

Mayor and Councillors
COUNCIL

14 MARCH 2019

Meeting Status: **Public**

Purpose of Report: For Decision

CONSIDERATION OF SUBMISSIONS - PROPOSED EASEMENTS OVER LOCAL PURPOSE RESERVE, JACKS BUSH ROAD, WAIKANAЕ

PURPOSE OF REPORT

- 1 This report provides a summary of objections and submissions received in response to the public notification for proposed easements over local purpose reserve being Lot 12 DP 344901 (the reserve), at Jacks Bush Road, Waikanae.
- 2 Council is required to give full consideration to every objection and submission, and make a decision to consent or refuse the proposed easements.

DELEGATION

- 3 Council's role in this matter is as the administering body of the reserve under the Reserves Act 1977 (the Act) and where appropriate as delegate of the Minister of Conservation through the 2013 Delegation of Powers under the Act.
- 4 The Council has the authority, as a delegate of the Minister of Conservation through the 2013 Delegation of Powers under the Act, to consent or refuse consent to grant rights of way and other easements over any part of a vested reserve for any of the purposes specified in section 48(1) of the Act and impose such conditions as it thinks fit in giving the consent.

BACKGROUND

- 5 The reserve is 20cm wide and 175m long and was created by Ngarara Development Partnership Limited through a 2004 subdivision and vested in Kāpiti Coast District Council. Officers have established that the reserve was vested to safeguard the ecological values of Jacks Bush from the effects of intensive future development.
- 6 The zoning of the land to the north of the reserve, including the location of the proposed lots is Future Urban Development Zone in the Proposed District Plan Appeals Version 2018. This area is not under appeal. This zone is enabling of urban development.
- 7 Landlink on behalf of Guy Simpson (The Applicant) requested consideration be given to granting two right of way easements over local purpose reserve at Jacks Bush Road, Waikanae. The easements are requested to enable future subdivision of two lots as shown in Appendix 1. A resource consent application will be lodged to include the creation of two new lots bordering part of the reserve.
- 8 There is no interdependence between decisions relating to the proposed easements under the Act and decisions relating to the proposed subdivision

resource consent under the Resource Management Act 1991 (RMA). The proposed subdivision resource consent is not considered as part of the process for granting the easements. A resource consent application will be submitted in the future regardless of the outcome of the right of way easements as a different access is possible from Ngarara Road if the easements are not allowed.

- 9 On 18 October 2018, Council received report CS-18-634 Proposed Easements over Local Purpose Reserve, Jacks Bush Road, Waikanae, attached at Appendix 2, and adopted the following:

That the Kāpiti Coast District Council authorise the Chief Executive to undertake the required public notification process for two proposed right of way easements and service easements as outlined in this report (CS-18-634) over land at Jacks Bush Road, Waikanae, as shown in Appendix 3 to report CS-18-634, to two future lots created from a subdivision proposal for Lot 2 DP 82054 and Lot 1 DP 72861.

If no submissions or objections are received, that the Kāpiti Coast District Council delegates to the Chief Executive all necessary powers to agree and register the easements, provided that a resource consent for the creation of Lot 3 and Lot 4, as shown in Appendix 2 to report CS-18-634, is approved through the regulatory process, and the associated deposit of survey plans.

- 10 The resolutions enabled the public notification process to be undertaken, in accordance with s119 and s120 of the Act. A public notice outlining the proposed easements and asking for objections and submissions was published in the Kapiti News on 31 October 2018. In addition to the public notification requirements under the Act:
- Letters providing information about the public notice, were delivered to fifteen residential letterboxes in Jacks Bush Road and Ngarara Road; and
 - Information about the public notice was sent to ten email addresses of residents or non-resident land owners in the local area (Jacks Bush Road and Ngarara Road).
- 11 S120(d) of the Act requires the administering body (Council) to give full consideration to every objection or submission received before deciding to proceed to consent or refuse to consent any or all of the proposed easements.
- 12 Fifteen submissions were received. Of the 15, 11 object to the proposal; three support the proposal; and one is neutral.

ISSUES AND OPTIONS

Issues

- 13 Six key themes were raised in the submissions, as follows:
- a. The protective purpose of the reserve
 - b. Traffic, road safety and road nuisance
 - c. Ecological values of Jack's Bush, part of the wider Nga Manu Wetland Complex
 - d. Character of Jacks Bush Road
 - e. The easements would enable intensive development in the future
 - f. Alternative access is available from Ngarara Road
- 14 Submissions have been summarised by Council Officers and the summary table is attached as Appendix 3. The full submissions are attached as Appendix 4 and

should be referred to for more detailed information. Submission summaries and responses by the six key themes are set out below.

a. The protective purpose of the reserve

Submission summary:

Eight of the submissions raise concerns that granting the proposed easements over the reserve would be a breach of the purpose for which the reserve was created. The Applicant's submission sets out how the proposed easements are consistent with the purpose of the reserve.

