

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)	Appeal Point Status	Status
ENV-2006-304-000427	PARP - Air, Land and Water - Group 4 Air Quality - Policy 4.4.5 & Rule 4.5.1	ENV-2006-AKL-000066	Poultry Industry Association of New Zealand	07	4.4.5 4.5.1(b)	Amend Policy 4.4.5 and Rule 4.5.1(b) to include a reference point or measuring point which should be beyond the boundary of the premises. Any noxious, dangerous or offensive or objectionable emissions within the boundary of the premises are a health and safety matter and not a resource management issue.	Haka International Horticulture New Zealand Oil Companies	WITHDRAWN	WITHDRAWN by letter to the Court from the appellant dated 29 April 2010.
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	Haka International Horticulture New Zealand Oil Companies	WITHDRAWN	WITHDRAWN by letter to the Court from the appellant dated 29 April 2010.
ENV-2006-304-000433	PARP - Air, Land and Water - Group 4 Air Quality - Air Quality Management Areas	ENV-2006-AKL-000080	Horticulture New Zealand	03	4.4.8	Amend Policy 4.4.8 as follows: "Potential conflicts between incompatible land uses along the boundaries of Air Quality Management Areas (AQMA) shall be minimised. <u>Setbacks from boundaries will not be required from those undertaking legally established activities adjacent to the boundaries of an adjacent AQMA. Those people undertaking activities and land uses adjacent to the boundary of an AQMA must recognise that there is the potential for effects from activities that are legally established in the adjacent AQMA.</u> "	Tas (ACC) Federated Farmers Poultry Industry Association of New Zealand Waste Disposal Services Waste Management NZ Ltd NZ Transport Agency Oil Companies	In Negotiation	Letter sent to appellant 4 March 2010. No reply. Follow-up emails 22 March, 24 April, 14 May, 19 May. Meeting 08/06/10
ENV-2006-304-000433	PARP - Air, Land and Water - Group 4 Air Quality - Air Quality Management Areas	ENV-2006-AKL-000081	Contact Energy Ltd	07	4.4.24	Amend Policy 4.4.24 as follows: "Significant adverse effects, in particular effects on human health, and/or <u>reduced material reductions in amenity</u> " and clarify that listed discharges are only inappropriate if they affect human health or cause a material reduction in amenity.	NZ Transport Agency	SETTLED 24/05/10	SETTLED Consent order signed and sealed by Environment Court 24 May 2010.
ENV-2006-304-000426	PARP - Air, Land and Water - Group 4 Air Quality - AQ Management Framework	ENV-2006-AKL-000080	Horticulture New Zealand	06	4.4.6 Explanation to 4.5.1	Withdraw Policy 4.4.6 and the Explanation following Rule 4.5.1 relating to the application of FIDOL and notify by way of Variation.	TAs (ACC) NZ Transport Agency Oil Companies	SETTLED 09/06/10	Appellant advised 7/12/09 that this appeal will not be pursued. Draft consent order to April 2010 RSP Committee. Memo sent to appellant and s274s for signature 12/04/10 CO signed by Env Ct 09/06/10
ENV-2006-304-000423	PARP - Air, Land and Water - Group 4 Air Quality - Combustion	ENV-2006-AKL-000081	Contact Energy Ltd	09	4.5.25(c)	Amend 4.5.25(c) as follows: "The stack shall be designed so that, under normal operating conditions <u>which give rise to maximum emissions</u> , the discharge velocity from the stack is greater than 10 metres per second."		SETTLED 24/05/10	SETTLED Consent order signed and sealed by Environment Court 24 May 2010.
ENV-2006-304-000423	PARP - Air, Land and Water - Group 4 Air Quality - Combustion	ENV-2006-AKL-000802	Mighty River Power Ltd	03	4.5.26	Include landfill gas as a fuel in Rule 4.5.26 by adding the words " <u>landfill gas</u> " between the word "diesel" and "or light or heavy fuel oil"	Waste Disposal Services Waste Management NZ Ltd	WITHDRAWN 26/03/10	ARC sent letter 23/10 Follow up email sent 02/11. Follow up email sent 24/11 Follow up email sent 18/12 Follow up email sent 15/02 Phone messages left 17/02 and 25/02 Phone conversation and email received 01/03 - to be withdrawn. Awaiting receipt of advice to the court. Advice to court received 26/03/10.

