

Mayor and Councillors
COUNCIL

1 MARCH 2018

Meeting Status: **Public**

Purpose of Report: For Decision

WEGGERY DRIVE, WAIKANAЕ BEACH REVOCATION OF RESERVE STATUS AND RECLASSIFICATION

PURPOSE OF REPORT

- 1 This report seeks the Council's approval to revoke and reclassify land located between 146 and 148 Weggery Drive, Waikanae, defined as Lot 104 on Deposited Plan 313912 and held as Local Purpose Reserve (Road) ("the subject land") pursuant to Section 24 of Reserves Act 1977. If the reserve revocation is successful, then pursuant to Section 40 Public Works Act 1981, declare the Land as no longer required for a public work purpose and authorise officers to proceed with offer back investigations and disposal.

DELEGATION

- 2 The Council has the authority to make this decision.

BACKGROUND

- 3 The subject land is defined as Lot 104 on Deposited Plan 313912 and is held in Computer Freehold Register 83560 and is 1,682m².
- 4 The subject land was vested by Council as Local Purpose Reserve (Road) upon the deposit of subdivisional plan 313912 by virtue of section 239 Resource Management Act 1991 and is subject to the Reserves Act 1977.
- 5 The subject land was held as a potential vehicle access to a proposed bridge over the Waikanae River. Originally a bridge was proposed to be erected at this point across the river providing access between Weggery Drive and Makora Road, Otaihanga.
- 6 As part of construction of Mackays to Peka Peka Expressway a bridge was constructed further upriver resulting in the bridge on the subject land to be no longer required by the Council.
- 7 The subject land is currently divided by a timber fence which separates the portion fronting Weggery Drive from the portion fronting the river. It is proposed that the land is split into two sections more or less along the existing fence line (see appendix one) and dealt with by:
 - 7.1 Revoking the reserve status of that part of the subject land coloured red on the plan in appendix one so that disposal (either by offer back or on the open market) of that portion can be effected which is approximately 886m²; and to
 - 7.2 Reclassify that part of the subject land coloured blue on the plan in appendix one to Local Purpose Reserve (Esplanade) approximately 714m², thus

bringing it under the same classification and status as the adjoining parcels of land along the riverbank.

OPTIONS AND PROCESSES

Processes

- 8 To undertake the proposal to revoke and reclassify the subject land the process to be undertaken is as follow:
 - 8.1 Step 1 – obtain a Council resolution to revoke and reclassify
 - 8.2 Step 2 – publicly notify under Section 24 of the Reserves Act the proposed revocation and reclassification. Details of the process is outlined below in the Consultation section.
 - 8.3 Step 3 - a hearing will be undertaken if any objections are received
 - 8.4 Step 4 – a further report will be presented to Council to decide if the objections are upheld or not
 - 8.5 Step 5 – if Council agrees to proceed with the revocation and reclassification then a survey of the land will be undertaken
 - 8.6 Step 6 – gazette notices will be prepared and submitted to the Minister of Conservation (through Department of Conservation) for execution and approval
 - 8.7 Step 7 – gazette notices are published and registered with Land Information New Zealand
 - 8.8 Step 8 – consider section 40 Public Works Act 1981(potential offer back to the former owner of the land) noting that this will not include the portion of land to be reclassified as Local Purpose Reserve (Esplanade).
 - 8.9 Step 9 – market the area coloured red on appendix one for sale on the open market.

Option one

- 9 Follow the process outlined above to revoke and reclassify the subject land and potentially dispose of the revoked land on the open market.
- 10 Officers believe there is no public work requirement for the area coloured red and the area in blue is best suited to become Local Purpose Reserve (esplanade) to align with the adjoining land holdings by Council.
- 11 Officers recommend this option.

Option two

- 12 Retain the subject land as status quo.
- 13 Officers do not support this option due to the lack of public work requirement for part of the land and the ongoing maintenance costs to Council.

Option three

- 14 Retain the subject land but reclassify all of the land as Local Purpose Reserve (esplanade).

- 15 Officers do not support this option as there would be no effective improvement on the current situation. The existing maintenance burden would remain and there is presently ample public open space provision and good connectivity to open space opportunities nearby.

CONSIDERATIONS

Policy considerations

- 16 There are no policy implications to be considered.

Legal considerations

- 17 There are no significant legal implications arising from this matter. Compliance with the Local Government Act 1974, Reserves Act 1977 and Public Works Act 1981 will address relevant issues.

Financial considerations

- 18 All costs associated with this disposal and reclassification will be met from existing budgets and potential sale proceeds will be used to repay debt.

Tāngata whenua considerations

- 19 There have been no specific issues identified relating to Iwi but the public consultation process will provide the opportunity for any issues to be raised and addressed.

