IN THE HIGH COURT OF NEW ZEALAND
AUCKLAND REGISTRY

CIV-2016-404-2338
[2017] NZHC 594

BETWEEN	ANCONA PROPERTIES LIMITED Appellant
AND	AUCKLAND COUNCIL Respondent

(Continued on next page)

Hearing: On the papers

Judgment: 29 March 2017

JUDGMENT OF WHATA J

This judgment was delivered by me on 29 March 2017 at 3.00 pm, pursuant to Rule 11.5 of the High Court Rules.

Registrar/Deputy Registrar

Date: ……..

CIV-2016-404-2296

BETWEEN BAYSWATER MARINA LIMITED

Appellant

AND AUCKLAND COUNCIL

Respondent

CIV-2016-404-2340

BETWEEN P L AND R M REIDY, A J AND P M KLOETEN AND RUATOTARA LIMITED

Appellants

AND AUCKLAND COUNCIL

Respondent

CIV-2016-404-2319

BETWEEN SOUTHERN GATEWAY (MANUKAU) LIMITED

Appellant

AND AUCKLAND COUNCIL

Respondent

CIV-2016-404-2347

BETWEEN WASTE MANAGEMENT NZ LIMITED

Appellant

AND AUCKLAND COUNCIL

Respondent

CIV-2016-404-2312

BETWEEN	WAYTEMORE FORESTS LIMITED
	Appellant
AND	AUCKLAND COUNCIL
	Respondent

CIV-2016-404-2460

BETWEEN	MALCOLM WOOLMORE AND ALASTAIR MORRIS AND SONYA MORRIS
	Appellants
AND	AUCKLAND COUNCIL
	Respondent

Introduction

[1] Various decisions of the Auckland Council (the Council) to adopt recommendations of the Independent Hearings Panel (IHP) in respect of the Auckland Unitary Plan (the Unitary Plan) have been appealed to this Court. This judgment addresses the request for consent orders in relation to proceedings commenced by:

(a) Ancona Properties Limited (Ancona);[1]

(b) Bayswater Marina Limited (Bayswater);[2]

(c) P L and R M Reidy, A J and P M Kloeten, and Ruatotara Limited (Ruatotara parties);[3]

(d) Southern Gateway (Manukau) Limited (Southern Gateway);[4]

(e) Waste Management NZ Limited (WML);[5]

(f) Waytemore Forests Limited (Waytemore);[6] and

(g) Malcolm Woolmore, Alastair Morris and Sonya Morris (Woolmore).[7]

[2] Having had the benefit of detailed submissions, I am satisfied that the consent orders should be granted as sought for the following reasons:[8]

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1 *Ancona Properties Ltd v Auckland Council* CIV-2016-404-2338.
2 *Bayswater Marina Ltd v Auckland Council* CIV-2016-404-2296.
3 *PL and RM Reidy, AJ and PM Kloeten and Ruatotary Ltd v Auckland Council* CIV-2016-404-2340.
4 *Southern Gateway (Manukau) Ltd v Auckland Council* CIV-2016-404-2319.
5 *Waste Management NZ Ltd v Auckland Counci* CIV-2016-404-2348.
6 *Waytemore Forests Ltd v Auckland Council* CIV-2016-404-2312.
7 *Malcom Woolmore and Alastair Morris and Sonya Morris v Auckland Council* CIV-2016-404-2460.
8 As Wylie J in *Man O'War Farm Limited v Auckland Council* [2017] NZHC 202 put it at [33], the Court must first be satisfied that the decision challenged on appeal was made pursuant to error of law. See also my decision in *North Canterbury Fish and Game Council v Canterbury Regional Council* [2013] NZHC 3196 at [2].

(a) The consent orders reflect the proper resolution of issues of law raised by the appellants;

(b) The proposed amendments and the resolution of the appeals is consistent with the purpose and principles of the Resource Management Act 1991 (RMA), including in particular Part 2;

(c) Approval of the proposed consent orders would also be consistent with the purpose and intent of the Local Government (Auckland Transitional Provisions) Act 2010 (the Act), namely Part 4, which provides a streamlined process designed to enable the Unitary Plan to become operative within a short period of time;

(d) The orders may be granted pursuant to r 20.19 of the High Court Rules 2016, ss 300-307 of the RMA and s 158 of the Act; and

(e) The consent orders are within the scope of the appeals.

[3] The background, position of the parties and my reasons for allowing the appeal and granting the consents orders are set out below.

A proviso

[4] A curious feature of the Unitary Plan process is that the Council may accept or reject an IHP recommendation.[9] A decision to accept an IHP recommendation may be appealed to this Court on a question of law, while a decision to reject an IHP recommendation triggers a right of appeal to the Environment Court.[10] A decision of this Court to substantively amend the Unitary Plan must usually trigger a statutory right of appeal to the Environment Court because the effect of the amendment is to reject the IHP recommendation. Subject to futility, this statutory right of appeal should be activated. By futility I mean situations where:

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9 Local Government (Auckland Transitional Provisions) Act 2010, s 148.

10 Sections 158 and 156 respectively.

(a) There are no other submitters on the relevant part(s) of the Proposed Auckland Unitary Plan (PAUP);

(b) Any submitters consent to the changes; or

(c) The changes are of a technical nature only.

[5] A corollary of this is that a consent order granting substantive amendments will ordinarily trigger the notice and appeal procedures of s 156 as if the consent order is a decision of the Council to reject an IHP recommendation. However, as I explain in relation to each appeal, on the facts of the settlements before me I am satisfied that in all cases referral to the Environment Court would be futile and unnecessary.

Ancona Properties Limited

[6] Ancona owns, occupies and leases out a substantial part of the Saint Heliers Village commercial centre. It brought an appeal under s 158 of the Act. A joint memorandum of the parties recording settlement was filed on 27 January 2017. Ancona made a submission and further submission on the notified PAUP in relation to the Saint Heliers Precinct relating to the dimension to be used for frontage setback controls on buildings over 8.5m in height. At the conclusion of the Topic 081 (Rezoning and Precincts (General)) hearings, Ancona and the Council had not reached an agreed position, with Ancona supporting a notified frontage setback control dimension of 2.5m and Council seeking to increase the frontage setback control dimension to 4m.

[7] The IHP recommendations to Council included Precinct provisions imposing a frontage setback control of 2.5m, but refer to two illustrative diagrams which demonstrate a frontage setback control dimension of 4m. In its report to the Council on Topics 016, 017, 080 and 081, Annexure 2 Precincts – Central, the IHP expressly accepted the position of Ancona's expert witness, Mr Smith, that the setback provision in the precinct development control should be 2.5m.[11]

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[11] Auckland Unitary Plan Independent Hearings Panel *Report to Auckland Council – Changes to the Rural Urban Boundary, rezoning and precincts: Hearing topics 016, 017 Rural Urban*

[8] The Council accepted all of the recommendations in relation to the Precinct, which has resulted in an internal inconsistency between the text of the frontage setback control and the supporting diagrams for the same control.

Error of law

[9] The parties frame the central question of law as follows:

> Did the Council err in law by accepting an explanatory figure that differs from the setback dimension in the associated control?

[10] Ancona alleges that the IHP recommendations (and the Council's decision to accept the recommendations) contain an error, in that the IHP and Council agree with Ancona's submission yet include figures which contradict that position. They contend that the diagram should be considered explanatory of the rule (i.e. demonstrating the operation of certain frontage setback dimensions set out in the text), and that where there is an inconsistency it ought to be rectified.

[11] The Council recognises that there is an internal inconsistency between the text and the diagrams, and a drafting error which materially affects the recommendations and the correct form of the Unitary Plan provisions as they relate to the Precinct.

Orders Sought and Grounds

[12] The parties agreed, following settlement discussions, to amend the Unitary Plan in the way set out in Appendix A. The proposed amendments would correct the diagrams to show a 2.5m control dimension for frontage setbacks. The parties request that the Court approve the proposed amendments to the Unitary Plan.

[13] Counsel for the parties submit that approval is appropriate for the following reasons:

(a) The amendments accord with the IHP's reasoning (as contained in the recommendations) for the frontage setback control;

Boundary, 080 Rezoning and precincts (General) and 081 Rezoning and precincts (Geographic areas), Annexure 2 Precincts - Central (22 July 2016) at 53.

