

# **DECISION OF INDEPENDENT COMMISSIONERS ON THE NOTICES OF REQUIREMENT OF THE NORTH SHORE CITY COUNCIL AND TRANSIT NEW ZEALAND FOR THE NORTH SHORE BUSWAY PROJECT**

## **Introduction**

1. This decision concerns 10 notices of requirement for designations (“NORs”) prepared by the North Shore City Council (“the Council”) and Transit New Zealand (“Transit”) for the North Shore Busway Project.
2. We have been delegated the power to make recommendations to Transit in respect of that organisation’s NORs and to make final decisions in respect of the NORs of the Council.
3. In addition to considering the NORs, we have considered applications by the Council and Transit to the Auckland Regional Council (“the ARC”) for related resource consents. We have made separate decisions in respect of those applications for resource consents.
4. Further, Transit and the Council have given notice of two requirements for designations in respect of the Esmonde Road motorway interchange and extension of Fred Thomas Drive. Applications are made for related resource consents. This has been described as a “stand alone” project and is also the subject of separate decisions.
5. All of the above notices and applications for resource consents were considered at a single hearing held over approximately three weeks in February and March 2002.
6. We have resolved to confirm or recommend confirmation of the NORs relating to the busway with conditions, for reasons contained in this decision.

## **The Busway Project (“the project”)**

7. The project is intended to comprise a rapid transit facility located adjacent to the northern motorway on its eastern side. It commences in the north at Constellation Drive and terminates immediately south of the Onewa interchange. There are four stations proposed to service the busway located as follows:
  - South of Constellation Drive (Constellation Station);
  - North of Sunnynook Road (Sunnynook Station);
  - Adjacent to Westlake Girls High School and Smales Farm (Westlake Station);
  - To the north of the Esmonde Road interchange and west of Hillcrest Creek (Akoranga Station).

8. The busway between Constellation Drive and just south of Esmonde Road is to include two lanes operating north and south respectively, separated from the motorway by a barrier. From just south of Esmonde Road to just south of Onewa Road, the busway is to comprise a single southbound priority lane only, separated from the motorway by a painted median. We were advised that subject to further investigations, an application may be made at a later time to establish a second priority lane to accommodate northbound traffic over this section of the motorway.
9. Standard rubber tyred buses will run on the busway which can also be used for a limited number of high occupancy vehicles (“HOVs”). It is intended that the busway would also be available for use by emergency vehicles. Amended NORs were provided at the hearing referring to the emergency vehicles. This modification does not add significantly to the notices, or increase the anticipated environmental effects and we have decided that further public notification is not required.
10. A maximum of 350 HOVs per hour will be permitted to enter the busway at Constellation Drive. The figure of 350 is calculated to be the maximum number of HOVs that would be consistent with smooth functioning of the busway. Further HOVs will be permitted to use the busway commencing south of the Esmonde Road interchange.
11. In addition to the NORs for the busway and busway stations, there are further notices providing for a road linking Akoranga Station with the existing road network, for a pedestrian footbridge across the motorway at Akoranga Station, and for interchange and roading works at Sylvan Avenue/Onewa Road.
12. Further, part of the case for the requiring authorities included evidence of additional roading works, including roading improvements proposed in the vicinity of Taharoto and Shakespeare Roads. While NORs are not necessary in respect of these roading works, they are important to an understanding of the whole project.

### **The Notices**

13. The individual NORs and requiring authority responsible for the works described within the notices are as follows:

<b>Notice</b>	<b>Description</b>	<b>Requiring Authority</b>
1	Harbour Bridge to Constellation Drive busway (including bus stations at Akoranga, Westlake and Sunnynook)	Transit New Zealand
2	Modifications to Sylvan Avenue at Onewa Road	Transit New Zealand
3	Constellation Drive Station	Transit New Zealand

4	Modifications to Sylvan Avenue at Onewa Road	North Shore City Council
5	Akoranga Station	North Shore City Council
6	Akoranga Station Link Road	North Shore City Council
7	Akoranga Station Pedestrian Overbridge	North Shore City Council
8	Westlake Station	North Shore City Council
9	Sunnynook Station	North Shore City Council
10	Constellation Drive Station	North Shore City Council

14. In the course of the hearing NOR 1 was amended to reduce the area of land required for the proposed Westlake Station and to delete the Shakespeare Road extension. The Shakespeare Road extension is included in NOR 8 and therefore only subject to designation by the Council.

### **Submitters**

15. The NORs were publicly notified on 12 September 2001 with a closing date of Friday 12 October 2001 for submissions. A total of 1,404 submissions were received, of which 1,142 were identical submissions lodged by parents and others regarding Westlake Boys High School and the potential loss of playing fields at that school. There were 40 late submissions and with the consent of the requiring authorities, we have decided to accept those submissions.
16. Many submitters attended and presented evidence in support of their original submissions. Other submitters tabled evidence for our consideration. We have considered all of the submissions and evidence in reaching our decisions. For the most part the issues raised by submitters are considered in the context of the specific topic headings addressed later in our decision.

### **Dual NORs**

17. Transit and the Council presented a joint case seeking confirmation of dual designations for the busway project. Counsel for Transit submitted that dual designations are expressly contemplated by section 177 of the Resource Management Act 1991 and we accept that as correct. The decision to employ dual designations, we were informed, was taken for a number of reasons and primarily:
- (a) The desire on the part of both Transit and the Council to present the

entity. Hence the combined designation for the bus lanes and the bus stations (NOR 1) and the complementary designations for each of the bus stations. It was explained that this indivisibility was a key issue for both authorities who wished to ensure, as far as possible within the existing statutory regime, that their investments in the busway infrastructure would not be undermined at any future time by the unilateral decision of one authority or the other to use part of the busway for a different purpose;

- (b) The need to distinguish the busway from the motorway, so as to allow pedestrians and cyclists onto the bus stations. As the law stands, pedestrians are precluded from being on a motorway, and cyclists are able to be there only under strictly controlled circumstances. Hence this specific reference in NOR 1 to the status of the road as State Highway and to the bus and HOV facilities;
  - (c) The need for both Transit and the Council to undertake activities within the same general bus station areas but at specific locations as yet undefined because of the absence of final design;
  - (d) The need to engage a single contractor to carry out works in the same or adjacent areas for both authorities. Without dual designations this would add undue contractual complexity;
  - (e) The need to recognise the jurisdictional limits of the Council to undertake or fund State Highway works, and the Transfund funding policy limitations on Transit which restrict its ability to fund bus station facilities other than the carriage way and its associated infrastructure.
18. It is contended for the requiring authorities that the dual designation process and the secondary designations sought, are reasonably necessary for achieving the objectives of the work in terms of section 171(1)(a) of the Act.

### **Further Preliminary Matters**

19. There are three further matters warranting mention at this stage. First, for significant sections of the busway, the area of land identified in NOR 1 coincides with the edge of the existing motorway designation. While in these sections the extent of land proposed to be designated does not change, a new designation is considered necessary in order to facilitate the use of the land for a busway and to ensure its status as State Highway.
20. Secondly, parts of the busway traverse land designated for education purposes at Westlake Boys High School, Westlake Girls High School and Takapuna Normal Intermediate School. In these instances any designation for the busway would be a secondary designation and consent of the Minister of Education as primary designating authority would be needed before the busway could proceed. In this respect we received evidence from the

position of the schools in their ongoing negotiations with the requiring authorities. We address the NORs as they affect the schools, later in our decision.

21. Thirdly, the busway route (NOR 1) affects reserve land of Becroft Park and Smiths Bush Reserve, while the link road connecting Akoranga Station with Fred Thomas Drive (NORs 1 and 6) effectively bisects Barrys Point Reserve. All three affected areas are reserves within the Reserves Act 1977 and we later consider legal and practical matters raised in that context.

### **Overview of the Busway Project**

22. Several witnesses called by the requiring authorities addressed the origins of the busway project and its wider context. Mr W Drager, Senior Transport Planner in the Transport Department of the Auckland Regional Council, said that the Bus Rapid Transit system (“BRT”) is an integrated passenger transport “package” being developed for the North Shore and connecting to Auckland City and other areas of the region. He described the busway proposal as a major component of the complete package.
23. Mr David Stanley is a consultant in transport and resource management. For 27 years he was employed by the Auckland Regional Authority and later the ARC, in senior positions in the transport and planning areas. This included establishing the Regional Growth Forum and managing all aspects of transport, planning and funding in the region. He chaired the Auckland Task Force set up to focus on Auckland transport issues. Mr Stanley described the origins of the project in the Comprehensive Transportation Study undertaken in the late 1980s. Reference was made to the evolution of the project since that time through various studies, further investigation and reviews. He said that the BRT system incorporating the busway project has been designed to deliver on the goals outlined in the two principal regional strategy documents, the Regional Growth Strategy and Regional Land Transport Strategy (“RLTS”). The former identifies an efficient transport system as vital to the prosperity of the Auckland region and to the wellbeing of Aucklanders. Reference was made to statements in the RLTS showing the regional importance of “much higher usage” of passenger transport. For example at page 42 the RLTS, after referring to changes outlined in the Regional Growth Strategy says:

*“Even with the roading projects proposed, there will be too much congestion and too little accessibility for many of the areas targeted for intensification to be attractive to live and to do business. Much higher usage of passenger transport is needed to improve accessibility and reduce the pressure on the road system.”*

24. And at page 45:

*“Passenger transport is seen as a key means of supporting the regions strategic land use objectives and accommodating more sustainable*

