

31 January 2018

Memorandum

To: Regulatory Committee

Subject: **Resource Consent Appeals: status report 8 February 2018**

From: Robert Andrews – Resolutions Team Manager

1. This report provides a summary of current resource consent appeals to which the Auckland Council is a party. It updates our report of 27 October 2017 to the Regulatory Committee.
2. 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.

**Key Messages**

- To provide an update of all current resource consent appeals lodged with the Environment Court.

**Context**

3. As at 26 January 2018, there are 21 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 the attached document and changes since the October report and new appeals received are shown in bold italic text.
4. 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 one appeal has been resolved.
5. The new appeal by Jayasheree Limited is against council's decision on a section 357 objection to the rejection of a resource consent application for processing under s88 of the RMA. The application that was rejected seeks to legalise the use of four residential units within the building on site.
6. The second appeal by R & P Duke relates to a condition limiting the number helicopter flights for a consent granted in the coastal marine area adjacent to residential property in Herne Bay. The appeal has since been withdrawn.
7. The Ahuareka appeal decision from the Environment Court was released on 15 December 2017. This is an excellent outcome in supporting the council's initial decision to decline a proposed 186 household 'hamlet' within the Rural Countryside Living Zone. The Court decision found that part of the site on which the hamlet is proposed, due to its scale and intensity, would be urbanized. This will be contrary to the Auckland Unitary Plan's Regional Policy Statement that seeks to 'avoid' urbanisation of land outside the Rural Urban Boundary.

**Maori Impact**

8. The decision requested of the Regulatory Committee is to receive this progress report rather than to decide each appeal.
9. 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.

**Financial implications**

10. 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.

**RODNEY – Local Board Area (3 APPEALS)**

<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. <b><i>Evidence preparation occurring under above timetable is now complete and the matter has been set for hearing on the week starting 19 February 2018.</i></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 to advise court by 5 May 2017 whether they agree to mediation. Appeal currently ‘on hold’ pending outcome of mediation set down for 29 June 2017. The applicant post mediation is considering an alternate design of that will 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, with a hearing date in early 2018. Evidence currently being prepared. <b><i>All evidence exchanged and court hearing set for the week of 12 February 2018.</i></b>		

<b>Appellant</b>	<b>Matakana Coast Trail Trust</b>	<b>Received</b>	<b>9 March 2017</b>
<b>References</b>	ENV-2017-AKL-020 Council – SLC66696, REG66698 & REG66699		
<b>Site address</b>	Multiple sites located in and around Moir Hill Road, Ahuroa.		
<b>Other parties</b>	None.		
<b>Description</b>	Appeal by a submitter against the council's decision to grant consent to a 207-lot rural-residential subdivision and rehabilitation (including revegetation and weed and pest management) of approximately 1,375 ha of the 1,508 ha site with associated vegetation clearance, earthworks, streamworks, stormwater discharge and wastewater disposal. Appeal specifically relates to the lack of a condition requiring a walking and cycle path to be provided through the site.		
<b>Iwi comments</b>	CIA provided by Ngati Manuhiri. Applicant to work with Ngati Manuhiri to develop an iwi liaison framework to enable their recommendations to be considered during the detailed design process and during physical works on site.		
<b>Status</b>	Applicant does not wish to participate in mediation. Joint memorandum filed with the Court with proposed timetable for a hearing; extended by two weeks with appellant evidence 16 June, applicant and council evidence 30 June, appellant reply evidence 14 July. Court hearing held 7 to 11 August 2017. The Court released an interim decision on 1 September that determines that a connecting walking and cycling trail between Dorset and Watson Roads should be provided. <b><i>Parties will need to agree conditions on how this is to be achieved and have agreed to a court assisted conferencing session on 6th to 7th November 2017.</i></b>		

#### **UPPER HARBOUR - Local Board Area (4 APPEALS)**

<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. <b><i>In a court report of 29 September the applicant and appellant have asked for more time to develop revised plans and resolutions to outstanding issues. A further mediation may be set.</i></b>		

