

IN THE ENVIRONMENT COURT
AT AUCKLAND

I TE KŌTI TAIAO O AOTEAROA
KI TĀMAKI MAKĀURAU

Decision [2023] NZEnvC 149

IN THE MATTER OF

an application under s 314 of the
Resource Management Act 1991

BETWEEN

AMBER WASON AND GARETH
HALL

(ENV-2022-AKL-244)

Applicant

AND

TWO KOONER PROPERTIES
LIMITED

Respondent

Court: Environment Judge S M Tepania
Environment Commissioner A Leijnen

Hearing: 10 July 2023

Appearances: A Cameron for the Applicants
S Kooner for the Respondent

Date of Decision: 11 July 2023

Date of Issue: 11 July 2023

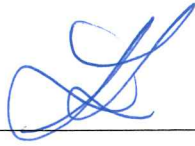
DECISION OF THE ENVIRONMENT COURT

A: Under ss 314 and 319 of the Resource Management Act 1991 (**RMA**), the Court makes the enforcement order set out and annexed to this decision.

B: Reasons are to follow.

C: The decision as to costs claimed under ss 285 and 314 of the RMA is reserved.

- D. The parties are granted leave to return to the Court if any issues arise relating to the implementation of the enforcement order.



S M Tepania
Environment Court Judge



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IN THE MATTER OF	an application under s 314 of the Resource Management Act 1991
BETWEEN	AMBER WASON AND GARETH HALL (ENV-2022-AKL-244) Applicant
AND	TWO KOONER PROPERTIES LIMITED Respondent

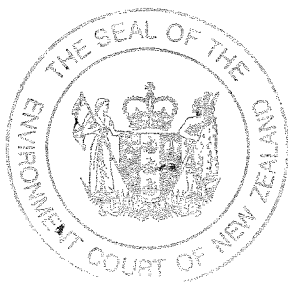
Date of Issue: 11 July 2023

ENFORCEMENT ORDER

The Court makes the following enforcement order pursuant to ss 314(1)(b)(ii), 314(1)(c), 314(3) and 319 of the Resource Management Act 1991 (RMA) as follows.

[1] The Respondent, Two Kooner Properties Limited, is ordered to remedy the adverse effects on the environment caused by or on its behalf under s 314(1)(c) of the RMA by reinstating the Applicants' fence and installing a bored cast in-situ pile wall along the common boundary between 52 and 54 Parker Avenue, New Lynn:

- (a) to be designed and approved for construction by Malcolm Stapleton of Babbage Consultants Limited; and
- (b) in general accordance with the report provided by Babbage Consultants Limited dated 20 April 2023.



[2] The order in paragraph [1] above is made on the following conditions:

- (a) that the cost of all remedial works and the design work under paragraph [1] above are to be met by the Respondent;
- (b) any remedial works are to be supervised by Babbage Consultants Limited at the Respondent's sole cost;
- (c) design of the pile wall and replacement fence and approval for construction is to be completed within one month of the order being made;
- (d) an application for building consent is to be lodged with Auckland Council within two weeks of completion of the design in (c) above;
- (e) construction of the designed and approved pile wall and replacement fence is to be completed within one month of building consent being obtained; and
- (f) that to secure performance of the obligations in paragraph [1] above, a bond of \$75,000 is to be paid into the trust account of Pidgeon Judd as stakeholder (or such other stakeholder as agreed between the parties) for the costs of remediation to be held pending completion of the works, the delivery of a PS4 by Babbage Consultants Ltd, and confirmation by the Applicants that all other costs under this Order have been met by the Respondent.




S M Tepania
Environment Court Judge