

I hereby give notice that an ordinary meeting of the Waitematā Local Board will be held on:

**Date:** Tuesday, 19 March 2024  
**Time:** 1.00pm  
**Meeting Room:** Ground Council Chambers  
**Venue:** Town Hall

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## Waitematā Local Board OPEN ADDENDUM AGENDA

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### MEMBERSHIP

<b>Chairperson</b>	Genevieve Sage
<b>Deputy Chairperson</b>	Greg Moyle, (JP, ED)
<b>Members</b>	Alexandra Bonham Allan Matson Richard Northey, (ONZM) Sarah Trotman, (ONZM) Anahera Rawiri

(Quorum 4 members)

**Katherine Kang**  
**Democracy Advisor**

**18 March 2024**

Contact Telephone: (09) 353 9654  
Email: [Katherine.kang@aucklandcouncil.govt.nz](mailto:Katherine.kang@aucklandcouncil.govt.nz)  
Website: [www.aucklandcouncil.govt.nz](http://www.aucklandcouncil.govt.nz)



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## Proposed lease to Watercare Services Limited for public works at Point Erin Park

File No.: CP2024/02353

Item 13

### Te take mō te pūrongo Purpose of the report

1. To present the submissions on the public consultation to the proposed lease to Watercare Services Limited (Watercare) at Point Erin Park, 94 Shelley Beach Road, Ponsonby (Point Erin Park).
2. To decide whether to grant a lease to Watercare under section 17 of the Public Works Act 1981 (PWA) for temporary occupation of approximately 4590m<sup>2</sup> of land at Point Erin Park for public work purposes and grant a non-exclusive access licence to the leased area.
3. To decide whether to approve the proposed Central Interceptor (CI) works within Point Erin Park and grant of an easement to Watercare for that infrastructure.

### Whakarāpopototanga matua Executive summary

4. Watercare requires temporary occupation of land at Point Erin Park (park) to enable construction of infrastructure for the Central Interceptor (CI).
5. There will be permanent infrastructure remaining in the park as part of the occupation. This new CI infrastructure will trigger the requirement to grant an easement for access and maintenance to Watercare.
6. Watercare served notice to the council under section 18 of the PWA (Section 18 PWA Notice) of its desire to lease approximately 4590m<sup>2</sup> of the park for essential public works for the CI project (the proposal).
7. Watercare requires access to the main construction area via the council public vehicle access to the park from Sarsfield Street. A non-exclusive access licence is proposed to be granted to Watercare to provide continued public access to the Point Erin Park carpark.
8. Point Erin Park is held by Auckland Council in fee simple subject to the Local Government Act 2002 (LGA).
9. On 17 October 2023 the Waitematā Local Board resolved (resolution number WTM/2023/78) to support public notification of the proposal pursuant to the section 138 LGA consultation requirement, and if required delegate authority to the chairperson to appoint a hearings panel to hear any objections received. Council staff were requested to report back to the local board following public notification for a decision on the proposal.
10. On 26 October 2023 public notice of the proposal was published in the New Zealand Herald and on the council's website. Three submissions appended in Attachment A, were received from members of the public in response to the notice. None of the submitters wished to be heard in person.
11. The submissions raised concerns over the loss of open space amenity for a considerable length of time and sought clarification about the continued use of the pools and playground and alternative access/path connections during the proposed occupation period.
12. Staff confirm that under Watercare's lease proposal:
  - the Point Erin pools and playground will remain open to the public.
  - alternative temporary access/path connections will be established by Watercare.

13. The views of iwi identified as having an interest in the park land in relation to the proposal were sought. No objections or concerns have been received from mana whenua.
14. Staff recommend that the local board receives the public submissions and approve the proposed works and lease of land at Point Erin Park and enter into a section 17 PWA agreement with Watercare for a term of 36 months from 1 May 2024 (date to be confirmed) for public works purposes, a non-exclusive access licence to the leased area and grant an easement to Watercare for the CI infrastructure.
15. Subject to the local board's decision, council and Watercare staff will negotiate the appropriate terms and conditions of the proposed lease, licence and easement.

