

BEFORE THE WELLINGTON CITY COUNCIL

IN THE MATTER OF of the Resource Management Act 1991

AND

IN THE MATTER OF The Wellington City Proposed District Plan

**SUMMARY STATEMENT OF EVIDENCE BY KIRSTY O’SULLIVAN ON BEHALF OF
WELLINGTON INTERNATIONAL AIRPORT LIMITED**

WRAP UP HEARING

(SUBMITTER 406, FURTHER SUBMITTER 36)

8 November 2024

1. EXECUTIVE SUMMARY

1.1 My name is Kirsty O’Sullivan.

1.2 This statement of evidence relates to the Wrap Up hearing.

Definitions of Regionally Significant Infrastructure and Upgrading

1.3 In response to my evidence in chief, the section 42A reporting officer (Mr Sirl) has made various amendments to the definitions of regionally significant infrastructure and upgrading. As these directly respond to and address the concerns raised in my evidence in chief, I support these recommendations.

Reconciliation of Moa Point Seawall Provisions

1.4 Mr Sirl has reiterated through his rebuttal evidence that he does not agree that the Natural Open Space Zone policy provisions require specific recognition of the Moa Point Seawalls (specifically, NOSZ-P8 as included in the Hearing Stream 7 Right of Reply).

1.5 This remains a point of difference between us. As set out in my evidence in chief, I consider that this policy recognition is necessary. While I acknowledge and agree with Mr Sirl’s view that “... a single policy should not be considered in isolation”, the policies within the Natural Open Space Zone are, on my read, reasonably prescriptive and detailed. For example, the chapeau of the policies relating to “potentially compatible activities” and “potentially compatible buildings” (refer NOSZ-P5 and P6) use language such as “only allow” activities, buildings and structure “where it can be demonstrated that they will be compatible with the character and amenity values of the Zone” (and having regard to some listed matters).

1.6 As set out in WIAL’s evidence with respect to Hearing Stream 7, the Natural Open Space Zone is not a good fit for the Moa Point Seawall Area. As such, directive policies that require compatibility with the character and amenity values of the zone presents potential difficulties for the Southern Seawall Renewal project and beyond. I therefore maintain the view that the policy

recognition within the Hearing Stream 7 Right of Reply for the Natural Open Space Zone should be retained as these policies will form part of the consideration for future resource consents.

Bird Strike Management

- 1.7 I have reviewed both Mr Sirl and Ms McClellan’s rebuttal evidence relating to WIAL’s proposed birdstrike management provisions.
- 1.8 Rather than respond to every point, I wish to focus on what I consider to be the more significant matters, including:
 - 1.8.1 The radii proposed to be used;
 - 1.8.2 Commentary around “existing land use” and the “likelihood” of future land use activities.
 - 1.8.3 The suggested exclusion for waterbodies over 1000m² from the definition of “bird strike risk activity”; and
 - 1.8.4 The proposed rule structure.
- 1.9 I note Mr Sirl and Ms McClellan’s criticism around the lack of evidence for an 8km and 13km management area. This matter has been clarified by Mr Howarth who has rectified an error in his evidence in chief that may have caused some confusion for Mr Sirl and Ms McClellan.
- 1.10 On review of Ms McClellan evidence, it appears that in principle, she can support the use of a 3km management radius. In reaching this view, she has set out that this is where almost all incidents occur. She notes that this is also consistent with her position in both the Christchurch and Waimakariri District Plan Review processes. However I understand the latter is still under review and this very matter as to the appropriate management radius to use was a key point of difference between Ms McClellan and Christchurch International Airport’s expert ecologist, Ms Bull.

