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In the matter                      of The Resource Management Act 1991 ('the Act')

And

In the matter of                      of a Board of Inquiry appointed under s 149J of the Resource Management Act to consider Notices of Requirements and resource consents made by the New Zealand Transport Agency in relation to the East West Link roading proposal in Auckland,

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**Statement of evidence of David William Arthur Mead**

Dated 22 May 2017

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## Summary

- 1 In my opinion, the East-West Link project in sector 1 - Onehunga foreshore area - has a number of significant adverse effects on the current and future environment of the area that are not appropriately mitigated. Neither can these effects be readily mitigated by further actions. I also do not accept the proposition that some sort of off-set by way of improvement elsewhere helps to compensate for these unmitigated effects. These effects are:
  - a the further severing of the urban area of Onehunga from its foreshore coastal environment, both in a physical and perceptual sense;
  - b the loss of land within Gloucester Park and the lost opportunities for better pedestrian connections into and across this park to the coastal edge;
  - c the loss of coastal pohutukawa and the landscape impacts of the elevated motorway structure on the coastal environment from the wharf around to Taumanu;
  - d the loss of the open, physical and visual connection between Gloucester Park South / Te Hōpua Outstanding Natural Feature and the coastal edge;
  - e the visual and aural impact of the elevated motorway structure on the amenity of the coastal edge and the associated diminished experience for people using the coastal pathway;
  - f the physical and visual separation between The Landing and the Port, and the 'stranding' of the Sea Scouts building; and
  - g the very poor environment under SH20 (both Onehunga Harbour Road and the underpass at the end of Onehunga Mall).
- 2 The significance of these un-mitigated effects grows in my mind when reference is made to the relevant statutory documents, both in terms of the future land use changes that they signal in the area (which have the implication of a much larger population base affected than today), as well as in terms of what weight or importance should be attached to resources like coastlines, heritage and open space areas. Section 6 of the RMA is relevant in terms of the weighting of adverse impacts on coastal character, the maintenance and enhancement of access to and along the coast, outstanding landscapes and heritage.
- 3 I have not undertaken an overall assessment of the project against all relevant objectives and policies, nor attempted a broad judgement under Part 2 of the RMA. However my review of the western (Onehunga) end of the project has raised significant concerns that in my opinion are so substantial that they require a re-assessment of the alignment and design of the East

West Link in this area. They are in my view fundamental flaws which cannot be addressed by way of adjustments elsewhere along the project corridor, or further mitigation.

## **Experience**

- 4 My full name is David William Arthur Mead. I am a Director of Hill Young Cooper Ltd, a planning and resource management consultancy. I have been in this position since 2007.
- 5 I hold a Bachelor of Town Planning from the University of Auckland. I have over 26 years experience in the field of town planning and resource management. I am a full member of the New Zealand Planning Institute.
- 6 I have been involved in a range of projects that have identified and assessed the environmental effects of new and upgraded roads and the land use benefits of different transport modes. This includes at the urban strategy level (such as the Auckland Plan); when preparing concept plans and structure plans; as well in relation to NoRs (such as Glenvar Ridge Road in Long Bay and Lincoln Road in Henderson). I have also considered the effects of various transport projects on land use patterns and community dynamics such as the bus-based Central Transit Corridor in Auckland City and the extension of rail services to the Manukau City Centre.
- 7 I act as an Independent Hearings Commissioner and have considered plan changes, resource consents and NoRs. I have provided expert evidence to the Environment Court on urban growth issues and urban design.
- 8 I am a member of Auckland Council's urban design panel.

## **Code of conduct**

- 9 I have read and am familiar with the Code of Conduct for Expert Witnesses in the current Environmental Court Practice Note (2014), have complied with it, and will follow the Code when presenting this evidence. I also confirm that the matters addressed in this Statement of Evidence are within my area of expertise, except where relying on the opinion or evidence of other witnesses. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

## **Introduction**

- 10 I have been asked by The Onehunga Enhancement Society (TOES) to review NZTA's assessment of the effects of the East-West Link project (EWL or the 'project') on the Onehunga area and to provide my assessment of the impact of the EWL on this area. This is

from the perspective of urban design and planning. I have undertaken a combined assessment because of the degree of overlap between urban design and urban planning.

- 11 My evidence is limited to the western (Onehunga) end of the EWL project, within the sector 1 area identified by NZTA. I have not reviewed in detail the issues associated with the eastern (Māngere inlet) end of the project.
- 12 I have reviewed the NZTA application documents and evidence, visited the site, discussed with members of TOES their concerns and reviewed various planning and RMA documents. I have also reviewed relevant evidence from Auckland Council, Auckland Transport and Panuku.

### **Structure of Evidence**

- 13 In this evidence I identify areas where I consider that NZTA experts have 'underplayed' the significance of adverse environmental effects or 'overplayed' the extent of mitigation. I do not discuss all effects; rather concentrating on those areas where I consider different conclusions can and should be drawn on the nature and scale of adverse effects and their potential mitigation.
- 14 The main points that I raise in this evidence concern:
- a Current environmental values in the area
  - b Future environment without the project
  - c Analysis of adverse effects on the Onehunga foreshore area
  - d Adequacy of proposed mitigation
  - e Assessment of alternatives
  - f Statutory assessment.
- 15 I do not conclude by undertaking a broad overall assessment of the project as I have not analysed all aspects of the project. Rather I point out what I consider to be fundamental flaws with the proposal which cannot be mitigated and which in my opinion require a reassessment of the project in the Onehunga area.

## Overview

- 16 An important overarching point that I wish to make in relation to the project is that, standing back from the detail, fundamentally NZTA's proposal inserts a new, elevated four lane highway into a coastal environment; an environment which is being (and needs to be further) regenerated in terms of its amenity and recreational attributes.
- 17 Coastal environments have a high value attached to them under statutory provisions, as well as in terms of community values. The submission by the Local Board (Maungakiekie - Tāmaki Local Board) is evidence of this community value (see the Auckland Council submission), as is the submissions from TOES and related parties.
- 18 In contemporary urban design and planning approaches there is a general move to reconnect and restore urban land-water interfaces. This can be seen in central Auckland with the Wynyard Quarter redevelopment, but also in the many esplanade-type roads around the region that are magnets for recreational and social activities (such as Tamaki Drive). The Taumanu / Onehunga Bay foreshore is a further, local example. Auckland is a maritime city and the amenity provided by its land-water interfaces underpin much of Auckland's competitive advantage compared to other cities in the wider Pacific rim.
- 19 The Onehunga foreshore has had a long history of being the 'back door' of the Auckland Isthmus area, accumulating a range of physical infrastructure. The presence of this infrastructure is used by NZTA to justify continued expansion of transport infrastructure in the area. However, the general trend is to avoid construction of new 'heavy' infrastructure in coastal areas due to the conflict with the emerging values around amenity, recreation and ecological restoration. If anything, the trend is to remove existing infrastructure, where possible. I note that Mr Brown has essentially made the same point in his evidence for Auckland Council<sup>1</sup>.
- 20 In some ways NZTA's proposals along the Māngere inlet recognise this growing demand for restoration and enhancement through the wide reclamation, better management of contaminated water and the new coastal path separated from the new road. In my view, in the Onehunga area the same care and attention has not been provided, and new infrastructure is proposed to be "squeezed" into the existing coastal margin to the detriment of coastal landscapes, heritage, connectivity and amenity.
- 21 As the Onehunga area further develops and regenerates, with more housing and employment related to business services rather than industry, then the amenity provided by the Onehunga foreshore area will be increasingly sought after. The impact of the EWL on the current and

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<sup>1</sup> See paragraph 80, Stephen Brown's Evidence

future environment (and the associated lost opportunity in terms of future benefits) is the major weakness of the EWL proposal. A simple thought experiment helps to reinforce this point: if the EWL was proposed to be built along part of the Waitemata Harbour coastline of Auckland, would the same assessment of the nature and scale of effects have been made? My guess would be that major adverse effects would have been identified.

