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## Resource Consent Appeals: Status Report 12 July 2018

File No.:

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### 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 5 June 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 12 July 2018.

### Comments

4. As at 4 July 2018, there are 29 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 seven new appeals and two appeals resolved.
6. Off interest are separate appeals by Rahopara Farm and Cabra Rural development Limited and Haddon against council decisions refusing non-complying rural subdivision applications. The Rahopara appeal has been on-hold since lodgment, awaiting the recent release of the decision on the AUP OP rural appeals. Issues relate to the extent that rural production zoned land is permitted to be fragmented 'in situ' rather than transferring to the Countryside Living Zone, using the 'site's for bush protection' provisions. For the Haddon appeal, council considers that a wetland identified as qualifying for subdivision bonus, is not available due to being covered by a bush covenant imposed on a previous subdivision.
7. Three of the new appeals relate to council's refusals of applications for sensitive activities within either the Business heavy industry or light industry zones. These are types of activities which have the potential to undermine the dominant purpose of these zones and create reverse sensitivity effects. The Drinkrow Industrial Estates appellants seek to establish a childcare centre and gymnasium and the Windward Properties appellants office space that is not related to a permitted industrial activity. The Travama Trust appeal relates to both direct and reverse sensitivity effects of an existing boarding house to neighbouring business activities and the wider community.
8. The other two new applicant appeals by Kumeu Baptist Church and Loxley Hall Developments Limited relate only to conditions of granted resource consents.

## Local board views and implications

9. Not applicable.

## Māori impact statement

10. The decision requested of the Regulatory Committee is to receive this progress report rather than to decide each appeal.
11. 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

12. 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 4 July 2018	

## Signatories

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

**RODNEY – Local Board Area (6 APPEALS)**

<b>Appellant</b>	<b>Sharley Haddon</b>	<b>Received</b>	<b>18 June 2018</b>
<b>References</b>	<b>ENV-2018-AKL-000118 Haddon v Auckland Council - BUN20440131</b>		
<b>Site address</b>	<b>488 Rahuikiri Rd &amp; 1294 Pakiri Rd, Pakiri.</b>		
<b>Other parties</b>	<b>n/a</b>		
<b>Description</b>	<b>An appeal to the refusal of subdivision that seeks to protect 3.01ha of wetland (including buffer) at 488 Rahuikiri in return for a subsequent subdivision entitlement. The applicant is proposing a combination of one in-situ lot at 488 Rahuikiri as well as the transfer of one lot to the site at 1294 Pakiri Road.</b>		
<b>Iwi comments</b>	<b>none</b>		
<b>Status</b>	<b>Court assisted mediation is set down for the 12<sup>th</sup> of July.</b>		

<b>Appellant</b>	<b>Kumeu Baptist Church</b>	<b>Received</b>	<b>11 June 2018</b>
<b>References</b>	<b>ENV-2018-AKL-000101 Kumeu Baptist Church v Auckland Council - BUN60069525</b>		
<b>Site address</b>	<b>68 Old Railway Road, Kumeu</b>		
<b>Other parties</b>	<b>n/a</b>		
<b>Description</b>	<b>Applicant appeal to the conditions of a consent that permits construction of a new church complex, including an auditorium, hall area, gymnasium, caretakers dwelling and school. The maximum occupancy of the church is to be 360 people, with a maximum occupancy of the school to be 200 pupils and 10 teachers. Wedding receptions, seminars and functions associated with the church and school will occur. Earthworks of approximately 9,500m<sup>2</sup>, and 3,344m<sup>3</sup>.</b>		
<b>Iwi comments</b>	<b>Cultural values assessment prepared</b>		
<b>Status</b>	<b>Appeal relates to conditions only. Court assisted mediation pending</b>		

