

**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

**SUPPLEMENTARY STATEMENT OF EVIDENCE OF BELINDA  
PETERSEN ON BEHALF OF WATERCARE SERVICES LIMITED**

**CONSULTATION AND CONDITIONS**

**1. INTRODUCTION**

**Qualifications and experience**

- 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.

**Scope of this supplementary evidence**

- 1.2 The purpose of this supplementary evidence is to update the Commissioners on further consultation that has occurred since my evidence was finalised on 12 July 2013. In particular, I will explain a recent amendment made to our proposal at the May Road site which now enables us to respond more specifically to traffic concerns raised by Foodstuffs (Auckland) Limited ("**Foodstuffs**"), and I will briefly discuss the latest set of conditions put forward by Watercare on Monday 29 July 2013.

## 2. ACCESS ARRANGEMENTS AT MAY ROAD SITE

2.1 I discussed the submissions received in relation to the May Road site in paragraphs 5.97 – 5.94 of my primary statement of evidence. In relation to access, I explained that:

- (a) Based on Mr Hills' advice, Watercare was satisfied that the proposed two-way construction access to Roma Road is suitable for access, and that the potential traffic effects on Roma Road and the wider network will be no more than minor.
- (b) However, an additional access direct to May Road would provide greater flexibility for the construction works and would reduce the number of vehicles using Roma Road (and therefore the potential traffic effects with which Foodstuffs is concerned).
- (c) As a result of a recent agreement, Watercare now has the option of providing direct access to May Road during the construction works, in addition to the proposed access via Roma Road.
- (d) The precise way in which this additional access could be used will be considered during further development of the Project.

2.2 At the time I was finalising my primary statement of evidence, Watercare had only very recently negotiated the option of direct access to May Road during the construction period and no decision had been made as to whether it would be used and, if so, how the additional access would be used. It was therefore not possible to put it forward as a formal amendment to the proposal at the time.

2.3 I can now confirm that Watercare intends to use the additional access to enable the operation of a one-way system during construction. The Council was advised of this development by letter dated 23 July 2013. I advised Foodstuffs of this on 24 July 2013. The proposed conditions have been updated from the set attached to my circulated evidence (as **Appendices E and F**) so that the 23 July 2013 letter to the Council and the drawing (Drawing SK\_1500) attached to that letter now form part of the documentation referred to in Condition DC.1 of the designation. This update is shown in Watercare's Proposed Designation Conditions dated 29 July 2013 ("**Hearing Set**"). A copy of the drawing is attached to my supplementary evidence as **Appendix L**.

- 2.4 We have not yet confirmed whether the one-way system during construction will be entry from Roma Road / exit to May Road or in the opposite direction. This will be reviewed as part of the detailed design process and confirmation of the construction method and programme for use of the site. As will be explained in the supplementary evidence of Mr Hills, both options are feasible, but the preferred direction is to enter from Roma Road and exit via May Road.
- 2.5 There are two options for the location of the additional access to May Road. Both options are via land at 105 and 105A – 109A May Road and both are available to Watercare under its legal arrangements. The final location will be agreed with the landowner and reflected in the Outline Plan of Works submitted to the Council.
- 2.6 On completion of construction, it is intended that the access to Roma Road will be used for two way access to permanent facilities on the site.
- 2.7 The supplementary evidence of Mr Hills will provide more detail on the proposed one-way access arrangement, and his opinion on the various options. He also comments on the potential to use the additional access for two-way access, and concludes that a one-way access arrangement is preferable to using the additional access for all construction traffic. In my opinion, and based on Mr Hills' evidence, the amended access proposal is an improvement on what was originally proposed.

#### **Proposed amendments to the conditions**

- 2.8 To reflect the amended access proposal to the May Road site, in addition to the amendment I have referred to in paragraph 2.3 above, Watercare has included the following additional proposed designation condition (as new condition TM.3D) in the Hearing Set:

Access for heavy vehicles to the proposed May Road site during construction shall be via a one way system utilising the proposed Roma Road access and an additional access direct from May Road via land at 105A – 109A May Road legally described as Lot 1 DP 58697, subject to agreement with the owner of that land and to any other approvals required from Auckland Transport. The proposed direction for the one way system, and the design of the access roads and vehicle crossings, shall be set out in the Traffic Management Plan and Outline Plan of Works for the site submitted in accordance with Conditions DC.5, DC.7, TM.1 and TM.2.