<b>Appellant</b>	<b>Harbour Hockey Charitable Trust v Auckland Council</b>	<b>Received</b>	<b>1 August 2017</b>
<b>References</b>	ENV-2017-AKL-000113 Council – BUN60067380, LUC60067381, LUS60067382, DIS60067384		
<b>Site address</b>	Rosedale Park, Bush Road, Rosedale		
<b>Other parties</b>	Two other appellant parties (see below)		
<b>Description</b>	Appeal by the applicant against the conditions of a consent granted for the construction and operation of a new North Harbour Hockey Stadium on the western portion of Rosedale Park.		
<b>Iwi comments</b>	The site is not identified as a site of significance to Maori. The application was notified to all iwi who have mana whenua over the subject land, and no submissions were received. The applicants AEE promises to consult with iwi to enable mana whenua to identify any need to provide a Cultural Values Assessment.		
<b>Status</b>	<b>Mediation held 25 October 2017. The applicant Harbour Hockey Charitable Trust has exchanged evidence in anticipation of a hearing. A further mediation is expected to be scheduled.</b>		

<b>Appellant</b>	<b>Hughes v Auckland Council; Rakich Family Trust v Auckland Council</b>	<b>Received</b>	<b>1 August 2017</b>
<b>References</b>	ENV-2017-AKL-000111; ENV-2017-AKL-000112 Council – BUN60067380, LUC60067381, LUS60067382, DIS60067384		
<b>Site address</b>	Rosedale Park, Bush Road, Rosedale		
<b>Other parties</b>	TBA		
<b>Description</b>	Separate appeals by submitters against the granting of consent for the construction and operation of the proposed North Harbour Hockey Stadium on the western portion of Rosedale Park. The appellants appeal the decision as a whole and seek the decline of consent or a reduction in scope and further conditions to mitigate adverse construction and operational effects.		
<b>Iwi comments</b>	The site is not identified as a site of significance to Maori. The application was notified to all iwi who have mana whenua over the subject land, and no submissions were received. The applicants AEE promises to consult with iwi to enable mana whenua to identify any need to provide a Cultural Values Assessment.		
<b>Status</b>	<b>Mediation held 25 October 2017. The applicant Harbour Hockey Charitable Trust has exchanged evidence in anticipation of a hearing. A further mediation is expected to be scheduled.</b>		

### HENDERSON-MASSEY – Local Board Area (1 APPEAL)

<b>Appellants</b>	<b>New Zealand Retail Property Group Limited</b>	<b>Received</b>	<b>17 August 2017</b>
<b>References</b>	ENV-2017-AKL-000120		
<b>Site address</b>	79-85 Fred Taylor Drive, Westgate		
<b>Other parties</b>	Holy Resurrection Russian Orthodox Church (Applicant for associated land use consent); Auckland Transport		
<b>Description</b>	Appeal against conditions of resource consent LUC600619881 and subdivision consent SUB60039017 requiring that the consent holder shall upgrade the frontage of the site (berm/footpath). The consent allows for a 2-lot subdivision creating a 7,000m <sup>2</sup> site for a church.		
<b>Iwi comments</b>	None.		
<b>Status</b>	<b><i>Mediation held 4 October 2017. The appellant is considering whether to proceed to a court hearing.</i></b>		

### WAITAKERE RANGES - Local Board Area (1 APPEALS)

<b>Appellant</b>	<b>Peter William Mawhinney (as trustee of the Waitakere Forest Land Trust and successors) v Auckland Council</b>	<b>Received</b>	<b>28 February 2016</b>
<b>References</b>	ENV-2016-AKL-000033 Council – LUC-2012-204 & LUC-2012-233		
<b>Site address</b>	131-149 Anzac Valley Road and 16 other properties or access lots		
<b>Other parties</b>	n/a		
<b>Description</b>	Section 358 appeal by the applicant against the s357 objection hearing decision by a commissioner to dismiss the s357 objection against the return of regional consent applications LUC-2012-204 & LUC-2012-233 as incomplete applications		
<b>Iwi comments</b>	The application did not trigger any requirement for a Cultural Impact Assessment, and raised no Treaty issues.		
<b>Status</b>	Council evidence exchanged. <b><i>Environment Court hearing held 10 and 11 July 2017. Awaiting decision.</i></b>		