(b) The consent orders sought are within the scope of the appeal;

(c) Agreement has been reached and the only s 301 party, Save Our Saint Heliers, confirmed in a memorandum dated 8 February 2017 that it has no opposition to the settlement;

(d) The parties consider that the proposed amendments are consistent with the purpose and principles of the RMA, in particular Part 2;

(e) The relief requested is of narrow scope, such that remitting back to the IHP is unnecessary; and

(f) Approval of the proposed consent agreement would be consistent with the purpose and intent of the Act, namely Part 4, which provides a streamlined process designed to enable the Unitary Plan to become operative within a shorter period of time.

Assessment

[14] I am satisfied that the order should be made. The IHP recommendation to adopt a 2.5m frontage was expressed in the Precinct provisions, but was not carried into the two explanatory diagrams. Plainly this must be corrected. As this amendment simply gives effect to an IHP recommendation accepted in substance by the Council, and the only party expressing interest in this appeal (Save Our Saint Heliers) agrees to the change, the order correcting this error is final.

Bayswater Marina Limited

[15] Bayswater brought an appeal to the High Court under s 158 of the Act. A joint memorandum recording settlement was filed on 16 December 2016. A further joint memorandum in response to the *Man O'War* decision[12] was filed on 1 March 2017.

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[12] See *Man O'War Farm Ltd v Auckland Council*, above n 8.

[16] Bayswater made a submission on the PAUP in relation to provisions for the Bayswater Marina Precinct. The Precinct provisions proposed, among other things, that dwellings and food and beverage were discretionary activities, but then included as a land use control certain pre-conditions to be met for that status to apply.

[17] By the end of the hearing, the Council and Bayswater had reached an agreed position regarding the form and content of those pre-conditions, bar a disagreement over whether storage space for boats on land in 3.2.1(1)(b) should be required. The revised rule read as follows:

> **3. Land use controls**
>
> …
>
> **3.2 Discretionary Activities**
>
> **3.2.1 Dwellings and Food and Beverage in Sub-Precincts A and B**
>
> 1. Dwellings and Food and Beverage in sub-precincts A and B is a Discretionary Activity subject to the following minimum provision being reserved as being available for primary focus activities **within sub-precincts A and B:**
>
> a. Gross floor area for Marine Retail and Marine Industry – 100m^2.
>
> b. Storage space for 120, 9m length boats.
>
> c. Marina berth parking at a ratio of no less than 0.5 spaces per berth (provided that approval may be given as a discretionary activity for these spaces to be shared with other non-residential activities).
>
> d. 20 car and boat trailer parking spaces (provided that approval may be given as a discretionary activity for these spaces to be shared with other non-residential activities).
>
> e. Open Space accessible to the public (not including any parking spaces or vehicle access areas) – 7,200m^2.
>
> 2. …
>
> (emphasis added)

[18] The IHP's recommendations to Council included a revised activity table as part of the proposed provisions for the Precinct. The above was inserted directly into

the activity table, but with an error: the amendments incorporated only sub-precinct B in the bolded text above, and not sub-precincts A and B.

Error(s) of law

[19] There are two alleged errors of law, relating to the same mistake in re-drafting the provisions:

(a) Evident logical fallacy; and

(b) Conclusion unsupported by evidence or IHP's own reasoning.

[20] Dealing with the first alleged error of law, Bayswater and the Council agreed that it was desirable for new public open space and marina berth parking (as well as other features) to be provided across both sub-precincts A and B, whereas the PAUP only provided for this in sub-precinct B. The IHP agreed with this and stated in its recommendations:[13]

> After having carefully considered the evidence provided, the Panel prefers the evidence of the Council and Bayswater Marina Limited.

[21] It went on to state that it:[14]

> … has only made minor changes to the activity table to be consistent with the Panel's templating protocols.

[22] However, despite these findings by the IHP, the Precinct provisions recommended by it did not include sub-precinct A and B, but rather only B in the rule 3.2.1 excerpt shown above at [18]. Thus the wording "sub-precincts A and B" was not carried across from the proposed wording.

[23] Bayswater alleges an evident logical fallacy, in that the recommendations clearly state that the IHP agrees with the Council and Bayswater evidence (that the

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13 Auckland Unitary Plan Independent Hearings Panel *Report to Auckland Council – Changes to the Rural Urban Boundary, rezoning and precincts: Hearing topics 016, 017 Rural Urban Boundary, 080 Rezoning and precincts (General) and 081 Rezoning and precincts (Geographic areas), Annexure 4 Precincts - North* (22 July 2016) at 13.

14 At 15.

land use control rules should cover both sub-precincts A and B), and says it only makes minor changes, but the table does not reflect this, and in fact makes significant changes to the overall location of required parking and public open space in the Precinct. Bayswater submits that the IHP clearly intended to enact the provisions as agreed between it and the Council.

[24] The second error of law is that the conclusion was unsupported by evidence or the IHP's own reasoning, as no parties sought that the required 7,200m^2 of public open space and required marina berth parking be contained solely within sub-precinct B and that none would be contained in sub-precinct A. On this basis, it is alleged that the recommendation was not open to the IHP on the evidence before it, and is as such an error of law, because the IHP could not reasonably have made the recommendation having indicated that it preferred the Council and Bayswater evidence and that it was only making changes of a formatting nature.

[25] The Council recognises that the drafting error alleged by Bayswater has materially affected the recommendations and the final form of the Unitary Plan provisions as they relate to the Precinct. It confirms in the joint memorandum dated 1 March that an error of law exists.

Orders sought and grounds

[26] The proposed amendments are contained in Appendix B. Essentially, they propose that the table be amended so that rule 3.2.1 refers to sub-precincts A and B, rather than just B.

[27] The only s 301 interested party is the Bayswater Community Committee Incorporated, which has agreed to the relief sought. The parties also state that any other third parties who are qualified to become parties to the appeal as submitters or further submitters on the same rules, policies or objectives have had the opportunity to signify interest, and did not do so by the required deadline, being 30 September 2016.

[28] The parties thus request that the Court approve the proposed amendments to the Unitary Plan under its power to substitute its decision for that of the Council

under ss 300-307 of the RMA, r 20.19(1) of the High Court Rules 2016, and s 158 of the Act.

[29] The parties submit that approval is appropriate for the following reasons:

(a) The amendments properly reflect the decision-makers' reasoning, and thus the Court need not determine the dispute on the merits;

(b) The consent orders are within the scope of the appeals;

(c) Agreement has been reached on the resolution by all parties to the proceeding and all submitters have had an opportunity to participate;

(d) The parties consider that the proposed amendments are consistent with the purpose and principles of the RMA, and in particular Part 2;

(e) Given the narrow scope of the relief jointly requested, it is not necessary for the matter to be remitted back to the IHP; and

(f) The Court's approved of the proposed consent order would be consistent with the purpose of the Act, in particular Part 4 which provides a streamlined process designed to enable the Unitary Plan to become operative within a short period of time.

Assessment

[30] I am satisfied that the amendments to rule 3.2.1 did not give effect to the IHP's reasons and substantive decision to adopt the evidence and agreed position of Bayswater and the Council. This error must be corrected. I am also satisfied that as the amendments correct a drafting error only, and as the only interested party to this appeal, Bayswater Community Committee Incorporated, agrees to the relief, the consent order is final.

P L and R M Reidy, A J and P M Kloeten, and Ruatotara Limited

[31] The Ruatotara parties brought an appeal under s 158 of the Act. A joint memorandum recording settlement was filed on 22 December 2016. A further joint memorandum in response to the *Man O'War* decision was filed on 28 February 2017.

[32] This settlement concerns a mapping error in amendments made by the IHP to land located to the north east of Pukekohe and associated amendments to the Rural Urban Boundary (RUB), in so far as those amendments sought to apply a Future Urban zone (FUZ) to land that was formerly Countryside Living zone (CLZ) and shifted the location of the RUB.

[33] The Ruatotara parties made a submission on the PAUP seeking to rezone an area of approximately 230 hectares to the north east of Pukekohe, between Grace James Drive and Runciman Road from CLZ to FUZ. In conjunction with this they sought to extend the RUB so that the rezoned area was within it. The area is owned and occupied by the Ruatotara parties and was identified in their submission (identified land).

[34] At the end of the hearings as part of Topic 080/081, the Council and Ruatotara parties had not reached an agreed position in relation to the relief sought.