*Strategy support passenger transport as a way of developing the regions transport system more efficiently. Passenger transport is also seen as a way to attract and service compact mixed-use development located on major transport corridors. This type of development, and the accompanying passenger transport system, are regarded as essential if the Auckland region is to accommodate double its existing population over the next 50 years, while preserving the quality of its environment...*

25. Reference was made also to chapter 9 of the RLTS where at section 9.3 specific reference is made to the North Shore:

*“The analysis has shown that if no improvements are made in the transport network, transport conditions between the North Shore and the Isthmus will become markedly worse, even allowing for continued peak spreading. A combination of passenger transport and roading investments, but excluding an additional Waitemata Harbour crossing, is predicted to achieve peak travel conditions in the Planning Horizon that are comparable to those in 1991. Passenger transport travel times will improve due to the effects of the Bus Rapid Transit system and vehicle travel times will be similar to those in 1991.*

*An important part of providing north-south accessibility in the short to medium term will be improvements to the capacity of the Harbour Bridge approaches and implementation of the North Shore Bus Rapid Transit system. This system includes the construction of the North Shore busway, transit and Park n’ Ride stations, information systems and services, which make the best use of this facility in terms of their frequencies and routes. Parts of the system will be used by both buses and high occupancy vehicles.”*

26. Mr Stanley referred us to a number of policies in the RLTS directed specifically at establishing the North Shore Bus Rapid Transit system. He referred also to population growth including forecasts in the North Shore and Rodney District, forecasts for additional jobs expected at Albany and Smales Farm, substantially increased student numbers at both Massey University and AUT, and also to increases in annual average daily traffic flows over the Harbour Bridge between 1973 and 2000. In short, he said that the RLTS recognises that the limited vehicle carrying capacity of the Harbour Bridge and its approaches, together with significant projected population growth on the North Shore is a recipe for unacceptable traffic congestion in the main corridor between Auckland and the North Shore.
27. Mr Terry Brown, Director for Strategy and Traffic at the Auckland Regional office of Transit referred to the history of Transit’s role in the busway project. He referred to the ARC studies that led to the November 1990 report “North Shore Busway Report on Preferred Option” 1990 (ARC) (5). That study had looked at nine busway alternatives and led to an acceptance of an unguided

established and this led to the Report of Independent Review Panel 1991 (TNZ) (7). Working parties were formed by the ARC following confirmation of the preferred option from the 1990 report and a consultant commissioned to prepare more detailed scheme plans for the selected option. The working party reported in June 1993 (“North Shore Busway Status Report: 1993” (ARC) (9)) following which the Regional Council adopted an amended busway proposal. Following legislative changes that altered the ARC’s ability to own infrastructure, Transit in 1993 progressed environmental assessments for the busway. During the same period Transit undertook various investigations into the Harbour Bridge corridor, its capacity and the reconfiguration of the Onewa interchange.

28. In 1997 following a series of meetings with the newly formed Transfund, it was agreed that the Region should seek the staged construction of a priority lane, which would be available for the use by buses only until improvements south of the Auckland Harbour Bridge were completed, when HOVs could be introduced onto the lane. The initial proposal led to meetings between Transit, the Council, Auckland City Council and Auckland Regional Council in 1997 and to the signing of a joint memorandum of understanding in about March 1998. Processes of public consultation and submission followed and allowed the Assessment of Environmental Effects (“AEE”) to be completed for a modified busway scheme. The engagement of McCormack Rankin International as Project Manager Consultant led to a scheme assessment report in 1999 and consideration of a number of new options and ultimately to the final scheme the subject of this hearing.
29. In addition, we have considered 13 volumes of application documents which also include material relating to the history of this project. We accept that the project has been exhaustively investigated over a period of 14 or so years.

### **Objectives of the Notices of Requirement**

30. Full statements of objectives are contained in each of the notices. Transit’s objectives for NOR 1 (the busway) and are stated to be:
  - *To improve access by road for people travelling between the North Shore and Auckland during periods of peak demand;*
  - *To achieve this in a manner which is not inconsistent with the Auckland Regional Land Transport Strategy (“RLTS”); and*
  - *To facilitate the general improvement of the passenger transport system on the North Shore.”*

### **Evaluation**

31. The busway project comprises 10 individual NORs each requiring consideration in terms of section 171 of the Resource Management Act 1991.

That said, the dual nature of many NORs logically dictates a combined assessment of those particular notices.

32. NOR 1 (Transit) comprises the busway itself and Akoranga, Westlake and Sunnynook Stations. NORs 5, 8 and 9 (Council) concern the same three bus stations and are logically considered alongside NOR 1 in this respect.
33. In the same way NOR 3 (Transit) and NOR 10 (Council) both relate to Constellation Station and are therefore considered together.
34. NOR 2 (Transit) and NOR 4 (Council) both relate to modifications to Sylvan Avenue at Onewa Road. The two remaining NORs (6 and 7) relate to the separate issues of Akoranga Station Link Road and the Akoranga Station pedestrian overbridge respectively.

### **Liaison with Affected Submitters**

35. We note that many of the issues raised by submitters relate to land acquisition and compensation matters. We are conscious of the impact of the designations on various properties and that some of these impacts will need to be included in acquisition and/or compensation discussions. However the Resource Management Act does not provide a framework within which compensation issues can be addressed and we can only address the environmental effects of the proposed works, along with appropriate legislation and plans.
36. In setting conditions on the recommendations we have however endeavoured, where appropriate, to address the concerns of submitters and this is reflected in the following discussion on the effects of the proposed works.
37. Related to this is the consultation carried out by the requiring authorities with the affected parties. The requiring authorities have carried out a consultation programme but a number of submitters had concerns as to whether this had been effective. Consultation is a “two-way” process, and some affected parties may not have participated in discussions as well as they could have done. However in some instances the consultation appears to have been “advice on what we are going to do” rather than working out a resolution independent of the hearings process.
38. To assist with on-going consultation there is a condition requiring a permanent liaison person to be appointed for the duration of the project to act as a point of contact on all matters of concern to the affected parties.

### **Notices of Requirements 1, 5, 8 and 9**

39. In this section we consider:
  - (a) What may be termed general environmental effects (noise, visual, dust

- (b) Effects on specific environmental features along the route including on Smiths Bush, Shoal Bay, as well as specific sites or areas such as the three affected schools, and Smales Farm.
- (c) Akoranga, Westlake and Sunnynook Stations.

## **General Environmental Effects**

### Noise Effects

- 40. Noise effects arise in relation to construction and operation of the busway. The busway passes alongside residential areas, schools, business areas and reserves. Particular noise sensitive locations identified include Puriri Park Retirement Village, Parkland Retirement Home, Campbell Burns Retirement Home, Takapuna Normal Immediate School, Westlake Girls High School, Westlake Boys High School, and residential properties at Altona Avenue, Sunnynook Road, Lyttelton Avenue, Newport Place, Kapiti Place, Cockayne Crescent and Salamanca Road. Noise effects in the coastal marine area were also considered. Some sites, for example Westlake Girls High School, and Smales Farm land are affected by noise not only from the busway but also from the adjacent bus station and access road linking to the main roading network.
- 41. A number of people giving evidence, including from the above institutions and residents of the streets mentioned, expressed concern about the noise effects both during construction and subsequently on operation of the busway.
- 42. For Transit, Mr G Warren of Marshall Day Acoustic Consultants gave evidence. The Council as consent authority (as opposed to requiring authority) commissioned an independent audit of the Marshall Day work by Hegley Acoustic Consultants. Both adopted the 1984 New Zealand Standard for Construction Noise and the Transit Guideline for the "Management of Road Traffic Noise – State Highway Improvements 1999" ("the Guideline") in considering operational noise.

### Construction Noise

- 43. The proximity of the busway to many properties means that careful management will be required during the construction phases to ensure noise does not exceed a reasonable level and complies with the 1984 NZ Standard for Construction Noise. (While there is a later New Zealand standard, the evidence and audit report both treat the 1984 standard as appropriate). Ongoing liaison with affected persons will be important and is proposed by Transit and the Council. Techniques to be applied in relation to specified areas or sites include:
  - (a) Use of temporary barriers. A series of figures identifying the

earlier assessment report (“North Shore Busway Project State Highway 1 Busway – Assessment of Noise Effects” – Report No. 97245B (18 August 2001)).

- (b) Temporary relocation of particularly affected persons and in particular some residents of Puriri Park Retirement Village where, of course, residents themselves wish to relocate during construction.
- (c) Property acquisition. We were advised that Transit has acquired the Campbell Burns Retirement Home, part of the Puriri Park Retirement Village and has acquired or is negotiating to require certain residential properties.
- (d) Timing of work to avoid particular conflicts, for example, with classroom teaching times.

Final plans for the busway and specific construction techniques are not settled as yet. To ensure compliance with the New Zealand Standard and section 16 of the Act, a Noise Management Plan is required.