<b>Appellant</b>	<b>Rahopara Farms Ltd and Cabra Rural Developments Ltd</b>	<b>Received</b>	<b>12 December 2017</b>
<b>References</b>	<b>ENV-2017-AKL-000182 Rahopara Farms Ltd and Cabra Rural Developments Ltd v Auckland Council - BUN60069542</b>		
<b>Site address</b>	<b>1502 Weranui Road &amp; 909 Haruru Road, Wainui.</b>		
<b>Other parties</b>	<b>n/a</b>		
<b>Description</b>	<b>The appeal relates to refusal of the consents applied for to undertake a four stage 31 lot rural residential subdivision and lot relocation at 1502 Weranui Road and 909 Haruru Road, Wainui.</b>		
<b>Iwi comments</b>	<b>-</b>		
<b>Status</b>	<b>Court assisted mediation is set down for the 24<sup>th</sup> of July.</b>		

<b>Appellant</b>	<b>InfoTech Accountants Ltd</b>	<b>Received</b>	<b>27 March 2018</b>
<b>References</b>	ENV-2018-AKL-000** Council - BUN60066984, LUC60066985 and DIS60066986		
<b>Site address</b>	782 Haruru Road, Wainui.		
<b>Other parties</b>	Coombridges, Lathams & Estate of G Edwards		
<b>Description</b>	Appeal to conditions of a consent to establish and operate a two staged cleanfill up to a maximum of 125,000m <sup>3</sup> 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.		
<b>Iwi comments</b>	No cultural values assessments prepared		
<b>Status</b>	<b>Agreement reached in relation to all conditions as of 2 July 2018. Draft Consent Order lodged with the Court.</b>		

<b>Appellant</b>	<b>Albert Road Investments Limited</b>	<b>Received</b>	<b>7 June 2017</b>
<b>References</b>	ENV-2017-AKL-00075 Council – SUB60069647		
<b>Site address</b>	102 Hudson Road, Warkworth.		
<b>Other parties</b>	None		
<b>Description</b>	Appeal by the applicant against council's decision to refuse to allow subdivision of a 2800m <sup>2</sup> lot around the existing dwelling on site from the balanced land of 1.315ha at 102 Hudson Road, Warkworth.		
<b>Iwi comments</b>	No cultural values assessments prepared with the application that was processed on a non-notified basis.		
<b>Status</b>	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 <sup>th</sup> February 2018. <b>The Court released an interim decision on 29 June 2018 indicating that it will grant consent subject to refining the conditions. The appellant is to file final condition wording by 13<sup>th</sup> July with AC to file any closing submissions on the final wording by 20<sup>th</sup> July.</b>		

<b>Appellant</b>	<b>Kumeu Property Limited</b>	<b>Received</b>	<b>3 April 2017</b>
<b>References</b>	ENV-2017-AKL-044 Council – L68001, REG68001, REG68002, REG68003 & REG68004		
<b>Site address</b>	455 Taupaki Road, Taupaki		
<b>Other parties</b>	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.		
<b>Description</b>	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.		
<b>Iwi comments</b>	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.
<b>Status</b>	Parties agree to mediation and mediation set down for 29 June 2017. The applicant post mediation is considering an alternate design to be the subject of a further mediation set down on 9 <sup>th</sup> 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. All evidence exchanged and court hearing set. The appeal proceeded to a 5 day hearing 12-16 <sup>th</sup> 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 presented revised plans and draft conditions in line with the interim decision and the position of the parties in regards to these revised conditions has been submitted to the Court <b><i>The Court released its final decision adopting the set of conditions generally as submitted, however with a request that the appellant and Council address a number of minor matters by further memoranda. The matter is otherwise finalised.</i></b>

### **Hibiscus and Bays - Local Board Area (3 APPEALS)**

<b>Appellant</b>	<b>LM Painton Trust</b>	<b>Received</b>	<b>20 April 2018</b>
<b>References</b>	ENV-2018-AKL-00063 Council – SUB60069647		
<b>Site address</b>	1 Hibiscus Coast Highway , Silverdale Park & Ride, Facility, Silverdale		
<b>Other parties</b>	Two s.274 parties		
<b>Description</b>	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.		
<b>Iwi comments</b>	The application was publicly notified and no submissions from Iwi were submitted.		
<b>Status</b>	<b><i>Following mediation and the circulation of some of the traffic survey information the appeal was withdrawn as of 29 June 2018.</i></b>		

