

REPORT TO: COUNCIL	
DATE: 18 June 2009	
SUBJECT: ORMOND DR. – RUAWHARAWHARA URUPA DEVIATION	FILE REF: B.3.2.6.15 & F.01.25
AUTHOR: N COOK, ENGINEERING MANAGER	ATTACHMENTS: Maps
RELATED COMMUNITY OUTCOME(S): <ul style="list-style-type: none"> • Safe and integrated transport system • Safe and Accessible recreation facilities • An environment that is appreciated protected and sustained for future generations. 	RELATED COUNCIL ACTIVITY: Land Transport

PURPOSE:

For Council to consider options for the diversion of traffic from the Ruawharawhara Urupa and select a preferred option for staff to take forward to design, consent (if required) and implementation.

BACKGROUND:

The full background to this issue is well known and has been detailed in previous reports to Council. In simple terms Ormond Drive crosses private land (Ruawharawhara Urupa) and efforts to secure a land swap to enable legalisation of the road were unsuccessful. The road must be closed by August 2009 unless an extension to the lease is arranged with the Urupa Trustees.

During 2008 Council considered a series of options for diverting traffic including several new road options. Council resolved to close the road and divert traffic via Kaiwaitau Road as their preferred option and instructed staff to consult the public on that basis. The options are listed below along with variations on options that have been identified during consultation (refer also to attached maps):

Public consultation was undertaken in late 2008 with hearing of submissions in December 2008. The majority of submitters favoured a new road option rather than a diversion via Kaiwaitau Road and this was the substance of comments at public meetings also.

Whilst not revoking the earlier resolution to close the road (as preferred option) Council instructed staff to undertake a series of investigations to more fully understand the implications of each option. Specific investigations and reasons for them are outlined below;

- A hui with tangata whenua was to be undertaken to obtain feedback on options as this was lacking through the standard consultation process.
- Depending on feedback from the hui with tangata whenua, a cultural audit was to be carried out as this had been noted by several submitters.
- Given that there are known archaeological sites in the vicinity an archaeological audit was to be carried out. This also was requested by several submitters.
- Several submitters raised concerns about the legality of sections of Ormond Drive along the foreshore so a boundary survey was to be carried out.

In addition to the above, a number of other clarifications were required in order to determine feasibility of some new road options. This included discussions with Department of Conservation (DoC), Ontrack (Railway owner) and private land owners.

Finally, a number of submissions to the draft LTCCP comment on the Gateway to Mahia project. The most comprehensive submissions are those from residents of YMCA Road who oppose the "Plantation" option for the significant impact it will have on their living environment.

CURRENT SITUATION:

The further work requested by Council in December has been carried out and discussions have been held with other interested parties as noted above. The following sections summarise the results of each item.

Boundary Survey

A survey was undertaken by Dagg & Thorn surveyors which confirms there are two minor encroachments by the road onto private land well as several areas where private fences encroach into the legal road. None of the encroachments present insurmountable issues and if negotiations cannot be undertaken to legalise the existing formation it would be a relatively low cost proposition to relocate short sections of the carriageway.

Tangata Whenua Hui

A hui was held at Ruawhara Marae on Saturday 21st March 2009 and was very well attended. Council staff outlined the situation and the options as we see them and following a question and answer session we left the hui briefly so free and frank discussions could take place. Upon re-entering the hui we were advised the outcome of discussions which was that in general a new road alignment was preferred to a diversion via Kaiwaitau Road with the "Plantation" option (via YMCA Road) being the preferred new road alignment.

We were advised that tangata whenua consultation into the future should be with Ruawhara marae trustees and further that John Hovell was the preferred person to undertake the cultural audit. Tangata whenua also confirmed that they would like an archaeological survey carried out.

Cultural Audit

A cultural audit was carried out on Saturday 4th April 2009 by John Hovell. Council staff and representatives of Ruawhara marae were in attendance. Te Rakato Marae was also represented on the day. The audit began with discussion at Ruawhara marae where it was made clear by John, and confirmed by tangata whenua, that the area roughly encompassed by Ormond Dr to the north and east, Blue Bay Road to the west and the pine tree foreshore reserve to the south was of great cultural significance and from a cultural perspective should be avoided. John made comment that the area in front of the pine tree reserve was accreted land and therefore had less significance although it is noted that the boundary between 'significant' and 'less significant' may not be that clear. Certainly tangata whenua indicated the presence of sites of significance in this area.

