

RODNEY – Local Board Area (11 Appeals)

Appellant	ENV-2022-AKL-000121 - McCallum Bros Ltd v Auckland Council	Received	27 May 2022
References	Council: CST60343373 and DIS60371583		
Applicant:	McCallum Brothers Limited		
Site address	Coastal Marine Area – Pakiri Beach		
Other (section 274) parties	Mangawhai Harbour Restoration Society Inc, Sherie Ann Wikaira, Tara Iti Golf Club Limited, Te Arai Links, Te Arai North Limited, Te Arai Residents' Association Incorporated, Te Arai South Holdings Limited, Te Whānau o Pakiri, Manuhiri Kaitiaki Charitable Trust, W Greenwood Friends of Pakiri Beach Inc, Environmental Defence Society Inc, D Clapshaw		
Description	An appeal by the applicant to the refusal of resource consents. The applicant seeks coastal and discharge permits to extract sand from the coastal marine area off shore at Pakiri. Extraction is proposed to be undertaken using a trailer suction dredge. Consent is being sought to extract up to 2,000,000m ³ of sand from between the 25m and the 40m isobaths over an approximate area of 44.12km ² , with no more than 150,000m ³ per any 12-month period between the 25m and 30m isobaths.		
Iwi comments	<p>The effects of the proposed continued dredging of sand offshore from Pakiri on cultural values and Mana Whenua interests were central for many submitters. The following excerpt from the Panel's decision to refuse the consents applied for summarises their findings in relation to the views expressed by Mana Whenua:</p> <p>"This does not accord with our findings in relation to effects on ecology and coastal processes and those comparative values such as effects on taonga species, cultural landscapes and kaitiakitanga when applying a cultural lens. We therefore prefer the evidence of Ahi Kaa and Ngāti Manuhiri submitters in this regard, who are Mana Whenua of Pakiri with intimate intergenerational knowledge and understanding of that environment. In our view this is consistent with what is required of us by the policies relating to Treaty of Waitangi/Te Tiriti o Waitangi partnerships and participation in Chapter B6 of the RPS, e.g. B6.2.2 (1). This evidence was given by Kaumātua and Pūkenga of, or recognised by, the hapū - specialists in the mātauranga and tikanga of their hapū and best placed to convey their relationship to the Pakiri-Mangawhai Embayment. They have told us that their cultural values and relationships, including mauri, and their mana and wellbeing have been, and will continue to be, eroded and diminished as a result of the current application. Refusal of consent is in our view appropriate to ensure Mana Whenua values, mātauranga and tikanga are properly reflected and accorded sufficient weight in resource management decision-making. In reaching this decision we have had particular regard to potential impacts on the holistic nature of the Mana Whenua world view; the exercise of kaitiakitanga; mauri, customary activities, including mahinga kai and sites and areas of significant spiritual or cultural heritage value to Mana Whenua as required by Policy B6.3.2. (6) of the RPS."</p>		

Status	<p>The period within which parties can submit a notice stating their wish to become party to the proceeding under s.274 of the RMA 1991 ended 20 June 2022. A Microsoft Teams (AVL) meeting to be set on or after 27 June 2022 to discuss mediation, expert witnesses, and a timetable to hearing.</p> <p><i>The Court has made the following directions by consent:</i></p> <p><i>(a) the Applicant is to file and serve its briefs of evidence by 30 September 2022;</i></p> <p><i>(b) the Auckland Council is to file and serve its briefs of evidence by 4 November 2022;</i></p> <p><i>(c) all s 274 parties are to file and serve their briefs of evidence by 9 December 2022;</i></p> <p><i>(d) the Applicant is to file any evidence in reply by 23 December 2022; and</i></p> <p><i>(e) the Applicant is to file the evidence with the Court by 15 January 2023</i></p> <p><i>The hearing will likely require at least five weeks of hearing time to commence weeks 6, 13, 20 February 2023 and weeks 13 and 20 March 2023. Actual hearing dates will be advised by the Court after the Court members are confirmed.</i></p> <p><i>A further Judicial Conference will be convened after 9 December 2022 to review the progress of the matter and the other consents.</i></p>