[35] The relevant IHP report to Council recommends the rezoning of the identified land consistent with the relief sought in the Ruatotara parties' submission: "about 230 hectares of land between Grace James Drive and Runciman Road in North-east Pukekohe".[15] However, the IHP's GIS Viewer, which provided the recommended planning maps for the Unitary Plan, contradicts this recommendation by identifying an area totally approximately 170 hectares for FUZ rezoning.

[36] The Council accepted all the recommendations as they relate to rezoning of the identified land and the extension of the RUB.

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[15] Auckland Unitary Plan Independent Hearings Panel *Report to Auckland Council – Changes to the Rural Urban Boundary, rezoning and precincts: Hearing topics 016, 017 Rural Urban Boundary, 080 Rezoning and precincts (General) and 081 Rezoning and precincts (Geographic areas)* (22 July 2016) at 14.

Error(s) of law

[37] The central error of law alleged is that the Council erred in accepting two contradictory recommendations without reconciliation. This is split into two questions of law advanced by the Ruatotara parties:

(a) Did the IHP err and make a mistake when it recommended a map which rezoned 170 hectares of land in direct contradiction to its reasons which recommended rezoning 230 hectares of land?

(b) Did the Council err in accepting the map recommended by the IHP which rezoned only 170 hectares of land in direct contradiction to IHP reasons, which Council adopted, which recommended rezoning 230 hectares of land?

[38] It is contended that the GIS Viewer contains a clear, contradictory mapping error, which does not give effect to the IHP recommendations as set out in the Report. They argue that based on the report's reasoning, the IHP intended to rezone an area totalling 230 hectares, as sought by the Ruatotara parties' submission.

[39] The Council recognises that the recommendations are contradictory and agree that a mapping error has occurred with the GIS Viewer that should be rectified. In a joint memorandum dated 28 February the Council concedes that this is an error of law.

Orders sought and grounds

[40] The parties request that the Court exercises its power under r 20.19 to amend the GIS Viewer of the Unitary Plan in relation to the identified land, as shown in Appendix C.

[41] The amendments involve:

(a) The rezoning of an area totalling approximately 55 hectares within the identified land from CLZ to FUZ;

(b) An amendment to the RUB so that it follows the amended boundary of the FUZ for the identified land; and

(c) Consequential amendments to the boundary and precinct plans for the adjacent Runciman Precinct:

(i) An amendment to the boundary of the Runciman Precinct so that the Precinct is entirely removed from the identified land; and

(ii) An amendment to the precinct plans included as part of the Runciman Precinct so that they align with the amended boundary for the Runciman Precinct (i.e. removing it from the identified land).

[42] There are no s 301 parties. The parties state that any other third parties who are qualified to become parties to the appeal as submitters or further submitters on the same rules, policies or objectives have had the opportunity to signify interest, and did not do so by the required deadline, being 30 September 2016.

Assessment

[43] I am satisfied that the GIS Viewer does not give effect to the IHP's substantive recommendation:[16]

> The Panel recommends about 230 hectares of land between Grace James Drive and Runciman Road in north-east Pukekohe be included within the Rural Urban Boundary and be rezoned from Rural - Countryside Living Zone to Future Urban Zone.

[44] The GIS Viewer purports to incorporate only 170 hectares of the 230 hectares sought to be rezoned by the Ruatotara parties and Council and approved by the IHP in its report. This error must be corrected.

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16 At 14.

[45] I am also satisfied that the amendments sought by the Ruatotara parties are necessary to give effect to the IHP's substantive decision. For that reason that the consent order should be final.

Southern Gateway

[46] Southern Gateway brought an appeal to the High Court under s 158 of the Act. On 24 January 2017 the parties filed a joint memorandum recording settlement. A further joint memorandum in response to the *Man O'War* decision was filed on 28 February 2017.

[47] I then sought further clarification from the parties in a Minute dated 22 March 2017 as to whether there were other submitters on the changes, which was provided in a joint memorandum dated 24 March 2017.

[48] This settlement relates to two technical errors that occurred when the IHP made amendments to the Puhinui Precinct provisions in so far as they relate to the activity status for:

(a) Development which complies with Standard I432.6.1 Transport in sub-precinct D; and

(b) Construction performance standards I432.6.1.1(1) and I432.6.1.1(2).

[49] Southern Gateway made a submission and further submission on the PAUP supporting the Precinct and seeking the incorporation of Objectives, Policies and Rules from PPC35 (a private plan change lodged with the Manukau City Council in June 2010) into the Precinct provisions. The submission was addressed at the Topic 081 hearings and experts gave evidence in support of the submission on behalf of Southern Gateway. There were four submitters in relation to the transportation aspects of the provisions for the Puhinui Precinct:

(a) Southern Gateway;

(b) Auckland International Airport Limited (AIAL);

(c) New Zealand Transport Agency (NZTA); and

(d) The Council.

[50] At the conclusion of the hearing the Council, Southern Gateway and other parties had reached an agreed position on the amendments needed in relation to the first aspect of this appeal. All experts agreed that a Restricted Discretionary activity status for development which complies with standard I432.6.1 was appropriate. But, because agreement could not be reached on the second aspect, the Council and Southern Gateway asked the IHP to recommend only one version of the construction performance standards but not both. Southern Gateway preferred one construction performance standard, and the other parties including Council preferred another.

[51] The IHP's recommendations to Council[17] and the GIS Viewer:

(a) Amended the activity status for development which complies with standard I432.6.1 Transport within sub-precinct D of the Precinct to Non-Complying, when the Council, Southern Gateway and other submitters on the Precinct had reached an agreed position that sought a Restricted Discretionary status; and

(b) Included two construction performance standards (I432.6.1.1(1) and I432.6.1.1(2)) in the Precinct provisions when only one was sought to be included by the parties (either that preferred by Southern Gateway, or that preferred by the other parties).

[52] The Council accepted all of the recommendations as they relate to the above amendments to the precinct provisions.

Error(s) of law

[53] There are two central errors of law alleged by Southern Gateway:

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[17] Auckland Unitary Plan Independent Hearings Panel *Report to Auckland Council – Changes to the Rural Urban Boundary, rezoning and precincts: Hearing topics 016, 017 Rural Urban Boundary, 080 Rezoning and precincts (General) and 081 Rezoning and precincts (Geographic areas)Annexure 3 Precincts – South* (22 July 2016).

(a) The Council as decision-maker failed to consider, let alone implement, the uncontested expert evidence presented to the IHP which recommended a Restricted Discretionary activity status; and

(b) The Council as decision-maker did not properly consider the evidence and submissions presented to the IHP which had sought that either standard of I432.6.1.1(1) or I432.6.1.1(2) be included in the plan, rather than both of them.

[54] In relation to the first alleged error, it is said that the Council, Southern Gateway and other submitters had reached an agreed position, and the recommendations do not explain in detail why the IHP recommended a departure from that position.

[55] In relation to the second alleged error, it is said that Southern Gateway and the Council had not reached an agreed position, and as a result asked the IHP to recommend one version of the standard for inclusion into the Precinct provisions. Ultimately, both were incorporated into the Precinct provisions.

[56] The Council acknowledges that the first error represents a departure from the agreed position, and that the second error has resulted in an unintended outcome for the Precinct that ought to be rectified. In the further joint memorandum dated 28 February, Council confirms its concession that an error of law exists.

[57] In their subsequent joint memorandum dated 24 March 2017, the parties also allege that the inclusion of both standards I432.6.1.1(1) and I432.6.1.1(2) (the second error) was a technical error resulting in an internally inconsistent and therefore uncertain and unworkable rule.

Orders sought and grounds

[58] The proposed amendments, contained in Appendix D, involve:

(a) Amending the activity status for development which complies with Standard I432.6.1 Transport in sub-precinct D from Non-Complying to Restricted Discretionary; and

(b) Deleting the additional construction performance standard in the Precinct provisions and amending the remaining standard so that it reads:

> (1) For construction traffic purposes only, any development of land within sub-precinct D and sub-precinct E must provide the following road infrastructure upgrades prior to construction works commencing on the site (noting that compliance with this rule does not remove the need to comply with rule 1432.6.1.2):
>
> > (a) A new or upgraded intersection on SH20B that prioritises through traffic movements and meets the relevant performance criteria for temporary traffic movement during the construction period of these works as set out in the NZTA Code of Practice for Temporary Traffic Management.

[59] In their joint memorandum dated 24 March, the parties emphasise that while the proposed amendment follows Southern Gateway's preferred wording, the amendment is only technical in nature. In the alternative that the Court is not minded to amend the standard in this way, they submit that the Court ought to amend the standard in the way sought by Council and the other parties in order to rectify the current uncertainty in the decisions version of the Unitary Plan.

