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## Resource Consent Appeals: Status Report 9 August 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 12 July 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 9 August 2018.

### Comments

4. As at 2 August 2018, there are 27 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 three new appeals and six appeals resolved.
6. The appellant Waharau Trust, is a submitter opposing the grant of consent to an application that seeks to establish and operate a large mussel farm in the western Firth of Thames. The appellant primarily seeks revised conditions that better address concerns around water quality and marine ecology effects, visual amenity and effects on recreational opportunities.
7. The Cadwallader appeal relates to the refusal of consent to relocate an existing and construct two new dwellings, and then subdivide around these dwelling within the National Grid Corridor Overlay. Transpower is a party to the appeal.
8. The appeal from the Trustees of Forest Trust and Successors is against the hearing decision on a section 357 objection to conditions and costs relating to a subdivision of land at 199 Anzac Valley Road Waitakere.

### 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

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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**

<b>No.</b>	<b>Title</b>	
A	Current Resource Consent Appeals as at 2 August 2018	

## **Signatories**

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

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

<b>Appellant</b>	<b>Sharley Haddon</b>	<b>Received</b>	<b>18 June 2018</b>
<b>References</b>	ENV-2018-AKL-000118 Haddon v Auckland Council - BUN20440131		
<b>Site address</b>	488 Rahuikiri Rd & 1294 Pakiri Rd, Pakiri.		
<b>Other parties</b>	n/a		
<b>Description</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>Iwi comments</b>	none		
<b>Status</b>	Court assisted mediation is set down for the 12 <sup>th</sup> of July. <b>Mediation agreement reached. Appeal can be resolved when the conditions of the agreement are met, which may take approximately 6 months.</b>		

<b>Appellant</b>	<b>Kumeu Baptist Church</b>	<b>Received</b>	<b>11 June 2018</b>
<b>References</b>	ENV-2018-AKL-000101 Kumeu Baptist Church v Auckland Council - BUN60069525		
<b>Site address</b>	68 Old Railway Road, Kumeu		
<b>Other parties</b>	n/a		
<b>Description</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>Iwi comments</b>	Cultural values assessment prepared		
<b>Status</b>	Appeal relates to conditions only. Court assisted mediation pending. <b>Court assisted mediation taking place on 2 August 2018.</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>	ENV-2017-AKL-000182 Rahopara Farms Ltd and Cabra Rural Developments Ltd v Auckland Council - BUN60069542		
<b>Site address</b>	1502 Weranui Road & 909 Haruru Road, Wainui.		
<b>Other parties</b>	n/a		
<b>Description</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>Iwi comments</b>	-		
<b>Status</b>	Court assisted mediation is set down for the 24 <sup>th</sup> of July. <b>Proceeding to Environment Court hearing in late 2018, prior to the resolution of the High Court appeal with respect to the Environment Court decision relating to the Rural Subdivision provisions of the AUP OP. Confirmation of whether mediation is required is still pending.</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>	Agreement reached in relation to all conditions as of 2 July 2018. <b>Consent Order issued by the Court on 9<sup>th</sup> of July 2018 and revised decision to be issued. Appeal otherwise resolved.</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. 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. 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>The revised conditions in line with the interim decision have been agreed and submitted to the Court. Awaiting release of the consent.</b>		

### Hibiscus and Bays - Local Board Area (1 APPEALS)

<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. The Court released on 2 May 2018 its decision confirming jurisdiction over the Council's right to appeal. <b><i>A pre-hearing has been set for 31 July to discuss timetabling and possible mediation dates.</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>	The application did not trigger any requirement for a Cultural Impact Assessment, or raise any iwi or Treaty issues.		
<b>Status</b>	<b><i>Mediation 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. 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. <b><i>From continued discussions between the appellant and applicant a memorandum as to settlement is now likely by the 18<sup>th</sup> August 2018.</i></b>		