Appellant	<ol style="list-style-type: none"> 1. The Director-General of Conservation (Department of Conservation) (ENV-21021-AKL-000079). 2. The Royal Forest and Bird Protection Society of New Zealand Incorporated (“Forest & Bird”) (ENV-2021-AKL-000078) 3. The Manuhiri Kaitiakitanga Charitable Trust (Ngati Manuhiri) (ENV-2021-AKL-000080) 4. Te Rūnanga o Ngāti Whātua (ENV-2021-AKL-000076) 5. Environs Holdings Limited (Te Uri o Hau) and Ngati Whatua Orakei (ENV 021 AKL 000085) 6. The Trustees of Ngā Maunga Whakahii o Kaipara Development Trust (ENV-2021-AKL-000083) 7. Fight The Tip: Tiaki Te Whenua Incorporated (“FTT”) (ENV-2021-AKL-000082) 8. The New Zealand Refining Company Limited (Refining NZ) (ENV-2021-AKL-000084) now resolved. 	Received	5 July 2021
References	Council: BUN60339589		
Applicant:	Waste Management NZ Limited		
Site address	1232 State Highway 1, Wayby Valley		
Other parties	<ol style="list-style-type: none"> 1. Kaipara District Council (Party to Environs Holdings Limited (Te Uri o Hau) and Ngati Whatua Orakei appeal) 2. Richard Griffiths (Party to The Royal Forest and Bird Protection Society 		

	<p>of New Zealand Incorporated appeal)</p> <ol style="list-style-type: none"> 3. William Phillip Foster (Party to The Director-General of Conservation (Department of Conservation) (ENV-21021-AKL-000079) appeal. 4. Auckland Conservation Board 5. The Manuhiri Kaitiakitanga Charitable Trust (Ngati Manuhiri) 6. The Trustees of Ngā Maunga Whakahii o Kaipara Development Trust 7. Te Rūnanga o Ngāti Whātua 8. Federated Farmers Auckland 9. Environs Holdings Limited (Te Uri o Hau) and Ngati Whatua Orakei 10. Maria Louise Henare (aka Mina Henare)
Description	Separate appeals relating to the Hearings Panel's majority decision to grant consents (including land use consents, discharge and water permits) for the construction and operation of a new regional landfill facility (Dome Valley Landfill) with a footprint of approximately 60 hectares, and with capacity to contain approximately 25.8 million m ³ of municipal solid waste, and ancillary infrastructure.
Iwi comments	Cultural values and Mana Whenua interests were central for many submitters and those who have appealed the decision. The hearing decision notes the "opposition centred on the connection, both spiritual and physical, between the headwaters of tributaries of the Hōteu catchment, Te Awa Hōteu and the Kaipara Moana and their associated whanaungatanga and kaitiakitanga in relation to that environment.
Status	The appeals relate only to the resource consent. The plan change decision has not been appealed. The NZ Refining Company appeal has been resolved by agreement between the parties. The Court set an evidence exchange timetable beginning in Feb 2022 with expert conferencing in May. All evidence has now been finalised and the hearings are scheduled for 10 weeks spread over a 6-month period starting on Monday 20 June 2022. Hearings are underway, expected to take 10 weeks in total and finish in December 2022.

Appellant	Country Lifestyles Limited v Auckland Council	Received	11 May 2021
References	ENV-2021-AKL-000051 - Country Lifestyles Limited v Auckland Council – LUC60370243		
Applicant:	Country Lifestyles Limited		
Site address	782 Haruru Road, Wainui		
Other parties	None		
Description	An appeal under Section 358 of the RMA 1991 to the dismissal of an objection under section 357(3), being to the return of a resource consent application under section 88(3). The application returned seeks a land use consent for a retirement village development in the Rural - Rural Production Zone.		
Iwi comments	N/A		
Status	Court assisted mediation was held on 21 July 2021. Resolution of the appeal was not achieved. A hearing to consider this matter and two other declarations submitted by Mr Wedd took place on the 4th and 5th of July 2022. The Court has yet to release its decisions.		

