
MEMORANDUM OF NEW ZEALAND TRANSPORT AGENCY WAKA KOTAHI ON PROPOSED DRAFT CONDITIONS FOR THE WAIKANAE NORTH DEVELOPMENT

14 October 2026

1.0 INTRODUCTION

- 1.1 This memorandum responds to Minute 16 (9 October 2026). It comments on the Applicant's Proposed Draft Conditions, Version 3, dated 6 October 2026 (the Conditions), which NZTA has reviewed in full. NZTA has also reviewed the tracked-changes revision of Version 3 dated 12 October 2026. That revision makes no change to any provision relating to the State highway or the Te Moana Road / State Highway 1 interchange, and the comments below apply equally to it. This memorandum is confined to the matters within NZTA's role as road controlling authority for State Highway 1, as the requiring authority for the State Highway 1 (Kāpiti Expressway) designation and the owner of the adjoining State highway land and assets. It should be read with NZTA's section 53 comments of 28 July 2026, its memorandum of 24 July 2026, its response to Minute 7, and the joint memorandum of Kāpiti Coast District Council (KCDC) and NZTA filed on 9 September 2026 following transport expert conferencing (the Joint Memorandum).

2.0 ADEQUACY OF THE PROPOSED CONDITIONS

- 2.1 The Conditions do not address the matters NZTA has consistently raised since July. In particular, Version 3 contains no condition of any kind relating to the Te Moana Road / State Highway 1 interchange. There is no requirement for a further interchange assessment, no cumulative reassessment at defined stages, no performance threshold, no development trigger, no mechanism for identifying or securing mitigation, and no provision for a proportionate contribution where an improvement responds to the effects of more than one development. The only staged transport trigger in the set is the Peka Peka Road intersection upgrade at Condition S69, which concerns the local road network.
- 2.2 This is the position NZTA recorded in its response to Minute 7, when it observed that the updated conditions then circulated contained no specific condition managing effects on the interchange. Transport expert conferencing has since taken place and the Joint Memorandum set out three condition principles. None of the three has been carried into Version 3. The Conditions reflect the Applicant's position that interchange mitigation is not required; they do not reflect any agreed position between the transport experts, and the Joint Memorandum was explicit that continued engagement did not amount to acceptance of the Applicant's modelling.

- 2.3 NZTA is conscious that the Joint Witness Statement of the transport experts dated 7 September 2026 (JWS) records that KCDC and NZTA were “largely satisfied with the conditions bar some of the specific matters raised”. The specific matters raised, which remain outstanding, were the interchange, the reliance on KTM4 outputs and future road links, the need for a monitoring condition, a proportionate contribution mechanism, and local road safety for vulnerable users. Those are precisely the matters that remain absent from Version 3.
- 2.4 The omission is the more striking given that at conferencing the Applicant’s representative advised that “if upgrades are required a carefully worded condition will need to be imposed requiring a proportional contribution from Waikanae North”. Version 3 contains no such condition. NZTA infers that the Applicant regards the contingency as not having arisen, because its own modelling concludes that no upgrade is required. But that is the very conclusion the road controlling authorities have been unable to verify, because the modelling outputs that would allow them to do so have not been provided. A contingent condition of the kind the Applicant itself described imposes no burden if the Applicant’s modelling is correct; it has effect only if the modelling is wrong. Declining to include it asks the Panel to accept that risk on the Applicant’s behalf, which is what the conditions exist to avoid. NZTA has included a drafted condition which provides the panel with certainty that the effects are addressed, and there is a framework to assess the effects once the information is available.
- 2.5 For completeness, the Conditions do carry the Expressway buffer planting, the acoustic treatment of habitable rooms within 80m of the Expressway carriageway, and a Safe System Audit requirement referencing NZTA’s guidelines. These are appropriate but peripheral to NZTA’s substantive concern.

