

Before the Board of Inquiry
Waterview Connection Project

in the matter of: the Resource Management Act 1991

and

in the matter of: a Board of Inquiry appointed under s 149J of the Resource Management Act 1991 to decide notices of requirement and resource consent applications by the NZ Transport Agency for the Waterview Connection Project

Expert Caucusing Joint Report to the Board of Inquiry – Social/Planning

Dated: 4 February 2011

Due: 7 February 2011

EXPERT CAUCUSING JOINT REPORT TO THE BOARD OF INQUIRY

INTRODUCTION

- 1 This joint signed report is written in response to the Board of Inquiry's Minute and Directions dated 23 December 2010. The Directions require the experts, following caucusing, to provide a report by 10am on 7 February 2011 that includes:
 1. Areas that have been resolved and how (e.g. by agreement about conditions)
 2. Areas that are not resolved, and succinctly why.
- 2 This report relates to the caucusing topic of **social / planning**.
- 3 A caucusing meeting **was held on 27 January 2011 and 02 February 2011**.
- 4 Attendees at the meeting were:
 1. Amelia Linzey (Planning consultant – author of the Social Impact Assessment (and AEE) for the NZTA)
 2. Julie Meade Rose (Social Impact Assessment Peer Reviewer, for the NZTA)
 3. David Black (Public Health, for the NZTA)
 4. Ora Emslie (PhD Psychiatry and submitter 135)
 5. Robert Black (Social worker and submitter number 175 & 176-2 of Waterview School Board of Trustees)
 6. Tania Richmond (Planning consultant for Auckland Council and Auckland Transport)
 7. Orchid Atimalala (Planning consultant for Housing New Zealand Corporation)
 8. Poul Israelson (Planning consultant for Unitec)
- 5 A non-expert social / planning caucusing was held 26 January 2011. All experts attended the non-expert caucusing for all or part of the session. Notes from the non-expert social / planning caucusing were made available to all attendees at the commencement of the expert session. Issues from the non-expert social caucusing have been considered by the experts in their caucusing.
- 6 All attendees record that:
 - There were varying disciplines attending this session.
 - Each issue was discussed and either agreement or disagreement by relevant parties noted. In cases where no agreement or disagreement is noted by an expert this reflects that they have no opinion on that issue or the issue was considered outside the scope of their expertise and/or evidence.
 - The degree to which the Project affects open space and the final

form of mitigation proposed will in part address particular social effects. The challenge is in understanding the inter-relationship between social effects and open space effects. This inter-relationship must be understood and resolved beyond this caucusing session.

HEALTH

Issue 1: Epidemiological study

- 7 The non-expert session raised the issue of whether an epidemiological study was required to assess the effects of the Project on the communities.¹
- 8 David Black and Ora Emslie agree that an epidemiological study should not be undertaken. They considered it would not adequately address public health concerns and a likely outcome would be to raise stress in the communities by highlighting that there was a possibility of health concerns.
- 9 Robert Black acknowledged that an epidemiological study could potentially raise stress in communities however could conversely allay people's fears. Therefore he disagreed, arguing that an epidemiological study is a valid way to assess the health effects on the community.

Unresolved

- 10 Robert Black's view is that there is need for an epidemiological study to assess the long term effects of the Project on the communities located beside the tunnel portals and vehicle emissions stacks.

Issue 2: Proactive communication and community participation

- 11 The non-expert session raised the issue of how the planning phase of the Project has caused stress in the communities. This includes:
- A sense of 'learned helplessness' due to the length of uncertainty about the Project; resulting in
 - Disengagement by the community due to the length of time of the planning phase and information overload.

¹ Noting that there are different communities along the Project route.

Resolved

- 12 All experts agreed that monitoring of public health effects of the Project and communication is the key to a proactive response, alleviating fears and moving forward (in the event the Board approves the Project). In particular, prior to and during construction, is the need for:
- Pro-active communication of information by the NZTA; and
 - Building of trust between the NZTA and the communities; and
 - Countering misinformation about the Project; and
 - The NZTA to engage in genuine consultation with the communities
- 13 Discussion followed on re-drafting the NZTA conditions to assist in achieving the four points listed above. Some of the points below were initiated in the non-expert session. All agreed, in principle with the following amendments to the NZTA conditions:
1. PI.1 be amended to change the reference from construction liaison person to "community" liaison person.

Explanation: This amendment would better reflect what the experts considered to be this person's role and may make the person more approachable.
 2. PI.2 be amended to include a governance structure of the various liaison and working groups in the communications plan. Note: This would include the role of the community liaison person.
 3. PI.2 be amended to include reference to consultation with Auckland Council community liaison staff in the preparation of the plan.