The following points are a summary of the points raised in submissions:

- The reserve originated as an environmental safeguard installed when creating the Jack's Bush subdivision to protect against future development by restricting access to Jacks Bush Road. (JBR-3)
- The reserve was put in place to control future development of the land to the North of Jacks Bush Road (JBR-6)
- Property bought with understanding that covenants in place on properties; and the local purpose reserve would mean there would only ever be 9 properties on Jacks Bush Road, providing a safe quiet rural road for walking and children learning to ride bikes (JBR-8)
- An understanding that the local purpose reserve was put in place specifically to not allow further traffic on Jacks Bush Road, dense housing, damage to biodiversity, especially to Jack's Bush (JBR-9)
- Isolation strip was placed to protect Jack's Bush from the effects of any future development that may occur on neighbouring land (JBR-10)
- The Hearing Committee report mentions the isolation strip, which is shown the Ngarara Development Partnership plan as an ecological buffer zone (JBR-10)
- There would be more people who are not part of our group using the Jacks Bush road (JBR-10)
- If easement granted, Council will have broken the contract with the original developers (JBR-11)
- The vesting of the local purpose reserve was to prevent this sort of change to Jacks Bush Road (JBR-13)
- Much of surrounding land area under protective covenant with no further subdivision of individual lots permitted and isolation strip is protecting Jacks Bush from future development. Granting easements would remove the protection that was approved by Council (JBR-14)

Response

The creation of the local purpose reserve was approved through a Council Committee hearing decision on 21 March 2003 for a land-use and subdivision consent (RM 020073) application by Ngarara Development Partnership. The documents relating to the creation the local purpose reserve through this decision have been reviewed.

The reserve was put into place to control the potential effects on Jack's Bush of future intensive development of the land to the North of Jacks Bush Road. In particular, the effects on ecological values from additional stormwater runoff to Jack's Bush if kerb and channel was required, and the effects of additional vehicles on fauna and flora.

The intensity of development that is most likely to conflict with the purpose of the reserve is intensive suburban development, including a road connection from Jacks Bush Road. In this circumstance, the reserve would provide an additional set of controls to the Resource Management Act 1991 (RMA) to manage the effects of development.

At the time of the Ngarara Development Partnership subdivision, the Council Planner raised concerns that “the creation of the strip of land would mislead people and create confusion for people in the future”. These strips of land adjacent to roads provide a mechanism to control access to the adjacent land. In this case, the purpose for the control is to ensure that the effects of intensive future development, if accessed off Jacks Bush Road, are managed in order to protect Jack’s Bush.

The hearing report contains the reasons that the Committee accepted that Lot 12 should be created as part of the subdivision, as follows:

Amalgamated Titles

Lot 12 is shown as an isolation strip on Landlink Ltd Plan No. 119.02-1 E, 19 April 2002 to be held (amalgamated) with lot 3. The Planner stated that “*the Registrar General of Lands has not been consulted and Lot 12 should vest as road.*”

In consideration of lot 12 the Applicant submitted that “*since the adjoining land has the potential to become residential at some point in the future, it is considered prudent to safeguard Jack’s Bush from the effects of intensive future development by placing a buffer zone along the common boundary.*”

The Applicant stated that she made enquiries with the appropriate persons but was told that a decision would be made when the Council made the necessary application.

The Committee agrees with the Applicant’s protective purpose of lot 12 and accepts that it should be amalgamated with lot 3.

The Hearing Committee then imposed the following two conditions, in relation to Lot 12:

1. The title plan or e – survey data set must conform to the subdivision consent proposal shown on Land Link Ltd: 119.02-1 Issue E dated 19 April 2002, submitted with application no. RM020073. Except Lot 12 to change under condition 16 below as local purpose reserve to vest.
16. Lot 12 shall be amalgamated with lot 3. In the event that the Registrar General of Lands does not permit such amalgamation then Lot 12 shall vest as local purpose reserve.