Through discussion it was decided to concentrate the actual site work in the area of the "Plantation" option and a walkover was undertaken and the proceedings videotaped. The walkover commenced at the entrance to the YMCA camp and proceeded south towards the foreshore, veering to the west to skirt the fenceline of the YMCA camp. Nothing of cultural significance was identified on the alignment we followed. It must be noted that the cultural audit is undertaken over an area sufficient to build a road and no more and as such if we were to vary the alignment a further walkover may be required over when the actual alignment is determined.

A video of the audit is available for viewing.

Archaeological Survey

On 29th April 2009 Council staff visited Ruawhara marae in the company of archaeologist Cathryn Barr from Opus International Consultants. There was a period of discussion at the marae with tangata whenua following which Cathryn and others undertook a walkover of the "Plantation" option and also had a look at the foreshore environment. Cathryn has prepared a report of her findings which indicates (not surprisingly) that in terms of potential to impact on archaeological sites the option of diverting via Kaiwaitau has the least potential impact. Of the options that involve new road construction the "Plantation" option would have the least impact due to the already significantly modified nature of the terrain. Other options would have varying degrees of potential impact.

Private Land Issues

I contacted the owners of the private land identified in Option 6. Favourable response was received from one owners' representative but at the time of writing we have not had anything in writing confirming a willingness to negotiate. Given the outcomes of the cultural audit and archaeological survey this has not been pursued further at this time.

Department of Conservation

DoC has confirmed agreement in principle to making land available.

OnTrack

OnTrack has confirmed agreement in principle to relocating the rail crossing if required.

OPTIONS:

Council are familiar with the options from previous reports and presentations however the information is included here for completeness and because some of the information in earlier reports has been superseded with more up to date information. Maps are attached for reference.

	Name	Description
Option 1	Divert	Close road over urupa and divert all traffic via Kaiwaitau Road.
Option 2	Dog-leg	Utilise stock reserve, legal road and public reserve to create an 'S-bend' alignment – this is slightly modified from the original dog-leg which did not use stock reserve but required a roundabout.
Option 3	Foreshore	Utilise Blue Bay Road and construct a new road on the legal road above the foreshore.
Option 3a	Foreshore with new rail crossing	Close existing rail crossing and create a new rail crossing and a straight alignment to link with Ormond Drive
Option 4	Plantation	Upgrade YMCA Road and construct a new road across the plantation to link with Ormond Drive.
Option 5	YMCA Road	Form YMCA Road through to Kaiwaitau Road. Note that this has since been discounted as the alignment is not legal road for its entire length
Option 6	Domain reserve and Smiths land	Identified during submissions this would require obtaining a small portion of private land and utilising public reserve
Option 6a	Domain reserve with new rail crossing	As above but would not require private land, Would involve constructing a new rail crossing.

ASSESSMENT OF OPTIONS:

Name	Description	Capital Cost Estimate	Additional Annual Costs	User	Cultural Audit	Archaeological Survey	Private Residence Impact
Option 1 - Divert	Close road over urupa and divert all traffic via Kaiwaitau Road.	\$100,000	\$1,600,000		No identified impact	No identified impact	Significant for Mahanga Road and Kaiwaitau Road
Option 2 – Dog-leg	Utilise stock reserve, legal road and public reserve to create and ‘S-bend’ alignment – this is slightly modified from the original dog-leg which did not use stock reserve but required a roundabout.	\$450,000	Minor increase due to additional road length		High	High	Negligible
Option 3 – Foreshore	Utilise Blue Bay Road and construct a new road along the foreshore which is legal road.	\$1,400,000	Negligible difference		Unconfirmed – accreted land OK but reserve area could be significant	Unconfirmed – potentially high	Minor – impact on Blue Bay subdivision access to beach
Option 3a – Foreshore with new rail crossing	Close existing rail crossing and create a new rail crossing and a straight alignment to link with Ormond Drive	\$750,000	Minor decrease due to reduced road length		Unconfirmed – accreted land OK but reserve area could be significant	Unconfirmed – potentially high	Minor – impact on Blue Bay subdivision
Option 4 – Plantation	Upgrade YMCA Road and construct a new road across the plantation to link with Ormond Drive.	\$1,400,000	Minor increase due to additional road length		No identified impact	No identified impact	Significant for YMCA Road access to beach
Option 5 – YMCA Road	Form YMCA Road through to Kaiwaitau Road. Note that this has since been discounted as the alignment is not legal road for its entire length and it does not achieve the objectives of all weather access to the peninsula						
Option 6 – Domain reserve and Smiths land	This would require obtaining a small portion of private land and utilising public reserve	\$500,000	Minor decrease due to reduced road length		High	High	Negligible
Option 6a – Domain reserve with new rail crossing	As above but would not require private land, new rail crossing.	\$750,000	Minor decrease due to reduced road length		High	High	Negligible