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

<b>Appellant</b>	<b>Qambi Properties Limited v Auckland Council</b>	<b>Received</b>	<b>9 December 2016</b>
<b>References</b>	(ENV-2016-AKL-000283) Council – R/LUC/2016/1890, R/REG/2016/1892, R/REG/2016/1895, R/REG/2016/1896, R/REG/2016/1897, R/REG/2016/1898, R/REG/2016/1899, R/REG/2016/2038, R/REG/2016/1900		
<b>Site address</b>	Aotea Station to North Auckland Line section of the City Rail Link		
<b>Other parties</b>	CB Trustees 2012 Limited, Autotrans Limited and Cairns Property, Millar Samson Limited.		
<b>Description</b>	Appeal against a decision granting regional consents for a discretionary activity relating to the Aotea Station to North Auckland Line section of the City Rail Link. The appeal from Qambi Properties is specifically about the removal of a grade separated vehicle crossing at Porters Avenue, Mt Eden. The relief sought in the appeal is that the Court to make a direction that the appeal is placed on hold pending release of the decision on the Notice of Requirement amending the current designation notified on 2 February 2017 or for the resource consent to be declined.		
<b>Iwi comments</b>	AT has undertaken a consultation process with iwi for the CRL project which will be ongoing. A Maori values assessment and cultural values assessment were undertaken as part of the original Notices of Requirements. A Mana Whenua forum commenced in 2014 and is an ongoing requirement of the designation conditions. Matters raised by iwi as part of this process related to water quality and discharges, groundwater, contaminated land, earthworks and air quality which were addressed in the officers' reports. The Hearing Commissioners considered the application in accordance with the requirements of the RMA 1991 and in particular Part 2 of the RMA and has imposed conditions that also address the concerns of iwi.		
<b>Status</b>	A prehearing conference was held at the Environment Court on 22 February 2017. Court to make further directions on the appeal and the related Notice of Requirement for the designation amendments. Under section 116 the Court has allowed the consents to be exercised in areas that are removed from the areas of concern to the appellant and other parties. <b><i>The appeal remains on hold pending a decision on direct referral application on the Notice of Requirement related to the regional consents under appeal.</i></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>	New appeal. Court directions received on 24 October 2017. The Court requires a response by 7 November as to whether parties agree to mediation. <b>Mediation scheduled for Wednesday, 14<sup>th</sup> February 2018.</b>

**MAUNGAKIEKIE - TAMAKI –Local Board Area (1 APPEAL)**

<b>Appellant</b>	<b>Summerset Villages (Ellerslie) Limited v Auckland Council</b>	<b>Received</b>	<b>30 November 2017</b>
<b>References</b>	ENV-2017-AKL-000180 Council – LUC60129032		
<b>Site address</b>	8 Harrison Road, Mt. Wellington		
<b>Description</b>	Appeal against a condition of consent granting consent to Summerset Villages for construction of additional residential apartments for retirement living. The appeal is against condition 34 requiring enclosure of the south facing balconies. The applicant appealed this condition which was imposed by an independent hearing commissioner but not recommended by the reporting officers.		
<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>	New appeal. Court directions received 7 December 2017 asking whether or not the parties are willing to attend a court-assisted mediation. Informal negotiations between the appellant and the Council have resulted in the settlement of the appeal. <b>The parties have filed a joint memorandum and draft consent documents with the Environment Court for approval.</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>	<b><i>New appeal. 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.</i></b>
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**WAITEMATA – Local Board Area (1 Appeal)**