Appellant	<ol style="list-style-type: none"> 1. Civil v Auckland Council 2. Waka Kotahi NZ Transport Agency v Auckland Council 	Received	20 April 2021
References	ENV-2021-AKL-000042 Civil v Auckland Council & ENV-2021-AKL-000040 BUN60354951 (LUC60354952, LUS60354955, WAT60354953, WAT60355184, WAT 60356979, DIS60354954, LUC60355185, DIS60355186)		
Applicant:	Waka Kotahi - The New Zealand Transport Agency		
Site address	Multiple sites between Warkworth and north of Te Hana		
Other parties	<ol style="list-style-type: none"> 1. Puriri Springs Trust, and Southway 2. Director-General Of Conservation 		
Description	<ol style="list-style-type: none"> 1. Dianne Civil v Auckland Council – An appeal against a decision of the Council to grant regional resource consents to the Applicant for the earthworks, streamworks, discharges of stormwater and of dust associated with the construction, operation and maintenance of Ara Tuhono – Warkworth to Wellsford project between Warkworth and Te Hana. The Appellant appeals the following discrete parts of the Decision: <ol style="list-style-type: none"> a. Section 8.9 Effects on terrestrial and freshwater ecology, and the related conditions RC54 and RC54-C; and b. Section 8.13: Operational water management and flooding effects and the related condition RC-100B. 2. Waka Kotahi NZ Transport Agency v Auckland Council – An appeal to parts of the decision and conditions of an application for resource consents for construction, operation and maintenance of a state highway and associated activities, being the Ara Tūhono - Warkworth to Wellsford section. The parts of the Decision that Waka Kotahi is appealing are: <ol style="list-style-type: none"> 4.1 the conditions relating to ecology, namely conditions [54] to [80] and [105]; 4.2 the third advice note in relation to stream diversions for soil disposal; 4.3 condition 25(a)(ii); 4.4 condition 26(c); 4.5 condition 81; and 4.6 definitions, maps and appendices related to the above appeal points. 		
Iwi comments	Addressed within the council's decision.		
Status	The proceedings were suspended until the appeal period and the section 274 period relating to the release of the decision with respect to the related Notice of Requirement was issued. Direct discussions between the parties continues and following that, if considered necessary, Court assisted mediation will be requested. Council is to circulate a further set of draft amended consent conditions and will await feedback from Waka Kotahi - NZ Transport Agency		

WAITAKERE – Local Board Area (2 Appeals)

Appellant	Trustees of DOKAD Trust and Successors	Received	7 March 2022
References	ENV-2022-AKL-000062 SUB60369339, CER70012838, SUB-2008-570, SUB-2008-571, LUC60340459, CER70013391, CER70013122, CER70013000		
Site address	Various properties on Anzac Road, Waitakere		
Other parties	NA		
Description	This appeal relates to decisions on 15 s357 objections relating to 8 applications that were heard by commissioners on 19 & 20 January 2022. The objections cover the following matters: council charges, requests for further information, decline of certificates of compliance and rejections of applications.		
Iwi comments	NA		
Status	The appeal, while brought by DOKAD, is related to P Mawhinney. The appeal was lodged out of time and within the three-year stay imposed by the Court of Appeal on P Mawhinney noted below. The appellant has applied for a late filing waiver which the Council does not support. <i>The appeal has now been accepted by the Court, but no hearing date has yet been set.</i>		