### **Framework for Analysis**

- 22 In considering the nature and extent of adverse effects associated with the EWL and their appropriate mitigation, I consider it important that the Board first establish some 'goal posts' or reference points. Otherwise analysis of effects can quickly fall into a relative assessment of things being a bit worse or a bit better than is the current state. This type of relative assessment misses issues of thresholds and tipping points and the effects on an area from an accumulation of a number of (reduced but still present) adverse effects. It also uses as the point of reference existing environments, not reasonably foreseeable environments.
- 23 The EWL project and the evidence presented by NZTA raises three fundamental planning issues, in my mind. These are:
- a how to assess the nature and scale of changes to the environment;
  - b to what extent can the need for infrastructure trump the protective aspects of the various statutory documents; and
  - c to what extent can 'benefits' in one sector help to off-set losses in another sector?
- 24 On the first issue, the submission by TOES raised the point that many of the assessments prepared by NZTA were not explicit as to how they rated effects and the outcome from the mitigation proposed. That is, when they say that an effect is a moderate adverse effect in what way is that effect more than a minor effect, but less than a major effect? Furthermore it is not clear if those effects were considered against the current or reasonably foreseeable environment. When it comes to mitigation, the issue becomes how to rate the likely effectiveness of the mitigation proposed.
- 25 These are more than academic questions. Much of NZTA's case rests on the point that the (mitigated) effects are appropriate, given the current environment (and the nature of the infrastructure to be enabled). But in getting to a finding of 'appropriateness' the Board needs to be sure of the frame of reference it will use to determine if an effect is appropriate. Just because an environment is degraded is not a reason for further degradation, for example. Generally, NZTA's assessment is of low to moderate adverse effects in the Onehunga area,

yet this area has the strongest community values attached to it, as well as the least degraded environment. The area is also rapidly changing, in-line with proposed plans (both RMA and non RMA). So the likely future environment is very relevant. Furthermore, just because a mitigation related action is proposed does not mean that the mitigation is sufficient in respect of the effect generated.

- 26 In considering the nature and extent of effects and the utility of mitigation, I consider it appropriate to refer to:
- a relevant guides and best practice documents
  - b plan provisions
  - c community feedback.
- 27 On the second issue, Andrea Rickard's evidence for NZTA acknowledges that the RMA and the AUP (OP) seeks to manage features and resources like the coastal environment. She then goes on to say, in relation to the AUP (OP) "The provisions recognise that Auckland is a well-established urban area with an increasing population where growth needs to be provided for, and that infrastructure is a critical component of that growth<sup>2</sup>". In short, in her view, there is reason for infrastructure expansion to trump environmental and amenity protection. I hasten to add at this stage that I understand that infrastructure like motorways have to follow certain corridors and that there is inevitably changes to the environment resulting in unavoidable perceived and real adverse effects from expansion of motorway infrastructure. But as Auckland grows, there is also a need for more and better social and recreational infrastructure along coastlines, for open spaces to play a bigger role and for heritage to be celebrated.
- 28 Generally, as the wider regional benefits of an infrastructure project grow then I agree that there is scope to accept more of an impact on the environment under section 5 of the RMA, but within reasonable limits as to mitigation. But without NZTA sufficiently stating what the wider benefits of the project are to the region (such as a cost/benefit analysis) it is hard to make a judgement that fundamental changes to the environment in the Onehunga area 'must be accepted' because of these wider benefits. This is ever more so because of the irreversible nature of the changes to the environment proposed along the Onehunga foreshore area.
- 29 On the third issue, NZTA's evidence is scattered with references to improvements to aspects of the environment in different sectors or to different elements to those areas or elements which will experience the adverse effects. In particular, there is a focus on the improvements to the Māngere inlet. I agree that the wider EWL project may help to restore degraded

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<sup>2</sup> Para 1.3. EIC Andrea Rickard.

environments along the Māngere inlet and that reclamation along this sector is potentially positive. The issue I address is the Onehunga foreshore area. Here NZTA claim benefits to conditions in the Onehunga mainstreet area and the road linking the town centre with the wharf area. But those environments are different to the coastal edge and its severance from the urban hinterland. The question is whether it is appropriate to claim a benefit to a different environment to off-set an effect on another environment.

30 Planning practise and the recent reform of the RMA acknowledge the potential for benefits to off-set adverse effects, but it is not settled whether that net benefit can be across all resources or areas, or should be within the bounds of similar resources and areas. The implication of the former averaging approach is that costs can get concentrated in some areas, and benefits get clustered in another. In my opinion, that type of outcome is unreasonable and inappropriate. There has to be, in my view, some sort of connection between costs and off-setting benefits, in terms of physical proximity, or in terms of environmental values. This is particularly the case for the Sector 1 / Neilson Street Interchange / Onehunga foreshore area.

31 Without first clarifying the above points, I have substantial concern that NZTA has taken an 'incremental', reductionist decision-making approach in terms of its adverse effects assessment. That type of decision-making approach means:

- a there is no assessment of the future environment, without the project.
- b there are no benchmarks set to determine if mitigation is sufficient or appropriate
- c the assessment misses an overall cumulative 'sum-of-the-parts' judgement as to the likely state of the environment with the project in place.

## **Current Environment**

32 NZTA have identified the following features of the Onehunga area, covering:

- a coastal environment
- b outstanding natural feature of Te Hōpua
- c vegetation and coastal pohutukawa associated with Te Hōpua
- d historic heritage: Sea Scouts, building, The Landing tavern, Onehunga wharf buildings
- e wharf redevelopment potential



g the presence of high pressure gas and Transpower transmission lines.

33 The existing NZTA designation (6718), as set out in the AUP (OP) is shown in the diagram below.

### Figure 1: Existing Designations



34 While SH20 has considerably modified the environment in this area, in relation to the coastal margin from the wharf around to the new Taumanu reserve, there are no large elevated roading structures, the Te Hōpua tuff ring is clearly visible from the water's edge and there is a sense of connection between land, buildings and water.

35 Most troubling in my view is NZTA's analysis of the natural character of the coastal environment in the Onehunga area that derives from the interaction of these features, and the amenity and recreational values associated with this. The protection of the natural character of the coastal environment from inappropriate use and development is a matter of national importance under the RMA (section 6(a)); while the maintenance and enhancement of public access to and along coastal areas is also nationally important (Section 6(d)).

36 Section 3.1.3 of the Landscape Assessment (Technical Report 6) discusses coastal natural character. It notes that natural character is made up of a range of factors by reference to Policy 13(2) of the New Zealand Coastal Policy Statement. A seven point scale is set out in

relation to the extent of 'naturalness'. Section 5.2.5 discusses and identifies the natural character of Māngere Inlet, but there is no equivalent section for the Onehunga foreshore area.

- 37 I acknowledge that I am not a landscape architect, but looking at the factors set out in 3.1.3 and Mr Lister's seven point scale, my opinion would be that the coastal edge in the Onehunga foreshore area exhibits a moderate degree of natural character, particularly now that the Tuamānu reclamation has occurred and in relation to the Outstanding Natural Feature (ONF) of Te Hōpua and its visual and physical interaction with the coastal edge.
- 38 Even if coastal environments do not exhibit high natural character, coastal environments still have important amenity and recreational attributes.
- 39 Relevant aspects of the coastal environment and its natural character include:
- a The linking of Taumanu with the wharf area in terms of a coastal recreational walking and cycling route with a sense of separation of this route from the existing motorway
  - b The linking of the foreshore area with Gloucester Park in terms of openness and access to green space through the at-grade nature of existing roading infrastructure
  - c Views of Manukau Heads / sense of openness to the west and the experience of these views without major intrusion of noise or physical structures
  - d Interaction of the coastal environment with maritime related built heritage such as the Sea Scouts and The Landing buildings.
- 40 These resources (and their interactions) are clearly of value to the community and contribute to the amenity, character and identity of the area. I note that NZTA's social impact statement records the results of a local survey where 75% of respondents said that the foreshore area is very important to them<sup>3</sup>.

## **Future Environment**

- 41 I consider that NZTA experts have paid insufficient attention to the future environment, particularly that of the Onehunga area, when assessing effects. Section 171 of the RMA does not limit assessment of effects to the existing environment. The future environment as enabled by the relevant district plan provisions is relevant to take into account. In my view, in

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<sup>3</sup> Social Impact Assessment, page 10.

the case of a designation with a long lapse date, the future environment is even more important than a consent process, when assessing effects.