#### Post Construction

- 44. The Transit Guideline itself has no statutory basis or authority. However in the absence of such a document, it is accepted that the Guideline provides an appropriate basis for controlling noise associated with the busway project. The Guideline does not specifically protect business zones or open spaces such as school playing fields. However Transit has proposed certain protective measures in relation to some of those areas (for example, Westlake Boys High School playing fields).
- 45. The approach adopted by Transit/Marshall Day has been to measure ambient levels, determine the Transit Guideline Design Level, compare this with new levels predicted at design year (10 years from the date of construction) and use this information to establish mitigation measures.
- 46. Adopting this overall approach it has been concluded that increases up to 3dBA will result following implementation of mitigation measures (the two principal measures being acoustic fences and use of a low noise road surface). The 3dBA represents the maximum permitted increase under the Guideline for a High Noise Area.
- 47. The audit report has pointed out that an improved long-term noise environment could be achieved for many properties if the temporary acoustic barriers proposed during the construction phases could be replaced with permanent barriers. Mr Warren accepted this in principle but with the qualification that in some locations permanent barriers may not assist because of the distance from the busway. He also pointed out that obstruction of light and visual obtrusiveness must also be considered. With those reservations,

for residents by replacing temporary with permanent barriers would be significant, with noise reductions of up to 11 decibels. We consider that the opportunity to reduce noise to levels below the maximum allowed by the Guideline should be taken where practicable and desired by affected residents. That must be considered on a site specific basis in consultation with affected residents, addressing matters including the height, location and design of the barriers concerned.

48. So far as the Takapuna Normal Intermediate School and Westlake Boys High Schools are concerned, the prediction is that the busway would lead to an increase in noise of approximately 2 decibels which would be unnoticeable. With each school it is the playing fields that adjoin the busway. While protection of outdoor spaces is not a feature of the Guideline it is the intention of Transit to construct a 0.8m barrier on top of the required retaining wall on the western bank at Westlake Boys High School. This should ensure that noise levels in 2011 are the same as, or slightly lower than, at present.
49. In relation to Westlake Girls High School, the principal noise effects are on those classrooms including the music room, located adjacent to the proposed extension of Shakespeare Road leading to the Westlake Station. The audit report proposes (and the requiring authorities accept) that traffic noise level at all schools should be controlled to ensure that the noise level within any classroom does not exceed 45 dBA Leq during school hours. However the evidence of Westlake Girls High School was that the music room was used for practices from 7.30am and after school. The school Principal, Mrs A Gernhoefer, spoke of importance of the music curriculum and the school's national recognition for choral and instrumental music.
50. Marshall Day predict an overall traffic noise level of 73dBA Leq which Mr Warren described as "relatively high". A reduction of approximately 20dBA may result if classroom windows are kept closed. It was not clear, however, whether that was practicable at all times, or whether the need to ventilate classrooms would require windows to be open from time to time. Mr Warren considers that a further 5 decibels of mitigation to be necessary in this location and proposed a 2m barrier fence on the boundary. That was also sought by the school (although there were differences of opinion as to the type of construction that might be appropriate).
51. Counsel for Westlake Girls High School sought "formula conditions requiring mitigation measures" which he considered "likely to be a combination of fencing and the installation of insulation and double glazing in particular buildings".
52. We consider 45dBA Leq to be the maximum level appropriate in classrooms including the music room, and that mitigation must achieve that result where such is necessary because of the busway project. We have concluded that this level may reasonably be achieved, although the precise detail of measures to be employed will need be discussed between the affected parties

53. Consideration has been given to a potential for noise from the busway to affect the coastal marine area. Mr Warren considered that the general noise rule in the Regional Plan: Coastal was inappropriate to apply to traffic noise but would in fact be complied with in most cases. Where non-compliance occurred, it would be generally small and much less than from the full motorway and busway.
54. To conclude, the conditions of consent recommended to Transit and determined in relation to the Council notices require the preparation of a Noise Management Plan addressing construction and operational noise associated with the busway project.

#### Vibration Effects

55. Vibration effects is an issue raised by a number of submitters, as is ground stability. This is considered in the reports by Marshall Day (“North Shore Busway Project – Assessment of Vibration Effects” (August 2001) and “North Shore Busway Sunnynook Embankment – Risk Assessment for Noise and Vibration” (16 August 2001)). We have also considered a review report undertaken by Riley Consultants Limited (21 November 2001).
56. Vibration effects may be incurred in 13 specific areas identified in the reports and conditions requiring monitoring and appropriate before and after construction surveys are recommended and determined.

#### Geotechnical Effects

57. Evidence was given by a submitter, Mr W L Cornwell an engineer with specific experience in engineering construction materials, geomechanics and engineering geology. He highlighted what he described as significant geotechnical problems associated with road construction between Constellation Drive and Esmonde Road. Although those problems can be solved, he considered the costs would be high.
58. It is clear that significant geotechnical and civil engineering issues arise, particularly through the Esmonde Interchange Area and also below Westlake Boys High School playing fields, Lyttelton Avenue and elsewhere. It is concluded in the audit report that the design concept has recognised the geotechnical and civil engineering issues posed by the project.

#### Landscape Effects

59. There are broadly two components contributing to landscape effects, namely, vegetation loss and the introduction of new structures including the busway stations and link roads.
60. Reasonably significant tree and bush removal is identified with the busway

there are specific areas requiring particular consideration. Foremost is the proposal to remove an additional strip along the motorway edge of the eastern remnant of Smiths Bush. The effects are ecological as well as landscape and the consequences of this loss are considered later in our decision.

61. Other specific areas of landscape or vegetation effects identified include Barrys Point Reserve, areas of mangrove and saltmarsh, Becroft Park and the edges of the playing fields of Westlake Girls High School and Westlake Boys High School. The issue of effects on the mangrove and saltmarsh at Shoal Bay is considered in the context of effects on terrestrial and marine ecosystems.
62. The general loss of vegetation along the alignment will significantly alter the appearance of several sections of the northern motorway. Evidence was presented by Ms M Buckland of LA4 Landscape Architects of proposals for mitigation or replacement planting. In some locations there is limited (or no) space for replacement planting. However we are satisfied that implementation of the mitigation plan will go some way to reducing or offsetting adverse visual effects in the medium term. We include in this latter category the mitigation planting proposed for the western side of the motorway south of Smiths Bush to Hillcrest Creek.
63. Westlake Boys High School will lose the mature vegetation presently bordering the upper playing fields, as well as the vegetation on the western edge of the lower playing fields. The trees serve to screen the fields from the motorway and, in the case of the upper fields, provide some wind shelter. Transit's consultants have prepared a report on the treatment of this western embankment (August 2001) including a planting concept plan. Ms Buckland gave evidence as to revision of that plan to provide for quick growing replacement trees and included cross-sections, plans and plant lists. Clearly there will be a high initial impact. Early replacement planting, possibly before removal of all of the mature trees, will be important in mitigating effects on the school grounds in the medium term. Mitigation planting is proposed also in relation to the boundary of the lower fields with the busway.

#### Terrestrial and Marine Ecosystems

64. In addition to Smiths Bush, other particular effects on terrestrial marine ecosystems arise in relation to Shoal Bay, Hillcrest Creek and, to a degree, Barrys Point Reserve (although trees affected on this reserve are mainly wattle and other scrub species).
65. Shoal Bay is affected by the widening of the bridge over Onepoto Stream and construction of the busway in the vicinity of the new Onewa interchange. Relatively small numbers or areas of mangrove and saltmarsh will be lost, as well as some riparian vegetation in the location of Hillcrest Creek. The effects on Hillcrest Creek are mostly associated with reconstruction of the Esmonde interchange, being the subject of a separate decision. So far as the other

losses are concerned, we are satisfied that they are of a relatively minor effect, in the wider context of Shoal Bay.

### Archaeological Effects

66. There are no major archaeological issues associated with the busway project.

### Traffic Effects

67. The project is not designed (or able) to eliminate existing motorway congestion, particularly that occurring in the morning peak. Rather, it is to provide a system which in the future will both allow for more people to cross the harbour within the confines of the existing corridor, and facilitate an affordable and efficient public transport system within the North Shore itself.

68. In short, the busway project is designed to improve traffic efficiency within the North Shore and between the North Shore and Auckland Isthmus. While there was some debate and differences as to the likelihood of the busway project “succeeding”, we are satisfied that the potential traffic and public transport benefits of the project may be significant.

69. The NORs we are considering relate to the infrastructure for the project. The ultimate success of the busway will naturally involve establishment of appropriate bus services in conjunction with the bus companies, as well as implementation of key improvements to the roading network on the North Shore which fall outside the scope of this decision. Evidence was presented to us to illustrate the detailed planning and other consideration of those wider roading improvements and new bus services.

70. Evidence was also presented as to travel time savings anticipated with the operation of the busway. For example, we were told that modelled results show that in 2011 the travel time for busway buses from Albany to Fanshawe Street will be 15 minutes, compared to the 36 minutes required to travel this distance on the motorway. Such time savings, together with substantial improvements in bus frequencies and service levels, are predicted to lead to a substantial increase in patronage levels.

71. Varying estimates of future bus patronage were contemplated by different witnesses called by the requiring authorities but those variances were perfectly explicable. For example, Gabites Porter have modelled patronage over the Harbour Bridge south bound in a 2 hour am peak to increase from 3,339 in 2000, to 6,310 in 2011 and 10,779 in 2021. This modelling ignored factors considered in patronage assessments conducted by Transits’ consultants, McCormick Rankin International (“MRI”) including:

- More support of land use policies.
- Parking controls.
- Road pricing.

- Other changes to the public transport network designed to boost patronage including rail network upgrade south of the Auckland Harbour Bridge and Britomart.
- Complementary on-street bus priority measures such as bus lanes and priority at signals.

Taking such factors into account, Mr K Gosselin of MRI expects the BRT to achieve bus patronage of 35% modal split of future demand at the Harbour Bridge.

72. Within the North Shore and factoring in the intended new services, Mr Drager identified a significant total patronage increase from 8,867 at present, to 12,795 by 2011.
73. We accept the evidence of Mr Gosselin that estimating future patronage on a new rapid transit facility on the North Shore is a very difficult process. It is clear that the requiring authorities and other bodies with transport responsibilities have analysed and considered this issue in detail. To the extent that it may be necessary for us to reach a conclusion, we are satisfied that a properly resourced and organised BRT service will have important social, economic and environmental benefits for the travelling public and wider community.