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 against the Council's objection decision lodged with the Environment on 26 July 2018 (Forest Trust Appeal). The Environment Court's decision refusing the Forest Trust Appeal and confirming Council's decision was issued on 18 December 2018. The Environment Court's decision was appealed to the High Court. Separately, on 28 February 2019, the High Court ordered that Mr Mawhinney be restrained (in any capacity) from commencing or continuing civil proceedings for 5 years (reduced to a 3-year restraint period following an appeal to the Court of Appeal). From 28 Feb 2019 the Forest Trust Appeal was stayed due to the restraint against Mr Mawhinney. The 3-year restraint against Mr Mawhinney has now expired. <i>The Forest Trust Appeal (and other High Court proceedings) currently remain stayed.</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	The Court issued a fourth interim decision on 10 June 2020 following consideration of the various sets of consent conditions put forward by the parties, confirming that consent is likely to be granted in part, subject to the finalisation of conditions as set out in the interim decision. The Court's released its final decision on 17 September 2020 and confirming that the conditions, consulted between the parties, provided balance, clarity and enforceability. The Council has previously determined that the enforcement proceeding could be discontinued on the grant of the new consent. While the matter was thought to have been concluded on 8 October 2020 the applicant appealed to the High Court and sought judicial review, challenging the Courts mediation processes and the lawfulness of 41 of the 71 consent conditions with. Following an April 2021 hearing, on 30 September 2021 the High Court released its decision dismissing the appeals, finding no error in the Environment Court's processes and decision. The 17 September 2020 decision currently stands however the applicant has since sought leave (29 October 2021) to appeal the High Court's substantive decision and the judicial review decision to the Court of Appeal. The Environment Court have also on 27 May 2022 released a cost award against the applicant and council that the council has since appealed. No change.		

WAITEMATĀ–Local Board Area (2 appeals)

Appellant	11 Cheshire Street Body Corporate	Received	11 June 2021
References	ENV-2021-AKL-000063 Council: BUN60364362		
Site address	23 and 41 Cheshire Street, Ngahere Terrace and Cheshire Road, Road Reserve railway land		
Applicant	Summerset Villages (Parnell) Limited		
Other parties	Christopher Brown, Parnell Business Association, Parnell Community Committee (Incorporated), West Parnell Business and Residents Group		
Description	An appeal by the 11 Cheshire Street Body Corporate against a decision of the Council to grant resource consents to the applicant to construct and		

	operate a retirement village. The development includes 216 independent living units and 100 age care units within 8 interconnected buildings from 3 to 8 levels in height and 235 car parking spaces within basements. The Body Corporate appeal raises issues around traffic and acoustics, scale and height of buildings and construction impacts. The site is zoned Business- Mixed Use.
Iwi comments	The application did not attract submissions from Iwi or raise any Iwi or Treaty issues.
Status	Expert conferencing between the noise and traffic experts took place in July 2021. Informal pre-mediation meetings have occurred between all parties and agreement reached to an amended set of consent conditions. The agreed condition set has been sent to the Courts, along with a draft consent order. <i>The Court released a consent order on 26th August that reflects the parties' agreement around more robust conditions on construction, traffic, and noise management. The appeal is now complete.</i>

Appellants	Ngāi Tai Ki Tāmaki v Auckland Council	Received	30 January 2019
	Te Ākitai O Waiohua, Ngaati Whanaunga, Ngāti Tamaoho, Ngāti Tamaterā, Te Patukirikiri, And Ngāti Maru v Auckland Council		30 January 2019
	Ngāti Whātua Orakei Whaia Maia Limited v Auckland Council		31 January 2019
References	ENV-2019-AKL-000014 - withdrawn ENV-2019-AKL-000015 - withdrawn ENV-2019-AKL-000016		
Applicant	Panuku Development Auckland		
Site address	31 Westhaven Drive, Auckland Central		
Other Parties	Ngāti Te Ata		
Description	<p>Appeal against the full decision of hearing commissioners to grant resource consents to extend the north-western breakwater and causeway (via land reclamation) at Westhaven Marina, to connect to the north-eastern breakwater to create public open space and an observation deck, a car park area for public and private use; and access to new marina berths, including the replacement of existing pile moorings.</p> <p>In particular, the appellants reject consent conditions that seek a determination of whether any one Mana Whenua iwi/hapū has primacy as part of a Pile Mooring Redevelopment Kaitiaki Engagement Plan.</p>		
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	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. Mediation cancelled at the agreement of all parties and appeal to proceed to hearing after 19 August. A s116 application to allow consents to commence while appeal is determined was approved by EC on the 27 March 2019. Panuku have now		

completed the works that they are able to under that s116 order. A further s116 application is being sought by the parties to allow commencement of additional works in relation to the project.