- 42 In this case, it is not possible to draw a precise picture of the future environment based on what is permitted under the Auckland Unitary Plan (Operative in Part) or what unimplemented consents exist. I also acknowledge that any exercise to sketch out a likely future environment cannot be fanciful. However I think the principle of understanding the environment as it is likely to evolve without the project under current planning policies is critical to any assessment of effects of a large-scale infrastructure project that will fundamentally alter the environment of an area.
- 43 In particular, I consider that NZTA's urban design analysis and evidence has not sought in any way to undertake a forward looking context analysis. Auckland Council's evidence also does not attempt such an exercise. The urban design and landscape framework provided with the NoR is essentially a mitigation strategy, and the urban design evidence of both NZTA and Auckland Council echoes this approach. Nowhere is there an attempt to identify what the foreseeable future of the area is without the project. An urban design-based context analysis would highlight current and future land uses, built form, connections and character defining elements. This type of analysis would provide a better framework upon which to determine the nature and extent of adverse effects.
- 44 I note that in her statutory assessment for NZTA<sup>4</sup>, Ms Rickard appears to focus solely on industrial and business growth in terms of her analysis of the urban growth and development policies of the AUP (OP). There is no mention of mixed uses and the likely residential intensification of the western side of the Onehunga town centre, for example.
- 45 In my opinion, the reasonably foreseeable future of the sector 1 area is one of:
- a a redeveloping Onehunga town area with a larger resident population base and increased demand for access to green and blue networks
  - b additional and enhanced pedestrian and cycle connections to and along the coast
  - c an improved and upgraded foreshore area
  - d a redeveloped wharf area
  - e sea level rise of at least 1m, plus the likelihood of more frequent storm surges due to climate change.

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<sup>4</sup> Para 11.2 to 11.9, Statement of Evidence

- 46 I note that a number of apartment developments have occurred in the town centre area and it is likely that this trend will continue, especially to the west of the town centre where a large area of Mixed Use Zoning now applies under the AUP (OP). Residents of these apartment developments will want to access green space, as well as the foreshore area. Demands on Gloucester park will increase, and so too will movement to and along the coastline.
- 47 What is not clear is the open space, walking / cycling and traffic situation in the local area, without the project in place, but with a larger population base. The lack of a clear articulation of the future without the project, and the links and upgrades possible, makes any assessment of the future with the project very hard. It is reasonable to expect that walking and cycling links between the town centre and the coast will be upgraded without the project in place, for example, while local traffic management measures will be introduced.
- 48 Further in this regard, Panuku has developed a High Level Project Plan for the Onehunga area. This was reported to the Council in March of 2017<sup>5</sup>. The following action is identified in relation to the future of the wharf:
- a Create a unique regional destination that builds on the site's history, including marine and fishing industries, and delivers mixed-use development. This could include a fish market, signature restaurant with great views, improved access to the water and a quality public realm.
  - b Open up access to water space and connectivity to the rest of the Manukau Harbour for cultural, recreational and potentially transport purposes.
- 49 The timeframe for this action is listed as: Medium term (8-10 years). A footnote recognises that the timing of the EWL may delay this.
- 50 Taken together, the potential for a significant improvement to the area's environment is likely. Effects of the EWL must be considered against this baseline. Otherwise a large number of 'missed opportunities' will not be identified. It is these missed opportunities which represent a large pool of 'adverse effects'.
- 51 As an example, the following diagrams sketch in an illustrative way, likely urban form changes and desirable linkages between the Onehunga area and the water front.

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<sup>5</sup> See attachment to evidence of Rod Marler, Panuku Corporate for Auckland Council

Figure 2: Potential Future Land Use Pattern

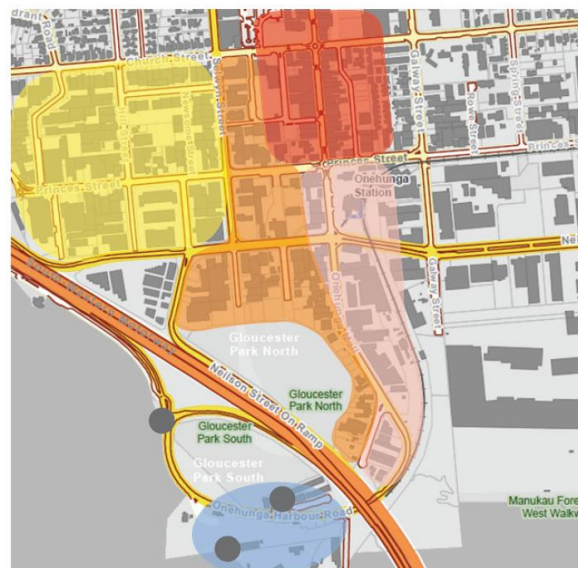


Figure 9: Future Land use pattern

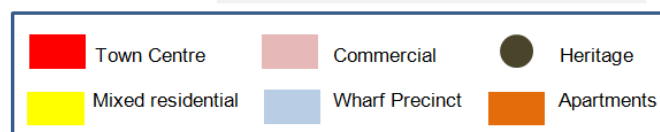


Figure 3: Likely Desire Lines



52 Pedestrian and cycle access to the foreshore is constrained by the existing motorway:

- a From the town centre, access is by way of Onehunga Mall Road, the SH20 underpass and narrow foot/cycle bridge across Onehunga Harbour Road. Pedestrians can also follow Onehunga Harbour Road at grade, although this is a longer route, dips down then up and is an unpleasant environment, backed onto by buildings. While the foot bridge across Onehunga Harbour Road to old Māngere Bridge is to be replaced with a new bridge by the project, the linkage back to the town centre still relies upon the existing underpass. This underpass is not a high quality facility. The opportunity to widen this underpass and turn the link into a safer, more attractive direct route does not appear to have been taken.
- b The next crossing point to the west is the new foot bridge to Taumanu / Onehunga Bay approximately 1km to the north. In urban design terms, this is a long gap between crossings in a medium density environment. Mr McIndoe in his evidence notes the benefits of frequent pedestrian connections in an urban setting<sup>6</sup>.
- c Currently, there is no ability to move between the two parts of Gloucester Park. In a normal situation, it would be expected that a reserve / open space area like Gloucester Park would play a much stronger role in local connectivity and access to the coast. The ability to move between the two sides of the reserve, as well as to access the coast would be highly desirable. Such a link is not inconceivable given the current arrangement, but with the walling off from the coast of the western side of Gloucester Park south by the new EWL roading infrastructure, there is little point in pursuing such a connection in the future.

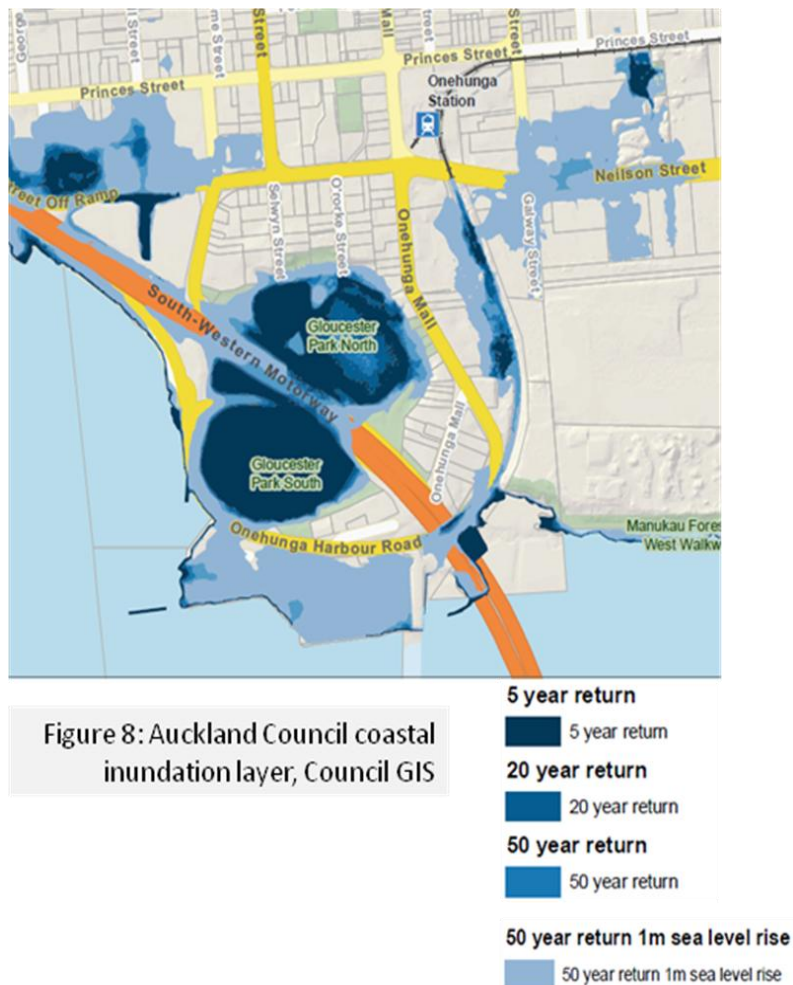
53 The ability of the design to accommodate potential rail routes to the airport receives some attention, which is positive. On the 24 March 2017, the NZTA and AT boards agreed that there will be a staged, integrated transition from bus to light rail transit from the airport to the city centre, based on future demand and capacity. Indicative alignment plans show the light rail route to the east of Onehunga Harbour Road. However, there is no real analysis of how a light rail route could help unite the town centre and the redeveloped port area. Light rail that has stops at both the town centre and the port area (they are conveniently about 750m apart) would help to spark the development of the wharf area as a mixed use environment. It would also help address issues of likely lack of parking at the wharf. A light rail route could follow a revamped Onehunga Mall Road route, for example.