[60] Counsel for the parties also submit that the amendments necessary to correct these errors are appropriate because:

(a) The amendments to the Precinct provisions reflect an agreed position of the parties. To that extent, the Court has not been requested to determine a dispute on the merits, but to endorse amendments that give effect to an agreed position and which correct an unintended outcome that included an unnecessary additional construction performance standard into the Precinct provisions;

(b) The consent orders sought are within the scope of the appeal;

(c) Agreement has been reached on the amendments by all parties to the proceedings. All submitters on the Precinct had the opportunity to participate in this process. In particular, both AIAL and NZTA were served with Southern Gateway's Notice of Appeal, and neither chose to appear as a s 301 party;

(d) The parties consider that the proposed amendments are consistent with the purpose and principles of the RMA, including in particular, Part 2;

(e) Given the narrow scope of the relief requested, it is not necessary for the matter to be remitted back to the IHP for determination; and

(f) The Court's approval of the proposed consent agreement would be consistent with the purpose and intent of the Act, in particular Part 4, which provides a streamlined process designed to enable the Unitary Plan to become operative within a short period of time.

Assessment

[61] In my view the central issues of law raised by the appeal are whether the IHP failed to have regard to the agreed position of the parties and supporting evidence, whether the amendments were available to the IHP on the evidence, and whether the inclusion of two performance standards was a technical error creating inconsistency. The first two grounds are usually very difficult ground to make out on appeal on a point of law, particularly given the complex evaluative exercise that must be undertaken by a decision-maker to settle the provisions of a District Plan. The acceptance by the Council that the IHP erred in these respects is a strong factor in favour of allowing the appeal.

[62] I have examined the salient parts of the IHP decision. I accept that the IHP does not explain why it has not adopted the agreed position reached between the

parties, and why the evidence in support of that position has been rejected. The most it says on the changes to sub-precinct D is that:[18]

> The main differences between the Puhinui Precinct as finally proposed and the relevant overlays, zone, and Auckland-wide rules are:
>
> …
>
> i. Inclusion of specific objectives and policies;
>
> ii. Sub-precinct A, D, E, F, G and I provisions are more restrictive reflecting site-specific constraints; and
>
> …

[63] This is problematic as I am uncertain as to whether the IHP turned its mind to the agreed position on the appropriate activity status and the supporting evidence, and whether it rejected it for cogent reasons. It is not sufficient to speculate on this, and given the Council's concession, I consider I have little option but to set aside the IHP decision. Furthermore, in relation to the inclusion of two performance standards, I am satisfied that was a technical error creating an inconsistent rule.

[64] Ordinarily, in dealing with errors of the kind identified by the parties, I would have referred the matter back to the Council. In addition, the changes are substantive in kind and areal extent and the effect of the consent order is to reject the IHP decision.

[65] However, having considered the joint position of the parties in their 24 March joint memorandum, I am satisfied that this is unnecessary for the following reasons:

(a) In relation to the activity status claim, there was no disagreement between submitters, including their experts, as to the appropriate status;

(b) I accept that the proposed amendment in relation to the construction performance standard is only technical in nature, and that AIAL and NZTA had sufficient opportunity to involve themselves in the appeal, such that referral to the Environment Court is unnecessary; and

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[18] At 89.

(c) Wider public interest, including the interest of the parties, dictates a swift resolution to the matter.

[66] The combination of factors (a) and (b) above means there are no residual concerns about procedural fairness.

[67] Accordingly, the consent orders sought are granted and final.

Waste Management NZ Limited

[68] WML brought an appeal under s 158 of the Act. On 2 February 2017 the parties filed a joint memorandum recording settlement. In a joint memorandum dated 28 February 2017, the parties requested an extension of the timeframe within which to file a response to the *Man O'War* decision. This was granted and the further joint memorandum is dated 20 March 2017.

Procedural Background

[69] WML made a submission on the PAUP which, inter alia, sought to rezone the site at 117 Rosedale Road, Albany, North Shore from the notified zoning of Light Industry zone (LIZ) to Heavy Industry zone (HIZ). At the hearing, the Council's position in evidence disagreed with WML's submission and supported the retention of a LIZ zoning.

[70] The IHP's recommendations then applied a Business – General Business Zone to the site, and Council accepted the recommendations.

Error(s) of law

[71] The central error of law alleged by WML is that the Council erred as a matter of law in that, in the circumstances presented to the IHP and Council, the only true and reasonable conclusion on the evidence available to them contradicts the determination made to rezone the WML's site from LIZ to General Business zone. The question of law advanced is:

> Whether, on the evidence available to the Panel and Council, the only true and reasonable conclusion to be arrived at concerning the zoning of the Site, was that it should at least have remained zoned as Light Industry.

[72] The parties agreed, in the 20 March joint memorandum, that the following evidence was before the IHP and Council:

> 9.1 Evidence that there would be continued industrial use of the subject site as a refuse transfer station, an accepted industrial land use;
>
> 9.2 Evidence that other more commercial/mixed-use land uses had established on the North Shore in the surrounding location, zoned Light Industry;
>
> 9.3 There is a geographic shortage of land zoned Light Industry; and
>
> 9.4 Clear commercial evidence that non-industrial commercial uses established in industrial zones are most unlikely to revert to light industry.

[73] The IHP addressed the appropriateness of a Business – LIZ zoning in its report to Council as follows:[19]

> While the Panel accepts the thrust of Council's evidence from Messrs Wyatt, Akehurst and Ms Fairgray in respect of the geographic shortage of land zoned Business – Light Industry, it has recognised the existing reality of many of those proposed zones. **That is, many of these proposed zones are not currently used for or by light industry, and the clear commercial evidence is that they are most unlikely to revert to light industry even if zoned as such. Accordingly the Panel has rezoned many instances to the underlying zone sought, being either Business – Mixed Use Zone or Business – General Business Zone.** This further reduces the amount of land zoned Business – Light Industry Zone in the Plan, making more transparent this issue of shortage raised by Council. However, **the Panel does not consider that hiding the reality under what is effectively a false zone would address the shortage.** The Panel notes that large areas of land zoned Future Urban Zone will be available as Business – Light Industry Zone if that is deemed appropriate at the time of structure planning for live zoning. That has been taken into account in zoning Future Urban Zones.
>
> The Panel notes that the Interim Guidance on 'spot zoning' was not intended to apply to small neighbourhood centre zones or larger complex sites such as retirement homes or large-format retail outlets. Those activities by their very nature tend to be 'spots' in a pure sense. The Panel has not, therefore, accepted that as a reason for not zoning such activities appropriately.
>
> (emphasis added)

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[19] Auckland Unitary Plan Independent Hearings Panel *Report to Auckland Council – Changes to the Rural Urban Boundary, rezoning and precincts: Hearing topics 016, 017 Rural Urban Boundary, 080 Rezoning and precincts (General) and 081 Rezoning and precincts (Geographic areas)Annexure 1 Precincts – Auckland-wide* (22 July 2016) at 20-21.

[74] The parties summarise the IHP's reasoning for rezoning industrial land, as set out in its recommendations as follows:

> 10.1 Rezone light industrial sites to mixed use or general business where the land use has already changed (and based on the evidence is unlikely to revert); and
>
> 10.2 Even though there is evidence of a shortage of industrial land, the PAUP should not hide the reality of non-industrial land uses under an effectively false zone.

[75] The parties contend this demonstrates that the IHP approached zoning requests for industrial land based on the existing land uses occurring on the relevant sites. They say this was a unique approach for the IHP and Council, who, for example in the case of residential intensity, sought to increase capacity rather than look to existing use. They go on to say that the GIS Viewer demonstrates this approach, and that in order to approach rezoning based on existing land uses, the IHP and Council would have needed access to evidence of existing land uses, potentially through aerial photography or site visits. This is not touched upon by the IHP's recommendations, but nonetheless the parties say the amendments to the GIS Viewer indicate a thorough assessment was carried out, and that the error made in relation to the WML site is inconsistent with the approach to similar facilities, i.e. to assess the appropriate zone based on existing use.

[76] It is not disputed that WML has used the site for light industry since 1999, and intended to continue using it for industrial purposes. The parties therefore submit that the IHP's concern with false zoning does not extend to this property, because it is not a property which will be zoned LIZ but used for other purposes. They also argue that the new zoning constrains WML's ability to operate its refuse transfer station on the site.