Explanation: To ensure that the communication plan is adequately informed by existing data bases and is inclusive.
 4. PI.2 and PI.5 be amended to include local Primary Health Organisations, General Practitioners, District Health Boards and the Ministry of Social Development in the list of interested parties in the project area.

Explanation: To ensure local health professionals have information on the Project to assist with effective assessment and treatment/intervention options.
 5. PI.3 be amended to add advertisements will be placed in the relevant local newspapers, newly installed local and existing community notice boards detailing the nature of forthcoming works

Explanation: This suggestion came out of the non-expert social impact session and would increase local distribution of

information about the Project.

Issue 3: Air quality and noise

Unresolved

- 14 There is residual disagreement by Robert Black and Ora Emslie on the public health issue of air quality and noise. They do not accept the air quality and noise evidence of the NZTA experts on which Amelia Linzey and David Black based their evidence. Robert Black and Ora Emslie also record that the section 42A report on air quality raises points of difference/conflict with the NZTA assessment. Therefore, the conclusions of the social and health impact assessments are potentially inaccurate as they are not based on appropriate source information.
- 15 On this basis, the disagreement was not necessarily about the social and health impact assessment *per se*, but rather that the source information that had informed this assessment was not appropriate. In other words, that the conclusions Amelia and David had reached were not based on appropriate and consistent source information.
- 16 Ora Emslie notes that there is a great deal of fear in the community about air quality and noise which in turn may impact on the use of community facilities and the community generally, and the extent of this impact is not well understood.

UNITEC

Issue 1: operational social / educational effects

- 17 Poul Israelson advised of discussions and exchange of correspondence between the NZTA and Unitec solicitors on various matters. This included an agreement on revisions to specific NZTA conditions. **Attachment 1** is a list of revised conditions which Poul Israelson advised would address the operational social effects for Unitec.

Resolved

- 18 Amelia Linzey and Poul Israelson agree that the intent of the revised conditions in **Attachment 1** respond to the social effects raised in Unitec's submission. Amelia Linzey confirmed that these revisions would be included in a revised set of conditions to be attached to her rebuttal evidence that would reflect the Attachment 1 conditions in principle.

Explanation for amendments in attachment 1:

- Additional condition to maintain pedestrian access across Oakley Creek.
- Construction noise – internal noise in classrooms. Condition CNV.2(iv). Hours in the condition does not recognise Unitec

teaching hours. Amendment to condition to refer to “teaching hours” rather than specifying the hours in the condition. 45dBA limit acceptable for teaching (upon advice from Dr David Black). Issue of permitted baseline of noise.

- Education liaison group. Condition SO.7: suggested amendment to (b) assist to minimise the risk of noisy activities occurring during sensitive periods for educational facilities (Waterview School and Unitec).

Housing New Zealand Corporation (HNZC)

Issue 1: Tenant’s relocation policy

- 19 Orchid confirmed that HNZC has a relocation policy in place for the Project. Given the extent of ownership by HNZC in the area, the non-expert session raised the issue of whether HNZC should be nominated in the list of groups to be included in the Community Liaison Group as per relief sought in Orchid Atimalala’s evidence. Orchid Atimalala agreed this would be a good idea and advised that HNZC would welcome this inclusion.

Resolved

- 20 Orchid Atimalala, Ora Emslie and Amelia Linzey agreed that condition PI.5 (the establishment of the Community Liaison Group) be amended to include HNZC.

Issue 2: Communication with regards to design and mitigation

Resolved

- 21 Orchid Atimalala and Amelia Linzey agree in principle that, a copy of the approved Construction and Environmental Monitoring Plan (CEMP) containing the communications plans should be provided directly to HCNZ. Amelia Linzey noted that this needs to be considered in respect of the scale of the CEMP and that this is a ‘live’ document, which gets updated and amended as construction works progress.
- 22 Orchid Atimalala agrees with the amendment to PI.2 (as set out in the evidence in chief of Amelia Linzey) requiring the communication plan to be provided to the Community Liaison Group as per the previous amendment.

Issue 3: Construction and Environmental Monitoring Plan (CEMP)

Resolved

- 23 Amelia Linzey, Poul Israelson and Orchid Atimalala acknowledge that the obligation for mitigation of addressing the social impact created by operation noise is the responsibility of the Project Proponent but that there may be other legislation (e.g. the Public Works Act) or other mechanisms such as inter-agency agreements or memoranda.

