
Resource Consent Appeals: Status Report 14 June 2018

File No.:

Purpose

1. To provide an update of all current resource consent appeals lodged with the Environment Court.

Executive summary

2. This report provides a summary of current resource consent appeals to which the Auckland Council is a party. It updates our report of 27 April 2018 to the Regulatory Committee.
3. If committee members have detailed questions concerning specific appeals, it would be helpful if they could raise them prior to the meeting with Robert Andrews (phone: 353-9254) or email: robert.andrews@aucklandcouncil.govt.nz) in the first instance.

Recommendation/s

That the Regulatory Committee:

- a) receive the Resource Consents Appeals: Status Report 14 June 2018.

Comments

4. As at 5 June 2018, there are 23 resource consent appeals to which Auckland Council is a party. These are grouped by Local Board Area geographically from north to south as set out in **Attachment A**. Changes since the last report and new appeals received are shown in bold italic text.
5. The principal specialist planners - resource consents, continue to resolve these appeals expeditiously. In the period since preparing the previous status report, there have been two new appeals and two appeals resolved.
6. The appeal LM Painton Trust is against council's decision to grant consent to the resource consent application by Auckland Transport to Stage 3 of the Silverdale Park and Ride Facility. This proposes the addition of 127 car-parking spaces to the existing facility.
7. The appeal Trevor Hobson and Oliver Hobson is from the applicant that relates to the council refusal of consent for a non-complying 4-lot subdivision in the Countryside Living Zone at Albany.

Consideration

Local board views and implications

8. Not applicable.

Māori impact statement

9. The decision requested of the Regulatory Committee is to receive this progress report rather than to decide each appeal.
10. The Resource Management Act 1991 includes a number of matters under Part 2, which relate to the relationship of Tangata Whenua to the management of air, land and water resources. Maori values associated with the land, air and freshwater bodies of

the Auckland Region are based on whakapapa and stem from the long social, economic and cultural associations and experiences with such taonga.

Implementation

11. Environment Court appeal hearings can generate significant costs in terms of commissioning legal counsel and expert witnesses and informal mediation and negotiation processes seek to limit these costs. Although it can have budget implications, it is important that Auckland Council, when necessary, ensure that resource consents maintain appropriate environmental outcomes and remain consistent with the statutory plan policy framework through the appeal process.

Attachments

No.	Title	Page
A	Current Resource Consent Appeals as at 5 June 2018	

Signatories

Authors	Robert Andrews - Resolutions Team Manager
Authorisers	Ian Smallburn - General Manager Resource Consents Penny Pirrit - Director Regulatory Services

RODNEY – Local Board Area (3 APPEALS)

Appellant	InfoTech Accountants Ltd	Received	27 March 2018
References	ENV-2018-AKL-000** Council - BUN60066984, LUC60066985 and DIS60066986		
Site address	782 Haruru Road, Wainui.		
Other parties	Coombridges, Lathams & Estate of G Edwards		
Description	To establish and operate a two staged cleanfill up to a maximum of 125,000m ³ of imported fill and undertake associated earthworks and site works. The two cleanfill sites will total 2.9ha comprising Area A of 1.3ha and Area B of approximately 1.6ha.		
Iwi comments	No cultural values assessments prepared		
Status	Consent was limited notified and granted. The applicant has appealed some conditions of the consent. Court assisted mediation was held on 2 May 2018. Agreement in principle discussed with a timetable agreed for parties to provide their views and report to the Court by 12 June.		

Appellant	Albert Road Investments Limited	Received	7 June 2017
References	ENV-2017-AKL-00075 Council – SUB60069647		
Site address	102 Hudson Road, Warkworth.		
Other parties	None		
Description	Appeal by the applicant against council's decision to refuse to allow subdivision of a 2800m ² lot around the existing dwelling on site from the balanced land of 1.315ha at 102 Hudson Road, Warkworth.		
Iwi comments	No cultural values assessments prepared with the application that was processed on a non-notified basis.		
Status	Court has issued an evidence timetable: appellant evidence 1 September, council evidence 6 October, and appellant rebuttal evidence 27 October. Two days of hearing time reserved for either week of 27 November or 4 December 2017. Evidence preparation occurring under above timetable is now complete and the matter has been set for hearing on the week starting 19 February 2018. The appeal proceeded to a 2 day hearing 19-20 th February 2018. Still awaiting a decision.		