#### Air Quality and Dust Effects

74. A number of submissions raised the issues of effects of dust, fumes and general degradation of air quality as a result of the busway. Evidence on behalf of Transit and Council was prepared by Mr Ian Moncreif who analysed emissions from the busway, including HOVs using the procedure established by the Ministry of Transport's "Vehicle Fleet Emissions Control Strategy" ("VF ECS"). In brief this involves calculating the area-wide emissions loadings from traffic networks, to predict local air quality impacts on the surrounding air shed. The relative changes and local emissions loadings provide the basis for estimating the probable impact on the local air quality in the area. Four pollutant types are taken as prior air quality indicators, being carbon monoxide, hydrocarbons, oxidants of nitrogen and particulate matter. The addition of extra buses to the traffic flows in the base year 2005 causes a net increase in NOX and PM emissions of 2%. However, predicted advances in fleet performance by year 2011 gives rise to reductions in all four pollutants over the year 2005 situation (43% for CO; 40% for HC; 14% for NOX; 17% for PM).

#### **Effects on Specific Areas**

##### Shoal Bay and Exmouth Road Pedestrian Overbridge

75. Evidence was that the works required as part of the North Shore Busway/Esmonde Interchange project would have a direct impact on

interchanges in particular would need to proceed in areas currently used by the threatened New Zealand Dotterel for foraging and nesting. The highest levels of Dotterel nesting activity in Shoal Bay are currently in the vicinity of the existing Onewa and Esmonde Interchanges, and on the City of Cork shell bank, an area separated from the foreshore by an expanse of mangrove and soft mud. Ironically, it is the very presence of the existing motorway that provides protection from human disturbance and predators, and makes the small group (up to 5 nesting pairs) of NZ Dotterel in Shoal Bay particularly important. Their nesting success rate is far higher than the national average and they make a disproportionately large contribution to the overall NZ Dotterel population. Both the requiring authorities and those submitters who expressed concerns about the shorebirds agreed on these points.

76. Transit proposed to mitigate the disturbance to NZ Dotterel and the loss of nesting and foraging habitats by providing alternative nesting sites along the Shoal Bay foreshore and on the City of Cork shell bank. Since much of the Dotterel nesting activity in Shoal Bay at present takes place at sites intimately associated with the motorway, and many of these are reclaimed or highly modified sites, there was a high level of confidence on the part of expert witnesses that any newly provided nesting sites would be used by the birds. We share this view, and there were no submitters that expressed an opposite view. Having arrived at this point, the crucial questions became these; how many new nesting sites might need to be provided in order to mitigate the effects on the Dotterels, and would this mitigation be compatible with the existing use of the Shoal Bay foreshore?
77. When the existing motorway was constructed it cut off direct access to the foreshore by the residents of Northcote. In recognition of this a pedestrian overbridge was provided at Exmouth Road as a point of access to the bay, and it is used regularly for this purpose. The overbridge is currently located in the centre of an area proposed by Transit for the creation of nesting areas for NZ Dotterel displaced by the Busway and Esmonde Interchange project. It is at this point that conflict arises between the need for the mitigation of effects on Dotterel nesting and the use of the foreshore by residents of the North Shore. Humans easily disturb nesting Dotterels, and eggs or chicks could die as a result of human use of the foreshore area, negating the mitigation efforts. While Transit did not request that use of the overbridge be discontinued, its expert witnesses made it clear that "shore bird mitigation" on the foreshore adjacent to the existing motorway would fail if uncontrolled public access to this area via the overbridge was allowed to continue.
78. In attempting to balance the need to protect the threatened NZ Dotterel and ability of North Shore residents to gain access to the foreshore, we have arrived at the following view. Public access via the Exmouth overbridge should continue to be allowed and this is reflected in the condition imposed. At the same time it is recognised that mitigation at or near the City of Cork shell bank should be maximised to provide (up to 5) nesting areas for the NZ Dotterel. The shell bank is far less accessible than the general Shoal Bay

Evidence has indicated that City of Cork shell bank has the potential to accommodate all the nesting Dotterel pairs displaced from the Esmonde Interchange. However, should space at the City of Cork shell bank be insufficient (for example because of the territoriality of the birds), additional mitigation would need to be implemented. This could include the proposed preparation of additional beach areas along the foreshore (adjacent to the existing motorway revetment at City of Cork beach and points south). Suitable sites would need to be further explored at the time through the Shorebird Working Group. This Group is proposed to be established in order to provide for both the applicants and interested parties to work together on initiatives to protect the Dotterel. Provided residents and other interested groups put in place steps to ensure birds are not disturbed during the nesting season (including seasonal closures of the Exmouth overbridge) this approach should have a high chance of success. Successful models for this kind of community involvement exist at areas such as the Omaha Spit, north of Auckland.

79. Few conflicts, if any, are apparent in the proposed mitigation for Dotterel nesting areas at the Onewa interchange where an existing saltmarsh area will be disturbed by the busway half-bridge and interchange works. Saltmarsh will be re-established in the area at the completion of the works and in the meantime it is expected that the pair of birds affected will continue to use Sulphur Beach as their nesting site.
80. We agree that all stages of monitoring and mitigation be overseen and approved by a Shorebird Working Group as set out in Transit's proposal for mitigation. Conditions providing for the establishment and enhancement of alternative shore bird breeding sites are included in the relevant regional consents.

#### Smiths Bush

81. The construction of the busway requires land to be taken from the western side of the eastern remnant of the existing Smiths Bush area adjacent to the existing motorway. Smiths Bush is an area of Puriri and Kahikatea forest situated close to the Northcote interchange of the northern motorway. It is of particular ecological importance and is also a significant visual amenity. Smith's Bush has earlier been divided by the construction of the motorway into a western remnant of some 6.2 hectares and an eastern remnant of some 1.1 hectares. The western remnant is alongside the Onewa Domain and the eastern remnant is accessed from Karaka Street.
82. The potential loss of some 600 sqm, comprising a strip of some 6m wide (reduced to some 4m wide in the evidence from the applicants at the Hearing), from the western side of the eastern remnant was a basis for some 90 of the 360 submissions received. It is noted that a further area of some 370 sqm would also be affected with that being batter slope both inside and outside the motorway reserve. The submissions raised concerns for the loss of that area of Smiths Bush and for the loss of a forest type unique in the Auckland region.

83. We have had the benefit of evidence from all the parties and also visited the eastern remnant on two occasions as part of our considerations. For the second site visit the area proposed to be affected by the proposal had been pegged by surveyors.
84. Submitters suggested that there was sufficient land within the motorway central median to allow for the reduction of the median width and shifting of the southbound motorway westward thus providing the necessary width to accommodate the project without affecting the bush. Evidence was presented for the requiring authorities relating to the engineering considerations of this suggestion in which a number of safety issues were raised that precluded the possibility of implementing it. This was because:
- There is only marginally sufficient lead-in space between the Northcote underpass bridge and Smiths Bush to establish the motorway shift to the right. This is due to the location of the crest of the curve being adjacent to Smiths Bush and the proximity of the Northcote south bound on-ramp merge.
  - The relocated southbound motorway on-ramp will merge with the motorway commencing immediately south of the curve crest opposite the north boundary of Smiths Bush.
  - The motorway commences a left turn at this merge point. A shift of the motorway to the right (as a result of reducing the median) would result in an accentuated left turn and would be unacceptable in safety terms.
85. The evidence was that individually each of these aspects might be marginally satisfactory from a safety viewpoint, but collectively they would create a significant traffic safety hazard. This is because all three aspects described above would require the driver's attention all at the same time.
86. The evidence was also that it was not feasible to relocate the motorway westward to lessen the eastside encroachment without requiring land and affecting the more important west side bush. Nor was it considered possible to relocate the busway closer to the motorway without removing the shoulder and compromising safety standards.
87. We consider it has been established that part of the eastern remnant of Smiths Bush would therefore be required for the construction of the busway.
88. We heard evidence from Mr David Slaven for the requiring authorities and Mr Stephen Cook as a submitter on his own account and also on behalf of the Royal Forest and Bird Protection Society – North Shore Branch. Both have relevant expertise and experience to comment on the features and qualities of the bush area; the impact of the proposed works upon it; and, potential mitigation of the associated effects.

89. We acknowledge the significance of the Smiths Bush area and the commentaries from the respective expert witnesses. We also acknowledge some difference between the witnesses in terms of the emphasis they have on the qualities of component areas of the bush; on the associated degree of potential impacts; and, the potential mitigation measures. There will clearly be impacts associated with the loss of trees and bush, much of which is particularly significant in terms of its quality; edge effects whereby trees currently internal to the bush and protected by others will be exposed by lying at the newly created edge of the bush; and potential impacts upon drainage.
90. Given the necessity for the proposed works and the associated impact upon this part of the Smiths Bush, it is then a matter of determining whether appropriate mitigation measures can be implemented to address this loss. In saying so we accept that the loss of bush is necessary to accommodate the proposal and that the applicant has made every reasonable and practicable attempt to minimise the land-take. In this latter respect the alignment chosen is elevated above the motorway to a level between the motorway and the existing bush floor. This has the effect of minimising the depth of cutting adjacent to the bush land and further, the net encroachment has been minimised by the use of vertical walls.
91. Before addressing the particular mitigation measures it is important to record that Smiths Bush comprises land vested in the North Shore City Council for reserve purposes. Accordingly, in terms of the Reserves Act 1977, the Council is to prepare a management plan for it. The Onewa Domain and Smiths Bush Scenic Reserve Management Plan, dated May 1993 was made available to us. It shows the eastern remnant area classified as Recreation Reserve in terms of the Reserves Act. The management plan is a comprehensive document providing details of the statutory base for the plan, the history of the Smiths Bush area and the activities that occur within and upon this area. The Smiths Bush Scenic Reserve is noted as a regionally significant scientific and botanical resource. In discussing the proposed future use of Smiths Bush reference is made to ensuring the continuation and enhancement of it but in particular, the plan refers to the proposed bus lane planned for the eastern side of the motorway. It is relevant to quote this part of the Reserve Management Plan (Part II, Clause 2.21).

