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## Resource Consent Appeals: Status Report 11 April 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 March 2019 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 2 April 2019.

### Comments

4. As at 2 April 2019, there are 24 resource consent appeals to which Auckland Council is a party. These are grouped by Local Board Area geographically from north to south as set out in **Attachment A**. Changes since the last report and new appeals received are shown in bold italic text.
5. The principal specialist planners - resource consents, continue to resolve these appeals expeditiously. In the period since preparing the previous status report, there have been two new appeals and three appeals resolved.
6. The new appeal by Wallace Group Limited is against council's decision to grant land use consent to an application by Alpha Dairy NZ Limited, to authorise the construction and operation of a dairy processing facility at 3 Popes Road Takanini. The appellants raise concerns over the height of the facility, the scale of operation in regards to the quantity of hazardous substances to be stored and dust, noise and odour effects, even if as a low probability event. The consent is argued to be contrary to the AUP OP objectives and policies and not appropriate for the light industrial zone.
7. The appeal Pierce Road Coalition, is from a group of 13 submitters opposed to the grant of an application by Milford 110 Ltd (previously R & S Francis Ltd). The consent allows for the construction of a six-story building containing 20 residential apartments and one commercial unit, locate at 110 Kitchener Road and 1a Pierce Road, Milford. The appeal seeks either that the consent be refused or in the alternative the grant of an amended proposal that addresses concerns raised regarding visual dominance, residential amenity, shading, onsite parking and traffic safety and the effects related to the construction of the proposal.

## Local board views and implications

8. Not applicable.

## Māori impact statement

9. The decision requested of the Regulatory Committee is to receive this progress report rather than to decide each appeal.
10. The Resource Management Act 1991 includes a number of matters under Part 2, which relate to the relationship of Tangata Whenua to the management of air, land and water resources. Maori values associated with the land, air and freshwater bodies of the Auckland Region are based on whakapapa and stem from the long social, economic and cultural associations and experiences with such taonga.

## Implementation

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

## Attachments

No.	Title	Page
A	Current Resource Consent Appeals as at 2 April 2019	

## Signatories

Author	Robert Andrews – Principal Specialist Planner
Authorisers	Ian Smallburn - General Manager Resource Consents James Hassall – Acting Director Regulatory Services