

FACSIMILE

**ANDERSON LLOYD
LAWYERS**

DATE 12 November 2007

TO Katherine Wilson (Planning Department),
Environment Canterbury
fax - 03 3653194

PAGES 9.

FROM Gary Valentine

STATUS Routine

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**Fulton Hogan Canterbury Limited v Canterbury Regional Council -Chapter 3
Proposed Canterbury NRRP - Notice of Appeal**

Please refer to letter attached.

Yours Faithfully

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12 November 2007

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For: Katherine Wilson

Dear Ms Wilson

**Fulton Hogan Limited v Canterbury Regional Council - Chapter 3 Proposed
Canterbury Natural Resources Regional Plan - Notice of Appeal**

Please find enclosed on behalf of Fulton Hogan Limited copies of the following documentation:

1. Notice of Appeal in connection with the above matter.
2. List of Persons to be served.

We confirm the original documentation has today been filed with the Environment Court.

Yours faithfully
Anderson Lloyd



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**BEFORE THE ENVIRONMENT COURT
AT CHRISTCHURCH**

IN THE MATTER of appeals under the First Schedule of
the Resource Management Act 1991

BETWEEN **FULTON HOGAN LIMITED**
Appellant

AND **CANTERBURY REGIONAL COUNCIL**
Respondent

NOTICE OF APPEAL

TO: The Registrar
Environment Court
Christchurch

1. Fulton Hogan Limited ("the Appellant") appeals a decision of the Canterbury Regional Council in respect of submissions on the proposed Chapter 3 of the Natural Resources Regional Plan ("the NRRP").
2. The Appellant lodged submissions on the NRRP.
3. Notice of the decision was received on or about 2 October 2007.
4. The parts of the decision appealed, the reasons for appeal, and the relief sought are as follows:

Rule AQL 12A

5. The Appellant submitted that the burning of waste oil should be removed from the list of prohibited activities. Policy AQL1(I) was amended however new Rule 12A makes the burning of waste oil a non-complying activity. The Appellant appeals new Rule 12A.

6. The reason for the appeal is that:
 - a. The non-complying status is not justified by the potential effects of the activity.
 - b. The decision states that "*circumstances surrounding the granting of any application are likely to be exceptional*". Plants already burning waste oil in New Zealand and Christchurch are operated to standards to minimise effects and are subject to testing to ensure these standards are met.
 - c. The non-complying status could deter the recycling of waste oil which is an activity to be encouraged.

7. The relief sought is:
 - a. The burning of waste oil should be a discretionary activity; or
 - b. In the alternative, such other relief which will ensure that applications for the burning of waste oil are dealt with appropriately.

Rule AQL 42

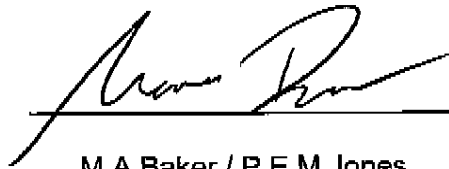
8. The Appellant appeals Rule AQL 42(b) which says discharges from activities where the rate of size reduction, screening, processing or pneumatic conveyance does not exceed 50 tonnes per hour is a permitted activity.

9. The reason for the appeal is that:
 - a. There is no reason to justify imposing 50 tonnes per hour rather than 100 tonnes per hour.
 - b. It is during the processing situation referred to in AQL 42(b) where operators have the greatest control over dust generation and mitigation of potential effects can be achieved. Therefore the higher limit of 100 tonnes should be imposed.
 - c. It will be more consistent with AQL42(a) and (c) if a rate of 100 tonnes per hour is applied.

10. The relief sought is to amend Rule AQL 42(b) to say "*where the rate of size reduction, screening, processing or pneumatic conveyance does not exceed ~~50~~ 100 tonnes per hour*".

11. The following documents are attached to this notice:
 - a. The Appellant' submission.
 - b. A copy of the relevant parts of the decision:
 - c. Any other documents necessary for an adequate understanding of the appeal:
 - d. A list of names and addresses of persons to be served with a copy of this notice.