## Ngā tūtohunga Recommendation/s

That the Waitematā Local Board:

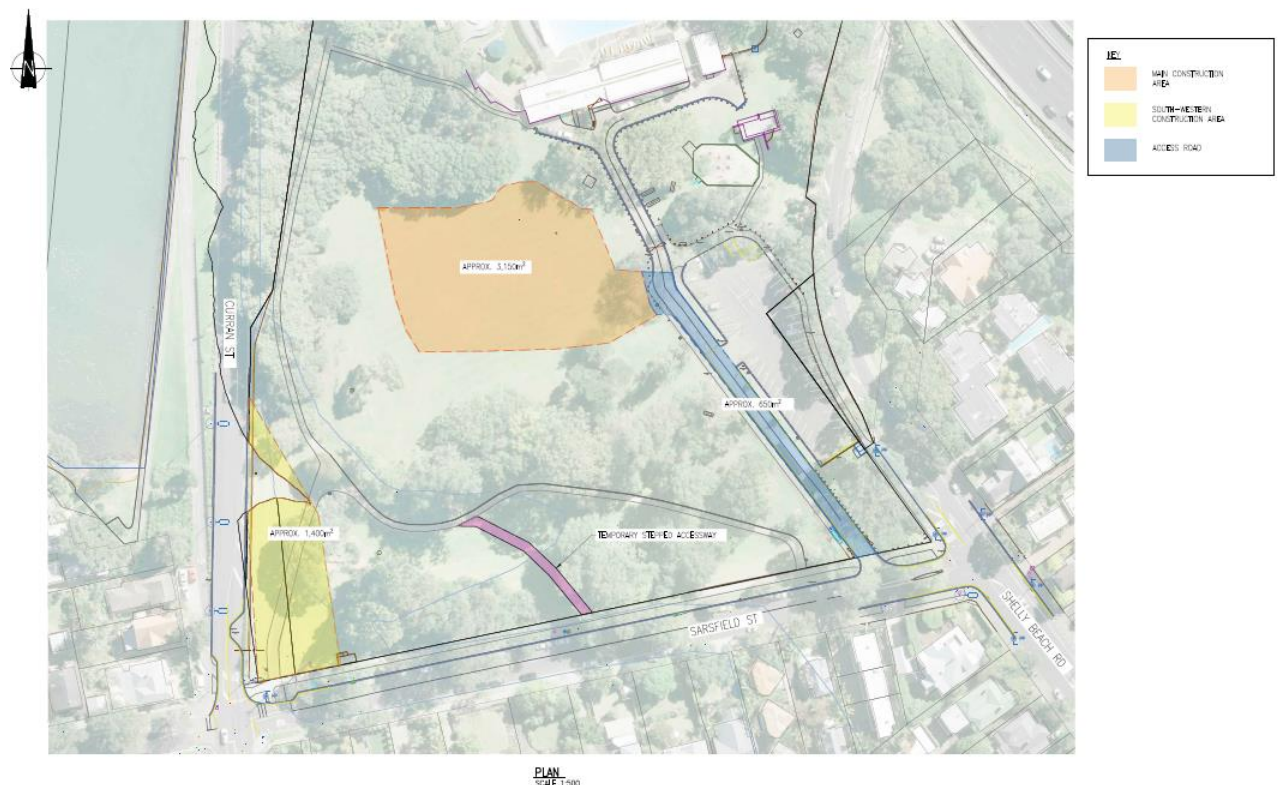
- a) whakaae / accept the submissions received following public notification of the proposal to grant a lease to Watercare Services Limited at Point Erin Park.
- b) whakaae / approve the proposal to grant Watercare Services Limited a lease at Point Erin Park, 94 Shelley Beach Road, Ponsonby being legally described as part Allotment 9 -10 Section 8 Suburbs of Auckland, Part Deposited Plan 501 and Lot 3 Deposited Plan 48893 comprising an area of 4.2896 hectares, more or less, contained in record of title NA26B/385 under an agreement under section 17 Public Works Act 1981, subject to resource consent being granted, on the following terms:
  - i) term - 36 months commencing on or about 1 May 2024 (date to be confirmed).
  - ii) area – two locations totalling approximately 4590 m<sup>2</sup> as shown on the land requirement plan in Figure 1.
  - iii) public work/use - construction area for the Central Interceptor project.
  - iv) compensation/rental - current market value.
  - v) reinstatement - full reinstatement and landscaping mitigation with above ground infrastructure to be incorporated into the park.
- c) whakaae / approve the grant of a non-exclusive access licence of approximately 650 m<sup>2</sup> at Point Erin Park (shown on the land requirement plan in Figure 1) to Watercare Services Limited to the main construction area under the lease referred to in b) above.
- d) whakaae / approve the proposed Central Interceptor works within Point Erin Park and the grant of an easement for the resulting permanent infrastructure, and request staff to negotiate appropriate terms and conditions (including compensation) with Watercare Services Limited.