Following a judicial conference in late June 2019 it was determined that:

- The Westhaven Marina appeal, and the related Queens wharf mooring Dolphin appeal will be heard together. The dolphin application was withdrawn following the impact of Covid 19 in 2020.
- A declaration will be filed by Ngāti Whātua Ōrākei that addresses the jurisdictional issue as to whether the Environment Court has the jurisdiction to determine primacy issues where relating to the wording of consent conditions. This will be determined prior to the appeal proceedings being heard.

The Environment Court released its decision on the preliminary jurisdictional question of primacy of mana whenua status regarding the setting of mana whenua conditions of consent. This decision was appealed by iwi groups to the High Court, which issued its decision on the primacy matter on 21 October 2020 (appeal allowed in part). The Environment Court issued a minute on 29 October seeking further instruction from the parties on how/whether they would like to proceed to resolution. A joint memorandum was issued on the 15 December 2020 by the parties in response. The Environment Court further minute on 19 January 2021 requested the parties identify evidence topics and witnesses.

Since the High Court decision on the 21 October 2020, a 10-week hearing in the High Court (CIV-2015-404-2033 *Ngāti Whātua Ōrākei v Attorney-General*) was concluded which raised similar factual matters to this appeal. The resolution of these other High Court proceedings may assist in resolving the current Environment Court appeal (or at the very least result in a narrowing of factual issues). Therefore, the parties agree that it would not be an efficient use of the Environment Court's time, to hear this appeal, before the other High Court judgment is released and the Environment Court appeal is placed on hold pending the resolution of the High Court Proceedings. The High Court, 28 April 2022 in its decision, recognises that Ngāti Whātua Ōrākei has mana whenua over specific areas of central Auckland based on its own tikanga. But not *to the exclusion of all other iwi and hapū, who's own tikanga cannot be found to be "subject or inferior" to that of Ngāti Whātua Ōrākei. An Environment Court minute 17 May suggests a Mana Whakahono a Rohe approach to resolve the appeal, a direct engagement process between the appellants that will likely not need to include the Council. **The Court was to seeks feedback on a resolution process.***

EDEN ALBERT –Local Board Area (1 appeal)

Appellants	Southern Cross Hospitals Limited v Auckland Council	Received	8 April 2021
References	ENV-2021-AKL-000037 BUN60347517, LUC60150801-A		
Site address	3 Brightside Road, 149-153 Gillies Avenue, Epsom		
Applicant	Southern Cross Hospitals Limited		
Other parties	None at the moment		
Description	An appeal against a decision to refuse the application to expand the existing hospital complex (BUN60347517). The application to vary conditions of consent is granted (LUC60150801-A)		
Iwi comments	The resource consent application was publicly notified and determined by commissioners in accordance with the RMA. No submissions from iwi.		
Status	On 16 April 2021 the Court directed that the appeal be placed on hold pending the resolution of Eden Epsom Residential Protection Society Inc's appeal on Private Plan Change 21. The Court on 13 April 2022 released its decision refusing the request for the plan change. On 9 May 2022 Southern Cross appealed the plan change decision and that is set down for High Court hearing on 12 September 2022 <i>Southern Cross in a joint memorandum 16 June 2022 sought that the resource consent appeal remain on hold until a decision from the High Court hearing is released. In a minute 29 June the Environment Court has directed that the LUC appeal remains on hold.</i>		

ORAKEI –Local Board Area (2 appeals)