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<sup>6</sup> Para 12.8

54 A further future environment issue is the impact of climate change and sea level rise. With respect to the northern foreshore of the Māngere Inlet, NZTA's evidence is that the project accommodates predicted sea level rise as a result of climate change. However, it is not clear if the same outcomes are achieved in the Onehunga area. For example, it is not clear to me whether the trenched section of the EWL is protected from sea level rise and storm surge inundation. To the west, the elevated section of the EWL appears to be well above sea level and coastal storm surge levels, but the new shared path and Orpheus Drive remain vulnerable in the longer term, as well as Onehunga Harbour Road to the east.

Figure 4: Likely Sea Level Rise and Coastal Inundation



### Analysis of Adverse Effects on Onehunga Foreshore Area

55 Section 6 of the AEE: 'Description of the Project' provides only a partial description of the works in the Onehunga area. The works proposed in the Onehunga foreshore area are, as far as I can tell:



- a A new motorway overbridge to provide access across SH20 to the EWL for traffic that currently has to travel through Onehunga to get into the industrial area to the east. The ramps up to this bridge require 8 to 10m high retaining walls
- b A revised, curving off-ramp from SH20 to the EWL link that occupies part of Gloucester Park South and extends into the ONF identified in the AUP (OP)
- c A new four lane road on an elevated embankment beside Orpheus Drive. The road will be placed on an approximately 5m high retaining wall
- d Occupation of over 5,000 m<sup>2</sup> of land from Gloucester Park
- e Relocation of a gas pipeline into part of Gloucester Park North
- f Removal of the following vegetation:
  - i Coastal Pōhutukawa trees located on Onehunga Harbour Road opposite the Aotea Sea Scouts Hall
  - ii The large Holm Oak tree on Onehunga Harbour Road, and
  - iii Other Trees within Gloucester Park
- g The EWL will be constructed in a trench adjacent to the Onehunga Wharf. This trench extends approximately 400m length and is up to 4m deep. An up to 25m wide land bridge connection over the EWL trench will provide pedestrian and vehicle access to and from the Wharf and Orpheus Drive
- h The widening will take about 8,000sqm of land from the wharf area
- i A replacement shared path bridge connecting to the Old Māngere Bridge is proposed to have a single span over the EWL with a second span over Onehunga Harbour Road. The clear useable width will be 3.5 metres, not much more than the current bridge
- j A 3m to 4m wide cantilevered path on Orpheus Drive linking into a shared path on either side. The path has been cantilevered to minimise reclamation. This path replaces an existing path, filling in a small 'gap' between the Sea Scouts and the Cruising Club buildings.

56 The lack of three-dimensional drawings of the EWL and its relation to the Sea Scout building and Orpheus Drive, and the overbridge and Neilson Street connection and views towards that from representative public viewpoints makes assessment of the landscape effects very difficult. Through her evidence, Ms Hancock has provided one view, and I return to this below.



- 57 In terms of environmental effects from the proposed works on the coastal environment, Section 6.1.3 of the AEE concludes that there will be only a low reduction in natural character as a result of the EWL in sector 1. It is stated that the EWL project will add to the existing clutter of infrastructure around Te Hōpua and reduce legibility of the Te Hōpua explosion crater and tuff ring as a former coastal landform.
- 58 In the same vein, para 8.9 of Mr Lister's evidence states: "Any reduction in natural character of the coastal environment in Sector 1 will be low because the work will take place on land already modified by earlier works, and because this part of the coastline is already characterised by infrastructure and other urban features".
- 59 In terms of wider landscape and visual outcomes in the Onehunga area, his assessment says "Taken together, there will be a moderate degree of potential adverse effects additional to the existing situation"<sup>7</sup>..
- 60 Mr Brown for Auckland Council, rates adverse effects as follows:
- I. Very High - The additional severance of the Onehunga Town Centre from the Manukau Harbour and old Māngere Bridge
  - II. Significant - Further degradation of Onehunga Harbour Road and impacts on The Landing and the Airport Harbour View Motel
  - III. Moderate - The additional severance and isolation of Onehunga's key natural /recreational features: Te Hōpua Crater (ONF 46), the Onehunga Bay foreshore & lagoon.
- 61 To gain an understanding of these likely impacts the diagram below overlays the proposed designation boundary over the existing designation to gain an impression of the footprint of potential works. I appreciate that the final designation boundary will likely be drawn back once the works are complete. Nevertheless, the diagram begins to demonstrate the extent to which the proposed works occupy Gloucester Park and considerably expands the footprint of transport infrastructure around the coastal edge from the SH 20 bridge to the cruising club.

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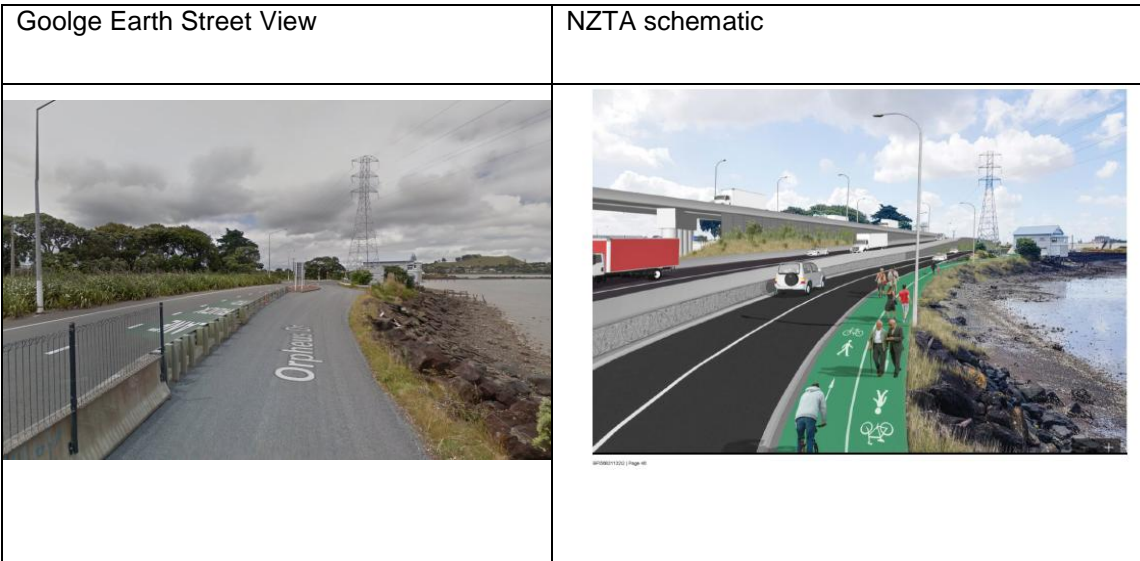
<sup>7</sup> Paragraph 7, Executive Summary, Technical Report 6.

