

RODNEY – Local Board Area (2 APPEALS)

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 still 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 likely in April 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. Court assisted mediation took place on the 21st and 22 nd of February 2019. <i>The substantive issues have been addressed and agreed between the main parties, some s.274 parties have not agreed. The matter is proceeding to a Court hearing, to take place in the week beginning the 6th of May.</i>		

DEVONPORT TAKAPUNA – Local Board Area (1 Appeal)

Appellant	Pierce Road Coalition	Received	21 February 2019
References	ENV-2019-AKL-000028 Council – LUC60313256		
Site address	110 Kitchener Road and 1a Pierce Road, Milford		
Other parties	One 274 party		
Description	Appeal by submitters against Council's decision to grant consent to a six story building containing 20 residential apartments and one commercial unit.		
Iwi comments	The application was publically notified and no submissions from Iwi were submitted.		
Status	Appeal to be set down for mediation. Mediation date yet to be set. Likely to be mid May.		

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 (1 APPEAL)

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). 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. A number of the s274 parties have requested further time to consider their positions. Council has filed a memorandum with the Court seeking a judicial conference on the first available date after 15 March 2019. <i>Pre-hearing conference scheduled for 2 April 2019.</i>

PUKETAPAPA –Local Board Area (1 APPEAL)

Appellant	Yu v Auckland Council	Received	7 November 2018
References	ENV-2018-AKL-000299		
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. Court assisted mediation attended Wednesday, 13 th February 2019. Parties agreed a timeline for updated plans to be prepared with agreed changes, including planting plan. Consent documentation initially planned to be with the Court by 8 March 2019, this has been extended. <i>Discussions between the parties still continuing, with a view to resolving the appeal by way of consent order.</i>		

WAIHEKE –Local Board Area (2 APPEALS)

Appellants	Cable Bay Wines Ltd v Auckland Council	Received	2 February 2018
References	ENV-2017-AKL-000010 Council – LUC60127798		
Site address	12 Nick Johnston Drive, Waiheke Island		
Applicant	Cable Bay Wines Limited		

Other parties	Stephen & Suzanne Edwards, Julie Loranger & Lindsay Niemann, Michael & Christine Poland.
Description	Cable Bay appeal Council's decision to refuse retrospective consent relating to the unlawful establishment and use of an additional dining area known as 'The Verandah'. The principal issues in contention relate to the scale and intensity of the activity and the general amenity / noise effects associated with the use of the structure.
Iwi comments	The application was limited-notified to neighbours. No iwi group indicated a need for a cultural impact assessment. The Hearing Commissioners considered the application in accordance with the requirements of the RMA 1991 and in particular Part 2 of the RMA.
Status	The Environment Court directed court-assisted mediation after the expiry of the section 274 period on 15 March 2018. Three s274 parties have joined. Awaiting confirmation of Environment Court mediation date and to involve both the consent appeal and the enforcement order application. 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. The hearing commenced on 7 November 2018 and 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. A second interim decision on the resource consent appeal was issued by the Court 22 February 2019 confirming the Court's earlier decision to refuse consent in part. Further collaborative noise monitoring and assessment has been undertaken by the parties' acoustic engineers and a report on this work is to be provided to the Court by 8 March 2019. This will assist the court in determining whether or not consent can be granted to a modified proposal for the restaurant, alfresco dining and outdoor functions. <i>A judicial teleconference held on 28 March 2019. A further 1-2 day hearing will be scheduled, however that will not be held until July (as the Judge is away for May and June). An evidence exchange timetable will be set in due course.</i>

Appellants	Reliving Ltd v Auckland Council	Received	21 February 2019
References	ENV 2019 AKL 000027		
Site address	20C Third Avenue, Waiheke		

