

Petition response – completion of public walkway (Weka Street and Urlich Drive, Mangawhai)

Meeting: Kaipara District Council
Date of meeting: 26 February 2025
Reporting officer: Curt Martin, Acting Roading Manager
Eugene Lusty, Intermediate Asset Engineer
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Purpose | Ngā whāinga

To provide a response on the petition received at the December 2024 Council Meeting for a public walkway connecting Weka Street and Urlich Drive, Mangawhai.

Executive summary | Whakarāpopototanga

At the December 2024 Council Meeting, a petition was presented requesting a public walkway between Weka Street and Urlich Drive, Mangawhai, serving the Longview Development. While the walkway is currently used it is not a priority due to the lack of footpaths on other roads in Kaipara.

The petition also noted that the Longview developer had contributed to the walkway, but Council records show it was not included in the Development Contributions (DC) Policy, and no funds were collected for its construction.

The reserve between Urlich Drive and Weka Street, which is used by residents and schoolchildren to access amenities, is in poor condition due to stormwater runoff, creating a fall risk. Constructing a footpath, including stormwater improvements, is estimated to cost \$65,000. Options being considered include using the existing transportation budget, combining construction with Urlich Park facilities, using financial contributions reserves from Mangawhai, or including the project in future budgets. The recommended approach is to allocate funds for the walkway in the 2026-27 Annual Plan to allow for stormwater management planning and accurate cost estimation.

Recommendation | Ngā tūtohunga

That the Kaipara District Council:

- a) Notes the report 'Petition response – completion of public walkway (Weka Street and Urlich Drive, Mangawhai)'.
b) Agrees to consider including a budget for the stormwater discharge investigation and the cost of a footpath connecting Urlich Drive and Weka Street, in the Annual Plan 2026-27 process.

Context | Horopaki

A petition with its supporting signatures (**Attachment A**) was submitted to Council at its Meeting on 11 December 2024. The petition outlined that the developer of Longview Street and other surrounding streets paid Kaipara District Council contributions towards completing a public walkway (refer Figures 1 - 3 shown below). The residents of the Longview subdivision have requested Council construct a footpath to allow safer access to the surrounding users.



Figure 1 – Plan showing walkway reserve between Weka St. & Ulrich Dr.



Figures 2 & 3 – existing walkway reserve between Weka St. & Ulrich Dr.

Discussion | Ngā kōrerorero

Development Contributions:

Development contributions are collected under the Local Government Act 2002 and are there to ensure the costs of growth-related extra demand on council infrastructure from the development are not imposed on the community. The 53-lot subdivision (entire development) had paid development contribution of \$995,277 comprising of wastewater \$721,277 and roading \$274,000.99. The roading development contribution for stages 4 and 5 of the Longview subdivision (RM100133B) which the walkway corridor (road reserve) in question was part of was \$69,274.12. The Development Contributions (DC) payable per lot are fixed under the DC Policy on the basis of the growth component of the capital works programme that applied at the time of the subdivision. Appendix 5 of the Development Policy 2020 and 2024 outline the list of projects for which DCs were collected

and the footpath in question is not specified. Therefore, Council has not collected any DCs for the purpose of construction of this walkway.

RM100133 – Reasons for decision, Reason 5), states “A financial contribution is payable for each additional lot created as part of a subdivision in accordance with Appendix U of the District Plan. This is a contribution towards the development of existing, and purchase of additional, land to enhance the amenity value of reserves.” Council has not collected any financial contributions associated with the construction of this walkway.

Footpath background:

It has been identified that the existing reserve (road reserve) connecting Ulrich Drive and Weka Street is currently being utilised by the residents and school kids of Longview subdivision to access the Mangawhai Domain, Mangawhai Beach School, etc. Council received a customer request back in September 2024 about the poor physical condition of the reserve due to the stormwater runoff and it being unformed. Due to the likelihood of fall risk, staff had installed signage to restrict pedestrian access. Since the “not for Public use” signs were erected another six service requests have been received enquiring when the walkway would be formed. Subsequently, the community has submitted a petition for the formation of a footpath.

A site visit has shown that the walkway also operates as a stormwater overland flow path and stormwater discharge may also be discharging from neighbouring lots onto the walkway reserve. This stormwater discharge then flows onto the berm on Ulrich Drive. Controlling the stormwater flow is important in mitigating environmental issues and/or nuisance/damage to downstream private properties. Stormwater system improvements will also be required to manage the stormwater discharge when electing to construct a formed footpath.