Figure 5: Existing and Proposed Designation Boundary



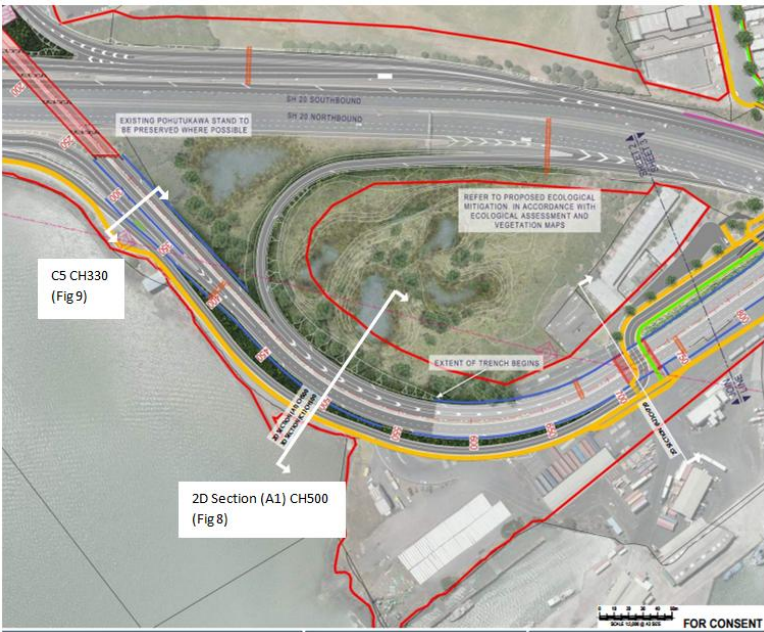
- 62 The indicative image appended to Ms Hancock's evidence (Annexure C) is instructive as to the changes to the environment of the foreshore area and the extent to which the new infrastructure is squeezed into the space between the foreshore and the existing motorway alignment. I do not see how the new arrangement can be claimed to be a benefit.
- 63 There is no corresponding 'before' shot in Ms Hancock's evidence. Below I provide side-by-side a Google earth screen shot of the same view, and the schematic representation provided by Ms Hancock.

Figure 6: Foreshore Before and After



64 The cross sections below provided by NZTA further illustrate the point. Figure 7 shows the location of two different cross sections provided.

65 Figure 7: Cross sections



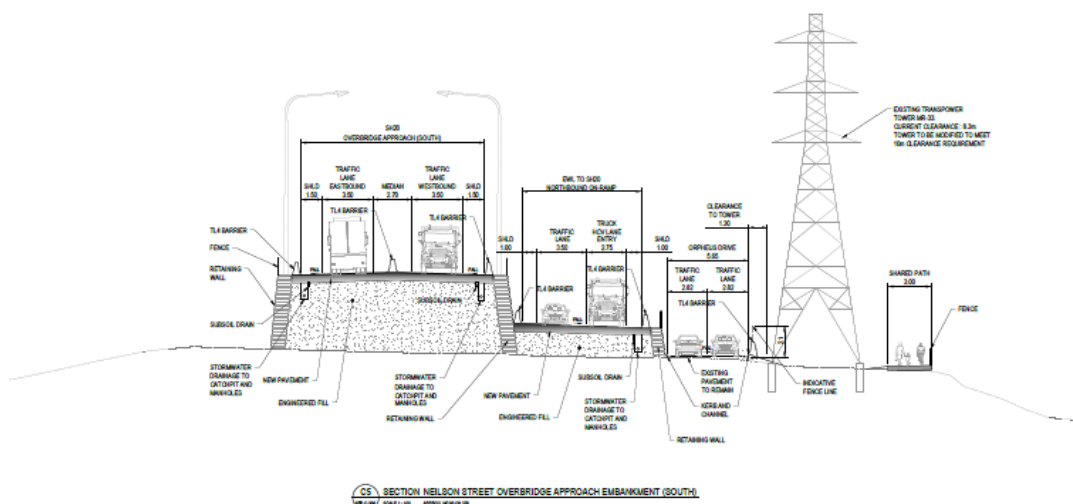
66 I have cropped the eastern end of the "2D CH 500" cross section (which showed the wetland area) so that the diagram concentrates on the coastal edge. The cross section also demonstrates the extent to which the motorway is elevated above the current ground level of Gloucester Park.

Figure 8: Cross section CH 500



67 This cross section appears to be taken where there is the greatest space between the new coastal footpath and the new motorway, in the section from Taumanu to the wharf. The cross section below is nearer the Sea Scouts building, where the walkway deviates around a pylon.

Figure 9: Cross Section 5



- 68 Visualising the impact of the works around the port area is harder, given the lack of information. Below is a screen shot from a NZTA flyover posted on their website.

Figure 10: NZTA fly through: port trench



- 69 This screen shot shows the scale of the trench. While the trench may help to reduce some visual and aural effects compared to an at-grade road, if anything the width and length of the trench tends to accentuate the feeling of severance between the port area and the southern part of Onehunga.
- 70 What is not clear to me is how the trenched area transitions to the east and the effect of any new road structures on the quality of Onehunga Harbour Road as it passes under SH20. Onehunga Harbour Road is identified in NZTA's evidence as being the main link back to the town centre, and improvements to this road are claimed as an important benefit. The environment of the road under SH20 is currently not pleasant, with the one redeeming feature being the open view towards the coast. However with the new EWL being elevated above current ground level to avoid sea level rise and the new Galway Street link to the east on an embankment (and a possible light rail link in the future); it would appear that the section of road under the existing State Highway overbridge structure will be further 'boxed in'. The alternative of the pedestrian underpass has its own problems. The underpass suffers from the typical problems of feeling unsafe to use, especially after dark, due to lack of surveillance from passing traffic and adjacent land uses. The project does not remedy these problems.
- 71 My assessment of urban design and planning effects (that are not well described in the AEE and that are significant prior to consideration of mitigation), are as follows:



- a The new elevated roading and bridging proposed will separate the Te Hōpua tuff ring from the Manukau Harbour. This will weaken the natural character of the coastal environment
- b The proposed shared pedestrian and cycle path between Onehunga Wharf and Taumanu reserve appears to lack the width and quality consistent of the paths and environment in Taumanu reserve and on the intended coastal path along the Māngere Inlet. Yet this is likely to be one of the most highly used paths / linkages in the area
- c The shared path will be adjoined by a series of parallel roads which rise above the grade of the shared path and which will physically dominate the route. This will cause noise, air pollution and amenity effects that will degrade the quality of this area
- d The permanent acquisition of 5,444m<sup>2</sup> of reserve land in this location reduces the area of open space available for public use and enjoyment
- e Improved access from Onehunga foreshore to Gloucester Park South and the associated potential pedestrian links north of this area are foreclosed. The new road structures (over bridge and elevated causeway) will create an insurmountable barrier to any ability to better link Gloucester Park to the foreshore, physically or visually, as well as to link the north and south sides of Gloucester Park
- f The wharf area becomes visually and physically separated from the southern end of Te Hōpua and associated buildings on the southern ring. This weakens the historic setting of The Landing and limits the potential for wharf redevelopment to link to existing community and recreational attributes
- g Part of the wharf area is taken over by roading, reducing redevelopment opportunities and potential new open space areas.

72 What is also not clear from NZTA's evidence is whether the works proposed can be accommodated without having to adjust the design to accommodate the existing National Grid power lines in the Onehunga area. Drawing set 12 shows some pylons very close to the new motorway infrastructure, and there are notes indicating that some pylons may need to be moved, or different pylon designs used. Subsequently, Mr Nancekivell has provided updated plans.

73 As noted by NZTA, the National Policy Statement Electricity Transmission applies, which gives a high degree of protection to the national grid. It is not clear from NZTA's evidence (and the submission of Transpower) as to whether the power lines will need to be shifted, or if the road design needs to be further amended for the EWL to comply with the NPS.

