

Proposed Auckland Regional Plan: Air, Land and Water and Auckland Regional Plan: Coastal (Variation 1)
 Appeal Summaries February 2010 - Definitions

Env Crt Topic number	Env Crt Topic Name	Appeal number ENV-2006-AKL	Appellant Name	Point Of Relief	Provision # (2004 ALW Plan)	Relief Sought (detail)	Section 274 Party Name(s)	Status
ENV-2006-304-000527	PARP - Air, Land and Water - Definitions - Hazardous Substance	ENV-2006-AKL-000081	Contact Energy Ltd	37	12 Hazardous Substance	Amend Chapter 12 by deleting the definition of 'hazardous substance' and substituting it with the definition contained in the ARPS.	TAs (ACC/MW) NZ Transport Agency CCO (Ports of Auckland Ltd) Horticulture New Zealand	On hold until Chapter 5 Stormwater and Wastewater Network Discharges are resolved.
ENV-2006-304-000486	PARP - Air, Land and Water - Definitions - Activity Area	ENV-2006-AKL-000081	Golden Bay Cement	01	12 Activity Area	Include 'Activity Area' as a definition under Chapter 12 – Definitions and Abbreviations.		On hold until Chapter 5 Stormwater and Wastewater Network Discharges are resolved.
ENV-2006-304-000490	PARP - Air, Land and Water - Definitions - Average Annual Basis	ENV-2006-AKL-000102	CCO (Ports of Auckland Ltd)	31	12 Average Annual Basis	Delete the definition of "Average Annual Basis" as Policy 5.4.10 should refer to TP10, rather than to any percentage reduction in TSS	TAs (ACC/MW) Sanford Ltd NZ Transport Agency Westfield NZ Horticulture New Zealand	ARC currently preparing a position paper (Chapter 5 - Stormwater and Wastewater Network and Private provisions) which will be circulated in anticipation of negotiations.
ENV-2006-304-000509	PARP - Air, Land and Water - Definitions - Biosolids	ENV-2006-AKL-000103	CCO (Watercare Services Ltd)	98	12 Biosolid	Include a definition of "biosolid".	TAs (ACC/MW; North Shore City Council) Horticulture New Zealand Friends of the Earth (NZ)	ARC to circulate revised provisions for comment. (Chapter 5 - Sewage Solids appeals).
ENV-2006-304-000080	PARP - Air, Land and Water - Definitions - Bund	ENV-2006-AKL-000080	Horticulture New Zealand	48	12 Bund	Amend Chapter 12 definition of 'bund' as follows: " <u>In respect of Chapter 5 Industrial and Trade Processes the term bund means</u> an impermeable barrier surrounding a storage area capable of containing any spills or leaks from the storage vessels within".	TAs (ACC)	Draft Consent Order has been circulated. On hold until Stormwater provisions agreed.
ENV-2006-304-000102	PARP - Air, Land and Water - Definitions - Bund	ENV-2006-AKL-000102	CCO (Ports of Auckland Ltd)	32	12 Bund	Amend the definition of "bund" to recognise that rather than bunds being impermeable barriers, their impermeability is dependent upon their purpose, and that they may be semi-permeable if designed to deflect surface water from a specific area.	TAs (ACC/MW) NZ Transport Agency Westfield NZ Progressive Enterprises Limited Sandford Ltd Horticulture New Zealand	Draft Consent Order has been circulated. On hold until Stormwater provisions agreed

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ENV-2006-304-000515	PARP - Air, Land and Water - Definitions - Choke	ENV-2006-AKL-000107	TAs (North Shore City Council)	27	12 Choke	Add to Chapter 12 a definition of 'Choke' as follows: " <u>An obstruction in the network caused by foreign matter such as, but not limited to, wastewater solids, debris, paper, grit, gravel, tree roots, fats or pipe collapse or disjuncting that results in a discharge to the environment</u> ".	TAs (ACC/MW) CCO (Watercare Services Ltd)	ARC currently preparing a position paper (Chapter 5 - Stormwater and Wastewater Network and Private provisions) which will be circulated in anticipation of negotiations.
ENV-2006-304-000516	PARP - Air, Land and Water - Definitions - Commercial Airport	ENV-2006-AKL-000099	Auckland International Airport Ltd	17	12 Commercial Airport	As an alternative to the relief sought in Appeal E505/04/15, amend the definition of "commercial airport" as being that part of an airport operation contained within the secure area as declared from time to time by the Director of Civil Aviation under Section 84 of the Civil Aviation Act 1990;	TAs (ACC/MW) Air New Zealand Horticulture New Zealand	On hold until Chapter 5 Stormwater and Wastewater Network Discharges are resolved.
