

**IN THE MATTER OF**

of the Resource Management Act 1991

**AND**

**IN THE MATTER OF**

of Resource Consents and Notices of Requirement for the Central Interceptor main project works under the Auckland Council District Plan (Auckland City Isthmus and Manukau Sections), the Auckland Council Regional Plans: Air, Land and Water; Sediment Control; and Coastal, and the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health

**STATEMENT OF EVIDENCE IN REPLY OF  
BELINDA PETERSEN ON BEHALF OF WATERCARE SERVICES LIMITED**

**1. INTRODUCTION**

- 1.1 My name is Belinda Petersen. I am the Resource Consents Manager at Watercare Services Limited ("**Watercare**"). My qualifications and experience are set out in my primary statement of evidence, dated 12 July 2013.
- 1.2 The purpose of this reply evidence is to respond to issues raised by submitters during the hearing, primarily those regarding the proposed construction site at Kiwi Esplanade Reserve, and to provide further comment on proposed conditions.
- 1.3 The need for a construction site at Kiwi Esplanade Reserve and the potential for odour effects have been discussed in the primary evidence of Mr Cantrell and the Mr Kirkby and are discussed further in the reply evidence of Mr Cantrell. The potential effects on migratory and shore birds is addressed in the primary and reply evidence of Mr Slaven. My evidence completes the response by addressing:
  - (a) Watercare's consideration of alternatives, including reasons for not proceeding with an alternative site in Ambury Park;

- (b) the consideration given to effects on migratory birds;
- (c) acknowledging the dissatisfaction expressed by Mr and Mrs Dempsey about the consultation undertaken with them since their submission was received; and
- (d) concerns regarding tree planting in Kiwi Esplanade Reserve and the associated effects on views and roosting areas.

1.4 My evidence also responds briefly to some wider concerns raised by submitters in respect of Watercare's initiatives in relation to the Manukau Harbour. I finish by commenting on aspects of Watercare's proposed Conditions which were raised by submitters, or are the subject of proposed revisions by the Council staff, but which are not agreed to by Watercare.

1.5 I address each of these issues below.

## **2. CONSIDERATION OF ALTERNATIVES**

2.1 As set out in Part B of the August 2012 AEE (at pages 144 - 146), seven options were considered for the required construction site in the Mangere Bridge area prior to selection of the proposed site. In response to the concerns raised by submitters, I discuss below the alternative options:

- (a) at Ambury Park; and
- (b) within Kiwi Esplanade Reserve.

### **Ambury Park**

2.2 Concerns have been raised regarding the site selection process at Mangere Bridge, with a number of submitters questioning the consultation process undertaken by Watercare and why the proposed construction site could not be located within Ambury Park.

2.3 An initial meeting with the Mangere Bridge Residents and Ratepayers Association ("**MBRRA**") and local residents took place in April 2012. Subsequently, we invited local residents to attend an open day in Mangere Bridge on 19 May 2012 to find out more about the Project. Our preferred site at that time was a site at the western end of Kiwi Esplanade<sup>1</sup> (referred to as the "**Kiwi Esplanade West site**"), but the open day also included

---

<sup>1</sup> As shown in Appendix K of my primary evidence and in Part B of the AEE, page 144.

information on other options considered in the Mangere Bridge area. Many of the residents who attended the open day expressed a preference for a site in Ambury Park if the Project proceeds. Mr and Mrs Dempsey have also queried why the site could not be located within Ambury Park in their submission.