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 2017 whether they agree to mediation. Appeal currently 'on hold' pending outcome of mediation set down for 29 June 2017. The applicant post mediation is considering an alternate design of that will be the subject of a further mediation set down on 9 th August 2017. Second mediation held with no agreement reached. Appellant has confirmed that they wish to proceed to hearing with an alternate design. The court has issued a timetable for evidence exchange, with a hearing date. Evidence currently being prepared. All evidence exchanged and court hearing set. The appeal proceeded to a 5 day hearing 12-16 th February 2018 with the neighbour and resident group parties actively involved. The Court released its interim decision on 8 March granting consent to the revised 2-level 114 resident design. The parties have been given 2 months to finalise details of the plans and conditions. The appellant has presented revised plans and draft conditions in line with the interim decision. <i>The position of the parties in regards to these revised conditions has been submitted to the Court for a final decision.</i>

Hibiscus and Bays - Local Board Area (3 APPEALS)

Appellant	LM Painton Trust	Received	20 April 2018
References	ENV-2018-AKL-00063 Council – SUB60069647		
Site address	1 Hibiscus Coast Highway , Silverdale Park & Ride, Facility, Silverdale		
Other parties	Two s.274 parties		
Description	Appeal by the party against council's decision to grant consent to Stage 3 of the Silverdale Park and Ride Facility, which will result in the addition of 127 car-parking spaces to the existing facility.		
Iwi comments	The application was publicly notified and no submissions from Iwi were submitted.		
Status	Following a judicial telephone conference on 7 May 2018 a timetable was agreed for the use and surveying of the use of the 37 completed carparks within the facility. The traffic surveying will take place for two weeks prior to the car parks being used and for two weeks following the first week of their use commencing. The survey results will then be used to model the traffic effects and that outcome used as a basis for further expert Court directed discussion and mediation. The surveying and modelling will take approximately 8 - 9 weeks to complete. In the interim conferencing with the traffic engineering experts is to take place on 8 June and mediation on 13 June 2018.		

Appellant	Andrew Hegman	Received	20 March 2018
References	ENV-2018-AKL-000049 Council - LUC60309866		
Site address	7B Gulf View Rd, Murrays Bay, North Shore		
Other parties	No		
Description	Appeal by the applicant against council's decision to refuse consent for a garage within the front yard.		
Iwi comments	Not applicable.		
Status	<i>Mediation meeting has been held. Parties are in discussion.</i>		

Appellant	Auckland Council (Community Facilities)	Received	22 December 2017
References	ENV-2017-AKL-00075 Council – SUB60069647		
Site address	Orewa Beach Esplanade Reserve, between Kohu Street and Marine View		
Other parties	Four 274 parties		
Description	Appeal by the applicant against council's decision to refuse consent to the construction of a seawall, walkway and accessory access structures at the Orewa Beach Esplanade Reserve, between Kohu Street and Marine View.		
Iwi comments	Cultural values assessments were prepared by Ngati Manuhiri and Ngai Tai Ki Tamaki that confirmed conditional support for the application. The environment is highly modified and accidental discovery protocols are sought. The application was publically notified and no submissions from Iwi were submitted.		
Status	Court has heard from the parties and issued a minute on 22 February 2018 setting down the matter for a pre-hearing on jurisdiction over the right to appeal and determining that amicus curiae should be appointed. Affidavits have been prepared for the pre-hearing set for 9 April 2018 that proceeded as scheduled. <i>The Court released on 2 May 2018 its decision confirming jurisdiction over the Council's right to appeal.</i>		

UPPER HARBOUR - Local Board Area (2 APPEALS)

