

Attachment A:

RODNEY – Local Board Area (5 APPEALS)

Appellant	Kumeu Property Limited	Received	3 April 2017
References	ENV-2017-AKL-044 Council – L68001, REG68001, REG68002, REG68003 & REG68004		
Site address	455 Taupaki Road, Taupaki		
Other parties	Jennifer Mein, AF Soljan Family Trust, CM Soljan Family Trust and Soljans Estate Winery, MG Brajkovich Family Trust and Kumeu River Wines Limited, Kumeu-Huapai Residents & Ratepayers Association Inc., and Frances A Vuksich.		
Description	Appeal by an applicant against council's decision to refuse consent to establish and operate an aged care facility with on-site servicing, with 102 hospital beds and 157 assisted living beds at 455 Taupaki Road, Taupaki.		
Iwi comments	Nga Maunga Whakahii o Kaipara – “no risk to the mauri of the land or water table given the proposed onsite storm water options (rain gardens) and waste management systems”. Accidental discovery protocol, opportunity to bless the site before earthworks, and opportunity to submit names for facilities and open spaces recommended.		
Status	Parties to advise court by 5 May whether they agree to mediation. <i>Appeal currently 'on hold' pending outcome of mediation set down for 29 June.</i>		

Appellant	Matakana Coast Trail Trust	Received	9 March 2017
References	ENV-2017-AKL-020 Council – SLC66696, REG66698 & REG66699		
Site address	Multiple sites located in and around Moir Hill Road, Ahuroa.		
Other parties	None.		
Description	Appeal by a submitter against the council's decision to grant consent to a 207-lot rural-residential subdivision and rehabilitation (including revegetation and weed and pest management) of approximately 1,375 ha of the 1,508 ha site with associated vegetation clearance, earthworks, streamworks, stormwater discharge and wastewater disposal. Appeal specifically relates to the lack of a condition requiring a walking and cycle path to be provided through the site.		
Iwi comments	CIA provided by Ngati Manuhiri. Applicant to work with Ngati Manuhiri to develop an iwi liaison framework to enable their recommendations to be considered during the detailed design process and during physical works on site.		
Status	Applicant does not wish to participate in mediation. Joint memorandum filed with the Court with proposed timetable for a hearing: <i>Timetable extended by two weeks with appellant evidence 16 June, applicant and council evidence 30 June, appellant reply evidence 14 July, with a hearing to follow.</i>		

Appellant	IFS Trust	Received	1 March 2017
References	ENV-2017-AKL-019 Council – BUN20460461 (SLC68834)		
Site address	223 Falls Road, Warkworth		
Other parties	None.		
Description	Appeal by the applicant to the decline of resource consents to subdivide a property within the Future Urban Zone into 9 lots, comprising three esplanade reserve lots, a lot to vest in Council, a lot to vest as road, and five residential lots.		
lwi comments	None.		
Status	<i>Discussions with appellant in lieu of timetable yet to be set by the Court.</i>		

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.		
lwi comments	<p>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> <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>		
Status	Mediation held Thursday 10 November 2016.		

	A three day court hearing proceeded on 27, 28 and 29 March 2017. Awaiting decision from court.
--	--

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	Blackbridge Road Environmental Protection Society		
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.		
Status	Mediation held 6 October. Evidence exchanged and joint witness statements prepared. All documents filed with the Court. Hearing proceeded on 22 to 24 May 2017 and adjourned to allow submission of revised draft conditions and the applicants closing submissions by 16 June.		

HIBISCUS AND BAYS - Local Board Area (2 APPEALS)

Appellant	Metlifecare Ltd	Received	2 December 2016
References	ENV-2016-AKL-282 Council – LAN67100		
Site address	65 Hibiscus Coast Highway, Silverdale		
Other parties	Residents 274 party group.		
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.		
Status	Reported to the Committee under urgency on 18 January 2016. Awaiting mediation date from the Court. Mediation has now been deferred with discussions likely between the parties. The applicant has informed the court that they will abandon the 2016 scheme and are working through a revised design.		

