

UNITARY PLAN UPDATE REQUEST MEMORANDUM

TO Therese Strickland, Team Leader, Auckland wide

FROM Sophia Coulter, Planning Techniican – Auckland-wide

DATE 09 May 2018

SUBJECT Designation updated from the Auckland Unitary Plan Operative in Part in accordance with High Court consent order



This memorandum requests an update to Auckland Unitary Plan Operative in part

Reason for update: Request by High Court consent order	
Chapter	Chapter K: Designations
Section	Watercare Services Ltd: Central Schedule, page 45
Designation only	
Designation # 9324	Huia and Nihotupu Water Treatment Plants
Location:	Woodlands Park Road, Manuka Road and Exhibition Drive, Titirangi
Lapse Date	Given effect to (i.e. no lapse date)
Purpose	Water supply purposes - Huia and Nihotupu water treatment plants and associated structures.
Changes to text (shown in strikethrough)	Purpose Water supply purposes – <u>Huia and Nihotupu</u> water treatment plants and associated structures.
Changes to diagrams	N/A
Changes to spatial data	N/A
Attachments	<ul style="list-style-type: none"> High Court consent order

Prepared by:

Sophia Coulter
Planning Technician – Auckland-wide

Signature:
Text entered by:

Sophia Coulter
Planning Technician – Auckland-wide

Signature:
Maps prepared by:

Aching Konyak –
Geospatial Analyst
Aucklandwide

Signature:

N/A

Reviewed by:

Therese Strickland
Team Leader, Auckland wide

Signature:

7 May 2018

By Courier

Brookfields
Level 9, Tower One
205 Queen Street
Auckland Central

For: Melinda Dickey & Rachel Ward

Dear Colleagues

**CIV.2018-404-544 - Titirangi Protection Group Incorporated v Auckland Council & Anor
- Sealed Judgment**

Please find enclosed the sealed judgment of the High Court for service.

Yours faithfully

DOUG COWAN BARRISTERS & SOLICITORS



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DUPLICATE

**IN THE HIGH COURT OF NEW ZEALAND
AUCKLAND REGISTRY**

**I TE KŌTI MATUA O AOTEAROA
TĀMAKI MAKĀURAU ROHE**

CIV-2018-404-544

UNDER Part 30 of the High Court Rules 2016 and The Judicial Review Procedure Act 2016

IN THE MATTER of an application for judicial review of statutory decisions under the Local Government (Auckland Transitional Provisions) Act 2010 and Resource Management Act 1991

BETWEEN **TITIRANGI PROTECTION GROUP INCORPORATED** with its registered office located at 5/506 South Titirangi Road, Titirangi, Auckland 0604.

Applicant

(Continued next page)

JUDGMENT BY CONSENT

24 ~~May~~ April 2018



Solicitor:
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AND

AUCKLAND COUNCIL a local authority constituted pursuant to the provisions of the Local Government Act 2002 having its principal office at 135 Albert Street, Auckland Central

First Respondent

AND

WATERCARE SERVICES LIMITED a requiring authority under s 166 of the Resource Management Act 1991, and a water and wastewater services company, having its principal office at 2 Nuffield Street, Newmarket, Auckland 1023

Second Respondent



JUDGMENT BY CONSENT

Before the Honourable Justice Woodhouse, on 24 April 2018, after reading the joint memorandum of counsel dated 19 April 2018, this court orders by consent:

1. An error of law has been made and the First Respondent, Auckland Council, is to amend the purpose statement of Designation 9234 in the Auckland Unitary Plan by reinserting the words "Huia and Nihotupu" as set out below:

Water supply purposes - Huia and Nihotupu water treatment plants and associated structures

2. There are no issues as to costs.

Dated this 24 day of ~~May~~ April 2018



Registrar/Deputy Registrar



S. PAYNE
Deputy Registrar
High Court Auckland



9324 Huia and Nihotupu Water Treatment Plants

Designation Number	9324
Requiring Authority	Watercare Services Ltd
Location	Woodlands Park Road, Manuka Road and Exhibition Drive, Titirangi
Rollover Designation	Yes
Legacy Reference	Designation WSL4, Auckland Council District Plan (Waitakere Section) 2003
Lapse Date	Given effect to (i.e. no lapse date)

Purpose

Water supply purposes - [Huia and Nihotupu](#) water treatment plants and associated structures.

Conditions

1. To ensure that section 176A 3(f) of the Act has been adequately addressed, an outline plan shall include, as appropriate:
 - a. a statement on the relevant Plan objectives, policies and rules; and
 - b. a statement on any adverse effects the works will have on the environment and the mitigation measures to be carried out.

Explanation:

While it is accepted that the project or works will be (or should be) in accordance with the designated purpose, the Council wishes to be reasonably assured that the specific works to be carried out will not unnecessarily compromise the objectives, policies and rules of the Plan or adversely affect the environment. The Council's principal opportunity to influence the works to assist the requiring authority to meet its environmental responsibilities is through the outline plan, and the assessment of compliance and effects will assist it in determining whether to request changes.

2. Appropriate sedimentation and erosion control measures shall be employed for any earthworks on the designated site.

Explanation:

This Plan outlines erosion and sediment control measures for earthworks which are above a certain threshold, with that threshold varying according to the particular environment. Compliance with these measures would generally satisfy condition 2. Note that major earthworks may require consent from the Council.

- 3a. Works shall not adversely affect those elements of the Huia Filter Station (Designation 9324), the Nihotupu Filter Station (Designation 9324) or the Waitakere Filter Station (Designation 9323) which are identified in the Appendix 9.1 - Schedule of Significant Historic Heritage Places of the Unitary Plan as 77 Huia Filter Station, 86 Nihotupu Filter Station, 90 Waitakere Filter Station.
- b. Works shall not adversely affect the stringer dam in Designation 9322, the sawpit in Designation 9322 or the mill and holding dam in Designation 9321, as described in the Appendix 9.1 - Schedule of Significant Historic Heritage Places of the Unitary Plan as 158 Whatipu Stream Stringer Dam Site, 12 Cowans Mill Saw Pit Site and 8 Gibbons Huia Mill (timber mill site with earth holding dam).

Explanation:

Works otherwise in accordance with the designation but which adversely affect the items or elements of items identified as being of heritage significance may only be carried out if the designation is altered to specifically alter (or remove) the condition. As part of the requirement to alter the designation, the requiring authority would be expected to carry out a form of heritage assessment.

Attachments

No attachments.