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ENV-2006-304-000423	PARP - Air, Land and Water - Group 4 Air Quality - Combustion	ENV-2006-AKL-000092	Waste Management (NZ) Ltd	04	4.5	Amend 4.5 to provide for landfill gas combustion (either by way of flaring or burning for electricity generation) as follows: Insert after Rule 4.5.28 (formerly Rule 4.5.31): Permitted Activities "4.5.xx <u>The discharge of contaminants into air from the combustion of landfill gas, not exceeding a total on-site capacity of 5 MW (megawatts), that complies with conditions (a) to (e) of Rule 4.5.28, subject to the following standard terms and conditions:</u> (a) Landfill gas not exceeding a total capacity of 0.5MW may be combusted in a non-enclosed flare having the following minimum specifications: i) flame arrester and backflow prevention devices or similar equivalent system; and ii) continual automatic ignition system; and iii) automatic isolation system to ensure that there is no discharge of unburnt landfill gas from the flare in the event of flame loss. (b) The combustion of landfill gas not covered by (a), above, shall be in a flare having the following minimum specifications: i) conditions (a)(i) to (a)(iii), above ii) adequate sampling ports to enable emissions testing to be undertaken, iii) provision for safe access to sampling ports while emissions tests are undertaken.	TAs (ACC) Waste Disposal Services CCO (Watercare Services Ltd; Ports of Auckland Ltd)	In Negotiation	ARC sent letter 23/02/10 Response received 23/04/10 Meeting held 10/06/10. Agreement reached in principle on some matters. Buffer issue still outstanding.
ENV-2006-304-000423	PARP - Air, Land and Water - Group 4 Air Quality - Combustion	ENV-2006-AKL-000092	Waste Management (NZ) Ltd	02	4.5.31 Explanation	Delete the Explanation following Rule 4.5.31.	TAs (ACC) Waste Disposal Services CCO (Ports of Auckland Ltd; Watercare Services Ltd)	In Negotiation	ARC sent letter 23/02/10 Response received 23/04/10 Meeting held 10/06/10. Agreement reached in principle on some matters. Buffer issue still outstanding.
ENV-2006-304-000422	PARP - Air, Land and Water - Group 4 Air Quality - Intensive Livestock Farming	ENV-2006-AKL-000066	Poultry Industry Association of New Zealand	10	4.5.110	Amend Controlled Activity Rule 4.5.110 to provide for intensive livestock farming operations that were lawfully established or authorised prior to 21 October 2001 or consist of 180,000 birds or less, (in other words, 4 sheds or fewer) as a controlled activity subject to the same terms and conditions, except those relating to changes in the activity, character, intensity or scale, and to complaints.	Haka International Horticulture New Zealand	Environment Court hearing set for week beginning 20 Sept 2010	Draft consent order circulated to parties for signing 12/8/08. Updated draft consent order sent to Appellant for consideration on 17 Dec 2009. Hearing set for 20 September 2010.
ENV-2006-304-000422	PARP - Air, Land and Water - Group 4 Air Quality - Intensive Livestock Farming	ENV-2006-AKL-000066	Poultry Industry Association of New Zealand	11	4.5 Intensive Livestock Farming	Provide for operations exceeding 180,000 birds (in other words, greater than 4 sheds) to have a restricted discretionary activity status, bearing in mind that land use rules will dictate the location and separation distances for intensive poultry farming, and that the Regional Council is confined to considering the effects of the air discharges of the operation	Haka International Horticulture New Zealand	Environment Court hearing set for week beginning 20 Sept 2010	Draft consent order circulated to parties for signing 12/8/08. Updated draft consent order sent to Appellant for consideration on 17 Dec 2009. Hearing set for 20 September 2010.
ENV-2006-304-000432	PARP - Air, Land and Water - Group 4 Air Quality - Other Discharges Miscellaneous	ENV-2006-AKL-000066	Poultry Industry Association of New Zealand	12	4.5.88	Change Rule 4.5.88 from a discretionary activity to a controlled activity, requiring compliance with Rule 4.5.1		WITHDRAWN	WITHDRAWN by letter to the Court from the appellant dated 29 April 2010.