## Horopaki Context

16. Point Erin Park has been identified by Watercare as the most suitable location for the Central Interceptor (CI) terminal shaft.
17. Watercare requires temporary occupation of land at Point Erin Park for its essential public works on the CI project.
18. A draft section 18 PWA notice was received by the council on 9 May 2023. Due to Watercare's project time constraints and tight statutory timeframes for the council to provide a response once a PWA notice has been formally served, this draft s18 PWA notice was the subject of the council's public notice to consult with the public for its views on the proposal.

The proposed lease area in the draft s18 PWA notice, and as publicly notified, was for an area of approximately 6000 m<sup>2</sup>. This area included access to the main construction area via the existing public vehicular access to the park carpark.

19. Further details of the proposal and council proposed lease requirements are contained in the memorandum to the local board dated 29 September 2023 in attachment B.
20. Watercare’s finalised Section 18 PWA Notice was served to the council on 8 February 2024 and the final proposed lease area has reduced in size to approximately 4590m<sup>2</sup> (two shaded areas in orange and yellow respectively as indicated in Figure 1 below). The proposed lease term is anticipated for a period of 36 months commencing on 1 May 2024 (date to be confirmed).
21. Access to the main construction area is required by Watercare through the public vehicle access to the park via Sarsfield Street (as indicated in Figure 1, shaded blue). It is appropriate that the council grants a non-exclusive access licence to ensure that Watercare’s use of this area is in accordance with the council’s requirements. This access way will continue to be open for use by the public. Under the access licence, Watercare will be required to comply with traffic management controls throughout the construction period to ensure the safety of the public.
22. Council is required to consult on a proposal to grant a lease of land held under the LGA under section 138 where the proposed lease term is longer than six-months in duration and has the effect of excluding or substantially interfering with the public’s access to the park.
23. Public consultation and iwi consultation on the proposal has been undertaken in accordance with the requirements the LGA.



**Figure 1: Point Erin Park - land requirement plan**

24. Two locations are required by Watercare for temporary occupation and an access area, as follows:
  - a) a main construction area approximately 4150m<sup>2</sup> associated with construction of the terminal shaft shown in orange on the plan.
  - b) a secondary construction area associated with the control chamber (approximately 1,440m<sup>2</sup>) shown in yellow and on the south-west corner of the plan.

- c) a non-exclusive access licence to the main construction area of approximately 650m<sup>2</sup> via the existing public vehicular access way from Sarfield Street shaded blue on the plan.
- d) temporary stepped accessway proposed to be established by Watercare as shaded pink on the plan.

## Tātaritanga me ngā tohutohu Analysis and advice

### Public consultation

- 25. On 26 October 2023 public notice of the proposal was published in the New Zealand Herald and on the council’s website. The public submission period ended on 27 November 2023.
- 26. Three submissions were received from members of the public in response to the public notice. One submitter objected to the proposal, one was supportive but requested clarification on some points, and the other submitter raised concerns but did not state whether they were in support or against. None of the submitters wished to be heard in person.
- 27. The following table outlines all the submissions received and staff comments:

**Table 1: Submissions summary**

Matters Raised	Staff Comment
<p><b>Concern for perceived loss of public recreation facilities including the childrens’ playground, area for recreational activities including dog walking, meeting place for workers, open air pool during summer, parking while visiting homeowners with parking restrictions on their streets.’</b></p>	<p>The temporary loss of the flat grassed area will cause some disruption to the local community who regularly use the park for recreation.</p> <p>Only part of the park (approximately 14%) is proposed to be occupied by Watercare. The remaining portion of the park – the children’s playground, public pools, unoccupied grassed areas will remain open to the public.</p> <p>The carpark will remain open subject to traffic management plans. The park carpark is for the use of park patrons and not visitors to private properties.</p>
<p><b>Objection on the basis the proposal would ‘cut off most of the park from public use, thus preventing people and dogs using the walkway.’</b></p>	<p>Only part of the park (approximately 14%) is proposed to be occupied by Watercare. The remaining portion of the park – unoccupied grassed areas will remain open to the public.</p> <p>Alternative temporary stepped accessway from Sarsfield Street (shaded pink in Figure 1) into the park will be built as part of site establishment.</p>
<p><b>Supported the need to progress major public infrastructure work.</b></p> <p><b>Stated ‘Recreation areas in this location have been substantially reduced due to restrictions and closures due to land slips, “St Mary’s tunnel” installation and new retaining wall to be constructed along the motorway reserve walkway.’</b></p> <p><b>Supported the requirement for Watercare to maintain safe public access to the Point Erin pools and playground and provide for</b></p>	<p>Public safety is of paramount consideration to Council. Closure of walkways due to land slips is necessary to ensure the safety of the public.</p> <p>Public infrastructure projects will inevitably cause some disruption to the public.</p>