Appellant	69 Roberta Avenue Limited	Received	16 August 2022
References	ENV-2022-AKL-000173 BUN60390253 (LUC60390254, SUB60390255)		
Site address	69 and 71 Roberta Avenue, Glendowie		
Other parties	None currently		
Description	<i>An appeal against a decision to refuse an application to construct 17 dwellings and freehold subdivision to create titles for each dwelling. The new dwellings are in the form of terraced housing blocks being a mixture of two and three storeys. Associated works includes the demolition of the existing dwellings, vegetation clearance, earthworks and retaining walls, the construction of access, parking and drainage infrastructure, and landscape treatment. There are to be 17 freehold residential lots around the dwellings, and a jointly owned access lot for the shared driveway.</i>		
Iwi comments	<i>The resource consent application was publicly notified and determined by commissioners in accordance with the RMA. No submissions from iwi.</i>		
Status	<i>New Appeal. Council commissioners considered the proposal to not be in keeping with the neighbourhood character and the planned outcome of the Residential - Mixed Housing Suburban Zone. Adverse effects will be created on the neighbourhood. The appellants argue that a failure to apply a permitted baseline, correctly interpret the zone provisions and the reaching of incorrect conclusions about the nature and extent of</i>		

	<i>environmental effects suggests that the decision should be set aside and granted by the Court. The application is the same as that previously granted on a non notified basis in 2021 and subject to judicial review.</i>
--	---

Appellants	Drive Holdings Limited v Auckland Council	Received	21 October 2019
References	ENV-2019-AKL-000283 BUN60324987		
Site address	75-79, 81-87, & 89-97 Tamaki Drive, 6, 8-10, 12 and 14 Patteson Avenue, 26, 28, and 30 Marau Crescent, Mission Bay.		
Applicant	Drive Holdings Limited		
Other parties	A. Nathan, S. O. Family Trust, Mission Bay Kohimarama Residents Association Inc, Support Mission Bay Inc.		
Description	An appeal against a decision to refuse an application to construct a mixed-use development comprising basement carparking, servicing, storage and circulation areas, seven multi-level buildings, commercial, entertainment and residential activities.		
Iwi comments	The resource consent application was publicly notified and determined by commissioners in accordance with the RMA. No submissions from iwi.		
Status	<p>The first mediation occurred on 5 February 2020. The appellant advised that design changes would be explored and presented to the parties ahead of the second mediation scheduled for 16 March 2020. They were unable to promote the settlement of the appeal. A Court directed pre-hearing conference will be held on 30 August 2020 to discuss the outstanding issues and make timetable directions required to progress the appeal to a hearing. The parties have file evidence and expert conferencing is expected to be completed in the week of 15 February 2021. The Court has scheduled the hearing to commence on 24 May 2021. The hearing commenced on 24 May 2021 but was adjourned on day 3 following a request from the appellant to consider design changes. The hearing is scheduled to re-commence on 28 June 2021. The hearing concluded on 28 June. The Court released its decision declining the appeal on 14 October 2021. This confirmed the council's refusal that the Court noted as well founded. Greater weight was given to the provisions of the AUP (height and bulk) that had been debated during the PAUP hearings, than the competing urban design evidence of the various parties. The applicant, 3 November 2021 appealed this decision to the High Court on various points of law. <i>The High Court hearing has recently proceeded on 15th / 16th July with a decision yet to be released.</i></p>		

PAPAKURA – (1 Appeal)