- 1.11 As noted by Mr Anderson, the adoption of a 3km radius would only focus on where the majority of incidents occur as opposed to the point of origin of the birds as well. In other words, the actual physical bird strike may be occurring within the 3km radius but the birds themselves may be originating from land use activities outside of this perimeter.
- 1.12 For this reason, and given the significance of the potential consequences (ranging from inconvenience and costs through to a more catastrophic outcome), I maintain the view that a wider radius is appropriate. The 8km radius for the vast majority of the bird strike risk activities is derived from Mr Howarth's evidence.
- 1.13 Ms McClellan and Mr Sirl have both also expressed some views around the land use activities around Wellington being reasonably stable and thus there may not be a need to regulate some activities. There is also discussion around the low likelihood of bird strike risk activities establishing within the 3km and 8km radius owing to the current land use and zoning.
- 1.14 In my view, District Plans are inherently forward looking. While land use zoning provides a steer as to what types of activities may predominantly occur in given areas of the District (and thus within the different radii), this does not preclude "out of zone" activities occurring. Such zoning does not necessarily preclude other activities and hence why resource consents are obtained and why planners often refer to ensuring "consenting pathways" are available for different but compatible activities.
- 1.15 As I have noted in my evidence in chief, most of the listed bird strike risk management activities will require a resource consent as they are not readily anticipated in most land use zones. This does not mean they will not be sought. The birdstrike risk management provisions are therefore being proactive at managing future potential land use activities or changes to existing activities.

- 1.16 As an example, an evolving area of land use planning that is increasingly being encouraged by Council and the Regional Council is the use the nature based solutions or green infrastructure. Such concepts are embedded within this Proposed Plan and directly referred to in Plan Change 1 to the Greater Wellington Natural Resources Plan. It is therefore feasible that there could be an uptake in such activities with new waterbodies created for stormwater management purposes for example. As discussed by Mr Anderson, waterbodies could create habitat for waterfowl to colonise, potentially increasing the risk of bird strike. This also demonstrates why it is appropriate to retain the reference to new waterbodies over 1000m² within the definition of bird strike risk activity.
- 1.17 I also note Mr Sirl’s observations that WIAL’s proposed new rule does not seek to manage all land use activities that could potentially attract birds to the site. As acknowledged in my evidence in chief, it is not practical for a District Plan to manage every potential bird attracting activity. The proposed approach therefore focuses on the key attractants as an efficient and effective way of reducing any potential increase in bird strike risk. WIAL is also limited by the scope of its submission. That is, even if reserves or schools were to be included, the submission does not provide for this.
- 1.18 With respect to the rule structure, Mr Sirl has recommended changes to the rule that would make the following bird strike risk activities a restricted discretionary activity:
- 1.18.1 Marine food processing activities, abattoirs or freezing works within a 3km radius of the airport; and;
 - 1.18.2 Landfills, waste management facilities, composting facilities and sewage treatment and disposal activities (with no defined perimeter boundary).
- 1.19 My preference would be for a discretionary activity to apply to landfills, therefore elevating the “risk” they present above the other forms of bird strike

risk activities, particularly given the evidence presented by both ecological experts and Mr Howarth regarding black backed gulls / karoro.

1.20 I accept however, that if the matters of discretion are appropriately drafted, then a restricted discretionary activity status, as proposed by Mr Sirl, maintains an ability for the effects to be appropriately assessed and managed. I therefore could accept a restricted discretionary activity status for all bird strike risk activities.

1.21 My recommendation is the rule structure would therefore generally follow Mr Sirl’s recommended structure, subject to the following amendments which seek to reintroduce waterbodies as a bird strike risk and broaden the 3km radius to 8km:

INF-R25	Bird strike risk to Wellington Airport
All zones	<p>1. Activity status: Restricted Discretionary</p> <p>Where:</p> <ul style="list-style-type: none"> a. Any Bird Strike Risk Activity that is a marine food processing activity with external food storage or waste areas accessible to birds or abattoir of freezing works <u>or a permanent artificial water body resulting in a surface area exceeding 1000m²</u> and is proposed within a <u>38</u>km radius of the thresholds of the runways at Wellington International Airport (as shown the planning maps – <u>3 8</u> km Bird Strike Risk Activity management area); or b. Any Bird Strike Risk Activity is a landfill, waste management facility or compositing facility (excluding cleanfill), or c. Any Bird Strike Risk Activity is a sewage treatment disposal facility. <p>The matters of discretion are:</p> <ol style="list-style-type: none"> 1. The extent to which the proposed activity will be designed, operated and managed to avoid attracting bird species which constitute a hazard to aircraft. 2. Whether a bird management plan has been prepared by a suitably qualified ornithologist that describes how the activities will be managed on site to minimise potential bird strike risk at Wellington International Airport, and whether

		consultation has been undertaken with the Airport Authority and feedback integrated into the bird management plan; 3. The matter set out in INF-P7.
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1.22 I also recommend that the definition of bird strike risk activity include waterbodies over 1000m².

Kirsty O’Sullivan

8 November 2024