<p>temporary alternative access through the park.</p>	
<p>Submission further requested consideration of the following points:</p>	
<p><b>1. Retaining access to a meaningful exercise/dog walking area (the proposed occupation area, includes virtually all of the flat land, which is currently well used by the community) to reducing the working depot area on the upper reserve to say no more than 2000m<sup>2</sup>.</b></p>	<p>Watercare has advised the construction footprint is required to provide adequate space to protect health and safety, ensure a level working platform and space for construction vehicles to manoeuvre, and provide for an efficient construction programme.</p> <p>The unoccupied portion of the grassed area will remain open for public recreation including dog walking.</p>
<p><b>2. Progressive return to public use of the reserve, as the works progress</b></p>	<p>Watercare advises that staged release of work areas is not practical due to the nature of the works (which is ongoing).</p> <p>Watercare has stated it is committed to completing works in a timely manner to reduce its overall project costs and minimise disruptions within the park as far as reasonably practicable.</p>
<p><b>3. Urgent reinstatement of the path with safety barriers from the upper to lower Pt Erin reserves</b></p>	<p>The proposed temporary stepped accessway from Sarsfield Street through the park (shaded pink in Figure 1) will be built by Watercare as part of site establishment i.e. it will be an early activity.</p>
<p><b>4. Watercare to confirm and agree that the 36 month project period will not be breached</b></p>	<p>The CI tunnel is due for commissioning in 2026 and with planned construction at Point Erin commencing in mid-2024, Watercare has advised staff that it does not anticipate these works extending beyond 36 months.</p> <p>Recent years have seen construction programmes affected by circumstances beyond control (i.e. COVID-19).</p> <p>There is a risk that the proposed occupation may extend beyond the proposed term. This can result from weather events, supply or technical delays.</p>
<p><b>5. That the park is left beautifully landscaped, fully remediated and in a useable condition</b></p>	<p>Watercare will be required to fully reinstate the land and park assets to Council's satisfaction.</p> <p>In addition, Watercare will be required to enhance the park with landscaping and planting to incorporate above ground infrastructure. A co-design working group (including Council Parks and Community Facility Specialist staff and local iwi) has been established to provide input into this design to be approved by the Waitematā Local Board.*</p> <p>*Noting in December 2023 (a month after submissions closed) the submitter on behalf of the St Mary's Bay Association expressed to council staff that they would like to participate in the co-design working group.</p>

<p><b>6. Query on compensation to the local community</b></p>	<p>The council will receive monetary compensation determined at market rate during the term of occupation. The rental received from Watercare will be coded to the Waitematā Local Board. The local board can then determine allocation of those funds to local park improvements.</p>
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28. Staff view the issues and queries raised in the submissions in Table 1 are largely addressed for the following reasons:
- a) the Point Erin Park pools and playground will remain open to the public which addresses submitter concerns about these community facilities being closed.
  - b) Watercare will be required to provide alternative temporary access/path connections to mitigate disruption to the public.
  - c) worker and public health and safety is of paramount importance to the council and cannot be compromised for the sake of some temporary inconvenience to the public.
  - d) Watercare will be required to reinstate the land and park assets and provide mitigation landscaping.
  - e) on completion of occupation, Watercare will be required to incorporate permanent above ground infrastructure into the park to enhance the park landscape – the final design to be approved by the local board.

### Land Status – Local Government Act 2002

29. Point Erin Park situated at 94 Shelley Beach Road, Ponsonby is legally described as part Allotment 9-10 Section 8 Suburbs of Auckland, Part Deposited Plan 501 and Lot 3 DP 48893 comprising an area of 4.2896 hectares, more or less, contained in record of title NA26B/385.
30. Point Erin Park is held by Auckland Council in fee simple subject to the LGA.

