

11 December 2020

[REDACTED]
[REDACTED]

REF: OIA-7302

Dear [REDACTED]

Request made under the Official Information Act 1982

Thank you for your letter of 30 October 2020 requesting the following information under the Official Information Act 1982 (the Act):

... a copy of all materials held by NZTA relevant to the contamination issue that have not already been released to RNZ. In particular, we request a full copy of any legal opinions sought and given on this issue.

On 27 November 2020, we wrote to you to advise of an extension of the 20 working day timeframe to respond to your request. We committed to providing you with a response on, or before, 11 December 2020.

Waka Kotahi NZ Transport Agency is aware of residents' concerns relating to the potential contribution of historic bridge maintenance activities to soil contamination around Stokes Point Reserve. Waka Kotahi is commissioning an external review in order to ensure that potential soil contamination from bridge maintenance activities has been appropriately assessed from a public health perspective. Waka Kotahi has written to residents to advise them of the external review, provided a copy of the Terms of Reference, and invited residents to contact us directly with any further enquiries about the review. The first stage of the review will be completed, and the findings made available to Auckland Council to consider as the regulatory authority in the region.

Waka Kotahi continues to work collaboratively with Auckland Council on matters related to soil contamination. Following soil sampling done by Waka Kotahi in 2010 as part of our renewal for resource consent to carry out maintenance activities on the Auckland Harbour Bridge, Auckland Council commissioned an additional soil assessment and had a comprehensive independent Human Health Risk Assessment carried out at Stokes Point Reserve in 2011, peer reviewed by Auckland Regional Public Health (ARPH). These found that levels of contaminants in the soil were acceptable from a public health perspective.

Auckland Council and ARPH recommended that Waka Kotahi complete an additional Health Risk Assessment to confirm if contaminant levels were sufficient to raise a public health concern, before seeking resident's permission to test their properties.

The Council and ARPH's advice reflected the need for Waka Kotahi to be thorough in its assessments and planning to avoid unduly raising public health concerns. A Waka Kotahi health risk assessment was

conducted in 2013. Waka Kotahi concluded based on the evidence available that residential properties adjacent to the Auckland Harbour Bridge would have acceptable contaminant concentrations, and no testing of residential properties was required.

Waka Kotahi most recently renewed its consents for bridge maintenance activities in 2015. As part of the conditions of the consents, maintenance works undertaken on the bridge are required to comply with an Environmental Management Plan (EMP) approved by Auckland Council. Annual Reports are provided, summarising monitoring data, and showing compliance with the discharge thresholds in the consent and mitigation. The annual reports for the years 2015 to 2019 (refer to the document schedule at **Appendix A**) show that all bridge maintenance works have been undertaken in compliance with the consent conditions and the requirements of the approved EMP.

The measured discharges of garnet particulates (used in sandblasting) and discharges of paint and zinc from paint removal and application have been consistently well below the thresholds permitted:

- Actual discharge of garnet has ranged from 34% to 59% of the permitted thresholds for each year
- Actual discharge of paint has ranged from 5% to 23% of the permitted thresholds for each year
- Actual discharge of zinc has ranged from 3% to 14% of the permitted thresholds for each year.

These relatively low volumes of discharge demonstrate the effectiveness of the progressive improvements adopted by Waka Kotahi since 2011 to reduce the amount of abrasive and paint particulates discharged to the harbour and land during bridge maintenance activities. Improvements have included using longer durability paint/coating systems, reducing our re-painting activities through a more focused risk-based approach and containment.

Within that context, I have responded to your request below.

A total of 95 documents fall within the scope of your request and are detailed in the document schedule at **Appendix A**. Where information is withheld, the grounds for withholding under the Act are given in the document schedule.

With respect to the information that has been withheld, I do not consider there are any other factors which would render it desirable, in the public interest, to make the information available.

Under section 28 of the Act, you have the right to ask the Ombudsman to review my decision on this request. The contact details for the Ombudsman can be located at www.ombudsman.parliament.nz.

