

**BEFORE A BOARD OF INQUIRY  
NORTHERN CORRIDOR PROPOSAL**

**UNDER** of the Resource Management Act 1991 (**RMA**)

**AND**

**IN THE MATTER** of notices of requirement for designation and resource consent applications by the New Zealand Transport Agency for the Northern Corridor Proposal (the **Proposal**)

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**OPENING STATEMENT OF AUCKLAND TRANSPORT**

**18 July 2017**

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## MAY IT PLEASE THE BOARD

### 1. OVERVIEW

1.1 Auckland Transport strongly supports the Northern Corridor Improvements Project (**Proposal**). Auckland Transport is a key stakeholder with the New Zealand Transport Agency (**NZTA**) for the Proposal, which will deliver:

- (a) an extended busway – providing for Auckland Transport funded bus services;
- (b) an upgraded Constellation Station – that will be owned and operated by Auckland Transport; and
- (c) a new Shared use Path (**SUP**), which will be maintained by Auckland Transport.

1.2 Auckland Transport considers that:

- (a) The proposed extension to the highly successful Northern Busway (from Constellation Station to Albany Station) aligns with key strategic documents including the Auckland Plan, Auckland Transport Alignment Project Recommendation Report, Regional Land Transport Plan, and Regional Public Transport Plan. All of these documents identify the need to improve core public transport, which will be achieved by this Project.<sup>1</sup> The Proposal will support increased public transport trips, improve the efficiency of the bus network and assist in a move to providing "outstanding public transport".<sup>2</sup>
- (b) The Proposal will improve walking and cycling links on the North Shore by providing a SUP from Oteha Valley Road to Constellation Station, and Constellation Station to the interchange of State Highway 18 and Albany Highway.

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1 Evidence of Mr Newcombe, paragraphs 7.1 to 7.3.

2 Evidence of Mr Cross, paragraph 5.3.

(c) The Proposal will improve network resilience, (generally) lower traffic volumes on residential streets and arterial routes, improve connectivity between State Highway 18 and State Highway 1, resulting in improvements to freight and general traffic efficiency.<sup>3</sup>

**1.3** Auckland Transport appears at this hearing to provide evidence in support of the benefits of the Proposal (particularly in relation to the extension of the Busway and the SUP).

**1.4** Auckland Transport considered that further benefit could easily be obtained by providing some small extensions to the SUP (as notified) so that it connects to existing walking and cycling facilities, and by improving connections to the SUP (in some places).<sup>4</sup> These additions and amendments to the SUP have been the subject of expert conferencing. As a result of expert conferencing, NZTA has (largely) agreed to the extensions and amendments to the SUP proposed by Auckland Transport. This will be covered by a side agreement between NZTA and Auckland Transport.

**1.5** Auckland Transport in its submission and evidence also sought amendments to conditions to ensure that the construction effects of the Proposal on bus services,<sup>5</sup> and the Local Road Network were appropriately managed.<sup>6</sup> In addition, Auckland Transport sought to clarify the operational effects of the Proposal on the local road network, and ensure these effects were mitigated by NZTA (where appropriate).<sup>7</sup>

**1.6** As a result of expert conferencing and on-going discussions with NZTA on these matters, Auckland Transport's concerns have been addressed through a combination of:

(a) the provision of further information by NZTA;

(b) amendments to the conditions; and

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<sup>3</sup> Evidence of Mr Newcombe, paragraph 8.2.

<sup>4</sup> Ms King's evidence, paragraphs 7.12 and 7.16.

<sup>5</sup> Evidence of Mr Maile, paragraphs 4.1 to 4.3.

<sup>6</sup> Evidence of Mr Peake, paragraph 3.4.

<sup>7</sup> Evidence of Mr Peake, paragraphs 3.2 and 3.3.

- (c) agreement between NZTA and Auckland Transport that various matters will be addressed by way of a separate side agreement between NZTA and Auckland Transport.