- 2.4 In my primary evidence I outlined that the assessment of site options considered technical feasibility; constructability; cost; and social, environmental and cultural effects. The decision to proceed with a site at Kiwi Esplanade Reserve rather than Ambury Park was in response to wider consultation undertaken and technical, environmental and cultural considerations.<sup>2</sup>
- 2.5 Aside from the technical issues addressed by Mr Cantrell, Watercare had strong reservations about a site in Ambury Park due to the potential effects on archaeology, cultural heritage and recreational activities.
- 2.6 For example, we were advised by Mr Clough that Ambury Park has high archaeological significance as one of the few stonefields and Maori horticultural sites still surviving in Auckland, and that it gains further significance in the wider Maori settlement landscape from its relationship with the Otuaataua Stonefields to the south, Mangere pa very close to the east and Puketutu Island to the south-west.<sup>3</sup> The archaeological sites within Ambury Park are considered collectively to be of high significance and while the construction site options considered within the park would not have directly affected any known sites, Mr Clough advised that it was likely that archaeological deposits would be encountered during earthworks. Mr Maskell and Watercare's former Project Manager, Mr Mike Sheffield, were advised in discussions with iwi that a surface construction site in Ambury Park would not be supported due to the cultural significance of this area. For these reasons, we considered that it was preferable not to undertake any surface works in Ambury Park when other technically feasible options were available in Kiwi Esplanade Reserve, large areas of which are reclaimed land as noted in our application documents<sup>4</sup> and also by Mr Baldwin on behalf of MBRRA.

---

<sup>2</sup> Refer primary statement of evidence of Ms Petersen, paragraphs 2.6, 2.7 and 5.123.

<sup>3</sup> Technical Report D of Part D of the AEE, page 48.

<sup>4</sup> Technical Report I of Part D of the AEE, page 13 and Table B1 in Appendix B.

### **Within Kiwi Esplanade**

- 2.7 The evidence of Catherine Bartlett on behalf of MBRRRA suggests that Watercare has not given due regard to the significance of the area for migratory birds, and specifically that the technical reports ignore Godwit and Knot.<sup>5</sup> I would like to respond to the first matter and demonstrate that Watercare is well aware of the significance of the area and has considered the potential effects on migratory birds in the site assessment process. Mr Slaven responds to the second more specific matter in his reply evidence.
- 2.8 Watercare has a requirement in existing consents for the Mangere Wastewater Treatment Plant ("**WWTP**") to facilitate a "Bird Roost Advisory Group" which meets six-monthly to consider how to best manage areas for migratory birds in the areas between, and in the vicinity of, the Auckland International Airport, Mangere WWTP, and Ambury Park.
- 2.9 Watercare also has an established Bird Roost Management Plan, approved by Auckland Council, which sets out how Watercare manages around 3.5 hectares of its land already set aside for bird roosts. The location of bird roosts managed by Watercare are shown on the drawing in **Appendix D** of Mr Slaven's reply evidence.
- 2.10 In the assessment of our originally preferred Kiwi Esplanade West site we sought advice from Mr Slaven and consulted with Auckland Council's expert on migratory birds, Mr Tim Lovegrove. (Mr Lovegrove is also one of the members of Watercare's Bird Roost Advisory Group.) The advice we received at that time was that the construction work would not have any significant impact on migratory birds, as the proposed extent of the work was relatively modest and there are other roosting areas in the vicinity.
- 2.11 As it turned out, the Kiwi Esplanade West site was opposed by local residents, for various reasons, and also by Auckland Council's Parks, Sports and Recreation ("**PSR**") department. PSR remained concerned about the potential effects of the works at that site on migratory and shore birds as it was in an open area, without trees or any existing structures. This ongoing concern was one of the reasons why we relocated the surface construction site to the location now proposed, which is within an area of existing development and activity including the Manukau Yacht and

---

<sup>5</sup> Refer paragraph 6.8.2 of the MBRRRA submission presented at the hearing on 6 August 2012.

Motor Boat Club, toilet facility, parking area and reserve access road. This revised site location was supported by PSR.