In accordance with Waka Kotahi policy, this response will be published on our website shortly. Private details, such as your name and contact details, will be withheld in order to protect your privacy.

If you would like to discuss this reply with Waka Kotahi, please contact us by email to official.correspondence@nzta.govt.nz.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'V L Browne'.

Vanessa Browne

Senior Manager - Operational Policy, Planning and Performance

OIA-7302 Document Schedule

Certain information has been withheld from some of the documents below. Where information is withheld, the relevant withholding ground under the Act is provided. The following reference can be used for understanding the withholding grounds given:

- Section 9(2)(a) – information withheld to “protect the privacy of natural persons, including that of deceased natural persons”
- Section 9(2)(g)(i) – information withheld to “maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to Ministers of the Crown or members of an organisation or officers and employees of any department or organisation in the course of their duty”
- Section 9(2)(h) – information withheld to “maintain legal professional privilege”
- Section 9(2)(i) – information withheld to “enable a Minister of the Crown or any public service agency or organisation holding the information to carry out, without prejudice or disadvantage, commercial activities.

Emails			
Ref	Subject	Date	Details
1.	FW_ Lab Report for_ Client_ OPUS International Consultants, Client Ref, Order No, Date Reg_ 09-Aug-10 03_55 pm, Submitter_ High, Roger (Mr), Lab Job No_ 815683	11/11/2010	Certain information withheld under section 9(2)(a).
2.	FW_ AHB Stokes Point soil contamination	11/11/2010	Released in full.
3.	RE Stokes Point residents communication strategy	21/12/2010	Certain information withheld under section 9(2)(a).
4.	NZTA contaminated site notification	20/01/2011	Certain information withheld under section 9(2)(a).
5.	RE AHB	28/01/2011	Certain information withheld under section 9(2)(a).
6.	elevated motorway contamination	28/10/2011	Certain information withheld under section 9(2)(a).
7.	Stokes Pt	22/02/2012	Certain information withheld under sections 9(2)(a) and 9(2)(g)(i).
8.	FW_ sampling plan	10/07/2012	Released in full.
9.	Re_ TE Onewa Point_ Human Health Risk assessment	12/07/2012	Certain information withheld under section 9(2)(a).
10.	FW_ draft cover letter	16/07/2012	Certain information withheld under section 9(2)(g)(i).
11.	RE_ Letter to property owners at Stokes Point	30/07/2012	Certain information withheld under section 9(2)(a).
12.	FW_ Stokes Pt	07/08/2012	Certain information withheld under sections 9(2)(a) and 9(2)(g)(i).
13.	RE_ Land contamination	24/08/2012	Withheld in full under section 9(2)(g)(i).
14.	FW_ Tuesday 4 September	24/08/2012	Certain information withheld under section 9(2)(a).
15.	RE_ PS BUDMT paper (1)	24/08/2012	Withheld in full under section 9(2)(g)(i).
16.	RE_ PS BUDMT paper (2)	24/08/2012	Withheld in full under section 9(2)(g)(i).
17.	Re_ PS BUDMT paper	24/08/2012	Withheld in full under section 9(2)(g)(i).
18.	RE_ Meeting with Carl and Rob Hannaby	28/08/2012	Released in full.
19.	FW_ Peer Review of Stokes Point Report & T&T Risk Assessment	31/08/2012	Certain information withheld under sections 9(2)(a) and 9(2)(i).
20.	Re_ PS BUDMT - PS Advice to Regions	04/09/2012	Certain information withheld under sections 9(2)(a) and 9(2)(g)(i).
21.	RE_ Statutory Framework for Assessing and Managing Contaminated Land	04/09/2012	Certain information withheld under section 9(2)(a).
22.	Fwd_ Management Strategy for Stokes Pt Reserve	11/09/2012	Certain information withheld under section 9(2)(a).
23.	Fwd_ Stokes Pt	05/10/2012	Withheld in full under section 9(2)(g)(i).

