

Attachment A:

RODNEY – PLANNING DISTRICT (5 APPEALS)

Appellant	<i>Kvest Investment Partners Group Ltd</i>	Received	7 September 2016
References	ENV–2016-AKL-181 Council – SLC65628		
Site address	Sec 4 SO 432882 Hibiscus Coast Highway, Silverdale		
Other parties	None at time of writing		
Description	Appeal by a submitter against the grant of consent to establish and operate a 24-hour service station with associated earthworks and signage and subdivision consent to create 8 lots (7 freehold and one road to vest).		
Iwi comments	The applicant provided a cultural impact assessment prepared by Manuhiri Kaitiaki Charitable Trust (Ngati Manuhiri). Ngati Manuhiri supported the proposal in principle and set out a number of recommendations to the applicant for incorporating as part of the proposal, such as inspection by them during earthworks, rain gardens, use of native plants, stop work protocols for discovery of archaeological remains and relocation of reptiles. The hearing commissioners considered the application against Part 2 of the RMA 1991.		

Appellant	Metlifecare Ltd	Received	2 December 2016
References	ENV–2016-AKL-282 Council – LAN67100		
Site address	65 Hibiscus Coast Highway, Silverdale		
Other parties	None at time of writing		
Description	Appeal by applicant against refusal of a resource consent application to establish and operate a retirement village complex comprising 368 apartments in a six-storey building, 25 serviced apartments in a two-story building, a 68-bed two-storey care centre, 28 standalone villas, eight retail units, a swimming pool and gymnasium, a standalone park café/pavilion, and 501 car parking spaces, and associated earthworks		
Iwi comments	No comments received.		

Appellant	Armin Pierau	Received	17 August 2016
References	ENV–2016-AKL-174 Council – L65819		
Site address	186 Atkins Road, Te Arai		
Other parties	s274 parties: GL, JB and MC Gravatt; WJ Bell; LN Chambers; Duthco Trustees (Bell) Ltd; Ngati Manuhiri Settlement Trust; North Sand Resources Ltd; Sandglass Corporation Ltd; Te Arai South Holdings Ltd; Te Arai South Partners Ltd; LG, MW and DN Fishlock; Mike Clifford Harris and Mike Clifford Harris as a Trustee of The Pioneer Trust; ;and The Greatest Show on Earth NZ Ltd		
Description	Appeal by the applicant to the decline of resource consents to hold a series of outdoor events, festivals weddings and corporate functions each year.		
Iwi comments	The site is located outside the Te Uri o Hau Statutory Acknowledgment Area indicated in Council planning documents and notification of the application was sent to Te Uri O Hau. No comments or submission was received.		

	<p>Land adjoining the site was transferred to Ngati Manuhiri under the Ngati Manuhiri Claims Settlement Act but the application site is outside this land. The adjoining Spectacle Lake and nearby Slipper Lakes are within the statutory acknowledgment area. Ngati Manuhiri and its interests made submissions on the application.</p> <p>Manuhiri Kaitiaki Charitable Trust raised a concern with the lack of a timeframe for the application and state that as kaitiaki they require the ability to reassess any environmental impacts of these events, in particular on the lakes. A five year term of consent has been suggested as appropriate.</p> <p>The Ngati Manuhiri Settlement Trust submitted that the Mangawhai South Forest Lands were purchased with Treaty settlement monies for tribal long term commercial sustainability and that the Manu Whenua chapter of the Regional Policy Statement within the PAUP contained a policy direction that the use and development of Maori and Treaty Settlement land, including land intended for commercial redress, is to be enabled by the PAUP and that the Te Ara South Forest Precinct provisions stem from that chapter.</p> <p>The commissioners found that these effects on the adjacent Treaty Settlement land owned by Ngati Manuhiri and other parties, which include forestry and sand mining activities, would be sufficiently adverse to undermine the use and development of that land. The hearing commissioners considered the application against Part 2 of the RMA and found it did not meet the sustainable management purpose of the Act.</p>
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Appellant	Norsho Bulc Limited	Received	8 August 2016
References	ENV-2016-AKL-168 Council – LAN-64858, REG-64859, REG-64860, REG-64861 and REG-65322		
Site address	Lot 4 DP 166787 and lot 2 DP 422009 Blackbridge Road, Pine Valley		
Other parties	<i>Blackbridge Road Environmental Protection Society</i>		
Description	Appeal by the applicant to the decline of resource consents to establish and carry out a managed fill operation with a 10 Year duration. The total fill volume of approx. 600,000 m ³ within a valley system will fill permanent streams and require consents for discharge of containments to water and land. The 6 day per week operation will see an average of 160 truck movement per day.		
Iwi comments	A kaitiaki assessment report by Ngati Manuhiri was provided by the applicant noting that landfills are not consistent with its values, but Ngati Manuhiri would not oppose the proposal subject to mitigation measures around wetland and bush protection and enhancement with covenants and indigenous species translocation. Council otherwise considered the application in accordance in particular with Part 2 of the RMA that address wider iwi values.		