<b>Appellant</b>	<b>R &amp; P Duke</b>	<b>Received</b>	<b>8 September 2017</b>
<b>References</b>	ENV-2017-AKL-000 Council – LUC60112250 and CST60082316		
<b>Site address</b>	75 Sarsfield Street, Herne Bay		
<b>Applicant</b>	R & P Duke		
<b>Description</b>	Appeal from the applicant against condition 7 of a resource consent granted by the council relating to number of helicopter flights to and from the site, in particular from a helicopter landing area located in the General Coastal Marine zone.		
<b>Iwi comments</b>	The application did not trigger any requirement for a Cultural Impact Assessment and raises no Treaty issues. The application was non-notified (written approvals received from immediate neighbours). The application was considered in accordance with the statutory requirements under the Resource Management Act 199, including Part 2 of the RMA.		
<b>Status</b>	New appeal. Waiting for directions from the Environment Court. <b><i>The appeal has since been withdrawn on 18 December 2017 and therefore finalised. The resource consent is now subject to judicial review proceedings relating to the grant of consent on a non-notified basis.</i></b>		

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

<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 canvassed 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. <b><i>All evidence and witness caucusing is complete with the hearing set for the week of 26 February 2018.</i></b>

### **OTARA-PAPATOETOE – Local Board Area (1 APPEAL)**

<b>Appellant</b>	<b>Lion – Beer, Spirits &amp; Wine (NZ) Limited</b>	<b>Received</b>	<b>24 July 2017</b>
<b>References</b>	ENV-2017-AKL 000106 Council – 50566		
<b>Site address</b>	79 Ormiston Road		
<b>Applicant</b>	Ormiston Centre Limited		
<b>Description</b>	Appeal by a submitter to the grant of land use and subdivision consent to establish a mix of commercial activities including a supermarket, department store and offices. The site is zoned Business – Light industrial under the AUP-OP in which the activities are a non-complying.		
<b>Iwi comments</b>	The application was publicly notified and there were no submissions by iwi. 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>	New appeal with the parties yet to receive any directions from the Court. <b><i>Negotiations continuing between appellant and consent holder.</i></b>		

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

<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. <b>Currently exploring design options to see if policy matters can be addressed. Next court report date on 23 February 2018.</b>
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<b>Appellant</b>	<b>Pine Harbour Holdings Limited</b>	<b>Received</b>	<b>2 February 2017</b>
<b>References</b>	ENV-2017-AKL-010 Council – 48758		
<b>Site address</b>	96 Karaka Road, Beachlands		
<b>Applicant</b>	Pine Harbour Holdings Limited		
<b>Description</b>	Appeal against several conditions of the council decision to grant subdivision and landuse consent to create 27 lots and 27 dwellings.		
<b>Iwi comments</b>	The application was publicly notified and there were no submissions by iwi. Ngai Tai Ki Tamaki advised during the processing of the proposal that they were happy for the development to proceed based on their longstanding relationship with the applicant. 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>	Appeal reported to the Regulatory Committee under urgency on 1 March 2017 as the Court had directed a reporting date of 1 March 2017 to identify whether mediation is appropriate and/or agree a hearing timetable. Mediation set down and held on 19 April. Parties will be reporting back to the Court on a monthly basis. Evidence exchange has commenced with a hearing likely in the new year. <b>Hearing has been postponed as there is a possibility of settlement due to the imminent commencement of works on the adjacent property which would address the conditions in contention.</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>	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. <b>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.</b>
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<b>Appellant</b>	<b>Allen</b>	<b>Received</b>	<b>1 February 2017</b>
<b>References</b>	ENV-2016-AKL-008 Council – R/LUC/2016/557		
<b>Site address</b>	1974 Great South Road, Bombay		
<b>Other parties</b>	2 submitters; C & S Hartnett , C Crane		
<b>Applicant</b>	Steven and Rosemary Allen		
<b>Description</b>	Appeal against the council decision to refuse consent for a self-storage facility. The commissioners' decision notes the main issues for refusal relate to the scale and locational impact on rural character and amenity values and being contrary to the objectives of the rural zone.		
<b>Iwi comments</b>	The application was publicly notified and there have been no iwi submissions received. The applicant had contacted all iwi with an interest in the area prior to lodging the application. No iwi group indicated a need for a cultural impact assessment or provided any comment. The Hearing Commissioner considered the application in accordance with the requirements of the RMA 1991 and in particular Part 2 of the RMA.		
<b>Status</b>	Appeal reported to the Regulatory Committee under urgency on 1 March 2017 as the Court had directed a reporting date of 1 March 2017 to identify whether mediation is appropriate and/or agree a hearing timetable. Mediation attended by all parties on 9 May 2017. Without prejudice options provided as the basis of a further mediation on Friday 9 June. Settlement discussions are continuing based on a draft consent order. <b>Consent order signed by the Court on 6 December 2017 permitting a significantly reduced ( by 75%) facility. Appeal resolved.</b>		