<b>Appellant</b>	<b>Andrew Hegman</b>	<b>Received</b>	<b>20 March 2018</b>
<b>References</b>	ENV-2018-AKL-000049 Council - LUC60309866		
<b>Site address</b>	7B Gulf View Rd, Murrays Bay, North Shore		
<b>Other parties</b>	No		
<b>Description</b>	Appeal by the applicant against council's decision to refuse consent for a garage within the front yard.		
<b>Iwi comments</b>	Not applicable.		
<b>Status</b>	<b><i>Appeal resolved at mediation and consent decision confirmed by Environment Court. Appeal finalised.</i></b>		

<b>Appellant</b>	<b>Auckland Council (Community Facilities)</b>	<b>Received</b>	<b>22 December 2017</b>
<b>References</b>	ENV-2017-AKL-00075 Council – SUB60069647		
<b>Site address</b>	Orewa Beach Esplanade Reserve, between Kohu Street and Marine View		
<b>Other parties</b>	Four 274 parties		
<b>Description</b>	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.		
<b>Iwi comments</b>	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.		
<b>Status</b>	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. <b><i>The Court released on 2 May 2018 its decision confirming jurisdiction over the Council's right to appeal.</i></b>		

#### **UPPER HARBOUR - Local Board Area (2 APPEALS)**

<b>Appellant</b>	<b>Trevor Hobson and Oliver Hobson</b>	<b>Received</b>	<b>3 May 2018</b>
<b>References</b>	ENV-2018-AKL-000072		
<b>Site address</b>	355 Dairy Flat Highway, Lucas Heights, Auckland		
<b>Other parties</b>	Forest and Bird Protection Society		
<b>Description</b>	An appeal by the applicant against Hearing Commissioners' decision to decline consent to a 4-lot subdivision in the Countryside Living Zone.		
<b>Iwi comments</b>	None		
<b>Status</b>	<b><i>Mediation has been delayed by request of the applicant until August 2018.</i></b>		

<b>Appellant</b>	<b>Scanlon, New Kiwis Limited &amp; The Swim Centre Limited v Auckland Council</b>	<b>Received</b>	<b>27 January 2017</b>
<b>References</b>	ENV-2017-AKL-009 Council – SUB60032697		
<b>Site address</b>	364, 378, 382, 404 Upper Harbour Drive & 128 Albany Highway, Greenhithe		
<b>Other parties</b>	None.		
<b>Description</b>	Appeal by submitters against the granting of subdivision consent for 44 residential lots.		
<b>Iwi comments</b>	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.		
<b>Status</b>	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. <b><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></b>
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### **DEVONPORT TAKAPUNA – Local Board Area (1 Appeal)**

<b>Appellant</b>	<b><i>Loxley Hall Development Limited</i></b>	<b>Received</b>	<b><i>19 July 2018</i></b>
<b>References</b>	<b><i>ENV-2018-AKL-000119</i></b>		
<b>Site address</b>	<b><i>32-34 Tennyson St, Takapuna</i></b>		
<b>Other parties</b>	<b><i>None</i></b>		
<b>Description</b>	<b><i>Appeal against condition 22 (relating to construction hours of operation) of a resource consent for 47 apartments (BUN60069941).</i></b>		
<b>Iwi comments</b>	<b><i>The application was publicly notified and no submissions from Iwi were submitted</i></b>		
<b>Status</b>	<b><i>Memo updating status due to the Environment Court by 30 July 2018</i></b>		

### **ALBERT-EDEN –Local Board Area (2 APPEALS)**

<b>Appellant</b>	<b><i>Sai 1 Trust v Auckland Council</i></b>	<b>Received</b>	<b><i>16 February 2018</i></b>
<b>References</b>	<b><i>ENV-2018-AKL-000011 Council – LUC60310360</i></b>		
<b>Site address</b>	<b><i>325 Mount Albert Road, Mount Roskill</i></b>		
<b>Description</b>	<b><i>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.</i></b>		
<b>Iwi comments</b>	<b><i>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.</i></b>		
<b>Status</b>	<b><i>Appeal lodged on 16 February 2018. <b>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.</b></i></b>		