[77] Furthermore, they point to the zoning of a nearby refuse transfer station whose zoning remained unchanged as LIZ as evidence that the IHP's recommendations and Council's decisions recognised the existing, and continuing, industrial use of the site.

[78] Overall, the parties consider that the same assessment of evidence presented in respect of the WML should have resulted in the same outcome, i.e. a LIZ zoning, and thus that this was the only true and reasonable conclusion available on the evidence.

[79] The Council, in the 2 February settlement memorandum, acknowledges that the recommendations do not specifically address the evidence presented by WML. The 20 March joint memorandum confirms they agree that an error of law exists.

Orders sought and grounds

[80] The parties request that the Court amend the GIS Viewer of the Unitary Plan as shown in Appendix E. This would have the effect of changing the WML site zoning from Business – General Business to LIZ.

[81] Housing New Zealand is the only interested party, and agrees to the relief sought. As to other submitters, the reasoning at [43] applies.

[82] Counsel for the parties submit that the Court's approval of the amendments is appropriate for the general reasons listed at [30](b)-(f), as well as because:

> The amendment better reflects the Panel's reasoning in relation to the appropriateness of the Business – Light Industry Zone, given the existing and continuing industrial use of the Site, and better reflects the Appellant's submission and Council position as described above, and the evidence of both parties at the hearing in relation to the zoning of the site…

Assessment

[83] I am satisfied that the IHP proceeded on an error of fact in that it erroneously assumed that the WML site's use was not industrial activity. In so doing, the IHP went wrong in its application of the statutory criteria to the site. This is an error of law of the kind identified by the Supreme Court in *McGrath*.[20]

[84] I am also satisfied that the consent order should be made final. While the decision has substantive effect, it relates to a single site which on the facts is plainly

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[20] *McGrath v Accident Compensation Corporation* [2011] NZSC 77, [2011] 3 NZLR 733 at [31] and [44].

devoted to industrial activity. Interested parties had the opportunity to participate in this appeal and in any event I am satisfied that exercise of the statutory right of appeal to the Environment Court would be futile given the requirement to show prejudice.

Waytemore Forests Limited

[85] Waytemore also brought an appeal under s 158 of the Act. On 3 February the parties filed a joint memorandum recording settlement. Subsequently, in light of Wylie J's *Man O'War* decision, they filed a further joint memorandum recording settlement on 1 March 2017.

[86] Waytemore is the owner of a Forestry Right registered under the Forestry Rights Registration Act 1983, which applies to land that forms part of Hunua Forest within the former Franklin District and former Manukau City. The total land holding subject to the Forestry Right comprises 2,166 hectares.

[87] Under the legacy district plans for Manukau City Council and Franklin District Council, the Hunua Forest had a Rural zoning (over which existed designations for Regional Park and Water Supply purposes) and Forest Conservation zoning (with similar designations).

[88] The notified PAUP applied a Public Open Space – Conservation Zone to the Hunua Forest. Waytemore made a submission seeking to rezone those parts of the Forest subject to its Forestry Right from Public Open Space – Conservation to Rural Production. The Council also made a submission on the notified PAUP and sought to rezone the parcels of land identified by Waytemore in its submission to Rural Production. No further submissions were made which opposed this rezoning request.

[89] Waytemore's submission was also addressed in the 013 and 080 hearings, and the Council's primary evidence at the 013 hearing accepted that the zoning of part of Hunua Forest as Public Open Space – Conservation was an error and supported a Rural Production zoning, consistent with Waytemore's submissions and the Council's primary submissions. However, at the 080 hearing, almost a year later, the

Council's primary evidence sought a Public Open Space – Conservation zone to be applied to the Hunua Forest.

[90] The change in the Council's position prompted counsel for Waytemore to file a memorandum seeking an opportunity to file further evidence in response. The Chairperson of the IHP issued a minute which indicated that the IHP considered the Council's primary evidence for Topic 013 as being sufficient to determine the zoning of Hunua Forest. This is taken by the joint parties to suggest that Rural Production would be would be the most appropriate zoning.

[91] Subsequently, the Council filed a supplementary statement of evidence for Topic 080 recording that either a Rural Production zone or Public Open Space – Conservation zone would be acceptable for the Hunua Forest.

[92] The IHP then made its recommendations to Council, in which the GIS Viewer demonstrated a split zoning to the Hunua Forest (part Rural Production part Public Open Space – Conservation zone). The Council accepted these recommendations.

Error of law

[93] The errors of law alleged by Waytemore are as follows:

(a) Both Waytemore and Council made submissions on the PAUP requesting that all of the Hunua Forest be rezoned from Public Open Space – Conservation zone to Rural Production;

(b) No other submitter to the PAUP made either submissions or further submissions regarding the zoning of the Hunua Forest, including by way of opposition to requested zoning;

(c) No specific reasons addressing the zoning of Hunua Forest are given in the IHP's recommendations or the Council's decisions as to why split zoning was applied and why only part of the Forest was zoned Rural Production; and

(d) It was unreasonable and irrational to only rezone part of the Hunua Forest as Rural Production zone without any statement of reasons given for the partial (not complete) rezoning.

[94] Waytemore argues that the effect of the Council's decision to accept a part Rural Production, part Public Open Space – Conservation zone for the Hunua Forest will constrain its ability to undertake forestry activities by requiring it to obtain resource consent for basic forestry activities (including earthworks and harvesting).

[95] The Council acknowledges that within the range of alleged errors pleaded by Waytemore there is an error that materially affects the correct form of the Unitary Plan GIS Viewer as it relates to Hunua Forest. This is on the basis that:

(a) Split zoning is inconsistent with Council's evidence accepting that the notified Public Open Space – Conservation zoning was an error and recommending a Rural Production zoning;

(b) It is also inconsistent with the Council's submission requesting rezoning of the Forest and the IHP's minute; and

(c) No specific reasons were given as to why split zoning was adopted.

Orders sought and grounds

[96] As a result of settlement discussions, the parties propose rezoning of parts of the Hunua Forest that were zoned Public Open Space – Conservation zone to Rural Production. These amendments are set out in Appendix F.

[97] There are no interested parties, and as to other submitters, the reasoning in [43] applies.

[98] Counsel for the parties submit that the Court's approval of the amendments is appropriate for the general reasons listed at [30](b)-(f), as well as because:

> The amendments better reflect the existing, and ongoing, forestry operation occurring within Hunua Forest as well as the Appellant's and Council's

> primary submissions in relation to the zoning of the Hunua Forest. Given that the Council's closing position in evidence to the Panel noted that this zoning outcome for the Hunua Forest was acceptable, the Court is not being requested to determine a live dispute on the merits, but to endorse amendments that better reflect the relief sought by both the Appellant and Council.

Assessment

[99] As with the Southern Gateway appeal, the central issues of law raised by the appeal are whether the IHP failed to have regard to the agreed position and supporting evidence and whether the amendments were available to the IHP on the evidence. But unlike the Southern Gateway appeal, there was at least some evidence to support a split zoning. However, the failure to give reasons for rejecting the evidence and agreed position reached, incongruous with a minute issued by the IHP appearing to accept that evidence, raises a legitimate doubt about whether the IHP properly addressed the agreed position and supporting evidence in reaching its decision. I am not prepared to speculate on this, particularly given the Council's concession.

[100] I am also satisfied that the consent order should be made final. There were no other submitters on the zoning of the Hunua Forest and the agreed position was supported by unchallenged evidence. Counsel have indicated in their joint memorandum that the outcome gives effect to sustainable management purpose of the RMA, and there is nothing before me to suggest otherwise.

Malcolm Woolmore, Alastair Morris and Sonya Morris

Procedural Background

[101] A joint memorandum recording settlement was filed on 22 December 2016. Following the *Man O'War* decision, a further joint memorandum was filed in response on 28 February 2017.

The appeal

[102] The notified PAUP proposed to incorporate certain features from the Birdwood Structure Plan, which formed part of the Auckland Council District Plan

(Waitakere Section), into the Precinct provisions. The relevant proposal for the purposes of this appeal was to roll over all 'unused' subdivision allocations provided by the Birdwood Structure Plan, including subdivision allocations provided to properties at 93 Sunnyvale Road and 16 Red Hills Road (the properties owned by M Woolmore and A & S Morris respectively (the proprietors)).

