

RODNEY – Local Board Area (2 APPEALS)

| | | | |
|----------------------|--|-----------------|---------------------|
| Appellant | Sharley Haddon | Received | 18 June 2018 |
| References | ENV-2018-AKL-000118 Haddon v Auckland Council - BUN20440131 | | |
| Site address | 488 Rahuikiri Rd & 1294 Pakiri Rd, Pakiri. | | |
| Other parties | n/a | | |
| Description | 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. | | |
| Iwi comments | none | | |
| Status | Court assisted mediation took place on 12 th of July. Mediation agreement reached. <i>Appeal resolved via the issue of a Consent Order by the Environment Court on 7 February 2019.</i> | | |

| | | | |
|----------------------|--|-----------------|-------------------------|
| Appellant | Rahopara Farms Ltd and Cabra Rural Developments Ltd | Received | 12 December 2017 |
| References | ENV-2017-AKL-000182 Rahopara Farms Ltd and Cabra Rural Developments Ltd v Auckland Council - BUN60069542 | | |
| Site address | 1502 Weranui Road & 909 Haruru Road, Wainui. | | |
| Other parties | n/a | | |
| Description | 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. | | |
| Iwi comments | - | | |
| Status | An agreement to enable settlement of the appeal was reached at further mediation on 20 December 2018. <i>Discussion is currently taking place in order to reach agreement on consent conditions to be contained within the draft consent order envisaged to be forwarded to the Environment Court sometime in March 2019.</i> | | |

Hibiscus and Bays - Local Board Area (1 APPEAL)

| | | | |
|----------------------|---|-----------------|-------------------------|
| 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 heard from the parties, and by minute of 22 February 2018 set the appeal down for a pre-hearing on jurisdiction over the right to appeal and determined that an amicus curiae should be appointed. Affidavits prepared for the pre-hearing set for 9 April 2018 that proceeded as scheduled. The Court on 2 May 2018 released its decision confirming jurisdiction over the Council's right to appeal. A pre-hearing of 31 July 2018 discuss timetabling, possible mediation dates and sought the appellant to clarify the appeal issues. <i>Court assisted mediation took place on the 21st and 22nd of February 2019. An agreement relating to the substantive matters at issue was reached between the applicant and council's Regulatory Team, but not the s.274 parties. The matter will still likely require hearing by the Court. A date is yet to be set.</i> |

WAITAKERE – Local Board Area (1 Appeal)

| | | | |
|----------------------|---|-----------------|---------------------|
| Appellant | Trustees of Forest Trust and Successors | Received | 19 July 2018 |
| References | ENV-2018-AKL-000145 Council: SUB-2011-63 | | |
| Site address | 199 Anzac Valley Road, Waitakere | | |
| Other parties | None | | |
| Description | 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) | | |
| Iwi comments | The application did not trigger any requirement for a Cultural Impact Assessment or raise any iwi or Treaty issues. | | |
| Status | Appeal lodged on 26 July 2018. <i>Environment Court decision to refuse appeal issued 18 December 2018. Appealed to the High Court.</i> | | |

ALBERT-EDEN –Local Board Area (2 APPEALS)

| | | | |
|----------------------|---|-----------------|--------------------------|
| Appellant | Panuku Development Auckland v Auckland Council | Received | 04 September 2018 |
| References | ENV-2017-AKL-000176 Council – LUC60303721 & DIS60303722 | | |
| Site address | 198-202 and 214-222 Dominion Road and 113-117 Valley Road, Mt Eden | | |
| Other Parties | Pacific Fringe Ltd, Astrid Modrow, Chris King, John Cram, Julie Singh, June Beaumont, Krish Jayaratne, LE & JE Whiley, Michael Wang, Nancy Smith, Peter Lange, Roger Bannan, Robert Dexter, Richard Peters, Ruth Batten, Stuart Wong, Walter Kelland, Valerie Turner | | |
| Description | Appeal against a hearing commissioner's decision to refuse resource consent for a mixed use development comprising four new buildings with 102 residential units, nine retail units and 115 carparks. The commissioner's grounds for refusal related to the bulk and scale of the proposal and the associated visual, shading and dominance effects, and the adverse effects on Special Character values from the loss of the | | |

| | |
|---------------------|---|
| | Universal Building (a character-supporting building). |
| Iwi comments | The application did not trigger any requirement for a Cultural Impact Assessment, attract submissions from Iwi or raise Treaty issues. |
| Status | Appeal regarding a development that has generated media, political and local interest. Council has met on a without prejudice basis with the appellant (18 and 24 September 2018). Awaiting directions from the Court regarding mediation dates. Court assisted mediation occurred on 31 October 2018, no agreement reached between the parties. Further informal discussion between the parties (December 2018). Second court-assisted mediated occurred on 16 January 2019. Mediation agreement reached – subject to various conditions being satisfied. Council to report back to the Court as to progress by 15 February 2019. |