### 3. REVISED CONDITIONS

- 3.1 Watercare's Proposed Designation Conditions and suggested changes to the Consent Conditions (as at 12 July 2013) were included in **Appendix E** and **F** of my primary statement of evidence. The changes compared to the recommended conditions included in the Council's Pre-hearing Report were shown as tracked changes in those appendices.
- 3.2 Since then, there have been a number of helpful meetings with Council staff to discuss the conditions and the versions attached to my primary statement of evidence. Watercare has agreed to a number of further changes in response to matters discussed with Council staff during these meetings.
- 3.3 Further changes to the proposed designation conditions which have been agreed since the circulation of my earlier evidence in response to discussions with Council staff, are summarised below. These changes are all reflected in the Hearing Set:
- (a) Condition DC.1(c) – The list of documents has been amended to include reference to the letter of 23 July 2013 to Council regarding the revised access proposal for the May Road site, as noted above.
  - (b) Condition DC.7B – Further matters have been included to take into account the landscape and aesthetic design of permanent at grade and above ground structures. This would most specifically apply to works in parks land, but we have accepted the condition to apply to all sites.
  - (c) Condition CNV.4(d) – The limited use of *tonal* reverse alarms during night time works has been clarified. The amendment acknowledges the need for reverse alarms for safety reasons, but limits the use of the "beeping" type alarms to reduce disturbance to residents.
  - (d) Conditions CNV.5A and 5C – As set out in Watercare's application documents, there may be situations where the noise and vibration standards of NZS6803:1999 and DIN4150-3:1999 are exceeded. The intent of the additional conditions CNV.5A, 5B, 5C and 6 is to set some limits on those exceedances, specifically in relation to blasting. The amended condition CNV.5A now includes provision for a higher air overpressure limit associated with blasting activities

at any building which is unoccupied. The amended condition CNV.5C simply clarifies which activities it applies to.

- (e) Condition TM.2 – Further matters to be addressed in the Traffic Management Plan have been included. These additional matters are reference to cyclists and mobility impaired users (e); provisions to be taken to avoid reverse movements onto or blocking of the road (i); and an assessment of on-street parking availability and effects in the event that contractor parking is unable to be accommodated within the site (j). In condition (a) we have also agreed to the removal of "peak hours" in the text, acknowledging the need to minimise impact on traffic capacity at all times, not just peak hours.
- (f) Condition TM.3D – An additional condition is included to reflect the revised access proposal at May Road, as I referred to earlier.
- (g) Condition TM.3E – An additional condition is included to limit heavy vehicle movements at peak times on the Bullock Track access to the Western Springs site. This is one of the three primary construction sites. It will have much higher traffic volumes than the secondary construction sites, and via an intersection which already has capacity and safety issues. The proposed condition acknowledges this and establishes procedures to be undertaken if the capacity and safety issues worsen prior to or during the works.
- (h) Condition W.1 – The wording of this condition relating to works in the road has been slightly amended to clarify when Section 176A approvals would not be required by other requiring authorities. This change is in response to recent discussions with Auckland Transport rather than Council staff.
- (i) Condition T.1(b) – The tree management condition has been amended to acknowledge that transplanting of trees may occur in some situations to provide visual screening. This matter was raised specifically by Council staff in relation to Kiwi Esplanade, but may apply similarly at other sites. We have therefore added it as a project wide condition rather than for a specific location.

- (j) Condition AH.5 – A condition originally sought by Council has been reinserted. It provides an opportunity for Council to record heritage features at the existing Pump Station 25 building at Miranda Reserve. The condition has been added in response to views expressed by Council staff and their particular interest in this building. The wording is a slightly different version of the condition previously proposed by Council, and their earlier reference to the building at the Mangere Pump Station has been deleted as that site is not subject to the Notice of Requirement.
- (k) Condition SR.1(c) – The text of this reinstatement condition has been amended slightly to clarify that the use of "grass cell" or similar shall be preferred for the permanent access roads. This acknowledges the need for appropriate landscape treatment in parks in particular, but also maintains some flexibility for the use of other materials in the event that grass cell is not able to provide the required durable, all weather access for Watercare's inspection and maintenance vehicles.

3.4 Watercare has also agreed to the following further changes to the proposed consent conditions:

- (a) Amendments have been made to the construction noise, vibration and traffic management conditions as outlined in paragraphs 3.4(c) to (h) above to ensure consistency with the proposed designation conditions.
- (b) Condition 1.20 – We have now agreed to the condition previously proposed by Council requiring preparation of an archaeological management plan. The condition acknowledges that there are some sites with the potential for accidental discovery of archaeological remains<sup>1</sup>. The preparation of the archaeological management plan would more specifically address this prior to construction, and would form the framework for the accidental discovery protocols to be developed for all sites in accordance with Condition 1.21.