- 74 Transpower's submission notes a number of pylons that directly conflict with the design of the EWL as submitted. These include:
- a Tower (MR) 33: This conflicts with the new shared cycle/pedestrian foot path
  - b Towers (PR) 20-22: These are all located beside the new alignment of the Neilsen Street off ramps.
  - c One tower ( Tower 31) is very close to the new Gloucester Park on-ramp. It is on the outside bend of the on-ramp and must be in a very dangerous position with regard to potential for crashes from vehicles not taking the corner.
- 75 Para 10.17 of Ms Rickard's statement says that "The Transport Agency has been working closely with Transpower to develop a solution for how the modification and relocation of transmission infrastructure required as a result of the Project can both manage security of supply as well as effects on the environment". Mr Nancekivell, at para 15.85, notes that NZECP34 applies. He states that NZTA will continue to work with Transpower to find an acceptable solution for ensuring ongoing compliance with the NZECP34. "If the alignment is unable to achieve the clearances required by that standard, NZTA will seek specific dispensation from Transpower. As Transpower notes in its submission, in circumstances where the Project is unable to comply with the standards in the NZECP34 (for example for separation distances during construction) there is a dispensation process which the Transport Agency and Transpower will work through together".
- 76 However, in Part 1 of Mr Noble's evidence on behalf of Transpower (paragraphs 70 to 75), he points out that Transpower only infrequently grants dispensations and when it does so, carefully considers the risks and also the ability to operate, maintain and upgrade the Grid. Furthermore, Mr Horne, in his planning evidence for Transpower, at paragraph 56, states that "if dispensations cannot be granted, further tower/conductor relocation work may be required, or alternatively, the road works moved further from the National Grid assets".
- 77 It therefore appears that whether the pylons can or should be shifted, or whether the road design needs adjustment remains an 'unknown' at this stage, yet the location of the pylons and the alignment and design of on and off ramps are clearly very important to the functionality of the Neilson Street interchange area. It is incorrect in my mind to rely upon Transpower having to issue a dispensation to accommodate a design that has not taken into account a known constraint. If dispensations are required and not granted, it would appear the EWL cannot be designed with its current alignment. This possibility (and what to do about it) has not been explained in the evidence of the Transport Agency.

## Adequacy of Proposed Mitigation

- 78 For the Onehunga area, NZTA's main mitigation proposals relate to the trenched section of road by the port and improvements to the Onehunga Harbour Road and Onehunga Mall Road. These improvements are identified as being of benefit to the local community, but the basis of this statement is not clear. Mr Nancekivell identifies in his evidence, two further actions to those identified in the AEE:
- (a) Lengthening the land bridge over the trench to approximately 70 metres to improve the connection with Onehunga Wharf; and
  - (b) Developing a new connection at mid-level under Manukau Harbour Crossing alongside Onehunga Harbour Road to link together Onehunga Mall and the area to the south of EWL.
- 78.1 Section 15.3.3.2 of the AEE states that the protection of natural character, open space, public access and the amenity values of the coastal environment has been considered through the assessment of alternatives and ultimately setting back the Project as far as practicable from the CMA, whilst providing quality public access and improving aesthetics of this part of the coastal environment. In the case of the Onehunga area, none of these mitigation measures apply. The new elevated structure is close to the harbour edge, public access is squeezed between the motorway and the coast, while there is no improvement to the aesthetics of the area.
- 79 In relation to Te Hōpua, NZTA state that the project will avoid adverse effects on outstanding natural features as far as practicable by the avoidance of adverse effects on the specific values identified as part of the assessment and design processes. Nevertheless, the visual qualities of the tuff ring will be reduced by the new structures and from severing the relationship of the area to the coast.
- 80 Adverse effects on the context and setting of listed heritage items are identified as being moderate to significant in the AEE. Mitigation for effects on the Sea Scouts building is listed as 'landscaping' and 'design treatment of retaining walls'. For The Landing Tavern, the trench and land bridge structure are identified as potential mitigation, depending upon design and landscaping.
- 81 The following mitigations are noted in Ms Hancock's evidence at para 10.5, for the Sector 1 area:
- (a) Consistency and sequencing of the structure designs around Orpheus Drive to reinforce a continuous, linked shared path experience along the foreshore. This will link with the recently constructed Onehunga Foreshore (Taumanu) project which comprises a



new parkland and naturalised shoreline and 'sets the bar' for the design of the public realm adjacent;

(b) The retaining walls to be designed collaboratively with Mana Whenua in recognition of the cultural significance of this place;

(c) The landward setting of the Aotea Sea Scouts building to be designed as a backdrop for that heritage item, for example, through planting in association with the retaining walls;

(d) Vertical landscape treatment that highlights the circular form of the tuff crater. Tree planting is indicated on the landscape concept plans; additional or alternative treatment suggested in the LVA includes lighting around the rim; and

(e) In addition that EWL will be in a trench between Te Hōpua a Rangi and Onehunga Wharf.

82 These mitigation measures feel half hearted in my view, a point noted by others. For example Mr Jamieson and Mr Brown for the Council both raise the inadequate nature of the mitigation proposed for Te Hōpua.

83 Adverse effects that I do not consider have been addressed by the proposed mitigation include:

- a the further severing of the urban area of Onehunga from its foreshore coastal environment, both in a physical and perceptual sense
- b the loss of land within Gloucester Park and removal options for better pedestrian connections into and across this park
- c the loss of established coastal pohutukawa
- d the loss of the open visual connection between Gloucester Park and the coastal edge
- e the visual and aural impact of the elevated motorway structure on the amenity of the coastal edge
- f the physical and visual separation between The Landing and the Port, and the 'stranding' of the Sea Scouts building
- g the very poor environment under SH20 (both Onehunga Harbour Road and the underpass at the end of Onehunga Mall).

- 84 Auckland Council's submission and evidence raises the potential for undergrounding of the power lines as a potential 'off-set' for these effects. The Council's submission states that undergrounding may be appropriate mitigation for community severance, the loss of recreation space, and likely effects on the Te Hōpua Tuff Ring. I agree that undergrounding of powerlines would be beneficial to the wider environment, but I do not see this as like-for-like mitigation. I further note that the evidence of Mr Horne for Transpower tends to 'pour cold water' on any prospect for undergrounding.
- 85 The Aotea Sea Scouts, TOES, Rethink East West Link (REWL) and others have advocated for further beneficial reclamation along the foreshore, linking Taumanu with the wharf. This reclamation could avoid, if needed, the ONF west of Orpheus Drive. The reclamation would add new green space and walking and cycling linkages, away from the noise and visual dominance of the EWL link. I agree that such reclamation would be beneficial. However, I acknowledge that such works are outside the scope of the NoR and consents sought by NZTA.
- 86 If further reclamation is not a viable mitigation option, and the prospect of undergrounding of the power lines is very uncertain, then the question arises as to whether there is any appropriate mitigation.
- 87 Options for mitigation that may be relevant are:
- a) Upgraded and improved SH20 underpass to Onehunga Mall Road. Ideally this would return this link to be the main local road connection between the town centre and the port area;
  - b) Future proofing the potential for a light rail stop at the wharf and a street-based route between the Onehunga town centre and the wharf;
  - c) Additional cover on the trenched section. Multiple 75m wide land bridges, with gaps in between for ventilation would better assist with visual and physical connectivity in this area. This includes: the visual and amenity setting of The Landing and its historic interrelationship with the port; pedestrian and vehicle access into the port area; as well as access across the EWL link to access the old Māngere bridge walking and cycling and possible light rail route.
- 88 However these mitigation measures do not address the effects on the coastal environment from the wharf area around to Taumanu. Given the difficult issues associated with any reclamation in this area and an unwillingness by NZTA to entertain other options that take the roading structures away from the coastal edge, then to my mind there are no real options to address the adverse effects in this area. This may be the reason that NZTA's evidence (and to an extent Auckland Council's) concentrates mitigation on the Onehunga wharf to town

centre link. That mitigation is beneficial (and should be extended) but I do not consider that it 'makes up' for the extent of adverse effects to the west.

89 I further note that in relation to the Orpheus Drive area, Auckland Council's evidence raises a number of conflicting proposals. This is symptomatic of the difficult issues along this stretch of coastline:

- a Mr McIndoe<sup>8</sup> seeks that the proposed cycle and pedestrian path be at least 4m wide, cantilevered if needed, with integrated planting and landscape treatment and a high quality surface treatment. As far as I can tell, there is no space for integrated landscaping, while there must also be a structural constraint to how wide a cantilevered structure can be.
- b Ms Hannan states that NZTA should design the shared path to be physically separated from Orpheus Drive and contain a landscaped separation strip to provide an acceptable coastal edge experience that is not dominated by the adjacent roads<sup>9</sup>. Further on there is a statement that where practicable boardwalks/cantilevered paths alongside Orpheus Drive should be replaced with concrete paths constructed on land in order to reduce the on-going maintenance and eventual replacement cost for the Council<sup>10</sup>.
- c Mr Jamieson contends that there is potential to reconstruct the embankment north of the Aotea Sea Scout Hall to pull the base back off the tuff exposure and improve the aesthetics of the structure<sup>11</sup>. This proposal seems incompatible with cantilevered boardwalks and improved landscaping along the edge.