| | | | |
|----------------------|---|-----------------|--------------------------|
| 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 | | |
| Other Parties | Civic Trust | | |
| 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. The Council has prepared all its evidence and expert caucusing progressed during the weeks 9 th and 30 th July. A second 8 August mediation was abandoned. The applicant and 274 parties are to circulate evidence by 26. The appeal proceeded to a full hearing in the week 26 November 2018. The structural stability of the hall both currently (covered by a Dangerous Building Notice) and therefore ability to be repurpose as part of an upgrade were central to the Court grant of the demolition consent by decision 14 December 2018. The decision seeks the parties to agree a set of conditions including the salvage of materials and the seismic upgrade (covered by a bond) of the adjacent St James Church. On 30 December 2018 the Church was destroyed by fire and demolished under urgency apart from the front annex. The Council sought further instruction from the Court due to the dramatic change of circumstances. The parties are to prepare a conditions memo that acknowledges that full demolition has already been granted. The Court issued its final decision 5 February 2019 allowing the demolition in total. Apart from cost applications the matter is now complete. | | |

PUKETAPAPA –Local Board Area (2 APPEALS)

| | | | |
|----------------------|--|-----------------|---------------------|
| Appellant | Cadwallader v Auckland Council | Received | 17 July 2018 |
| References | ENV-2018-AKL-000139 Council - | | |
| Site address | 14 Parfitt Street, Mount Roskill | | |
| Other Parties | Transpower | | |
| Description | 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. | | |
| Iwi comments | The application was publicly notified, no submissions from iwi. No CIA requirements. | | |
| Status | Appellant discussing modifications to the proposal with Transpower. Appeal to be allocated to the “Parties On-Hold” category. The Court issued directions with a reporting date for 31 August 2018. This has been extended as the appellant remains in discussion with Transpower. Discussions between the appellant and Transpower (separate to council) remain ongoing. The parties have reached agreement on a revised proposal. A draft consent order is to be prepared and circulated to the parties. <i>Further details of the revised proposal have been provided. Work on preparing a draft consent order is ongoing.</i> | | |

| | | | |
|----------------------|---|-----------------|------------------------|
| Appellant | Yu v Auckland Council | Received | 7 November 2018 |
| References | ENV-2018-AKL-000299 LUC60121305, SUB60230508 | | |
| Site address | 2 Waikowhai Road, Waikowhai | | |
| Other Parties | Tree Council Shaanan Pillay | | |
| Description | Appeal against the decision of hearing commissioners to refuse resource consent for the construction of three new dwellings and an associated subdivision, works which would require the alteration and removal of vegetation within a Significant Ecological Area. | | |
| Iwi comments | The application was publicly notified. No submissions from iwi were received. The applicant used the Council iwi facilitation service to confirm interest of iwi groups and whether a CIA was required. Ngāti Te Ata Waiohua undertook a site visit and provided feedback on the proposal, which included confirmation that a CIA is not required. | | |
| Status | Council met on a without prejudice basis with the appellant (18 December 2018) to discuss potential modifications to the proposal. <i>Court assisted mediation attended Wednesday, 13th February 2019. Parties agreed a timeline for updated plans to be prepared with agreed changes, including planting plan. Consent documentation to be with the Court by 8 March 2019.</i> | | |

WAIHEKE –Local Board Area (1 APPEAL)

| | | | |
|----------------------|--|-----------------|------------------------|
| 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 | <p>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. No agreement reached at second mediation and matter to be set down for a hearing. The Court has confirmed a joint resource consent appeal and enforcement order hearing commencing on 7 November 2018. The appellant's evidence is due by 7 September and the Council's evidence is due by 21 September. Council to call Planning and Noise expert witnesses. Council's evidence was filed with the Court on 21 September 2018. <i>The hearing commenced on 7 November 2018 and concluded on 14 November 2018. An interim decision on the resource consent was issued on 21 November to convey the Court's refusal of part of the application, particularly in relation to the use of the lawn for outdoor dining and drinking, and make further directions about the refinement of conditions of consent to aspects of the proposal which might attract consent. An interim decision on the application for enforcement order was issued on 28 November 2019 ordering Cable Bay to undertake various steps to limit their activities. The Court intends that the orders will substantially mirror the final resource consent conditions. Further monitoring and testing work order by the Court is ongoing.</i></p> | | |

