

**Chairperson and Committee Members**  
CORPORATE BUSINESS COMMITTEE

19 SEPTEMBER 2013

Meeting Status: **Public**

Purpose of Report: For Decision

## **PEKA PEKA TO NORTH ŌTAKI EXPRESSWAY: STATE HIGHWAY 1 REVOCATION AGREEMENT**

### **PURPOSE OF REPORT**

- 1 This report presents an agreement between the New Zealand Transport Agency (NZTA) and the Kāpiti Coast District Council on the process for the Revocation of State Highway 1 between Peka Peka and North Ōtaki for recommendation to Council that it be given final approval at its meeting on 3 October 2013.

### **SIGNIFICANCE OF DECISION**

- 2 The Council's significance policy is not triggered by the report. The Peka Peka to North Ōtaki Expressway is not a Council project and the project agreement attached to this report addresses matters arising from an external project.

### **BACKGROUND**

- 3 On 3 April 2013 the Minister for the Environment directed the application to construct and operate the Peka Peka to North Ōtaki Expressway to a Board of Inquiry. That process is now underway with the hearing scheduled to start on Monday 23 September 2013. The Board of Inquiry will release its draft decision in November this year with a final decision due in early 2014.
- 4 This agreement between the Council and the NZTA has been developed to provide greater certainty around the State highway revocation process, which sits outside the Board of Inquiry process.
- 5 A key component of the agreement is NZTA's commitment to provide a cycleway within the existing State highway corridor. The agreement is being presented to the Committee to provide certainty to both parties in relation to the provision of a cycleway prior to the hearing.
- 6 The agreement is conditional on the expressway project being approved by the Board of Inquiry. It has been signed by the Chief Executive but is conditional on final approval by Council.

### **CONSIDERATIONS**

#### **Issues**

- 7 The agreement is attached as Appendix 1. It establishes a process and sets criteria for determining the works required to ensure that the Te Kowhai to Taylors Road section is fit for purpose and safe if its State highway status is revoked.

- 8 The agreement has been developed under the umbrella of the normal State Highway revocation process that would be gone through if the NZTA was planning to hand over a state highway. It does not cover all the matters that would normally be covered in an agreement but focuses on the process for determining the works that are needed to ensure it is fit for purpose before being handed over to the Council. Other matters will be addressed during the formal revocation process.
- 9 The agreement records NZTA's commitment to providing and fully funding a cycleway within the existing State highway corridor as part of the revocation process.
- 10 Provision of a cycleway does not easily fit under a Resource Management Act umbrella in terms of mitigation of effects and was therefore less likely to be considered by the Board of Inquiry. For this reason Council officers sought, and gained, a commitment to the cycleway through a separate agreement. This means that cyclists will be able to travel on a dedicated fit for purpose cycle facility through the district from Queen Elizabeth Park to Ōtaki once the MacKays to Peka Peka and Peka Peka to North Ōtaki expressways are built.

## Financial Considerations

- 11 The agreement sets out a process for NZTA and the Council to agree how the activities associated with revoking the State highway will be funded. It does not commit the Council to any expenditure now. However, it will have financial implications at the time this section of highway is revoked.
- 12 In preparation for this, section 3.1 of the agreement establishes three categories of expenditure for works that will be required prior to revocation and specifies how each will be funded, as follows.

*The parties will endeavour to agree upon:*

- (a) *The activities that will be 100% funded by NZTA as part of the Peka Peka to Ōtaki section project works (Category 1 works) being works to ensure that the Te Kowhai Road to Taylors Road section is fit for purpose at the date of any revocation;*
  - (b) *The activities that if undertaken by KCDC, may be part funded by NZTA and KCDC in proportions determined by the appropriate financial assistance rate. (Category 2 Works); and*
  - (c) *The activities that if undertaken by KCDC would be fully funded by KCDC (Category 3 works).*
- 13 Section 3.5 states that cycleway is a Category 1 activity (i.e. that it will be 100% funded by NZTA).

## Legal Considerations

- 14 The agreement is legally binding on the NZTA and on Council but is conditional on the Board of Inquiry approving the proposed Expressway.

## Delegation

- 15 The Committee has the delegated authority to consider this matter as per the Governance Structure and Delegations, 27 June 2013 version, clause 6:

*“Generally this delegation provides authority to exercise all functions, duties and powers relating to all matters assigned to this Committee ... and where the action proposed is not contrary to established Council strategy and/or policy...”*

## Consultation

- 16 No consultation has been undertaken on this agreement as it does not commit the Council to any specific expenditure or activities. Consultation will be undertaken during the revocation process itself.

## Policy Implications

- 17 There are no policy implications.

## Tāngata Whenua Considerations

- 18 There are no Tāngata Whenua considerations.

## Publicity Considerations

- 19 The agreement will be made available to the public on the Council’s website should the Council subsequently approve it.

## Other Considerations

- 20 There are no other considerations.

## RECOMMENDATIONS

- 21 That the Committee note the Agreement as to a process for the Revocation of State Highway 1 between Peka Peka and North Ōtaki (Appendix 1, SP 13 984).
- 22 That the Committee recommends that the Council give final approval to Agreement as to a process for the Revocation of State Highway 1 between Peka Peka and North Ōtaki (Appendix 1, SP 13 984).

**Report prepared by:**

Jane Gunn

**Approved for submission by:**

Stephen McArthur

**Title: Expressway Project Manager**

**Title: Group Manager Strategy and Partnerships**

## ATTACHMENTS:

Appendix 1: Agreement as to process for the Revocation of State Highway 1 between Peka Peka and North Ōtaki