**RODNEY – Local Board Area (3 APPEALS)**

<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 2800m2 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. <b><i>Evidence preparation occurring under above timetable is now complete and the matter has been set for hearing on the week starting 19 February 2018.</i></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 to advise court by 5 May 2017 whether they agree to mediation. Appeal currently 'on hold' pending outcome of mediation set down for 29 June 2017. The applicant post mediation is considering an alternate design of that will 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, with a hearing date in early 2018. Evidence currently being prepared. <b><i>All evidence exchanged and court hearing set for the week of 12 February 2018.</i></b>		

<b>Appellant</b>	<b>Matakana Coast Trail Trust</b>	<b>Received</b>	<b>9 March 2017</b>
<b>References</b>	ENV-2017-AKL-020 Council – SLC66696, REG66698 & REG66699		
<b>Site address</b>	Multiple sites located in and around Moir Hill Road, Ahuroa.		
<b>Other parties</b>	None.		
<b>Description</b>	Appeal by a submitter against the council's decision to grant consent to a 207-lot rural-residential subdivision and rehabilitation (including revegetation and weed and pest management) of approximately 1,375 ha of the 1,508 ha site with associated vegetation clearance, earthworks, streamworks, stormwater discharge and wastewater disposal. Appeal specifically relates to the lack of a condition requiring a walking and cycle path to be provided through the site.		
<b>Iwi comments</b>	CIA provided by Ngati Manuhiri. Applicant to work with Ngati Manuhiri to develop an iwi liaison framework to enable their recommendations to be considered during the detailed design process and during physical works on site.		
<b>Status</b>	Applicant does not wish to participate in mediation. Joint memorandum filed with the Court with proposed timetable for a hearing; extended by two weeks with appellant evidence 16 June, applicant and council evidence 30 June, appellant reply evidence 14 July. Court hearing held 7 to 11 August 2017. The Court released an interim decision on 1 September that determines that a connecting walking and cycling trail between Dorset and Watson Roads should be provided. <b><i>Parties will need to agree conditions on how this is to be achieved and have agreed to a court assisted conferencing session on 6th to 7th November 2017.</i></b>		

#### **UPPER HARBOUR - Local Board Area (4 APPEALS)**

<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. <b><i>In a court report of 29 September the applicant and appellant have asked for more time to develop revised plans and resolutions to outstanding issues. A further mediation may be set.</i></b>		

<b>Appellant</b>	<b>Harbour Hockey Charitable Trust v Auckland Council</b>	<b>Received</b>	<b>1 August 2017</b>
<b>References</b>	ENV-2017-AKL-000113 Council – BUN60067380, LUC60067381, LUS60067382, DIS60067384		
<b>Site address</b>	Rosedale Park, Bush Road, Rosedale		
<b>Other parties</b>	Two other appellant parties (see below)		
<b>Description</b>	Appeal by the applicant against the conditions of a consent granted for the construction and operation of a new North Harbour Hockey Stadium on the western portion of Rosedale Park.		
<b>Iwi comments</b>	The site is not identified as a site of significance to Maori. The application was notified to all iwi who have mana whenua over the subject land, and no submissions were received. The applicants AEE promises to consult with iwi to enable mana whenua to identify any need to provide a Cultural Values Assessment.		
<b>Status</b>	<b>Mediation held 25 October 2017. The applicant Harbour Hockey Charitable Trust has exchanged evidence in anticipation of a hearing. A further mediation is expected to be scheduled.</b>		