- 2.12 The assessment of the various site options in Mangere Bridge (including Ambury Park and the western most end of Kiwi Esplanade) is summarised in **Appendix K** of my primary evidence. Our consideration of potential effects on migratory and shore birds is also reflected in those summary tables. In particular, refer to the last bullet point under the "Environmental Effects" headings for each of the sites.
- 2.13 Other aspects of our application documents which record our consideration of the potential effects on migratory and shore birds are included in Sections 12.4 and 12.19 of Part A of the August 2012 AEE, Section 9A.5.4 of Part B of the August 2012 AEE and in the Assessment of Ecological Effects, Technical Report D of Part C of the August 2012 AEE.
- 2.14 In summary, we considered many factors in the site selection process within the Mangere Bridge area, including the potential effects on migratory and shore birds. We consider the proposed construction site to be suitable and, based on specialist advice we have received, likely to have minimal adverse effects on migratory and shore birds.

### **3. CONSULTATION WITH THE DEMPSEYS**

- 3.1 Mr and Mrs Dempsey, and their son Conal Dempsey, referred to the "tardiness" of the consultation undertaken by Watercare. In my primary evidence (at paragraph 9.5), I stated my conclusion that overall, the consultation process undertaken for the Project to date has been "appropriate, responsive and has been approached by Watercare in an open and honest manner".
- 3.2 I stand by that statement, but I acknowledge that in the case of Mr and Mrs Dempsey, the direct contact by Watercare following receipt of their submission lodged in December 2012 was very late, and should have occurred much sooner.
- 3.3 The recent consultation undertaken with Mr and Mrs Dempsey was outlined in my primary statement of evidence.<sup>6</sup> This included a meeting at their home on 5 June 2013. Our preference is always to have Watercare

---

<sup>6</sup> Refer primary statement of evidence of Ms Petersen, paragraphs 5.104 and 5.105.

staff present at meetings with affected residents and other parties and normally this is the case. However in this instance, neither Watercare's Project Manager, Mr David Ward, nor I could attend the meeting due to changes to the meeting date, and then the meeting time, at Mr and Mrs Dempsey's request.

- 3.4 Following the meeting on 5 June 2013, Mr Ward sent a letter dated 21 June 2013 to Mr and Mrs Dempsey providing further information on the Project. This letter effectively crossed paths with the letter referred to in the submission by Conal Dempsey which was dated 25 June 2013. Ms Bernice Chiam, Watercare's Project Engineer, contacted Mr and Mrs Dempsey on receipt of that letter to clarify whether our letter had been received and if they required further information. Their response was that no further information was required at that time.
- 3.5 I have spoken to Mr Ward and understand that he will contact Mr and Mrs Dempsey shortly and will offer to meet with them again to continue discussions on the Project and their concerns. In response to two of the concerns raised, I note:

*In relation to the tunnel corridor:*

- (a) The alignment of the tunnel corridor under the Dempsey's house is shown on the drawing attached as **Appendix M**. This is not a new drawing but is a larger scale version of the information shown on Drawing Number AEE-MAIN-31 on Page 15 of the Hearing Drawing Set.

*In relation to views:*

- (b) The existing toilet block is approximately 40 - 45 m<sup>2</sup> and the concept design for the new building, which is to be in roughly the same location, indicates it will be only slightly larger, in the vicinity of 45 - 50 m<sup>2</sup>.
- (c) The site of the existing toilet block and the proposed new building at the proposed Kiwi Esplanade site does not appear to be directly in front of the Dempsey property or obscuring direct views of the sea, but off to the right among the existing trees and with the Manukau Yacht and Motor Boat Club building beyond. In response to the submitters' presentation at the hearing, Mr Goodwin has

prepared a photomontage to indicate the likely view of the completed Project works from the Dempsey property. The photomontage visuals prepared are attached as **Appendix N** and show:

- Figure 1: A revised version of the Permanent Works Concept drawing included on page 131 of the Hearing Drawing Set to show the location of the photomontage viewpoint.
- Figure 2: Panoramic view from outside the Dempsey property.
- Figure 3: Existing view and photomontage of proposed view from outside the Dempsey property.

(d) In response to the concerns raised, we have now proposed an amendment to the Designation Conditions so that the location of any tree planting outside of the designation takes account of the potential to obscure views. I discuss this amendment below.