Issue 4: Construction Noise and Vibration – Construction (CNVMP)

Resolved

- 24 Amelia Linzey and Orchid Atimalala agree that the HNZC relocation policy triggered by the NZTA relocation proposals should be acknowledged as part of the mitigation within the CNVMP. The amendment to the CNVMP is accepted and this is proposed to be demonstrated through the rebuttal evidence of Amelia Linzey.

Issue 5: Loss of HNZC housing stock

Resolved

- 25 Amelia Linzey, Robert Black and Orchid Atimalala agree that the displacement of the community from the housing take, including the social housing owned by HNZC, has had a social impact on the whole community, including the Waterview Primary School.

WATERVIEW PRIMARY SCHOOL

Issue 1: Education and community functions of the school

Resolved

- 26 Robert Black agrees with the scope of the social impact assessment (SIA) of the schools functions, as set out in the evidence in chief of Amelia Linzey. These being:

- Educational function; and
- Community facility

Issue 2: School Roll

Resolved

- 27 Robert Black and Amelia Linzey agree that the school roll is a matter for the school and the NZTA to discuss.

SOCIAL IMPACT ASSESSMENT² (SIA)

Issue 1: Method and scope of the social impact assessment

Unresolved

- 28 Ora Emslie disagrees with the methodology of consulting only 12 people on the revisions to the southern building.
- 29 Amelia Linzey disagrees that the consultation with 12 persons impacts on the SIA because this particular consultation with 12 persons was only one of a range of methods used for assessing the social impact of the buildings.
- 30 Ora Emslie considers that the SIA does not sufficiently take into account the community impacts of the above ground buildings in sector 9 as the community expectation was that this would be underground (based on earlier proposals that were put out for consultation).
- 31 Ora Emslie considers that the particular concerns of the elderly have not been sufficiently addressed in the SIA. Nor is there mitigation targeted specifically addressing needs of the elderly. For example, elderly have less ability to walk and drive around construction zones and noise is a larger problem for the elderly.
- 32 Amelia Linzey acknowledges that the elderly are not explicitly addressed in the SIA, however as outlined in the evidence of Dr Black, she considers that this group has been addressed as part of the "normal population". Amelia Linzey also noted that consultation feedback and involvement in the consultation processes such as Focus Groups, have been well represented by the older population. Amelia Linzey therefore considers that the scope of the SIA does include this group of the population.
- 33 Robert Black disagrees with the use of the Captivate survey as it was a marketing survey for Waterview School, not developed for the purpose of evaluating people's perceptions or concerns about the project. The inclusion of this survey gives the impression that the community was not concerned or affected by the Project.

² This refers to the social effects assessment by Amelia Linzey in NZTA evidence in chief (evidence 21)

Resolved

- 34 Amelia Linzey, Robert Black and Ora Emslie agree that the sample size of the Tasman survey used is not sufficient to be representative of the population.
- 35 Julie Meade Rose, Amelia Linzey and Ora Emslie agree that the Community Liaison Group is the appropriate avenue for the elderly to be catered for in terms of mitigating construction effects. They also agreed that this would apply to migrant and ethnic groups. It is noted that the non-expert session raised the issue of the SIA failing to take into account the effects on migrant groups and the particular ethnic make-up of Owairaka. This could be addressed by an amendment to condition PI.5 to reflect the demographic make-up of the area(s). Amelia Linzey agreed to address this in her rebuttal evidence.

Issue 2: Anxiety due to the lack of information about the above ground buildings

- 36 Following a review of Tania Richmond's evidence, Amelia Linzey agrees that an Outline Plan of Works should be submitted for the northern and southern portal buildings (and associated structures). Amelia Linzey advises that the NZTA have agreed to this approach and this will be presented in her rebuttal evidence (planning rather than social).
- 37 Robert Black, Amelia Linzey, Julie Meade Rose, Tania Richmond and Ora Emslie noted that the planning phase is on-going and the impacts are heightened by the duration of the decision-making process and the ability to access Project information.

Resolved

- 38 All agree that notwithstanding that the buildings will be subject to an Outline Plan of Works, consultation via the Community Liaison Group should still be required and the mechanics of the consultation, to occur prior to lodgement, needs to be detailed in the designation conditions.
- 39 All agree that the Outline Plan of Works, condition parameters and community liaison consultation requirements for the two buildings will go some way to addressing the perceptions of the community on the impacts of the portal buildings (refer to bullet points outlined in paragraph 12). The caveat to this agreement is the inter-relationship between the degree to which the extent of effects on open space and mitigation addresses community / social effects as open spaces are seen as community spaces (refer to paragraph 6).

Unresolved

- 40 In the non-expert session, there was discussion on the need for the NZTA to present in rebuttal evidence (or at some stage during the hearing), the options and costs associated with the design and location of the ventilation shaft for the northern tunnel and the undergrounding of the southern portal. The discussion focused on the need for the community to be presented with this information in order to evaluate the effects on the community vs. the costs of the

works.