Emails			
Ref	Subject	Date	Details
24.	RE_ Stokes Pt land contamination	10/10/2012	Withheld in full under section 9(2)(g)(i).
25.	Stokes Pt	11/10/2012	Certain information withheld under section 9(2)(a).
26.	NZTA Monitoring Land for Contaminants Adjacent to State Motorways	12/11/2012	Certain information withheld under section 9(2)(a).
27.	RE_ Stokes Pt	19/11/2012	Certain information withheld under sections 9(2)(a) and 9(2)(g)(i).
28.	RE_ Stokes Point	26/11/2012	Certain information withheld under section 9(2)(a).
29.	Re_ Stokes Point	13/12/2012	Certain information withheld under sections 9(2)(a) and 9(2)(g)(i).
30.	Re_ wed	17/12/2012	Released in full.
31.	RE_ Stokes Pont	18/12/2012	Certain information withheld under sections 9(2)(a) and 9(2)(g)(i).
32.	RE_ stokes	20/12/2012	Certain information withheld under section 9(2)(a).
33.	RE_ Stokes Point Proposal	16/01/2013	Certain information withheld under section 9(2)(a).
34.	RE_ Contract	08/02/2013	Certain information withheld under section 9(2)(a).
35.	FW_ Te Onewa Human Health Risk Assessment	08/03/2013	Withheld in full under section 9(2)(h).
36.	RE_ Te Onewa Human Health Risk Assessment	13/03/2013	Withheld in full under section 9(2)(h).
37.	FW_ AHB Progress	01/07/2013	Certain information withheld under section 9(2)(a).
38.	RE_ EUD Team Quarterly Meeting - Stoke Pt	29/11/2013	Certain information withheld under section 9(2)(a).
39.	RE_ Privileged_ Advice regarding Harbour Bridge Assessment	12/12/2013	Withheld in full under section 9(2)(h).
40.	RE_ TE Onewa	18/12/2013	Withheld in full under section 9(2)(h).
41.	RE_ Contract No 12 - 860 Human Health Risk Stokes Point.	21/05/2014	Certain information withheld under section 9(2)(a)
42.	RE_ Te Onewa - Contaminant disturbance during works	18/07/2014	Certain information withheld under sections 9(2)(a) and 9(2)(g)(i).

Letters			
Ref	Name	Date	Details
43.	GHD_proposal	08/11/2010	Certain information withheld under sections 9(2)(a) and 9(2)(i).
44.	ARPHS response to NZTA	28/01/2011	Released in full.
45.	revised_sampling_plan_MAY_2012	23/05/2012	Certain information withheld under sections 9(2)(a) and 9(2)(i).
46.	Proposed letter to Stokes Point residents	23/07/2012	Certain information withheld under section 9(2)(a).
47.	Letter from Dr Barnfather	31/07/2012	Certain information withheld under section 9(2)(a).
48.	Te_Onewa_Human_Health_Risk_Assessment_V4	04/03/2013	Certain information withheld under sections 9(2)(a) and 9(2)(i).
49.	Te_Onewa_-_Soil_and_Dust_sampling_proposal - Copy	28/08/2013	Withheld in full under section 9(2)(h).
50.	Followup_Letter3	11/12/2013	Withheld in full under section 9(2)(h).
51.	Air quality monitoring summary letter	11/10/2016	Certain information withheld under section 9(2)(a).
52.	Letter to residents Northcote Point	02/10/2020	Released in full.

Memos			
Ref	Name	Date	Details
53.	AHB Maintenance AEE memo NZTA DG @09Dec10ii (002) (2)	09/12/2010	Certain information withheld under section 9(2)(a).
54.	NZTA legal opinion_1	04/02/2011	Withheld in full under section 9(2)(h).
55.	GHD Memo NZTA 140211	14/02/2011	Certain information withheld under section 9(2)(a).
56.	NZTA legal opinion_2	15/02/2011	Withheld in full under section 9(2)(h).
57.	31 August GHD NZTA Stokes Point reserve - T&T HRA Review	31/08/2012	Certain information withheld under section 9(2)(a).

