

Mayor and Councillors
COUNCIL

22 APRIL 2010

Meeting Status : Public

Purpose of Report: For Decision

SANDHILLS EXPRESSWAY - COUNCIL'S PROJECT OBJECTIVES

PURPOSE OF REPORT

- 1 For the Council to adopt a set of objectives that will be used as the basis for negotiations between the Council and NZTA on the establishment of overarching objectives that would enable the Council to join the Sandhills Expressway Alliance.

SIGNIFICANCE OF DECISION

- 2 The Council's Significance Policy is not triggered.

BACKGROUND

- 3 At its meeting on 25 February 2010 the Council considered the invitation from the New Zealand Transport Agency (NZTA) to become a member of the Alliance being set up to develop and construct the Sandhills Expressway between Mackays Crossing and Peka Peka. The Council agreed to consider membership of the Alliance subject to a number of criteria.
- 4 The relevant resolutions were:
 1. *That the Council enter into discussions with NZTA with a view to becoming a member of the Alliance, with membership subject to:*
 - a. *Milestones for re-assessment of Council's involvement being agreed, the first of which is agreement of the project objectives;*
 - b. *The Council's automatic right to withdraw following any decision by NZTA Board to overrule a decision or recommendation of the Project Alliance Board;*
 - c. *Protocols being adopted by the Alliance which recognize and allow for the Council's duty to work in a transparent manner with the community and tangata whenua; and*
 - d. *The Council having no liability for any costs arising from the Alliance contract, excluding the Council's own direct cost of participation.*

2. *That, if NZTA do not agree to the membership criteria in the previous resolution, the decision on whether to join the Alliance be brought back to the Council for further consideration.*
 3. *That the Council advises the New Zealand Transport Agency that it wishes to have early clarification of the processes that will be used to work with the Council and Community Board in relation to the Northern Expressway (Ōtaki), in particular design and location of interchanges.*
 4. *That the Council prepares, in consultation with the community, its own set of project objectives to be taken forward for negotiation with the Alliance.*
 5. *That the Council agree to retain land purchased for the Western Link until the New Zealand Transport Agency confirms that it has secured the statutory consents and funding necessary for the construction of the Expressway, and at that time to sell the land on a pre-negotiated basis.*
 6. *That the Council notes its intention to work constructively with NZTA on the design of the chosen designation.*
- 5 This paper recommends a set of project objectives which address the first criteria for participation in the Sandhills Expressway Alliance.
- 6 Preparation of the set of project objectives presented in this paper has involved
- preparation of an initial draft set of objectives by staff;
 - initial Elected Member's briefing and discussion of draft objectives;
 - public workshops hosted by the four Community Boards;
 - meetings with key stakeholder groups; Greypower, Raumati South Residents Association, Chamber of Commerce, Takamore Trustees;
 - second Elected Members' briefing and discussion.
- 7 The Elected Members briefings were facilitated by urban designer Kobus Mentz, principal of Urbanism Plus.

CONSIDERATIONS

Feedback from the Community Workshops and Stakeholder Meetings

- 8 There was a great deal of interest in how the Expressway project was going to progress, what opportunities there would be for public input into the design process and when this might occur. There was considerable frustration expressed at NZTA's lack of visibility since the decision was made in December.
- 9 In particular, property owners who considered that they could be directly affected, (mainly in Waikanae, Te Horo and Raumati) were concerned at the lack of information and contact from NZTA.

- 10 As a consequence, staff had to carefully outline what it understood was the process being followed by NZTA, and what Councils' position was. Key points addressed were:
- that this is not a Council project;
 - clarification of the Council's position at the time of the submissions last year;
 - NZTA's intention to progress the project using an Alliance;
 - what an Alliance is;
 - why the Council is now considering becoming a member of the Alliance;
 - NZTA's timeframes for appointment of the Alliance, and what this means for public engagement;
 - timeframes for design;
 - NZTA's aspirations around timing of applications for RMA and other statutory approvals;
 - that none of the approvals gained for the Western Link could be used for the Expressway, and that NZTA were starting again from scratch;
 - the likelihood that the project might get 'called-in' to be heard by a Board of Enquiry (special provisions under the RMA) and an explanation of what that involves.
- 11 There was considerable support for Council's decision to work with NZTA rather than oppose it, and an appreciation that being a member of the Alliance gave Council the most effective opportunity to advocate for the outcomes from the project which were best for the community.
- 12 Despite support for the Council's participation in the Alliance process, strong views were expressed that opposed the decision of NZTA to use the Western Link corridor for the Expressway. There was consequent interest in what avenues existed for people to oppose the decision. It was explained that little could be done until the applications for consents were lodged and the public process (under the RMA) commenced. In the mean time the focus would be on ensuring that the developing design takes into account the objectives of the Council and Community.
- 13 A summary of the process and the key findings from the public process is included as **Attachment 2** to this paper. Detailed feedback (verbatim transcripts of written notes from the community workshops) is included in **Attachment 3**.
- 14 The structure of the objectives has remained largely unchanged since the initial draft but the wording has been revised in a number of places to pick up new points and clarify existing ones.