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<sup>1</sup> The areas around Ambury Park / Kiwi Esplanade, Mount Roskill (May Road) and Western Springs – refer Technical Report D in Part D of the August 2012 Assessment of Effects on the Environment report.

- (c) Condition 2.2(aa) – The vegetation condition has been amended as outlined in paragraph 3.4(i) above to ensure consistency with the proposed designation conditions.
- (d) Condition 4.2 – The groundwater condition has been amended to include more specific reference to the activities associated with the proposed works and the structures potentially affected. Note that the use of the words "as far as practicable" in the condition has not been agreed between Watercare and Council staff – I refer to this later.
- (e) Condition 4.11(g) – An additional point has been added to the pre-construction building survey condition to include specific reference to heritage buildings. The amendment acknowledges concerns raised by Council staff that the potential effects on any scheduled heritage buildings arising from ground settlement should also be specifically considered.
- (f) Condition 4.17 – An additional reference has been added in the repair of damage condition to specifically require the involvement of a Chartered Professional Engineer and for any repair works to be undertaken in accordance with an approved methodology. The amendment provides additional clarity on the process for undertaking repairs in the event that damage occurs.
- (g) Condition 4.26(b)(iii) – An additional point has been added in the settlement monitoring condition to clarify the extent of ground settlement monitoring marks. The amendment ensures that monitoring will occur across the spatial extent of areas where there is potential settlement risk. Mr Twose provides further information on this and other groundwater conditions in his primary statement of evidence.<sup>2</sup>
- (h) Conditions 6.14 and 6.15 – We have agreed to the inclusion of conditions relating to stormwater proprietary devices as previously proposed by Council staff. We have accepted the Council's advice that the devices, if used, require specialist maintenance and that the proposed conditions are consistent with other similar consents granted by Council.

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<sup>2</sup> Refer to paragraphs 9.19 - 9.24 of Mr Twose's primary evidence.

- (i) Condition 8.4 – The contamination condition has been amended to include the required qualifications of the "Suitably Qualified and Experienced Practitioner". The amended condition is consistent with the NES for Assessing and Managing Contaminants in Soil to Protect Public Health.
- (j) Condition 10.3 – We have agreed to retain wording as previously proposed by Council staff regarding use of the Emergency Pressure Relief ("**EPR**") structure. We had proposed a slightly different version to match the text in the application documents, but accept that the Council's proposed wording sufficiently covers situations in which the EPR may be used.
- (k) Condition 10.4 (b) and 10.8 – Amendments have been made to the proposed EPR conditions to include the proposed Discharge Monitoring Plan as part of the Discharge Management Plan. Other minor text amendments have also been made to clarify the nature and extent of monitoring required.
- (l) Condition 10.6 – The condition has been amended to clarify the notification requirements in the event of a discharge from the EPR structure. The amended text clarifies that if a discharge occurs, the Council and Auckland Regional Public Health Service will be immediately notified, consistent with the provisions of Watercare's Wastewater Overflow Regional Response Manual. The initial notification will be followed up with further information on the discharge event as required by the existing text in condition 10.6 (a) – (d).

3.5 Watercare's initial response to the conditions contained in the Council's Pre-hearing Report is summarised in my primary brief of evidence and in the evidence of Watercare's expert witnesses. As noted above, ongoing discussion with Council staff has resulted in further agreed changes to many of the conditions, but there are some areas where we have not agreed. While the Council staff have not given any feedback on the latest version provided to them for comment, I understand from our recent discussions that there are a few remaining areas of disagreement. I briefly outline these below.

