

COPY

**BEFORE THE ENVIRONMENT COURT
AUCKLAND**

ENV

IN THE MATTER

of the Resource Management Act 1991

AND

IN THE MATTER

of an appeal under Clause 14 of
Schedule 1 to the Act

BETWEEN

HELETRANZ LTD

Appellants

AND

AUCKLAND CITY COUNCIL

Respondent

**NOTICE OF APPEAL TO ENVIRONMENT COURT
AGAINST DECISION ON PROPOSED
HAURAKI GULF ISLANDS DISTRICT PLAN 2006**

**Burton Planning Consultants Ltd
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North Shore City**

Y9003

HELETRANZ LIMITED (“Heletranz”) appeals against a decision by Auckland City Council (“ACC”) on the Proposed Hauraki Gulf Islands District Plan 2006 (“the Proposed Plan”).

Decision:

1. **Heletranz** made a submission on the Proposed Plan in respect of the provision for air services (including helicopter services) to the Hauraki Gulf Islands.
2. Heletranz received Notice of the Decision on 2 May 2009.
3. The Decision was made by the Respondent, which is the ACC and which notified the Proposed Plan and made decisions on the submissions of Heletranz in relation to the Proposed Plan.
4. The Decision the Appellant is appealing is the decision of the Respondent dated 2 May 2009 in respect of the following specific provisions of the Proposed Plan:
 - Part 2 Resource Management overview;
 - Part 3 Strategic Management areas;
 - Part 13 Connectivity and linkages.

Reasons for the Appeal:

5. The reasons for this appeal are that the Decision:
 - Fails to properly and fully reflect the present significance of and future potential which air transport provides to the economic, social and recreational wellbeing of the Hauraki Gulf Islands and to the wider Auckland region. As such, the Decision will have significant adverse effects on existing air transport services (including helicopter services) to the Gulf Islands and on the future growth of tourism and recreational activity on the Islands.
 - Adopts an unnecessarily prescriptive, as opposed to an effects based, approach to reconciling perceived conflicts between helicopter activities and other Island based activities and resources. This is best illustrated by the reliance placed in the decision on regulating the effects of helicopter and aircraft movement through arbitrary numeric limits on the number of flights to and from sites throughout the Gulf Islands. The preferred alternative, which has not been accepted by the Council in its decision, is to rely upon noise-based performance standards which

more effectively control the effects of air transport and ensure that the amenities of surrounding areas are protected.

Relief sought

6. Heletranz seeks either:

- (i) That those sections of the Proposed Plan which address air transport, be withdrawn, and a variation to the Proposed Plan introduced which, as specified in the Appellant's submission appropriately identifies (by the issues) and comprehensively addresses (by the policy framework and the rules) matters relating to transport, particularly air transport, including issues relating to domestic and tourist demand; or,
- (ii) In the alternate, amend the proposed plan to appropriately identify (by the issues) and address (by the policy framework and the rules) issues relating to transport, particularly air transport including issues relating to domestic and tourist demand. As specified in the Appellant's submission, this will require, at a minimum, that the Council
 - (a) Amend the Resource Management Overview Section of the Proposed Plan (Part 2) so that the significant resource management **issues** associated with transport are properly and comprehensively identified, including addressing the concerns specifically raised in this submission. This should particularly address air transport issues, insofar as they related to helicopters and to both domestic and tourist demand (including film industry activities).

Ensure that the Resource Management Overview Section of the Proposed Plan (Part 2) appropriately recognises the **benefits** associated with transport (particularly air transport and helicopters) as they relate to domestic users and to the tourist industry.

Such an amendment should provide an adequate basis upon which to derive objectives, policies and rules that impact directly upon the air transport, domestic user and tourism industry.

- (b) Amend Section 13 of the Proposed Plan to incorporate a policy framework that appropriately identifies and includes objectives and policies relating to air

transport activities, including as it relates to domestic and tourist demands. This policy framework will need to include (inter alia) provisions:

- (i) Recognising the general importance of air travel for servicing the Gulf Islands, and its importance for the economic growth and future development of the Islands, and for the future of tourism in the wider Auckland Region;
 - (ii) Identifying the current (and anticipated) level of helicopter activity in the Hauraki Gulf and recognising the need/demand for air transport to service local and tourism related activities, including the convenience and accessibility of this means of travel and the net benefits that air travel can provide;
 - (iii) Recognising air travel as a conventional means of travel and further, recognising that increased demand for air travel services, coupled with the need to meet increasing domestic and tourist demands (including for direct connection services) may generate more demand for helipads or the need for a more intensive use of helipads;
 - (iv) Specifically identifying the potential adverse effects of air transport, and the way in which these adverse effects are expected to be managed;
- (c) Redrafting the rules as appropriate by introducing a noise based performance approach to determining numerical and operational limitations on helicopter and aircraft movements to and from the Gulf Islands.
- (d) Make any consequential changes as a result of the above amendments.
- (e) Other such relief as the Court sees fit.

Attachments:


The following documents are attached to this Notice:

- (i) A copy of Heletranz' submission;
- (ii) A copy of the relevant parts of Auckland City Council's Decision; and
- (iii) A list of names and addresses of persons to be served with a copy of this notice.

Dated at TAKAPUNA this 17th day of July 2009

Signature on behalf of

HELETRANZ LTD



D R Hughes

Acting as Authorised Agent

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Advice to Recipients Of This Copy of Notice of Appeal

How to become a party to the 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 the appeal

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

Advice

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

Contact Details of Environment Court for lodging documents

Documents may be lodged with the Environment Court by lodging them with the Registrar.

Auckland:

PO Box 7147	8 th Floor, District Court Building
Wellesley Street	3 Kingston Street
Auckland	Auckland
Ph (09) 916 9091	Fax: (09) 916 9090

Wellington:

PO Box 5027	The District Court Building
Lambton Quay	43-49 Balance Street
Wellington	Wellington
Ph (04) 918 8300	Fax: (04) 918 8303

Christchurch:

PO Box 2069	83 Armagh Street (cnr Durham Street)
Christchurch	Christchurch
Ph (03) 962 4170	Fax: (03) 962 4171