*“With the proposed bus lane planned for the eastern side of the motorway, the Council will endeavour to retain as much of the Smiths Bush remnant as possible. To help ensure the reduced remnant is sustainable the reserve will be buffered around the margins with planting. In addition to offset any adverse environmental affects of the construction of the busway, the Council will request that Transit New Zealand ensure a natural bush is cultivated on the grassed area mentioned above in 2.20 (this is the open grassed area between the present bush area and Hillcrest Creek) using sample seedlings taken from the remnant.*”

*Depending on the outcome of the bus lane proposal, the remnant will continue to be managed in a manner that will retain its present natural and recreational values ...”*

92. The Reserves Management Plan refers further (under the Management Policies at Part III, Clause 9.1) to the Council recognising the need identified by the Auckland Regional Council for a severance from the eastern remnant for the purpose of the bus lane with the effects of this severance being minimised, as far as possible and reference to the matters otherwise discussed above.
93. Accordingly, the Reserve Management Plan of May 1993, being the plan intended to deal with the management of this area, specifically recognises that a bus lane is to be constructed at a future time which will take part of the land currently in the eastern remnant of Smiths Bush.
94. Having established the land losses to occur the mitigation measures proposed include an ecological mitigation plan prepared by a suitably qualified and experienced ecologist having regard to a range of matters including minimising the removal of vegetation; works being supervised by a suitably qualified and experienced arboriculturist; native buffer vegetation of an edge/pioneer type species being planted along the newly created frontage between the bush and buslane; and, a replanting programme of appropriate areas. In this latter respect there has been consultation between Transit New Zealand and the Council's Parks Department in relation to potential planting to be carried out on the western remnant of Smiths Bush. This was a matter of some debate at the hearing between the Commissioners and Council's Parks officers and Transit New Zealand representatives. We record our disappointment that the Parks Department of Council and Transit had not been able to come forward with any proposals confirmed between them that could be considered as potential means of mitigation. By way of the recommendation associated with this requirement/designation we are requiring a plan of works to be settled between those parties that provides a significant area of planting on the western side of the motorway that is compatible in an ecological sense with Smiths Bush and the surrounding environments. This is to be arranged as part of the ecological mitigation conditions to be included with the Outline Plans of works to be considered in due course by the Council.

#### Takapuna Normal Intermediate School

95. A small part (approximately 35m<sup>2</sup>) of the north-western corner of the school's grounds are proposed to be designated. While this may lead to the need to remove a limited number of planted trees from the corner of the school grounds, this is able to be mitigated by the landscaping proposed.
96. The school has three main concerns, namely, the impact on kerbside parking located on the northern boundary, noise, and any drainage effects. Transit

busway project. Temporary acoustic barriers are not proposed in the vicinity of the school. The operation of the busway would result in traffic noise increases of approximately 2dBA which would be unnoticeable. Also the distance between the proposed construction work and school buildings means that construction noise levels will readily comply with the construction noise standard. Noise conditions are proposed to ensure compliance with the standards and guidelines and also to ensure that classroom noise levels do not exceed 45 dBA Leq. Issues of drainage are addressed through conditions relating to stormwater mitigation and the requirements for a stormwater mitigation plan.

#### Westlake Girls High School

97. In the course of the hearing the requiring authorities advised that the extent of the designation as it affects the girls' school was to be reduced by deleting an approximately triangular area of land located to the north of Westlake Station where it meets the Shakespeare Road extension. A new plan was provided showing this amended boundary.
98. Evidence was presented of the school's redevelopment proposals. The school requires some degree of certainty as to the design and timing of the busway project because it impacts directly on the school's own redevelopment proposals. A specific request was made that the designation be limited to a term of five years. We consider the term of the proposed designations later in this decision.
99. Other important issues for the school concern the question of noise which has been considered earlier, and landscaping. On the latter topic, designating a strip of land on the western boundary of the school adjacent to the motorway for the busway may affect a row of pin oaks. It is uncertain whether these trees can be saved. If this proves impossible, replacement planting with a suitable species of tree will be necessary.

#### Westlake Boys High School

100. Westlake Boys High School remains opposed to any proposal which may threaten to the use of the school's lower playing fields for rugby. That is because of the importance of rugby and sport in general to the school.
101. It was unfortunate that at the hearing there remained a substantial disagreement between Transit and the school as to the correct position of the new designation boundary, including the boundary for construction works, and therefore as to the true effect of the project on the school's lower playing fields. Very detailed evidence was presented by Mr Havill for the school including the plans prepared by a surveyor and Mr Havill indicating a significant loss of land along the western portion of the fields. To address this perceived problem the school strongly urged that Transit should acquire residential land along the eastern boundary of the playing fields and make this

were given. In essence the school maintained a desire to retain a field size equivalent to the maximum standard envisaged for a rugby field in terms of the IRB laws. Those laws refer to a dimension not exceeding 100m in length and 70m in width with an area of not less than 10m from the goal line to the dead ball line where practicable. Allowance must also be made for touch judges and spectators. It was the school's position that this was not achievable without acquisition of the residential properties to the east.

102. In contrast, the case for requiring authorities was that the land required for the busway project did not preclude the future use of the lower playing fields for rugby.
103. The difference between the parties appeared to us to be substantially one of measurement or survey and incapable of resolution without further survey. Accordingly we requested that Transit's surveyor confer directly with the school's surveyor to clarify the matter. This occurred and a further plan was produced to us which we were told represents an agreed position (at least so far as the designation boundaries are concerned) as between the two surveyors.
104. The plan gives an indication of the possible location of the two rugby fields on the lower playing fields. It shows that full sized rugby fields can be accommodated although it will be tight, particularly in the north-western corner of the land. At the conclusion of the hearing we made a second visit to the site and observed for ourselves the position of the construction designation boundary, final designation boundary, and potential position of the rugby fields. We have concluded that it is possible for rugby fields to be accommodated with a busway. In addition to the strip of landscaping proposed on the western boundary of the playing fields, it will be necessary to erect a tall wire fence to contain sports balls.
105. NOR 1 also takes land from the access connecting the upper and lower playing fields. At the present time this comprises a bank to the west of the properties on Altona Avenue dropping to an unsealed access way connecting the field areas. The designation for the busway would leave only a 4m strip of land linking the upper and lower school fields. The accessway would be grade separated from the busway and for most of its length would be above the level of the busway.
106. The school's principal concern is with safety of pupils who must share the access way with maintenance vehicles or occasional emergency vehicles. No specific vehicle numbers were mentioned, although we would expect the numbers to be very low.
107. We consider that this access could be established and used in a safe manner by pupils and others. Vehicles will be principally those under the control of the school. While on occasions there will be both pupils and vehicles on the access way, it is likely to remain a very low speed environment.

### Other Residential Property Owners

108. Several residents of properties at Altona Avenue are affected by the proposal. Their properties adjoin the access leading between the playing fields at Westlake Boys High School referred to earlier. These submitters wish Transit to acquire their properties. Transit is not prepared to do so and neither are we empowered to compel such acquisition. The principal issues for these property owners relate to the loss of vegetation on the adjoining school land and noise effects of the busway. We were shown photographs and inspected the area for ourselves. The busway is below the level of the property boundaries at this point. The establishment of temporary or permanent acoustic fencing to replace the existing older fencing would be of benefit to these property owners. Clearly the establishment of any such fencing will need to be considered in consultation with the property owners affected.
109. Evidence was presented for the owners of vacant residential land on Lyttelton Avenue with frontage to the motorway. The principal concerns relate to protection of this land from noise and the visual impact resulting from a loss of vegetation adjacent to the motorway in this location. The position is made more difficult because the land slopes up from the edge of the motorway making it difficult to screen. There was no evidence that the owners intend to construct houses on the land at the present time. The provision of acoustic fencing would in any event be of little value bearing in mind the contour of the land. When this land is ultimately developed, the design and acoustic treatment of the houses would need to recognise the existing motorway as well as a busway.