[103] The proprietors made submissions seeking additional subdivision allocations for their properties. The Council's closing position on the Precinct which was provided to the IHP and dated 19 May 2016 confirmed that the subject sites were to be provided a subdivision allocation of three lots each.

[104] The IHP then recommended to Council that the Precinct should be retained, subject to certain amendments and site specific assessment providing for additional subdivision allocations on certain identified properties. In its recommendations the IHP, inter alia:[21]

> i. removed allocations from sites that have utilised their numbers as originally identified on the precinct plan;
>
> ii. increased by two lots the numbers denoted for all sites where the allocated number has not yet been taken up;
>
> …

[105] The consequence was that sites that had utilised their subdivision allocations had the allocations removed, and those that had not yet utilised the allocation would be allocated an additional two lots.

[106] The IHP recommendations then included an updated precinct plan removing all subdivision allocations for the proprietors' sites, which the parties say did not reflect the position proposed by Council in closing to the IHP.

[107] The Council accepted the IHP's recommendations in relation to the Precinct.

[108] Subsequently, the Council has reviewed the removal of subdivision allocations from the proprietors' sites and agrees that the relief sought is appropriate.

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[21] At 7.

Error(s) of law

[109] The alleged errors of law are said to be drafting errors in relation to the correct subdivision allocations of the proprietors' sites; namely that the sites should have been allocated two additional subdivision opportunities because they had not utilised the opportunity originally allocated by the Birdwood Structure Plan. This is provided for in the reasoning of the IHP in its recommendations but not in the attached updated precinct plan, both of which the Council accepted.

[110] The Council confirms in the 28 February further joint memorandum that it accepts an error of law exists, being the drafting errors.

Orders sought and grounds

[111] The proprietors and Council agree that the appropriate rectification of the drafting errors involves the reinstatement of subdivision allocations for the proprietors' sites as follows:

(a) Five lots for 93 Sunnyvale Road; and

(b) Four lots for 16 Red Hills Road (reflecting that as a result of a boundary adjustment completed by previous owners one of the original subdivision allocations has been utilised).

[112] The parties request that the Court approve the proposed amendments, shown in Appendix G, to the text of the Unitary Plan under its power to substitute its decision for that of Council, rather than remit the matter back to the Panel.

[113] Housing New Zealand is the only interested party and has agreed to the relief sought in the joint memorandum recording settlement. As to other submitters, the reasoning at [43] applies.

[114] Counsel submit that the Court's approval of the amendments is appropriate because the amendments are said to reflect the decision-makers' reasoning in relation

to the precinct, particularly in relation to the matter of subdivision allocations, and for the general reasons listed at [30](b)-(f).

Assessment

[115] I agree. There has been a drafting error. A final consent order correcting this error is plainly appropriate.

Outcome

[116] The appeals listed at [1] are allowed. Consent orders with final effect are made in relation to all of them.

Costs

[117] I understand that it is agreed that costs will lie where they fall except in relation to the Ancona appeal as between the appellant and an interested party. I reserve my position on these costs.

APPENDIX A

Amendments to Figures I329.7.1 and I329.7.2 (underlined)

Figure I329.7.1 Frontage set back control

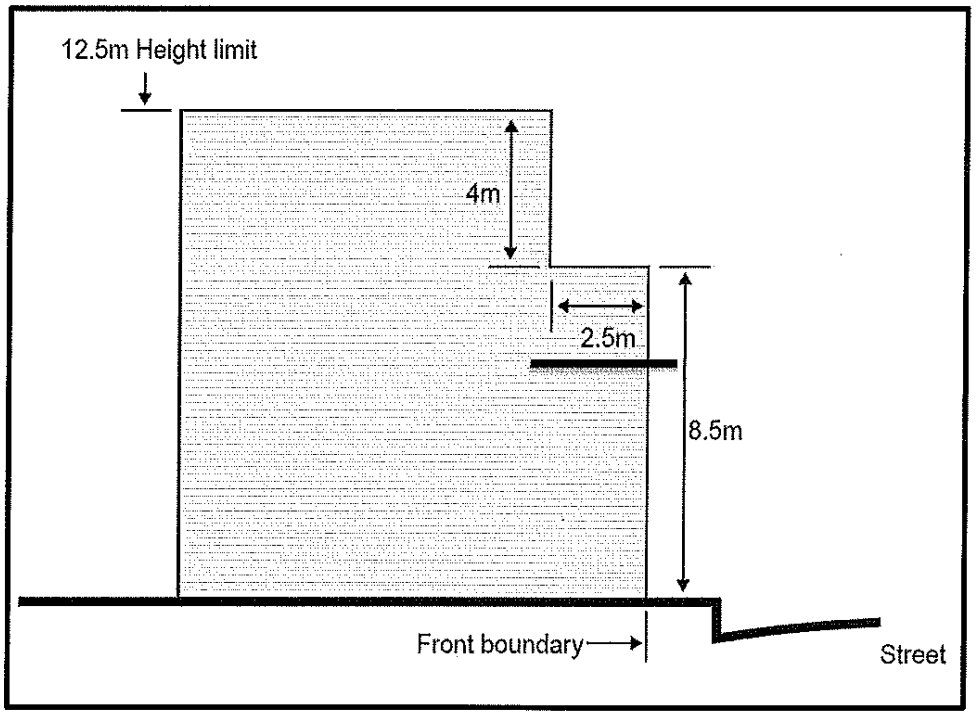
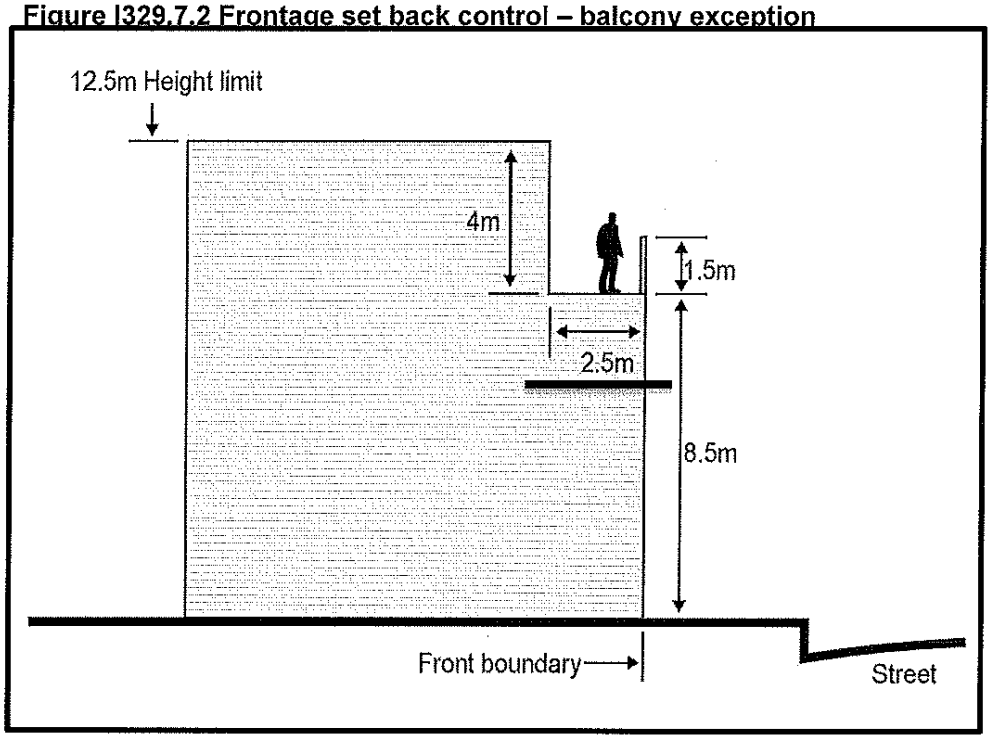