**1.7** The remaining area of disagreement between NZTA and Auckland Transport relates to potential damage caused by construction traffic to local roads (excluding arterials) where these are the key access to the construction site and will be used by high volumes of heavy vehicles (i.e. for earthworks, aggregate, superstructures). Auckland Transport seeks a condition requiring NZTA to survey the affected local roads pre construction, monitor truck movements and any damage, and remedy any damage that occurs. Mr Hale agreed, as part of expert conferencing, that it would be appropriate for construction traffic effects on local roads to be dealt with through either a condition or a side agreement.<sup>8</sup> There have been on-going discussions between NZTA and Auckland Transport aimed at reaching agreed wording on a condition addressing this issue. Counsel understands there is willingness on both sides to resolve the issue – discussions have focused on technical matters.

**1.8** Auckland Transport does not support the design changes sought by Kiwi-Self Storage to increase the gradient of the busway and SUP, to preserve views of Kiwi Self-Storage from the motorway. These design changes require a departure from optimum design standards,<sup>9</sup> permanently reducing the efficiency of public infrastructure for no public benefit.

**1.9** Auckland Transport will call the following witnesses:

- (a) Daniel Newcombe (corporate);
- (b) Anthony Cross (public transport strategy);
- (c) Andrew Maule (effects of construction on buses);
- (d) Martin Peake (construction, traffic and traffic operations);

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<sup>8</sup> Joint Witness Statement: Transport and Traffic – Construction dated 22 June 2017, page 10.

<sup>9</sup> Joint Witness Statement: Transport and Traffic - Site Specific Impacts: dated 23 June, paragraph 8(c).

(e) Kathryn King (walking and cycling); and

(f) Alastair Lovell (planning).

## **2. THE EXTENSION OF THE NORTHERN BUSWAY**

**2.1** Auckland Transport strongly supports the proposed extension of the Northern Busway, and upgrades to Constellation Station.

**2.2** The Northern Busway lies at the centre, both geographically and figuratively, of the North Shore Public Transport Network and forms a core component of the Regional Rapid Transport Network. It provides an important spine for north-south trips within the North Shore. As part of the North Shore Rapid Public Transport Route along the motorway and over the Harbour Bridge, it provides the main high patronage public transport access to the city centre.<sup>10</sup>

**2.3** The Northern Busway first opened in February 2008. Levels of patronage on the Busway have been consistently higher than projected. Over the past three years, patronage has continued to grow at a rate of over 14.5% per year.<sup>11</sup> At present, approximately one third of peak trips over the Harbour Bridge are on public transport. During the morning peak, the North Shore Rapid Transport Network over the Harbour Bridge carries approximately 10,000 people. The predicted number of people using the Rapid Transport Network over the Harbour Bridge is expected to at least double in the next thirty years, while the number of private vehicle trips is forecast to remain relatively static. By the mid 2040's, public transport is forecast to be the dominant mode for crossing the Waitemata Harbour.<sup>12</sup>

**2.4** A key part of the success of the Northern Busway is its performance and reliability. The Busway is currently fully separated from general traffic to Constellation Station. However, after Constellation Station, buses are required to travel with general traffic. This affects the reliability of the service, and can result in considerable variability in trip length. Travel

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<sup>10</sup> Evidence of Mr Cross, paragraph 7.2.

<sup>11</sup> Evidence of Mr Cross, paragraph 7.4.