### Smales Farm

110. Shea Investments Limited and Betty Leila Holdings Limited, as owners of Smales Farm, lodged submissions in respect of NOR1 (the busway), NOR8 (Westlake Station) and related applications for resource consents affecting stormwater and sewage disposal. (Separate submissions were lodged in respect of the Esmonde interchange project and related consents).
111. Concerns related primarily to traffic and noise effects on Smales Farm. As to the former, a specific issue was raised in relation to the potential for traffic travelling through Smales Farm and the timing of additional road works around Smales Farm. The noise concern focused mainly on the impact of buses using the Shakespeare Road extension. The matter of stormwater and sewage disposal related to the integration of services with on-going development of Smales Farm.
112. Counsel for Smales Farm annexed a detailed schedule of relief sought by his clients. This was able to be directly addressed by counsel for Transit in reply. In the result, some of the matters raised were agreed. These included:

- (a) That the busway and Westlake Station not be open for use until Esmonde Road/northern motorway interchange improvements are completed.
  - (b) That vehicular access between the station and Taharoto Road be omitted from the Transit designation and subject only to the designation by the Council (NOR8).
113. Several heads of relief did not strictly fall for consideration in the context of this hearing and are not considered further. These included a request to change the name of the bus station to “Smales Farm bus station”; certain matters more appropriately addressed under the Public Works Act (stormwater discharge from the Westlake Girls High School and Smale land and the sanitary sewer line as it relates to Smale’s land); and notification of a variation or plan change introducing alterations to the provisions governing the development of Smales Farm.
114. The following matters were not agreed between the parties. Smales requested a three year term of designation in which to complete the Westlake bus station. We do not consider that to be necessary in order to either address effects on Smales Farm, or reasonably practicable in the wider context of the busway project. It was requested that high occupancy vehicles (HOVs) be prevented from accessing the busway at Westlake Station. However it is intended that at most this station will be used as a top-up facility for HOVs which will primarily gain access to the busway at Constellation Station. In our opinion a complete prohibition on HOVs accessing by Westlake Station is not necessary. Improvements to vehicular access between Smales Farm and Northcote Road were requested and in particular provision for controlled access to the southbound lane of the busway by vehicles originating from Smales Farm between the hours of 4pm and 7pm each day. However, it is a fundamental policy of the BRT system is that the busway is reserved for buses in the pm peak.
115. It was requested that Transit fund the provision of sound-proofing of buildings on Smales Farm. The request specifically concerned the undeveloped northern part of Smales Farm adjacent to the Shakespeare Road extension. We do not consider it necessary or appropriate to impose conditions on the designation requiring sound-proofing of future buildings.
116. It was sought that adequate arrangements be made for the drop-off and stopping of vehicles delivering passengers to the busway station and for safe and efficient pedestrian access to the station. In respect of the last matter, Smales considered that it may be beneficial for pedestrian access to be placed at least partly on the Smales Farm land. We are satisfied that appropriate drop-off, delivery and pedestrian arrangements can be provided within the proposed designation boundaries. We note that the requiring authorities are prepared to discuss the pedestrian access issue with the Smale family. Should that result in benefits to the busway project the requiring

authorities would consider altering the designations with the Smale family consent, pursuant to section 181(3) of the Resource Management Act.

117. Smales sought the integration of landscaping on the busway land with that proposed for the Smale's property. While there may be benefit in a coordinated approach, we are not requiring agreement between the parties as a condition of the designation. It is noted that the requiring authorities are prepared to discuss the landscape plan in consultation with Smale family.

### St Marys Bay

118. Mr Anthony Skelton, Chairman of the St Marys Bay Association, presented evidence in opposition to the busway project and the Esmonde Road interchange project.
119. It was said that the benefits claimed for the projects could not be fully realised as long as buses and HOVs have to travel over the existing harbour bridge and through St Marys Bay. Also future works proposed later for St Marys Bay would have adverse environmental effects on that community. Further, Mr Skelton questioned the estimation of numbers of passengers that would be attracted to bus transport. We have commented on this matter earlier in our decision.
120. While further works may be necessary in St Marys Bay in the future, we do not consider finalisation of planning for those works to be a pre-requisite for establishing the busway on the North Shore. The issue of air quality was addressed in the evidence of Mr Moncreif referred to earlier.

### Reserves

121. As referred to earlier, three reserves are affected by the proposed busway being Becroft Park, Smiths Bush Reserve and Barrys Point Reserve. Smiths Bush has been addressed earlier. As with Smiths Bush, Becroft Park Reserve has a management plan made under the Reserves Act 1977, which plan refers expressly to the establishment of the busway. While we do not rely on that document as justification for the designation, it does serve as an indication that future management of the reserve, through the reserve management plan, contemplated a busway in this location. We have concluded that the effects on the reserve will not be significant and are mitigated by the proposed landscape planting.
122. Barrys Point Reserve is considered more particularly in the discussion of NOR 6 below.

### **The Bus Stations**

123. Designations were sought for stations at Akoranga (NOR 1 Transit and NOR 5 the Council), Westlake (NOR 1 Transit and NOR 8 the Council), Sunnynook

(NOR 1 Transit and NOR 9 the Council) and Constellation (NOR 3 Transit and NOR 10 the Council).

124. The designations for the Akoranga, Westlake and Sunnynook stations area described as:

*“Designation for the construction, operation and maintenance of roads, buildings, facilities and amenities (including any ancillary structures, works or activities) for the purpose of providing a rapid transit facility for buses and high occupancy vehicles.”*

125. The designation for the Constellation station is described as:

*“Designation for the construction, operation and maintenance of roads, buildings, facilities and amenities and park and ride facilities (including a busway control room and any ancillary structures, works and activities) for the purpose of providing a rapid transit facility for buses and high occupancy vehicles.”*

#### Sunnynook Station

126. The Sunnynook bus station is to be developed on land on the eastern side of the motorway, north of the Sunnynook Road overbridge. This station is a smaller, “on-line” station designed to service the immediate residential neighbourhood and the northern end of Wairau Park. Buses will not join the busway at this station which instead will function as a transfer facility where passengers will transfer from local bus services, be dropped off by private car, or arrive as pedestrians. To support this function, provision is to be made for widening the Sunnynook Road carriageway east of the motorway to accommodate a safe area for buses and cars to pull off the road and drop off, or pick up, passengers.
127. We heard evidence expressing concern that the two cul de sac sections of Sunnynook Road which lie on either side of the eastern approach to the Sunnynook Road motorway overbridge, would be used for pick up and drop off; that the existing landscaping on the approaches to the Sunnynook Road motorway overbridge would be lost and that there would be a high degree of traffic congestion in the area. Ms B Coomer-Smit, presenting traffic engineering evidence for the applicant, agreed that special consideration would need to be given to traffic movements in the area and that a traffic management plan would be required to show how it was possible to maintain the safety and efficiency of traffic and pedestrian movement in the area.
128. We agree that there is a high potential for these adverse effects to occur in the vicinity of the Sunnynook bus station and have included a series of conditions addressing the matters of landscaping, noise and traffic management.
129. Concern was also expressed regarding the potential of the bus station to

presented by the requiring authorities, we agree that this is an existing situation that will not be worsened by the busway, although we also consider steps should be taken to remedy the current problems.

### Westlake Station

130. The Westlake bus station is located partially on the undeveloped north western corner of Smales Farm and partially on the grounds of Westlake Girls High School. NOR 8 also includes an extension of Shakespeare Road from the intersection of Taharoto Road and Wairau Road through to the bus station. Access to the station is proposed solely from this new public road with no vehicular access via the private roads within the Smales Farm development.
131. This station is to provide for transfer functions as well as direct access to the busway for buses and will include a kiss and ride facility for passengers arriving by private car or taxi.
132. Evidence was presented at the hearing by representatives of Smales Farm and Westlake Girls High School that agreement had been reached on the amount of land to be taken from each party.
133. In the statement presented by Mr J Parlane on behalf of Mr R Dickson, traffic engineer for both Smales Farm and Westlake Girls High School, comments were made on the layout of the new access road and the kiss and ride area at the bus station. We have considered these comments and concluded that the area of the designation is sufficient to accommodate a range of design layouts and that these are matters which should be addressed in the Outline Plan process of the Act when the final designs for the bus station and the new public road are prepared.
134. The issue of noise mitigation is addressed earlier in this decision.

### Akoranga Station

135. The Akoranga Bus Station is located between Hillcrest Creek and the motorway, immediately north of the proposed Esmonde Road Interchange. It is sited partially on existing motorway designation and partially on land (including reserve land) which lies between the motorway and Hillcrest Creek.
136. Evidence was presented as to the operation of the proposed station and the intention for it to serve the Auckland University of Technology, Hato Petera College and the employment area on the western side of the motorway via a pedestrian overbridge; as well as the schools on the eastern side of the motorway and the employment areas of Fred Thomas Drive and Barry's Point Road. It is intended that the station function as a transfer location between busway routes and local routes serving Takapuna and the areas on the eastern and western sides of the motorway. Kiss and ride facilities are to be provided at the station.

137. The station is to connect to Esmonde Road/Akoranga Drive and to Fred Thomas Drive by a proposed new link road which is the subject of a separate notice (NOR 6).
138. We note that the bus station is to be sited largely on motorway land to which the public currently have no access, and that it will be a dominant feature in the existing landscape. However the proposed landscape planting is considered to be appropriate for the area and will mitigate some of these effects.

### **Constellation Station (NORs 3 and 10)**

139. The proposed Constellation Drive Station is to be the largest station on the busway and will provide for buses to join the busway, for passengers to transfer from local services, for park and ride and kiss and ride facilities and for up to 350 HOV vehicles per hour to access the busway. It will also provide for a control centre and retail kiosks.
140. The original objectives of the Constellation Drive Station were refined within a supplementary information document provided on behalf of the requiring authorities to include:
  - “
    - *to provide construction flexibility to enable a level of parking corresponding to the demand for the facilities;*
    - *to provide the facility in a cost effective manner;*
    - *to ensure certainty of parking spaces for users of the park and ride facilities;*
    - *to minimise any adverse environmental effects from the facility;*
    - *to provide a safe and convenient facility; and*
    - *to provide for a land efficient facility.”*
141. The area covered by the designations covers the same area of land already designated for bus station purposes, as confirmed by the Environment Court, but with the land excluded by the Environment Court decision<sup>1</sup>, reincluded. Evidence was presented by Mr Selwyn Green as to alternative methods of developing the park and ride facility in order to determine the area of land needed for the station. Four basic options with one further variation were considered. The options included a carparking building for the exclusive use of the bus station providing for a minimum of 415 spaces; a variation on the first option with an alternative access arrangement to Parkway Drive; a combination of carparking building and at grade parking; at grade parking for a minimum of 415 parking spaces; and a joint public/private development concept including both commercial space and public parking.