ENV-2006-304-000520	PARP - Air, Land and Water - Definitions - Domestic Wastewater	ENV-2006-AKL-000103	CCO (Watercare Services Ltd)	100	12 Domestic Wastewater	Amend the definition of "Domestic Wastewater" as follows (or words of like effect): Includes wastewater originating from toilets, urinals, kitchens, bathrooms, showers, baths, basins, laundries such as from a dwelling <u>and outside sources such as hoses and swimming and spa pools.</u>	TAs (ACC/MW) Horticulture New Zealand	ARC will circulate revised provisions soon and commence negotiation with parties (Chapter 5 On-site Wastewater).
ENV-2006-304-000523	PARP - Air, Land and Water - Definitions - Electrical substation	ENV-2006-AKL-000043	Vector Limited	01	12 Electrical substation	Add a definition of ' <u>Electrical substations</u> ', which excludes substations less than 3000m2 in area	Transpower	On hold until Chapter 5 Stormwater and Wastewater Network Discharges are resolved.
ENV-2006-304-000524	PARP - Air, Land and Water - Definitions - Environmentally Hazardous Substances	ENV-2006-AKL-000079	NZ Transport Agency	15	12 Environment ally Hazardous Substance	Amend the definition of 'Environmentally Hazardous Substance' in Chapter 12 as follows: "Any material, chemical or other substance that if released into the natural environment will threaten human or environmental health <u>to a more than de minimis level.</u> "	TAs (ACC/MW) CCO (Ports of Auckland Ltd) Auckland International Airport Horticulture New Zealand	On hold until Chapter 5 Stormwater and Wastewater Network Discharges are resolved.
ENV-2006-304-000524	PARP - Air, Land and Water - Definitions - Environmentally Hazardous Substances	ENV-2006-AKL-000073	TAs (Auckland City Council)	02	12 Environment ally Hazardous Substances	Amend definition of "Environmentally Hazardous Substances" to read "Any material, chemical or other substance that if released into the natural environment will <u>result in significant adverse effects on the environment (including human health).</u> threaten human or environmental health. "	NZ Transport Agency Transpower Oil Companies CCO (Ports of Auckland Ltd) Horticulture New Zealand	On hold until Chapter 5 Stormwater and Wastewater Network Discharges are resolved.

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ENV-2006-304-000525	PARP - Air, Land and Water - Definitions - Greenfields Catchments	ENV-2006-AKL-000102	CCO (Ports of Auckland Ltd)	33	12 Greenfield Catchments	Include a definition of "greenfield site" to reduce the potential for confusion between "greenfield site" and "greenfield catchment", both of which terms are used in the Plan	TAs (ACC/MW) Westfield NZ Sandford Ltd Horticulture New Zealand	ARC currently preparing a position paper (Chapter 5 - Stormwater and Wastewater Network and Private provisions) which will be circulated in anticipation of negotiations.
ENV-2006-304-000525	PARP - Air, Land and Water - Definitions - Greenfields Catchments	ENV-2006-AKL-000107	TAs (North Shore City Council)	24	12 Greenfields Catchments	Delete Chapter 12 definition of 'Greenfields Catchments' and add a definition of 'Greenfields Areas' as follows: " <u>Areas of vacant land to be developed for urban purposes for the first time, including infill housing</u> ". (consequential amendment required to 'Non-Greenfields Catchment')	TAs (ACC/MW) WFH Properties Ltd	ARC currently preparing a position paper (Chapter 5 - Stormwater and Wastewater Network and Private provisions) which will be circulated in anticipation of negotiations.
ENV-2006-304-000526	PARP - Air, Land and Water - Definitions - Habitable floor level	ENV-2006-AKL-000126	TAs (Auckland City Council & Metrowater Limited)	27	12 Habitable floor level	Amend the definition for "habitable floor" as follows: " <u>The floor level of a habitable building which is a building which has the primary functions of either housing or a communal non-residential building, in accordance with clause A1 of the Building Code.</u> "	Federated Farmers	To be discussed as part of appeal negotiations on RPS Change 10 & ALWP
ENV-2006-304-000526	PARP - Air, Land and Water - Definitions - Habitable floor level	ENV-2006-AKL-000134	TAs (Auckland City Council & Metrowater Limited)	08	12 Habitable floor level	Amend the definition of "habitable floor level" in Part 12 Definitions and Abbreviations as follows: " Habitable Building The floor level of a habitable building. Note - " habitable building " is defined in the Auckland Regional Policy Statement which state; means a building whose <u>which is a building which has the primary functions is a dwelling, or work or meeting place, including houses, commercial and industrial buildings, community and recreational buildings, but excluding garages, haybarns and other out-buildings of either housing or a communal residential or a communal non-residential building, in accordance with clause A1 of the Building Code.</u> "	Horticulture New Zealand	To be discussed as part of appeal negotiations on RPS Change 10 & ALWP. Agreement to be reached between parties.