#### **4. TRANSPLANTING TREES**

4.1 The proposal to relocate or transplant the pohutukawa trees has been referred to by Mr Goodwin and Mr Lister (Watercare and Council landscape experts). However, a number of submitters have expressed concern with this, particularly with the potential for such relocation to impact on bird roosting areas and / or obscure their sea views.

4.2 I have given further thought to these concerns and suggest they can be accommodated by the inclusion of a new Designation Condition T.2 which is set out in Watercare's Reply Set of Conditions:

In the event that pohutukawa trees at the proposed Kiwi Esplanade site are not able to be retained within the construction site, the CMP for this site shall include, where practicable, the transplanting of existing trees to a nearby part of the reserve provided that this can occur without unduly affecting bird roosting areas or obscuring sea views from residential properties.

4.3 Council staff have suggested different wording for this condition (as indicated in their version of the designation conditions provided to us on 12 August 2013) but have not acknowledged the potential for tree planting to

also impact on views in that version. Our proposed condition takes into account both birds and residents views and therefore remains Watercare's preferred wording.

## **5. WATERCARE RESPONSIBILITIES**

- 5.1 As a final point before dealing with the conditions more generally, I wish to respond to suggestions by some submitters,<sup>7</sup> and the Manukau Harbour Restoration Society in particular, that Watercare is not acting responsibly in the management of Auckland's wastewater infrastructure and is implementing works to benefit the Waitemata Harbour at the expense of the Manukau Harbour. We simply do not accept these allegations.
- 5.2 The Project Manukau works in the early 2000s, including the removal of the oxidation ponds and the opening up of the Mangere Lagoon and Oruarangi Creek, resulted in significant improvements in and around the Manukau Harbour. Mr Cantrell has referred to the documented improvements in the harbour water quality.<sup>8</sup> Watercare also established coastal walkways, bird roosts and other works for use and enjoyment by the local and wider Auckland community.
- 5.3 This year Watercare has acquired Puketutu Island, vested it in a trust and arranged a lease to Auckland Council so that the island can be progressively developed and used as a major regional park, both during and after Watercare's biosolids operations there.
- 5.4 You have heard from Mr Ford, Mr Munro and Mr Cantrell on the key drivers for the current Project – to manage existing asset risks, to provide for growth, and to reduce network overflows. The first of those key drivers is directly related to the protection of the Manukau Harbour – to replace a critical interceptor which is at risk of failure (with consequential and potentially significant discharges to the Manukau Harbour) if no action is taken. Mr Munro and Mr Cantrell have also outlined planned works at the Mangere WWTP<sup>9</sup> which are specifically intended to maintain the existing discharge quality and avoid increased pollution loads in the future, notwithstanding the increased flows arising from planned growth in

---

<sup>7</sup> Jim Jackson and Bob Demler, Bronwen Turner and some associated experts, John Skeates, the Mangere Bridge Residents and Ratepayers Association, Room for another View, Manukau Harbour Restoration Society and Tim Corbett and Mere Clifford.

<sup>8</sup> See reply evidence of Mr Cantrell at Parts 5 and 6.

<sup>9</sup> Refer primary evidence of Mr Munro at Part 7.

Auckland. All of these works involve many millions of dollars being spent by Watercare to benefit the Manukau Harbour and the Auckland community on an ongoing basis.

## **6. CONDITIONS**

- 6.1 Watercare's proposed Designation Conditions and Consent Conditions, as amended in response to matters raised during the hearing, are set out in the "**Reply Conditions Bundle**" provided to you today marked up in **Tabs 1** and **3**, and entirely clean in **Tabs 2** and **4**. Those amended conditions are referred to as the Reply Set. Legal counsel have provided a summary of the agreed changes and other witnesses providing reply evidence also comment on a number of the conditions relevant to their areas of expertise.
- 6.2 I wish to provide further comment on remaining areas of disagreement between Watercare and Council staff. My comments are based on Council's version of the consent conditions which was provided to us on an informal basis on 9 August and their version of the designation conditions which was provided to us yesterday on 12 August.
- 6.3 Most areas of disagreement still remaining on the designation conditions are the same as those previously indicated in my primary evidence (12 July) or supplementary evidence (29 July) in response to the Council's Pre-hearing Report, and in the primary evidence of Watercare's expert witnesses. Those areas of disagreement are summarised again in the table below.