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ENV-2006-304-000422	PARP - Air, Land and Water - Group 4 Air Quality - Intensive Livestock Farming	ENV-2006-AKL-000066	Poultry Industry Association of New Zealand	15	4.2.8	Amend Issue 4.2.8 by deleting the reference to intensive livestock farming discharging potentially hazardous air pollutants.	Federated Farmers Haka International Horticulture New Zealand	Environment Court hearing set for week beginning 20 Sept 2010	Draft consent order circulated to parties for signing 12/8/08. Updated draft consent order sent to Appellant for consideration on 17 Dec 2009. Hearing set for 20 September 2010.
ENV-2006-304-000437	PARP - Air, Land and Water - Group 4 Air Quality - Miscellaneous	ENV-2006-AKL-000081	Contact Energy Ltd	52	4.5	Amend Chapter 4.5 by inserting a new PA rule as follows: " <u>The discharge of clean steam is a permitted activity.</u> "		SETTLED 24/05/10	SETTLED Consent order signed and sealed by Environment Court 24 May 2010.
ENV-2006-304-000437	PARP - Air, Land and Water - Group 4 Air Quality - Miscellaneous	ENV-2006-AKL-000094	Federated Farmers of New Zealand (Inc)	28	4.1.11	Delete Section 4.1.11 (previously 4.1.12) relating to Global Air Quality from the Plan	Mighty River Power Ltd Auckland District Health Board	In negotiation	Respondent and Appellant in discussions May/June 2009 Letter sent by email with proposed new wording 14/10/09. Follow up email sent 02/11. Phone conversation 02/11 agreement to proposed new wording and minor additional amendment proposed by FF. Draft CO to be circulated. s274 being checked - letters sent to MRP, ACC and Hort NZ. Letter received from ACC and Hort NZ confirming they do not wish to be involved as s274 parties. Copy of s274 notice of MRP received 05/01/10. Email received from FF confirming agreement to delete section 4.1.11
ENV-2006-304-000425	PARP - Air, Land and Water - Group 4 Air Quality - Mobile Sources	ENV-2006-AKL-000099	Auckland International Airport Ltd	06	4.4.18	Include a new policy after Policy 4.4.18: Mobile Sources as follows (or words to like effect): " <u>To not restrict the operation of transport services such as aircraft, trains and ships, (etc) by recognising that emissions from such sources are permitted, even when located on industrial or trade premises.</u> "	TAs (ACC/MW) Oil Companies Air New Zealand CCO (Ports of Auckland Ltd)	WITHDRAWN 05/05/10	ARC sent letter 28/04 Follow up email sent 24/11 Received call 24/11 phone discussion Letter received 04/12 stating that they do not wish to pursue the appeal point, ARC sent letter 17/12 advising process for withdrawal. Advice note to court not received. Follow up email sent 17/02, 18/03 and 27/04 Advice to court received 05/05/10

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ENV-2006-304-000425	PARP - Air, Land and Water - Group 4 Air Quality - Mobile Sources	ENV-2006-AKL-000099	Auckland International Airport Ltd	07	4.5 Mobile Sources	Support Rule 4.5.3 by including additional, new and appropriate explanatory text, issues, objectives and policies.	TAs (ACC/MW) NZ Transport Agency Oil Companies Air New Zealand CCO (Ports of Auckland Ltd)	WITHDRAWN 05/05/10	ARC sent letter 28/10 Follow up email sent 24/11. Received call 24/11 phone discussion Letter received 04/12 stating that they do not wish to pursue the appeal point, ARC sent letter 17/12 advising process for withdrawal. Advice note to court not received. Follow up email sent 17/02, 18/03 and 27/04. Advice to court received 05/05/10
ENV-2006-304-000432	PARP - Air, Land and Water - Group 4 Air Quality - Other Discharges Miscellaneous	ENV-2006-AKL-000081	Contact Energy Ltd	08	4.5.23(c)	Amend 4.5.23(c) as follows: "The methods to minimise the discharge and to avoid, remedy or mitigate any adverse effects of the discharge including the adequacy of the control measures for the collection, containment, management and treatment of the discharge, as well as the type and adequacy of control equipment and preparation of management plans;" and	TAs (ACC/MW) NZ Transport Agency Mighty River Power Ltd	SETTLED 24/05/10	SETTLED Consent order signed and sealed by Environment Court 24 May 2010.
ENV-2006-304-000432	PARP - Air, Land and Water - Group 4 Air Quality - Other Discharges Miscellaneous	ENV-2006-AKL-000081	Contact Energy Ltd	11	4.5.91	Amend 4.5.91 as follows: "The discharge of contaminants into air from chemical processes including: any of the following....."		SETTLED 24/05/10	SETTLED Consent order signed and sealed by Environment Court 24 May 2010.
