

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of an appeal under Clause 14 of the
First Schedule to the Act

BETWEEN BOARD OF AIRLINE
REPRESENTATIVES OF NEW
ZEALAND

(ENV-2007-CHC-290)

Appellant

AND

CANTERBURY REGIONAL
COUNCIL

Respondent

BEFORE THE ENVIRONMENT COURT

Environment Judge J R Jackson sitting alone under section 279 of the Act

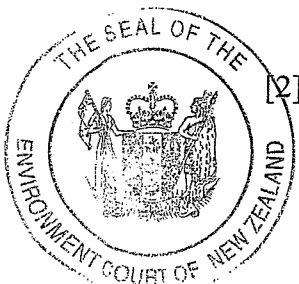
In Chambers at Christchurch

CONSENT ORDER

Introduction

[1] The Court has read and considered the appeal, the respondent's reply, and the memorandum of the parties received on 8 July 2008.

[2] No person has given notice of an intention to become a party under s274.



[3] The Court is making this order under s279(1)(b) of the Act, such order being by consent, rather than representing a decision or determination on the merits pursuant to section 297. The Court understands for present purposes that:

- (a) All parties to the proceedings have executed the memorandum requesting this order;
- (b) All parties are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction, and conform to relevant requirements and objectives of the Resource Management Act, including in particular Part 2.

Order

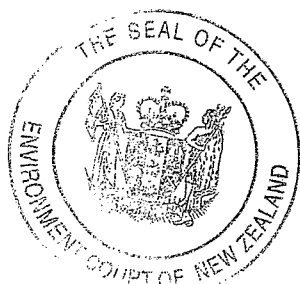
[4] Therefore the Court orders, by consent, that the appeal is allowed to the extent that the Canterbury Regional Council is directed to modify the Proposed Canterbury Natural Resources Plan, Chapter 3: Air Quality as set out below:

- [a] Insert two new rules in Table 3.1:

Table 3.1 Summary of Rules

Discharges to air from industrial or trade premises and industrial or trade processes				
Area rule applies	Rule N°	Description	Activity Status	Page N°
Christchurch Clean Air Zone 2	AOL56A	<u>Maintenance or "idle-testing" of aircraft engines outside of buildings</u>	<u>Permitted</u>	<u>3 - 109</u>
	AOL56B	<u>Aircraft engine testing, repair or maintenance on an industrial or trade premise</u>	<u>Restricted Discretionary</u>	<u>3 - 110</u>

- [b] Add a new Proposed rule 56A to read as follows:



Rule AQL 56A Maintenance or "idle-testing" of aircraft outside of buildings in the Christchurch Clean Air Zone 2 – permitted activity

<u>Activity</u>	<u>Standards/Terms</u>	<u>Cross Ref.</u>
<u>Outside buildings in the Christchurch Clean Air Zone 2, the discharge of contaminants from exhaust products from maintenance or "idle-testing", of aircraft engines.</u>	<ol style="list-style-type: none"> 1. <u>At all times during maintenance and testing the aircraft engine shall be attached to an aircraft and that aircraft shall be mobile (although that aircraft may be stationary).</u> 2. <u>The activity shall be located within the runway, apron or other hard surface areas within the operational area of christchurch international airport.</u> 3. <u>The activity shall not be located on any trade and industrial premises for which a consent has been obtained under rule AQL56b.</u> 	

[c] Add a new proposed Rule 56B to read as follows:

Rule AQL 56B Aircraft engine testing, repair or maintenance on an industrial or trade premises in the Christchurch Clean Air Zone 2 – restricted discretionary activity