3.0 IMPLEMENTATION AND EFFECTIVENESS

- 3.1 One point from conferencing needs correcting so that it does not find its way into the conditions. At transport conferencing, the Applicant’s expert suggested that development contributions could secure funding for an interchange upgrade. As the Chair noted at the time, development contributions are levied under the Local Government Act 2002 for the territorial authority’s own network infrastructure and are payable to Council. They are not available to fund NZTA assets. The ramps and ramp terminal intersections of the interchange lie within the State Highway 1 designation and vest in NZTA, and the queuing concern that drives NZTA’s position arises on the off-ramps. The suggestion that improvements would “likely” be on Te Moana Road was not supported by any assessment. The mechanism for State highway works is the one NZTA described in its section 53 comments: a development agreement with NZTA, delivery under the corridor access and works access processes, and the consent holder’s proportionate contribution secured by bond or payment to NZTA. Condition TR4 is drafted on that basis.
- 3.2 NZTA has deliberately framed the interchange conditions around certification and triggers tied to section 224(c), which are the two points in the subdivision process at which a condition can be enforced without ambiguity. A condition that depends on a future agreement to be reached in good faith is not, in NZTA’s experience, effective.
- 3.3 Works within the State highway designation are subject to NZTA’s own approval, corridor access and development agreement processes, which sit outside this consent. The conditions in Attachment A therefore secure the outcome and the timing of mitigation and leave the detailed design and delivery of State highway works to those processes, consistent with NZTA’s section 53 comments.

4.0 OUTSTANDING MATTERS NOT ADDRESSED BY THE CONDITIONS

- 4.1 The Joint KCDC/NZTA Memorandum identified specific reasons why the Applicant's interchange assessment cannot be relied on, and none has been answered. The 2036 assessment predicts less traffic at the interchange with the development than without it. The explanation has not been demonstrated, and the result appears to depend on the Rutherford Drive link and the Ngārara Farm Structure Plan roads, neither of which is within the Applicant's control. KCDC's guidance for the Kāpiti Transport Model requires forecast flows to be checked against observed counts before use in an intersection model, and no such check has been shown; the Applicant's own expert accepted at conferencing that the outputs "will not be strictly correct".
- 4.2 NZTA's position is that this uncertainty should be resolved before the application is determined. If the Panel is nonetheless minded to grant consent, the uncertainty must be carried by the conditions. Condition TR2 is, in substance, a requirement that the Applicant complete the assessment sought since July, with the difference that detailed design and titles cannot issue until it is done.
- 4.3 One further matter is recorded for completeness. The Applicant's assessment appears to depend on the Rutherford Drive and Ngārara links being in place; Condition TR5 addresses the consequence, but whether the development can proceed as modelled without them remains unanswered.

5.0 OVERALL VIEW AND POSITION

- 5.1 NZTA does not oppose the development in principle and acknowledges the Applicant's engagement on a number of matters. Its unresolved concern is the individual and cumulative effect of the development on the operation and safety of the Te Moana Road / State Highway 1 interchange, including the potential for off-ramp queues to extend onto the State highway mainline. That effect arises from development the planning framework does not provide for, and the Conditions as drafted do not manage it.
- 5.2 If the Panel is minded to grant consent, the conditions in Attachment A are necessary and NZTA asks that they be included.
- 5.3 NZTA asks for the opportunity to review the Applicant's revised conditions package and any further transport information before the Panel issues its draft decision.

ATTACHMENT A

TR2 Te Moana Road/Expressway Assessment

Prior to the Council granting engineering plan approval for any stage of the subdivision other than the Paetawa Road stage (Lots 1–7), and in any event prior to the issue of any section 224(c) certificate for any stage other than the Paetawa Road stage, the consent holder shall submit a Te Moana Road/Expressway Assessment, prepared by a suitably qualified and experienced transport engineer, to the Road Controlling Authorities for review and to the Council's Development Engineer for certification. The scope of work will need to be agreed with Council and NZTA and shall include:

- (a) be based on a SIDRA (or equivalent) model of the Interchange that has been calibrated and validated against observed AM and PM peak conditions;
- (b) adopt a peak-hour trip generation rate for the development of not less than 0.9 vehicle movements per dwelling;
- (c) set out, and justify by reference to observed counts, the method by which forecasts from the Kāpiti Transport Model (KTM4) have been applied to the Interchange model, including the land-use yield, staging and road-connection assumptions adopted for the Ngārara development;
- (d) assess the operation of the Interchange for the design year and at each proposed development trigger under Condition TR3, for a cumulative scenario that applies consistent land-use, trip-generation and route-assignment assumptions across the development, Proposed Private Plan Change 5, the Ngārara development and other consented or committed growth;
- (e) assess each scenario in (d) both with and without the Assumed Road Links in place, and explain any reduction in Interchange demand or queuing that results from adding development traffic;
- (f) report, for each scenario, the degree of saturation, delay and level of service for each movement, the 95th percentile queue on each State highway off-ramp against the available storage length, and the extent to which queues on Te Moana Road obstruct the Te Ara Kawakahia access;
- (g) identify any Interchange Mitigation required, the development trigger (expressed as a number of Occupied Dwellings) before which each item of Interchange Mitigation must be constructed or secured under Condition TR4, and a concept design for each item sufficient to establish feasibility and cost;
- (h) where any item of Interchange Mitigation responds to the cumulative effects of more than one development, set out the method for determining the consent holder's proportionate contribution in accordance with Condition TR4.

