

MINO-941 East-West Link Board of Inquiry process

13 February 2024

Provide information on the East-West Link Board of Inquiry process.

NZ Transport Agency Waka Kotahi (NZTA) response:

The Onehunga-Penrose area is a key locality for New Zealand's industrial and manufacturing economy and its transport network. Many of the largest distribution and logistics facilities in New Zealand are based in the area because it is accessible to arterial routes, state highways, the rail network, the Auckland International Airport and ports.

The East West Link project includes a four-lane road between the Neilson Street interchange at State Highway 20 and the Mt Wellington interchange at State Highway 1. It includes connections to local roads in Onehunga and Penrose, a shared use walking and cycling path, improvements for public transport and rehabilitation of foreshore, headland and wetland areas through which it passes.

The project was designed to deliver:

- improved travel times and travel time reliability between businesses in the Onehunga-Penrose industrial area and State Highways 1 and 20
- improved safety and accessibility for cycling and walking between Māngere Bridge, Onehunga and Sylvia Park, and accessing Ōtāhuhu East
- improved journey time reliability for buses between State Highway 20 and Onehunga Town Centre.

The cost of the project at the time Resource Management Act 1991 applications were submitted in 2016 was estimated at \$1.25 - \$1.85 billion. s 9(2)(f)(iv)

Board of Inquiry process and appeals

The designations for the East West Link project were confirmed and the resource consents granted on 23 January 2018 by an independent Board of Inquiry (BOI).

The BOI decision was appealed on points of law by five parties; two of those appeals proceeded to the High Court. The High Court dismissed those appeals in its decision of March 2021, ruling in favour of NZTA.

Royal Forest & Bird Protection Society of New Zealand Inc. appealed further to the Supreme Court, and the hearing concluded in November 2021. The Court's decision is still awaited, and no timeframe has been given. The Court has also made clear it will not give a timeframe. Although the outcome cannot be predicted, the worst-case for the project is that the approvals confirmed by the BOI in 2018 are rescinded.

Next steps

NZTA can take no further action until the decision of the Supreme Court is received. Once received, and if in favour of NZTA, NZTA will recommence the re-evaluation of the project against any new Government Policy Statement on land transport to reflect the new direction.

If the re-evaluation of the project confirms its need and feasibility for implementation, the next steps would be to confirm the staged delivery approach, progress the detailed design, confirm any further statutory approvals required, and apply for funding for construction and property purchase.

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