
East West Link Auckland Council Submission

File No.: CP2017/01682

Purpose

1. To update the Planning Committee on the key submission points Auckland Council (council) experts have identified with respect to the New Zealand Transport Agency's (the Transport Agency's) East West Link application for two notices of requirement and 23 resource consents.
2. To seek further delegations for the finalisation of the council's submission and the finalisation of the council's position within subsequent processes during the Board of Inquiry process.
3. To inform the Planning Committee of the legal barrier to implementing its resolution seeking that the Environment Protection Authority consider an extended eight-week submission period for the East West Link application.

Executive summary

4. On 16 December 2016, the Transport Agency lodged two notices of requirement and 23 resource consent applications (applications) under the Resource Management Act 1991 to protect and construct a major road on the northern side of the Māngere Inlet between Onehunga and Penrose. The new transport link will connect State Highway 20 (SH20) in Onehunga and State Highway 1 (SH1) at the Mt Wellington interchange. The proposed East West Link (the Project) aims to reduce high traffic and freight movements on congested local roads, provide efficient freight movements between SH20 and SH1, and improve transport connections between industrial areas and the port and airport. The Project also includes environmental improvements through the creation of stormwater wetlands, a leachate containment bund along the Māngere Inlet foreshore, and planting/ landscaping across the length of the Project.
5. The Ministers of Conservation and Environment have determined that the project is of national significance and should be referred to a Board of Inquiry. The applications were publicly notified for submissions on 22 February 2017 and submissions close on 22 March 2017.
6. Staff are working with the East West Link Political Reference Group to prepare Council's submission. The key matters which have been identified by council experts as potential areas of issue or opportunity are:

Issues

- a) additional infrastructure operational costs - particularly with respect to leachate collection systems
- b) dredging and the use of mudcrete within the coastal marine area
- c) adverse effects on geological features (Outstanding Natural Features), unique lava scrubland and associated wetlands (Significant Ecological Areas – terrestrial and marine), including cultural effects
- d) adverse effects associated with boardwalks within the coastal marine area
- e) the extent of reclamation within the coastal marine area
- f) predicted deposition and mangrove spread
- g) the height of stormwater infrastructure with respect to predicted sea level rise
- h) severance between Onehunga Port, the community and the Mangere Inlet
- i) adverse effects on Waikaraka Cemetery and adjoining area

- j) alternative proposals from community groups within the Onehunga area
- k) effects on scheduled heritage buildings

Opportunities

- l) future urban development of the Port of Onehunga
 - m) enhanced cycleway and walkway connectivity across State Highway 20, State Highway 1 and around the Mangere Inlet
 - l) the removal of transmission lines around the Neilson Street Interchange
 - m) greater connectivity between the Port of Onehunga and the Onehunga township
 - n) declamation and channel widening in Ōtāhuhu Creek.
 - o) the creation of new open space and recreation areas
 - p) new artwork and educational signage
 - q) a future proofed linkage to a future 'Mangere Inlet Shared Path' along the eastern foreshore of the Mangere Inlet.
7. It is recommended that the delegations given to the Political Reference Group to approve Council's submission (Attachment A) be extended to approving Council's position throughout the Board of Inquiry process.
8. It is also noted that the Environmental Protection Agency cannot legally extend the timeframe for submissions so staff have not requested an eight-week submission period as resolved by the Planning Committee (Attachment B)

Recommendation/s

That the Planning Committee:

- a) note the key issues and opportunities identified to date by council experts.
- b) delegate authority to the East West Political Reference Group to work with staff throughout the course of the Board of Inquiry process in order to provide timely directions or decisions during hearings, mediation and consideration of any draft conditions and notices.
- c) agree that a minimum of three East West Political Reference Group members are required to make decisions and provide direction throughout the course of the Board of Inquiry process.
- d) note the legal opinion obtained by council staff that the Environmental Protection Authority is not able to give effect to a formal request by the Planning Committee to consider an eight-week submission period for this application.

Comments

9. The Project will be considered by a Board of Inquiry. The applications were publicly notified on 22 February 2017 and will close 20 working days later on 22 March 2017.
10. The council submission can be more accurately described as 'the council family' submission insofar as its intent is to incorporate the views of Panuku, Auckland Transport, Auckland Council, Watercare, the Maungakiekie-Tamaki Local Board and the Mangere – Otāhuhu Local Board as a complete planning response to the East West Link application. Accordingly, council planning staff have been active in meeting with various internal and external stakeholders in an effort to achieve a unified submission. This has extended to the

point of sharing technical experts between Auckland Council and two of the CCO's (Panuku and Auckland Transport).

