

Memorandum

To: Board of Inquiry, for the New Zealand Transport Agency's Northern Corridor Improvements Project

From: Philip Mitchell, on behalf of Watercare Services Limited and Damien McGahan on behalf of New Zealand Transport Agency

Date: 25 July 2017

Re: Northern Corridor Improvement Project – further amendments to the agreed conditions provided in the 'Memorandum of counsel for Watercare Services Limited – 14 June 2017'

INTRODUCTION

Section 7.4.1 of the Joint Witness Statement: Planning Dated: 30 June / 3 – 6 July 2017 ("**JWS**") identified two matters in relation to the agreed conditions provided to the Board of Inquiry in the 'Memorandum of counsel for Watercare Services Limited – 14 June 2017' that needed further consideration. These matters related to:

1. Section 7.4.1 (a) – With regard to condition NU.8 (previously Condition NU.7 in the 14 June Memorandum), the planners who attended the conferencing had reservations about 'the drafting of the condition and suggested its formulation be revisited.'; and
2. Section 7.4.1 (b) – With regard to the required agreement between Watercare Services Limited ("**Watercare**") and the New Zealand Transport Agency ("**NZTA**"), the planners also considered there needed to be the provision of an Advice Note after NU.8 to outline the process for when no agreement could be reached.

Following the conferencing, representatives of Watercare and Aurecon, on behalf of NZTA, worked together to address the matters identified in the JWS.

The two parties have reached agreement on the revised structure and wording of Condition NU.8, including the inclusion of an Advice Note, as outlined below.

AGREEMENT REGARDING CONDITIONS

A. Redrafted Condition NU.8

The redrafted conditions are shown below with the additions underlined and the deletions shown as ~~strikeouts~~.

While conditions NU.8 – NU.8C have been redrafted in their entirety, the substance of the conditions as they relate to Watercare's network utility interests has not changed as a result of the agreed amendments.

Watercare Services Ltd

NU.8 No construction works are to occur within Watercare Services Ltd's Designations 9310 and 9311 until such time as the Consent Holder has, following consultation with Watercare, implemented the following:

- a. Reasonable vehicular access between Pond 1 and Pond 2 (under SH1); and
- b. Reasonable vehicular access around the southern edge of Pond 1.

These measures shall be implemented for the period of construction within Watercare's Designations 9310 and 9311.

NU.8A Prior to construction works starting within the Watercare Designations 9310 and 9311, and following consultation with Watercare, the Consent Holder shall identify the:

- a. Measures to ensure sediment release, including any temporary stormwater discharges, into either Ponds 1 or 2 during the construction period are managed in order to avoid non-compliance with the TSS or pathogen levels at the compliance measuring point (at the outlet of the UV plant at the eastern end of Pond 2), set by Watercare's discharge permit to Mairangi Bay (Permit No. 23799). As part of this process, the draft CESCOP for the NCI Project causeway widening shall be provided to Watercare for review prior to submission to Auckland Council. The final CESCOP shall identify how any Watercare comments have been addressed by the Consent Holder. These measures shall be implemented for the duration of the works within the Watercare's Designations 9310 and 9311;
- b. Design and construction standards for the transmission sewer diversion for the Wairau Valley Branch Sewer (TS5) and the East Coast Bays Branch Sewer (TS7); and
- c. Utility corridors within the areas of the Project works to enable the future installation and maintenance of the East Coast Bays Link Sewer being planned by Watercare.

NU.8B All construction works in and around Watercare's ponds and pond link infrastructure shall be undertaken in a manner that ensures the integrity of the ponds and pond link infrastructure is maintained at all times.

NU.8C Prior to the completion of the construction works within the Watercare Designations 9310 and 9311, the Consent Holder shall, following consultation with Watercare, implement the following permanent measures:

- a. Vehicular access along the western edge of Pond 2 to provide access to the forestry area on the northern bank of Pond 2. Where access is unable to be achieved along the western edge of Pond 2, an alternative access arrangement shall be confirmed and provided; and
- b. Vehicular access between the existing vehicle access along the southern edge of Pond 1, the new vehicle link beneath SH1 and the existing vehicle access to Pond 2, in order to provide access to Pond 2 and the UV disinfection facility at the eastern end of Pond 2; and
- c. Relocation of the existing boat ramp at Pond 2 and the subsequent removal of the existing boat ramp; and
- d. A secure perimeter barrier where any of the NCI Project works areas abut the existing Watercare designations. The purpose of this barrier to prevent the public accessing Watercare's land from the land subject to the NCI designation.