**Table 1: Proposed Designation Conditions – summary of remaining areas of disagreement with Council staff, as previously referred to.**

Condition No <sup>10</sup>	Subject	Reason
DC.1 (c)	Document list	Watercare is seeking a positive recommendation from the Commissioners to confirm all three NORs. In this case, the drawings for the Mount Albert War Memorial Reserve Site as incorporated within NOR1 should be included in the document list.  Refer Belinda Petersen primary evidence, paragraphs 3.11, 10.11 and 11.10.
DC1.B	Mount Albert War Memorial Reserve site	Watercare's proposed condition reflects our preference to implement the Mount Albert War Memorial Reserve Car Park Site rather than the original Reserve Site, and requires that the designation area included in NOR1 is removed from the reserve when Watercare has agreed the location of alternative car parking with Auckland Council PSR and the Albert Eden Local Board.  Refer Belinda Petersen primary evidence, paragraphs 3.11, 10.11 and 11.10.
TM – various conditions and CH.3	Traffic management	We remain of the view that it is unnecessary to include specific details for individual sites which duplicate matters already referred to in the traffic assessment for the Project and which will be developed in the detailed Traffic Management Plans for each site. We have taken account of matters raised during the hearing, and have incorporated further changes to the proposed conditions which appropriately address the matters raised. For example, we have incorporated amendments to our proposed conditions in relation to contractor parking; potential effects on children, cyclists and mobility impaired users; events in parks and reserves and at Western Springs Stadium; and access at primary construction sites. The details of traffic management measures to be implemented at each individual site should properly be included in the Traffic Management Plan for each site, as set out in Watercare's proposed Designation Conditions.  Refer Belinda Petersen primary evidence, paragraphs 11.9, 11.10 (page 57), supplementary evidence (29 July 2013), paragraphs 3.10 and 3.11.  Refer Leo Hills primary evidence paragraphs 6.6 – 6.15.
SR – various conditions	Site reinstatement and open space restoration plans	The additional conditions suggested by the Council staff are unnecessary as they duplicate what is already in the Designation Conditions or will be covered by the landowner approval processes.  Refer Belinda Petersen primary evidence paragraphs 11.9 (c), 11.10 (page 58).  Refer John Goodwin primary evidence paragraphs 8.24 and 8.25.

<sup>10</sup> As used in Council's version of the proposed designation conditions.

6.4 I will now summarise further changes to designation conditions which have been suggested by Council staff since completion of their Pre-hearing Report but that Watercare and its expert witnesses do not agree with.

- (a) Condition DC.1 – Council staff have suggested deletion of the word “general” in this condition. Watercare proposes to retain the text which requires that the works are “in general accordance with” the various documents supporting the Notice of Requirement. This proposed wording enables improvements to be made to the design or construction methods, including improvements which could result in reduced adverse effects on residents and other parties. Without this text, opportunities for improvements could be stifled. The Outline Plan of Works process enables the Council to review the detail of the works prior to construction to ensure the scope of the work is as generally described in the Notice of Requirement, and that potential adverse effects are not worse than previously assessed. This matter is also addressed in the reply submissions of Watercare’s legal counsel.
  
- (b) Condition CM.2(q) – A new condition now proposed by Council staff which was not in their Pre-hearing Report is in relation to the timing of works within the designated site at Kiwi Esplanade. We agree that trenching works which cross the Kiwi Esplanade Reserve should occur at times of the year which minimise impacts on migratory and shore birds – this is covered by proposed consent condition 2.3. However, we do not agree that this timing restriction should also apply to works within the proposed designation. The reason for this is that the works have been specifically located within an area of existing development and activity at the Reserve and the potential effects of those works on birds have been assessed as no more than minor.<sup>11</sup> Further, the suggested restriction would result in a longer duration of the main works period, potentially extending the duration beyond the 12 – 18 month period assessed to date, including the duration of the associated construction effects within the community.

