29 April 2024

Mr Graeme Mathias
Chairperson
Auckland Surf Park Community Expert Consenting Panel
C/- Environmental Protection Authority

Email: aucklandsurf.fasttrack@epa.govt.nz

Dear Mr Chairperson and Panel Members

AUCKLAND SURF PARK COMMUNITY FAST-TRACK APPLICATION FOR CONSENT – COMMENTS OF AUCKLAND TRANSPORT

1. INTRODUCTION

1.1 We refer to:

(a) Our letter dated 4 March 2024 setting out the comments of the North Shore Aero Club Incorporated ("NSAC") on the above fast-track application by Auckland Surf Park Community ("ASP"or "Applicant"); and

(b) Auckland Transport's ("AT") comments on the application, in particular, AT's comments regarding the Applicant being required to complete the East-West Collector Road ("EWCR") through to Postman Road, adjacent to the North Shore Airport ("Airport").

1.2 AT's comments are a source of significant concern to the NSAC on the basis that:

(a) As noted in our letter dated 4 March 2024, the NSAC supports the proposal to terminate the EWCR road in a cul-de-sac / turning head, as proposed by the Applicant;

(b) Completion of the EWCR is not within the scope of the application;

(c) The effects of completing the EWCR, including with respect to safety risks of increased traffic affecting aircraft, have not been assessed; and

(d) The NSAC opposes any proposal that the EWCR be completed, as doing so would likely prevent the expansion of the Airport, as provided for in the NSAC's Master Plan for the Airport and noted in the Silverdale West Dairy Flat Industrial Area Structure Plan 2020 ("Structure Plan").

1.3 The Structure Plan and supporting documents can be accessed on Auckland Council's website.[1]

Purpose and scope of letter

1.4 The purpose of this letter is to briefly address the above matters by reference to the following headings:

(a) Scope of the application and effects (Section 2).

(b) Expansion of the Airport and the Structure Plan (Section 3).

(c) Summary of NSAC's position on the AT comments (Section 4).

2. SCOPE OF THE APPLICATION AND EFFECTS

2.1 The assessment of environmental effects in support of the application sets out the proposal and what is sought by the application. In that regard, the following is stated at 5.7.1 on page 29 of the AEE regarding the EWCR:

> *"… The proposal includes the following arrangements:*
>
> *The construction of a collector road (Road 1) from Dairy Flat Highway. The road has been designed to allow for a future connection through to Postman Road. Until then a temporary turning head will be provided at the end of the constructed section…"*
>
> (Emphasis ours.)

2.2 The Transport Report (Appendix 15 to the AEE) states the following at 3.31 on page 5:

> *"The collector road will service the site from Dairy Flat Highway. Although not part of this consent application, the design of the collector road allows for an eventual connection through to Postman Road; instead, a temporary turning head will be provided at the end of the constructed section of the collector road."*
>
> (Emphasis ours.)

2.3 As can be seen from the above, completion of the EWCR through to Postman Road does not form part of ASP's application. Based on the Applicant's response to comments it does not appear that the Applicant intends to change the application to include completion of the EWCR road through to Postman Road.

2.4 In any event, it is our view that any such change to the application is beyond the scope of the application. In that regard, the High Court stated the following in *Atkins v Napier City Council*:[2]

> *"[20] ... I consider the test, as developed by the Environment Court and Court of Appeal through a series of cases, is whether the activity for which resource consent is sought, as ultimately proposed to*

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1 Silverdale West Dairy Flat Industrial Area Structure Plan (aucklandcouncil.govt.nz)

2 [2009] NZRMA 429.

> *the consent authority, is significantly different in its scope or ambit from that originally applied for and notified (if notification was required) in terms of:*
>
> - *The scale or intensity of the proposed activity, or*
>
> - *The altered character or effects/impacts of the proposal."*

2.5 Based on current information, NSAC's position is that the completion of the EWCR through to Postman Road would likely be significantly different in terms of altered character and effects – a collector road would, as a matter of common sense given the purpose of a collector road, put more traffic on Postman Road. The AT Transport Code of Practice states the following regarding traffic flows on collector / connector roads:

> *"Traffic flows typically up to 10,000 vehicles per day"* [3]

2.6 We understand that increases in traffic flows create the potential for conflict between motor vehicles (particularly high-sided trucks) and aircraft using the Airport. There is no assessment of that risk before the Panel from anyone, including AT, and the risk was not assessed in the Integrated Transport Assessment prepared in support of the Structure Plan.

