

12 November 2024

s9(2)(f)(iv)

REF: OIA-16689

Dear [REDACTED]

Request made under the Official Information Act 1982

Thank you for your email of 15 October 2024 requesting the following information under the Official Information Act 1982 (the Act).

Regarding your request, we wish to clarify the timing of Porirua City Council's (PCC) application and approval for funding of the Papakowhai shared path, as part of the Transport Choices Programme managed by NZ Transport Agency Waka Kotahi (NZTA).

On 2 August 2022, all councils were invited to submit an Expression of Interest (EOI) for projects that they believed met the criteria for the Transport Choices programme, as part of the Government's Climate Emergency Response Fund (CERF). Programme funding was originally \$350 million allocated to design and implement successful Transport Choices projects. The programme was looking for investment in four key areas:

- rapidly rolling out urban cycling networks
- creating walkable neighbourhoods
- supporting safer, greener and healthier school travel
- making public transport more reliable and easier to use.

On 3 September 2022, PCC submitted an indicative EOI to NZTA to fund two projects: the Paremata Station Cycle and Pedestrian Bridge Connections, and the Papakowhai Road Cycleway. On 21 November 2022, NZTA advised PCC that its EOI was approved for indicative total funding of \$8 million for the Papakowhai shared path only (the Paremata station overbridge project was declined indicative funding).

On 6 March 2023, PCC was later approved \$595,000 of pre-implementation funding for the Papakowhai shared path project and on 29 June 2023 PCC was approved \$120,000 for implementing a pump track.

After completing all of its pre-implementation milestones and design approvals, on 25 August 2023 PCC was approved Implementation funding of \$7,420,000 to construct the Papakowhai shared path. The Papakowhai shared path project, including monitoring and evaluation, and final financial claims, is scheduled to be completed by 30 June 2025.

I will respond to each part of your request in turn as follows:

A) What were the criteria that local Councils could apply for funding under the Cycleways Projects,

The eligibility criteria for all successful Transport Choices projects included strategic alignment, organisational capability, design standard, value for money, deliverability, and benefits and risks. While projects must not have been on the National Land Transport Programme's list of approved projects, they had to prove that they could be delivered quickly. Parts 1 and 2 of PCC's EOI submission are enclosed as Attachments 1 and 2.

Certain information has been withheld under section 9(2)(a) of the Act to protect the privacy of natural persons, including that of deceased natural persons.

With respect to the information that has been withheld, I do not consider there are any other factors which would render it desirable, in the public interest, to make the information available.

B) What are the specific areas that the allocated funding is meant to be spent on,

Approved project costs are outlined in the attached approved Project Plan which includes specific funding items in Schedules 1 and 2 for Pre-implementation and Implementation respectively. This is enclosed as Attachment 3.

Certain information has also been withheld under section 9(2)(a) of the Act to protect the privacy of natural persons, including that of deceased natural persons.

With respect to the information that has been withheld, I do not consider there are any other factors which would render it desirable, in the public interest, to make the information available.

C) How much leniency can a local Council have to spend the money outside your criteria,

Councils need to adhere to the specific costs outlined in the approved funding agreement, schedules, and project plan.

D) If so, do they have to obtain permission from NZTA?

If project cost or scope items change significantly during the project lifecycle, PCC is required to contact NZTA. We then commence a formal scope change review to approve or decline the change.

D) Can funding be spent on vegetation and planting, if so, to what extent and how far or what distance away from the actual cycleway?

(Note – PCC response was to save on future lawn mowing, hence took money from the cycleway funding to undertake excessive planting)

Planting was approved for sections of the Papakowhai shared path in alignment with the approved project plan. Planting alongside the shared path absorbs storm water running off the paved road and shared path surfaces while providing shelter for people walking and cycling along the path.

It is important to note that, while extensive planting occurred in the general area of the Papakowhai shared path, not all the planting was funded by Transport Choices. The Papakowhai shared path project cost for planting is approximately \$40,000.

E) Do you require the Councils to performance manage and/or ensure the work being undertaken is being completed properly,

NZTA's funding agreement with PCC states that the project must be actioned promptly with due diligence, care and skill, and in a manner that meets or exceeds good industry practice by appropriately trained, qualified, experienced and supervised persons.

Good industry practice means that the supplier's level of skill, competence, care, foresight and operating practice should be the same as a local council or any sub-contractors (as applicable) under the same or similar circumstances.

PCC is required to carry out procurement in accordance with NZTA's procurement guidelines which are available on our website at:

<https://www.nzta.govt.nz/resources/procurement-manual/>

PCC must also comply with all applicable laws, regulations and rules and carry out work to a high standard and in accordance with the Health and Safety at Work Act 2015. NZTA regularly meets with PCC to monitor project progress including design, engagement, costs and risks.

F) Do you require the local Councils to monitor progress and ensure the construction workers are actually working and not lying around in the sun, excessive leaning on the road barriers, elongated smoke breaks, excessive time on their cell phones etc,

As previously stated, NZTA meets regularly with local councils to monitor project progress and requires councils to manage projects in a manner that meets or exceeds good industry practice.

NZTA takes road maintenance matters seriously, including on how its contractors carry out work on roads. While NZTA has crews that monitor worksites throughout New Zealand, it also welcomes feedback from the public about any issues that they encounter. Road workers are required to take morning, lunch and afternoon breaks for health and safety reasons, and may move to the side of the road to ensure their safety.

G) Please supply a copy of the Porirua City Councils application for the Papakowhai Road cycleway,

As previously advised, PCC's EOI submission for the Papakowhai shared path project (parts 1 and 2) are enclosed as Attachments 1 and 2.

H) Do the local Councils have to supply NZTA with a completion report, if so, please also provide this report,

Councils who are part of the approved Transport Choices Programme are required to provide NZTA with a Practical Certificate of Completion, photographic evidence of the infrastructure and a completed monitoring and evaluation report, including lessons learnt.

The Papakowhai shared path project has not been completed and PCC will submit the required documentation for the project by 30 June 2025.

1) Are local Councils required to submit any financial report on completion of the cycleway, is so, please provide this report from the PCC

Councils who are part of the approved Transport Choices Programme must comply with NZTA's standard claim process through our Transport Investment Online (TIO) system and abide by the National Land Transport Fund's (NLTF) investment claims and obligations policy. The NLTF policy is available on our website at:

<https://www.nzta.govt.nz/planning-and-investment/planning-and-investment-knowledge-base/archive/202124-nltp/202124-nltp-principles-and-policies/administration/national-land-transport-fund-investment-claims-and-obligations-policy/>

The Papakowhai shared path project has not yet been completed which means that all claims have not been submitted through TIO. Indicative costs are, however, outlined in page 7 of Attachment 2. Pre-implementation and implementation budget costs are also outlined in page 14 of Attachment 3.

Under section 28 of the Act, you have the right to ask the Ombudsman to review my decision to withhold part of this information. The contact details for the Ombudsman can be located at www.ombudsman.parliament.nz.

In line with NZTA policy, this response will soon be published on our website, with personal information removed.

If you would like to discuss this reply with NZTA, please contact us by email to official.correspondence@nzta.govt.nz.

Yours sincerely



David Shepherd
National Manager, Multimodal Integration