<sup>12</sup> Evidence of Mr Cross, paragraph 7.5.

times between Constellation and Albany Stations can vary significantly, with some trips taking up to 85% longer on average.<sup>13</sup>

**2.5** Increased variability in journey time tends to make public transport less attractive. It also results in additional costs for bus operators by requiring them to either add more time to the timetable (which is either increased journey time, or increased layover time). This increases the number of buses and drivers on a particular route. Accordingly, Auckland Transport considers the provision of the dedicated busway between Constellation Station and Albany Station will:

- (a) improve patronage; and
- (b) reduce bus operating costs.<sup>14</sup>

**2.6** The Auckland Plan sets a number of challenging targets for public transport patronage. These include:

- (a) doubling public transport from 70 million to 140 million trips by 2022 (subject to additional funding);
- (b) increasing the proportion of all vehicular trips made by public transport into the city centre during the morning peak from 47% to 70% by 2040;
- (c) increasing non-car (walking, cycling and public transport) mode share in the morning peak from 23% to 45% of all trips by 2040; and
- (d) increasing the annual number of public transport trips per person from 44 to 100 by 2040.<sup>15</sup>

**2.7** Overall, the Proposal will help implement the Auckland Plan. In particular it is expected to:

- (a) increase public transport trips;

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<sup>13</sup> Evidence of Mr Cross, paragraph 7.7.

<sup>14</sup> Evidence of Mr Cross, paragraph 7.9.

<sup>15</sup> Evidence of Mr Cross, paragraph 5.3.

- (b) support the residential and commercial growth of the Upper North Shore and Hibiscus Coast areas; and
- (c) assist the operation of a more efficient and optimized new bus network.<sup>16</sup>

### **3. THE SHARED USE PATH (SUP)**

**3.1** Auckland Transport acknowledges that the provision of the proposed SUP by NZTA from Oteha Valley Road to Constellation Station, and Constellation Station to the interchange of State Highway 18 and the Albany Highway will contribute positively to the North Shore's walking and cycling network. Auckland Transport strongly supports this element of the Proposal.<sup>17</sup>

**3.2** A number of strategic planning and policy documents support further investment in walking and cycling. These include:

- (a) The Auckland Plan, which sets the target of completing the Auckland Cycle Network (**ACN**) by 2030 and achieving a 45% mode share for non-car based trips at the morning peak;
- (b) Auckland Transport's Regional Land Transport Plan which includes an accelerated program for the delivery of the ACN in the 2015-18 period;
- (c) The Government Policy Statement on Land Transport Funding which includes investment objectives on transport choices and safe cycle networks; and
- (d) The National Land Transport Program, which earmarks over \$250 million nationally for the walking and cycling activity class.<sup>18</sup>

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<sup>16</sup> Evidence of Mr Cross, paragraph 5.5.

<sup>17</sup> Evidence of Ms King, paragraph 7.7.

<sup>18</sup> Evidence of Ms King, paragraph 5.3.

**3.3** Auckland Transport considers that the SUP will "fill a (strategic) gap" in the North Shore Cycle Network.<sup>19</sup> However, Auckland Transport considers that the SUP component should be further enhanced by providing some additional connections.

**3.4** As Ms King notes in her evidence:

While each of the connections has some utility in isolation, the true benefit of each, and of the SUP itself, is fully realized when connected to other routes, either in the present or in the future. This 'network effect' is demonstrated through recent additions to the City Centre network which have delivered a 44% increase in cycling trips on routes linked to the North-West Cycleway, compared to a 6% increase in the City Centre routes overall.<sup>20</sup>

***Agreed extensions to the SUP***

**3.5** Auckland Transport is pleased to advise, that as a result of conferencing and on-going discussions, NZTA has agreed to:

- (a) Extend the proposed SUP along Oteha Valley Road to connect with the existing cycle path on the northern side of Oteha Valley Road, and with the existing cycle path west of the motorway interchange;
- (b) Provide pedestrian and cyclist refuges at the McClymonts Road and Medallion Drive Intersection and near the intersection of McClymonts Road and Elliot Rose Avenue, and protected cycle facilities along McClymonts Road;
- (c) Extend the SUP from where it currently terminates on Albany Highway, to the existing cycle paths located to the north, in the vicinity of Bush Road; and
- (d) Upgrade a proposed footpath to a 3.0 metre wide SUP along the eastern side of Carribean Drive to the boundary of the designation (provided Auckland Council provides the additional land required, and Auckland Transport obtains any necessary approvals).