Appellants	High Quality Limited v Auckland Council	Received	22 June 2021
References	ENV-2021-AKL-000066 LUC60348816		
Site address	773 Great South Road, Drury		
Applicant	High Quality Limited		
Other parties	Lance & Maree Dickey, William Grant Guilford and Pauline Kroef, Craig and Carlene Hill		
Description	An appeal against a decision to refuse an application to establish and operate a manufacturing activity assembling mobile cabins within a shed that will have a 1,505m footprint and maximum height of 9m. Earthworks are also required to establish the building and a car parking area. The appellants consider the proposal to not be contrary to the policies of the site's Future Urban Zone and that effects are of a minor scale. The 274 parties share a private lane access with the appellants property and support the Council reasons for the decline.		
Iwi comments	The resource consent application was publicly notified and determined by commissioners in accordance with the RMA. No submissions from iwi.		
Status	A reporting memorandum was submitted to the Court on 18 th August 2021 including likely witnesses and evidence timeframes. Evidence timetable directed by Court. The appellant has sought that the timetable (their evidence by 29 October) be extended while they seek a separate earthworks consent to establish the 'permitted' shed. The Court approved an evidence timetable extension with council evidence exchanged in February 2022. The appeal proceeded to a 4-day hearing in the week 11 April with evidence from council planners' and landscape architect. The key issues related to amenity and adverse effects of the activity, AUP objectives and policies and precedence of the activity in the Future Urban Zone. <i>The Court released its decision on 30 June 2022 granting the consent subject to finalising conditions. The Court did not accept the council's concern around precedent / plan integrity issues in connection with Discretionary Activity applications or its position on particular plan provisions. The Council on 21 July 2022 appealed the decision to the High Court.</i>		

REGIONAL – (9 Appeals)

Appellants	1. Protect Aotea v Auckland Council 2. Protect Our Gulf Incorporated v Auckland Council	Received	1 September 2020
References	1. ENV-2020-AKL-155 2. ENV-2020-AKL -157 BUN60388750		
Applicant	Ports of Auckland Limited		
Other parties	K Klink, Society for the Protection of Aotea Community and Ecology Inc.		
Description	Appeals against a decision of Auckland Council to grant applications by Ports of Auckland Limited (POAL) to undertake capital and maintenance dredging works in the Waitemata Harbour. The dredging of 2,500,000m ³ of seabed material will be from the Rangitoto Channel and Fergusson approaches and with		

	<p>maintenance dredging of 75,000m³ over any 5-year period. The dumping is to occur outside the CMA authorised by separate EEZ Act consent from the EPA.</p>
Iwi comments	<p>The resource consent application was publicly notified and determined by commissioners in accordance with the RMA. Submissions from Iwi raised matter of Te Ao Maori and inter-connectiveness (cause and effect) between the dredging and dumping activities, that these occur in different rohe and dredging damages nor restores the mauri of the moana.</p>
Status	<p>New appeals and section 274 period have closed. A minute from the Court released 17 September 2020 directs that the appeals will be managed and heard together. The minute also notes that the appeals appear to raise procedural or jurisdictional issues and seeks from the parties whether these should be considered and determined prior to any substantive hearing. The appeals proceeded to mediation on 1 December 2020 to discuss effects on mana whenua values. Mediation continued on 22 February 2021. A Court minute 4 April directs parties to confirm positions on proposed POAL revised conditions, jurisdictional issues and a marine science mediation by 30 April. A joint reporting memorandum from the parties was lodged on 17 May. Protect or Gulf Inc. requested that any jurisdictional issues be determined in advance of expert evidence or caucusing. The Court on 26 July heard legal submissions on the jurisdictional matters of whether the applications should have been bundled and whether the cultural effects of the EEZ dumping consent can be considered. The Court released a minute 4 August after Protect Aotea lodged in the High Court judicial review proceedings of the EPA grant of the disposal of dredging consent. That sought views of the parties as to whether the proceedings should be adjourned or continue, and memoranda have since been filed outlining the various party positions. The Court released its decision on the jurisdiction issues on 14 September 2021. It found that the assessment of effects of the two consents should be bundled together, but as one is a controlled activity and must be granted, the consents should not be bundled for the purpose of determining a single class of activity. The effects of dumping dredged material outside of the CMA are found within the scope of effects on the environment of allowing the dredging activity. However as there is a sufficient consent by a marine authority under the EEZ Act there is no basis on which a consent authority under the RMA can undertake a competing assessment of those matters. On 27 September Protect Aotea appealed the preliminary decision (only on the scope of effects of the EEZ dumping) to the High Court and POAL have since filed an additional appeal in terms of the Courts findings on the EEZ permit. The High Court heard these appeals on 2nd February 2022. Meanwhile Protect or Gulf Inc have also now sought judicial review of the EEZ permit. While Protea Aotea have also sought for the Environment Court appeals be placed on hold due to the High Court appeals, POAL request that expert conferencing on marine science matters still proceed. The marine science caucusing proceeded on 28 February 2022. On 17 June 2022 the High Court released its decision from the 2 February hearing on the preliminary issues, dismissing the appeal in finding that the Environment Court did not make errors of law when it held that the effects of dumping dredged material in the EEZ under POAL's marine dumping consent were relevant to the proposed dredging activities (but the consents could not be refused on the grounds that there should be no offshore dumping), and that POAL's marine dumping consent</p>