The 223 and 224 certification applications for the Ngarara Development Partnership subdivision provide further detail, in regards to compliance with Condition 16 and what the developer considered would constitute the effects of intensive future development on Jack’s Bush as follows:

“This land (lot 12) was set aside from the road because allowing access to the future residentially zoned land to the north would mean that significantly more traffic could use the road, the road may have to be upgraded to a kerb and

channel road with consequences on the stormwater system (which was not designed to cater for such an increase in flow), and would have effects on the flora and fauna by virtue of the additional vehicles (noise, dust and fumes) using the road.”

An additional two lots with access to Jacks Bush Road would not result in significantly more traffic or require a road upgrade to kerb and channel. Effects on the flora and fauna are discussed later in this report.

As there is alternative access, the adjacent land has the potential in the future to be developed regardless of the reserve. The reserve can still fulfil its purpose by use of it to control development density on the adjoining land, only if easements are granted and restrictive conditions are applied restricting the lot size to low housing density. Easement conditions requiring planting and maintenance of appropriate native species would also reflect the protective purpose of the reserve for Jack's Bush.

The ability to use the reserve to restrict the any further lots or dwellings is consistent with the reserve providing a buffer of low density and restricting further development that would result in a significant increase in traffic.

b. Traffic, road safety and road nuisance

Submissions summary:

Ten of the submissions raised concerns about traffic, road safety and nuisance.

The following points are a summary of issues raised in submissions:

Safety

- Safety concerns on impact of additional vehicles entering and exiting Jacks Bush Road as a result of the geometry of the road and sight visibility
- Concern about road safety on Ngarara Road
- Safety concerns about the proposed access being opposite a driveway
- There is already a concentration of driveways on Jacks Bush Road which make it dangerous for road users especially as there are no footpaths
- Safety concerns for children and animals on Jacks Bush Road

Amenity

- Nuisance from headlights
- Increased traffic on quiet road
- Increase in traffic noise, especially at the intersection
- It was understood that the local purpose reserve was put in place to prevent additional traffic on Jacks Bush Road;

Alternative Access

- An alternative access into the subdivision from Ngarara Road would be safer
- Development of a paper road would be triggered if there was additional traffic on Jacks Bush Road

Response

The Resource Consent process will consider traffic implications with regard to the proposed subdivision and access to the new lots. However, the roading team have reviewed the submissions and provided a response considering the safety concerns raised.

Jacks Bush Road has a 19m wide road reserve and an approximately 5.5m wide carriageway and generous flat grassed berms. The road is short which means traffic can only drive slowly and has not much traffic (even with the proposed additional two lots) and in this way is like a shared road. The presence of a berm provides additional spaces for people to walk, ride or cycle safely off road. The road is fairly flat and straight enabling traffic travelling along the road to easily see other approaching road users including the access for the proposed two new lots. As such it could easily accommodate the traffic from two additional lots.

The residents of Jacks Bush Road enjoy the benefit of a low volume road environment. However, as legal road any member of the public has the right to drive on it. The traffic volume on both Ngarara Road and Jacks Bush Road is low and while concerns have been raised by residents there have been no police reported crashes at or within 50m of this intersection in the previous 10 years.

Councils transport engineer has advised that the intersection from Ngarara Road in to Jacks Bush Road could cope with the additional vehicle movements that would result from two additional lots. It is noted that visibility to the north of Jacks Bush Road is limited by both road geometry and trees. In this situation it is standard practise to install a 'concealed intersection' warning sign. If the additional lots proceed signage would need to be installed and vegetation removed as a matter of course.

c. Ecological values of Jack's Bush, and the wider Nga Manu Wetland Complex

Seven of the submissions raised concerns about the effects of granting the easements on the ecological values of Jack's Bush, and the wider ecological values of the Nga Manu Wetland Complex. This theme has been further subcategorised into five sub-themes.

(i) General concerns

Submissions summary

Submission points about general ecological considerations include:

- Request regard is given to the ecological values of Jack's Bush (JBR-5)
- Understand that the local purpose reserve was put in place specifically to not allow damage to biodiversity, especially to Jack's Bush (JBR-9)
- Jack's Bush has a diversity of birdlife and exceptional biodiversity (JBR-10)
- Negatively impact on the ecological balance (JBR-10)
- Would likely have a negative impact on the ecology of Jack's Bush (JBR-10)
- Will lead to a withering of environmental standards Jack's Bush exhibits and is cherished by the community (JBR-10)
- The Key Native Ecosystem Programme has not been considered (JBR-10)
- Failure to ensure the same high environmental standards are applied to proposed Lot 3 and 4 (JBR-12)
- Failure to acknowledge history and uniqueness of Jack's Bush and Nga Manu wetland complex (JBR-12)
- Ecological buffer zone established to protect Jack's Bush from potential future development (JBR-12).