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<sup>19</sup> Evidence of Ms King, paragraph 7.7.

<sup>20</sup> Evidence of Ms King, paragraph 7.11.



**3.6** Ms King initially identified an additional connection along Albany Highway, southwards, to the existing cycle facilities which start at the intersection of Albany Highway and Upper Harbour Drive (a distance of approximately 400 metres). However, Auckland Transport considers this is most appropriately incorporated into a future project to upgrade Albany Highway South between SH18 and Sunset Road.

**3.7** The additions to the SUP (outlined in paragraph 3.5 above) will be covered by a side agreement between Auckland Transport and NZTA. Accordingly, Auckland Transport is no longer pursuing any relief in relation to these matters as part of this proceeding.

#### **4. CONSTRUCTION EFFECTS ON BUSES**

**4.1** Auckland Transport is responsible for management of the local road network and public transport (including buses).

**4.2** Auckland Transport in its submission and evidence sought amendments to conditions to ensure that effects on local roads and buses from construction of the Proposal are appropriately managed.<sup>21</sup>

**4.3** As a result of conferencing, NZTA and Auckland Transport have agreed on changes to conditions that address Auckland Transport's concerns (apart from in relation to two specific matters outlined below).

**4.4** Comprehensive changes have been made to the Construction Traffic Management Plan (**CTMP**) through evidence-in-chief, rebuttal evidence and expert conferencing. In particular, the CTMP conditions now:

- (a) Require consultation be undertaken with Auckland Transport on the preparation of the draft CTMP;
- (b) Give greater recognition to the need to minimise delays to road users, pedestrians and cyclists, and buses (especially bus travel a peak times on week days);

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<sup>21</sup> Evidence of Mr Maule, paragraph 4.3, and evidence of Mr Peake, paragraph 3.4.

- (c) Require any temporary road closure to minimise adverse effects on buses and general traffic;
- (d) Require a Public Transport Traffic Management Plan (**PTTMP**) to be developed in consultation with Auckland Transport that specifically manages adverse effects on bus services. The PTTMP is to include performance thresholds for bus services, that will be monitored by the consent holder, and for the consent holder to provide a response, when performance thresholds are not being met.

**4.5** Auckland Transport supports the use of a PTTMP to manage effects on bus services, and ensure that performance is maintained.

**4.6** Condition CTMP6D provides that:

- (a) any "review" of the PTTMP is to be undertaken by the consent holder; and
- (b) the consent holder will determine any amendments to be made to achieve the performance thresholds in the PTTMP.

**4.7** Auckland Transport considers that the condition should be amended so that:

- (a) Auckland Transport may request the initiation of a review where performance standards are not being met (rather than this being left to the consent holder); and
- (b) the consent holder is required to consult with Auckland Transport in relation to the review (as it is with the preparation of the PTTMP itself). This is because Auckland Transport is the affected party responsible for planning and managing bus services, and can provide specialist advice to the review on how these agreed thresholds can be met.

**4.8** Auckland Transport has discussed these changes with NZTA and NZTA has confirmed that these changes are, in principle, acceptable.

Auckland Transport will work with NZTA on revised worded for this condition to present to the Board.

## **5. CONSTRUCTION EFFECTS ON LOCAL ROADS (DAMAGE)**

**5.1** Auckland Transport also seeks that any damage to the local road network (excluding arterial roads which are design and maintained to a level to accommodate high volumes of heavy vehicles) by construction traffic is remedied by NZTA.

**5.2** Mr Hale agreed, as part of expert conferencing, that it would be appropriate for construction traffic effects on local roads to be dealt with through either a condition or a side agreement.<sup>22</sup> However, to date, this issue has not been resolved with NZTA.

**5.3** In Auckland Transport's submission:

(a) Any damage that is caused to the local road network by construction traffic is an adverse effect of the Proposal on the environment; and

(b) A condition should be imposed, requiring NZTA to remedy this damage, as set out in Mr Lovell's evidence-in-chief.