### DEVONPORT TAKAPUNA – Local Board Area (1 Appeal)

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

### WAITAKERE – Local Board Area (1 Appeal)

<b>Appellant</b>	<b>Trustees of Forest Trust and Successors</b>	<b>Received</b>	<b>19 July 2018</b>
<b>References</b>	<b>ENV-2018-AKL-000145 Council: SUB-2011-63</b>		
<b>Site address</b>	<b>199 Anzac Valley Road, Waitakere</b>		
<b>Other parties</b>	<b>None</b>		
<b>Description</b>	<b>Appeal against hearing decision to uphold in part and dismiss in part a section 357 objection to conditions and costs of a subdivision resource consent (SUB-2011-63)</b>		
<b>Iwi comments</b>	<b>The application did not trigger any requirement for a Cultural Impact Assessment, or raise any iwi or Treaty issues.</b>		
<b>Status</b>	<b>Appeal lodged on 26 July 2018. Awaiting directions from the Court.</b>		

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

<b>Appellant</b>	<b>Sai 1 Trust v Auckland Council</b>	<b>Received</b>	<b>16 February 2018</b>
<b>References</b>	ENV-2018-AKL-000011 Council – LUC60310360		
<b>Site address</b>	325 Mount Albert 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 construction of an extension to an existing building to provide an additional unit 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>	Appeal lodged on 16 February 2018. Mediation held at the Environment Court on 30 May 2018. Agreement reached and appeal will settle. The appellant is to provide confirmation of the withdrawal of the appeal by 10 June 2018. <b>Appeal settled and file closed.</b>		

<b>Appellant</b>	<b>View West Limited v Auckland Council</b>	<b>Received</b>	<b>29 September 2017</b>
<b>References</b>	ENV-2017-AKL-000151 Council – R/LUC/2016/2243, LUC60114213		
<b>Site address</b>	31 Esplanade Road, Mount Eden		
<b>Description</b>	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.		
<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 has been progressing during the weeks 9<sup>th</sup> and 30<sup>th</sup> July and a second mediation is now set for 8 August 2018.</b>		

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

<b>Appellant</b>	<b>Cadwallader v Auckland Council</b>	<b>Received</b>	<b>17 July 2018</b>
<b>References</b>	<b>ENV-2018-AKL-000139</b> <b>Council -</b>		
<b>Site address</b>	<b>14 Parfitt Street, Mount Roskill</b>		
<b>Other Parties</b>	<b>Transpower</b>		
<b>Description</b>	<b>Appeal against a decision to refuse consent to relocate and modify and existing dwelling, construct two new dwellings and carry out a three lot subdivision within the National Grid Corridor Overlay.</b>		
<b>Iwi comments</b>	<b>The application was publicly notified, no submissions from Iwi. No CIA requirements.</b>		
<b>Status</b>	<b>Appellant discussing modifications to the proposal with Transpower. Appeal to be allocated to the "Parties On-Hold" category.</b>		

#### **WAIHEKE –Local Board Area (2 APPEALS)**

<b>Appellants</b>	<b>Haydan Investments Ltd v Auckland Council</b>	<b>Received</b>	<b>21 June 2018</b>
<b>References</b>	ENV-2017-AKL-		
<b>Site address</b>	22 Kuaka Road, Waiheke Island		
<b>Applicant</b>	Haydan Investments Limited		
<b>Other parties</b>	n/a		

<b>Description</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 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.
<b>Iwi comments</b>	No iwi issues. The application was considered in accordance with the RMA.
<b>Status</b>	Awaiting directions from the Court and confirmation of a mediation date. <b>Mediation scheduled for 6 August 2018.</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. Mediation will involve both the consent appeal and the enforcement order application. The mediation scheduled for 27 April abandoned and now scheduled for 2 July 2018. Mediation held on 2 July 2018. No agreements reached between the parties. Caucusing between noise experts to on 5 July 2018 and a further mediation to be scheduled. <b>No agreement reached at second mediation. Matter to be set down for a hearing late 2018.</b>		

#### **MAUNGAKIEKIE TAMAKI (1 appeal)**

<b>Appellants</b>	<b>Windward Properties Ltd v Auckland Council</b>	<b>Received</b>	<b>28 June 2018</b>
<b>References</b>	ENV-2017-AKL-000130		
<b>Site address</b>	57 Walls Road, Panmure		
<b>Applicant</b>	Windward Properties Limited		
<b>Other parties</b>	n/a		
<b>Description</b>	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.
Iwi comments	No iwi issues. The application was considered in accordance with the RMA.
Status	Awaiting directions from the Court and confirmation of a mediation date. <b>Council to provide a memorandum to the Court by 7 August 2018 stating the outcome of any negotiation / mediation between the parties, and a timetable for the filling and exchange of evidence and expert caucusing.</b>