Appellant	Campbells Bay Community Preservation Society Incorporated v Auckland Council	Received	1 February 2017
References	ENV-2017-AKL-011 & ENV-2017-AKL-012 Council – LN-2141566 & REG-2142023		
Site address	218-220 Beach Road, Campbells Bay		
Other parties	None. Peter & Anna Jacobi Trust withdrew their appeal on 2 March 2017.		
Description	Appeals by submitters against the granting of consents for the establishment of a new childcare centre (150 children and 20 staff) and community facility involving additional alterations to a scheduled heritage building, the construction of new buildings and associated site works, tree removal and works within the road reserve		
Iwi comments	None. Publicly notified. No comments received.		
Status	Prehearing conference held 31 March 2017. Court minute set down timetable for the appellant to determine the scope of its appeal, conduct expert caucusing and report as to whether a hearing will be necessary. Applicant's traffic expert clarified his issues by memo on 13 April. Traffic expert caucusing held 1 May. Joint witness statement issued 4 May. <i>The parties are yet to report to the Court as to whether the matter needs to be set for hearing.</i>		

UPPER HARBOUR - Local Board Area (2 APPEALS)

Appellant	Stride Holdings Limited	Received	17 February 2017
References	ENV-2017-AKL-000 Council – REG-2016-1032; REG-2016-1034; REG-2016-1036; REG-2016-1037; REG-2016-1037; REG-2142955; REG-2142959 and REG-2142965		
Site address	Multiple sites (Titirangi to Albany), including Maki Street, Rua Road, and Gunton Drive, Massey North		
Other parties	n/a		
Description	Appeal against Councils decision to grant resource consent to application by Watercare Services Limited to construct new infrastructure: The North Harbour 2 Watermain (NH2). The appellant is a landowner affected by the proposed location, construction and operation of the proposed watermain.		
Iwi comments	Cultural Impact Assessments were prepared for earlier stage of works and this was rolled over to this hearing. The hearing commissioners considered the application information in accordance with the requirements of the RMA and in particular Part 2 of the RMA. No comments were received from iwi or local board.		
Status	Parties have agreed that the appeal shall be placed on hold until the end of the related Notice of Requirement process to apply to the North Harbour 2 Watermain route. <i>The related appeal by Stride Holdings Limited to the Watercare Services Limited Notices of Requirement was lodged on 25 May 2017.</i>		

Appellant	Scanlon, New Kiwis Limited & The Swim Centre Limited v Auckland Council	Received	27 January 2017
References	ENV-2017-AKL-009 Council – SUB60032697		
Site address	364, 378, 382, 404 Upper Harbour Drive & 128 Albany Highway, Greenhithe		
Other parties	None.		
Description	Appeal by submitters against the granting of subdivision consent for 44 residential lots.		
Iwi comments	Ngati Whatua Orakei Iwi Authority – Neutral. Main reasons for concern were discharge of stormwater, removal of trees, and earthworks. Recommended cultural monitoring by NWO, use of Accidental Discovery Protocol, and cultural heritage induction for all contractors involved.		
Status	Appeal reported to the Regulatory Committee on 12 April 2017. Mediation held 20 April 2017, where the parties could not reach agreement regarding access design, and other matters. Further mediation attended on 25 May 2017 and parties willing for a further mediation to be set.		

DEVONPORT – TAKAPUNA - Local Board Area (2 APPEALS)