ENV-2006-304-000529	PARP - Air, Land and Water - Definitions - Impervious surface	ENV-2006-AKL-000081	Contact Energy Ltd	54	12 Impervious surface	Delete the definition of 'impervious area' and substitute the definition of 'impervious surfaces' in the ARPS.	TAs (ACC/MW) Westfield NZ CCO (Ports of Auckland Ltd) Horticulture New Zealand	ARC seeking Committee approval in March on its negotiation position. Negotiations with all parties will commence afterwards.

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ENV-2006-304-000530	PARP - Air, Land and Water - Definitions - Innovative Methods	ENV-2006-AKL-000102	CCO (Ports of Auckland Ltd)	34	12 Innovative Methods	Amend the definition of "innovative methods" as it presently states that such approaches are treatment methods that have not been evaluated using accepted protocols, but for which preliminary data exists. This is considered to be a circular argument, as data would only exist after the methods have been implemented.	TAs (ACC/MW) Sanford Ltd NZ Transport Agency Horticulture New Zealand	ARC seeking Committee approval in March on its negotiation position. Negotiations with all parties will commence afterwards.
ENV-2006-304-000532	PARP - Air, Land and Water - Definitions - Landfill	ENV-2006-AKL-000092	Waste Management (NZ) Ltd	03	12 Landfill	Delete the second sentence of the definition of 'Landfill' in Chapter 12 – Definitions and Abbreviation.	TAs (ACC) Waste Disposal Services CCO (Watercare Services Ltd)	To be discussed with Chapter 4.
ENV-2006-304-000534	PARP - Air, Land and Water - Definitions - Motorised handheld application	ENV-2006-AKL-000080	Horticulture New Zealand	16	12 Motorised handheld application	Amend the definition in Chapter 12 of 'motorised handheld application' as follows: "Any handheld application, including from a portable spray unit, that is either motorised by a pump on the sprayer tank or by the application being undertaken but not applied from a moving vehicle."	TAs (ACC) New Zealand Winegrowers	SETTLED. Consent Order signed by Environment Court 19 October 2009.
ENV-2006-304-000537	PARP - Air, Land and Water - Definitions - Overflow 'dry weather overflos' within definition of 'Overflow	ENV-2006-AKL-000107	TAs (North Shore City Council)	13	12 Overflow 'dry weather overflow' within definition of 'Overflow	Amend Chapter 12 definition of 'dry weather overflow' within definition of 'Overflow' as follows: "An overflow that occurs during dry weather flow <u>excluding chokes</u> (see also the definition of Dry Weather Flow)" .	TAs (ACC/MW) CCO (Watercare Services Ltd)	ARC currently preparing a position paper (Chapter 5 - Stormwater and Wastewater Network and Private provisions) which will be circulated in anticipation of negotiations.
ENV-2006-304-000537	PARP - Air, Land and Water - Definitions - Overflow 'dry weather overflos' within definition of 'Overflow	ENV-2006-AKL-000107	TAs (North Shore City Council)	28	12 Overflow 'dry weather overflow' within definition of 'Overflow	Amend Chapter 12 definition of 'dry weather overflow' within definition of 'Overflow' as follows: "An overflow that occurs during dry weather flow <u>excluding chokes</u> (see also the definition of Dry Weather Flow)" . (Same as E510/04/13)	TAs (ACC/MW) CCO (Watercare Services Ltd)	ARC currently preparing a position paper (Chapter 5 - Stormwater and Wastewater Network and Private provisions) which will be circulated in anticipation of negotiations.
ENV-2006-304-000536	PARP - Air, Land and Water - Definitions - Overflow 'Pumping Station overflow' within definition of overflow	ENV-2006-AKL-000107	TAs (North Shore City Council)	26	12 Overflow 'Pumping Station Overflow' within definition of 'Overflow'	Delete Chapter 12 definition of 'Pumping Station Overflow' from within the definition of 'Overflow' as it does not provide sufficient certainty.	TAs (ACC/MW) CCO (Watercare Services Ltd)	ARC currently preparing a Draft Consent Order (Wastewater Discharges in All Areas) for signature.