The Road Controlling Authorities shall provide their written comments on the Te Moana Road/Expressway Assessment to the consent holder and the Council within [30] working days of receipt. The Council's Development Engineer shall not certify the Te Moana Road/Expressway Assessment unless NZ Transport Agency Waka Kotahi has confirmed in writing that it is satisfied with the matters in (a) to (h) insofar as they relate to the State highway.

TR3 Development triggers

Notwithstanding Conditions S3 and S4 (subdivision staging):

- (a) no section 224(c) certificate shall be issued for any stage other than the Paetawa Road stage until the Te Moana Road/Expressway Assessment has been certified under Condition TR2;
- (b) no section 224(c) certificate shall be issued that would result in the total number of residential lots created exceeding the development trigger for any item of Interchange Mitigation identified in the certified Te Moana Road/Expressway Assessment, or in an updated assessment certified under Condition TR5(b), unless that Interchange Mitigation has been constructed and is operational or has been secured in accordance with Condition TR4.

TR4 Securing Interchange Mitigation and proportionate contribution

Interchange Mitigation is secured for the purposes of Condition TR3(b) when either:

- (a) the consent holder has entered into a development agreement (or equivalent legally binding agreement) with the relevant Road Controlling Authority providing for the design, consenting, funding and construction of the Interchange Mitigation, including the consent holder's contribution determined under (c) to (e) below, a programme for delivery, and a bond or other security acceptable to that Road Controlling Authority for the consent holder's contribution; or
- (b) where the Interchange Mitigation is to be delivered by a Road Controlling Authority as part of a wider programme, the consent holder has paid its contribution determined under (c) to (e) below to that Road Controlling Authority, or has provided a bond or other security for it acceptable to that Road Controlling Authority.

The consent holder's contribution to the cost of each item of Interchange Mitigation shall be determined as follows:

- (c) where the certified Te Moana Road/Expressway Assessment, or an updated assessment certified under Condition TR5(b), identifies the item as required to manage the effects of the development alone, the consent holder shall bear the full reasonable cost of its design, consenting and construction;
- (d) where the item responds to the cumulative effects of the development and other growth, the consent holder's contribution shall be the proportion that the development's peak-hour traffic through the Interchange at the relevant development trigger bears to the total growth in peak-hour traffic through the Interchange between the observed conditions against which the Interchange model was calibrated under Condition TR2(a) and the scenario at which the item is required, applied to the reasonable cost of its design, consenting and construction;
- (e) the method and the resulting proportion for each item shall be set out in the certified Te Moana Road/Expressway Assessment or updated assessment, and the contribution is payable to the Road Controlling Authority that owns or controls the asset to which the item relates.

For the avoidance of doubt, a contribution under this condition is not a development contribution under the Local Government Act 2002.

Any Interchange Mitigation that affects land or assets within the State Highway 1 designation shall be designed in accordance with NZ Transport Agency Waka Kotahi standards, including Safe System Audit at detailed design and post-construction, and delivered under its approval and corridor access processes.

TR5 Assumed Road Links

Where the certified Te Moana Road/Expressway Assessment relies on any Assumed Road Link being operational at a development trigger, no section 224(c) certificate shall be issued that would result in the total number of residential lots exceeding that trigger unless either:

- (a) the Assumed Road Link has been constructed and is open to the public; or
- (b) the Road Controlling Authorities have certified, under the procedure in Condition TR2, an updated assessment demonstrating that the Interchange will operate within the performance criteria set out in the certified Te Moana Road/Expressway Assessment at that trigger without the Assumed Road Link, or identifying the Interchange Mitigation required in its absence, which shall then be secured in accordance with Condition TR4.