In a previous report Option 1 had been identified as a non-preferred option but it is currently Council's identified preferred solution and therefore should not be stated as such. Option 1 has the lowest initial capital cost but far exceeds all other options from the point of view of ongoing additional costs to individual road users. All other options have degrees of difficulty and none will be acceptable to everyone.

Options 2, 6 and 6a all involve construction in the area identified during tangata whenua consultation, cultural audit and archaeological survey as the most problematic. This will undoubtedly lead to objections during the consent process and potentially project-stopping archaeological or cultural finds.

Options 3 and 3a have potentially similar cultural/archaeological impacts as those outlined above as well as impacting on the public's use and enjoyment of what is currently a secluded low-traffic beach reserve environment. Whilst being identified as less than desirable by tangata whenua, the foreshore alignment has received support from the general public due to its status as legal road. This is perhaps quite understandable given that the whole issue has arisen because a road was constructed on an alignment that was not legal road.

Option 4 will have significant impacts on the residents and users of YMCA Road. The most significant impacts will be on those properties in the first 800m of the road however all residents will be subject to greater traffic noise. Submissions to the draft LTCCP give Council a first hand account of what those residents think of this option.

Funding Considerations

New Zealand Transport Agency (NZTA) have advised that in a situation where Council elects to construct a more expensive option than the least cost option then subsidy can still be made available however it may be capped at the level of the cheapest option. In our situation the cheapest construction option is \$450,000 which would attract a subsidy of \$333,000 at 74%, leaving Council to find \$117,000. If Council elected to construct the better alignment through the plantation reserve the subsidy may be capped at \$333,000 leaving Council to find around \$1.1 Million. However where the cheapest option is discarded for justifiable reasons it would be more likely that full subsidy would apply on a viable alternative. We will not be able to confirm subsidy level until a more detailed proposal is put forward to NZTA.

Loan funding could be used to construct the road and this may be appropriate in terms of creating inter-generational equity. Loan funding over 30 years (assuming 8% interest) would mean repayments of around \$30,000 per year for Option 2 (dog leg) or \$96,000 for Option 4 (Plantation).

PREFERRED OPTION:

There is no preferred option. Each option has its own characteristics to recommend it by varying degrees. Conversely each option also has its own characteristics that detract from it. From a purely engineering perspective Option 4 provides the best looking alignment, although if one considers the presence of people then Option 6a perhaps becomes the better engineering solution. Option 4 would appear to be the least problematic from a cultural, archaeological and wider general public acceptance perspective but it is also the highest initial capital cost and the most direct adverse impact on adjacent residents.

There is no simple stand-out preferred option and Council will balance the various pros and cons to come to the best solution.

SIGNIFICANCE & CONSULTATION:

Considerable consultation has been carried out to date with a specific consultation process for this project in late 2008, further targeted consultation in 2009 and most recently a number of submissions received to the draft LTCCP. No further consultation is required to make a decision on how to proceed however further consultation will be required to obtain resource consents.

FINANCIAL IMPACT:

For all options there is going to be considerable expense incurred. Council's decisions can only determine who will pick up the costs. Option 1 spreads the costs over road users in a 'dispersed' manner such that many people may not really notice the difference, but the real cost across the community is considerable. The \$1.6 Million in additional vehicle costs is not a one-off, it will be there every year and it is likely to increase every year.

All of the other options spread a capital charge across ratepayers (rather than specifically targeting individual road users) while putting lower additional vehicle costs onto road users.

Current Council policy would mean the work would be funded by rural ratepayers under the roading rate. There has been discussion about creating a targeted rate for Mahia properties to fund this work however that is not current Council policy and has not been included as a consideration in the draft LTCCP. Council may require further consultation on such an option if the change is deemed to be significant under Council's significance policy. Council could elect to fund the work from reserves if such were available.

RECOMMENDATION(S):

1. That the report be received.
2. That Council considers the content of this report and advises their preferred course of action.

N Cook

ENGINEERING MANAGER