Appellant	Trevor Hobson and Oliver Hobson	Received	3 May 2018
References	<i>ENV-2018-AKL-000072</i>		
Site address	<i>355 Dairy Flat Highway, Lucas Heights, Auckland</i>		
Other parties	<i>Forest and Bird Protection Society</i>		
Description	<i>An appeal by the applicant against a Hearing Commissioners' decision to decline consent to a 4-lot subdivision in the Countryside Living Zone.</i>		
Iwi comments	<i>None</i>		
Status	<i>Mediation has been set for 3 July 2018.</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 and 25 May 2017, where the parties could not reach agreement regarding access design, landscaping and other matters. In a court report of 29 September 2017 the applicant and appellant have asked for more time to develop revised plans and resolutions to outstanding issues. <i>A pre-hearing conference with the Environment Court was held on 10 May 2018. Directions were given for a memorandum to be filed as to settlement by 20 July 2018, or else file council evidence or for a hearing in the week of 10 September 2018.</i>		

HENDERSON-MASSEY – Local Board Area (1 APPEAL)

Appellants	New Zealand Retail Property Group Limited	Received	17 August 2017
References	ENV-2017-AKL-000120		
Site address	79-85 Fred Taylor Drive, Westgate		
Other parties	Holy Resurrection Russian Orthodox Church (Applicant for associated land use consent); Auckland Transport		
Description	Appeal against conditions of resource consent LUC600619881 and subdivision consent SUB60039017 requiring that the consent holder shall upgrade the frontage of the site (berm/footpath). The consent allows for a 2-lot subdivision creating a 7,000m ² site for a church.		
Iwi comments	None.		
Status	Mediation held 4 October 2017. <i>Agreement reached with appellant on revised wording of conditions. Draft consent order filed with Environment Court on 18 May 2018.</i>		

ALBERT-EDEN –Local Board Area (3 APPEALS)

Appellant	Sai 1 Trust v Auckland Council	Received	16 February 2018
References	ENV-2018-AKL-000011 Council – LUC60310360		
Site address	325 Mount Albert Road, Mount Roskill		

Description	Appeal against a decision on a s357 objection to the rejection of a resource consent for processing under s88 of the RMA. The application that was rejected was for the construction of an extension to an existing building to provide an additional unit on the site.
Iwi comments	As the application was not accepted for processing no assessment of iwi issues has been undertaken. In the initial s88 check for completeness of the application no requirement for a Cultural Impact Assessment or iwi or Treaty matters have been raised.
Status	Appeal lodged on 16 February 2018. Mediation held at the Environment Court on 30 May 2018. Agreement reached and appeal settled. The appellant is to provide confirmation of the withdrawal of the appeal by 10 June 2018.

Appellant	View West Limited v Auckland Council	Received	29 September 2017
References	ENV-2017-AKL-000151 Council – R/LUC/2016/2243, LUC60114213		
Site address	31 Esplanade Road, Mount Eden		
Description	Appeal against a hearing commissioner's decision to refuse resource consent for the demolition of the St James Church Hall, a Category B Historic Heritage building, located at 31 Esplanade Road, Mt Eden. The hall was constructed in the 1880's and is currently subject to a Dangerous Building Notice which has seen it fenced off and unused for the past five years. It sits beside the Category B St James Church that has consent to be re-purposed into four residential apartments.		
Iwi comments	The application did not trigger any requirement for a Cultural Impact Assessment, attract submissions from Iwi or raise Treaty issues.		
Status	Court directions received on 24 October 2017. The Court requires a response by 7 November as to whether parties agree to mediation. Mediation attended Wednesday, 14 th February 2018. Parties agreed a timeline for an alternative proposal to be developed that would see the building retained and re-used. An evidence exchange timetable has been set that runs during June and July.		