### **Designation conditions**

- 3.6 In relation to the designation conditions, the outstanding matters relate to noise and vibration compliance monitoring and to the level of detail on some traffic management aspects.
- 3.7 Regarding Conditions CNV.5A, 5B, 5C and 6, the Council's Pre-hearing Report did not allow a statistical tolerance for achieving compliance with noise and vibration limits.
- 3.8 As I referred to earlier, proposed Condition CNV.5A incorporates air overpressure limits to manage the effects of blasting. The proposed approach is that where more than 20 blasts are to occur, there is an allowance for 5% of the blasts to exceed the air overpressure limit of 122dBZ Lpeak, but no blasts to exceed 128 dBZ Lpeak (CNV.5A(c)). I have been advised by Mr Millar and Mr Cottle that this approach has been adopted on other projects involving blasting and that it will provide greater flexibility for the contractor and better enable the use of construction methods which could ultimately reduce the duration of construction activities that cause noise or vibration nuisance. Our understanding is that this approach is generally accepted by Council staff, but disagreement remains on the statistical tolerance allowance of 5%. The version of CNV.5A(c) in the Hearing Set is the same as the version in Appendix E of my evidence. Mr Millar and Mr Cottle comment on these conditions in their evidence and will be able to provide further information on this if required.
- 3.9 Regarding traffic management, the Council's Pre-hearing Report had recommended numerous additional conditions regarding selective and detailed aspects of the traffic management proposals for individual sites. We have incorporated some of the matters raised by Council in our amended condition TM.3 as I referred to in paragraph 3.4(f) and (g) above. The conditions suggested in the Council's Pre-hearing Report for May Road have now been superseded by our amended access proposal for that site (refer new condition TM.3D) and we have agreed to include a slightly amended version of the suggested condition for the Western Springs site (refer new condition TM.3E).

- 3.10 With regard to the secondary construction sites, we agree with Council on the need for specific traffic management measures to be implemented to reflect the circumstances at each site. However we remain of the view<sup>3</sup> that it is unnecessary to include selected aspects of those traffic management measures for each site in the designation conditions. The reasons for this, in summary, are that the matters:
- (a) are thoroughly assessed in our Notice of Requirement and application documents;
  - (b) have been responded to in detail through the Section 92 RMA processes; and
  - (c) will be covered in detail in the traffic management plan for each site submitted to Council for review prior to construction.
- 3.11 Further, Condition DC.1 of the designation requires that works are generally in accordance with documentation submitted during the statutory process. The project team will need to ensure they are familiar with *all* aspects of the traffic management proposals and assessments prepared to date, rather than referring only to selective details included in designation conditions.

### **Consent conditions**

- 3.12 In relation to the consent conditions, the only substantive remaining matter of disagreement relates to an aspect of the groundwater conditions. Watercare's proposed condition 4.2 is as follows:
- 4.2 The Consent Holder shall ensure that all excavation, dewatering systems, retaining structures and associated works for the construction of the shafts, tunnels and underground structures and associated works shall be ~~are~~ designed and constructed so as to avoid, as far as practicable, any damage to existing buildings, structures and services (including road infrastructure assets such as footpaths, kerbs, catch-pits, pavements and street furniture).
- 3.13 The disagreement relates to the use of the words "as far as practicable" – which Watercare wishes to include, but Council staff do not.
- 3.14 Watercare agrees that all reasonable measures should be taken to avoid damage to buildings, structures and services. However, given the scale of works and particularly the depth of excavations required for some shafts, it

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<sup>3</sup> Refer page 54, paragraph 11.9(a) and page 57, table items TM.2 and TM.4 in my primary brief of evidence; and from page 38, paragraphs 6.9 – 6.15 of Mr Hills primary brief of evidence.

is not possible to provide an absolute guarantee that there would be *no* damage. That is unreasonable for a project of this scale and importance. Watercare's proposed wording reflects this. The words "as far as practicable" were included in the version of the conditions attached to my primary statement of evidence as Appendix F and commented on by Mr Cooper and Mr Twose.

- 3.15 I note that Condition 4.17, which relates to repair of damage if any does occur, has been agreed. This condition anticipates that there *could* be a circumstance where damage occurs, and establishes a process to remedy that damage. Therefore the use of the words "as far as practicable" in condition 4.2 is appropriate in our view, and without those additional words, the conditions would be inconsistent and unreasonable.

#### **Commencement, lapse and expiry**

- 3.16 The Hearing Set that has been tabled by legal counsel includes the new or amended conditions relating to commencement, lapse and expiry dates, which were explained in the legal submissions. I support these amended conditions.

#### **4. CONCLUSION**

- 4.1 I have provided an update on our revised access proposal to May Road and on our revised proposed conditions. Since submission of Watercare's evidence on 12 July, we have continued to respond to matters raised by submitters and Council staff – this is reflected in the revised conditions.
- 4.2 I have referred to recent discussions that have taken place with Foodstuffs and Council staff. Further discussions have also taken place with some of the other directly affected landowners and neighbours (for example at the Mount Albert War Memorial Reserve, Haverstock Road and Keith Hay Park sites), with Transpower and with Auckland Transport. These are part of our ongoing project discussions and will continue during the detailed design and construction phases.
- 4.3 We are satisfied that the revised conditions in the Hearing Set are appropriate, but will also consider any further changes that may be suggested during the hearing.

**Belinda Petersen**

**29 July 2013**