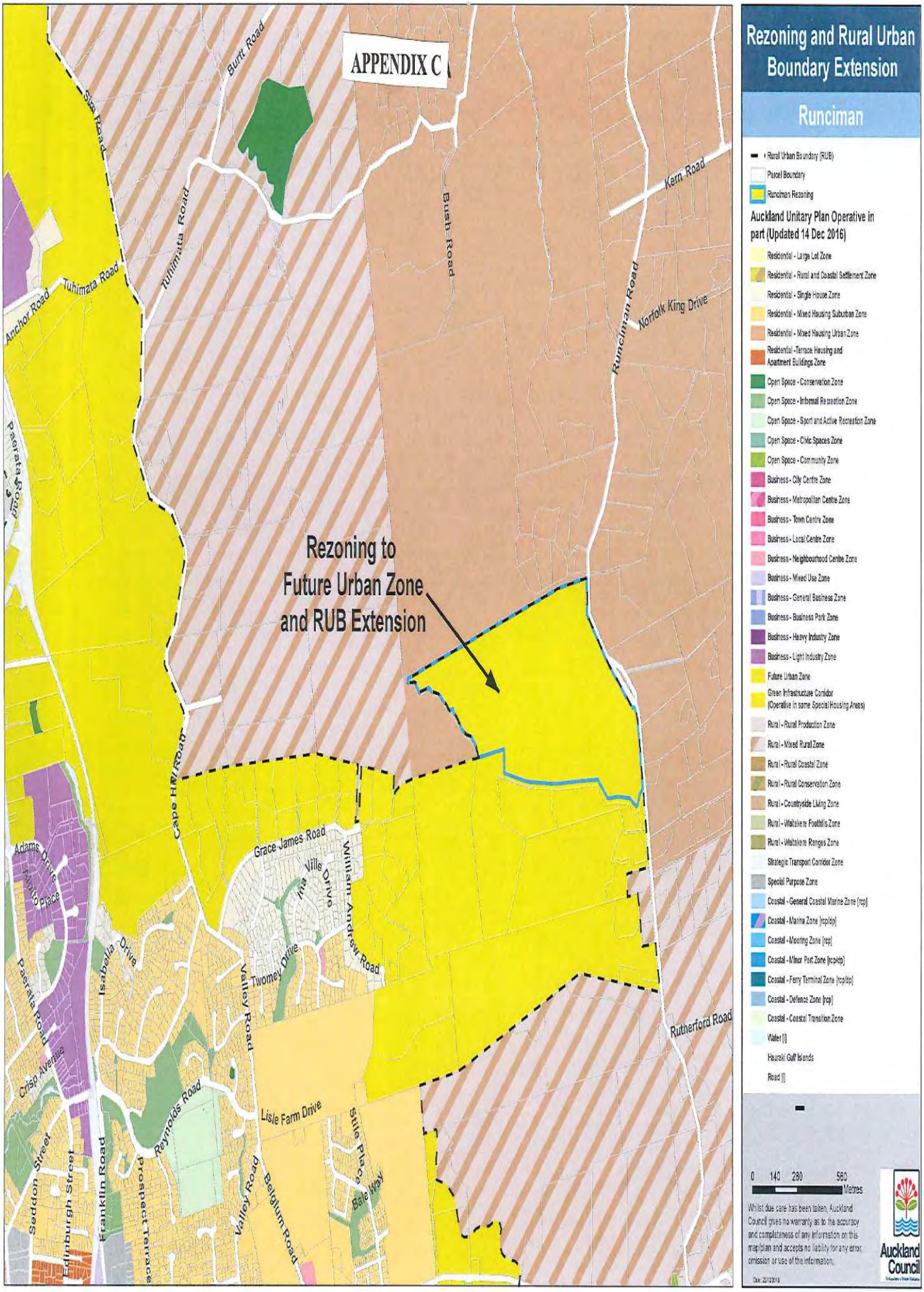
Figure I329.7.2 Frontage set back control – balcony exception



APPENDIX B

Relief sought (additions shown in <u>underline</u>)

Activity							
		A	B	C	D	E	F
Use							
Accommodation							
(A1)	Dwellings Dwellings in Sub-precinct B subject to the following minimum provision being available for primary activity focus within Sub-precincts <u>A and</u> B: (a) Gross floor area for Marine Retail and Marine Industry - 100^2 (b) Marina berth parking at a ratio of no less than 0.5 spaces per berth (c) 20 car and boat trailer parking spaces (d) Open space accessible to the public (not including any parking spaces or vehicle access areas) – 7,200m^2 Note for (b) and (c): Approval may be given as a discretionary activity for these spaces to be shared with other non-residential activities.	NC	D	NC	NC	NC	NC
...							
Commerce							
(A4)	Food and beverage not otherwise provided for. Food and beverage in Sub-precinct B subject to the following minimum provision being available for primary activity focus within Sub-precincts <u>A and</u> B: (a) Gross floor area for Marine Retail and Marine Industry - 100^2 (b) Marina berth parking at a ratio of no less than 0.5 spaces per berth (c) 20 car and boat trailer parking spaces (d) Open space accessible to the public (not including any parking spaces or vehicle access areas) – 7,200m^2 Note for (b) and (c): Approval may be given as a discretionary activity for these spaces to be shared with other non-residential activities.	NC	D	NC	NC	NA	NA


APPENDIX C
Rezoning and Rural Urban Boundary Extension
Runciman
Rural Urban Boundary (RUB)
Parcel Boundary
Runciman Rezoning
Auckland Unitary Plan Operative in part (Updated 14 Dec 2016)
Residential - Large Lot Zone
Residential - Rural and Coastal Settlement Zone
Residential - Single House Zone
Residential - Mixed Housing Suburban Zone
Residential - Mixed Housing Urban Zone
Residential -Terrace Housing and Apartment Buildings Zone
Open Space - Conservation Zone
Open Space - Informal Recreation Zone
Open Space - Sport and Active Recreation Zone
Open Space - Civic Spaces Zone
Open Space - Community Zone
Business - City Centre Zone
Business - Metropolitan Centre Zone
Business - Town Centre Zone
Business - Local Centre Zone
Business - Neighbourhood Centre Zone
Business - Mixed Use Zone
Business - General Business Zone
Business - Business Park Zone
Business - Heavy Industry Zone
Business - Light Industry Zone
Future Urban Zone
Green Infrastructure Corridor (Operative in some Special Housing Areas)
Rural - Rural Production Zone
Rural - Mixed Rural Zone
Rural - Rural Coastal Zone
Rural - Rural Conservation Zone
Rural - Countryside Living Zone
Rural - Waitakere Foothills Zone
Rural - Waitakere Ranges Zone
Strategic Transport Corridor Zone
Special Purpose Zone
Coastal - General Coastal Marine Zone [rcp]
Coastal - Marina Zone [rcp/dp]
Coastal - Mooring Zone [rcp]
Coastal - Minor Port Zone [rcp/dp]
Coastal - Ferry Terminal Zone [rcp/dp]
Coastal - Defence Zone [rcp]
Coastal - Coastal Transition Zone
Water []
Hauraki Gulf Islands
Road []
0 140 280 560
Metres
Whilst due care has been taken, Auckland Council gives no warranty as to the accuracy and completeness of any information on this map/plan and accepts no liability for any error, omission or use of the information.
Auckland Council
Rezoning to Future Urban Zone and RUB Extension
Burtt Road
Tuhimata Road
Bush Road
Kern Road
Runciman Road
Norfolk King Drive
Anchor Road
Paparata Road
Cape Hill Road
Grace James Road
Ville Drive
Ita
William Andrew Road
Twomey Drive
Valley Road
Isabella Drive
Adams Drive
Aurito Place
Crisp Avenue
Reynolds Road
Lisle Farm Drive
Stile Place
Bale Way
Belgium Road
Seddon Street
Edinburgh Street
Franklin Road
Prospect Terrace
Rutherford Road

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Amendments to Unitary Plan
Amendments to Unitary Plan (additions underlined, deletions in ~~strikethrough~~)

Table 1432.4.2 – Activities specific to sub-precincts A-F

Activity		Activity status				
		Sub-precinct				
		A	B	D	E	F
Infrastructure						
(A51)	Development which complies with Standard 1432.6.1 Transport	NA	NA	~~NC~~ RD	RD	NA

1432.6.1.1. Construction Traffic

~~(2) Prior to construction works commencing on sites within sub-precinct D and sub-precinct E, a new or upgraded intersection on SH20B that priorities through traffic movements and meets the performance criteria set out in Standard 1432.6.1.2(3) below must be provided.~~

