

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of an appeal under section 174 of the Act

BETWEEN                    ANTHONY ROY EDWARDS

(RMA 273/02)

29 JAN 2003

Appellant

AND                            TRANSIT NEW ZEALAND

Respondent

BEFORE THE ENVIRONMENT COURT

Environment Judge S E Kenderdine sitting alone pursuant to section 279 of the Act

IN CHAMBERS

CONSENT ORDER

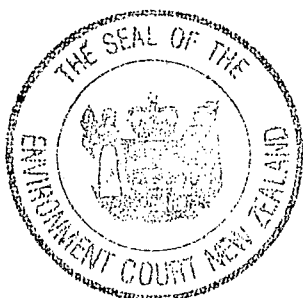
HAVING CONSIDERED the appeal, the respondent's reply and the memorandum of the parties, THIS COURT HEREBY ORDERS BY CONSENT that the designation is amended as follows:

1. Amend Condition 4 of the Designation to read:

“The Requiring Authority shall obtain and examine the best information to estimate the location of the Ohariu fault in the vicinity of the structures, and the nature of overburden. The results of this study shall be incorporated into the designs, which shall accord with all appropriate standards, including the Transit New Zealand Bridge Manual, where appropriate. A copy of the results of this study shall be provided to Mr Anthony Edwards.”

2. Amend Condition 8 of the Designation to read:

“Prior to any works starting on the site, the Requiring Authority shall develop detailed revegetation plans and specifications demonstrating how the Requiring Authority will implement revegetation in general accordance with the Landscape Mitigation Plan “*SH1 Realignment MacKays Crossing*” Job number W402 dated November 2001 and submitted by Gavin Lister (Appendix 2). These plans and specifications shall be subject to final design and any modifications required to comply with any other conditions of this designation. The landscaping shall include planting the cut batters of the sea cliff in native vegetation which, so far as is safe and practicable, matches the native vegetation growing on the existing cliff face, but such planting shall not obscure the natural form of the sea cliff. The plans and specifications shall be to the written approval of the Resource Consents Manager, following consultation with the WRC, the Department of Conservation and the Geological Society of New Zealand Inc. (“Geological Society”). For the



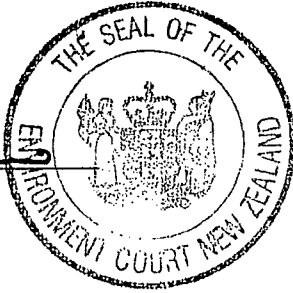
purposes of consulting with the Geological Society, the Requiring Authority shall provide copies of the proposed detailed revegetation plans and specifications to the Geological Society (c/- Dr Hamish Campbell), so that the Geological Society can provide their comments and advice. The Requiring Authority shall take into account and utilise any such comments and advice in the final detailed revegetation plans and specifications.”

The appeal is otherwise dismissed.

There is no order as to costs.

DATED at WELLINGTON this 2<sup>nd</sup> day of January 2003

*S. E. Kenderdine*  
S E Kenderdine  
Environment Judge



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