Dated 12th November 2007



M A Baker / P E M Jones

Counsel for Fulton Hogan Ltd

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Note to Appellant

You must lodge the original and 1 copy of this notice with the Environment Court within 30 working days of being served with notice of the decision to be appealed. The notice must be signed by you or on your behalf. You must pay the filing fee required by regulation 35 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003.

You must serve a copy of this notice on the local authority that made the decision and on the Minister of Conservation (if the appeal is on a regional coastal plan), within 30 working days of being served with a notice of the decision.

You must also serve a copy of this notice on every person who made a submission to which the appeal relates within 5 working days after the notice is lodged with the Environment Court.

Within 10 working days after lodging this notice, you must give written notice to the Registrar of the Environment Court of the name, address, and date of service for each person serviced with this notice.

However, you may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing or service requirements (see form 38).

Advice to recipients of copy of notice of appeal

How to become party to proceedings

You may be a party to the appeal if you made a submission on the matter of this appeal and you lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court within 30 working days after this notice was lodged with the Environment Court.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing requirements (see form 38).

**How to obtain copies of documents relating to appeal*

The copy of this notice served on you does not attach a copy of the appellant's submission and (or) the decision (or part of the decision) appealed. These documents may be obtained, on request, from the appellant.

*Delete if these documents are attached to copies of the notice of appeal served on other persons.

Advice

If you have any questions about this notice, contact the Environment Court Unit of the Department for Courts in Auckland, Wellington or Christchurch.

Names and Addresses of Persons to be Served with the Appeal

Policy AQL (I)

Submitter No.		
8	Primary Producers Co-Operative Society Limited Christchurch	P O Box 283 Christchurch
285	Alliance Group Limited	C/- Aurora Pacific P O Box 16-489 Hornby Christchurch
410	Geocycle Limited	P O Box 6040 Christchurch
F401	NZ Vegetable and Potato Growers Fed Inc and Fruitgrowers Inc	P O Box 10 232 Wellington

Rule AQL42 Activity (b)

371	NZMP	P O Box 33 Temuka
373	NZ Pork Industry Board	Massey University Private Bag 11 222 Palmerston North
F275	Ravensdown Fertiliser Co- Operative Limited	P O Box 1049 Christchurch
F338	Transit New Zealand	P O Box 1479 Christchurch
365	Meridian Energy Limited	C/- Boffa Miskell Limited P O Box 110 Christchurch

Rule AQL12

136	Association for Independent Research (AIR)	C/- Landales Hampton Road RD 6 Christchurch
147	Ashburton District Council	P O Box 94 Ashburton
168	Airways Corporation of NZ	C/- Opus International Consultants Limited P O Box 1482

		Christchurch
272	Canterbury Asthma Society	P O Box 13091 Christchurch
347	Federated Farmers of New Zealand Inc North Canterbury Branch	P O Box 1992 Burnside Christchurch
370	Department of Corrections	C/- Opus International Consultants Limited P O Box 1482 Christchurch
371	NZMP	P O Box 33 Temuka
391	Carter Holt Harvey Panels MDF Limited	P O Box 1001 Ashley Rangiora
405	Timaru District Council	P O Box 522 Timaru
419	G L Brown and Co Limited	P O Box 19-544 Wolston Christchurch
429	Selwyn District Council	Private Bag 1 Leeston
436	Coal Association of New Zealand	P O Box 31-244 Lower Hutt
F112	Solid Energy New Zealand Limited	P O Box 1303 Christchurch
F347	Federated Farmers of New Zealand	P O Box 1992 Burnside Christchurch
F365	Meridian Energy Limited	C/- Boffa Miskell Limited P O Box 110 Christchurch
F370	Department of Corrections	C/- Opus International Consultants Limited P O Box 1482 Christchurch
F374	New Zealand Institute for Crop and Food Research Limited	C/- Opus International Consultants Limited P O Box 1482 Christchurch

F401	NZ Vegetable and Potato Growers Federation Inc and NZ Fruitgrowers Federation Inc	P O Box 10323 Wellington
F3036	Ilam and Upper Riccarton Residents Association	C/- Mrs J Sinclair 3 Kelson Lane Ilam Christchurch