Appellant	Devonport Peninsula Precincts Society Incorporated	Received	8 February 2017
References	ENV-2017-AKL-000 Council – LN -2142200, REG -2142201, REG -2142202, REG -2142203, REG -2142204, REG - 2142205 -		
Site address	7-37 Ngataringa Street, 1-88 Wakakura Crescent and 29 Lake Road, Devonport		
Other parties	Applicant: Rymans Health		
Description	Appeal by submitters against a grant of resource consent to construct, operate and maintain a retirement village for 120 care beds, 78 assisted living suites, 195 apartments and provision of 269 carparks. The appeal primarily notes concerns to the bulk and dominant character of the buildings.		
Iwi comments	<p>The applicant undertook consultation with Iwi with regard to the site and the proposed development. The site was returned to Ngati Whatua Orakei Trust under the Ngati Whatua Orakei Claims Settlement Act 2012 and is currently owned by Ngati Whatua Orakei Trust. Ryman Healthcare has acquired a leasehold interest in the site for a term of 150 years and had obtained the approval of the landowner and mana whenua of the site, being, Ngati Whatua Orakei Trust.</p> <p>The application material confirms that the construction works will not occur over identified archaeological sites of Maori origin (shell midden deposits), noted to be along the Mary Barrett Glade Track. Nonetheless, the applicant has proposed that construction activities will be managed in accordance with standard accidental discovery protocols.</p> <p>The hearing commissioners considered the application in accordance with the requirements of the RMA and in particular Part 2 of the RMA.</p>		
Status	Mediations proceeded on 30 March and 8 May 2017 that explored revisions to the design. Further discussion between the parties around revised plans and conditions of consent that have led to an agreement and consent order documents being lodged with the Court on 2 June 2017. Awaiting a decision from the Court.		

Appellant	Butterbee Childcare Limited	Received	16 September 2016
References	ENV-2016-AKL-182 Council – LN-2142117		
Site address	159 Victoria Road, Devonport		
Other parties	Upper Victoria Road Safety Preservation Group Inc. (other parties have withdrawn)		
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.		
Status	Mediation held on Friday 11 November. Court reporting date of 28 February 2017. Pre-hearing conference held on 29 March with a minute setting out a timetable for evidence exchange & expert conferencing between April and July for a hearing likely in the second week of August. The minute notes that evidence will be based on a revised centre for 40 children, re-siting of the villa and reduced parking and scale of additions. Appellant evidence exchanged 28 April and Council evidence exchanged 19 May. Section 274 party evidence due 9 June. Expert conferencing to occur before rebuttal evidence due on 30 June. Set down for hearing on or after 1 August.		

WAITAKERE RANGES - Local Board Area (1 APPEAL)

Appellant	Liangguo (Tony) Xu v Auckland Council	Received	2 May 2017
References	ENV-2017-AKL-000 Council – LUC60019784 (LUC-2016-0644)		
Site address	42 Clayburn Road, Glen Eden		
Other parties	26 separate 274 parties have joined the proceedings.		
Description	Appeal by the applicant against the refusal of retrospective consent for conversion of two existing dwellings into boarding houses with no on-site manager.		
Iwi comments	The application did not trigger any requirement for a Cultural Impact Assessment, and raised no Treaty issues. The application was limited notified to neighbours only. The hearing commissioners considered the application in accordance with the requirements of the RMA and in particular Part 2 of the RMA.		
Status	<i>The appellant has recently deal with the compliance issues relating to the activity on site. Council is now not opposed to the appellants request for the appeal to be placed on hold for 2 months to explore redesign options.</i>		

ALBERT-EDEN –Local Board Area (2 APPEALS)

Appellant	<i>R McMullen and J Lim</i>	<i>Received</i>	<i>16 May 2017</i>
References	<i>ENV-2017-AKL-00057 Council – R/LUC2016/2962/1</i>		
Site address	<i>22 Kipling Avenue Epsom</i>		
Applicant	<i>Kipling House Limited John Dunn</i>		
Description	<i>To construct and operate a health care facility with 18 staff within the Mixed Housing Suburban Zone. The new two-level building with basement car parking exceeds maximum height and height to boundary, yards, building and impervious coverage rules while site works involves rock-breaking and tree removals.</i>		
Iwi comments	<i>The application did not trigger any requirement for a Cultural Impact Assessment, and raises no Treaty issues. The application was limited notified to neighbours only. The hearing commissioners considered the application in accordance with the requirements of the RMA and in particular Part 2 of the RMA.</i>		
Status	<i>New Appeal.</i>		

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, Autotrans Limited and Cairns Property, Millar Samson Limited.		
Description	Appeal against a decision granting regional consents for a 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 removal 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 amending the current designation notified on 2 February 2017 or for the resource consent to 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 Notices of Requirements. 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 related to water quality and discharges, groundwater, contaminated land, earthworks and air quality which were addressed in the officers' reports. The Hearing 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.		