90 I can understand the motivations of all three comments. What these statements highlight are the unresolved issues along this stretch of the coastline. Added to this are the complex issues associated with the Sea Scouts building.

91 In my opinion, based on my review of the NZTA reports and evidence, there are a collection of unmitigated adverse effects in the Onehunga area that combine to form a significant adverse effect on the environment of the area. Taking into account the foreseeable future environment, this effect would become very significant in my view (based on the number of people affected by the adverse effects and the likely value that they will place on the environment affected).

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<sup>8</sup> Para 18.4

<sup>9</sup> Para 3.2

<sup>10</sup> Para 7.4

<sup>11</sup> Para 6.29

- 92 I think Mr Brown for Auckland Council comes to a similar conclusion. At paragraph 56 of his evidence he states:

*"Indeed, rather paradoxically, much as the recent rehabilitation of both Onehunga Bay / Taumanu Reserve and the nearby lagoon has enhanced the local community's sense of ownership of its coastal margins, the EWL project would reverse that trajectory and mark a significant retrograde step in the reconnection of Onehunga with the Manukau Harbour".*

### **Assessment of Alternatives**

- 93 The extent of unmitigated effects signals the need for careful consideration of alternatives. Comparison between the different assessments completed is not easy. Of most interest is NZTA's assessment of the OBA alternative against its preferred alternative. Ms Linzey's evidence appends an updated MCA for the five options in the Neilson Street area.
- 94 I have not studied the OBA option in detail and have had no part in its development. However at a conceptual level, I understand the OBA option as seeking to draw back the new roading infrastructure from the coastal edge by placing the north facing EWL on and off ramps that link to SH20 so they follow the existing motorway corridor. At a strategic level, the idea is to minimise disruption and limit the creation of new adverse effects by clustering the new infrastructure to follow an existing infrastructure corridor. This makes sense.
- 95 The following table lists the MCA scores for option 4 and option 5, as set out in NZTA's evidence. Option 4 is NZTA's preferred option. Option 5 is NZTA's assessment of the OBA option, as modified by NZTA. For option 5, three different assessments are presented:
- a as lodged;
  - b as per Ms Linzey's evidence; and
  - c as reviewed by Tonkin & Taylor.

**Table 2: MCA- Option 4 and Option 5 (OBA) Comparison**

Note assessment uses an eleven-point scale (from -5 to +5); from +5 (significantly positive effects), 0 (neutral) through to -5 (significantly adverse / negative effects)

MCA Topic	Criteria	Option 4 (Reviewed)	Option 5 (as Lodged)	Option 5 (as per Ms Linzey's evidence)	Option 5 (Reviewed)
<b>Performance against project objectives</b>	<i>Obj 1. Improved <u>travel times</u> between businesses in the Onehunga–Penrose industrial area and State Highways 1 and 20</i>	+4	+4	+4	+4
	<i>Obj 2. Improved <u>safety</u> for pedestrians and cyclists Improved <u>accessibility for local</u> cycling and walking Improved <u>accessibility for regional</u> cycling and walking (strategic network)</i>	+2	+1.5	+1.5	+2
	<i>Obj 3. Improved <u>journey time</u> <u>reliability</u> for buses between SH20 and Onehunga town centre</i>	+4	+4	+4	+4
<b>Road Safety</b>	1A. User Safety	+2	+3	+3	+3
<b>Construction</b>	2A. Construction impacts on Utilities and lifeline infrastructure	-1	-2	-3	-2
	2B. Construction Cost, excluding property costs.	-2	-4.5	-4.5	-4.5
<b>Operation</b>	3A. Operational Cost	-1	-3	-3	-3
<b>Social &amp; Economic</b>	4A. Construction Impact	-3	-4	-4	-3
	4B. Built Form and Amenity The measure for this criterion is visual and streetscape character, and legibility.	-4	-4	-4	-4
	4C. Connectivity	+1	+0.5	+0.5	+1
	4D. Quality of living environment	+3	+2	+1 (-1 Māngere, +2 Onehunga)	+3
	4E. Viability of land areas	-3	-3	-3	-2.5
	4F. Productivity of land	+3	+3	+3	+3
	4G. Public access to and along the coastal marine area	+1	0	0	0
<b>Natural Environment</b>	5A. Natural Landscape	-2	-3	-4	-3
	5A Natural character	-2	-3	-5	-3

MCA Topic	Criteria	Option 4 (Reviewed)	Option 5 (as Lodged)	Option 5 (as per Ms Linzey's evidence)	Option 5 (Reviewed)
	5B. Water quality - Stormwater - groundwater	SW +2 GW 0		SW 0 GW -2	+1
	5C. Ecological resources	-2	-3	-4	-3
	5D. Coastal environment and resources	Not applicable	Not applicable	Not applicable	Not applicable
<b>Cultural and Heritage</b>	6A. Mana Whenua values	-	-	-	-
	6B. Archaeological	0	-1	-2	-1

- 96 To begin with, I note that the MCA assessment does not appear to capture some important effects:
- a There is no assessment of heritage effects (archaeological effects are addressed), yet built heritage outcomes must be better under the OBA option.
  - b There is no assessment of loss of open space. The OBA option is seen as resulting in less open space. The fact that NZTA's option also results in loss of open space does not seem to factor.
  - c There is no assessment of urban design outcomes.
- 97 Some assessments do not appear to compare apples-with-apples. Under quality of the living environment, NZTA's preferred option (option 4) is rated as single '+3' score, with the main benefit being seen as less traffic through the Onehunga mainstreet area. The OBA option has two scores of -1 and +2, with the scores split between Māngere Bridge (-1) and Onehunga, yet the OBA option has no material difference to either end, compared to the NZTA option in terms of effects on living environments.
- 98 Access to and along the coast is rated as zero for the OBA options and +1 for NZTA's option. The lesser score for the OBA option appears to result from the additional bridge structures that the option proposes to provide for the south facing links to SH20, with these structures to the east of the current SH20 bridge. It is assumed that people will have to walk under these structures. This may not be the case if at grade connections are provided. The large improvement to the conditions from the wharf west to Taumanu under option 5 is not factored in. My assessment would be that the OBA option would be +3 or +4.
- 99 I find the natural landscape / character appraisal confusing. As lodged and as reviewed by Tonkin & Taylor a score of -3 is ascribed to option 5, compared to a -2 score for option 4. Yet

in Ms Linzey's evidence, for option 5 there is a -4 score for natural landscapes and -5 score for natural character (or a combined -4.5). The difference in scoring is not explained. The negative score for option 5 appears to concentrate on the perceived adverse effects of option 5 on Te Hōpua, not the coastal edge. NZTA's argument is that as Te Hōpua is already modified, then their preferred option is appropriate, yet any further modification to what they have proposed instantly generates significant effects due to the ONF identification.

100 Mr Smith, in his evidence for NZTA states, at para 7.14, that while "Te Hōpua is characterised as an ONF, Te Hōpua represents relatively low value as a volcanic feature characteristic of the Auckland Volcanic Field". In paragraph 8.3 he goes on to say that NZTA's option will have negligible effect on the existing volcanological characteristics and qualities that contribute to the values of the Te Hōpua Tuff Cone because:

*(a) Construction works will largely avoid the unmodified parts of the crater rim;*

*(b) Te Hōpua's overall circular form when viewed from aerial photos will not be affected;*

*(c) Its contribution as a component of the Auckland Volcanic Field will not change; and*

*(d) It provides opportunities for education through research and signage.*

101 To my mind, these statements could also apply to the OBA option. I question whether it is appropriate to impose such a wide variation in scores between option 4 and option 5.

102 Overall, apart from cost issues, it appears from this review that there is little difference between the OBA option and NZTA's preferred options when the scores against relevant criteria are compared, yet there are large differences in physical outcomes between the two options in the Onehunga area. The significant adverse effects to be experienced in the Onehunga foreshore area from option 4 must be cause for a closer assessment of the alternatives.

### **Statutory Review**

103 The evidence of Ms Rickard for NZTA and Mr Gouge for Auckland Council provide a comprehensive review of the statutory framework. I do not wish to repeat such an assessment. Rather I concentrate on points of difference.