The petition submission states that the development contributions collected should fund the construction of the walkway. KDC records show that the walkway was not itemised in the DC Policy and was vested to Council unformed (i.e. as is).

Footpath priority:

The provision of a footpath for the walkway is considered a lower priority compared to other areas in the district that have greater needs. Footpaths are prioritised based on several criteria:

1. Speed limits for roads
2. Daily traffic and road classification (i.e., can the berms be utilised?)
3. Parking demand
4. Presence of activity nodes (such as community facilities, churches, etc.)
5. Safety risks - ensuring safe pedestrian access (alternative route or berms)
6. Cost

In terms of priority, there are other localities around Mangawhai and the district that require footpaths to mitigate safety risks. These areas would take precedence over the current footpath, with the only present safety concern being the risk of flooding and the path becoming slippery during heavy rain. It is worth noting that the alternative route for pedestrians walking from the site to the school is 4 minutes longer than if they were able to use the footpath from the same point.

Cost estimates:

The costs to construct a formed footpath, including localised associated stormwater improvements is estimated to be \$65,000. However, effectively managing stormwater discharges from the constructed footpath would require a more detailed investigation to provide a realistic cost estimate, which could significantly increase the overall cost.

Additionally, there is a possibility of using reserve contributions to fund or partially fund the footpath if certain criteria are met.

Reserve Contributions:

Reserve contributions are a subset of financial contributions that are levied on land developers when a resource (land use or subdivision) consent is approved. These contributions are used by the Council to create, enhance, or provide access to public open spaces, such as parks and recreation areas. The purpose is to ensure that new developments contribute their fair share towards the costs of acquiring or upgrading reserves and public open spaces to meet the increased demand generated by these developments.

The Kaipara District Council Reserve Contributions (use of) Policy can be found at **Attachment B**. Clause 5.1(c) of the *Criteria for eligibility* states the rationale for tracks that provide access to reserves. In this case, the reserves in questions are Mangawhai Domain and Ulrich Park (once developed).

5.1(c) *Giving public access to coastal areas, reserves, bush areas or areas of special character. This is typically through: - the development of walking tracks; and - the purchase of land that connects two public areas otherwise not accessible to the public*

The Council could consider using financial contributions reserves for the footpath project, as there is existing balance available for the Mangawhai catchment from previous developments in the area. However, an initial investigation is still required to assess how stormwater discharge from the footpath would be managed. There are also potential risks to consider, including:

- Insufficient reserve funds if project costs increase
- Depleting the reserve, leaving fewer funds for other projects
- Project priority concerns, as there are other areas in Mangawhai and across the district where footpaths are urgently needed to address safety issues

Given these factors, the footpath project may not be the best use of reserve contributions at this time.

NZTA Subsidy

The eligibility criteria for the NZ Transport Agency Waka Kotahi (NZTA) subsidy are based on how well the proposed activity aligns with the Government Policy Statement on Land Transport. Currently, footpaths and shared paths are not highly prioritised by the Government, resulting in limited NZTA subsidised funding allocated to maintenance of existing footpaths and shared paths. There is no budget designated for new projects for the 2024-2027 period. If this trend continues, the likelihood of securing any subsidy for new footpaths or shared paths in the 2027-2030 period will remain minimal. However, if the government changes in the next election cycle (2026), this situation could change.

Footpaths and shared paths are unlikely to be considered a priority in 2026-27. Therefore, if Council wishes to proceed with this project now or as part of the 2026-27 Annual Plan, it will likely need to be 100% funded by Council.

Options

Option 1: Utilise the existing unsubsidised transportation budget allocated for year 2026/27 for the districtwide road drainage and footpaths works to construct the walkway and to undertake the associated drainage works. This project however should first be prioritised against the other footpath projects to confirm its priority on the programme, and whether it would then be able to be constructed within the current budget allocation. Council is about to agree the financials for the 25/26 Annual Plan for consultation for the community. At this late stage it is not recommended to include this as an option. However, Council could consider this after consultation.

Option 2: Combine the construction with the proposed Ulrich Park Sports/Recreational facilities.

Option 3: Consider including a budget as part of the development of the 2027-37 LTP.

Option 4: Consider including a budget as part of the 2026-27 Annual Plan. This would involve an initial investigation to address stormwater discharge from the footpath, which could cost between \$5,000 and \$10,000, and project budget for construction of the footpath. Note that the stormwater investigation may result in a significant increase to the overall cost. Council is about to agree the

financials for the 25/26 Annual Plan for consultation for the community. At this late stage it is not recommended to include this as an option. However, Council could consider this after consultation.