SIGNIFICANCE AND ENGAGEMENT

Significance policy

- 20 This matter has a low level of significance under Council policy.

Consultation already undertaken

- 21 Consultation has been undertaken with the Waikanae Community Board, adjoining land owners and any interested parties.
- 22 The majority of the feedback has been positive to the proposal.
- 23 We are aware there are some community members who believe a bridge should be built in this location to form a local road connection between Otaihanga and Waikanae Beach.
- 24 They also believe Council should construct a path through the land to create a short cut from the eastern end of Weggery Drive to the shared path that runs along Waikanae River. This proposed short cut would reduce the distance for people travelling from the eastern end of Weggery Drive to the Otaihanga Suspension Bridge by 120 metres. Officers believe that the benefit of such a connection would not justify the expenditure required to construct a path or the additional cost of maintaining an additional connecting track with Weggery Drive.
- 25 The new Expressway Bridge as outlined in the background section above now provides vehicular access from Paraparaumu to the Waikanae Beach area and includes a crossing for walkers and cyclists who connect to the local Cycleway Walkway and Bridleway network.

Consultation

- 26 Consultation will be pursuant to section 24 of the Reserves Act 1977 and will involve a public notice calling for submissions from any person claiming to be affected by the proposal.
- 27 Officers will ensure that all interested parties, neighbours and iwi are included in this consultation.

Engagement planning

- 28 An engagement plan is not needed to implement this decision.

RECOMMENDATIONS

That the Council:

- 29 Authorises the Chief Executive to undertake the required public notification process to revoke and reclassify the land at Lot 104 on Deposited Plan 313912 in Computer Freehold Register 83560 pursuant to section 24 of the Reserves Act 1977 as outlined in report CS-18-342.
- 30 Agree to revoke the reserve status of the area coloured red on the plan attached in appendix one of report CS-18-342, Lot 104 on Deposited Plan 313912 in Computer Freehold Register 83560 pursuant to section 24 of the Reserves Act 1977.
- 31 Agree to reclassify the reserve status of the area coloured blue on the plan attached in appendix one of report CS-18-342, Lot 104 on Deposited Plan 313912 in Computer Freehold Register 83560 pursuant to section 24 of the Reserves Act 1977 from Local Purpose Reserve (Road) to Local Purpose Reserve (Esplanade).
- 32 Authorise the Chief Executive to conclude the reserve revocation and reclassification as per the plan attached in appendix one of report CS-18-342, Lot 104 on Deposited Plan 313912 in Computer Freehold Register 83560.
- 33 If the reserve revocation is successful, agree that the area coloured red on the plan attached in appendix one of report CS-18-342, Lot 104 on Deposited Plan 313912 in Computer Freehold Register 83560 is not required for a public work and is surplus to requirements and approve its disposal.
- 34 Subject to area coloured red on the plan attached in appendix one of report CS-18-342, Lot 104 on Deposited Plan 313912 in Computer Freehold Register 83560 being declared surplus, authorise the Chief Executive to commission a section 40 Public Works Act 1981 report from a suitably qualified consultant to identify whether this property must be offered back to a former owner or their successor in title, or whether an exemption from offer back applies.
- 35 Delegate to the Chief Executive the power to take all actions necessary to sell area coloured red on the plan attached in appendix one of report CS-18-342, Lot 104 on Deposited Plan 313912 in Computer Freehold Register 83560 in accordance with the provisions of the Public Works Act 1981.
- 36 Note the following:

- 36.1 That the reserve revocation and reclassification is conditional on no sustained objections being received following public notification of the intention to revoke and reclassify the reserve status in accordance with section 24 of the Reserves Act 1977.
- 36.2 That if sustained objections are received to the reserve revocation or reclassification, a further report will be presented to Council to decide whether to uphold them or not.
- 36.3 The consent of the Minister of Conservation to be obtained in accordance with section 24 of the Reserves Act 1977.

Report prepared by Approved for submission Approved for submission

Nicky Holden

Max Pedersen

Sean Mallon

**Corporate Property
Manager**

**Group Manager
Community Services**

**Group Manager
Infrastructure Services**

ATTACHMENT

Appendix 1 - Plan of subject land



SCALE 1: 944

@A4



Revocation & Reclassification Weggery Dr Waikanae

Date Printed: 13-February-2018



Kapiti Coast District Council accepts no responsibility for incomplete or inaccurate information contained on this map. Use of this website is subject to, and constitutes acceptance of the conditions set out in our disclaimer. This publication is copyright reserved by the Kapiti Coast District Council. Cadastral and Topographic information is derived from Land Information New Zealand, CROWN COPYRIGHT RESERVED.