<b>Appellant</b>	<b>Hughes v Auckland Council; Rakich Family Trust v Auckland Council</b>	<b>Received</b>	<b>1 August 2017</b>
<b>References</b>	ENV-2017-AKL-000111; ENV-2017-AKL-000112 Council – BUN60067380, LUC60067381, LUS60067382, DIS60067384		
<b>Site address</b>	Rosedale Park, Bush Road, Rosedale		
<b>Other parties</b>	TBA		
<b>Description</b>	Separate appeals by submitters against the granting of consent for the construction and operation of the proposed North Harbour Hockey Stadium on the western portion of Rosedale Park. The appellants appeal the decision as a whole and seek the decline of consent or a reduction in scope and further conditions to mitigate adverse construction and operational effects.		
<b>Iwi comments</b>	The site is not identified as a site of significance to Maori. The application was notified to all iwi who have mana whenua over the subject land, and no submissions were received. The applicants AEE promises to consult with iwi to enable mana whenua to identify any need to provide a Cultural Values Assessment.		
<b>Status</b>	<b>Mediation held 25 October 2017. The applicant Harbour Hockey Charitable Trust has exchanged evidence in anticipation of a hearing. A further mediation is expected to be scheduled.</b>		

#### **HENDERSON-MASSEY – Local Board Area (1 APPEAL)**

<b>Appellants</b>	<b>New Zealand Retail Property Group Limited</b>	<b>Received</b>	<b>17 August 2017</b>
<b>References</b>	ENV-2017-AKL-000120		
<b>Site address</b>	79-85 Fred Taylor Drive, Westgate		
<b>Other parties</b>	Holy Resurrection Russian Orthodox Church (Applicant for associated land use consent); Auckland Transport		

<b>Description</b>	Appeal against conditions of resource consent LUC600619881 and subdivision consent SUB60039017 requiring that the consent holder shall upgrade the frontage of the site (berm/footpath). The consent allows for a 2-lot subdivision creating a 7,000m2 site for a church.
<b>Iwi comments</b>	None.
<b>Status</b>	<b><i>Mediation held 4 October 2017. The appellant is considering whether to proceed to a court hearing.</i></b>

### **WAITAKERE RANGES - Local Board Area (1 APPEALS)**

<b>Appellant</b>	<b>Peter William Mawhinney (as trustee of the Waitakere Forest Land Trust and successors) v Auckland Council</b>	<b>Received</b>	<b>28 February 2016</b>
<b>References</b>	ENV-2016-AKL-000033 Council – LUC-2012-204 & LUC-2012-233		
<b>Site address</b>	131-149 Anzac Valley Road and 16 other properties or access lots		
<b>Other parties</b>	n/a		
<b>Description</b>	Section 358 appeal by the applicant against the s357 objection hearing decision by a commissioner to dismiss the s357 objection against the return of regional consent applications LUC-2012-204 & LUC-2012-233 as incomplete applications		
<b>Iwi comments</b>	The application did not trigger any requirement for a Cultural Impact Assessment, and raised no Treaty issues.		
<b>Status</b>	Council evidence exchanged. <b><i>Environment Court hearing held 10 and 11 July 2017. Awaiting decision.</i></b>		

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

<b>Appellant</b>	<b>Qambi Properties Limited v Auckland Council</b>	<b>Received</b>	<b>9 December 2016</b>
<b>References</b>	(ENV-2016-AKL-000283) Council – R/LUC/2016/1890, R/REG/2016/1892, R/REG/2016/1895, R/REG/2016/1896, R/REG/2016/1897, R/REG/2016/1898, R/REG/2016/1899, R/REG/2016/2038, R/REG/2016/1900		
<b>Site address</b>	Aotea Station to North Auckland Line section of the City Rail Link		
<b>Other parties</b>	CB Trustees 2012 Limited, Autotrans Limited and Cairns Property, Millar Samson Limited.		
<b>Description</b>	Appeal against a decision granting regional consents for a discretionary activity relating to the Aotea Station to North Auckland Line section of the City Rail Link. The appeal from Qambi Properties is specifically about the removal of a grade separated vehicle crossing at Porters Avenue, Mt Eden. The relief sought in the appeal is that the Court to make a direction that the appeal is placed on hold pending release of the decision on the Notice of Requirement amending the current designation notified on 2 February 2017 or for the resource consent to be declined.		