PUKETAPAPA –Local Board Area (1 APPEAL)

Appellant	Jayashree Limited v Auckland Council	Received	7 December 2017
References	ENV-2017-AKL-000181 Council – R/LUC/2016/2243, LUC60114213		
Site address	34 White Swan Road, Mount Roskill		
Description	Appeal against a decision on a s357 objection to the rejection of a resource consent for processing under s88 of the RMA. The application that was rejected was for the legalisation of four units on the site.		
Iwi comments	As the application was not accepted for processing no assessment of iwi issues has been undertaken. In the initial s88 check for completeness of the application no requirement for a Cultural Impact Assessment or iwi or Treaty matters have been raised.		
Status	Court directions received on 11 December 2017. The Court has joined this appeal with other existing Environment Court proceedings for this site and		

	<p>another site owned by the appellant (i.e. ENV-2017-AKL-000133 building consent abatement notice appeal to cease the use of the property (34 White Swan Road, Mount Roskill) as a boarding house and ENV-2017-AKL-00079 an application for a declaration regarding the use of a dwelling at 37A Hayr Road, Three Kings). A reporting date on progress has been set for 28 February 2018. Mediation held at the Environment Court on 30 May 2018. Agreement reached and appeal settled. The appellant is to provide confirmation of the withdrawal of the appeal by 10 June 2018.</p>
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WAIHEKE –Local Board Area (3 APPEALS)

Appellants	Cable Bay Wines Ltd v Auckland Council	Received	2 February 2018
References	ENV-2017-AKL-000010 Council – LUC60127798		
Site address	12 Nick Johnston Drive, Waiheke Island		
Applicant	Cable Bay Wines Limited		
Other parties	Stephen & Suzanne Edwards, Julie Loranger & Lindsay Niemann, Michael & Christine Poland.		
Description	Cable Bay appeal Council's decision to refuse retrospective consent relating to the unlawful establishment and use of an additional dining area known as 'The Verandah'. The principal issues in contention relate to the scale and intensity of the activity and the general amenity / noise effects associated with the use of the structure.		
Iwi comments	The application was limited-notified to neighbours. 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	The Environment Court has directed court-assisted mediation after the expiry of the section 274 period which is 15 March 2018. Council is to file and serve a reporting memorandum by 4 May 2018. Three s274 parties have joined. Awaiting confirmation of Environment Court mediation date – will likely be in the week beginning 9 April 2018. Mediation will involve both the consent appeal and the enforcement order application. The mediation scheduled for 27 April was abandoned. A further mediation date is now scheduled for 2 July 2018 that is to cover both the consent appeal and the enforcement order application.		

Appellants	1.Walden v Auckland Council	Received	9 June 2017
	2.SKP Incorporated v Auckland Council	Received	9 June 2017
References	ENV-2017-AKL-000076 ENV-2017-AKL-000077 Council – R/LUC/2017/489, R/REG/2017/65		
Site address	Donald Bruce Road, Kennedy Point, Waiheke Island		
Applicant	Kennedy Point Boatharbour Limited		
Other parties	Over 30 parties have joined the appeal under section 274 of the RMA.		
Description	Two separate appeals opposing the construction, maintenance and use of a 186 berth marina within the coastal marine area adjacent to Kennedy Point. The marina includes floating attenuators for wave protection and floating pontoons		

	for car parking, office and a public/café building. The council hearing canvased a large range of issues and potential effects including landscape, traffic and transport, ecology.
Iwi comments	The applicant consulted with iwi, including Ngati Paoa Trust and Ngai Tai ki Tamaki Tribal Trust. A cultural values assessment was provided by Ngati Paoa and a cultural impact assessment from Ngai Tai ki Tamaki. Iwi sought to have input into conditions but no submissions were lodged by iwi. The independent hearing commissioners had regard to all the information before them and considered the application in accordance with the relevant statutory requirements and in particular Part 2 of the RMA 1991.
Status	The Environment Court has set down the appeals for a court-assisted mediation on 4 and 7 August 2017. Mediation on 4 and 7 August 2017 has now been completed. Mediation narrowed down some issues but did not resolve all the issues for the appellants and all the section 274 parties. A timetable for exchange of evidence, caucusing of expert witnesses and Environment Court hearing date has been confirmed. All evidence and witness caucusing is complete with the hearing set for the week of 26 February 2018. Hearing commenced on Monday 26 February 2018. Hearing completed. <i>Environment Court decision now received dated 30 May 2018 granting consent to the application for a marina subject to a comprehensive set of conditions.</i>