- 41 Amelia Linzey acknowledges this concern and confirmed that rebuttal evidence is being prepared that provides more information (including cost information) on the options of Northern Vent Stack locations and undergrounding of the Southern Vent building.

Issue 3: Social and Community infrastructure impacts

- 42 The following statements at paragraphs 43 – 44 were tabled by Robert Black. As recorded in paragraph 45, Ora Emslie agrees with Robert Black's statement and has proposed an additional condition. Time did not permit the other experts to respond to this issue during the caucusing session.

Unresolved

- 43 Robert Black believes the social impact assessment authored by Amelia Linzey, has either under assessed or understated the magnitude of the negative effects created by the planning, proposed construction and operational phases of the project. As a result, a deficit of mitigation is proposed for Waterview & Owairaka, the communities most directly and severely affected by the project. The reasons for disagreement are as follows:
- Waterview School has been affected by the project since 2000-2003 (related to release of preferred SH20 routes) rather than 2006 (related to property acquisition) and this has had implications on school viability and roll number mitigation used in condition SO.11.
 - Early NZTA property acquisition (both private and HNZA) has had negative impact with many families relocating out of Waterview, affecting community and school roll.
 - Un-assessed that many families have left Waterview/Owairaka because of concern about attending school/living beside construction site for 5-7 years.
 - Families leaving Waterview/Owairaka communities under assessed in terms of grief and loss at personal level and loss of social/community capital or fabric.
 - Waterview/Owairaka communities under assessed in terms of compounding Project impacts on deprivation 5 community populations (associated social issues/deficits).
 - Existing amenity, social, community facility and recreation infrastructure already under significant stress.
 - The negative impacts on the psycho-social wellbeing of range of social groups (ethnicity, age, culture) is under assessed and unmitigated.
- 44 In light of the above reasons Robert Black proposes the following additions to Proposed Social Conditions (SO.5 and SO.6) by way of open space and connection mitigation in order to sufficiently support, socially retain, sustain and develop the communities of Waterview and Owairaka:

SO.5

- (a) A temporary (half/third size) informal playing field, basket ball court, skate park, BMX/Mountain bike track and volley ball court within the relocated Waterview Park.
- (e) A pedestrian and cycle bridge connection across SH16 between Waterview, SH16 Cycleway and Eric Armishaw Reserve
- (g) A temporary basketball court and skate park at Alan Wood Reserve.

SO.6

- (a) The "Hendon Bridge", "Waterview-Eric Armishaw Bridge", "Harbutt Bridge", as well as pedestrian connections...shall be provided as early as practicable.

45 Ora Emslie agrees with Robert Black's assessment and also suggests an additional amendment to SO.5:

1. SO.5 – Off- leash dog walking areas be maintained/provided at both Waterveiw and Owairaka.
(note: that over 560 dogs registered in Owairaka & New Windsor alone. *Source: ACC Dog Control Office*)

OPEN SPACE

Issue: 1 Severance of communities

- 46 Ora Emslie disagrees with the SIA reference to how Alan Wood Reserve is used – particularly the assessment of the numbers of persons who use the park.
- 47 Ora Emslie is concerned about how the Project results in severance of communities and reduces community cohesion, particularly at Alan Wood Reserve and Hendon Park, where the park are effectively severed by southern portal building.. This influences the mitigation proposed. There is a lack of open space mitigation at the southern end of the Project to address this issue. Notably affecting resident's NW & SW of Alan Wood Reserve where there is no alternative land available to replace loss of open spaces. Potential solutions include:
- Creating a connection between Soljak and Harbutt Reserve.
 - Upgrading the facilities at Harbutt Reserve.
- 48 Robert Black concurs with this view (severance of communities, reduction in community cohesion and lack of open space mitigation) as it relates to Waterview Reserve.
- 49 Robert Black agrees with Ora Emslie, and notes that deprivation 5 communities in the Alan Wood area need open space.

Unresolved

- 50 Amelia Linzey disagrees with the potential solutions bullet pointed above as considers there are still issues of accessibility for the Soljak Bridge and that it solves an existing problem rather (open space shortage) rather than being mitigation for the Project. Amelia does acknowledge that Soljak Bridge would provide improved access to open space.
- 51 Ora Emslie considers that this should be considered as there appear to be few alternatives to mitigate this effect of the Project, and suggested alternatives, Valonia Resreve, Hendon Park, and Murray Halberg Park are even further away.

