

IN THE MATTER

of an appeal under section 120 and
an appeal under section 174 of the
Resource Management Act 1991
(the Act)

BETWEEN

ST LUKES ENVIRONMENTAL
PROTECTION SOCIETY
INCORPORATED

(ENV-2014-AKL-000004)

(ENV-2014-AKL-000029)

Appellant

AND

AUCKLAND COUNCIL

WATERCARE SERVICES
LIMITED

Respondents

AND

WATERCARE SERVICES
LIMITED

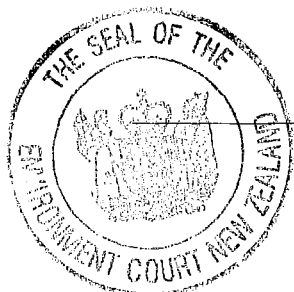
Applicant

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 Section 279(1)(b) of the Act, the Environment Court by consent, orders that:

- 1. The appeals are allowed subject to the amendments set out in Schedule A to this order.**
- 2. The appeals are otherwise dismissed.**

B. Under Section 285 of the Act, there is no order as to costs.

REASONS

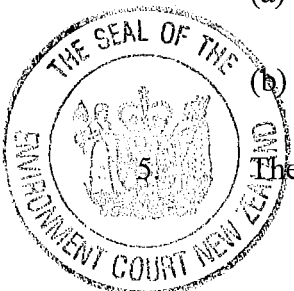
Introduction

1. This order relates to the complete resolution of two appeals lodged by St Lukes Environmental Protection Society Incorporated ("**STEPS**") on two separate decisions made in respect of the resource consents and notices of requirement ("**NoRs**") required for the construction, operation and maintenance of the Central Interceptor Main Project Works ("**Project**").
2. One of the appeals relates to Auckland Council's decision to grant resource consents to Watercare Services Limited ("**Watercare**") for the Project. The other appeal relates to Watercare's decision on the NoRs for the designation of land for the Project. Together, these will be referred to as the ("**Appeals**").
3. The Court has read and considered the Appeals and the memorandum of the parties dated 24 September 2014.
4. The following parties joined the appeal on the resource consents under section 274 of the Act:

(a) St Lukes Gardens Apartments Progressive Society Incorporated; and

(b) Body Corporate 346086 - St Lukes Gardens Apartments.

The following parties joined the appeal on the NoRs under section 274 of the Act:



- (a) St Lukes Gardens Apartments Progressive Society Incorporated;
- (b) Body Corporate 346086 - St Lukes Gardens Apartments; and
- (c) Auckland Council.

6. The Court is making this order under section 279(1)(b) of the Act, 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 Act, 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 **Schedule A (attached)**.

9. There is no order as to costs.

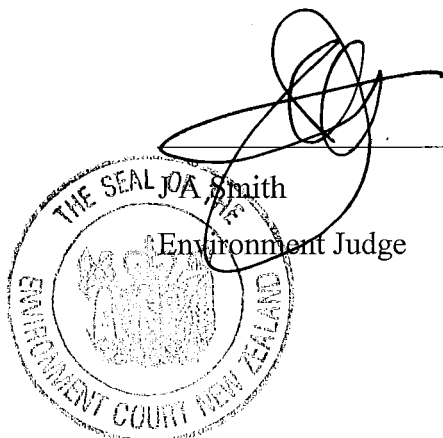
DATED at Auckland this

3rd

day of

October

2014



SCHEDULE A

WATERCARE SERVICES LIMITED – CENTRAL INTERCEPTOR MAIN WORKS Designation Conditions

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

...

2.0 Construction Management

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- 2.2 The CMP(s) required by Condition 2.1 above shall include specific details relating to the management of all construction activities associated with the relevant Project stage, including:

...

- (h) Means of providing for the health and safety of the general public and for pedestrian management as required by Conditions 6.1 - 6.3;

...

6.0 Pedestrian Management

- 6.1 Where works in parks or reserves impact on existing pedestrian or cycle ways, alternative temporary accessways shall be provided.

- 6.2 The works at the Lyon Avenue site shall be managed so that pedestrian access is maintained at all times on the existing boardwalk along Meola Stream, or an alternative provided so that the pedestrian link along Meola Stream in this area is not severed.

- 6.3 Any temporary accessways shall be designed as far as practicable in accordance with CPTED (Crime Prevention Through Environmental Design) principles and provide appropriate lighting and signage where necessary.

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10.0 Tree Management

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- 10.3 The Requiring Authority shall take all practicable measures in the detailed design of the permanent works and in the development of the construction site layout at the Lyon Avenue site to minimise the removal of mature native canopy trees under Condition 10.1(a) above.



12A Meola Stream Community Liaison Group

12A.1 The Requiring Authority shall use its best endeavours to facilitate the establishment of a group that will be known as the Meola Stream Community Liaison Group ("MS-CLG") and the maintenance of the MS-CLG until its disestablishment two years following completion of works at the six Meola Stream construction sites.

