

RUSSELL McVEAGH

-
- PARTNERS
- GERARD CURRY
 - PAUL OLDFIELD
 - CAMERON FLEMING
 - PATRICK BOWLER
 - DEREK NOLAN
 - JEFF MORRISON
 - DEREK JOHNSTON
 - GREG THOMPSON
 - PRUDENCE FLACKS
 - PAUL MAJUREY
 - GRAEME QUIGLEY
 - ALAN PATERSON
 - GARTH SINCLAIR
 - FREDERICK WARD
 - RICHARD McILRAITH
 - GRANT KEMBLE
 - HAMISH McINTOSH
 - PIP GREENWOOD
 - CHRISTIAN WHATA
 - JAMES PALMER
 - DAVID CLARKE
 - RICHARD SCOULAR
 - BRENDAN BROWN
 - SARAH KATZ
 - MALCOLM CROTTY
 - JOE WINDMEYER
 - ANDREW PETERSON
 - GUY LETHBRIDGE
 - JOHN POWELL
 - ROSS PENNINGTON
 - ED CROOK
 - TIM CLARKE
 - CAMPBELL ROSE
 - BALTHAZAR MATHESON
 - MATTHEW MALLETT
 - SARAH KEENE
 - MICHAEL HERON
- CONSULTANTS
- JOHN KING
 - GEOFFREY RICKETTS
 - ALAN ACOURT
 - PROF. PHILIP JOSEPH
 - NICOLA PURVIS
-

DATE 15 November 2007 TOTAL PAGES 7

FROM Rebecca Hooper REPLY TO FAX 09 367 8590

TO Environment Canterbury
58 Kilmore Street
CHRISTCHURCH

FAX 03 365 3194

PROPOSED CANTERBURY NATURAL RESOURCES REGIONAL PLAN

Please find **attached** a notice of appeal on behalf of our client, Board of Airline Representatives of New Zealand, in respect of the above Proposed Plan.

A hard copy of the appeal (with attachments) will be posted today.

Yours faithfully
RUSSELL McVEAGH



Rebecca Hooper
Solicitor

Direct phone: 09 367 8882
Direct fax: 09 367 8590
Email: rebecca.hooper@russellmcveagh.com

**IN THE ENVIRONMENT COURT
CHRISTCHURCH**

ENV

IN THE MATTER of the Resource Management Act 1991

BETWEEN **BOARD OF AIRLINE REPRESENTATIVES OF
NEW ZEALAND**

Appellant

AND **CANTERBURY REGIONAL COUNCIL**

Respondent

**NOTICE OF APPEAL TO ENVIRONMENT COURT AGAINST A DECISION ON
THE PROPOSED CANTERBURY NATURAL RESOURCES REGIONAL PLAN
15 NOVEMBER 2007**

RUSSELL McVEAGH

Derek Nolan / James Gardner-Hopkins
Phone 64 9 367 8000
Fax 64 9 367 8163
PO Box 8
DX CX10085
Auckland

BOARD OF AIRLINE REPRESENTATIVES OF NEW ZEALAND ("BARNZ")
appeals part of a decision on the following matter:

Decision

1. The decision concerns the adoption of the report and recommendations of Commissioners Dr E.D. Wylie and Mr C.J. Tipler on submissions on the Proposed Canterbury Natural Resources Regional Plan ("**Plan**").
2. The decision was made by the Canterbury Regional Council ("**Council**").
3. Notice of the decision was received on 3 October 2007.
4. The part of the decision that is being appealed is the part determining that submission 403 by BARNZ be accepted in part. That submission sought:
 - (a) that discharges to air from aircraft, whether or not located on industrial or trade premises, should be a permitted activity, without performance standards; and
 - (b) all other further, consequential and other relief necessary to give effect to the concerns of BARNZ as set out in the submission, including (without limitation) any necessary support of appropriate explanatory text, issues, objectives, policies, and rules of the Plan.
5. In its decision, the Council decided to add a new Rule 12B to Section 3.3.2 of the Plan, to the effect that the discharge of contaminants into air from moveable sources, such as aircraft, is a permitted activity except where the moveable source is on industrial or trade premises. The Council also decided that the rules in Chapter 3 of the Plan should be retained so that any discharge of contaminants into air from aircraft engines while they are on trade and industrial premises will require a discretionary resource consent by virtue of Rule AQL57, unless Rules AQL41 (metal work processes) or AQL48 (heat, steam or water vapour) or AQL56 (workplace ventilation) apply.