ECONOMICS

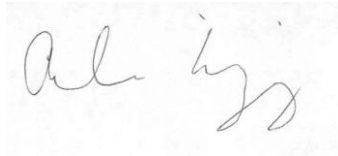
Issue 1: Assessment of property values

- 52 Ora Emslie considers that an assessment of property values should be undertaken as it impacts on the ability for persons to sell their houses. This is causing stress for the community (e.g. feeling trapped, lack of mobility).
- 53 Amelia Linzey acknowledges that this is a short-term effect during construction.

Unresolved

- 54 Amelia Linzey noted that this is a complex issue and she is of the view that there are other processes (e.g. Public Works Act) that address this issue. Amelia Linzey notes that she is not expert in the Public Works Act.
- 55 Ora Emslie considers that potential mitigation to significantly improve open spaces and amenities therein should be undertaken as part of the Project. This will help to attract people back to the area as a desirable place to live, thus maintaining property values, and help in re-establishing affected communities, Waterview, New Windsor and Owairaka specifically.

Date: 4 February 2011



Amelia Linzey (Planning consultant – author of the Social Impact Assessment (and AEE) for the NZTA)



Julie Meade Rose (Social Impact Assessment Peer Reviewer for the NZTA)



David Black (Public Health, for the NZTA)



Ora Emslie (PhD Psychiatry and submitter 135)



Robert Black (Social Worker and submitter number 175 & 176-2 of Waterview School Board of Trustees)

Tania Richmond (Planning consultant for Auckland Council and Auckland Transport)

Social/Planning expert caucusing



Orchid Atimalala (Planning consultant for Housing New Zealand Corporation)



Poul Israelson (Planning consultant for Unitec)

ATTACHMENT 1:

AGREED CONDITIONS BETWEEN UNITEC AND NZTA

1. Pedestrian access during construction

SO.x	<u>Should the existing pedestrian access that provides a connection to the crossing over Oakley Creek between 1510 Great North Road and Unitec Mt Albert Campus be disrupted, alternative access of a same or similar standard will be provided and maintained by the NZTA.</u>
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2. Student hours – construction noise

CNV.2	<p>iv. Project Construction Noise Criteria: Internal noise for Licensed Educational Facilities</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 25%;"><u>Time period</u></th> <th colspan="2"><u>Project Construction Noise Criteria Inside</u></th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">0900—1500 <u>Teaching hours</u></td> <td style="text-align: center;">45 dB $L_{Aeq(5hr)}$ <u>(T) or existing, whichever is the higher</u></td> <td style="text-align: center;">Classrooms, library, offices, teaching laboratories, manual arts workshops</td> </tr> <tr> <td style="text-align: center;">0900—1500 <u>Teaching hours</u></td> <td style="text-align: center;">40 dB $L_{Aeq(5hr)}$ <u>(T) or existing, whichever is the higher</u></td> <td style="text-align: center;">School hall, lecture theatres</td> </tr> </tbody> </table> <p><u>(T) means a duration between 10 minutes and 60 minutes in accordance with NZS6803:1999</u></p> <p><u>Normal teaching hours mean:</u></p> <p><u>Primary schools: 9 am to 3 pm</u></p> <p><u>Unitec 8 am to 9 pm</u></p>	<u>Time period</u>	<u>Project Construction Noise Criteria Inside</u>		0900—1500 <u>Teaching hours</u>	45 dB $L_{Aeq(5hr)}$ <u>(T) or existing, whichever is the higher</u>	Classrooms, library, offices, teaching laboratories, manual arts workshops	0900—1500 <u>Teaching hours</u>	40 dB $L_{Aeq(5hr)}$ <u>(T) or existing, whichever is the higher</u>	School hall, lecture theatres
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3. Noisy activities in exam time

SO.7	<p>In addition to the Community Liaison Group established pursuant to Condition PI.5, the NZTA shall establish an Education Liaison Group, to provide a forum through which:</p> <ul style="list-style-type: none"> (a) Relevant monitoring of data can be provided (e.g. air quality monitoring); (b) Notice can be provided of when particular noisy activities will occur in close proximity <u>to schools and education facilities, to enable the opportunity to identify any potential conflict with particular sensitive periods and the need for specific mitigation strategies (e.g. rescheduling of construction activities where practicable);</u> (c) Particular concerns can be raised by education facilities or parents, discussed and potentially addressed. <p>The Education Liaison Group shall be established at least 2 months prior to construction commencing and shall have regular meetings throughout the construction period. The Education Liaison Group shall continue to meet for at least 12 months following the completion of the Project (or less if the members of the Education Liaison Group agree), so that ongoing monitoring information can continue to be disseminated.</p>
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