Advice Note

In the event that no agreement is reached, the Consent Holder will progress related matters under s 176 and/or s 178 of the RMA.

~~The Consent Holder shall agree the following with Watercare Services Ltd and implement the agreed measures prior to construction works starting within the Watercare Services Ltd Designations 9310 and 9311:~~

- ~~a. Reasonable vehicular access between Pond 1 and Pond 2 (under SH1) during construction works;~~
- ~~b. Reasonable vehicular access around the southern edge of Pond 1 during construction works;~~
- ~~c. The provision for vehicular access at the completion of the construction works;

 - ~~• Along the western edge of Pond 2 or the provision of an alternative access arrangement, to provide access to the forestry area on the northern bank of Pond 2; and~~
 - ~~• Between the existing vehicle access along the southern edge of Pond 1, the new vehicle link beneath the motorway and the existing vehicle access to Pond 2 to provide access to Pond 2 and the UV disinfection facility at the eastern end of Pond 2.~~~~

- d.—The relocation of the existing boat ramp at Pond 2 prior to the removal of the existing boat ramp, which is to be agreed with Watercare, prior to construction works starting within Watercare's land.
- e.—Where any of the NCI Project areas abut the existing Watercare designations, there shall be provision for a secure perimeter barrier to prevent the public accessing Watercare's land at all times;
- f.—Measures to ensure sediment release, including any temporary stormwater discharges, into either Ponds 1 or 2 during the construction period will be managed in order to avoid non-compliance with the TSS or pathogen levels at the compliance measuring point (at the outlet of the UV plant at the eastern end of Pond 2), set by Watercare's discharge permit to Mairangi Bay (Permit No. 23799) As part of this process, a draft CESCOP for the NCI Project causeway widening shall be provided to Watercare for review prior to submission to Auckland Council. The CESCOP shall identify how any Watercare comments have been addressed;
- g.—Agreed design and construction standards for the transmission sewer diversion for the Wairau Valley Branch Sewer (TS5) and the East Coast Bays Branch Sewer (TS7);
- h.—The provision of utility corridors within the areas of the Project works to enable the future installation and maintenance of the East Coast Bays Link Sewer being planned by Watercare;
- i.—All construction works in and around Watercare's ponds and pond link infrastructure shall be undertaken to ensure that the integrity of the ponds and pond link infrastructure is maintained / protected at all times;

A clean version of the full suite of agreed conditions, including the redrafted NU.8, is attached as Appendix 1.



Philip Mitchell,
on behalf of Watercare Services Ltd



Damien McGahan,
on behalf of NZTA

Date: 25 July 2017

APPENDIX 1 – AGREED ‘WATERCARE SPECIFIC’ CONDITIONS

Watercare Specific NOR Conditions

DC.5

As soon as practicable following completion of the construction of the NCI Project, the Requiring Authority shall give notice in accordance with Section 182 of the Resource Management Act 1991 to the Council (Manager Regional and Local Planning), for the removal of those parts of the designation that are not required for the long term operation, maintenance and mitigation of effects of the NCI Project including from land within the Watercare Services Ltd Designations 9310 and 9311.

For the purpose of this condition as it relates to land within the Watercare Services Ltd Designations 9310 and 9311, the Requiring Authority shall remove the parts of its designation in general accordance with the areas of land identified as ‘Occupation During Construction’ in the Aurecon Design Drawing:

- *Auckland Northern Corridor Improvements SH1 and SH 18, Land Requirement Plan #36, Drawing No. 250310-5DOC-1PRP-DRG-1855-A.*

Any changes to the operational boundaries of the ‘Land Required’ and the ‘Occupation during Construction’ identified in Drawing No. 250310-5DOC-1PRP-DRG-1855-A shall be made following consultation with Watercare Services Limited prior to any such change being implemented.