12A.2 The purpose of the MS-CLG is, in accordance with Condition 9.1, to facilitate consultation and liaison with key stakeholders with an interest in Meola Stream and its margins in the vicinity of the Motions Road, Rawalpindi Reserve, Norgrove Avenue, Mt Albert War Memorial Reserve, Lyon Avenue and Haverstock Road construction sites ("Meola Stream construction sites").

12A.3 The Requiring Authority shall invite each of the following parties to have a representative on the MS-CLG:

- **the owners of land required for the construction sites;**
- **immediately adjacent schools;**
- **St Lukes Environmental Protection Society (or any subsequent organisation established to achieve the same objectives);**
- **other interested organisations with a direct and established interest in the Meola Stream;**
- **Auckland Council Parks, Sports and Recreation;**
- **Auckland Council Stormwater Unit;**
- **Albert – Eden Local Board;**
- **Waitemata Local Board; and**
- **Mana Whenua.**

The Requiring Authority shall ensure that there is at least one of its representatives at every formal meeting of the MS-CLG.

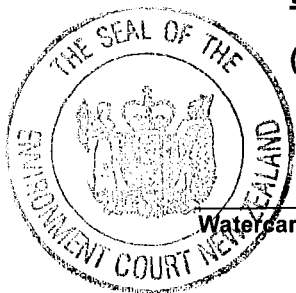
12A.4 The role of the MS-CLG is to provide a forum:

- **To facilitate communication and dialogue between the Requiring Authority, landowners and organisations with a direct and established interest in the Meola Stream;**
- **To provide input into the development of Reinstatement and Open Space Restoration Plans for the Meola Stream construction sites;**
- **To discuss and review the scope of post-construction monitoring of selected sites in the Meola Stream and at the stream mouth to the harbour.**

12A.5 The Requiring Authority shall use its best endeavours to ensure that formal meetings of the MS-CLG are held at least once every four months, or as otherwise agreed by the MS-CLG, from one year after the date on which this designation is included in the district plan until two years following completion of works at the Meola Stream construction sites. The Requiring Authority shall provide an appropriate venue for the meetings.

12A.6 The Requiring Authority shall provide the MS-CLG with opportunities to review and comment on the plans listed below before they are finalised and submitted to the Council for approval or as part of the Outline Plan of Works:

- (a) **the Roy Clements Treeway Enhancement Plan;**



- (b) the proposed tree management aspects of the CMP (refer conditions 10.1 and 10.3);
- (c) the Reinstatement Plan for the Haverstock Road site; and
- (d) the Reinstatement and Open Space Restoration Plans for the Motions Road, Rawalpindi Reserve, Norgrove Avenue, Mt Albert War Memorial Reserve and Lyon Avenue sites.

The Requiring Authority shall take into account the views of the MS-CLG in the development of the plans referred to in (a) – (d) above. The final plans shall summarise the comments received from the MS-CLG, and the Requiring Authority's response to those comments.

12.0 Roy Clements Treeway ~~Vegetation~~ Enhancement Plan

- 12.1 A Roy Clements Treeway ("RCT")~~Vegetation~~ Enhancement Plan shall be prepared that sets out proposed works that the Requiring Authority will undertake within the Roy Clements Treeway, or in another local area in the vicinity of Meola CreekStream, to mitigate effects of vegetation removal at the Lyon Avenue construction site. The Plan shall be prepared by a suitably qualified person.
- 12.2 The ~~Vegetation~~ RCT Enhancement Plan shall be prepared in consultation with the owners of land on which the mitigation works are to be carried out, the Council, the Albert – Eden Local Board, Mana whenua, and established community groups or environmental organisations having an interest in restoration and enhancement works on the land. The objectives of the Plan shall be to enhance amenity and ecological values of either the Meola CreekStream riparian habitats and vegetation between Fergusson Reserve and Alberton Avenue, or other local areas in the vicinity of Meola CreekStream which would provide a similar area and level of vegetation enhancement to that which would be achieved between Fergusson Reserve and Alberton Avenue. The mitigation works to be set out in the Plan may include planting and weed control, and shall be integrated with any other works planned in this area by the Council. New planting shall use eco-sourced native plants, appropriate to the local habitats of the Meola CreekStream catchment.
- 12.3 The ~~Vegetation~~ RCT Enhancement Plan shall be submitted to the Council for approval (such approval not to be unreasonably withheld) within two years of the date on which this designation is included in the district plan.
- 12.4 The Requiring Authority shall use its best endeavours to obtain agreement for the proposed works from the owners of the land on which the work is to be undertaken.
- 12.5 The works described in the ~~Vegetation~~ RCT Enhancement Plan (excluding those within the designated area at the Lyon Avenue construction site) shall be implemented within two years of the Plan being approved, subject to the agreement of the owners of land on which the work is to be undertaken and subject to the Requiring Authority obtaining all necessary approvals or consents required to undertake the works described.

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