

ORC Omnibus Plan Change - Plan Change 1

Submission Reference no: 15

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Submitter Type: Not specified
Source: Email

Overall Notes:

Clause

Are you a trade competitor?

Position

I am a person who would not gain an advantage in trade competition through this submission

Notes

Clause

What are you submitting on? You can submit on specific parts of Plan Change 1 or the whole plan change.

Position

I am submitting on the whole plan change.

Notes

Please see documents attached

Clause

What is your view on the Plan Change 1 or the specific parts listed above? Please select one, if you have multiple views state clearly in the notes box below.

Position

Multiple views

Notes

Please see documents attached

Clause

What decision would you like the Environment Court to make?

Position

Approve the plan change with amendments

Notes

Please see documents attached

Clause

The reasons form my view and/or any amendment(s) I am seeking are:

Notes

Please see documents attached

Clause

Do you wish to be heard in support of your submission? All submissions will be considered by the Environment Court. Please indicate if you wish to be heard in support of your submission.

Position

I wish to be heard in support of my submission

Notes

Clause

Please indicate your choice(s) below. If you do not indicate your intention to call experts, you can change your mind later and decide to call experts to give evidence in relation to your submission, provided you do so in time to meet any procedural

direction the Environment Court might make.

Position

If others make a similar submission I/we would consider presenting a joint case with them at a hearing

Notes

Clause

Authority to act:

Position

I confirm I have the authority to sign this submission on behalf of the submitter

Notes

SUBMITTER: DUNEDIN INTERNATIONAL AIRPORT LIMITED ('DIAL')

1. This is a submission on Plan Change 1 ('PC1') as notified by the Environmental Protection agency on 6 July 2020.
2. DIAL could not gain an advantage in trade competition through this submission.
3. DIAL wish to be heard in support of this submission and are happy to present jointly with other parties seeking the same relief.

REASONS FOR SUBMISSION

Background

4. The Dunedin International Airport is situated at Momona. It occupies an area of approximately 300 hectares and is owned and operated by DIAL. Dunedin International Airport is an integral part of the local and regional transport network, providing a link to national and international destinations for passengers, goods and freight.
5. The airport is located within close proximity to 'Smooth Hill' which is referred to in the Section 32 analysis of the Otago Regional Council:

"In addition to the topics above, ORC became aware that Dunedin City Council was preparing a resource consent application for a new landfill at Smooth Hill. Staff identified that the provisions in the Waste Plan for landfills were more than 20 years old and out of step with current best practice. Given the longterm nature of landfills, it was considered important to address the issues with the Waste Plan to assist with decision-making on any consent application lodged before the new LWRP is notified."

6. The section above is read in conjunction with the purpose of PC1:

"In tandem with PC8, the overall purpose of PC1 is to strengthen the management of discharges in order to maintain, as a minimum, water quality in Otago. It does this by introducing stricter controls on the use of dust suppressants (and particularly waste

oil) and improved minimum standards for landfills in order to reduce the adverse effects of these activities.”

7. PC1 is designed to give effect to two Objectives of the Regional Plan: Waste:
 - (a) Objective 7.3.1: To avoid, remedy or mitigate the adverse environmental effects arising from the discharge of contaminants at and from landfills;
 - (b) Objective 7.3.2: To eliminate illegal, uncontrolled, unmanaged, poorly managed and poorly located landfill sites.
8. Objective 7.3.1 seeks to address effects arising from discharges to and from Landfills. Objective 7.3.2 is directed at *inter alia* the siting and management of landfills. DIAL wishes to ensure that PC1 introduces appropriate provisions to implement those objectives and protect its operation from poorly located and managed landfill sites.
9. DIAL supports the implementation of best practice guidelines for siting, design, construction, operation and management of new and operating landfills in accordance with *Minimisation Institute New Zealand's Technical Guidelines for Disposal to Land* (August 2018) ('**The Guidelines**').¹ The Guidelines will help inform appropriate management of landfills, however, their implementation should also be informed by appropriate policy guidance within Regional Plan:Waste.