**5.4** This concern relates to damage that is beyond the normal "wear and tear" caused by heavy vehicles. Rather, it relates to discrete damage caused by significant increases in "heavy vehicles" associated with access to the construction site using local roads. At this stage the NZTA have advised Auckland Transport of two of the access points to the construction site (off Cowley Place and Arrenway Drive) but cannot confirm how many heavy vehicles per day may include.

**5.5** As indicated above, Auckland Transport is continuing to work with NZTA and is hopeful that agreed wording on a condition satisfactory to both parties can be presented to the Board.

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<sup>22</sup> Joint Witness Statement: Transport and Traffic – Construction dated 22 June 2017, page 10.

## **6. OPERATIONAL EFFECTS - LOCAL ROADS**

**6.1** Auckland Transport in its submission and evidence raised the following matters regarding the operational effects of the Proposal on the local road network:

- (a) future proofing of McClymonts Road Bridge to be widened to four lanes, and the provision of pedestrian and cycle facilities;
- (b) increased traffic on Albany Highway South as a result of the Proposal, requiring mitigation measures (the Albany Highway South improvements package) to be brought forward as a result of the Proposal; and
- (c) the need to further investigate the effects of the Proposal on Oteha Valley Road, including the State Highway interchange and Munro Lane Roundabout.<sup>23</sup> Notably, if queues from the Oteha Valley Road northbound off ramp in the PM are too long then the interchange will be operated in a way that will adversely affect Oteha Valley Road.

**6.2** As a result of expert conferencing and further discussions held in this matter,<sup>24</sup> the position in respect of these matters is now as follows:

- (a) In relation to McClymonts Road, the experts agree there are a range of solutions that could be pursued. NZTA has confirmed in its rebuttal evidence that the design does not preclude the future widening of the bridge.
- (b) With respect to increased traffic on Albany Highway south of State Highway 18 as a result of the Proposal, Mr Clark, on behalf of NZTA, acknowledges the Proposal is projected to result in an increase in daily traffic flows of under 5% on Albany Highway South and 2031. However, he considers that there is a need for the Albany Highway South Project regardless of whether this Proposal proceeds or not. The witnesses for

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<sup>23</sup> Evidence of Mr Peake, paragraphs 3.2 and 3.3.

<sup>24</sup> Joint Witness Statement: Transport and Traffic General/Design/Layout/Model/Alternatives dated 26 June 2017.

Auckland Transport and NZTA agreed that this matter is essentially a funding/timing issue between Auckland Transport and the New Zealand Transport Agency. Accordingly, Auckland Transport is committed to resolving this matter with NZTA outside of this hearings process.

- (c) In relation to Oteha Valley Road, it was agreed that as a result of the project providing more capacity on State Highway 1 south of the intersection, more traffic is likely to use Oteha Valley Road and the interchange. Further modelling work provided by NZTA has demonstrated that the forecast queues on the northbound off ramp can be contained within the available storage on the ramp. Auckland Transport is now satisfied that the concern has been addressed, provided that the final design is subject to appropriate review by Auckland Transport.

## **7. ROSEDALE STATION**

- 7.1** Auckland Transport is currently engaged in discussions with NZTA regarding a possible future busway station between Constellation and Albany busway stations. One of the options being considered is at Rosedale Road.<sup>25</sup>

- 7.2** In the conditions attached to Mr Lovell's evidence in chief, Auckland Transport sought a condition in relation to the proposed Rosedale Station, as part of the outline plan of works requiring that:

*"Consideration is given to the need to widen the Rosedale Overbridge piers to support the upgrade of Rosedale Road to four lanes with bus and walking and cycling priority, as part of the safe and efficient operation of the future Rosedale Busway Station proposal (should this be the preferred busway station option)".<sup>26</sup>*

- 7.3** Auckland Transport will continue to work with NZTA in relation to finalising the design of the Rosedale Busway Station.