ENV-2006-304-000432	PARP - Air, Land and Water - Group 4 Air Quality - Other Discharges Miscellaneous	ENV-2006-AKL-000080	Horticulture New Zealand	21 HNZ para 12.3	4.5.46	Delete requirement to meet Rule 4.5.1(a) and(c) from Rule 4.5.46.	TAs (ACC)	SETTLED 09/06/10	Settled 30/10/06 CO, acc. to Oct 2007 Appeal Summaries, but not on Memo – Not resolved acc to email from HortNZ 1/10/09. Discussed via phone call 10/11. Letter sent 24/11 Follow up email sent 18/12/09 Follow up email sent 04/02/10 Discussed via phone call 18/02. Should receive written response by end Feb/early March. Agreement reached in principle. Draft consent order to go to RSP April 15 for approval. Memo sent to appellant and s274s for signature 12/04/10

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ENV-2006-304-000422	PARP - Air, Land and Water - Group 4 Air Quality - Intensive Livestock Farming	ENV-2006-AKL-000066	Poultry Industry Association of New Zealand	16	4.3.9	Amend Objective 4.3.9 by deleting reference to human health in relation to intensive livestock farming.	Federated Farmers Haka International Horticulture New Zealand	Environment Court hearing set for week beginning 20 Sept 2010	Draft consent order circulated to parties for signing 12/8/08. Updated draft consent order sent to Appellant for consideration on 17 Dec 2009. Hearing set for 20 September 2010.
ENV-2006-304-000427	PARP - Air, Land and Water - Group 4 Air Quality - Policy 4.4.5 & Rule 4.5.1	ENV-2006-AKL-000071	TAs (Manukau City Council)	01	4.5.1	Amend General Permitted Activity Rule 4.5.1 to provide more clarity and certainty, and remove the discretionary elements in the rule.	TAs (ACC/MW; Papakura District Council) NZ Transport Agency Oil Companies Transpower Stevensons Mighty River Power Ltd CCO (Ports of Auckland Ltd) Auckland International Airport Horticulture New Zealand	To be withdrawn	Review impact of outcomes of Chapter 4A Agrichemicals - letter sent 29.10.09. Appellant advised Nov09 that this appeal to be withdrawn.
ENV-2006-304-000427	PARP - Air, Land and Water - Group 4 Air Quality - Policy 4.4.5 & Rule 4.5.1	ENV-2006-AKL-000080	Horticulture New Zealand	05	4.4.5	Delete "or is likely to cause" in Policy 4.4.5 a), b), c) and d).	TAs (ACC) NZ Transport Agency Contact Energy Ltd	SETTLED 09/06/10	Agreement reached 7/12/09. Draft consent order to April 2010 RSP Committee. Memo sent to appellant and s274s for signature 12/04/10 CO signed by Env Ct 09/06/10
ENV-2006-304-000427	PARP - Air, Land and Water - Group 4 Air Quality - Policy 4.4.5 & Rule 4.5.1	ENV-2006-AKL-000052	Haka International NZ Ltd	27	4.5.1	Delete Rule 4.5.1(c).	NZTA	In Negotiation	Review impact of outcomes of Chapter 4A Agrichemicals - letter sent 2.12.09 Letter sent 14/06/10. Email received 16/06/10
ENV-2006-304-000427	PARP - Air, Land and Water - Group 4 Air Quality - Policy 4.4.5 & Rule 4.5.1	ENV-2006-AKL-000052	Haka International NZ Ltd	29	4.5.1	Amend Rule 4.5.1 by providing guidance as to appropriate FIDOL factors in the rural context the (sic) will result in an adverse effect beyond the boundary of premises	Contact	In Negotiation	Review impact of outcomes of Chapter 4A Agrichemicals - letter sent 2.12.09 Letter sent 14/06/10. Email received 16/06/10
ENV-2006-304-000427	PARP - Air, Land and Water - Group 4 Air Quality - Policy 4.4.5 & Rule 4.5.1	ENV-2006-AKL-000052	Haka International NZ Ltd	28	4.5.1(a)	Amend Rule 4.5.1(a) by deleting the words "or ash" and replace with "ash or hazardous air pollutants"	Energy Ltd	In Negotiation	Review impact of outcomes of Chapter 4A Agrichemicals - letter sent 2.12.09 Letter sent 14/06/10. Email received 16/06/10