### Occupation of Local Government Act 2022 (LGA) Land under the Public Works Act 1981(PWA)

31. The PWA provides statutory powers for essential public works to be undertaken on third party land. Under the Section 18 PWA Notice Watercare requires a lease of the LGA park land for its essential public works. The resulting permanent infrastructure requires an easement to facilitate access and maintenance.
32. Section 18(1)(d) of the PWA requires Watercare must in the first instance make every endeavour to negotiate in good faith with the owner of the required land in an attempt to reach an agreement. Watercare’s Section 18 PWA Notice invited the council to enter into a lease agreement.
33. To make such a decision, the council is required to publicly notify a proposal to grant a lease of land held under the LGA under section 138 where the proposed lease term is longer than six-months in duration and has the effect of excluding or substantially interfering with the public’s access to the park. Public consultation on a proposed section 138 lease is undertaken by council in accordance with the statutory requirements set out in Part 6 of the LGA.
34. Where a section 18 PWA notice is issued, the landowner can object to the taking of the land for a lease and easement under the PWA by opposing the proposal in the Environment Court under section 24 PWA.
35. If council does not support the taking of the land under the PWA, section 23 PWA would apply and Watercare is able to serve a section 23 PWA notice of intention to compulsory ‘take’ a lease of the land and easement, unless council chooses to object under section 24

PWA, a lease is effectively 'taken' under the PWA. Watercare can request Land Information New Zealand to issue a proclamation taking the land in the NZ Gazette.

## Tauākī whakaaweawe āhuarangi Climate impact statement

36. Environmental impacts of the proposed use of the land by Watercare will be addressed through the regulatory resource consent process.
37. A council lease of this nature would contain a requirement for the tenant to comply with their resource consent conditions which has the effect of a breach of those terms also becoming a breach of the lease.

## Ngā whakaaweawe me ngā tirohanga a te rōpū Kaunihera Council group impacts and views

38. The public consultation process has been completed. Once the Waitemāta Local Board has considered the submissions, it may make a decision whether to grant the lease to Watercare.
39. Staff support the proposed temporary occupation of the land by Watercare on the basis that Watercare should be required as conditions of the lease to:
  - a) maintain safe public access to the Point Erin Pools and playground.
  - b) provide for temporary alternative access through the park.
  - c) comply with the requirements of the council approved arboricultural reports and plans.
  - d) park reinstatement and landscaping (to be approved by the local board) following completion of construction works.

## Ngā whakaaweawe ā-rohe me ngā tirohanga a te poari ā-rohe Local impacts and local board views

40. At it's business meeting on 17 October 2023, the local board resolved as follows:

Resolution number WTM/2023/78

MOVED by Chairperson G Sage, seconded by Deputy Chairperson G Moyle:

**That the Waitematā Local Board:**

- a) **support the public notification pursuant to section 138 Local Government Act 2002 of Auckland Council's intention to enter into an agreement under section 17 of the Public Works Act 1981 to grant Watercare Services Limited a lease of parts of the land at Point Erin Park and Salisbury Reserve for public works purposes.**
- b) **delegate authority to the chairperson to appoint a hearings panel, if required, to hear any objections received as a result of the public notification process and make a decision in that regard.**
- c) **note that the terms of the proposal to grant a lease to Watercare Services Limited as follows:**

### **Point Erin Park**

- term - 36 months commencing between 10 January 2024 and 1 June 2024 (to be confirmed)**

- area – two locations totaling approximately 6000m<sup>2</sup> as shown on the land requirement plan in figure 1
  - public work/use - construction area for the Central Interceptor project
  - compensation - current market value as assessed by an independent registered valuer
  - reinstatement - full reinstatement and above ground infrastructure to be incorporated into the park.
- .....[text relating to Salisbury Reserve omitted].....
- d) request that council staff report back to the local board following public notification for a decision on the proposal.

**CARRIED**

41. The views of the local board in relation to the proposal to grant the lease and access licence and the proposed CI works requiring an easement to Watercare are now sought having regard to the outcome of the public consultation as set out in this report and following iwi engagement.

### **Tauākī whakaaweawe Māori** **Māori impact statement**

42. Council staff have engaged with mana whenua on the proposal to lease the park land to Watercare for the CI project.
43. Mana whenua engagement involved an email to the iwi groups identified as having an interest in the land. No objections or concerns in relation to the proposal were raised by mana whenua.
44. Since October 2022 Watercare has engaged with mana whenua on the project and will continue to do so particularly in relation to reinstatement of the park. Further details of Watercare's iwi engagement are contained in paragraphs 69 to 73 of the memorandum to the local board report dated 29 September 2023.

### **Ngā ritenga ā-pūtea** **Financial implications**

45. If the proposed lease is approved, Watercare will be required to compensate the council for the duration of the lease by paying a market rental for use of the park.
46. Compensation paid to the council as lease revenue is coded to the relevant local board. The local board determines the allocation of the funds.
47. If the proposed easement is approved, council staff will negotiate appropriate compensation with Watercare.