ENV-2006-304-000538	PARP - Air, Land and Water - Definitions - Potentially Affected Party	ENV-2006-AKL-000049	Waiheke Winegrowers Association	04	12 Potentially Affected Party	Amend the definition of " Potentially Affected Party" to define the term as owners/occupiers of adjoining properties only.	TAs (ACC) New Zealand Winegrowers Horticulture New Zealand	SETTLED. Consent Order signed by Environment Court 19 October 2009.

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ENV-2006-304-000539	PARP - Air, Land and Water - Definitions - Predominantly Indigenous Vegetation	ENV-2006-AKL-000103	CCO (Watercare Services Ltd)	22	12 Predominantly Indigenous Vegetation	Amend the definition of "predominantly indigenous vegetation" to exclude any such areas planted in accordance with any riparian planting programme	TAs (ACC/MW) Horticulture New Zealand	Agreement reached at 31 August mediation on Chapter 3. To be included in consent order for Chapter 3 Natural Streams Management Areas.
ENV-2006-304-000426	PARP - Air, Land and Water - Group 4 Air Quality - AQ Management Framework	ENV-2006-AKL-000066	Poultry Industry Association of New Zealand	08	4.5 4A.5 12 Air Quality Discharges	Amend the Rules and Definitions to provide greater clarification of where the discharges are measured. These should be at the boundary of the site.	Haka International Horticulture New Zealand Oil Companies	ARC and Appellant are in discussions. Updated draft consent order sent to Appellant for consideration on 17 Dec 2009.
ENV-2006-304-000542	PARP - Air, Land and Water - Definitions - Reasonable Mixing	ENV-2006-AKL-000102	CCO (Ports of Auckland Ltd)	35	12 Reasonable Mixing	Amend the definition of "reasonable mixing" to clarify its intended effect.	TAs (ACC/MW) Auckland International Airport Sandford Ltd Horticulture New Zealand	ARC to respond to comments received on definition (Chapter 5 - Other Discharges of Contaminants).
	PARP - Air, Land and Water - Definitions - Spray drift (agricultural)	ENV-2006-AKL-000080	Horticulture New Zealand	18	12 Spray drift (agricultural)	Amend Chapter 12 – name and definition of 'spray drift (agricultural)' as follows: Spray-Drift (Agricultural) <u>spraydrift</u> : The airborne movement of vapour, aerosol or droplets or <u>solid particles</u> containing agricultural chemicals onto non-target areas beyond the boundary of the target property."	TAs (ACC) New Zealand Winegrowers NZ Transport Agency	SETTLED. Consent Order signed by Environment Court 19 October 2009.
ENV-2006-304-000552	PARP - Air, Land and Water - Definitions - Total Suspended solids	ENV-2006-AKL-000090	NZ Transport Agency	03	12 Total Suspended solids	Amend definition of 'total suspended solids' in Chapter 12 to include specific reference to the type and quantity of solids.	TAs (ACC/MW) Oil Companies CCO (Ports of Auckland Ltd)	ARC currently preparing a position paper (Chapter 5 - Stormwater and Wastewater Network and Private provisions) which will be circulated in anticipation of negotiations.
ENV-2006-304-000554	PARP - Air, Land and Water - Definitions - Washwater	ENV-2006-AKL-000103	CCO (Watercare Services Ltd)	104	12 Washwater	Amend the definition of "Washwater" to exclude reticulated water supply systems as the rules associated with "Washwater" are not relevant to reticulated water supply systems.	TAs (ACC/MW) Westfield NZ CCO (Ports of Auckland Ltd) Horticulture New Zealand	ARC to report back to Appellants following negotiations (Chapter 5 – Other Discharges of Contaminants)

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ENV-2006-304-000555	PARP - Air, Land and Water - Definitions - Wastewater Networks	ENV-2006-AKL-000107	TAs (North Shore City Council)	29	12 Wastewater Network	Amend Chapter 12 definition of 'Wastewater Network' as follows: "The construction, operation, and maintenance, <u>renewal and upgrading</u> of sewers, pumping stations and all associated plant and machinery <u>including manholes and ancillary structures</u> for the conveyance of wastewater within a defined geographical area and managed by a wastewater network operator, and includes combined stormwater and wastewater networks, but excludes wastewater treatment plants, private connections sewers and small networks. A small network is a wastewater collection network that receives combined inputs (via any connection) to give a total flow with an equivalent population (EP) of less than 1000".	TAs (ACC/MW) CCO (Watercare Services Ltd)	ARC currently preparing a position paper (Chapter 5 - Stormwater and Wastewater Network and Private provisions) which will be circulated in anticipation of negotiations.