Reports			
Ref	Name	Date	Details
58.	Soil Report final	20/12/2001	Released in full.
59.	Hill Laboratories analysis report 815683-SP-2	02/09/2010	Released in full.
60.	AHB - Soil Sampling Report @7Sep10	07/09/2010	Released in full.
61.	AHB - Stokes Soil Sampling Report .. @26Nov10 (2)	26/11/2010	Released in full.
62.	March T+T Stokes Point Reserve Northcote Ground Contamination Assessment Report	XX/03/2011	Released in full.
63.	August T+T Stokes Point Reserve Northcote	XX/08/2011	Released in full.
64.	CLMP with appendices_(A)	22/08/2012	Released in full.
65.	Maintenance Monitoring Report 13001 270313	27/03/2013	Released in full.
66.	GHD Auckland Harbour Bridge - Human Health Risk Assessment DRAFT	XX/08/2013	Released in full.
67.	GHD December Auckland Harbour Bridge Environmental and Ecotoxicological Conceptual Model_FINAL	XX/12/2013	Released in full.
68.	T+T CB55 Attachment VI Soil Assessment_Part1	XX/10/2014	Released in full.
69.	Maintenance Discharge Consent_2015 Annual Report	29/01/2016	Released in full.
70.	Opus A08184_App_4_Cont_Assess_GS16_026	06/04/2016	Released in full.
71.	AHB_Environmental_Challenges_K_McDonald_2016	XX/XX/2016	Released in full.
72.	Maintenance Discharge Consent_2016 Annual Report	31/01/2017	Released in full.
73.	Maintenance Discharge Consent_2017 Annual Report	19/01/2018	Released in full.
74.	Maintenance Discharge Consent_2018 Annual Report	21/01/2019	Released in full.
75.	Maintenance Discharge Consent_2019 Annual Report	05/02/2020	Released in full.
76.	21 Sept Contaminated Land DSI Report - Westhaven to Akoranga with Appendices	21/09/2020	Released in full.

Miscellaneous			
Ref	Name	Date	Details
77.	NZTA AC meeting notes_SM_CR	23/03/2010	Certain information withheld under section 9(2)(g)(i).
78.	Soil sampling data - plot of location and results @25Aug	25/08/2010	Released in full.
79.	Q&A_v1	21/01/2011	Certain information withheld under section 9(2)(a).

Miscellaneous			
Ref	Name	Date	Details
80.	Stokes Point ARPHS agenda 25 JAN (2)	25/01/2011	Released in full.
81.	AC minutes_02 FEB 11	02/02/2011	Released in full.
82.	Stakeholder-engagement-plan_v4	16/02/2011	Certain information withheld under section 9(2)(a).
83.	FACT SHEET #231 (ver 7) Auckland Harbour Bridge Maintenance Stokes Point contamination	21/02/2011	Released in full.
84.	AHB Soil Testing	07/03/2011	Certain information withheld under section 9(2)(h).
85.	VAC-BUDMT Paper Auckland Harbour Bridge Contamination_(A)	07/04/2011	Released in full.
86.	AC_phone_record	15/08/2011	Certain information withheld under section 9(2)(a).
87.	Technical Analysis of Data from Stoke Point_v3	17/10/2011	Released in full.
88.	26 OCT 11 minutes	26/10/2011	Released in full.
89.	communications brief_10 JUL 12	10/07/2012	Released in full.
90.	PS BUDMT Paper_Professional Services advice	24/08/2012	Withheld in full under section 9(2)(g)(i).
91.	15_November_2012_-_Final_meeting_minutes	15/11/2012	Certain information withheld under section 9(2)(g)(i).
92.	File note - AHB Human Health Risk Assessment	03/10/2013	Released in full.
93.	SG_198 Human Health Risk Assessment - Properties adjacent to AHB Te Onewa Point	17/02/2014	Withheld in full under section 9(2)(h).
94.	AHB 2014 consent	18/12/2014	Released in full.
95.	communications	Xx/xx/xx	Released in full.