Status	A prehearing conference was held at the Environment Court on 22 February 2017. Court to make further directions on the appeal and the related Notice of Requirement for the designation amendments. <i>Under section 116 the Court has allowed the consents to be exercised in areas are removed from the areas of concern to the appellant and other parties.</i>
---------------	---

PUKETAPAPA - Local Board Area

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	Several parties, including non-submitters have joined the appeal under section 274 of the RMA.		
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		
Status	Court-assisted mediation was held on 9 February 2017 however the parties could not agree to settle the matter. An Environment Court hearing date has been set down for 22 June 2017 and the applicant and councils experts have exchanged evidence. <i>No evidence has been received from the section 274 parties and some have since withdrawn.</i>		

FRANKLIN – Local Board Area (4 APPEALS)

Appellant	Pine Harbour Holdings Limited	Received	2 February 2017
References	ENV-2017-AKL-010 Council – 48758		
Site address	96 Karaka Road, Beachlands		
Applicant	Pine Harbour Holdings Limited		
Description	Appeal against several conditions of the council decision to grant subdivision and landuse consent to create 27 lots and 27 dwellings.		
Iwi comments	The application was publicly notified and there were no submissions by iwi. Ngai Tai Ki Tamaki advised during the processing of the proposal that they were happy for the development to proceed based on their longstanding relationship with the applicant. No iwi group indicated a need for a cultural impact assessment. The Hearing Commissioners considered the application in accordance with the requirements of the RMA 1991 and in particular Part 2 of the RMA.		

Status	Appeal reported to the Regulatory Committee under urgency on 1 March 2017 as the Court had directed a reporting date of 1 March 2017 to identify whether mediation is appropriate and/or agree a hearing timetable. Mediation set down and held on 19 April. Parties will be reporting back to the Court on a monthly basis.
---------------	---

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.		
Status	Appeal reported to the Regulatory Committee on 9 February 2017. The consent was refused on policy grounds, with effects being minor. The Court has directed a reporting date of 3 March 2017 to identify whether mediation is appropriate and/or agree a hearing timetable. Still awaiting directions from the Court. Evidence exchange timetable and hearing was set down by the Court (hearing scheduled for 26-28 June 2017), however the timetable has not been met. A judicial teleconference was held on Friday 5 May. The appellant has since advised the Court that the appeal has been withdrawn. Matter complete.		

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		
Status	Appeal reported to the Committee in December 2015. Mediation held 11 February 2016. Appeal reported to the Regulatory Committee on 1 December 2016. Evidence exchange occurred in February/March 2017 although no hearing date set. Judicial teleconference held 30 March. Rebuttal evidence due 28 April with hearing possible in July. Hearing scheduled for week commencing 3 July 2017. Expert witness caucusing currently taking place.		

Appellant	Allen	Received	1 February 2017
References	ENV-2016-AKL-008 Council – R/LUC/2016/557		
Site address	1974 Great South Road, Bombay		
Other parties	2 submitters; C & S Hartnett , C Crane		
Applicant	Steven and Rosemary Allen		
Description	Appeal against the council decision to refuse consent for a self-storage facility. The commissioners' decision notes the main issues for refusal relate to the scale and locational impact on rural character and amenity values and being contrary to the objectives of the rural zone.		
Iwi comments	The application was publicly notified and there have been no iwi submissions received. The applicant had contacted all iwi with an interest in the area prior to lodging the application. No iwi group indicated a need for a cultural impact assessment or provided any comment. The Hearing Commissioner considered the application in accordance with the requirements of the RMA 1991 and in particular Part 2 of the RMA.		
Status	Appeal reported to the Regulatory Committee under urgency on 1 March 2017 as the Court had directed a reporting date of 1 March 2017 to identify whether mediation is appropriate and/or agree a hearing timetable. Mediation attended by all parties on 9 May 2017 from which options have been provided as the basis of a further mediation on Friday 9 June.		