11. To date, the review of the application by the council experts collectively identifies areas where the proposal can be improved to address issues and capitalise on current and future opportunities.
12. A particular topic of focus by the experts is place-making in the local area through reinforcing a strong sense of local identity, improving amenity, and improving connections between the Onehunga community, Port of Onehunga, and the Mangere Inlet. It is noted that this matter has also been raised by local boards and the wider community (via public meetings and community groups) as a key concern.
13. Another key issue is the extent to which the East West Link road embankment, which effectively forms a groundwater containment bund along the northern Mangere Inlet foreshore, will likely increase the council's operational costs through an ongoing need to pump leachate/groundwater from the Pikes Point East and West closed landfills upgradient of the embankment to either proposed water treatment wetlands or the Watercare wastewater system. Concern has also been raised regarding the manner in which the works will be conducted, particularly with respect to dredging of the Mangere Inlet.
14. A third key issue is the extent to which adverse effects at Ann's Creek, which holds areas of unique geology and indigenous vegetation of particular scientific interest, can be avoided, remedied or mitigated whilst not compromising the wider alignment.
15. In addition to the above, council experts have been considering an alternative alignment at the Neilson Street Interchange which is proposed by the Onehunga Business Association (OBA) and The Onehunga Enhancement Society (TOES) and referred to as the 'OBA/TOES Community Plan'. This proposal has undergone peer review testing by the Transport Agency, and the methodology and outcome of this testing is included within the East West Link proposal documentation. Council experts are currently of the opinion that the 'Community Plan' offers no discernible traffic benefit when taken in the context of the wider transport network and overall project objectives. Council experts have also raised concerns regarding the adverse effects of the OBA/TOES Community Plan on ecology, coastal processes, and geological features of the area arising from large areas of proposed reclamation. Council's parks team have initially indicated the scheme has some recreational benefits. Overall, the council experts are largely unsupportive of the 'OBA/TOES Community Plan'. Assessments are ongoing.
16. As with the Auckland Unitary Plan hearing process, which concluded in 2016, the Board of Inquiry process to be followed for the East West Link will require 'the council family' to respond quickly with its position at the direction of the board, during any mediation, and during the consideration of draft notice of requirement and resource consent conditions. In light of this, council staff seek a resolution from the Planning Committee that the Political Reference Group established through Planning Committee Resolution Number PLA/2016/6 be given extended delegation to approve the council's position throughout the entire Board of Inquiry process, and that a decision making majority of three is confirmed through this resolution. The Board of Inquiry process is currently due to be completed in November 2017.
17. In response to Planning Committee Resolution Number PLA/2016/6(e), repeated below:
Request that the Environment Protection Authority consider an eight-week submission period for this application due to its complexity and significant effects that it will have on the local community.

Council staff obtained legal advice from the nominated legal support for the East West Link project, Simpson Grierson (Attachment B). This advice noted that the Environmental Protection Authority cannot legally extend the submission period from the 20 working days prescribed under the Resource Management Act 1991. Accordingly, such a request to the Environmental Protection Authority has not been made.

Consideration

Local board views and implications

18. Two members of Maungakiekie-Tāmaki Local Board and one member of Māngere-Ōtāhuhu Local Board hold memberships on the East West Link Political Reference Group. This provides these local boards with a direct opportunity to engage on council decisions with respect to the Project. Any other local board views will be included as a section of the council family submission on the Project.
19. Council staff have engaged in an active programme of meeting with the local boards throughout the term of the Project to regularly update the boards on the latest Project developments and provide them with technical advice on specific aspects of the project of interest to the local board members and, by extension, the wider local community. In the case of Maungakiekie-Tāmaki Local Board, this has included undertaking two field trips with the local board members, and attending and presenting at a public meeting.

Māori impact statement

20. The relationship of mana whenua with Onehunga, Manukau Harbour, Māngere Inlet, volcanoes, creeks and other places of significance is acknowledged. Council staff, in collaboration with Panuku Development Auckland, have engaged with mana whenua on key aspects of the East West Link application. It is noted that mana whenua (identified as Ngāti Whātua Kaipara, Ngāti Whātua Ōrākei, Te Rūnanga o Ngāti Whātua, Ngāti Tamaterā, Ngāti Whanaunga, Ngāti Paoa, Ngāti Maru, Te Patukirikiri, Ngāi Tai ki Tāmaki, Ngāti Tamaoho, Te Kawerau ā Maki, Ngāti Te Ata, Te Ākitai Waiohua) are able to make an independent submission on the East West Link proposal.
21. A number of hui have been held between the council family and affected iwi to date. Most recently, two kaitiaki (operational) hui were held with mana whenua on 23 January 2017 and 15 February 2017. A governance hui, which is intended to gain endorsement of the operational feedback received by council staff to date, is scheduled to occur on 2 March 2017. Gaining this endorsement will allow feedback from mana whenua to inform the staff recommendations to the East West Link Political Reference Group on 16 March 2017.

Implementation

22. The costs of preparing the council's submission on the East West Link application will be covered by Plans and Places existing budget and through a cost sharing of some experts with Panuku. The costs of internal experts are covered within their own departmental budgets.

Attachments

No.	Title	Page
A	Attachment A : Minute of Resolution	
B	Attachment B : Legal Opinion	

Signatories

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