Waitematā (6 appeals)

| | | | |
|----------------------|--|-----------------|-------------------------|
| Appellants | Drago Jujnovich v Auckland Council | Received | 11 December 2018 |
| References | ENV 2018 AKL 000371 | | |
| Site address | 560 Richmond Road, Ponsonby | | |
| Applicant | Drago Jujnovich c/- Jadren Trust | | |
| Other parties | Lesley Baddon | | |
| Description | Appeal against council's decision to refuse resource consent to remove an existing dwelling and utilise the site for up to 13 carparking spaces (staff cars and cars waiting to be repaired) associated with the West Lynn Paint and Panel shop. | | |
| Iwi comments | No iwi issues. The application was considered in accordance with the RMA. | | |
| Status | The Environment Court has set down a reporting date of 31 January 2019 to advise of any negotiations on the appeal. Joint memorandum filed by parties on 31 January 2019 for a further reporting date to the Court of 12 March 2019. | | |

| | | | |
|----------------------|---|-----------------|--|
| Appellants | Henry v Auckland Council North Eastern Investments Limited v Auckland Council The Dark Horse Trust & Others v Auckland Council The St Mary's Bay Association Inc. & Herne Bay Residents Association Inc. | Received | 30 November 2018 30 November 2018 30 November 2018 30 November 2018 |
| References | ENV 2018 AKL 000359 (Henry) ENV 2018 AKL 000358 (NEIL) ENV 2018 AKL 000355 (Dark Horse) ENV 2018 AKL 000357 (Associations) | | |
| Site address | St Mary's Bay and Masefield Beach | | |
| Applicant | Auckland Council (Healthy Waters) | | |
| Other parties | numerous | | |
| Description | Appeal against council's decision to grant resource consent for the St Mary's Bay and Masefield Beach Water Quality Improvement Project. | | |
| Iwi comments | Iwi submitted in support of the application and have joined the appeals as a section 274 party in support of the Council's decision. | | |
| Status | The Environment Court has set down mediation in weeks 18 and 25 February 2019. Environment Court mediations held on 18 and 25 February 2019 to clarify issues and discuss and amend conditions of consent. Parties are to file a joint memorandum by 1 March 2019 setting out a timetable for a hearing in June. Appeal by NEIL and its section 274 notices to the appeals listed above withdrawn on 25 February 2019. | | |

| | | | |
|----------------------|---|-----------------|--|
| Appellants | Ngāi Tai Ki Tāmaki v Auckland Council Te Ākitai O Waiohua, Ngaati Whanaunga, Ngāti Tamaoho, Ngāti Tamaterā, Te Patukirikiri, And Ngāti Maru v Auckland Council Ngāti Whātua Orakei Whaia Maia Limited v Auckland Council | Received | 30 January 2019 30 January 2019 31 January 2019 |
| References | TBC LUC60121305, SUB60230508 | | |
| Site address | 31 Westhaven Drive, Auckland Central | | |
| Other Parties | - | | |
| Description | Appeal against the decision of hearing commissioners to grant resource consents for the redevelopment of existing pile moorings within the Westhaven Marina, including land reclamation, installation of new pile berths, a new car park, and a new observation deck and public open space area | | |
| Iwi comments | The applications were publicly notified. Submissions from appellant iwi were received, along with other iwi who have not lodged an appeal against these decisions. | | |
| Status | Recently received. <i>Waiting for mediation date.</i> | | |

ORAKEI (1 appeal)

| | | | |
|----------------------|---|-----------------|-----------------------|
| Appellants | Summerset Villages (St John) Limited v Auckland Council | Received | 10 August 2018 |
| References | ENV-2018-AKL-000160 | | |
| Site address | 55-57 Ripon Crescent, Meadowbank | | |
| Applicant | Summerset Villages (St John) Limited | | |
| Other parties | Andrew and Jeanette Hayes and others | | |
| Description | An appeal against a decision to refuse an application to construct and operate a retirement village consisting of 7 buildings with 344 residential units at 55-57 Ripon Cres, Meadowbank | | |
| Iwi comments | The resource consent application was publicly notified and determined by commissioners in accordance with the RMA. Involved stormwater discharge and removal of SEA. CIA provided by Ngai Tai ki Tamaki. | | |
| Status | Council directed to report back to the Court by 24 September 2018 on progress regarding any negotiation/mediation. Awaiting further directions from the Court and confirmation of a mediation date. The appellant has requested further time to consider possible design revisions. The Court required the appellant to report back on 30 th November as to progress before scheduling mediation. <i>Court-assisted mediated is scheduled for 27 February 2019.</i> | | |