NORTH SHORE-PLANNING DISTRICT (1 APPEAL)

Appellant	<i>Butterbee Childcare Limited</i>	Received	<i>16 September 2016</i>
References	ENV-2016-AKL-182 Council – LN-2142117		
Site address	159 Victoria Road, Devonport		
Other parties	Darcy McNicol; Upper Victoria Road Safety Preservation Group Inc.		

Description	Appeal by appellant against refusal to grant consent to establish and operate a childcare centre for up to 50 children within an existing residential house and proposed rear extension.
Iwi comments	None. Publicly notified. No comments received.

WAITAKERE – PLANNING DISTRICT

No Current Appeals

AUCKLAND CITY – ISTHMUS PLANNING DISTRICT (5 APPEALS)

Appellant	McDowell and Others	Received	18 October 2016
References	ENV-2016-AKL-000258 Council – R/LUC/2015/5003 and R/REG/2016/139		
Site address	37 Heaphy Street, Blockhouse Bay (including 29 and 33 Heaphy Street)		
Other parties	Auckland International College (AIS) – the applicant		
Description	Appeal against the council's decision to grant resource consents to AIS authorising the construction and operation of a student boarding facility, which is ancillary to the primary educational activity on school grounds.		
Iwi comments	The application did not trigger a requirement for iwi comments.		

Appellant	Cowie Street Residents Association Incorporated & Others	Received	1 July 2016
References	ENV-2016-AKL-000158 Council – R/LUC/2015/3627, R/REG/2015/3629 and R/REG/2015/3633 (associated with Proposed Plan Modification 380 – Notice of Requirement for Newmarket Rail Level Crossing Project)		
Site address	Sarawia Street, Laxon Terrace and Cowie Street, Newmarket		
Other parties	None yet registered.		
Description	Appeal by the submitters against the Council decision to grant resource consents associated with the Notice of Requirement to enable the construction, operation and maintenance of a new road connecting Laxon Terrace to Cowie Street, including the construction of a bridge over the existing Newmarket Branch Railway Line and the closure of the existing grade connections between Sarawia Street and Laxon Terrace Newmarket.		
Iwi comments	The applicant, Auckland Transport (AT) consulted with Mana Whenua throughout the project including six hui and two site visits between September 2014 and May 2015. The Cultural Impact Assessment undertaken by Ngati Maru Runanga included recommendations of continued consultation and recognition with respect to Nagati Maru's relationship with their land, traditions and waahi tapu, the opportunity to be involved in a cultural arts design for the project, enable Nagti Maru to undertake monitoring of construction activities and consultation with regards to any human remains during construction. AT has proposed in their application that a Kaitiaki Mana Whenua forum will be established to provide for ongoing role for Mana Whenua to be involved in the		

