

# Memo

28 September 2017

To: Auckland Council Planning Committee  
From: Matthew Gouge – East West Link – Council Submission Project Manager

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Subject: Update on East West Link Board of Inquiry Processes

On 16 December 2016, the NZ Transport Agency (**NZTA**) lodged two notices of requirement and 24 resource consent 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 between State Highway 20 (**SH20**) in Onehunga and State Highway 1 (**SH1**) at the Mt Wellington interchange.

The proposed East West Link (**EWL** or **the Proposal**) 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 Proposal also includes environmental improvements through the creation of stormwater wetlands, a leachate containment bund along the Māngere Inlet foreshore, and planting/ landscaping across the Project alignment.

Both the Minister for the Environment and Minister of Conservation determined that the EWL is a matter of national significance and directed that the Proposal be heard by an independently appointed Board of Inquiry (**Board**). This process was administered by the Environmental Protection Authority (**EPA**). The Proposal attracted 689 submissions, a significant number when compared to the 33 submissions received for the hearings on the Northern Corridor Project.

On 15 September 2017, after 12 weeks of submissions, the hearing on the EWL came to a close. The hearings took a month longer than anticipated by the EPA and resulted in the Board seeking (and obtaining) the approval of the ministers for draft decisions on the Proposal to be made no later than **14 November 2017**.

The hearing ranged across all aspects of the Proposal, with key matters raised by the submitters being:

- The cultural effects on Mana Whenua;
- The extent to which transport will be improved by the proposal;
- Access and business disruption effects for individual properties;
- The consideration of alternative corridors and alignments;
- Noise and vibration effects on the community and businesses;
- Concerns on visual amenity and character – particularly with respect to the ‘Neilson Street Interchange’ (western) end of the project area;
- Effects on social and community wellbeing – particularly access to open space and the coastal environment;
- Effects on terrestrial and marine ecology and geological and historic heritage – particularly within Anns Creek and the Mangere Inlet arising from construction works, the placement of structures, reclamation and dredging activities;
- The future of the Port of Onehunga, the development of Onehunga as a town centre, Waikaraka Cemetery and Park, and the protection of the Penrose - Onehunga industrial area; and

- The future of the Aotea Sea Scout building and connections between Taumanu Reserve, Onehunga Town Centre and the Port of Onehunga.

During the hearing, the Council was called upon by the Board to enter into expert conferencing on several matters and provide some legal views. The Council team were also regularly contacted by other submitters and maintained regular and productive dialogue with the NZTA. In all cases, the Council case team maintained the position of Council as stated through its submission.

The closing legal submissions of both the Council and the NZTA highlighted the extent of the changes agreed to by the NZTA during the hearing process to address the adverse environmental effects of the Project. From the Council case team's perspective, key changes which were made by the NZTA to the Proposal included:

- The NZTA agreeing to extend the 'land bridge' between Onehunga Harbour Road and the Port of Onehunga from an originally proposed 70m, to a range of lengths between 80m and 110m (subject to engineering and traffic safety considerations). The proposed conditions also require the design of this important community feature to be developed in collaboration with key Council departments, Panuku, the Maungakiekie-Tāmaki Local Board and community groups;
- More stringent conditions for an improved community shared pathway design (and parking) between the Taumanu Reserve and the Port of Onehunga;
- More stringent and outcome focussed conditions governing the design for pedestrian and cycle connections between Onehunga Mall and Onehunga Harbour Road/Old Mangere Bridge (including a wider shared path bridge connection to Old Mangere Bridge);
- An undertaking to investigate and accommodate if practicable a bus only lane between the SH20 northbound off ramp and Onehunga Harbour Road;
- More stringent design requirements for the safe design of the 'Galway Street Link';
- An undertaking to remediate the Te Hopua intertidal tuff area to the north of the Port of Onehunga to remove old construction debris and rubbish and enhance this important geological feature;
- A greater commitment to repair built heritage aspects of the Aotea Sea Scout Hall (subject to building owner approval).
- An undertaking to (partially) compensate Council for the delayed sports ground development of Waikaraka Park South as a result of the Project. Council is seeking greater mitigation, however the NZTA's 'offer' should ensure that funds will be provided for the development of recreation capacity in the local community;
- Agreement to provide visual and noise mitigation for Waikaraka Cemetery to maintain the tranquillity of this facility;
- A substantially greater package of ecological mitigation (both in terms of area, maintenance periods and cost) for the partial loss of unique, rare and threatened terrestrial ecology and bird habitat;
- Concessions on the construction methodology used to create land within the Mangere Inlet to minimise sediment discharges (the Council remains opposed to any sub-tidal dredging);
- More rigorous construction and operational noise conditions to avoid, remedy or mitigate effects on the community and businesses to the best extent practicable;
- A condition requiring the design of the East West Link to take all reasonable measures to accommodate any advanced undergrounding plans developed by Transpower (in conjunction with Panuku) prior to the commencement of construction; and
- Conditions requiring more extensive monitoring of treatment system efficiency, and that the design of future stormwater and leachate collection assets will seek to minimise ongoing operational costs.

These changes have come about partially, and in some cases wholly, as a result of the expert discussions, evidence and cross-examination of the Council's witnesses which included a corporate witness (Panuku), three local board witnesses (Maungakiekie-Tāmaki and Māngere-Ōtāhuhu local boards) and 23 technical experts and planners (Council staff and consultants).

Currently, the Board is in its deliberation phase of the process. The Council may be called upon to provide further technical or other advice to the Board during this period. It is the case team's intention to update the Planning Committee on the draft decisions shortly after they are released no later than **14 November 2017**.