

**Mayor and Councillors**  
COUNCIL

4 OCTOBER 2012

Meeting Status: **Public Excluded**

Purpose of Report: For Decision

**MACKAYS TO PEKA PEKA EXPRESSWAY: PROJECT AGREEMENTS**

**PUBLIC EXCLUDED SESSION**

The response for this report being considered in Public Excluded is:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Grounds under Section 48(1) for the passing of this resolution
Mackays to Peka Peka Expressway Project Agreements	Section 7(2)(i)—to enable the local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	48(1)(a): that the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.

**PURPOSE OF REPORT**

- 1 This report presents three agreements between the New Zealand Transport Agency and the Kāpiti Coast District Council for final approval.

**SIGNIFICANCE OF DECISION**

- 2 The Council's significance policy is not triggered by this report. The MacKays to Peka Peka Expressway initiative is not a Council project and the project agreements attached to this report address matters arising from this external project.

**BACKGROUND**

- 3 Since late 2009 the New Zealand Transport Agency (NZTA) has progressed the proposed MacKays to Peka Peka Expressway in terms of alignment location, design, costing and application to the Board of Inquiry. The early stages of consideration by the Board of Inquiry are now underway. This process has been managed under an Alliance structure.
- 4 In 2010 the Council agreed to become a member of the Alliance in order to better advocate on the community's behalf. A number of objectives were adopted by the Council to guide its involvement in that process (these subsequently became

Alliance guiding objectives), along with certain parameters in relation to the process itself.

- 5 Since 2010 it has become clear that there were a number of matters where formal, binding agreements between Council and NZTA were needed. These would either address a matter which could not be easily dealt with via a Board of Inquiry or under the Resource Management Act, or to increase certainty that a matter would be addressed over time, where reliance on consent conditions was seen as a risk. In all six project agreements have been or are in the process of being finalised. These are:
  - State Highway One revocation (completed)
  - Open grade porous asphalt (completed)
  - East/west connectivity (completed)
  - Water services connections (underway)
  - Queen Elizabeth Park cycleway/ walkway (underway)
  - Nga Manu connection (underway)
- 6 All agreements are conditional on the Expressway project being approved by the Board of Inquiry. Three have been signed to date by the Chief Executive, with two of these conditional on final approval by Council because of the significant commitments to Council which arise, or may arise out of the identified process. It was important to have these signed prior to Council preparing and lodging its submission. The three completed agreements are described below. The

## CONSIDERATIONS

### *State Highway One*

- 7 This agreement is attached at Appendix 1 and consists of two parts: the agreement itself and a letter of agreement between the Regional Manager, Highways and Council's Chief Executive. The latter provides clarification on certain matters in the original agreement. The project agreement has a number of attachments which are also provided. The signing of the agreement by the Chief Executive is conditional on final approval by Council.
- 8 This agreement has been developed under the umbrella of the normal State Highway 1 revocation process that would be gone through if the NZTA was planning to hand over a state highway to a local authority. It does not cover all matters which would normally be covered in an agreement (i.e. the issue of seismic condition of bridges is absent) but addresses the question of handing over a 'fit for purpose road' in terms of design, safety and access, along an arterial route. These other matters will be addressed in a further agreement.
- 9 The matters discussed in the Project Agreement do not easily fit under a Resource Management Act umbrella in terms of mitigation of effects and therefore were less likely to be considered in the Board of Inquiry. However, negotiations were approached by Council officers on the basis that there should be an acknowledgement that the Expressway would have a profound effect on the

District and that there would be safety considerations for the State Highway as a result of Expressway construction (e.g. speed environment and safety). The result of negotiations is an agreement that goes beyond what would normally be covered in a revocation agreement, including the level and allocation of funding.