HOWICK (1 appeal)

| | | | |
|----------------------|---|-----------------|------------------------|
| Appellant | 508 Chapel Road Partnership Trust | Received | 16 October 2018 |
| References | ENV-2018-AKL 000281 Council – LUC60292090 | | |
| Site address | 508 Chapel Road Flat Bush | | |
| Applicant | 508 Chapel Road Partnership Trust | | |
| Other Parties | <i>W & B Smith, C Yang, M Muthu and T Mahesh</i> | | |
| Description | Appeal by applicant against a decision refusing consent to establish a childcare centre accommodating 60 children and eight full-time staff at 508 Chapel Road, Flat Bush, Auckland | | |
| Iwi comments | No iwi issues. The application was considered in accordance with the RMA. | | |
| Status | New appeal. The Court has asked parties to confirm a list of issues unresolved between the parties, witnesses, timetabling and whether they agree to Court assisted mediation by 30 November 2018. The applicant was declined in regard to adverse neighbourhood character and residential amenity effects arising from the traffic access arrangements. <i>Proceeded to mediation on 15 February 2019. Discussion primarily around traffic matters and alternatives. No settlement reach and presently timetabling for evidence exchange and caucusing occurring.</i> | | |

FRANKLIN – Local Board Area (3 APPEALS)

| | | | |
|----------------------|---|-----------------|-------------------------|
| Appellant | Clevedon North Limited | Received | 22 February 2019 |
| References | <i>ENV-2019-AKL 000029</i> <i>Council – (BUN60303009) LUC60303381, SUB60303384, DIS60303387</i> | | |
| Site address | <i>52 North Road, Clevedon</i> | | |
| Applicant | <i>Clevedon North Limited</i> | | |
| Other parties | <i>None as yet, but submitters may join.</i> | | |
| Description | <i>An appeal against a decision on an application for subdivision and land use consents to subdivide a 9.04ha site into 68 residential lots. Associated earthworks, new roading and infrastructure. The consent was publically notified, with 43 submissions in opposition received.</i> | | |
| Iwi comments | <i>No iwi group indicated a need for a cultural impact assessment and no submissions were received from iwi. The commissioners considered the application in accordance with the requirements of the RMA 1991 and in particular Part 2 of the RMA</i> | | |
| Status | <i>New appeal. Still within the s274 period.</i> | | |

| | | | |
|----------------------|---|-----------------|------------------------|
| Appellant | Signature Building Ltd | Received | 22 January 2019 |
| References | ENV-2019-AKL 000009 (TBC) Council – LUC60313362 | | |
| Site address | 17A Bell Road, Beachlands | | |
| Applicant | Signature Building Ltd | | |
| Other parties | None as yet, but several submitters expected to join. | | |

| | |
|---------------------|--|
| Description | Appeal by the applicant against the Council decision to decline consent to establish a childcare facility for 105 children and 17 staff. The consent was publically notified, with 83 submissions received (82 in opposition) |
| Iwi comments | No iwi group indicated a need for a cultural impact assessment and no submissions were received from iwi. The commissioners considered the application in accordance with the requirements of the RMA 1991 and in particular Part 2 of the RMA |
| Status | New appeal. Still within the s274 period. |

| | | | |
|----------------------|---|-----------------|-------------------------|
| Appellant | Ahuareka Trustees (No. 2) Ltd | Received | 19 November 2015 |
| References | ENV-2015-AKL-000147 Council – 42081 | | |
| Site address | 650-680 Whitford Maraetai Road, Whitford | | |
| Other parties | Whitford Residents and Ratepayers Association | | |
| Description | Appeal against Council's decision to refuse consent to establish a hamlet of 186 households and ancillary buildings, a country pub and restaurant, retail and commercial units and carpark in the Whitford Rural B zone. | | |
| Iwi comments | No iwi submissions | | |
| Status | Appeal reported to the Committee in December 2015. Mediation held 11 February 2016. Appeal reported to the Regulatory Committee on 1 December 2016. Evidence exchange occurred in February/March 2017. Judicial teleconference held 30 March. Court hearing proceeded within the week 3 July 2017, with the applicants reply to be filed in writing. 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. Council filed its submissions on 31 August and a hearing has been set for 9 October 2018. The appellant's lawyer requested a deferral for health reasons, which was agreed to. The hearing will now not be held until early 2019. Hearing date confirmed for 9 May 2019. | | |