2.7 Further, there is no assessment of the effect on Postman Road of up to an additional 10,000 vehicles per day using a completed EWCR, including whether Postman Road currently has the capacity / is suitable for any increase in vehicle movements without being upgraded.

2.8 We note that a meeting was held between NSAC and AT at 4pm on 12 March 2024, an hour before comments were due to the Expert Consenting Panel on the application. That meeting did not discuss the Surf Park proposal, but the location of the EWCR was discussed. We **attach** an affidavit from Mr David Haines, Planning Director of CivilPlan Consultants Limited, regarding the discussion on that matter at the meeting.

2.9 The affidavit notes that Mr Graham Norman, Principal Consultant at Commute Transportation Limited, attended the meeting as part of the AT Team and was invited to provide his advice regarding the location of the EWCR. Paragraph 16 of the affidavit states the following regarding Mr Norman's response:

> *"Mr Norman was very clear in his advice … when he stated that, on safety grounds, AT should not support the proposed east-west collector road and 4-way Postman Road intersection in the location shown on the Structure Plan…"*

2.10 Given the above, and that the AT comments were prepared by Matthew Ford (Senior Planner at AT), it appears that AT did not obtain any advice from a transportation expert prior to providing its comments to the Panel in relation to the EWCR.

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[3] See page 13 in Chapter 4 of the AT Code of Practice.

3. EXPANSION OF THE AIRPORT AND THE STRUCTURE PLAN

3.1 As noted in NSAC's comments to the Panel, there is a Master Plan for the Airport. That Master Plan includes expansion of the infrastructure at the Airport, including lengthening the runways. The Structure Plan notes, on page 96, NSAC's aspirations regarding expansion of the Airport and states the following:

> *"Extending the runway would mean crossing the alignment of Postman Road and the east west collector to the south of the Airport. The ITA shows an option (see Figure 26) of how the structure plan road network could potentially be adapted to respond to an airport expansion with the realignment of Postman Road and the relocation of the east-west collector road south of the Airport further south to make way for a runway expansion."*

3.2 The key points we note from the above are that:

(a) The location of the EWCR is not locked in; and

(b) There are two potential locations at the present time, with one of them enabling the expansion of the Airport.

3.3 As regards the location not being locked in, we note that the Structure Plan also states the following on page 23:

> *"It is important to note that the road and cycling and pedestrian networks shown in the structure plan and the ITA are indicative and are not committed or funded. They include strategic elements that are part of the IBC.*
>
> *The indicative transport networks shown in the structure plan and the ITA are the preferred outcome at this stage but there may be policy, environmental or infrastructure changes in the future that warrant changes to the transport network. Subsequent ITA's, such as those required at the plan change stage, will review the network and determine whether changes are necessary."*
>
> (Emphasis ours.)

3.4 In addition, the EWCR, wherever it ends up being located, is part of Stage 3 of the development provided for in the Structure Plan and the indicative timing in the Structure Plan for Stage 3 is 2048 plus.

4. SUMMARY OF NSAC'S POSITION ON AT'S COMMENTS

4.1 Given all of the above, the NSAC is extremely disappointed with AT's comments on the proposed Surf Park application. In short, AT appears to be seeking via its comments to lock in the location of the EWCR and to have it constructed circa 25 years before it will be required in circumstances in which:

(a) The Applicant has not sought any change to the application;

(b) The change would be beyond the scope of the application in any event;

(c) The location of the EWCR in the Structure Plan is indicative only;

(d) AT has provided no supporting assessment of the effects of locking in the location of the EWCR and constructing it long before it is required, and in a location that may not even be where the road should be located;

(e) The advice AT has received (around the same time as the deadline for filing comments on the application) from its own consultant is that completion of the EWCR through to Postman Road, as sought by AT, should not proceed on safety grounds; and

(f) Locking in and constructing the EWCR now would likely preclude future expansion of the Airport, as envisaged in the Master Plan for the airport and recognised in the Structure Plan.

NSAC submission

4.2 In light of the matters addressed above, it is respectfully submitted on behalf of NSAC that:

(a) The Panel does not have jurisdiction to require completion of the EWCR, even if the Applicant sought to change the application;

(b) There is no sound planning or resource management reason for doing so at the present time, or in the foreseeable future; and

(c) In any event, the EWCR should not be completed in the location proposed by AT on safety grounds.

4.3 We are grateful to the Panel for its consideration of the above matters and would be happy to provide any further information considered necessary.

Yours sincerely



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