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<sup>25</sup> Evidence of Mr Newcombe, paragraph 8.1.

<sup>26</sup> Evidence of Mr Lovell, page 19, Proposed Condition x.2.

7.4 While the matters raised by Auckland Transport in the condition are valid design matters, Auckland Transport will seek to ensure these matters are addressed through a side agreement with NZTA (rather than as part of conditions on this proposal).

**8. CHANGES TO THE BUSWAY AND SUP SOUGHT BY KIWI SELF-STORAGE**

8.1 Kiwi Self-Storage has proposed changes to the design of the busway and SUP, essentially in order to try and retain visibility of their site from the motorway (once the Proposal is completed).

8.2 Kiwi Self-Storage has provided evidence on the importance of visibility from the motorway to its business, and how this visibility will be affected by the Proposal.

8.3 However, in Auckland Transport's submission, even if Kiwi Self-Storage's evidence about the importance of "visibility" from the motorway to its business is accepted as correct, it is far from clear that reducing this visibility (and any resulting effect on the profitability of its business) is an adverse effect on the environment under the RMA. Counsel is not aware of any case law that supports such a proposition.

8.4 In particular, the Courts have held that there is "no property in a view". As the Court stated in *Re Meridian Energy* [2013] NZEnvC 59:

*"When dealing with landscape and visual amenity issues several basic legal principles need to be remembered. The first is that there is no right to a view. Even though we must have particular regard to the maintenance and enhancement of amenity values, this is not the same thing as saying there is a right to a view. The second is that a landowner is permitted to use their land as they see fit, provided that the use of it does not breach any legal requirement. It follows that the use of land by a neighbor in some circumstances can lawfully change an existing view."<sup>27</sup>*

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<sup>27</sup> Paragraph 112 of the decision.

- 8.5** Auckland Transport submits that these principles apply in the present case. Kiwi Self Storage has no "right" to a view of the motorway – or a view of its site from people using the motorway. NZTA, is entitled to provide public infrastructure in a way which blocks or interferes with that view.
- 8.6** It is acknowledged by the witnesses involved in expert conferencing that the design changes proposed to the busway and SUP require a departure from recognised design standards.<sup>28</sup> Auckland Transport does not support these design changes on the basis that they seek to permanently reduce the efficiency of operation of public infrastructure, for a private benefit – when there is no guarantee that the Kiwi Self Storage's business will remain on the site.
- 8.7** Auckland Transport is also conscious that a decision to change the optimal design of these facilities in response to private interests, could set an unhelpful precedent for other projects in the future.

## **9. CONDITIONS**

- 9.1** As a result of planning conferencing, the experts have reached agreement on the drafting of conditions (noting that the noise conditions are still subject to a further session of planning conferencing).
- 9.2** The only outstanding issue is the allocation of conditions between the designation and regional resource consents.
- 9.3** In this regard, Auckland Transport adopts the submissions of Auckland Council.

## **10. CONCLUSION**

- 10.1** Auckland Transport wishes to acknowledge the generally collaborative approach of NZTA and its witnesses to resolving the issues raised by Auckland Transport, and in particular:

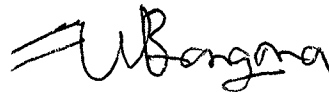
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<sup>28</sup> Joint Witness Statement: Transport and Traffic - site specific impacts dated 23 June 2017, pages 4 and 5.

- (a) The improvements to conditions agreed through the exchange of evidence and conferencing (particularly in relation to management of construction traffic effects, and effects on buses); and
- (b) The additional benefit provided by the modifications to the SUP agreed to by NZTA, following conferencing.

**10.2** Auckland Transport strongly supports the Proposal, and seeks that it be confirmed by the Board for the reasons outlined in Auckland Transport's evidence, and in this opening statement.

**Dated** at Auckland this 18<sup>th</sup> day of July 2017



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Counsel on Behalf of Auckland Transport