	design and construction of the project and input into management plans and future stages of the project. Council considered the application in accordance with the requirements of the RMA and in particular Part 2 of the RMA and has imposed conditions that also address the concerns of iwi.
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Appellant	Gilgit Road Residents' Group & Others	Received	9 June 2016
References	ENV-2016-AKL-000091 Council – R/LUC/2015/1030 and R/REG/2015/1397		
Site address	1 Gilgit Road and 90 and 94 Mountain Road, Epsom:		
Other parties	RM and RL Lerner and JK Radley (owners at 21 Almorah Avenue, Epsom.		
Description	Appeal by the submitters against the Council decision to grant resource consent for a discretionary activity to remove an existing pre-1940 building and establish a healthcare facility at 1 Gilgit Road and 90 and 94 Mountain Road, Epsom.		
Iwi comments	The application was notified to Te Rūnanga o Ngāti Whātua, <u>Ngāti Whātua o Kaipara</u> , <u>Ngāti Whātua o Ōrākei</u> , <u>Ngāi Tai Ki Tāmaki</u> Tribal Trust, Te Kawerau Iwi Tribal Authority, <u>Ngāti Tamaoho</u> Trust, <u>Te Akitai Waiohua</u> Iwi Authority, <u>Ngāti Te Ata Waiohua</u> , <u>Ngāti Paoa</u> Iwi Trust, <u>Ngāti Maru</u> Runanga Incorporated, <u>Ngāti Whanaunga</u> , <u>Ngāti Tamaterā</u> . A submission made by <u>Ngāti Whātua o Ōrākei</u> concerns the issues of physical works, in particular discharge of stormwater to ground and removal of vegetation and earthworks. If consent was to be granted then <u>Ngāti Whātua o Ōrākei</u> wanted to ensure improvements to stormwater discharge, a net gain in tree numbers/biodiversity at the site, cultural monitoring and implementation of an accidental discovery protocols. Council considered the application in accordance with the requirements of the RMA and in particular Part 2 of the RMA and has imposed conditions that also address the concerns of iwi.		

Appellant	Juneja v Auckland Council	Received	2 December 2016
References	ENV-2016-AKL-0000 Council – R/LUC/2015/4794		
Site address	89 Kinross Street, Blockhouse Bay		
Other parties	Nil		
Description	Appeal against a decision refusing consent to a limited notified resource consent application to establish and operate a childcare centre for up to 70 children, involving potential overlooking/privacy, noise, traffic, site over-intensification and objectives and policies issues.		
Iwi comments	The application did not trigger a requirement for iwi comments. The council considered the application in accordance with the requirements of the RMA and in particular Part 2 of the RMA		

Appellant	Mitchell v Auckland Council	Received	17 May 2016
References	ENV-2016-AKL-000075 Council – R/LUC/2015/4794		
Site address	14 Himikera Avenue, Avondale		
Other parties	Nil		

Description	Appeal against a decision granting retrospective resource consent for a two-storey residential addition with infringements to a height in relation to boundary rule, front yard landscaping rule and a shortfall of one carparking space. Concerns include impact on residential amenity, neighbourhood character, height, dominance, loss of privacy and conditions imposed.
Iwi comments	The application did not trigger a requirement for iwi comments. The council considered the application in accordance with the requirements of the RMA and in particular Part 2 of the RMA

CBD – PLANNING AREA (2 Appeals)

Appellant	Qambi Properties Limited v Auckland Council	Received	9 December 2016
References	(ENV-2016-AKL-000283) Council – R/LUC/2016/1890, R/REG/2016/1892, R/REG/2016/1895, R/REG/2016/1896, R/REG/2016/1897, R/REG/2016/1898, R/REG/2016/1899, R/REG/2016/2038, R/REG/2016/1900		
Site address	Aotea Station to North Auckland Line section of the City Rail Link		
Other parties	CB Trustees 2012 Limited		
Description	Appeal against a decision granting the grant of landuse and regional consents for discretionary activity relating to the Aotea Station to North Auckland Line section of the City Rail Link. The appeal from Qambi Properties is specifically about the creation of a grade separated vehicle crossing at Porters Avenue, Mt Eden. The relief sought in the appeal is that the Court to make a direction that the appeal is placed on hold pending release of the decision on the Notice of Requirement (yet to be lodged) or consent be declined.		
Iwi comments	AT has undertaken a consultation process with iwi for the CRL project which will be ongoing. A Maori Values assessment and Cultural values assessment were undertaken as part of the original NoRs. A Mana Whenua forum commenced in 2014 and is an ongoing requirement of the designation conditions. Matters raised by iwi as part of this process relates to water quality and discharges, groundwater, contaminated land, earthworks and air quality which were addressed in the officer's reports. The Commissioners considered the application in accordance with the requirements of the RMA 1991 and in particular Part 2 of the RMA and has imposed conditions that also address the concerns of iwi.		