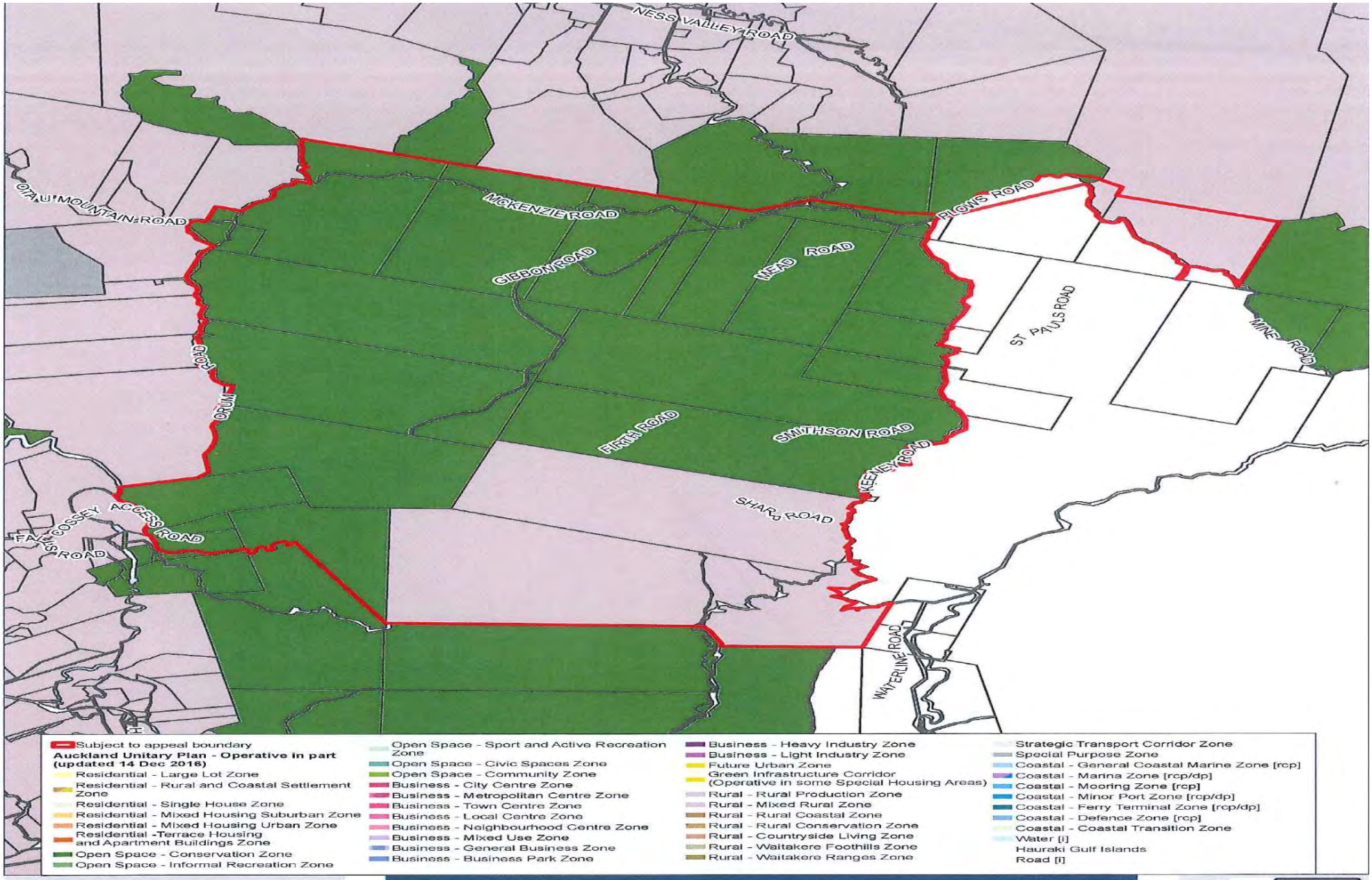
(~~2~~1) **For construction traffic purposes only, a**~~A~~ny development of land within sub-precinct D and sub-precinct E must provide the following road infrastructure upgrades prior to construction works commencing on the site **(noting that compliance with this rule does not remove the need to comply with Rule 1432.6.1.2)**:

(a) A new or upgraded intersection on SH20B that prioritises through traffic movements and meets the relevant performance criteria for temporary traffic movement during the construction period of these works as set out in the NZTA Code of Practice for Temporary Traffic Management.

APPENDIX D

The shape part with testimonial ID 4423 was not found in the file.

The image part with relationship ID rId24 was not found in the file.



N

0 230 460 920 Metres

Whilst due care has been taken, Auckland Council gives no warranty as to the accuracy and completeness of any information on this map/plan and accepts no liability for any error, omission or use of the information.

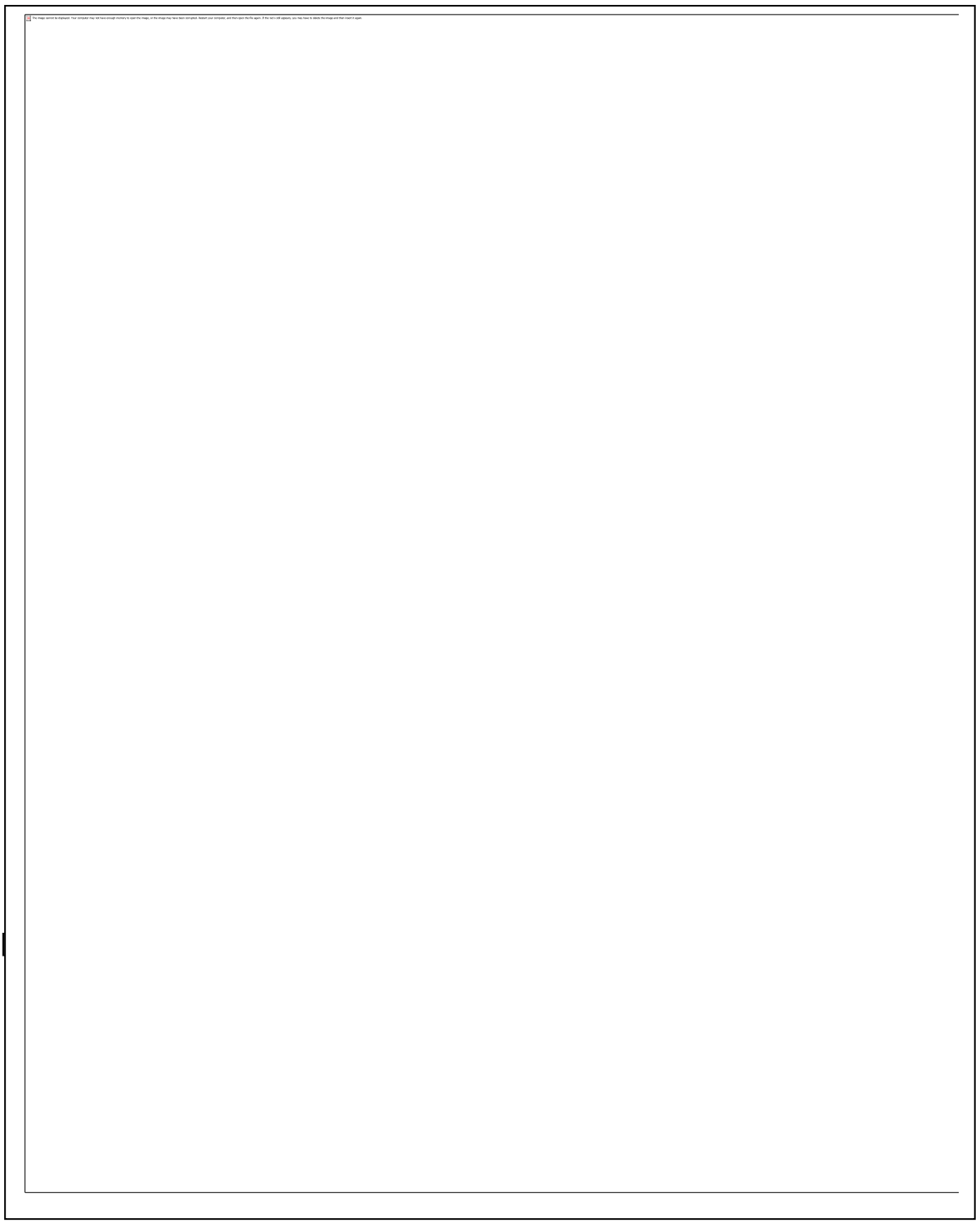
Date: 25/01/2017

Extent of land subject to appeal (Waytemore)

APPENDIX F

Auckland Council

APPENDIX G


The image cannot be displayed. Your computer may not have enough memory to open the image, or the image may have been corrupted. Restart your computer, and then open the file again. If the red x still appears, you may have to delete the image and then insert it again.