104 In support of the anticipated growth of the region, I agree that the AUP (OP) takes an enabling approach to infrastructure, and this enabling approach must influence the assessment of required mitigation and associated NoR conditions and OP processes. Chapters B3 and E26

cover much the same ground, with both chapters recognising the importance of infrastructure to Auckland's well being. Policies set out the need to take into account the benefits of infrastructure when considering potential adverse effects and their mitigation. Having said that, there are still effects to be addressed by infrastructure.

- 105 The region's transport network receives particular recognition in the RPS and Auckland wide provisions. RPS Objective B3.3.1 refers to facilitating transport choices while avoiding, remedying or mitigating adverse effects on the quality of the environment, amenity values and safety of people and communities. The role of the transport network supporting land uses is noted. Policy B3.3.2 (4) refers to:

*Ensure that transport infrastructure is designed, located and managed to:*

*(a) integrate with adjacent land uses, taking into account their current and planned use, intensity, scale, character and amenity; and*

*(b) provide effective pedestrian and cycle connections.*

- 106 E26 develops these themes further. While objectives require that the benefits of infrastructure and the value of investment in infrastructure be recognised, the need for infrastructure to mitigate adverse effects is acknowledged, with the following effects listed in Policy E26.2.2 (4):

*(a) health, well-being and safety of people and communities, including nuisance from noise, vibration, dust and odour emissions and light spill;*

*(b) safe and efficient operation of other infrastructure;*

*(c) amenity values of the streetscape and adjoining properties;*

*(d) environment from temporary and ongoing discharges; and*

*(e) values for which a site has been scheduled or incorporated in an overlay.*

- 107 In considering mitigation, RPS Policy B3.2.2(2) requires recognition of the value of investment in existing infrastructure. Policy E26.2.2(5) goes on to state that the following matters should be taken into account when assessing the effects of infrastructure:

*(a) the degree to which the environment has already been modified;*

*(b) the nature, duration, timing and frequency of the adverse effects;*

*(c) the impact on the network and levels of service if the work is not undertaken;*



*(d) the need for the infrastructure in the context of the wider network; and*

*(e) the benefits provided by the infrastructure to the communities within Auckland and beyond.*

- 108 While the AUP (OP) sets out a fairly constrained list of adverse effects to consider, nevertheless there are still matters to be addressed, and section 171 requires any assessment to sit within the context of Part 2 of the RMA.
- 109 In discussing the statutory framework, Ms Rickard's evidence provides constant references to the improvements and mitigations in the Māngere inlet area, but downplays or ignores the extent to which the project's design in the Onehunga area does not address policies relating to natural character, coastal environments, coastal access, heritage, open spaces and streetscape amenity.
- 110 For example the AEE's section 6 RMA assessment states that the Project will have an adverse effect on some elements of the natural character of the coastal environment. It states: "However taking into account the significant modification of the CMA that has been undertaken to date, the comparative scale of the modification proposed as part of this Project, and the opportunity to improve the amenity and naturalise the coastal edge of the Māngere Inlet, the effects are assessed as being generally positive. At Ōtāhuhu Creek, the natural character will be improved through reinstating a navigable channel along the Creek". There is no mention of the Onehunga area.
- 111 Ms Rickard's evidence repeats the same point. She states<sup>12</sup> that in relation to section 6 (a), the project is located in an area where the natural character of the coastal marine area has been compromised through urban development over more than a century. The project will have a positive effect on natural character through re-naturalising the compromised coastal edge. These comments are relevant to Māngere inlet, but not to the Onehunga foreshore area.
- 112 In relation to coastal access (section 6 (d)) she states that "the maintenance and enhancement of public access to and along the coastal marine area adjacent to the route both at the Māngere Inlet and at Ōtāhuhu Creek is provided for by the construction of new and replacement walking and cycling access<sup>13</sup>". I agree that the new coastal path in this area could be claimed to enhance access to and along the coast. But in the Onehunga area, the works reduce the amenity and quality of the access to and along the coastal edge between the SH20 bridge and Taumanu.

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<sup>12</sup> Para 20.10

<sup>13</sup> Para 20.10 (f)

- 113 In terms of landscape effects, Ms Rickard at para 11.55 states that "the opportunity to achieve restoration to the extent proposed would not have been able to be achieved with any alternative corridor option, or in the absence of the Project". This statement clearly relates to the Māngere inlet area. The fact that the opposite is likely to be true for the Onehunga end of the project - alternative corridors would allow for further restoration of the coastal edge - does not seem to have been identified by her.
- 114 In my opinion there is a substantial gap in NZTA's assessment as it relates to likely outcomes in the Onehunga area. In my assessment, this gap is not easily filled as there are substantial policy mis-alignments in the Onehunga area in relation to heritage, amenity, coastal character and recreational outcomes.
- 115 Mr Gouge's assessment for Auckland Council is that while generally the project is supported by the statutory framework, the proposal is "inconsistent with urban environment provisions in the NZ Coastal Policy Statement and the AUP OiP. The Proposal is inconsistent with some of the historic heritage provisions and open space provisions within the AUP OiP"<sup>14</sup>. In particular he points to the direction to promote public use and enjoyment of public space in the coastal environment as outlined in Policy 4(c)(ii) of the NZCPS and RPS Policy B8.4. Policy B5.2.2(8) (which provides a policy direction for new development to have regard to the protection and conservation of the historic heritage values of any adjacent significant historic heritage places) is also noted. Again the focus of this mis-alignment is in the Onehunga area.
- 116 Both Mr Gouge and Ms Rickard conclude that with mitigation (either some more, or as already proposed), the EWL will be compatible with the various statutory documents. I cannot make the same conclusion myself, given the range and significance of unmitigated effects that I (and others) have identified.
- 117 In my opinion, the assessment of statutory provisions has down played the importance of the protective strands that weave through the RMA (section 6), the New Zealand Coastal Policy Statement and the Auckland Regional Policy Statement. Yes, there is support for infrastructure development in these documents, as there is for urban redevelopment and intensification, but my reading of the statutory provisions is that more infrastructure and more housing and business need to be accommodated in a way that maintains and enhances coastal environments, heritage resources and open spaces.
- 118 In support of my analysis, I note that in 2006, independent commissioners for Auckland City Council made essentially the same finding in response to an Notice of Requirement issued by the then Transit New Zealand to build an interchange in the Neilson Street area, on an alignment similar to the current proposal (but without the elevated, four lane section adjacent

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<sup>14</sup> Para 3.4(d).

to Orpheus Drive). That decision found that the proposed Gloucester Park interchange had to be redesigned due to: its impact on Te Hōpua; the impact of the motorway on public access to and along the coastal marine area; the lack of provision of enhanced public access to and along the coastal marine area; the loss of open space and amenity planting; and the reduction in options for future provision.

## Conclusion

- 119 In my opinion, the EWL project in sector 1 - Onehunga foreshore area - has a number of significant adverse effects that are not appropriately mitigated. Neither can these effects be readily mitigated by further actions. I also do not accept the proposition that some sort of off-set by way of improvement elsewhere helps to compensate for these unmitigated effects. These effects are:
- a the loss of land within Gloucester Park and the lost opportunities for better pedestrian connections into and across this park to the coast;
  - b the loss of coastal pohutukawa and the landscape impacts of the elevated motorway structure on the coastal environment from the wharf around to Taumanu;
  - c the loss of the open, physical and visual connection between Gloucester Park South and the coastal edge;
  - d the visual and aural impact of the elevated motorway structure on the amenity of the coastal edge and the associated diminished experience for people using the coastal pathway;
  - e the physical and visual separation between The Landing and the Port, and the 'stranding' of the Sea Scouts building; and
  - f the very poor environment under SH20 (both Onehunga Harbour Road and the underpass at the end of Onehunga Mall).
- 120 The significance of these un-mitigated effects grows in my mind when reference is made to statutory documents, both in terms of the future land use changes that they signal in the area (which have the implication of a much larger population base affected than today), as well as in terms of what weight or importance should be attached to resources like coastlines, heritage and open space areas. Section 6 of the RMA is relevant in terms of impacts on coastal character, maintained and enhanced access to and along the coast, outstanding landscapes and heritage.

121 As stated in my introduction, I have not undertaken an overall assessment of the project against all relevant objectives and policies. However my review of the western (Onehunga) end of the project has raised significant concerns that in my opinion are so substantial that they require a re-assessment of the design in this area. They are in my view fundamental flaws which cannot be addressed by way of adjustments elsewhere along the project corridor, or further mitigation.

David Mead

22 May 2017