Reasons for appeal

6. The reasons for this appeal are:
 - (a) the Council's decision:
 - (i) will not promote sustainable management of resources, and therefore will not achieve the purpose of the Resource Management Act 1991 ("**Act**");
 - (ii) is contrary to Part II and other provisions of the Act;
 - (iii) will not meet the reasonably foreseeable needs of future generations;

- (iv) will not enable social, economic and cultural well being;
 - (v) is otherwise contrary to the purposes and provisions of the Act and other relevant planning documents including the District Plan;
 - (vi) is inappropriate and inconsistent with the purpose and principles of the Act; and
 - (vii) is not necessary to avoid, remedy or mitigate the adverse effects of the proposed activity.
- (b) In particular, and without limiting the generality of paragraph (a) above:
- (i) Emissions from aircraft engines are already addressed by the Civil Aviation Act 1990 and the Civil Aviation Rules, and it is inappropriate for these to also be controlled by the Plan.
 - (ii) Rules regulating discharges from industrial and trade premises should address discharges from those premises rather than discharges from moveable sources while they happen to be on those premises.
 - (iii) Adoption of permitted activity status for emissions from moveable sources, such as aircraft, would be consistent with the approach taken to those emissions in other regions.
 - (iv) It is inappropriate and inefficient to require resource consent to be obtained under proposed rule 12B where the discharges are likely to be of an infrequent and varying nature.
 - (v) It is inappropriate for moveable sources such as aircraft to be caught by the rules in Section 3.3.2 which are designed to address large scale air discharges from "large scale fuel burning devices".
- (c) Without limiting any of the above, BARNZ further relies on the reasons given in its original submissions.

Relief sought

7. BARNZ seeks the following relief:
- (a) Amend Issue AQL1: Localised air quality issues to read (or words to the like effect):

Nuisance and health effects on people, their social, cultural and amenity values, and adverse effects on natural and physical resources, caused by discharges of contaminants into air, including:

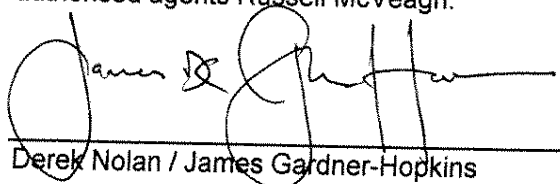
...

- (e) The discharge of any other contaminants from industrial or trade processes and industrial or trade premises (but excluding emissions from moveable sources such as aircraft while located on such premises).
- (b) Amend section 3.3.2: Discharges to air from large scale fuel burning devices to read (or words to the like effect):
 - Rule 12B - Discharge to air from mobile source - permitted activity.
 - The discharge of contaminants into air from a mobile source such as an aircraft, ~~except where whether or not it is located on an industrial or trade premise for testing, repair, or maintenance, is a~~ permitted activity.
- (c) All other further, consequential and other relief necessary to give effect to the concerns of BARNZ as set out in BARNZ's original submission, including (without limitation) any necessary additions, deletions or amendments to any other provisions or text of the Plan.
- (d) Such further other orders, relief or other consequential or other amendments as considered appropriate and necessary by the Court to address the concerns set out herein.
- (e) Costs of and incidental to this appeal.

Attachments

- 8. The following documents are attached to this notice.
 - (a) a copy of the relevant part of the decision;
 - (b) a copy of BARNZ's submission on the Plan; and
 - (c) a list of names and addresses of persons to be served with a copy of this notice.

BOARD OF AIRLINE REPRESENTATIVES OF NEW ZEALAND by its solicitors and authorised agents Russell McVeagh:



Derek Nolan / James Gardner-Hopkins

Signature:

Date:

15 November 2007

Address for Service:

C/-James Gardner-Hopkins / Rebecca Hooper
Russell McVeagh

Barristers and Solicitors
Level 30
Vero Centre
48 Shortland Street
PO Box 8/DX CX10085
AUCKLAND 1

Telephone: (09) 367 8000

Facsimile: (09) 367 8163

TO: The Registrar of the Environment Court at Christchurch

AND TO: Environment Canterbury
58 Kilmore Street
PO Box 345
Christchurch

Advice to recipients of copy of notice of appeal

How to become a party to proceedings

1. If you wish to be a party to the appeal, you must lodge a notice in form 33 with the Environment Court within 30 working days after this notice was lodged with the Environment Court.
2. 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).

Advice

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