PC1 – The Guidelines

10. A new Policy 7.4.11 has been included which seeks to minimise the adverse effects of discharges from new and operating landfills by updating requirements to ensure that they are located and operated in accordance with The Guidelines.
11. The Guidelines cover a broad range of factors:
 - (a) The Guidelines manage 'environment' effects which includes acknowledging the existing surrounding activities:
 - (b) Section 4.4 provides the relevant considerations when assessing the appropriate landfill siting:
 - (i) Geology; Hydrology; Surface Hydrology; Site Stability; Environmentally Sensitive Areas; Compatibility With Surrounding Land Uses; Topography; Climatic Conditions; Access And Traffic; Leachate Management; Landfill Gas Management; Community Issues; End Of Land Use.

¹<https://www.wasteminz.org.nz/pubs/technical-guidelines-for-disposal-to-land-april-2016/>

Compatibility with Surrounding Land Uses

12. The Guidelines seek to ensure adequate separation distances and/or buffer areas to help preserve the amenity of surrounding areas, or avoid unwanted impacts from landfill operations. The requirement for, and extent of, buffer areas should be determined on a site-specific basis. When assessing compatibility with surrounding land uses, the following factors are identified:
- (a) existing property boundaries and ownership;
 - (b) statutory planning constraints including:
 - (i) zoning (the protection of amenity associated with residential, commercial or rural zones from nuisances associated with odour, vermin, birds and flies, noise, litter, dust and visual effects; or failure of containment, leachate collection or landfill gas systems), and
 - (ii) land designated for a special purpose (for example hospitals or schools);
 - (c) airport safety;²
 - (d) the impact of site features such as topography;
 - (e) the impact of prevailing weather conditions; and
 - (f) proximity to sites of cultural or historical significance.
13. The Guidelines refer to recommended distances of landfills near airports, however the Regional Plan Waste provides no specific link to these recommendations. To achieve Objective 7.3.2, adverse effects on airports should be specifically recognised within the Regional Plan: Waste.

Community Issues

14. When assessing compatibility with surrounding land uses, the following Community issues are identified as relevant within the Guidelines:
- (a) design life of the landfill;

² The CAA 'Guidance Material for land use at or near airports' (2008) notes that the International Civil Aviation Organisation (ICAO) Bird Control and Reduction Manual recommends that [municipal solid waste landfill] sites be located no closer than 13 kilometres from the airport property.

- (b) nuisances associated with odour, vermin, birds and flies, noise, litter, dust and visual effects;
- (c) the potential effects of failure of containment, leachate collection or landfill gas systems;
- (d) protection of local amenity values;
- (e) traffic effects;
- (f) health risks;
- (g) cultural issues;
- (h) heritage issues;
- (i) loss of property values;
- (j) long term compliance with consent requirements; and
- (k) end use of the site.

15. The Guidelines cover a broad range of considerations that could impact the operation of the Dunedin International Airport. PC1 has then failed to assess whether these guidelines are appropriate to be imported into the Regional Plan: Waste without additional policy protection for airport activity.

Specific Submissions

16. The Dunedin International Airport is recognised as Regionally Significant Infrastructure within the Partially Operative Otago Regional Policy Statement (PORPS). The most relevant provisions of the PORPS are identified below (but not limited to):
- (a) Objective 4.3 and the corresponding suite of policies provide the relevant guidance for management of regionally and nationally significant infrastructure.
 - (b) Policy 4.3.2(f) identifies national and regionally significant infrastructure within Otago. Dunedin International Airport qualifies under this provision.