<b>Appellant</b>	<b><i>View West Limited v Auckland Council</i></b>	<b>Received</b>	<b><i>29 September 2017</i></b>
<b>References</b>	<b><i>ENV-2017-AKL-000151 Council – R/LUC/2016/2243, LUC60114213</i></b>		
<b>Site address</b>	<b><i>31 Esplanade Road, Mount Eden</i></b>		
<b>Description</b>	<b><i>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</i></b>		

	years. It sits beside the Category B St James Church that has consent to be re-purposed into four residential apartments.
<b>Iwi comments</b>	The application did not trigger any requirement for a Cultural Impact Assessment, attract submissions from Iwi or raise Treaty issues.
<b>Status</b>	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 <sup>th</sup> 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. <b>Expert caucusing set for the weeks 9<sup>th</sup> to 23 July 2018</b>

### **PUKETAPAPA –Local Board Area (1 APPEAL)**

<b>Appellant</b>	<b>Jayashree Limited v Auckland Council</b>	<b>Received</b>	<b>7 December 2017</b>
<b>References</b>	ENV-2017-AKL-000181 Council – R/LUC/2016/2243, LUC60114213		
<b>Site address</b>	34 White Swan Road, Mount Roskill		
<b>Description</b>	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.		
<b>Iwi comments</b>	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.		
<b>Status</b>	Court directions received on 11 December 2017. The Court has joined this appeal with other existing Environment Court proceedings for this site and 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. <b>The appeal has since been withdrawn and the file closed.</b>		

### **WAIHEKE –Local Board Area (4 APPEALS)**

<b>Appellants</b>	<b>Haydan Investments Ltd v Auckland Council</b>	<b>Received</b>	<b>21 June 2018</b>
<b>References</b>	<b>ENV-2017-AKL-</b>		
<b>Site address</b>	<b>22 Kuaka Road, Waiheke Island</b>		
<b>Applicant</b>	<b>Haydan Investments Limited</b>		
<b>Other parties</b>	<b>n/a</b>		
<b>Description</b>	<b>Appeal against council's decision to refuse resource consent (non-notified) to establish two visitor accommodation units. The development does not provide for wastewater servicing due to current capacity</b>		

	<b><i>constraints at the Owhanake Wastewater Treatment Plant (OWTP). The consent application was made on the basis that the commencement of the consent would be delayed until such time as the development could be serviced by the OWTP.</i></b>
<b><i>Iwi comments</i></b>	<b><i>No iwi issues. The application was considered in accordance with the RMA.</i></b>
<b><i>Status</i></b>	<b><i>Awaiting directions from the Court and confirmation of a mediation date.</i></b>

<b>Appellants</b>	<b>Cable Bay Wines Ltd v Auckland Council</b>	<b>Received</b>	<b>2 February 2018</b>
<b>References</b>	ENV-2017-AKL-000010 Council – LUC60127798		
<b>Site address</b>	12 Nick Johnston Drive, Waiheke Island		
<b>Applicant</b>	Cable Bay Wines Limited		
<b>Other parties</b>	Stephen & Suzanne Edwards, Julie Loranger & Lindsay Niemann, Michael & Christine Poland.		
<b>Description</b>	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.		
<b>Iwi comments</b>	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.		
<b>Status</b>	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. <b><i>Mediation held on 2 July 2018. No agreements reached between the parties. Caucusing between noise experts to occur on 5 July 2018 and a further mediation to be scheduled.</i></b>		

<b>Appellants</b>	<b>1.Walden v Auckland Council</b>	<b>Received</b>	<b>9 June 2017</b>
	<b>2.SKP Incorporated v Auckland Council</b>	<b>Received</b>	<b>9 June 2017</b>
<b>References</b>	ENV-2017-AKL-000076 ENV-2017-AKL-000077 Council – R/LUC/2017/489, R/REG/2017/65		
<b>Site address</b>	Donald Bruce Road, Kennedy Point, Waiheke Island		
<b>Applicant</b>	Kennedy Point Boatharbour Limited		
<b>Other parties</b>	Over 30 parties have joined the appeal under section 274 of the RMA.		
<b>Description</b>	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.
<b>Iwi comments</b>	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.
<b>Status</b>	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. <b><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. The appeal is now complete.</i></b>