<b>Iwi comments</b>	AT has undertaken a consultation process with iwi for the CRL project which will be ongoing. A Maori values assessment and cultural values assessment were undertaken as part of the original Notices of Requirements. A Mana Whenua forum commenced in 2014 and is an ongoing requirement of the designation conditions. Matters raised by iwi as part of this process related to water quality and discharges, groundwater, contaminated land, earthworks and air quality which were addressed in the officers' reports. The Hearing Commissioners considered the application in accordance with the requirements of the RMA 1991 and in particular Part 2 of the RMA and has imposed conditions that also address the concerns of iwi.
<b>Status</b>	A prehearing conference was held at the Environment Court on 22 February 2017. Court to make further directions on the appeal and the related Notice of Requirement for the designation amendments. Under section 116 the Court has allowed the consents to be exercised in areas that are removed from the areas of concern to the appellant and other parties. <b><i>The appeal remains on hold pending a decision on direct referral application on the Notice of Requirement related to the regional consents under appeal.</i></b>

<b>Appellant</b>	<b><i>View West Limited v Auckland Council</i></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>	New appeal. Court directions received on 24 October 2017. The Court requires a response by 7 November as to whether parties agree to mediation. <b><i>Mediation scheduled for Wednesday, 14<sup>th</sup> February 2018.</i></b>		

### **MAUNGAKIEKIE - TAMAKI –Local Board Area (1 APPEAL)**

<b>Appellant</b>	<b><i>Summerset Villages (Ellerslie) Limited v Auckland Council</i></b>	<b>Received</b>	<b>30 November 2017</b>
<b>References</b>	ENV-2017-AKL-000180 Council – LUC60129032		
<b>Site address</b>	8 Harrison Road, Mt. Wellington		
<b>Description</b>	Appeal against a condition of consent granting consent to Summerset Villages for construction of additional residential apartments for retirement living. The appeal is against condition 34 requiring enclosure of the south facing balconies. The applicant appealed this condition which was imposed by an independent hearing commissioner but not recommended by the reporting officers.		
<b>Iwi comments</b>	The application did not trigger any requirement for a Cultural Impact		

	<i>Assessment, attract submissions from Iwi or raise Treaty issues.</i>
<b>Status</b>	<i>New appeal. Court directions received 7 December 2017 asking whether or not the parties are willing to attend a court-assisted mediation. Informal negotiations between the appellant and the Council have resulted in the settlement of the appeal. <b>The parties have filed a joint memorandum and draft consent documents with the Environment Court for approval.</b></i>

**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>	<b>ENV-2017-AKL-000181 Council – R/LUC/2016/2243, LUC60114213</b>		
<b>Site address</b>	<b>34 White Swan Road, Mount Roskill</b>		
<b>Description</b>	<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>		
<b>Iwi comments</b>	<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>		
<b>Status</b>	<b>New appeal. 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.</b>		

**WAITEMATA – Local Board Area (1 Appeal)**

<b>Appellant</b>	<b>R &amp; P Duke</b>	<b>Received</b>	<b>8 September 2017</b>
<b>References</b>	<b>ENV-2017-AKL-000 Council – LUC60112250 and CST60082316</b>		
<b>Site address</b>	<b>75 Sarsfield Street, Herne Bay</b>		
<b>Applicant</b>	<b>R &amp; P Duke</b>		
<b>Description</b>	<b>Appeal from the applicant against condition 7 of a resource consent granted by the council relating to number of helicopter flights to and from the site, in particular from a helicopter landing area located in the General Coastal Marine zone.</b>		
<b>Iwi comments</b>	<b>The application did not trigger any requirement for a Cultural Impact Assessment and raises no Treaty issues. The application was non- notified (written approvals received from immediate neighbours). The application was considered in accordance with the statutory requirements under the Resource Management Act 199, including Part 2 of the RMA.</b>		
<b>Status</b>	<b>New appeal. Waiting for directions from the Environment Court. <i>The appeal has since been withdrawn on 18 December 2017 and therefore finalised. The resource consent is now subject to judicial review proceedings</i></b>		