### **Ngā raru tūpono me ngā whakamaurutanga** **Risks and mitigations**

48. Should the local board decide not to approve the lease for the proposed works, Watercare are able to serve a section 23 PWA notice of its intention to compulsory 'take' a lease of the land and, unless the council chooses to object under section 24 PWA, a lease is effectively 'taken' under the PWA. Watercare can request Land Information New Zealand to issue a proclamation taking the land in the NZ Gazette.
49. Delays in commencement of the CI terminal shaft at Point Erin Park will have a significant impact on Watercare's ability to complete this CI project within the scheduled timeframes, which will attract significant costs that will fall to the rate payers of Auckland.

50. Any significant project risks are required to be managed and addressed by Watercare through the relevant construction and consent processes.
51. The construction areas will be fenced for site security and health and safety reasons. Operating time restrictions will be imposed on Watercare to minimise disruption to neighbouring properties.

## Ngā koringa ā-muri Next steps

52. Subject to the local board approval, council and Watercare staff will negotiate the appropriate terms and conditions (including, but not limited to, the requirements set out in memorandum to the local board dated 29 September 2023) of a section 17 PWA agreement for the grant of lease for the temporary occupation of Point Erin Park for public work purposes and the grant of a non-exclusive access licence to the main construction area.
53. Council and Watercare staff will negotiate the appropriate terms and conditions for the grant of an easement for the permanent CI infrastructure.
54. Council staff will continue to work with Watercare staff on the concept design for the reinstatement plans to set out how Watercare will complete the construction work to provide for the permanent park services – for example tree planting, replaced path connections, above ground infrastructure to be integrated into the park.

## Ngā tāpirihanga Attachments

No.	Title	Page
<a href="#">A</a>	Submissions received	15
<a href="#">B</a>	Memorandum to the Waitemāta Local Board dated 29 September 2023	17

## Report also refers to

Refer item *Reorgansiation and Representation Review (Covering report)* of this agenda.

## Ngā kaihaina Signatories

Authors	Katerina Marinkovich - Principal Property Advisor
Authorisers	Kim O'Neill - Head of Property & Commercial Business Glenn Boyd - Local Area Manager



## Submissions received on proposed lease to Watercare at Point Erin Park

**From:** [REDACTED]  
**Sent:** Thursday, 23 November 2023 1:18 pm  
**To:** Land & Property Specialists <[landpropertyspecialists@aucklandcouncil.govt.nz](mailto:landpropertyspecialists@aucklandcouncil.govt.nz)>  
**Subject:** Submission for grant of lease at Point Erin Park

Attention Katerina Marinkovich

I wanted to put in a submission as I visit this park weekly. During my time there I see people use this park for a number of reasons.

Offers public facilities  
Childrens' playground  
Area for recreational activities  
Dog owners  
Meeting place for workers  
Parking for up to 4 hours while visiting homeowners with parking restrictions on their streets  
Open air pool during summer( especially this summer as it's to be dry and hot)

My understanding is that this is one of only 2 areas of green for the local residents.  
Where is the planning for the above mentioned activities if this lease goes ahead?Where is the next closest public facilities to be?

For allowing this lease to go ahead I would hope that the concerns of everyone is taken into account and alternatives are available.  
I don't wish to be heard in regards to my submission.

Regards

[Sent from Yahoo Mail for iPhone](#)

**From:** [REDACTED]  
**Sent:** Sunday, 26 November 2023 7:46 pm  
**To:** Land & Property Specialists <[landpropertyspecialists@aucklandcouncil.govt.nz](mailto:landpropertyspecialists@aucklandcouncil.govt.nz)>  
**Subject:** Proposal to grant lease for public works at Pt Erin Park

Attention: Katerina Marinkovich

We are most disappointed with the Council's lack of consultation with the public re its intention to lease parts of Pt Erin Park to Watercare Services.

A small notice in the Herald is all we are aware of - and that notice was given to us yesterday by a person walking her dog in the park.  
As local residents we should have been notified by email, a letter or whatever way council chooses. As ratepayers we should have been consulted. This approach by council is totally undemocratic.

We totally object to council's proposal to cut off most of the park for public use, thus preventing people and dogs using the walkway.

There must be a way for the interceptor project to be done without closing off the entire walkway for 3 years.

I'm sure some of the many smart planners/engineers employed by council could find a solution..... that's surely what we pay them for.