- (c) Policy 4.3.3 requires the functional needs of infrastructure that has regional or national significance, including safety to be provided for. The safe operation of Dunedin International airport is of paramount importance, and any risk to safe operations is unacceptable.
- (d) Policy 4.3.5 identifies that we must protect infrastructure with national or regional significance, by all of the following:
 - (i) Restricting the establishment of activities that may result in reverse sensitivity effects;
 - (ii) Avoiding significant adverse effects on the functional needs of such infrastructure;
 - (iii) Avoiding, remedying or mitigating other adverse effects on the functional needs of such infrastructure;
 - (iv) Protecting infrastructure corridors from activities that are incompatible with the anticipated effects of that infrastructure, now and for the future

17. PC1 is designed to introduce minimum standards for landfills. The Guidelines are used as a proxy to achieve that purpose. PC1 fails to consider whether the Guidelines actually implement the PORPS and Objective 7.3.2 of the Regional Plan-Waste to eliminate poorly located landfills, particularly in relation to national and regionally significant infrastructure.³ To this extent the proposed provisions within PC1 are inadequate and the section 32 analysis should have revealed this.

SUMMARY OF SUBMISSION

18. DIAL supports the intent of PC1 for the following reasons, but does not consider that the provisions achieve that intent:
- (a) PC1 does not achieve the Objectives of The Regional Plan Waste (in particular, Objectives 7.3.1 and 7.3.2);
 - (b) PC1 does not give effect to the Partially Operative Regional Policy Statement (in particular; Objective 4.3 and corresponding policies);
 - (c) The section 32 assessment is incomplete; and

³ Section 32 analysis of PC1 at p 71

- (d) PC1 does not achieve the purpose of the Resource Management Act 1991;
19. DIAL seek additional relief that provides specific protection for airports.
- (a) Add a new Policy 7.4.11A as follows:
- 7.4.11A Avoid the effects of landfills on airports.
- (b) Policy 7.4.11 is amended as follows:
- 7.4.11 To minimise the adverse effects of discharges from operating landfills by requiring that
- (a) the siting, design, construction, operation and management of new and operating landfills is in accordance with the Waste Minimisation Institute New Zealand's Technical Guidelines for Disposal to Land (August 2018) and
- (b) a site-specific management plan is prepared and implemented in accordance with the Waste Minimisation Institute New Zealand's Technical Guidelines for Disposal to Land (August 2018) that includes (but is not limited to):
- (i) methods for leachate management, collection, treatment and disposal;
- (ii) methods for stormwater capture and control from both off-site and on-site sources; and
- (iii) methods to minimise contamination of the receiving environment; and
- (iv) controls to manage hazardous waste and avoid any discharge of hazardous wastes or the leaching of contaminants from hazardous wastes; and
- (v) Methods to ensure compatibility with surrounding land uses.
- (c) Rule 7.6.1 controls the establishment and operation of landfills as a discretionary activity. DIAL seeks the following amendments to Rule 7.6.1.2:
- a) Odour control;
- b) Potential contamination of soil or water;
- c) Means to monitor the above;
- d) The extent to which the landfill proposal reflects the industry standard for landfills, as represented in the Waste Management Institute New Zealand's

~~Technical Guidelines for Disposal to Land (August 2018), Ministry for the Environment Landfill Guidelines 1994, or their update or other industry standards which are current at the time of application for a resource consent;~~

- e) The location of the landfill relative to any water body, areas prone to erosion, inundation or subsidence, and areas of cultural, conservation or historic significance;
- f) The characteristics, composition and volume of substances being discharged and of any likely by-products occurring from the degradation of these substances;
- g) The characteristics of the receiving environment including the current and likely future uses of that environment;
- h) The mitigation measures, safeguards, and contingency plans to be undertaken to prevent or reduce the actual and potential adverse environmental effects;
- i) Provisions for the handling of any noxious waste, including medical waste, and the degree of pre-treatment that will be required prior to accepting such wastes; and
- j) The landfill ~~development and~~ management plan or landfill closure plan prepared for the site.
- k) The landfill is appropriately located to avoid adverse effects on airports;

20. An additional Rule 7.6.1.X:

- (a) Any new landfill within 13km of an airport will be a Non-Complying activity.

21. Any other relief that avoids adverse effects of landfills on airports.

Dated 17 August 2020



Solicitor for DIAL

P Page/D McLachlan

