to aircraft.”

9 Mr Sheerin considers the parts of the District where these two activities are likely to occur, based on experience, are the Rural Zones and the Industrial Zones. In the Proposed Plan, new waste management facilities and composting facilities are discretionary activities in the General Rural Zone (rules GRUZ-R31 and GRUZ-R32) and in the Rural Lifestyle Zone (rules RLZ-R32 and RLZ-R33). In the Industrial Zones (Light, General, and Heavy), these activities are not specifically provided for, so would likely be discretionary activities in these zones also (rules LIZ-R17, GIZ-R16 and HIZ-R13).

10 On this basis, Mr Sheerin considers if the above assessment matter was adopted, it should be included in the ‘Matters of Discretion for all Rural Zones’ and in the ‘Matters of Control or

Discretion for all Industrial Zones' as a new assessment matter under the heading "New Waste Management Facilities or Composting Facilities."

11 Mr Kyle supports the above assessment matter, but considers its applicability should be broadened to also apply to all the other activities Dr Bull considers in the Ecological JWS should be regulated in the District with respect to bird strike risk within 13km of the runway thresholds at Christchurch International Airport (not supported by Mr Sheerin or Dr McClellan). Based on CIAL's proposed definition for "bird strike risk activities" and the Ecological JWS, these other activities are:

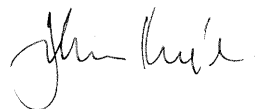
- a. "commercial pig farming, or cattle feed lots" ;
- b. "fish and commercial food processing activities with external food storage or waste areas accessible to birds" ;
- c. "sewage treatment and disposal facilities" ;
- d. "abattoirs and freezing works" ;
- e. 'permanent artificial water bodies greater than 1000m²'.

12 Mr Sheerin notes that, as discussed in section 3.4 of his s42A report, the activities listed in paras 11 a. to e. above are not currently defined in the Proposed Plan and, as indicated in his preliminary response to Panel questions, considers developing definitions would likely be difficult for a range of reasons. In the absence of appropriate definitions and related rules, Mr Sheerin considers the activities listed in paras 11 a., b., d., and e. above would likely be discretionary activities in most zones; the activity in para 11 c. above would likely be provided for under District-wide Energy and Infrastructure rule EI-R46 if the relevant terms of the rule were met, otherwise would be either a restricted discretionary or discretionary activity.

Date: 21/03/2024



.....
Neil Sheerin



.....
John Kyle