[REDACTED]

From: [REDACTED]  
Sent: Monday, 27 November 2023 1:01 pm  
To: Land & Property Specialists <[landpropertiespecialists@aucklandcouncil.govt.nz](mailto:landpropertiespecialists@aucklandcouncil.govt.nz)>  
Subject: Proposal to grant lease for public works at Point Erin Park, 94 Shelley Beach Road, Ponsonby

To: Chief Executive, Auckland Council, Private Bag 92300, Victoria St West, Auckland 1142  
Attention: Katerina Marinkovich  
Email: [landpropertiespecialists@aucklandcouncil.govt.nz](mailto:landpropertiespecialists@aucklandcouncil.govt.nz)

Thank you for the opportunity to submit on this proposal.

The St Mary's Bay Association appreciates and supports the need to progress major public infrastructure work, which has proven inadequate with regard to the current population base, let alone any future growth.

We are particularly interested in the works within Point Erin reserve.

As you will be aware the storm events in early 2023 have had a considerable and devastating impact on St Marys Bay.

The community's available recreation areas have been substantially reduced due to slips, debris etc. and there is currently work underway to construct a retaining wall along the motorway reserve walkway – so yet again the reserve and pathway to the bridge are to be closed. And prior to this, during the installation of the 'St Mary's tunnel' under our cliff line properties, there were multiple restrictions to the accessibility of both Pt Erin and St Mary's reserve.

We understand that Watercare will be required to maintain safe public access to the Point Erin Pools and playground and provide for temporary alternative access through the park. | We support this approach.

However, we consider that it should be widened to include

1. Retaining access to a meaningful exercise/dog walking area (the proposed area in Pt Erin, includes virtually all of the flat land, which is currently well used by the community) thereby reducing the working depot area on the upper reserve to say no more than 2000m<sup>2</sup>
2. Progressive return to public use of the reserve, as the works progress
3. Urgent reinstatement of the path with safety barriers from the upper to lower Pt Erin reserves
4. Watercare to confirm and agree that the 36 month project period will not be breached
5. That the reserve is left beautifully landscaped, fully remediated and in a useable condition
6. As compensation to the local community:
  - Install solar heating to PE pools to allow use from Sept to May
  - Remove barbed wire, replace cracked/broken glass panels, general upgrading of all PE pool amenities.

We would be happy to meet with representatives, as appropriate.



## Memorandum

29 September 2023

**To:** Waitematā Local Board

**Subject:** Watercare Services Limited proposed temporary occupation of Point Erin Park at 94 Shelley Beach Road and Salisbury Reserve at 19 Salisbury Street, Herne Bay

**From:** Katerina Marinkovich, Principal Property Advisor, Property & Commercial Business, Parks & Community Facilities

**Contact information:** katerina.marinkovich@aucklandcouncil.govt.nz

## Purpose

1. To inform the Waitematā Local Board of a notice received from Watercare Services Limited of its requirement under the Public Works Act 1981 (PWA) to occupy:
  - part of Point Erin Park for 36 months commencing between 10 January 2024 to 1 June 2024 (date to be confirmed)
  - part of Salisbury Reserve for 24 months commencing in May 2024 (to be confirmed).
2. To advise the Waitematā Local Board of the statutory processes under the PWA and the Local Government Act 2002 (LGA) including the requirement to publicly notify the proposal.

## Summary

3. Point Erin Park at 94 Shelly Beach Road, Ponsonby and Salisbury Reserve at 19 Salisbury Street, Herne Bay are respectively held by Auckland Council under the LGA.
4. Watercare requires use of Point Erin Park and Salisbury Reserve (the parks) to enable construction of the Central Interceptor (CI) and Herne Bay Trunk Sewer upgrade projects.
5. Watercare has served notice to Auckland Council under section 18 of the PWA (section 18 PWA Notice) of its desire to occupy areas within the parks for essential public works.
6. The proposed occupation period at Point Erin Park is anticipated to last approximately 36 months commencing in the first half of 2024 (date to be confirmed). The proposed occupation period at Salisbury Reserve for use as a laydown area is approximately 24 months commencing in May 2024 (to be confirmed).
7. During the term of occupation there will be no public access to these areas of the parks which will be fenced off.
8. Under section 138 of the LGA, Auckland Council must publicly notify a proposal to grant a lease if the term is longer than six months in duration and has the effect of excluding or substantially interfering with the public's access to the park.
9. Staff intend to report to the local board to seek support for public notification of the proposal and request that the local board delegate appointment of a hearings panel to the local board chairperson to consider objections.