UDL.12

Any UDLP that includes land within the Watercare Services Ltd Designations 9310 and 9311 shall be prepared in consultation with Watercare Services Ltd.

Watercare Specific Resource Consent Conditions

Earthworks

EW.8

Prior to submission of any CЕСP for the causeway works between Watercare’s Ponds 1 and 2 to the Council (Team Leader Northern Monitoring), the Consent Holder shall consult with Watercare.

The purpose of this consultation shall be to determine how Watercare Services Limited’s interests are to be provided for during the NCI construction period, in particular, to agree to mitigation measures that will ensure that the construction activities will not adversely affect water quality within the Rosedale Wastewater Treatment Plant’s Pond 1 and 2.

The details and outcome of that consultation, including identification of how the construction activities will ensure that there is compliance with Condition NU.7(f), shall be included in the CЕСP.

Network Utilities

NU.1

The Consent Holder shall ensure that construction work does not adversely impact on the safe and efficient operation of network utilities. The scope and

timing of necessary utility relocation and protection works shall be developed and agreed between the Consent Holder and network utility providers to mitigate any safety hazards and provide cost efficiency for the required works.

Watercare Services Ltd

NU.8

No construction works are to occur within Watercare Services Ltd's Designations 9310 and 9311 until such time as the Consent Holder has, following consultation with Watercare, implemented the following:

- a. Reasonable vehicular access between Pond 1 and Pond 2 (under SH1); and*
- b. Reasonable vehicular access around the southern edge of Pond 1.*

These measures shall be implemented for the period of construction within Watercare's Designations 9310 and 9311.

NU.8A

Prior to construction works starting within the Watercare Designations 9310 and 9311, and following consultation with Watercare, the Consent Holder shall identify the:

- a. Measures to ensure sediment release, including any temporary stormwater discharges, into either Ponds 1 or 2 during the construction period are managed in order to avoid non-compliance with the TSS or pathogen levels at the compliance measuring point (at the outlet of the UV plant at the eastern end of Pond 2), set by Watercare's discharge permit to Mairangi Bay (Permit No. 23799). As part of this process, the draft CESCOP for the NCI Project causeway widening shall be provided to Watercare for review prior to submission to Auckland Council. The final CESCOP shall identify how any Watercare comments have been addressed by the Consent Holder. These measures shall be implemented for the duration of the works within the Watercare's Designations 9310 and 9311;*
- b. Design and construction standards for the transmission sewer diversion for the Wairau Valley Branch Sewer (TS5) and the East Coast Bays Branch Sewer (TS7); and*
- c. Utility corridors within the areas of the Project works to enable the future installation and maintenance of the East Coast Bays Link Sewer being planned by Watercare.*

NU.8B

All construction works in and around Watercare's ponds and pond link infrastructure shall be undertaken in a manner that ensures the integrity of the ponds and pond link infrastructure is maintained at all times.

NU.8C

Prior to the completion of the construction works within the Watercare Designations 9310 and 9311, the Consent Holder shall, following consultation with Watercare, implement the following permanent measures:

- a. *Vehicular access along the western edge of Pond 2 to provide access to the forestry area on the northern bank of Pond 2. Where access is unable to be achieved along the western edge of Pond 2, an alternative access arrangement shall be confirmed and provided; and*
- b. *Vehicular access between the existing vehicle access along the southern edge of Pond 1, the new vehicle link beneath SH1 and the existing vehicle access to Pond 2, in order to provide access to Pond 2 and the UV disinfection facility at the eastern end of Pond 2; and*
- c. *Relocation of the existing boat ramp at Pond 2 and the subsequent removal of the existing boat ramp; and*
- d. *A secure perimeter barrier where any of the NCI Project works areas abut the existing Watercare designations. The purpose of this barrier to prevent the public accessing Watercare's land from the land subject to the NCI designation.*

Advice Note

In the event that no agreement is reached, the Consent Holder will progress related matters under s 176 and/or s 178 of the RMA.