<u>Activity</u>	<u>Standards/Terms</u>	<u>Restriction of discretion</u>	<u>Cross Ref.</u>
<u>On an industrial or trade premises in the Christchurch Clean Air Zone 2, the discharge of contaminants from exhaust products from the testing, repair or maintenance of aircraft engines.</u>	<ol style="list-style-type: none"> 1. <u>The discharge into air shall occur from a height of at least 13 metres above ground level, and at least one metre above the roof ridgeline of any building within a distance of five times the height of that building.</u> 2. <u>The discharge shall be directed vertically into the air and shall not be impeded by any obstruction above the discharge point which decreases the vertical efflux velocity, below that which would occur in the absence of such obstruction.</u> 3. <u>The discharge shall not occur for more than 12 hours in any 24-hour period.</u> 4. <u>The discharge shall not</u> 	<p><u>Environment Canterbury will reserve control over the following matters in imposing any conditions:</u></p> <ol style="list-style-type: none"> 1. <u>Any measures necessary to ensure the ability of the premise to disperse contaminants, including height, and design of the discharge structure and emission velocity.</u> 2. <u>Any steps to be taken to ensure maintenance of the discharge equipment.</u> 3. <u>Assessing the appropriateness of the location of the aircraft engine testing, repair or maintenance facility.</u> 4. <u>Carrying out of measurements, samples, analyses, surveys, investigations, or inspection, including:</u> <ol style="list-style-type: none"> (a) <u>monitoring contaminant concentrations.</u> (b) <u>monitoring the opacity of the discharge;</u> (c) <u>recording the quantity of fuel used;</u> 	



	<p><u>cause any odour or deposited particulate material, which is offensive or objectionable beyond the grounds of the property on which the consent is exercised.</u></p>	<p>(d) <u>monitoring the emission rate of contaminants; and</u></p> <p>(e) <u>analysing the cumulative effects of the discharge, in combination with discharges from other sources.</u></p> <p>5. <u>Provision of information to the consent authority at specified times.</u></p> <p>6. <u>Compliance with monitoring, sampling and analysis conditions at the consent holders' expense.</u></p> <p>7. <u>Duration of consent.</u></p> <p>8. <u>Review of conditions of consent and the timing and purpose of the review.</u></p> <p>9. <u>The quality of fuel.</u></p> <p>10. <u>Any measure necessary to avoid, remedy or mitigate localised adverse effects.</u></p> <p style="text-align: center;">Notification</p> <p><u>In accordance with section 94d(2), an application for resource consent required by this rule does not need to be notified.</u></p>	
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[d] Add the following to Proposed Rule 3.5.9.4:

(aa) **Rule AOL56A Maintenance or "idle-testing" of aircraft engines outside of the buildings in the Christchurch Clean Air Zone 2 - permitted activity**

Between flights aircraft engines are routinely subjected to minor maintenance or idle-testing when an aircraft is located within the runway apron or other hard surface areas within the operational area of Christchurch International Airport. Within this context, the adverse effects of any discharges to air from these activities are insignificant. Therefore, Rule AOL56A provides for these activities to be carried out as of right. However, when an aircraft is moved to a trade and industrial premise upon which more significant aircraft engine testing, repair or maintenance is undertaken, discharges from these are maintenance and testing



activities and are to be considered together with other discharges occurring on such a site.

Rule AOL56B Aircraft engine testing, repair or maintenance on an industrial or trade premise in the Christchurch Clean Air Zone 2 - restricted discretionary activity

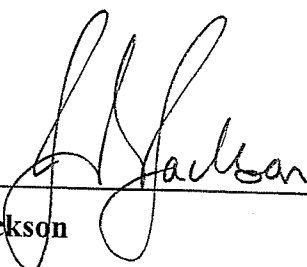
Aircraft engine testing facilities are currently important to the economic and social well-being of Christchurch and Canterbury. These facilities are presently, and will likely continue to be, located in proximity to Christchurch International Airport. Rule AOL56B recognises that localised adverse effects on the environment from the discharges to air from these facilities can be unacceptable at some locations, particularly in proximity to sensitive activities, or if sufficient mitigation does not occur.

[e] Make all consequential amendments so as to ensure that all the conditions are amended in a consistent and coherent manner.

[5] The appeal is otherwise dismissed.

[6] There is no order for costs.

DATED at CHRISTCHURCH 15 July 2008.



J R Jackson

Environment Judge

Issued: 16 JUL 2008

