

**Mayor and Councillors**  
COUNCIL

9 AUGUST 2012

Meeting Status: **Public**

Purpose of Report: For Decision

## **DRAFT SUBMISSION OF THE KĀPITI COAST DISTRICT COUNCIL ON THE MACKAYS TO PEKA PEKA EXPRESSWAY PROPOSAL**

### **PURPOSE OF REPORT**

- 1 This report recommends that the Council adopts a submission on the Notice of Requirement and Resource Consent Applications (the Application) lodged with the Environmental Protection Agency (EPA) by the New Zealand Transport Authority (NZTA) for the MacKays to Peka Peka Expressway Proposal.

### **SIGNIFICANCE OF DECISION**

- 2 This report does not trigger the Council's Significance Policy.

### **BACKGROUND**

- 3 NTZA's application for the construction, operation and maintenance of a State Highway from MacKays to Peka Peka was publicly notified on 14<sup>th</sup> July 2012 and submissions must be received by the EPA and NZTA by 5pm Friday 10<sup>th</sup> August.
- 4 NZTA formed a project Alliance structure to assist with developing the Expressway proposal. The Council resolved on 25 February 2010 to work within the formal Alliance structure so that it could advocate for and reach outcomes for the community (refer SP-10-998).
- 5 The Council is not a party to the Expressway application, which has been lodged with the EPA by NZTA, not the Alliance.
- 6 The Council adopted a set of formal objectives, negotiated with the NZTA as the basis for joining the Alliance. The Alliance Project Board then adopted those objectives as the formal guiding objectives for the Expressway project and the Council became a member of the Alliance in September 2010, subject to the following conditions (in addition to adoption of the guiding objectives):
  - the Council's right to withdraw following any decision by the NZTA Board to overrule a decision or recommendation of the Project Alliance Board;
  - protocols being adopted by the Alliance which recognise and allow for the Council's duty to work in a transparent manner with the community and tangata whenua; and

- the Council having no liability for project costs.
- 7 The Council has provided two submissions to NZTA during development of the Expressway proposal, the first in October 2009 (DP-09-716) and the second in June 2011 (SP-11-253).

## CONSIDERATIONS

### Issues

#### Benefits of the Alliance

- 8 Membership of the Alliance has provided the Council with a much greater understanding of the Expressway proposal and a far higher level of involvement in influencing design of the route than would have been possible as an external stakeholder. It has also enabled the Council to have much more influence on mitigation of effects than would otherwise have been possible.
- 9 In a number of areas Council's participation through the Alliance process has facilitated better outcomes being included in NZTA's proposal than may have otherwise been achieved by this stage of the consenting process; for example, elements of the proposed design for stormwater management, landscaping, and pedestrian/cycling off-road facilities.

#### The Council's Submission

- 10 The draft submission attached to this report (Appendix A) generally supports the proposed Expressway design and mitigation details but notes that a number of areas require specific improvements before the Council can support the proposal in full. It is proposed that Council's formal submission position is to support the Proposal in part. (Note that the submission options provided by the EPA were: to support or oppose the application in full; to support or oppose the application in part; or, to be neutral on the application in full or in part.)
- 11 The draft submission is consistent with Council's submission in June 2011 to the NZTA on proposed design and mitigation measures, and other related matters, which noted that further detail was required to enable the Council to provide an overall comprehensive level of support. While much of this detail has now been provided, there remain specific areas for improvement; such as:
- some aspects of the Application require further information before they can be properly assessed,
  - some of the draft plans and conditions do not specify required outcomes with enough clarity or certainty for the Council to be confident that best practice outcomes will be achieved; and
  - in some cases, the proposed mitigation of effects needs to be clarified and/or improved.
- 12 Further information, refinements and more appropriate conditions are therefore needed in order for the Council to be confident that the design, construction and operation of the proposed Expressway achieves best practice outcomes, and that the effects of the new road will be appropriately mitigated.

- 13 The majority of issues raised in the draft submission can be resolved prior to Board's decision (prior to the hearing) through NZTA providing further information and/or through expert conferencing sessions, supported by the provision of appropriate conditions.
- 14 The draft submission addresses each of the disciplines covered in the Application in the following order:
  - ecological effects (terrestrial and freshwater)
  - groundwater
  - hydrology and stormwater
  - sediment control and erosion
  - contaminated land
  - noise and vibration
  - urban form and design
  - traffic effects
  - cycleway, walkway and bridleway
  - social effects
  - landscape and visual
  - effects on the Council's utilities, services and water supply
  - cultural/tangata whenua
  - statutory planning.
- 15 For each topic comments are presented using the following structure (where applicable).
  - a. Areas of support
  - b. Outstanding issues
  - c. Outcome sought (grouped under the following categories):
    - i. issues requiring further assessment/information now;
    - ii. issues requiring further assessment/information before construction can commence;
    - iii. design aspects that need to be altered in order for the expressway to be supported; and
    - iv. conditions requiring more detail in order to deliver the Expressway's anticipated outcomes.

## Financial Considerations

- 16 There are no financial considerations

## Legal Considerations

- 17 There are no legal considerations.

## Delegation

- 18 Under the Governance Structure (21 April 2011) section A.2,

*"The Council has the responsibility for setting the Council strategic direction. This includes the: ...*

2. *Overall strategic direction including the planning and oversight of: ...*

- *Advocacy on matters pertaining to strategic directions, including the making of submissions.”*

### Consultation

19 There are no consultation considerations.

### Policy Implications

20 There are no policy implications directly arising from the recommendations in this paper.

### Tāngata Whenua Considerations

21 The proposed MacKay's to Peka Peka Expressway has implications for iwi. The attached draft submission acknowledges that NZTA has worked hard to establish and maintain an ongoing relationship with the Takamore Trust (Trust) and Te Rūnanga o Āti Awa ki Whakarongotai Inc (Runanga) since June 2010. It also supports the cultural impact statements provided to NZTA by the Trust and the Runanga and recommends that NZTA provide on-going support and resources to iwi to enable them continue to provide input into the project and to engage proactively in decision-making through a partnership process.

### Publicity Considerations

22 There is a very high level of local interest in the proposed MacKay's to Peka Peka Expressway and in the Council's submission into the Board of Inquiry process. A media release will be prepared explaining the Council's position and the content of the submission.

### Other Considerations

23 There are no other considerations.

## RECOMMENDATIONS

- 24 That the Council approves the draft submission to the EPA and the NZTA on the proposed the MacKay's to Peka Peka Expressway Proposal, attached to this report as Appendix A, subject to any changes made by the Council.

**Report prepared by:**

**Approved for submission by:**

Jane Gunn

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## ATTACHMENTS:

**Appendix A: Draft Submission of the Kāpiti Coast District Council on the MacKays to Peka Peka Expressway Proposal, 10<sup>th</sup> August 2012**