	forms part of the existing environment. <i>That decision has since been appealed to the Court of Appeal by Protect Aotea and Ports of Auckland Limited have filed a cross appeal. Meanwhile an Environment Court mediation covering the marine science matters is proposed for 12 September 2022.</i>
--	--

Appellants	<ol style="list-style-type: none"> 1. Svetlana Gubanova and Oleg Medvedev v Auckland Council (AC) (ENV-2021-AKL-000088) 2. David and Jolie Hutchings v AC (ENV-2021-AKL-000089) 3. Guohui (Tom) Ma and Wei (Winnie) Ye v AC (ENV-2021-AKL-000092) 4. Pia Rheinlander and Cyril Hamiaux v AC (ENV-2021-AKL-000091) 5. Tamara George and Rahul Taneja v AC (ENV-2021-AKL-000090) 6. The Tree Council Incorporated v AC (ENV-2021-AKL-000094) 7. Titirangi Protection Group Incorporated v AC (ENV-2021-AKL-000093) 	Received	<ol style="list-style-type: none"> 1. 16 July 2021 2. 16 July 2021 3. 16 July 2021 4. 16 July 2021 5. 16 July 2021 6. 21 July 2021 7. 21 July 2021
References	1. ENV-2021-AKL-000088, 0089, 0090, 0091, 0092, 0093, 0094 BUN60339273		
Site Address	Three parcels of land adjacent the intersection of Woodlands Park Road and Manuka Road, Titirangi.		
Applicant	Watercare Services Ltd		
Other parties S274	The Waitakere Ranges Protection Society Incorporated; Royal Forest and Bird Protection Society of New Zealand Inc. The Tree Council Incorporated		
Description	Seven appeals are lodged against a decision of Auckland Council to grant regional resource consent applications by Watercare Services Ltd to undertake earthworks, vegetation removal, stream works and associated activities and a land use consent under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health). These consents relate to the proposal to establish a replacement Huia Water Treatment Plant (“Huia WTP”) and reservoirs at a site in Woodlands Park Road and Manuka Road, Titirangi. The physical structures that make up the WTP are addressed separately via an Outline Plan of Works, the site already been designated for WTP purposes. The WTP will cover about 2.7 hectares of the 4.2 hectare site that is undeveloped and largely covered in indigenous vegetation, being identified in the AUP’s Significant Ecological Area Overlay. The appeals relate to all of those issues which consent is required. Five of the appellants also made submissions as part of the Manuka Road Residents Group.		
Iwi comments	The resource consent application was publicly notified and determined by commissioners in accordance with the RMA. A CIA was submitted with the application and Te Kawerau ā Maki, as Mana Whenua, gave evidence at the hearing. Cultural effects relate to those impacts on native vegetation and biodiversity, stream values and the risk and control of Kauri dieback that is		

	present on the site and surrounding lands. Te Kawerau ā Maki will be directly involved with a range of management plans.
Status	The parties have been in discussion as to whether expert caucusing should occur prior to mediation. The parties have responded to the Courts suggestion of an online mediation, that such is not practical considering the number of separate parties. <i>The Court has set an in-person mediation for 14th and 15th September 2022.</i>