Option 5: Consider funding via existing financial contributions reserves as there is a balance available for the Mangawhai catchment from previous development in the area. Like option 4, this requires an initial \$5,000–\$10,000 stormwater discharge investigation, which could significantly increase costs depending on the findings.

Option 6: Status quo.

Options	Advantages	Disadvantages	Financial Implications
Option 1: Construct in year 2026/27 utilising the unsubsidised transportation budget allocated for footpath and drainage works	<ol style="list-style-type: none"> 1. Provide safer access to the Domain, to Mangawhai Beach School, bus stop, shops etc. for the local community members residing in the Longview subdivision. 2. Petitioners will be satisfied with the outcome. 	<ol style="list-style-type: none"> 1. This project would then take precedence over other footpath projects on Council's programme if its priority was not first assessed against the other projects on the footpath programme. 	<ol style="list-style-type: none"> 1. General rates fund full cost estimated at \$65,000 (i.e not subsidised by NZTA). 2. Budget would not account for stormwater drainage issue which could see costs escalate.
Option 2: Combine the construction with the proposed Ulrich Park Sports / Recreational facilities	<ol style="list-style-type: none"> 1. Cost efficiencies by reducing the establishment costs, temporary traffic management plan and design costs. 	<ol style="list-style-type: none"> 1. Uncertainty on project timings. 2. Leaving the easement in its current condition might create a safety risk due to water stagnation, etc. 3. Petitioners may be unsatisfied, reputational risk. 	<ol style="list-style-type: none"> 1. Any cost savings may be negated by cost escalations over time.
Option 3: Incorporate it as part of 2027-37 LTP	<ol style="list-style-type: none"> 1. Allows current allocated budget to be redistributed elsewhere in the network. 2. May receive subsidy from NZTA. 	<ol style="list-style-type: none"> 1. Leaving the easement in its current condition might create a safety risk due to water stagnation, etc. 2. Petitioners may be unsatisfied, reputational risk. 3. Uncertainty of funding. 	<ol style="list-style-type: none"> 1. Currently none. 2. If subsidised by NZTA, construction would only cost rate payers the "local contribution" (i.e. 38%).
Option 4: Consider including a budget as part of the 2026-27 Annual Plan	<ol style="list-style-type: none"> 1. Allows current budget to remain allocated to the existing work programme. 2. Provides sufficient time to allow a more detailed investigation 	<ol style="list-style-type: none"> 1. Leaving the easement in its current condition might create a safety risk due to water stagnation, etc. 	<ol style="list-style-type: none"> 1. Currently none. 2. Would be considered in the AP 2026-27 process.

Options	Advantages	Disadvantages	Financial Implications
	on how best to manage any stormwater discharged from the formed footpath with associated cost estimates.	2. Petitioners may be unsatisfied, reputational risk. 3. Uncertainty of funding.	
Option 5: Consider using financial contributions reserves	1. Funds would come from reserve contributions rather than diverting from higher-priority footpath projects. 2. Provide safer access to the Domain, to Mangawhai Beach School, bus stop, shops etc. for the local community members residing in the Longview subdivision. 3. Petitioners will be satisfied with the outcome.	1. This project would then take precedence over other footpath projects on Council's programme if its priority was not first assessed against the other projects on the footpath programme. 2. Risk of not having sufficient reserve funds if the cost escalates. 3. Reserve fund is depleted and therefore unavailable for other projects	1. Questions remain regarding the true overall cost, which will not be known until the stormwater investigation is completed. 1. There will be an impact to cashflow but no impact to rates, however once final costing is known this will need to be checked against reserve balance.
Option 6: Status quo	1. Deferment of expenditure	1. Leaving the easement in its current condition might create a safety risk due to water stagnation, etc. 2. Petitioners may be unsatisfied	1. Currently none. 2. Future budgets may be subsidised by NZTA thereby reducing the costs to the ratepayers.

The recommended option is **option 4**.

Risks and mitigations

There are no associated risks.

Significance and engagement | Hirahira me ngā whakapāpā

The decisions or matters of this report with regards to the petition are considered to have a low degree of significance in accordance with Council's Significance and Engagement Policy. No feedback is required, and the public will be informed of Council's decision via the agenda and minutes publication of this meeting, on the website and through other channels if appropriate

Next steps | E whaiake nei

Advise petitioners of Council's decision.

If Council decides to proceed with the recommended option, staff will present the project to the 2026-27 Annual Plan process.

Attachments | Ngā tapiritanga

	Title
A	Petition report – December 2024 Council Meeting
B	KDC Reserve Contributions (use of) Policy