#### MANGERE-OTAHUHU (1 appeal)

<b>Appellants</b>	<b>Travama Trust Company Limited v Auckland Council</b>	<b>Received</b>	<b>13 June 2018</b>
<b>References</b>	ENV-2018-AKL-000110 LUC60129019		
<b>Site address</b>	91 Huia Road Otahuhu		
<b>Applicant</b>	Travama Trust Company Limited		
<b>Other parties</b>	None presently		
<b>Description</b>	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.		
<b>Iwi comments</b>	No iwi submissions or known issues.		
<b>Status</b>	Awaiting directions from the Court and confirmation of a mediation date. <b>The Court has confirmed mediation however a date is yet to be set.</b>		

#### HOWICK (1 appeal)

<b>Appellant</b>	<b>Drinkrow Industrial Estates Ltd</b>	<b>Received</b>	<b>12 June 2018</b>
<b>References</b>	ENV-2018-AKL 0000107 Council – LUC60292029		
<b>Site address</b>	11 Cryers Road		
<b>Applicant</b>	Drinkrow Industrial Estates Ltd		
<b>Other Parties</b>	Waste Management NZ Ltd, Lewis Holdings Ltd, David Levene Foundation – s274 parties		
<b>Description</b>	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.		
<b>Iwi comments</b>	No iwi issues. The application was considered in accordance with the RMA.		
<b>Status</b>	New appeal that has a number of interested parties. The Court has asked parties to confirm whether they agree to Court assisted mediation. <b>Council has requested that the matter of activity status be determined at a preliminary hearing. A judicial teleconference was held on 31 July and the legal counsel for all parties will caucus regarding the interpretation of the relevant provisions and report to the Court before the Court decides a course of action.</b>		

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

<b>Appellant</b>	<b>Panmure Bridge Marina Ltd and Barry Scott Family Trust</b>	<b>Received</b>	<b>19 March 2018</b>
<b>References</b>	ENV-2018-AKL 000048 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. <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>		

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

<b>Appellant</b>	<b>Waharau Trust</b>	<b>Received</b>	<b>20 July 2018</b>
<b>References</b>	<b>ENV-2018-AKL 000143 Council – CST60082314</b>		
<b>Site address</b>	<b>Western Firth of Thames</b>		
<b>Applicant</b>	<b>Western Firth Marine Farming Consortium</b>		
<b>Other parties</b>	<b>No current 274 parties</b>		
<b>Description</b>	<b><i>Appeal by a submitter opposing the grant of consent to establish, operate and maintain a marine farm in the western Firth of Thames. The farm will be used to grow and harvest New Zealand Green-lipped mussels. The application is for a 447ha farm within a total application area of 664ha located some 5km to 8km offshore. The appellant seek conditions that will better address concerns around water quality and marine ecology effects, visual amenity and effects on recreational opportunities. Other matters raised at the hearing concerned possible effects on wave breaks and landscape effects.</i></b>		
<b>Iwi comments</b>	<b><i>A number of cultural matters were canvassed at the hearing. The Hauraki Maori Trust Board (that represents 12 iwi of Hauraki) has a longstanding participation in aquaculture in Tikapa Moana( Hauraki Gulf) and is a member of the applicant consortium. Te Whanau–A-Haunui as a submitter</i></b>		

	<i>raised issues to ensure kaitiaki, the mauri and customary practices are not adversely affected.</i>
<b>Status</b>	<i>New appeal. A direction from the Court seeks the parties to summarise issues, a possible mediation and evidence timetable and the likely witnesses to be called by 24 August 2018.</i>

<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. 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. <b><i>The Court granted a court order that modifies the agreed conditions apart from those (conditions 65 -66) relating to the Auckland Transport road pavement rehabilitation issues that remain outstanding. An application to commence consent with the exception of the AT matters was granted unopposed. AT and FHL are to report to the Court as to the unresolved matters by 21 September 2018.</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>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.</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>		