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ENV-2006-304-000438	PARP - Air, Land and Water - Group 4 Air Quality - Schedule 7 Hazardous Air Pollutants	ENV-2006-AKL-000080	Horticulture New Zealand	08	Schedule 7	Include the list from MIE 2002 Ambient AQ Guidelines as hazardous air pollutants (HAPs) in the Plan. Delete the list of hazardous air pollutants in Schedule 7 and undertake investigations as to which have regional or local significant effects which need to be addressed through the Plan and amend by way of Plan Variation.	TAs (ACC)	SETTLED 09/06/10	ARC sent letter 26/8/09 ARC sent follow up email 12/10/09 Follow up email sent 02/11 Phone call received 10/11 Follow up email sent 18/12/09 Follow up email sent 04/02/10 Discussed via phone call 18/02. Should receive written response by end Feb/early March Agreement reached in principle. Draft consent order to go to RSP April 15 for approval. Memo sent to appellant and s274s for signature 12/04/10 CO signed by Env Ct 09/06/10
ENV-2006-304-000428	PARP - Air, Land and Water - Group 4 Air Quality - Waste Management	ENV-2006-AKL-000070	TAs (Auckland City Council)	02	4.5.83	Change the discharge of contaminants into air from landfills under Discretionary Activity Rule 4.5.83 to be a controlled activity.		In Negotiation	ARC sent letter 19/10 Follow-up email sent 10/11 Letter received 4/12 stating that would accept RD status as compromise. Letter sent 17/12 stating that full discretionary status needs to be maintained. Letter received 03/02/10. ACC will not agree to full discretionary status. Restated offer to have RD status as a compromise. Telephone conversations with Gerard Lanning and Marcuss Herrmann. Confusion over whether the rule applied to closed landfills. ARC sent email with revised wording to clarify that the rule doesn't apply to closed landfills 18/03.
ENV-2006-304-000428	PARP - Air, Land and Water - Group 4 Air Quality - Waste Management	ENV-2006-AKL-000092	Waste Management (NZ) Ltd	06	4.5.68 Explanation	Delete the 'Explanation' before Rule 4.5.68 relating to Other Activities That Discharge Contaminants To Air – Waste Processes as follows: "Explanation: Waste processes can result in the emission of offensive odours therefore separation distances between dwellings, roads, sensitive land uses, etc are recommended in order to minimise effects beyond the boundary of the property where the waste process is being undertaken."	TAs (ACC) Waste Disposal Services CCO (Watercare Services Ltd)	In Negotiation	ARC sent letter 23/02/10 Response received 23/04/10 Meeting held 10/06/10. Agreement reached in principle on some matters. Buffer issue still outstanding.

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ENV-2006-304-000428	PARP - Air, Land and Water - Group 4 Air Quality - Waste Management	ENV-2006-AKL-000092	Waste Management (NZ) Ltd	05	4.5.84(a) 4.5.84(b)	Amend Rules 4.5.84(a) and (b) by deleting references to a minimum separation distance and minimal notional odour boundary between a landfill footprint and the nearest residential property boundary by rewording Rule 4.5.84 to read as follows: "The discharge of contaminants into air from any premises that includes the disposal of waste materials to landfill (including domestic and industrial wastes)."	TAs (ACC) Waste Disposal Services CCO (Watercare Services Ltd)	In Negotiation	1 meeting with Waste Disposal Services (s274) ARC sent letter 23/02/10 Response received 23/04/10 Meeting held 10/06/10. Agreement reached in principle on some matters. Buffer issue still outstanding.
ENV-2006-304-000428	PARP - Air, Land and Water - Group 4 Air Quality - Waste Management Inter-related with PARP - Air, Land and Water - Group 5 - Discharges to Land and Water and Land Management - Sewage Solids	ENV-2006-AKL-000103	CCO (Watercare Services Ltd)	42	4.5 Biosolids	Make appropriate provision for discharges to air from the application of treated biosolids and from processing/treatment as a permitted activity, subject to performance standards, or as a controlled activity.	TAs (ACC/MW) Horticulture New Zealand	In Negotiation	Being included with Chapter 5 Sewage Solids appeals. Refer to Debra Yan