

**BEFORE THE COMMISSION
APPOINTED BY THE OTAGO REGIONAL COUNCIL**

UNDER the Resource Management
Act 1991 (RMA)

IN THE MATTER Of an application by Dunedin
City Council for resource
consent being processed with
reference RM20.280

BY **DUNEDIN INTERNATIONAL
AIRPORT**
Submitter

STATEMENT OF EVIDENCE OF RICHARD ROBERTS

DATED 6 MAY 2022



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STATEMENT OF EVIDENCE OF RICHARD ROBERTS

1. My name is Richard Roberts. I am the Chief Executive Officer of Dunedin International Airport Limited (**DIAL**). I am responsible for the implementation of DIAL's overall strategic direction, company capability (including human resources and culture), operational systems, infrastructure, and financial management.
2. I hold a first-class honours degree in engineering and business studies from Sheffield Hallam University in the United Kingdom.
3. I joined the Airport as General Manager of Infrastructure and Service Delivery in 1999 and was appointed CEO 2015. I report directly to the DIAL Board of Directors. DIAL is jointly and equally owned by the Crown and the Dunedin City Council.
4. The purpose of this evidence is to set out the background to the DIAL's concerns with the application including:
 - (a) Aviation Safety
 - (b) Part 139 certification
 - (c) Wildlife hazard management
 - (d) Section 42A report, and
 - (e) Land use controls.
5. I have read the evidence of the DCC and in particular the evidence of its CEO Sandy Graham and bird hazard expert Phil Shaw.

DIAL's position

6. Given the ownership of DIAL, it is uncomfortable for DIAL to oppose a public infrastructure project being advanced by the DCC. DIAL would not be here if we were not seriously concerned for the future of Dunedin Airport.

7. DIAL was not consulted in the original site selection of Smooth Hill, but we have been consulted since 2019 as Sandy Graham has explained. DIAL was completely unaware of the Smooth Hill designation in the District Plan. DIAL would have opposed it if we had known about it. Since 2019, DIAL has consistently made its concerns about the Smooth Hill site known to DCC.
8. In recent months, since the involvement of Phil Shaw (at DIAL's request), considerable progress has been made.
9. DIAL's position remains that no increase in existing aviation hazard from bird strike is acceptable. To that end, and for the reasons Mr Shaw explains, we have sought the complete exclusion of material from Smooth Hill that might attract birds to the site. The proposal set out in the evidence has not yet reached that point.

Aviation Safety

10. DIAL is committed to making safety and security our number one priority. To operate DIAL must maintain its Civil Aviation Authority Part 139 certificate.
11. In addition the requirements of Part 139 certification, DIAL must comply with:
 - (a) Civil Aviation Act 1990
 - (b) Airport Authorities Act 1966
 - (c) Civil Defence Emergency Management Act 2002
 - (d) Health and Safety at Work Act 2015
 - (e) Civil Aviation Rules

Part 139 Certification

12. Part 139 Certification requires the Airport to be operated in a way that complies with safety and security rules which specify everything from the physical requirements on the site to the obligation to manage off-

site risks including wildlife hazard and to participate in planning processes which have the potential to increase this risk.

13. In particular Civil Aviation Rule Part 139.71 requires as part of certification:

An applicant for the grant of an aerodrome operator certificate must, if any wildlife presents a hazard to aircraft operations at the aerodrome, establish an environmental management programme for minimising or eliminating the wildlife hazard.

14. This places a positive obligation on DIAL to take steps to minimise or eliminate wildlife hazard, whether on the aerodrome or off it. DIAL does not have the power to directly regulate wildlife hazards on land that DIAL does not own, so our only means of exerting influence is taking part in planning processes like this one.
15. Reverse sensitivity effects which increase wildlife risk jeopardise DIAL's ability to retain its certification and therefore to operate.

Wildlife Hazard Management

16. The CAA provides guidance on wildlife hazard management in *Advisory Circular 139-16 Wildlife Hazard Management at Aerodromes*. The Advisory Circular places particular emphasis on the role of Operators in planning processes:

Particularly severe problems arise when birds make regular flights across an aerodrome (e.g., when they fly between roosts and feeding areas). The greatest problem at many aerodromes is the presence of one or more waste disposal sites near the aerodrome. These facilities provide food for many birds, mainly gulls, which may then use adjacent aerodromes as loafing and resting sites.

Therefore, it is crucial aerodrome operators make submissions during urban planning or district scheme reviews and work with local authorities to ensure bylaws are established, so municipal authorities know that such activities influence bird populations, which can be hazardous to air transportation if near an aerodrome and approach or take-off flight paths for aircraft.

17. This is the very situation we now find ourselves in. The application seeks to site a Class 1 landfill that can accept putrescible waste 4.5 kilometres from the airport under a flight path.

18. On the Applicant's own evidence, without mitigation, the proposed activity carries a very high risk of bird-strike.
19. In the circumstances the guidance is clear. DIAL is obliged to raise these issues in planning processes so that the extent of bird-strike risk can be considered and addressed.

DCC proposed Conditions (evidence of Maurice Dale)

20. The draft conditions appended to Mr Maurice Dale's evidence go a long way to meeting our concerns. But there remain two outstanding issues of fundamental importance:
 - (a) The ability to receive "highly odorous waste"- condition 43. DIAL accepts that receiving wastewater treatment biosolids and screenings can be managed and form a vital part of the DCC's functions as a Council. However, receiving commercial loads of animal remains, waste from meat processes, woolscour, tannery, and fellmongery waste, and fish waste are all products that must be taken elsewhere to other commercial waste disposal operators. It is hard to imagine a waste stream more attractive to black back gulls.
 - (b) Condition 75 and Attachment 3. Attachment 3 has been included because a defined and enforceable percentage of contaminated waste could not be agreed. However, the problem with attachment 3 is that after sorting general waste at the Bulk Transfer Waste Station, the contaminated waste is still taken to Smooth Hill, rather than diverted to alternative sites along with the organic waste. That is unacceptable. From DIAL's point of view, the whole point of separating out the contaminated waste was to divert it elsewhere.

Long term compliance

21. A key feature of the proposal is the establishment of a Bird Management Operational Group (Mr Dale's proposed condition 82) that has the power to escalate management responses to bird

numbers. DIAL wants to be a member of that group. Condition 82 has been a joint project between DCC and DIAL.

22. Most local authorities contract waste management to commercial third parties. I understand that Dunedin is likely to follow suit. This is an important issue for DIAL because we have low confidence in management approaches where contractors' on-site staff are entrusted to manage aviation risk on DIAL's behalf, but where we (DIAL) have no visibility or influence on how well (or even whether) on site contractors are doing their job. Our fear is that site staff will either be disinterested in birds or be motivated to do whatever is easiest or cheapest. And we will only know that when it is too late.
23. DIAL's own experience on the aerodrome is that managing bird hazard requires vigilance and investment. The conditions must enable DIAL to have access to bird data in real time and exert direct influence over condition performance to give us any confidence that aviation hazard will be controlled as Phil Shaw predicts. In order to have confidence in that outcome, DIAL will not accept putrescible waste at Smooth Hill.

Richard Roberts

5 May 2022