142. An evaluation of those options was undertaken comparing costs, flexibility, environmental effects, user effects, management control and certainty of parking provision.
143. Mr R Herrick of Bungalo Holdings Limited presented an alternative design for the Constellation bus station which did not utilise that part of the site adjacent to Parkway Drive, but instead used land fronting Parkway Drive to the South of the land covered by the NOR.
144. We accept that a sufficient analysis of alternatives has been demonstrated by the applicant.
145. After considering the evidence of the applicant and the submitters we consider that the NOR for the Constellation Bus Station should be confirmed along with conditions on noise and landscaping.

#### **Modifications at Sylvan Avenue and Onewa Road (NORs 2 and 4)**

146. These two notices relate to the following works:
  - widening of the Onepoto Bridge;
  - widening of Onewa Road;
  - provision of a second, east bound (motorway-bound) lane on Onewa Road;
  - construction of a new Sylvan Avenue/Onewa Road intersection;
  - reconstruction of the existing north-bound motorway off-ramp to Onewa Road and on-ramp from Onewa Road where Onewa Road joins the proposed new Sylvan Avenue/Onewa Road intersection.
147. Land is to be taken from four Residential zoned properties and it is understood that some acquisitions have already occurred.
148. At the present time there are significant congestion issues associated with gaining access to the motorway system from Onewa Road. The geometry of the existing interchange itself is outdated and does not meet current design standards. The works proposed are intended to address these issues and provide significant long term benefits to motorists.
149. There are potential effects associated with disruption to traffic and noise during the construction period. There are also potential visual effects associated with the new southbound motorway on-ramp from Onewa Road which will be at a higher grade than the existing on-ramp. Widening of two bridges has the potential to cause effects within and adjacent to the Onepoto Stream.
150. A traffic management plan is proposed to address the management of traffic during the construction phases.

151. Landscape evidence was presented showing the form of treatment that could be applied to mitigate the visual effects of the new southbound on-ramp in particular. This mitigation work will form part of the required landscape management plan to be prepared prior to construction.
152. The potential for effects on the Onepoto Stream has been carefully addressed through a number of specialist reports and in evidence. We are satisfied that the Onepoto Stream can be adequately protected both during the construction phase and post construction by adopting specific construction and management techniques. This issue is also addressed in detail and the applications for regional consents.
153. There are several properties in close vicinity to the proposed works including that at 3 Sylvan Avenue. This property will experience significant increases in noise and vibration from the works. There will also be a loss of vegetation affecting the visual amenity. We were advised that this is one of the properties to be acquired by the requiring authorities. The other residential properties are slightly removed from the intersection and while they will experience adverse effects, a reasonable level of amenity will be retained. We note also that noise barriers are proposed in this location as discussed earlier in this decision.

#### **Akoranga Station Link Road (NOR 6)**

154. Barrys Point Reserve would be bisected by a link road joining Akoranga bus station with a proposed extension of Fred Thomas Drive. There were many submitters opposed to this proposed link road including Lake House Trust, Dr D and Mrs G Becroft, Mrs M Field, Friends of Barry Point Reserve and others. In overview, the submitters felt strongly that the link road should be removed altogether, or relocated to the southern end of the proposed reserve, thereby avoiding the centre of the reserve.
155. Counsel for Dr and Mrs Becroft submitted that while confirmation of the present proposals for a road across the reserve might authorise use of that part of the reserve for a road under the Resource Management Act, it would not affect the status of land as reserve under the Reserves Act 1977, and that status would prevent construction and use of the road. There would need to be a separate procedure under the Reserves Act before establishment of the road could proceed. It was submitted that unless and until the status of this particular part of the reserve was revoked following the Reserves Act procedures, it would not be lawful for the land to be used for the purposes of the proposed through route. Consequently it was contended that the designation should not be confirmed unless or until the revocation occurs. Because any decision of the Minister on revocation cannot be presumed it was submitted that it was fundamentally wrong in principle for a designation to be confirmed when there is no guarantee that the land will be lawfully able to be used for the designated purpose. It was also submitted that it would be unlawful for such a designation to be included in a district plan having regard

validly made if it was contrary to a statutory provision (in this case section 53 of the Reserves Act 1977).

156. The Resource Management Act does not expressly answer these matters. Counsel for Transit in reply referred us to section 52 of the Public Works Act 1981 which specifically allows for reserve land to be set aside for a public work. While not directly applicable in this case, he referred also to section 52(5) of the Public Works Act as illustrating a legislative intention that reserve land can be designated.
157. We heard detailed landscape evidence relating to the possible integration of the link road with the reserve so that, in effect, it might service both the reserve and the bus station. In that event, it is not entirely clear that any Reserves Act procedures would be needed. Further if procedures are required under the Reserves Act 1977, it is not clear whether revocation would be necessary, or whether a change of the reserve status, or exchange of reserve land would be more appropriate. Mention was made at the hearing of the possibility of exchange of land although this was not developed in any firm way. In the end we have concluded that we should proceed to determine this matter. It may be that Reserves Act procedures will be necessary before construction of the road could proceed and in reaching our decision we are making no presumption as to the outcome of any procedures that might be necessary later under the Reserves Act.
158. The alternative suggestion of some of the submitters was to adopt what is described as Option 7 routing the link road towards the southern end of the Barrys Point Reserve. This is considered by the submitters to be of advantage in terms of future planning for the reserve, which at this time has no management plan. The Council as both requiring authority and owner of the reserve, has expressed no similar concern. We have considered all of the landscape and traffic evidence presented by submitters and the requiring authorities. We are satisfied that the requiring authorities have considered the different options for the link road, and that provision of the link road in the position proposed by the requiring authorities is justified.
159. While future management of Barrys Point Reserve is not a matter for this hearing, we accept that it may be possible to design and establish a link road that would integrate in many respects with possible future uses of the reserve land. In this context, we note the dual roles of the Council as both roading authority, and owner and manager of the reserve.

#### **Akoranga Station Pedestrian Overbridge (NOR 7)**

160. A designation was sought of land and air space for a pedestrian overbridge linking Akoranga Station to the Auckland University of Technology.
161. The designation is described as:

*“Designation of land and air space for the construction, operation and maintenance of a pedestrian overbridge.”*

162. The pedestrian overbridge has been proposed to meet the projected demand for a connection between the Akoranga Bus Station and the AUT campus, but would also provide a pedestrian link between the Bus Station, Hato Petera College and the Office Park in Warehouse Way. The proposal for an overbridge is supported by AUT who agreed at the hearing to connect the path on the western side of the bridge, through to Akoranga Drive and to make this available for public use.
163. We also heard submissions requesting that cyclists be allowed to use the bridge but do not believe that this is a matter for us to decide as this is a design and operational issue which the Busway Authority will control. We further note that the proposals for reconstruction of the Esmonde interchange include provision for a cycleway across the northern motorway, immediately south of the Akoranga Station.
164. We consider that there are minimal adverse effects associated with the construction and operation of the proposed overbridge.

**Matters of Particular Regard Under Section 171(1) of the Resource Management Act 1991**

165. We have considered the statutory provisions as they apply to each notice. To a large degree the interrelated nature of the ten notices of requirement comprising the busway project warrant a generic consideration of the statutory matters.
  - (a) **Whether the designations are reasonably necessary for achieving the objectives of the project or works for which the designations are sought.**
166. Transit and the Council have determined in light of consultants’ reports and expert advice received that in order to achieve the objectives of the busway project, it is reasonably necessary for them as designating authorities, to seek that the subject land be designated.
167. With the reconsideration and amendment of the area encompassed by NOR 1 for the Westlake Station (and confining the Shakespeare Road extension to NOR 8), we consider that the land now identified in each of the notices is reasonably necessary in order to achieve the stated objectives.
168. The busway concept is intended to provide a safe, frequent, convenient and efficient form of public transport that has the support of the Auckland Regional Council, Transit and other important transportation organisations. It is concluded that the project itself is reasonably necessary to achieving the objectives, as is the designation procedure. Specific identification of the land

manner. Adjoining owners will be able to develop their land with the knowledge that the busway and stations are to be constructed along the eastern side of the northern motorway.

**(b) Whether adequate consideration has been given to alternative sites, routes, or methods of achieving the project or work.**

169. There are two particular aspects of note in this case. First the project itself has evolved and developed over a long period of time as described in the evidence of Messrs Gosselin, Drager and Wade. It is clear that detailed consideration has been given to a range of alternative public transport proposals as part of this process. Secondly, evidence was presented as to consideration given by the requiring authorities to alternative arrangements for a busway involving single lanes on the eastern and western sides of the motorway, a flyover from south of the Akoranga Station to a western busway lane, the future construction of a second busway lane, and to a single lane tidal flow system south of the Esmonde interchange. Consideration has been given to different potential locations for the Akoranga Station (including a western station serving the AUT campus), the precise location of the Westlake Station relative to Westlake Girls High School and Smales Farm, and to an option of the locating the Sunnynook Station to the south of Sunnynook Road. Detailed consideration has been given to a range of possible parking and access arrangements for Constellation Station.