*relating to the grant of consent on a non-notified basis.*

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

<b>Appellants</b>	<b>1.Walden v Auckland Council</b> <b>2.SKP Incorporated v Auckland Council</b>	<b>Received</b> <b>Received</b>	<b>9 June 2017</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 canvassed 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. <b><i>All evidence and witness caucusing is complete with the hearing set for the week of 26 February 2018.</i></b>		

**OTARA-PAPATOETOE – Local Board Area (1 APPEAL)**

<b>Appellant</b>	<b>Lion – Beer, Spirits &amp; Wine (NZ) Limited</b>	<b>Received</b>	<b>24 July 2017</b>
<b>References</b>	ENV-2017-AKL 000106 Council – 50566		
<b>Site address</b>	79 Ormiston Road		
<b>Applicant</b>	Ormiston Centre Limited		
<b>Description</b>	Appeal by a submitter to the grant of land use and subdivision consent to establish a mix of commercial activities including a supermarket, department store and offices. The site is zoned Business – Light industrial under the AUP-OP in which the activities are a non-complying.		
<b>Iwi comments</b>	The application was publicly notified and there were no submissions by iwi. 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>	New appeal with the parties yet to receive any directions from the Court. <b><i>Negotiations continuing between appellant and consent holder.</i></b>

### FRANKLIN – Local Board Area (4 APPEALS)

<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. <b><i>Currently exploring design options to see if policy matters can be addressed. Next court report date on 23 February 2018.</i></b>		

<b>Appellant</b>	<b>Pine Harbour Holdings Limited</b>	<b>Received</b>	<b>2 February 2017</b>
<b>References</b>	ENV-2017-AKL-010 Council – 48758		
<b>Site address</b>	96 Karaka Road, Beachlands		
<b>Applicant</b>	Pine Harbour Holdings Limited		
<b>Description</b>	Appeal against several conditions of the council decision to grant subdivision and landuse consent to create 27 lots and 27 dwellings.		
<b>Iwi comments</b>	The application was publicly notified and there were no submissions by iwi. Ngai Tai Ki Tamaki advised during the processing of the proposal that they were happy for the development to proceed based on their longstanding relationship with the applicant. 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>	Appeal reported to the Regulatory Committee under urgency on 1 March 2017 as the Court had directed a reporting date of 1 March 2017 to identify whether mediation is appropriate and/or agree a hearing timetable. Mediation set down and held on 19 April. Parties will be reporting back to the Court on a monthly basis. Evidence exchange has commenced with a hearing likely in the new year. <b><i>Hearing has been postponed as there is a possibility of settlement due to the imminent commencement of works on the adjacent property which would address the conditions in contention.</i></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>	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. <b>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.</b>		

<b>Appellant</b>	<b>Allen</b>	<b>Received</b>	<b>1 February 2017</b>
<b>References</b>	ENV-2016-AKL-008 Council – R/LUC/2016/557		
<b>Site address</b>	1974 Great South Road, Bombay		
<b>Other parties</b>	2 submitters; C & S Hartnett , C Crane		
<b>Applicant</b>	Steven and Rosemary Allen		
<b>Description</b>	Appeal against the council decision to refuse consent for a self-storage facility. The commissioners' decision notes the main issues for refusal relate to the scale and locational impact on rural character and amenity values and being contrary to the objectives of the rural zone.		
<b>Iwi comments</b>	The application was publicly notified and there have been no iwi submissions received. The applicant had contacted all iwi with an interest in the area prior to lodging the application. No iwi group indicated a need for a cultural impact assessment or provided any comment. The Hearing Commissioner considered the application in accordance with the requirements of the RMA 1991 and in particular Part 2 of the RMA.		
<b>Status</b>	Appeal reported to the Regulatory Committee under urgency on 1 March 2017 as the Court had directed a reporting date of 1 March 2017 to identify whether mediation is appropriate and/or agree a hearing timetable. Mediation attended by all parties on 9 May 2017. Without prejudice options provided as the basis of a further mediation on Friday 9 June. Settlement discussions are continuing based on a draft consent order. <b>Consent order signed by the Court on 6 December 2017 permitting a significantly reduced ( by 75%) facility. Appeal resolved.</b>		