**MAUNGAKIEKIE TAMAKI (1 appeal)**

<b>Appellants</b>	<b><i>Windward Properties Ltd v Auckland Council</i></b>	<b><i>Received</i></b>	<b><i>28 June 2018</i></b>
<b>References</b>	<b><i>ENV-2017-AKL-000130</i></b>		
<b>Site address</b>	<b><i>57 Walls Road, Panmure</i></b>		
<b>Applicant</b>	<b><i>Windward Properties Limited</i></b>		
<b>Other parties</b>	<b><i>n/a</i></b>		
<b>Description</b>	<b><i>Appeal against council's decision to refuse resource consent (non-notified) to establish non-accessory office space within an existing building in the Business – Light Industry zone.</i></b>		
<b>Iwi comments</b>	<b><i>No iwi issues. The application was considered in accordance with the RMA.</i></b>		
<b>Status</b>	<b><i>Awaiting directions from the Court and confirmation of a mediation date.</i></b>		

**MANGERE-OTAHUHU (1 appeal)**

<b>Appellants</b>	<i>Travama Trust Company Limited v Auckland Council</i>	<b>Received</b>	<b>13 June 2018</b>
<b>References</b>	<i>ENV-2018-AKL-000 LUC60129019</i>		
<b>Site address</b>	<i>91 Huia Road Otahuhu</i>		
<b>Applicant</b>	<i>Travama Trust Company Limited</i>		
<b>Other parties</b>	<i>None presently</i>		
<b>Description</b>	<i>Appeal against council's decision to refuse retrospective resource consent for a boarding house activity within an existing building in the Business – Light Industry zone.</i>		
<b>Iwi comments</b>	<i>No iwi submissions or known issues.</i>		
<b>Status</b>	<i>Awaiting directions from the Court and confirmation of a mediation date.</i>		

**HOWICK (1 appeal)**

<b>Appellant</b>	<i>Drinkrow Industrial Estates Ltd</i>	<b>Received</b>	<b>12 June 2018</b>
<b>References</b>	<i>ENV-2018-AKL 0000107 Council – LUC60292029</i>		
<b>Site address</b>	<i>11 Cryers Road</i>		
<b>Applicant</b>	<i>Drinkrow Industrial Estates Ltd</i>		
<b>Other Parties</b>	<i>Waste Management NZ Ltd, Lewis Holdings Ltd, David Levene Foundation – s274 parties</i>		
<b>Description</b>	<i>Appeal by appellants against the decline of their consent application to establish a mixed use development comprising a retail, commercial and office building and a separate childcare centre and gym building, with associated outdoor areas and parking in the Heavy Industry zone. Main issues in contention include appropriateness of the proposed activities in the HIZ, adverse air quality effects for children, potential health and safety risks, reverse sensitivity effects on existing activities.</i>		
<b>Iwi comments</b>	<i>No iwi issues. The application was considered in accordance with the RMA.</i>		
<b>Status</b>	<i>New appeal that has a number of interested parties. The Court has asked parties to confirm whether they agree to Court assisted mediation.</i>		

**MAUNGAKIEKIE TAMAKI and HOWICK (2 APPEALS)**

<b>Appellant</b>	<i>Panmure Bridge Marina Ltd and Barry Scott Family Trust</i>	<b>Received</b>	<b>19 March 2018</b>
<b>References</b>	<i>ENV-2018-AKL 0000048 Council – LUC60123881, LUC60289131, DIS6008373, CST60082989, DIS60083720 and DIS60277558, WAT60152193</i>		
<b>Site address</b>	<i>AMETI</i>		
<b>Applicant</b>	<i>Auckland Transport</i>		
<b>Description</b>	<i>Appeal by submitters relating to the resource consent application by</i>		

	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.
<b>Iwi comments</b>	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.
<b>Status</b>	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. <b><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></b>