170. We are satisfied that adequate consideration has been given by the requiring authorities to alternatives.

**(c) Whether the nature of the project or work means that it would be unreasonable to expect Transit and the Council to use an alternative site, route, or method.**

171. Bearing in mind the conclusions reached in respect of paragraphs (a) and (b) above, we consider that it would be unreasonable to expect an alternative to be employed by Transit and the Council, whether in terms of site, route or method.

**(d) Relevant provisions of planning instruments.**

172. Comprehensive evidence was adduced in reference to the relevant planning provisions by the planning witnesses (Kathleen Bunting, Michael Foster), which we have carefully considered. Attention was drawn to the following instruments:

- New Zealand Coastal Policy Statement

Of particular relevance were those policies referring to significant habitats of indigenous fauna, and maintaining public access to and along the coastal marine area.

- Auckland Regional Policy Statement

This recognises that Auckland's transportation system is essential for the community's social and economic wellbeing and that some parts of it are nearing significant thresholds. It includes strategic objectives and policies to promote transport efficiency and the safe and efficient operation of existing regional infrastructure. The transport chapter notes that an efficient transport system is critical to the Auckland region and sets out the major direction of transport policy for the region. The components of that policy are more fully developed in the Auckland Regional Land Transport Strategy ("ARLTS") dated November 1999 and prepared pursuant to section 175 of the Land Transport Act 1998.

- Auckland Regional Land Transport Strategy

The relevant policy in the ARLTS is policy 4.4.7:

- "1. Transport links which promote the efficient movement of people, goods and services throughout the Region will be identified in the Auckland ARLTS and will be required to be protected in the district plan.*
- 2. The efficiency of congested corridors will be increased by encouraging increases in person carrying capacity (ie by supporting public transport, car pooling and high occupancy vehicles)..."*

The ARLTS includes specific reference to the North Shore Bus Rapid Transit project as an example of a new facility incorporating provision for high occupancy vehicles.

The ARLTS includes further policies relating to coastal environment, water quality and air quality that are also relevant. These include policies directed as avoiding adverse effects resulting in significant habitat reduction for indigenous coastal species (policy 7.4.4.1(ii)) and minimising adverse effects from motor vehicle emissions by promoting more efficient transport modes including buses (policy 10.4.4).

- Regional Plan: Sediment Control
- Proposed Regional Plan: Coastal
- Proposed Regional Plan: Air, Land and Water
- North Shore City Operative and Proposed District Plans

The proposed plan has reached the stage where it may be regarded as the dominant planning document for present purposes and includes

tree management, air emissions, vibration and transportation. Included in Section 12: Transportation are objectives and policies addressing an effective transportation system including express reference to implementation of a priority lane along the northern motorway corridor with Transit New Zealand (see 12.3.2 policy 4).

There are further provisions relating to residential amenity and to conservation of features of high natural environmental value. The latter issue is of direct relevance to consideration of effects on Smiths Bush.

173. Establishment of all four bus stations is in accordance with the transportation objectives and policies Section 12 of the Proposed District Plan. It is recognised that the busway and the Sunnynook Station are close to residential properties and will have an impact on the amenity of some of those properties. The implementation of the mitigation measures including landscaping, noise banners and the control of on-street parking, will assist in mitigating effects on the amenities enjoyed by residents.
174. In summary, the busway is in general accordance with the regional planning documents and many of the objectives and policies in the proposed district plan. While it does not fully accord with all the district plan provisions, for example those concerning natural character or residential amenity, specific mitigation measures are proposed to address these impacts. These include landscape planting and noise barriers.

### **Period of Designation**

175. There are several aspects to the question of the period of designation. The requiring authorities have emphasised the importance of the project and their desire to see it speedily progressed. Other submitters also wish to see the project, or at least specific parts of the project that affect them, progressed within a short time frame. This applies particularly to the owners of Smales Farm and to Westlake Girls High School, both of whom have proposals in respect of the future development of their own land. Other submitters, while not expressly seeking a short period of designation, seek clarity as to the timing of the project. This is particularly so in the case in respect of Puriri Park Retirement Village.
176. On the other hand, the requiring authorities seek a fifteen year period on the basis of the scale and complexity of the project.
177. On balance, we have concluded that the request made by the requiring authorities for a fifteen year period of designation is justified in this case. While that term may not give the certainty desired by Smales, Westlake Girls High School, or Puriri Park Retirement Village, it does not preclude the requiring authorities and those parties agreeing a shorter timetable for construction of the busway including Shakespeare Road extension to Westlake Station within that fifteen year period.



## **DETERMINATIONS**

### **Transit New Zealand Notices of Requirement**

1. It is recommended that Transit confirm the requirements below (with NOR 1 as modified in relation to Westlake Station and Shakespeare Road extension) subject to the conditions identified in the schedule to this decision.

NOR 1: Busway from the Auckland Harbour Bridge to Constellation Drive, including three bus stations.

NOR 2: Modifications to Sylvan Avenue at Onewa Road.

NOR 3: Constellation Drive Station.

#### Reasons for the recommendations

- (a) The development of the busway (including associated facilities) is considered to be in accordance with the purpose and principles of the Resource Management Act. It provides a means of significantly increasing the people carrying capacity of the Harbour Bridge, that Bridge being a finite physical resource.
- (b) The busway will facilitate the general improvement of the passenger transport system within the North Shore.
- (c) Development of the busway recognises both the important features of the coastal environment such as habitat of the Shoal Bay birds, as well as the important natural feature of Smiths Bush. Appropriate mitigation programmes and measures are proposed.
- (d) Impacts on the amenities of individual residential properties and schools has been considered fully and recognised in the measures advanced in conjunction with the notices.
- (e) The designations are considered reasonably necessary for achieving the stated objectives of the various works.
- (f) Detailed consideration has been given to alternative means of achieving the project including consideration of alternative routes for the busway, alternative station configurations, locations and layout, as well as the extent of land required for the busway, stations and link roads.
- (g) It would be unreasonable to expect the requiring authorities to use alternatives sites, routes or methods.
- (h) Considered as a whole, the busway project is in accordance with the relevant statutory planning documents. It is also consistent with the Auckland Regional

Land Transport Strategy. The potential traffic and public transport benefits of the project may be significant.

- (i) Each proposed bus station is considered to be appropriately sized and located along the busway route, and to provide an appropriate supporting role for the busway as a whole. The effects generated by the bus stations are relatively limited and localised and can be appropriately mitigated.
- (j) The alterations to Sylvan Avenue and Onewa Road interchange will provide improved access to and from the existing motorway system and assist in significantly reducing existing traffic congestion along Onewa Road.
- (k) The Constellation Drive Station is considered to be necessary in supporting the objectives of the busway project by providing a substantial park and ride facility near the northern end of the busway. The area of land sought to be designated is considered appropriate given the restated objectives of the station and the detailed assessment of alternative carparking arrangements.

## **North Shore City Council Notices of Requirement**

1. The notices listed below are confirmed subject to the conditions listed in the schedule below.

NOR 4: Modifications to Sylvan Avenue at Onewa Road

NOR 5: Akoranga Station

NOR 6: Akoranga Station Link Road

NOR 7: Akoranga Station Pedestrian Overbridge

NOR 8: Westlake Station

NOR 9: Sunnynook Station

NOR 10: Constellation Drive Station

### Reasons for the decisions

- (a) The development of the busway (including associated facilities) is considered to be in accordance with the purpose and principles of the Resource Management Act. It provides a means of significantly increasing the people carrying capacity of the Harbour Bridge, that Bridge being a finite physical resource.
- (b) The busway will facilitate the general improvement of the passenger transport system within the North Shore.
- (c) Development of the busway recognises both the important features of the coastal environment such as habitat of the Shoal Bay birds, as well as the important natural feature of Smiths Bush. Appropriate mitigation programmes and measures are proposed.
- (d) Impacts on the amenities of individual residential properties and schools has been considered fully and recognised in the measures advanced in conjunction with the notices.
- (e) The designations are considered reasonably necessary for achieving the stated objectives of the various works.
- (f) Detailed consideration has been given to alternative means of achieving the project including consideration of alternative routes for the busway, alternative station configurations, locations and layout, as well as the extent of land required for the busway, stations and link roads.

- (g) It would be unreasonable to expect the requiring authorities to use alternatives sites, routes or methods.
- (h) Considered as a whole, the busway project is in accordance with the relevant statutory planning documents. It is also consistent with the Auckland Regional Land Transport Strategy. The potential traffic and public transport benefits of the project may be significant.
- (i) Each proposed bus station is considered to be appropriately sized and located along the busway route, and to provide an appropriate supporting role for the busway as a whole. The effects generated by the bus stations are relatively limited and localised and can be appropriately mitigated.
- (j) The alterations to Sylvan Avenue and Onewa Road interchange will provide improved access to and from the existing motorway system and assist in significantly reducing existing traffic congestion along Onewa Road.
- (k) The Constellation Drive Station is considered to be necessary in supporting the objectives of the busway project by providing a substantial park and ride facility near the northern end of the busway. The area of land sought to be designated is considered appropriate given the restated objectives of the station and the detailed assessment of alternative carparking arrangements.
- (l) The Akoranga Station link road will allow efficient vehicular access to the proposed Akoranga Station in a manner that will not disrupt existing or likely future traffic flows or residential amenity. The position of the road still allows for ultimate redevelopment of the reserve. The amenity and useability of the historic Lake House is adequately protected by the location of the link road and planting proposed in conjunction with it.
- (m) The proposed pedestrian overbridge will provide safe and direct access to Akoranga Station for users of AUT and others on the western side of the motorway.