

**IN THE MATTER OF: Application for
Resource Consent for the Eastern Bays
Shared Path (WGN190301 and
RM190124).**

STATEMENT OF EVIDENCE

Shannon John Watson

1. My name is Shannon John Watson and I am the reporting officer considering HCC's application for land use consents, discharge, water and coastal permits associated with the Eastern Bays Shared Path.
2. I have read, and am familiar with, the Code of Conduct for Expert Witnesses in the Environment Court of New Zealand Practice Note 2014.
3. The purpose of this statement is to identify the rules associated with dewatering activities that were omitted from my s42A report.

Assessment of rules and statutory provisions related to dewatering activities

4. Since the submission of my s42A report I have realised that my rules assessment did not include excavation which intercepts groundwater¹ or the taking or diversion of groundwater associated with dewatering activities both within and outside of the CMA under the Regional Freshwater Plan (RFP) or the Regional Coastal Plan (RCP).
5. The need to excavate, and take and divert groundwater for dewatering purposes was described in the application AEE, namely section 4.6 of the Design Features Report (Appendix J of the AEE,) and I am satisfied the excavation activities and the associated taking and diversion of groundwater for dewatering during construction are 'within scope' of the application as notified.
6. The relevant rules are as follows:
 - Under the RCP, the take and associated diversion of groundwater during dewatering within the CMA is a discretionary activity under Rule 76.
 - Under the RFP, the excavation, which is expected to intercept groundwater at certain locations where deeper foundations are required is a discretionary

¹ Excavation which intercepts groundwater is assessed as a 'bore' under the Regional Freshwater Plan

activity under Rule 15, and the take and associated diversion of groundwater during dewatering is a discretionary activity under Rule 16.

7. The take and diversion of groundwater activities were appropriately included in the activity description for the required water permit [37300] and the PNRP rules and statutory provisions assessments in my s42A report. Effects on groundwater have also been considered under the Regional Policy Statement (RPS), specifically in relation to Policy 43. Land use consent for excavation which intercepts groundwater is permitted under the notified version of the PNRP (July 2015) by virtue of section 9 of the RMA as there is no rule specifically related to this activity.
8. For clarity the activity description of the land use consent [37298] should read:

[37298]: Discretionary Activity

Land use consent to undertake earthworks and excavation activities associated with construction of the Shared Path, including associated discharges of sediment laden water to land where it may enter coastal water.
9. The relevant provisions of the RCP are objectives 12.1.1, 12.1.2 and 12.1.3 and policies 12.2.1 and 12.2.5
10. Under the RFP the relevant provisions are objectives 6.1.2 and policies 6.2.3, 6.2.4 and 6.2.8.
11. The take is non-consumptive as all dewatered water will be treated and returned to the CMA either directly, or via the stormwater system following treatment. Accordingly, the take and diversion of groundwater will not affect reliability of supply or groundwater availability. Recommended conditions of consent require a specific methodology for dewatering and managing potential effects on the aquifer where the excavation and location of the required seawall foundation exceeds 2.5 m Below Ground Level to ensure that the risk to the Waiwhetu Aquifer, in terms of potential contaminant draw-down and leakage of artesian pressure which may impact water quality, is appropriately managed.
12. I am satisfied the proposal is consistent with the relevant objectives and policies of the RPS, RFP and the RCP as they relate to excavation and the associated take and diversion of groundwater. There are recommended conditions in my s42A report that relate to the effects of these activities which endeavour to ensure they will be no more than minor.