

IN THE MATTER

of the Resource Management Act
1991 (**the Act**)

AND

IN THE MATTER

of appeals under sections 120 and
174 of the Act

BETWEEN

BODY CORPORATE 346086 -
ST LUKES GARDENS
APARTMENTS

(ENV-2014-AKL-000002)

(ENV-2014-AKL-000028)

AND

ST LUKES GARDENS
APARTMENTS PROGRESSIVE
SOCIETY INCORPORATED

(ENV-2014-AKL-000005)

(ENV-2014-AKL-000027)

Appellants

AND

AUCKLAND COUNCIL

Respondent to the district and
regional consents appeals

AND

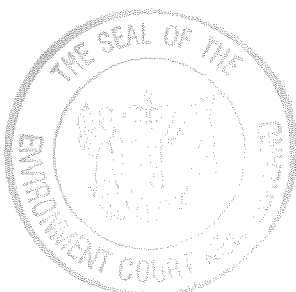
WATERCARE SERVICES
LIMITED

Respondent to the designation
appeals

BEFORE THE ENVIRONMENT COURT

Environment Judge J A Smith sitting alone under section 279 of the Act

IN CHAMBERS at AUCKLAND



CONSENT ORDER

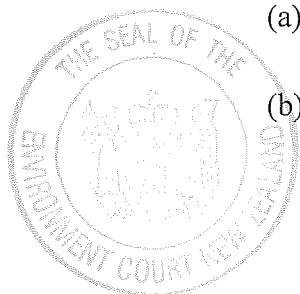
A. Under s 279(1)(b) of the Act, the Environment Court by consent, orders that:

- i. The appeals are allowed subject to Annexure A to this order.**
- ii. The appeals are otherwise dismissed.**

B. Under s 285 of the Act, there is no order as to costs in relation to this order.

Introduction

1. This order relates to the four appeals lodged by Body Corporate 346086 - St Lukes Gardens Apartments and St Lukes Gardens Apartments Progressive Society Incorporated on two separate decisions made in respect of the resource consents and notices of requirement ("**NoRs**") for the construction, operation and maintenance of the Central Interceptor Main Project Works ("**Project**").
2. Two of the appeals relate to Auckland Council's decision to grant resource consents to Watercare Services Limited for the Project. The other two appeals relate to Watercare's decision on the NoRs for the designation of land for the Project.
3. The following parties joined the appeals on the resource consents under section 274 of the Act:
 - (a) St Lukes Environmental Protection Society Incorporated;
 - (b) St Lukes Gardens Apartments Progressive Society Incorporated; and
 - (c) Body Corporate 346086 - St Lukes Gardens Apartments
4. The following parties joined the appeals on the NoRs under section 274 of the Act:
 - (a) Body Corporate 346086 - St Lukes Gardens Apartments;
 - (b) St Lukes Gardens Apartments Progressive Society Incorporated;



(c) St Lukes Environmental Protection Society Incorporated; and

(d) Auckland Council.

5. In making this order the Court has read and considered the appeals and the memorandum of the parties dated 30 September 2015.

6. The Court is making this order under section 279(1)(b) of the RMA, such order being by consent, rather than representing a decision or determination on the merits pursuant to section 297.

7. The Court understands for present purposes that:

(a) All parties to the proceedings have executed the memorandum requesting this order.

(b) All parties are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction and conform to the relevant requirements and objectives of the RMA, including in particular Part 2.

(c) All parties are aware that the consent order is in full settlement of the appeals.

Order

8. Therefore the Court orders, by consent of the parties, that the appeals are fully resolved, on the basis that the designation conditions are amended as agreed between the parties and set out in **Annexure A** to this order.

9. There is no order as to costs.

DATED at Auckland this

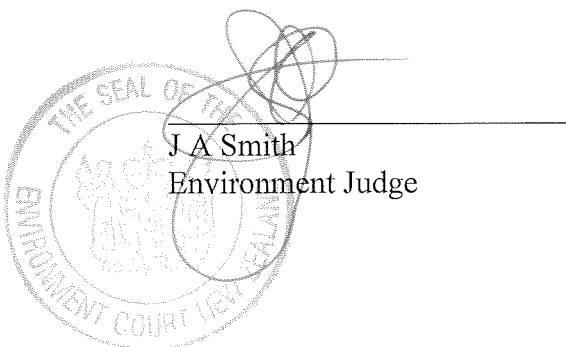
30th

day of

September

2015

J A Smith
Environment Judge



Annexure A

WATERCARE SERVICES LIMITED – CENTRAL INTERCEPTOR MAIN WORKS

Designation Conditions

[Amendments to conditions are shown in bold and underline or ~~strikethrough~~]

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5.0 Traffic Management

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Lyon Avenue

5.20 At the Lyon Avenue site:

- (a) contractor parking associated with the construction works is not permitted on Morning Star Place nor within any of the private parking areas accessed from Morning Star Place;
- (b) access for emergency vehicles (including fire trucks, ambulance) and service vehicles (including rubbish trucks) along Morning Star Place shall be maintained at all times;
- (c) the site-specific TMP shall include a suitably qualified traffic controller being available during construction works along the section of Morning Star Place that does not have footpaths on both sides of the road, to accompany pedestrians along the road to a footpath or their parked car as appropriate;
- (d) the site-specific TMP shall address how access to the site will be managed to minimise effects on residents, including identifying that construction traffic entering and leaving the construction site will give way to vehicles already travelling on Morning Star Place;
- (e) public access shall be maintained between Morning Star Place and the Roy Clements Treeway pedestrian walkway; **and**
- (f) any damage to Morning Star Place caused directly by heavy vehicles associated with the construction works shall be repaired as soon as practicable;
- (g) there will be no heavy vehicle movements on Morning Star Place during 0745 - 0845 (including on Saturdays); and
- (h) no heavy vehicle will be allowed to exit the construction site if another heavy vehicle is already present on Morning Star Place.