10. Following public notification and a hearing (if applicable) staff will report back to the local board to seek approval to enter into lease agreements with Watercare under section 17 of the PWA.
11. Under the PWA, if the council strongly objected to the section 18 PWA Notice, Watercare can serve a section 23 PWA notice of its' intention to compulsory take a lease of the land and seek a proclamation, unless the council chooses to object through the environment court.
12. This memo is to advise and inform the local board of the statutory process for PWA notification for the proposed lease to Watercare for the council owned land at Point Erin Park and Salisbury Reserve respectively for essential public works.

## Context

### Central Interceptor project

13. The Central Interceptor (CI) is a major public work designed to provide for future wastewater needs of Auckland due to population growth and existing combined water and sewerage systems.
14. The CI was granted resource consent in 2013 and construction commenced in 2019. Over half of the main CI tunnel has been completed (southern section) and most of the 17 shafts along the CI alignment have been built.
15. The CI tunnel will run from Ponsonby to the Māngere Wastewater Treatment Plant. It will have several link sewers and shafts along the route for collecting and transferring wastewater into the tunnel.
16. As part of the works, Watercare contractors have been granted consents and approvals to occupy various council parks and reserves along the route of the CI.
17. Point Erin Park was not included in the original CI designation. The original CI was to terminate at Western Springs, but was extended to Grey Lynn, and subsequently proposed to be extended further to terminate in Point Erin Park. The park has been identified by Watercare as the most suitable location for the terminal shaft.
18. In February 2023 Watercare lodged an application for resource consent for the proposed construction work at Point Erin Park. Parks and Community Facilities staff were not provided advance notice of the proposal to extend the CI route into the park.
19. Watercare is also working on the Western Isthmus Water Quality Improvement Programme (WIWQIP). Its purpose is to improve infrastructure and reduce wastewater overflows and improve water quality at local beaches.
20. The proposed Herne Bay Trunk Sewer upgrade forms part of the WIWQIP which will, on completion, connect to the CI tunnel terminating at Point Erin Park.

### Point Erin Park project

21. The project involves the construction, commissioning, operation and maintenance of a wastewater interceptor and associated activities at Point Erin Park in Ponsonby.
22. The project can be broken down into two distinct parts:
  - The wastewater interceptor tunnel
  - The Point Erin shaft site (in Point Erin Park).
23. The wastewater interceptor tunnel will run from Tawariki Street, Grey Lynn to Point Erin Park, Ponsonby.

24. The tunnel will be located entirely below ground at depths ranging between 20m and 60m and will reach its shallowest point of 17m as it enters Point Erin Park where the terminal shaft is proposed to be located. No surface works are required for the tunnel.

#### Herne Bay Trunk Sewer upgrade project

25. Watercare proposes construction of new trunk sewer within public roads to improve wastewater services in the Herne Bay catchment as part of the WIWQIP.
26. The proposed Herne Bay Trunk Sewer upgrade will comprise a 1.5km long, 2.1m internal diameter wastewater tunnel and associated access shafts and pipe connections that will extend from Bella Vista Road in the west and connect with the CI tunnel at Point Erin Park in the east.
27. As part of the Herne Bay Trunk Sewer upgrade, Watercare requires occupation of Salisbury Reserve and land at 94A and 94B Shelly Beach Road for construction laydown activities for approximately 24 months from May 2024.

#### The Proposal

##### The Point Erin shaft site

28. The works at the Point Erin shaft site are proposed to occur in two locations within the park:
- the terminal shaft and associated construction area is proposed to be located in the grassed area immediately to the south of the Point Erin Pools (referred to as the main construction area)
  - the permanent control chamber, plant room and associated construction area is proposed to be located towards the southwest corner of Point Erin Park near the intersection of Curran and Sarsfield Streets (referred to as the southwestern construction area).
29. Under Watercare's section 18 PWA Notice these two locations (shown in figure 1 below) are required by Watercare for temporary occupation to undertake the construction work. Some permanent infrastructure will remain above the ground.
30. The Point Erin project works proposed within these two locations in the park will include:
- construction of the terminal shaft and removal of the CI Tunnel Boring Machine (TBM)
  - a terminal shaft venting arrangement (air intake and pressure release)
  - construction of a control chamber and plant room to house equipment to control the gates
  - connections/adits between the terminal shaft, control chamber, vent and plant room, including a 2.5m diameter piped connection between the terminal shaft and control chamber
  - earthworks of approximately 5000m<sup>2</sup> in the two construction areas
  - tree works (pruning, works in the root zone, removal, relocation)
  - temporary works including retaining walls to create level working areas, site access, internal circulation, and contractor's site compound
  - transport movements including delivery of plant and construction materials, removal of excavation material and removal of the TBM
  - park reinstatement and landscaping following completion of construction works.