*Open grade porous asphalt*

- 10 This agreement (attached at Appendix 2) relates to provision of the highest grade of road surface (OGPA) which would normally be provided where the Expressway passed through a residential area to reduce vehicle noise. The NZTA Board of Inquiry application does not provide for this through an area of proposed residential development at Ngarara but does provide it slightly further north to manage noise adjacent to some more rural properties.
- 11 The Council has submitted that OGPA should be provided in this future urban development area as a first principle and should be provided now if property owners adjacent (including Nga Manu Sanctuary) seek it to mitigate noise effects. However, if OGPA was not provided immediately it is important that there is a mechanism to ensure it is provided as this area undergoes residential development. It was felt that a condition set via the Board of Inquiry might not be sufficient, as it may not specify OGPA itself for mitigation. This agreement provides for trigger mechanisms to ensure that the surface is applied in the future.
- 12 Given that this is an agreement to bind NZTA around provision of OGPA, does not have any financial implications for Council and reflects the intent of Council's submission on the expressway applicaiton, it has been signed off by the Chief Executive.

*East/ west connectivity*

- 13 The proposed Expressway severs a number of communities and cuts across a number of needed east/west connections planned under the proposed Western Link. These east/west crossings and connections were identified as very important to relieving pressure on the limited number of existing east/west crossings and improving connectivity. Two of these were seen as especially important: near Leinster Avenue and in the vicinity of Ferndale at Waikanae. In addition, it was important to preserve a paper road north of Waikanae, in case it was required as a crossing in the future.
- 14 The NZTA would not normally bind itself to funding road crossings for areas where residential or other development did not currently exist. It had also proved hard in the early stages of the project to obtain NZTA acknowledgement that the Ngarara area had already been consented for low-impact urban development and was not a rural area. In the Raumati South area the land is unlikely to stay zoned rural and a road crossing was desirable. The view taken by the NZTA was that it was opposed to committing to future east/west crossings and future development would adjust to the Expressway. The result under this approach would have been development cul-de sac design with continued pressure on main routes.
- 15 The Council officer view was that while these connections had already been identified as necessary and would be argued for in the Board of Inquiry, there was a risk that the Board would not agree as the requirement was for a future commitment which the NZTA would oppose. Negotiations sought an agreement

to these crossings being provided as part of the project, and this was resisted by NZTA.

- 16 The final result of these negotiations is an agreement to a process to take place within the next five years to address the issue through an independent urban design review and with broad principles around funding in place at the outset. This agreement is attached at Appendix 3. It has been signed by the Chief Executive conditional on sign-off by the Council.

### Financial Considerations

- 17 There are financial commitments arising from the State Highway 1 and east/ west connections agreements. In the case of the State Highway, approximately \$17million to be funded by NZTA with \$4million of improvements funded by Council over time. For Council this relates mainly to the two town centres and, in effect, delineates aspects of a town centre and roading upgrade. It is expected that this would be funded from future town centre upgrade and roading budgets, with improvements timed to fit that budget capacity. The Council's existing budgets do not provide for any contributions for overbridges at the three locations.
- 18 In the case of the east/west connection there is a commitment to funding traffic modelling and an urban design review. In effect it involves a process for developing a structure plan for the area and would be part of existing funding but with the NZTA funding half of the cost.

### Legal Considerations

- 19 The agreements are legally binding on the NZTA and on Council but are conditional on the Board of Inquiry approving the proposed Expressway.

### Delegation

- 20 The Council has the authority to make the decisions set out in this report.

### Consultation

- 21 No consultation on these agreements has been undertaken. Consultation on the broad concepts for the State Highway 1 was undertaken through open days and with key stakeholders.

### Policy Implications

- 22 There are no policy considerations.

### Tāngata Whenua Considerations

- 23 Tangata whenua were consulted on the proposed State Highway 1 concepts.

### Publicity Considerations

24 Should Council approve these agreements, they will be made available to the public on Council's website.

**Other Considerations**

25 There are no other considerations.

**RECOMMENDATIONS**

26 That the Council notes the Project Agreement: Open Grade Porous Asphalt (Appendix 2, SP 12-696)

27 That the Council gives final approval to:

(a) the State Highway 1 Project Agreement (Appendix 1, SP-12-696)

(b) the East/ West Connectivity Project Agreement (Appendix 3, SP-12-696)

**Report prepared by:**



Gael Ferguson

**Group Manager  
Strategy and Partnerships**

**ATTACHMENTS:**

- Appendix 1: Project Agreement: State Highway 1
- Appendix 2: Project Agreement: Open Grade Porous Asphalt
- Appendix 3: Project Agreement: East/ West Connectivity