<b>Appellant</b>	<b>Maharg Investments Limited &amp; DG Law Limited</b>	<b>Received</b>	<b>19 March 2018</b>
<b>References</b>	ENV-2018-AKL 0000054 Council – LUC60123881, LUC60289131, DIS6008373, CST60082989, DIS60083720 and DIS60277558, WAT60152193		
<b>Site address</b>	AMETI		
<b>Applicant</b>	Auckland Transport		
<b>Description</b>	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.		
<b>Iwi comments</b>	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.		
<b>Status</b>	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. 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. <b><i>The appeal has been withdrawn and the file will be closed.</i></b>		

**FRANKLIN – Local Board Area (5 APPEALS)**

<b>Appellant</b>	<b>Fulton Hogan Limited</b>	<b>Received</b>	<b>15 March 2018</b>
<b>References</b>	ENV-2018-AKL 0000046 Council – 53124, 53125, 53126		
<b>Site address</b>	546 McNicol Road Clevedon		
<b>Applicant</b>	Fulton Hogan Limited		
<b>Other parties</b>	Auckland Transport, Clevedon Protection Society, Clevedon Cares Incorporated, Clevedon School Board of Trustees and Clevedon Conversations - 274 parties		
<b>Description</b>	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.		
<b>Iwi comments</b>	There were no cultural value assessments submitted or later submissions from Iwi following public notification.		
<b>Status</b>	Parties are in discussion in regards to seeking a mediation date with the Court in early May. 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. <b><i>A draft consent order was lodged with the Court on 10 June that deals with all party matters (except those of Auckland Transport) and incorporates changes to conditions as generally agreed at the mediation. Road pavement rehabilitation issues raised by Auckland Transport remain outstanding.</i></b>		

<b>Appellant</b>	<b>Clevedon Protection Society 2017 Incorporated</b>	<b>Received</b>	<b>15 March 2018</b>
<b>References</b>	ENV-2018-AKL 0000044 Council – Council – 53124, 53125, 53126		
<b>Site address</b>	546 McNicol Road Clevedon		
<b>Applicant</b>	Fulton Hogan Limited		
<b>Other parties</b>	Auckland Transport and Clevedon Conversations - 274 parties		
<b>Description</b>	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.		
<b>Iwi comments</b>	There were no cultural value assessments submitted or later submissions from Iwi following public notification.		
<b>Status</b>	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. <b><i>A draft consent order lodged with the Court on 10 June deals with all Clevedon Protection Society matters and incorporates changes to conditions as generally agreed at mediation.</i></b>		

<b>Appellant</b>	<b>Manukau Harbour Restoration Society Inc</b>	<b>Received</b>	<b>17 January 2018</b>
<b>References</b>	ENV-2018-AKL 000002 Council – R/REG/2016/2749 and R/REG/2016/2751		
<b>Site address</b>	Waiuku		
<b>Applicant</b>	Watercare Services Limited		
<b>Description</b>	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).		
<b>Iwi comments</b>	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		
<b>Status</b>	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. <b>Consent order docs were filed with the Court 14 June.</b>		

<b>Appellant</b>	<b>Giles and Third</b>	<b>Received</b>	<b>16 August 2017</b>
<b>References</b>	ENV-2017-AKL-000118 Council – SUB60300057 (MC53131)		
<b>Site address</b>	340 Clevedon Kawakawa Bay Road		
<b>Applicant</b>	Dianne Giles and Lynette Colleen Third		
<b>Description</b>	Appeal against a decision refusing consent to subdivide a rural site to create two lots. Consent refused on a non-notified basis		
<b>Iwi comments</b>	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.		
<b>Status</b>	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. Awaiting signed and sealed consent order docs from the Court. <b>The Court has declined to sign the consent order as it requires further information regarding potential landscape and character effects. The appellant is considering their options.</b>		

<b>Appellant</b>	<b>Ahuareka Trustees (No. 2) Ltd</b>	<b>Received</b>	<b>19 November 2015</b>
<b>References</b>	ENV-2015-AKL-000147 Council – 42081		
<b>Site address</b>	650-680 Whitford Maraetai Road, Whitford		
<b>Other parties</b>	Whitford Residents and Ratepayers Association		
<b>Description</b>	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.		

<b>Iwi comments</b>	No iwi submissions
<b>Status</b>	<p>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. 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. <b>High Court hearing has been postponed until August.</b></p>