

IN THE MATTER

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

BETWEEN

THE ONEHUNGA
ENHANCEMENT SOCIETY
INCORPORATED, THE
MANGERE BRIDGE
RESIDENTS AND
RATEPAYERS ASSOCIATION
INCORPORATED AND THE
MANUKAU HARBOUR
RESTORATION SOCIETY
INCORPORATED

(ENV-2014-AKL-000001)

(ENV-2014-AKL-000025)

Appellants

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

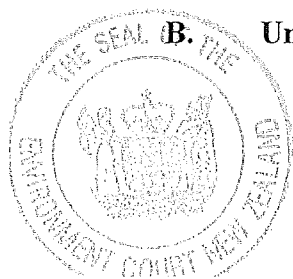
A. Under Section 279(1)(b) of the Act, the Environment Court by consent, orders that:

- 1. The appeals are allowed subject to the amendments set out in Schedule A to this order.**
- 2. This consent order is still subject to settlement of the following appeals:**
 - i. ENV-2014-AKL-000002 Body Corporate 346086 – St Luke’s Garden Apartments v Auckland Council;**
 - ii. ENV-2014-AKL-000028 Body Corporate 346086 – St Luke’s Gardens Apartments v Watercare Services Limited;**
 - iii. ENV-2014-AKL-000005 St Luke’s Gardens Apartments Progressive Society v Auckland Council**
 - iv. ENV-2014-AKL-000027 St Luke’s Gardens Apartments Progressive Society Incorporated v Watercare Services Limited.**

However, the parties agree that this order is unlikely to be altered by the resolution of the appeals listed above as they relate to a different geographical area.

- 3. The appeals are otherwise dismissed.**

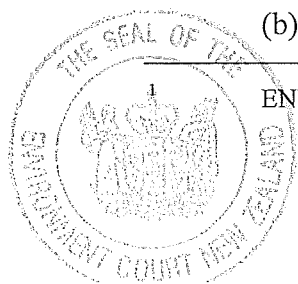
Under Section 285 of the Act, there is no order as to costs.



REASONS

Introduction

1. This order relates to the complete resolution of two appeals¹ lodged by The Onehunga Enhancement Society (Incorporated), the Mangere Bridge Residents and Ratepayers Association (Incorporated) and the Manukau Harbour Restoration Society (Incorporated) 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 ("**Council**") 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 22 September 2014.
4. The following parties joined the appeal on the *resource consents* under section 274 of the Resource Management Act 1991 ("**RMA**"):
 - (a) St Lukes Gardens Apartments Progressive Society Incorporated;
 - (b) Body Corporate 346086 - St Lukes Gardens Apartments; and
 - (c) St Lukes Environmental Protection Society Incorporated.
5. The following parties joined the appeal on the *NoRs* under section 274 of the RMA:
 - (a) St Lukes Gardens Apartments Progressive Society Incorporated;
 - (b) St Lukes Environmental Protection Society Incorporated; and



(c) Auckland Council.

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 resource consent conditions are amended as agreed between the parties and set out in **Schedule A (attached)**.

9. The Court records that this consent order is still subject to settlement of the following appeals:

- i. ENV-2014-AKL-000002 Body Corporate 346086 – St Luke's Garden Apartments v Auckland Council;
- ii. ENV-2014-AKL-000028 Body Corporate 346086 – St Luke's Gardens Apartments v Watercare Services Limited;
- iii. ENV-2014-AKL-000005 St Luke's Gardens Apartments Progressive Society v Auckland Council
- iv. ENV-2014-AKL-000027 St Luke's Gardens Apartments Progressive Society Incorporated v Watercare Services Limited.



However, the parties agree that this order is unlikely to be altered by the resolution of the appeals listed above as they relate to a different geographical area.

10. There is no order as to costs.

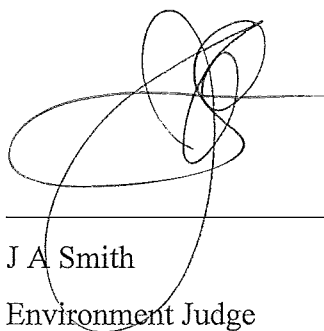
DATED at Auckland this

28th

day of

October

2014



J A Smith
Environment Judge



SCHEDULE A

WATERCARE SERVICES LIMITED – CENTRAL INTERCEPTOR MAIN WORKS

Resource Consent Conditions

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

10. Coastal (Emergency Pressure Relief discharge)

(applies to consent 40850)

...

Management of Operation

- 10.2 The Consent Holder shall take all steps and necessary contingency measures to manage the operation of the Central Interceptor tunnel, the contributing wastewater network, and Mangere Pump Station to minimise the frequency and volume of any discharge from the Emergency Pressure Relief Structure to the CMA.

...

- 10.5 As part of detailed design and prior to commissioning of the Central Interceptor, the Consent Holder shall prepare an Emergency Pressure Relief ("EPR") Discharge Management Plan, which shall be in accordance with the Wastewater Overflow Regional Response Manual (May 2013) and any updates to this manual and the conditions of this consent, and should include:

...

Prior to the commissioning of the Central Interceptor, the draft EPR Discharge Management Plan shall be provided to interested organisations with a direct and established interest in the Manukau Harbour for review and comment, providing at least one month for those organisations to comment. The Consent Holder shall prepare a response to those comments indicating the matters that are able to be implemented in the EPR Discharge Management Plan and how, and the matters that were not implemented and the reasons why. The Consent Holder shall circulate the response to organisations that commented on the draft EPR Discharge Management Plan. The EPR Discharge Management Plan shall then be finalised and submitted to the Manager for approval. The Consent Holder shall also provide the Manager with a list of the organisations provided with a copy of the draft EPR Discharge Management Plan, the comments received from those organisations, and the Consent Holder's response to those comments. ~~and the~~ The Consent Holder shall then comply with the approved EPR Discharge Management Plan.

...

- 10.7 The Consent Holder shall notify the Auckland Council Pollution Control Hotline and the Auckland Regional Public Health Service of a discharge from the EPR structure in accordance with the notification requirements set out in the Wastewater Overflow



Regional Response Manual (May 2013). In addition, the Consent Holder shall provide Auckland Council and the Auckland Regional Public Health Service follow-up notification within six hours of a discharge commencing from the EPR structure, and shall include the following information in the follow-up notification:

...

The Consent Holder shall, at the same time, provide a copy of the follow-up notification to the interested groups that were invited to comment on the draft EPR Discharge Management Plan in condition 10.5.

- 10.8 Within one month of a discharge occurring from the EPR structure, the Consent Holder shall report the incident to the Manager and shall include the following information:

...

The Consent Holder shall, at the same time, provide a copy of the report to the interested groups that were invited to comment on the draft EPR Discharge Management Plan in condition 10.5.

...

