



30 April 2024

Andrew Green
Via email fyi-request-26453-8b6df615@requests.fyi.org.nz:

Dear Andrew

Official information request about the closure of Spinnaker Drive in Whitby.

I refer to your official information request dated 16 April 2024. The information you have requested is enclosed. The questions you specified have been included as numbered headings in bold below, with our response following each heading.

I am seeking clarification on the following points:

1. Responsibility: Could you please clarify whether the responsibility for repairing Spinnaker Drive lies with the Porirua Council or the NZTA?

Until recently the responsibility was not clear, but it was never the responsibility of the New Zealand Transport Agency Waka Kotahi (NZTA). The responsibility either laid with Porirua City Council or the landowner/s.

While the slip has occurred on private land it has impacted public road reserve within the Council's road corridor.

After extensive investigations, no clear root cause has been identified as to what might have triggered the slip and it is therefore considered an 'Act of God'. As such, Council, as the downhill receiver of the slip material, is responsible for the work required to reopen the road.

2. Delay: I am interested in understanding the reasons behind the prolonged delay in addressing the repair needs of Spinnaker Drive. What factors have contributed to this delay?

The time being taken to address this slip is due to several factors:

Prudence

Council has deliberately been prudent with both public money and public safety. Given there is safe alternative access there was no rush to reopen the road before attempting to ascertain the root cause of the slip. To do otherwise might have been negligent and could have put road users at increased risk.

Complexity & safety

To try and explain the complexity of the situation, the site is a bit like an iceberg. From the road perspective only a glimpse of what's at play can be observed.



But from the air (see aerial picture below) there is a significant slip area involving a large volume of material that could still be moving. To assist understanding of the quantum of the situation, the slip face scarp ranges from approximately 2-3 metres high to 8-10 metres high, so a significant amount of earth has moved.

An initial attempt to remove some of the slip material impacting on the road, under the direction of a geotechnical expert, resulted in more slip material coming down on the road.

Geotechnical experts advise that if we modify the base of the slope independently of a permanent solution much more of the hill might come down and this could then further endanger road users and, potentially, impact on private dwellings. Our priority is safety, which is why that area is secured and the road closed.



Testing to understand why.

We have been working to determine the root cause of the problem to understand exactly what design solution is needed.

Wellington Water's extensive inspections, which included lab testing of ground water at the base of and within the slip, concluded Council's current water, wastewater and stormwater pipes are not the source of the water affecting the slip.

This indicates the source could be a spring, runoff from private land or stormwater runoff or a previously undetected leak (that has since been fixed). Further testing is continuing to look at those as possible sources.

Extensive preliminary geotechnical testing has also been carried out as part of these investigations and will help inform the final design solution.

Consideration of temporary solutions

We have looked at what it would take to temporarily reopen Spinnaker Drive to allow some vehicle access prior to permanent retaining works being undertaken.

Temporarily opening two lanes would require significant earthworks, and retaining works, which could cost as much as two-thirds of the expected permanent solution.

Opening one lane only would require less earthworks but the associated active traffic management is estimated to cost between \$500 and \$1000 a day – depending on whether traffic flowed just one way (downhill) or both ways (with the need to minimise queuing issues on State Highway (SH) 58 as a non-negotiable safety matter).

As a result, given there remains a viable alternative route, temporary solutions are not considered prudent use of public money, and we are pushing on to implement a permanent solution ASAP.

Next steps

The next step, as required for all work subsidised by NZTA, will be a competitive public tender process to engage a company to deliver the final testing and design work required for the permanent repair.

Once we have that design, we will undertake a further competitive public tender for an appropriate construction company to implement the permanent repair. This process is expected to take at least six to eight months.

We know these timeframes will be frustrating for some residents, but we are mindful (especially in this economic climate) of making sensible decisions when spending public money. We also want to make sure that the permanent solution we land on is the right one – with the goal to do it once and do it right.

Keep an eye on the Council's road closures [webpage](#) for future updates.

3. Legal Obligations: I would appreciate insight into the legal obligations that the council is bound by in terms of maintaining road infrastructure and addressing issues within a reasonable timeframe.

Council is required to provide "fair and reasonable access" to private properties within the city. This can be either walk on or drive on access. While Spinnaker Drive is blocked at the intersection with SH58, all residents continue to have good access to their properties, and access to adjoining roads, albeit via an alternate route. With respect to timing, we balance matters such as criticality (e.g. is this the only viable route), risk, available funding, and viability.

As the Road Controlling Authority Porirua City Council's number one priority is road safety, and that guides the approach to all road maintenance issues.

4. Ratepayer Dispensation: Despite the lack of access to Spinnaker Drive, it appears that local ratepayers have not received any dispensation or relief. Could you provide clarification on this matter?

Information about our rates remission policy is available on the Porirua City Council [website](#). This Policy is prepared in accordance with section 102(3), 109 and 110 of the Local Government Act 2002. This Policy is also prepared in accordance with the Local Government (Rating) Act 2002, where all land is rateable unless specified in this Act or another Act states that land is non-rateable. Non-rateable land is still liable to pay targeted rate for water supply, sewage disposal, or refuse collection.

Your attention is drawn to part 3:

- Part 3 – Rates Remission for Land Subject to Natural Calamity is to assist property owners with rates relief where the use of the rating unit (i.e. their land and/or dwelling) has been detrimentally affected by erosion, subsidence, submersion, fire or other natural calamity

There is no rates dispensation or relief for temporary road closure.

If you wish to discuss this decision with us, please feel free to contact Moana Wyatt at official.information@porirua.govt.nz.

Ngā mihi



Wendy Walker
Chief Executive
Kaiwhakahaere Matua