Appellant	William Dacre McKenzie v Auckland Council	Received	9 December 2016
References	(ENV-2016-AKL-000286) Council – R/LUC/2016/1890, R/REG/2016/1892, R/REG/2016/1895, R/REG/2016/1896, R/REG/2016/1897, R/REG/2016/1898, R/REG/2016/1899, R/REG/2016/2038, R/REG/2016/1900		

Site address	Aotea Station to North Auckland Line section of the City Rail Link
Other parties	nil
Description	Appeal against a decision granting the grant of landuse and regional consents for discretionary activity relating to the Aotea Station to North Auckland Line section of the City Rail Link. The appeal is against the entire decision but in particular seeks for the proposal to accommodate a second pair of tunnels south of the Aotea Station, to future proof the CRL for an increase in capacity.
Iwi comments	AT has undertaken a consultation process with iwi for the CRL project which will be ongoing. A Maori Values assessment and Cultural values assessment were undertaken as part of the original NoRs. A Mana Whenua forum commenced in 2014 and is an ongoing requirement of the designation conditions. Matters raised by iwi as part of this process relates to water quality and discharges, groundwater, contaminated land, earthworks and air quality which were addressed in the officer's reports. The Commissioners considered the application in accordance with the requirements of the RMA 1991 and in particular Part 2 of the RMA and has imposed conditions that also address the concerns of iwi.

HAURAKI GULF ISLANDS – PLANNING DISTRICT

No current appeals

MANUKAU – PLANNING DISTRICT (1 APPEAL)

Appellant	Ahuareka Trustees (No. 2) Ltd	Received	19 November 2015
References	ENV-2015-AKL-000147 Council – 42081		
Site address	650-680 Whitford Maraetai Road, Whitford		
Other parties	Whitford Residents and Ratepayers Association		
Description	Appeal against Council's decision to refuse consent to establish a hamlet of 186 households and ancillary buildings, a country pub and restaurant, retail and commercial units and carpark in the Whitford Rural B zone.		
Iwi comments	No iwi submissions		

PAPAKURA – PLANNING DISTRICT

No current appeals

FRANKLIN – PLANNING DISTRICT (3 APPEALS)

Appellant	Pukekohe East Community Society Incorporated (superseding Chambers & others)	Received	3 August 2016
References	ENV-2016-AKL-00164 Council – R/LUC2015/4178, R/REG/2015/4182, R/REG/2015/4343, R/REG/2015/4183 and NOR ref FPA049		

Site address	108 Runciman Road, Pukekohe East
Applicant	Watercare Services Ltd
Description	Joint appeal against council grant of consents and NOR for water reservoirs.
Iwi comments	Watercare focussed their consultation with the following iwi who expressed they had an interest in the works: <ul style="list-style-type: none"> • Ngāti Tamaoho • Ngāti Maru • Ngāti Whanaunga • Te Akitai Waiohua • Waikato-Tainui As a result of this consultation, no iwi submitted on the proposal.

Appellant	Learning Houses and Kids Count Ltd	Received	11 May 2016
References	ENV-2016-AKL-073 Council – R/LUC/2015/4188 and R/REG/2015/4189		
Site address	25 Puriri Road, Pukekohe		
Applicant	Learning Houses and Kids Count Ltd		
Description	Appeal against part of the council decision to grant consent to a childcare centre and adult learning facility.		
Iwi comments	No iwi comments or submissions.		

Appellant	Kauri Bay Farm Limited	Received	22 December 2016
References	ENV-2016-AKL-289 Council – 50502		
Site address	777 Clevedon Kawakawa Road, Clevedon		
Applicant	Kauri Bay Farm Limited		
Description	Appeal against the council decision to refuse for subdivision of a site to create nine new lots (7 additional lots).		
Iwi comments	The application was non-notified and there have been no iwi comments received. The applicant had undertaken consultation with several iwi prior to lodging the application. No iwi group indicated a need for a cultural impact assessment. The Hearing Commissioner considered the application in accordance with the requirements of the RMA 1991 and in particular Part 2 of the RMA.		