Recommended Objectives

- 15 The recommended objectives are included in **Attachment 1**. They comprise eleven numbered clauses. While each numbered clause addresses a specific outcome, and is generally distinct in terms of title, there are overlaps between them and accordingly

the objectives are to be considered as a coherent set, and are not intended to be interpreted individually.

- 16 Objectives 1 and 2 are considered to be overarching principles. The remainder, which collectively set out what the Council believes to be important for the community, are not considered to have any particular priority - they are all relevant and important
- 17 The objectives tie strongly back to strategy and policy on a number of levels - mainly to the Council's own adopted strategy and policy, but also to regional, national and to NZTA's public strategy and policy.

Next Steps

- 18 Following adoption of the objectives by Council, these will be provided to NZTA. It is expected that NZTA will develop an internal view, and then have discussions with their preferred Alliance partner. Joint discussions and negotiations will then occur.
- 19 Consistent with the second resolution of Council from the 25 February 2010 meeting, any changes that are proposed to the objectives will be brought back to Council. This is likely to be late May/early June, and at that time the decision on whether to join the Alliance will further considered.
- 20 NZTA have programmed the Alliance contract to start on 1 July 2010.

Peka Peka to Ōtaki

- 21 In accordance with resolution 3 from Council's 25 February 2010 meeting, clarification on the process for progressing the Peka Peka to Ōtaki section (the Northern Expressway) has been sought from NZTA. No response has been received, other than to say that information will be provided when it is available.
- 22 NZTA has however given a written undertaking to attend the May meeting of the Ōtaki Community Board.

Financial Considerations

- 23 There are no financial considerations at this time.

Legal Considerations

- 24 There are no legal considerations.

Delegation

- 25 Section A-2 ("Council Strategic Directions Responsibilities") of the Governance Structure 2007-2010 states:
"The Council has the overall oversight of, and strategic responsibility for setting the Council strategic direction. This includes the:

4. *Exercise any other Council powers, duties and functions of a strategic overview nature including:*
 - *Infrastructure development and coordination”*

Consultation

- 26 Consultation has been carried out through a series of community workshops and meetings with key stakeholders.

Policy Implications

- 27 While the Sandhills Expressway has wide reaching implications for the District Plan, these will be picked up as part of the District Plan Review. There are no policy implications directly arising from the recommendations in this paper.

Publicity Considerations

- 28 A media release will be issued which explains this important step in Council’s progress towards joining the Expressway Alliance.

RECOMMENDATIONS

- 29 That the Council adopt the objectives set out in Attachment 1 to report DP-10-870 as the basis for negotiations between the Council and NZTA on the establishment of overarching objectives that would enable the Council to join the Sandhills Expressway Alliance.
- 30 That the Council authorise the Chief Executive to enter into negotiations with the New Zealand Transport Agency and other Alliance partners on these objectives and report back to Council on the outcomes of those negotiations.
- 31 That in presenting the project objectives to the New Zealand Transport Agency, the Council seek formal confirmation that the other criteria applying to it’s membership of the Project Alliance (adopted at the 25 February 2010 Council meeting) are acknowledged and agreed, those being:
 - b. *The Council’s automatic right to withdraw following any decision by NZTA Board to overrule a decision or recommendation of the Project Alliance Board;*
 - c. *Protocols being adopted by the Alliance which recognize and allow for the Council’s duty to work in a transparent manner with the community and tangata whenua; and*
 - d. *The Council having no liability for any costs arising from the Alliance contract, excluding the Council’s own direct cost of participation.*

Report prepared by:

Approved for submission by:

Peter Knight

**INFRASTRUCTURE
DEVELOPMENT MANAGER**

Pat Dougherty

CHIEF EXECUTIVE

14 April 2010

Attachments:

1. Objectives
2. Summary and key findings from the public process
3. Detailed feedback (verbatim transcripts of written notes from the community workshops)