Applicant	Reliving Ltd
Other parties	n/a
Description	Appeal against council's decision to refuse resource consent to establish four visitor accommodation units and 3 dwellings with flexibility to use these dwellings as visitor accommodation units.
Iwi comments	No iwi issues. The application was considered in accordance with the RMA.
Status	New Appeal. The Environment Court has set down a reporting date of 8 March 2019 to advise of any negotiations on the appeal. <i>The parties have agreed to settle the appeal. Consent documents are currently being prepared for the Court.</i>

Waitematā (9 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 for a further reporting date to the Court of 12 March 2019. <i>The mediation set down for 28 March has since been deferred to 17 April.</i>		

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. <i>Late applications by Watercare and Mr. and Ms. Henry to join as a section 274 party granted by the judge at the judicial conference held on 29 March 2019.</i>

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	ENV-2019-AKL-000014 ENV-2019-AKL-000015 ENV-2019-AKL-000016		
Site address	31 Westhaven Drive, Auckland Central		
Other Parties	Ngāti Te Ata		
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	<i>ENV-2019-AKL-000014 and ENV-2019-AKL-000015 were withdrawn on 13 January 2019. Mediation scheduled with remaining appellant (Ngāti Whātua Orakei Whaia Maia Limited) and s274 parties on the 29 April 2019. If matters of appeal cannot be resolved at mediation, a draft evidence exchange timetable has been approved with EC, with hearing to be held in early August. A s116 application was made to allow consents to commence while appeal is determined, this was approved by EC on the 27 March.</i>		

Appellant	Ferry Building Limited v Auckland Council	Received	25 February 2019
References	ENV-2019-AKL-000030		

Site address	Quay Street, Auckland Central
Other Parties	Cooper and Company NZ
Description	Appeal against the decision of hearing commissioners to grant resource consents for the placement of underground seawalls along Quay St (between Marsden Wharf and Queens Wharf) for seismic strengthening purposes (Stage 1 of project).
Iwi comments	The application was publicly notified. No submissions were received from iwi.
Status	Recently received. Auckland Transport has lodged a memorandum seeking priority hearing. Waiting for mediation date. Evidence exchange timetable provided by the court. Mediation set down for 11 April 2019.

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. Court-assisted mediated is scheduled for 27 February 2019. No settlement reached at mediation. The matter is to proceed to a hearing. The timetable for evidence exchange has not yet been set. The Court issued a Minute on 20 March 2019 confirming the timetable for evidence exchange. A 5 day fixture will be allocated after 5 August 2019.		

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	W & B Smith, C Yang, M Muthu and T Mahesh		
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. Proceeded to mediation on 15 February 2019. Discussion primarily around traffic matters and alternatives. No settlement reached. <i>Caucusing and evidence exchange to occur during April and May.</i>

PAPAKURA – Local Board Area (1 APPEAL)

Appellant	Wallace Group Limited, BJ Wallace Trust and SJ Wallace Trust	Received	14 March 2019
References	<i>ENV-2019-AKL 0000?? Council – LUC60311805, DIS60303201, DIS60303159</i>		
Site address	<i>3 Popes Road, Takanini</i>		
Applicant	<i>Alpha Dairy Limited</i>		
Other parties	<i>Spark NZ Ltd</i>		
Description	<i>An appeal against a decision to grant consents for the construction, operation and maintenance of a new dairy processing facility for the production of infant formula on a Business- Light Industry Zone site with an area of 22,372m². The consent was publicly notified, with 4 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>Still within the s274 period.</i>		

FRANKLIN – Local Board Area (3 APPEALS)

Appellant	Clevedon North Limited	Received	22 February 2019
References	ENV-2019-AKL 000029 Council – (BUN60303009) LUC60303381, SUB60303384, DIS60303387		
Site address	52 North Road, Clevedon		
Applicant	Clevedon North Limited		
Other parties	<i>Numerous 274 parties have joined.</i>		
Description	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.		
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	<i>Still within the s274 period and mediation likely to follow.</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	Beachlands Neighbourhood Voice Inc.		
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 publicly 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. Mediation held 29 March. No agreement reached at mediation however parties have agreed to attend further mediation in May.		

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.		