MAUNGAKIEKIE TAMAKI and HOWICK (2 APPEALS)

Appellant	Panmure Bridge Marina Ltd and Barry Scott Family Trust	Received	19 March 2018
References	ENV-2018-AKL 0000048 Council – LUC60123881, LUC60289131, DIS6008373, CST60082989, DIS60083720 and DIS60277558, WAT60152193		
Site address	AMETI		
Applicant	Auckland Transport		
Description	Appeal by submitters relating to the resource consent application by Auckland Transport for the AMENTI Stage 2A project, that were heard at the same time as the associated Notice of Requirement. The consents relate to a new busway and bridge crossing the Tamaki River. The main area of contention for the appellants is around the impact on Panmure Marina and a failure to consider alternative alignment options for the bridge.		
Iwi comments	The application included a Cultural Values Assessment by the Ngāti Paoa Iwi Trust which contained a number of recommendations. Ngāti Paoa also submitted on the proposal. AT commissioned an Independent Assessment of Effects on Māori Heritage following the submission period, taking into account the points raised in the submission, along with other submissions that identified potential cultural effects.		
Status	New appeal that is part a number of appeals against the grant of resource consents and the confirmation of the Notice of Requirement by AT. Parties are in discussion in regards to seeking a mediation date with the Court. <i>The Court has set the appeal down for a hearing in the month of August. Auckland Council was required to file our evidence by 18 May 2018.</i>		

Appellant	Maharg Investments Limited & DG Law Limited	Received	19 March 2018
References	ENV-2018-AKL 0000054 Council – LUC60123881, LUC60289131, DIS6008373, CST60082989, DIS60083720 and DIS60277558, WAT60152193		
Site address	AMETI		
Applicant	Auckland Transport		
Description	Appeal by submitters relating to the resource consent application by Auckland Transport for the AMENTI Stage 2A project that were heard at the same time as the associated Notice of Requirement. The consents relate to a new busway and bridge crossing the Tamaki River. The main area of contention for the appellants is around the impact on Panmure Marina and a failure to consider alternative alignment options for the bridge.		
Iwi comments	The application included a Cultural Values Assessment by the Ngāti Paoa Iwi Trust which contained a number of recommendations. Ngāti Paoa also submitted on the proposal. AT commissioned an Independent Assessment of Effects on Māori Heritage following the submission period, taking into account the points raised in the submission, along with other submissions that identified potential cultural effects.		
Status	New appeal that is part a number of appeals against the grant of resource consents and the confirmation of the Notice of Requirement by AT. Parties are in discussion in regards to seeking a mediation date with the Court. <i>The Court has set the appeal down for a hearing in the month of August. Auckland Council was required to file our evidence by 18 May 2018.</i>		

FRANKLIN – Local Board Area (6 APPEALS)

Appellant	Fulton Hogan Limited	Received	15 March 2018
References	ENV-2018-AKL 0000046 Council – 53124, 53125, 53126		
Site address	546 McNicol Road Clevedon		
Applicant	Fulton Hogan Limited		
Other parties	Auckland Transport and Clevedon Conversations - 274 parties		
Description	Appeal by the applicant relates to two conditions of consent imposed on the grant of consent to expand its quarry at 546 McNicol Road Clevedon. Condition 23 relates to a restriction that prevents quarry truck movements to and from Clevedon Quarry after 12 pm (noon) on Saturday. Condition 19 (b) and (c) are references in the review condition regarding adverse truck noise along McNicol Road (south of Tourist Road) and Tourist Road.		
Iwi comments	There were no cultural value assessments submitted or later submissions from Iwi following public notification.		
Status	Parties are in discussion in regards to seeking a mediation date with the Court in early May. <i>Mediation proceeded on 21 and 22 May 2018. Further discussion continues between the parties with the intention of either settlement or minimising the outstanding matters.</i>		