---

<sup>11</sup> Refer Mr Slaven reply evidence, Section 2.

- (c) Conditions CNV.2A, CNV.4A and other construction noise and vibration conditions – Council staff have suggested further changes to these conditions which are more stringent than what was previously suggested in the Pre-hearing Report. The conditions are also more stringent than those which apply to other Watercare projects, including the Hunua 4 Watermain, a major project which is currently in construction. Apart from evidence presented by Mr Hegley on behalf of Foodstuffs, no other technical evidence was presented on noise which we consider would justify Council imposing more stringent conditions on this Project compared to other major projects and with the position previously taken in the Pre-hearing Report.<sup>12</sup> We have taken account of matters raised during the hearing and have incorporated further changes to our proposed conditions which appropriately address those matters, particularly regarding the involvement of potentially affected parties when noise and vibration standards are predicted to be exceeded.

6.5 The Council's version of the designation conditions provided to us on 9 August also includes five new advice notes which were not in the Pre-hearing Report version of the conditions. All of the suggested advice notes are unnecessary for the reasons noted below:

- (a) AN.1 – Landowner approvals will be required from the landowners at all sites, not just in parks and reserves. This is a legal requirement which Watercare is well aware of and it is entirely unnecessary to re-state it as an advice note.
- (b) AN.2 and AN.3 – These matters will be included in the OPW and are already incorporated within Watercare's proposed Designation Conditions.
- (c) AN.4 (a) – The future use and / or reinstatement of alternative car parking provided during construction will be determined in agreement with Auckland Council PSR and the Albert Eden Local Board.

---

<sup>12</sup> For example, refer reply evidence of Mr Cottle, Section 4.

- (d) AN.4 (b) – The requirement for alternative pedestrian access to be provided is addressed in Watercare’s proposed Designation Condition PM.1.
- (e) AN.5 (a) – The Council’s preference is noted. The use of either Option 1 or Option 2 will be determined in consultation with the landowner.<sup>13</sup>
- (f) AN.5(b) – The final design of the access to May Road will need to comply with the relevant regional and district plans which apply at the time. It is unnecessary to state this as an advice note.

6.6 Remaining areas of disagreement on the resource consent conditions are summarised below:

- (a) Condition 1.1 – As with the designation conditions, Council staff have suggested amending the reference to the works being “in general accordance with”. Our response to this is as noted earlier in relation to Designation Condition DC.1. The submission of various management plans to the Council for approval under the resource consent conditions enables Council to review the detail of the works prior to construction to ensure the scope of the work is as generally described in the application documents, and that potential adverse effects are not worse than previously assessed.
- (b) Conditions 1.10 to 1.11 – Areas of remaining disagreement on the construction noise and vibration and traffic management conditions are as summarised earlier for the designation conditions.
- (c) Condition 4.12 – Watercare is now in general agreement with a condition requiring condition surveys for certain buildings not otherwise identified as being “at-risk”, but a difference remains over the wording of this condition. The reasons for Watercare’s proposed wording are set out in the reply evidence of Mr Cooper.
- (d) Condition 6.3 – The Council’s version of the consent conditions includes a more stringent stormwater design standard for the May Road site compared to what was in the Pre-hearing Report or what is proposed for any other site in a flood hazard area. We have not

---

<sup>13</sup> Refer Ms Petersen supplementary evidence (29 July 2013), paragraph 2.5.

yet seen any technical information from Council staff explaining this proposed change. In the absence of that supporting information, we do not agree with the additional requirement. The condition is responded to more specifically in the reply evidence of Mr Cooper.

**7. CONCLUSION**

7.1 I respectfully request that the Commissioners recommended confirmation of the Notices of Requirement and grant the consents sought, subject to the conditions set out in the Reply Set, so that we can proceed with the further development and implementation of the project.

**Belinda Petersen**

**13 August 2013**