ENV-2006-304-000558	PARP - Air, Land and Water - Definitions - Wetland	ENV-2006-AKL-000076	Carter Holt Harvey Ltd	16	12 Wetland	Add a definition of 'wetland' to Chapter 12 as follows: " <u>A permanently or intermittently wet area, shallow water and land/water margins that support a natural ecosystem, of predominately indigenous plants that are adapted to wet conditions. Wetlands do not include areas dominated by exotic vegetation where water ponds following rain or during extended wet periods.</u> "	TAs (ACC/MW) Federated Farmers NZ Transport Agency CCO (Watercare Services Ltd) Horticulture New Zealand	Included in negotiations on Wetland Management Areas
ENV-2006-304-000559	PARP - Air, Land and Water - Definitions - Zone of Reasonable Mixing	ENV-2006-AKL-000102	CCO (Ports of Auckland Ltd)	36	12 Zone of Reasonable Mixing	Amend the definition of "Zone of Reasonable Mixing" to clarify how the boundaries of the zones of reasonable mixing have been determined.	TAs (ACC/MW) Sanford Ltd Auckland International Airport Horticulture New Zealand	ARC to report back to Appellants following negotiations (Chapter 5 – Other Discharges of Contaminants)
ENV-2006-304-000487	PARP - Air, Land and Water - Definitions -Agrichemical	ENV-2006-AKL-000081	Contact Energy Ltd	19	12 Agrichemical	Amend the definition of 'agrchemical' in Chapter 12 as follows: "Any substance, whether inorganic or organic, man-made or naturally occurring, modified or in its original state, that is used to eradicate, modify or control flora and fauna and includes animal remedies but excludes fertilisers and chemicals when used for water treatment."	TAs (ACC/MW) Horticulture New Zealand	SETTLED. Consent Order signed by Environment Court 19 October 2009.

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ENV-2006-304-000531	PARP - Air, Land and Water - Definitions - Intensive Livestock Farming Inter-related with PARP - Air, Land and Water - Group 4 Air Quality - Intensive Livestock Farming	ENV-2006-AKL-000066	Poultry Industry Association of New Zealand	09	12 Intensive Livestock Farming	Amend the definition of "Intensive Livestock Farming" to mean the farming of more than 40,000 birds (it being the intention of excluding operations which are less than one shed).	Horticulture New Zealand	To be discussed with Chapter 4. Draft consent order circulated to parties for signing 12/8/08. Letter sent proposing court date in 2009. Appellant and ARC in discussions. Updated draft consent order sent to Appellant for consideration on 17 Dec 2009.
ENV-2006-304-000541	PARP - Air, Land and Water - Definitions - Production Land Activities	ENV-2006-AKL-000066	Poultry Industry Association of New Zealand	17	12 Production Land Activities	Delete reference to "factory farming" wherever that term appears and insert in lieu "intensive livestock farming".	Horticulture New Zealand (was Vegfed & Fruited) Federated Farmers NZ <i>Added by advice in email 19/5/09</i>	SETTLED Discussed with Chapter 4. Consent order signed by Env Court 19/10/09.
ENV-2006-304-000912	PARP - Coastal - Definitions - Settling Zone	ENV-2006-AKL-000102	CCO (Ports of Auckland Ltd)	52	Definitions Coastal Plan Settling Zone	Amend the definition of 'settling zone' as follows: The near shore marine or estuarine environment within which most <u>terrestrial sourced</u> (nominally 75%) catchment derived contaminants (including sediment and sediment bound contaminants) settle and accumulate. The primary settling zones within the Auckland Region are as shown on Map Series 5.	TAs (ACC/MW) Auckland International Airport Federated Farmers Horticulture New Zealand. Sanford Ltd NZ Transport Agency	ARC to respond to comments received from parties (Chapter 20 RP:C and ALWP Chapter 5 Stormwater provisions)
ENV-2006-304-000911	PARP - Coastal - Definitions - Stormwater	ENV-2006-AKL-000102	CCO (Ports of Auckland Ltd)	53	Definitions Coastal Plan Stormwater	Amend the definition of 'stormwater' to specifically include reference to discharges to the CMA.	TAs (ACC/MW) Auckland International Airport Federated Farmers Horticulture New Zealand Sanford Ltd NZ Transport Agency	ARC to respond to comments received from parties (Chapter 20 RP:C and ALWP Chapter 5 Stormwater)