Appellant	Clevedon Protection Society 2017 Incorporated	Received	15 March 2018
References	ENV-2018-AKL 0000044 Council – Council – 53124, 53125, 53126		
Site address	546 McNicol Road Clevedon		
Applicant	Fulton Hogan Limited		
Other parties	Auckland Transport and Clevedon Conversations - 274 parties		
Description	Appeal by a submitter to particular conditions imposed on the consent for the application by Fulton Hogan to expand the size of its Clevedon Quarry and increased activity to an annual production of approximately 3 million tonnes per year. The conditions relate to the Community liaison Group, monitoring and review, truck management, numbers, speed and road parking and safety, operation hours and noise, stream ecology and discharge to air.		
Iwi comments	There were no cultural value assessments submitted or later submissions from Iwi following public notification.		
Status	Parties are in discussion in regards to seeking a mediation date with the Court in early May. Mediation proceeded 21 and 22 May 2018. Further discussion continues between all parties with the intention of either settlement or minimising the outstanding matters.		

Appellant	Manukau Harbour Restoration Society Inc	Received	17 January 2018
References	ENV-2018-AKL 000002 Council – R/REG/2016/2749 and R/REG/2016/2751		
Site address	Waiuku		
Applicant	Watercare Services Limited		
Description	Appeal by a submitter to the grant of regional permits to discharge wastewater into the Waiuku Estuary and Manukau Harbour. One s274 party has joined (Gary Whyborn).		
Iwi comments	The application was publicly notified and submissions were received from Ngati Te Ata and Ngati Tamaoho Trust. Ngati Te Ata provided its full support to the Project and the applications. Ngati Tamaoho Trust asked that the application be declined but also proposed conditions should consent be granted		
Status	Parties have met to discuss concerns/questions with the conditions. A second Court assisted mediation has occurred on 3 May 2018. Discussions on conditions continue.		

Appellant	Giles and Third	Received	16 August 2017
References	ENV-2017-AKL-000118 Council – SUB60300057 (MC53131)		
Site address	340 Clevedon Kawakawa Bay Road		
Applicant	Dianne Giles and Lynette Colleen Third		
Description	Appeal against a decision refusing consent to subdivide a rural site to create two lots. Consent refused on a non-notified basis		
Iwi comments	The application was non-notified. No iwi group indicated a need for a cultural impact assessment. The delegated decision maker considered the application in		

	accordance with the requirements of the RMA 1991 and in particular Part 2 of the RMA.
Status	Appeal on hold to allow applicant to see if reasons for refusal can be addressed. Currently exploring design options to see if policy matters can be addressed. Next court report date on 23 February 2018. An amended proposal has been submitted by the applicant for consideration by Council as to whether it addresses the reasons for refusal. The next reporting date is 31 March. Consent order docs are being prepared as the revised proposal now addresses the reasons for refusal. <i>Awaiting signed and sealed consent order docs from the Court.</i>

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. Evidence exchange has commenced with a hearing likely in the new year. Hearing has been postponed as there is a possibility of settlement due to the imminent commencement of works on the adjacent property which would address the conditions in contention. Consent order docs have been circulated to parties. <i>Consent order documents were submitted and approved by the Court 24 May 2018. Appeal now closed.</i>		

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		

	<p>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. Court hearing proceeded within the week 3 July 2017, with the applicants reply to be filed in writing and subsequently the Court's decision. Awaiting Court decision. Decision of the Court received 15 December 2017 – appeal declined. Significant policy-based decision supporting provisions of AUP (OP). Court costs being sought, otherwise appeal matters complete. The Environment Court decision since appealed by the appellant to the High Court on 26 January 2018. A case management conference is scheduled for 6 March. High Court hearing set down for 3 July. High Court hearing has been postponed until August.</p>
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