Response

As raised in submissions, the purpose of the reserve is to protect the ecological values of Jack's Bush.

While the proposed two lots of 3,443m² and 3,262m² are not intensive development, and the Resource Management Act 1991 (RMA) manages effects on biodiversity and other natural values, it is still important to consider any potential, in particular, the effects on Jack's Bush of additional vehicle movements from two additional households on Jacks Bush Road.

The Boffa Miskell ecological assessment for the Applicant concluded that additional traffic would not have any increase in impacts on resident wildlife present in Jack's Bush or put populations of indigenous wildlife at risk. The assessment also concluded that the planting of native species along the boundary with the road to replace the pine trees would have a positive effect of ecological values.

(ii) Intensive developmentSubmission summary:

Two submissions raised concerns about the effects of intensive subdivision on biodiversity and the environment as follows:

- Appreciates the concerns of Jacks Bush Road community regarding possible intensive subdivision and the threats this would pose to the environment in general (JBR-5)
- Protection of adjacent land from intensive subdivision and the maintenance of the integrity of the remnant bush areas will benefit future generations (JBR-5)
- Dense housing will cause serious damage to Jack's Bush, Nga Manu and local biodiversity (JBR-9)

Response

The two proposed lots of 3,443m² and 3,262m² are not an intensive density. Easement conditions restricting further subdivision and additional dwellings can be imposed, if the easements are granted.

If the easements are not granted and the land was developed using access from Ngarara Road, it may be more difficult for residents living on Jacks Bush Road to have a positive influence regarding ecological values that are important to the Jacks Bush Road community.

(iii) Access onto Jack's Bush RoadSubmission summary:

One submission raised the concern that accessways onto Jacks Bush Road will jeopardise the protection of the wetland biodiversity (JBR-7).

Response

While the purpose of the reserve relates to the effects of intensive development on Jack's Bush, it is the effects on Jack's Bush of the additional vehicle movements on Jacks Bush Road that the proposed easements would enable that is important to consider.

The Boffa Miskell landscape and ecological report, prepared for the Applicant, provided the following analysis for whether two additional dwelling additional

vehicle movements on Jacks Bush Road would have any adverse impact on the ecological site K133.

The ecological assessment found that “[T]he only potential effect would be from vehicle movements along Jacks Bush Road on avifauna, firstly in terms of disturbance to birds within the habitat, secondly the risk of collision with cars”.

(iv) Removal of pine trees

Submission summary:

Concerns are raised in submission JBR-15 that the removal of pine trees would have a negative impact on ecological values. In particular, that the removal of the pine trees would result in a loss of shelter for adjacent native vegetation.

Response

The Boffa Miskell landscape and ecological report, prepared for the Applicant, states that the removal of the pine trees “could result in an adverse edge affect by removing the shelter and shade provided by these pines to the edge communities of Jacks Bush. The edge vegetation community bordering Jacks Bush Road is typical of a late-seral backdune community in the Kapiti Coast. The potentially affected edge vegetation consists primarily of Kanuka...”

The ecological effects summary concludes that “... the removal of the pine trees from the property of 205 Ngarara Road will have a negligible effect on the ecological site K133 (Jacks Bush)...”.

The pine trees are on the Applicant’s property and are able to be removed now without any requirement to replace with native vegetation. Conditions to ensure planting of appropriate native species can be imposed through the easements. A better ecological outcome than retaining the remaining pine trees would be achieved for Jack’s Bush if easements are granted with conditions requiring removal of the pine trees and planting and maintenance of appropriate native bush edge species.

(v) Small pond/wetland area

Submission summary:

There is a small pond/wetland area could be restored – should be assessed by a biodiversity expert to determine significance (JBR-10)

Response

This area could be assessed through an ecological assessment during the resource consent process.

d. Character of Jacks Bush Road

Submission summary:

The impacts of granting the proposed easements on landscape values and character is raised in four submissions (JBR-1, JBR-2, JBR-6, JBR-10), with one raising concerns and three raising benefits.

Concerns relate to the Ngarara Development Partnership subdivision vision of creating a rural and environmentally sustainable living experience with protective

ecological covenants, and the development not demonstrating compatibility with the overall character of Jack's Bush.

Three submissions raised positive impacts of the general proposal on the character of Jacks Bush Road, including helping tidy up the area, make Jacks Bush Road an even more attractive place to live and enhance the overall character of Jacks Bush Road.

The Boffa Miskell landscape and ecological report, prepared for the Applicant, identifies a short term low adverse effects on landscape values with a long term neutral effect for road users and neighbouring residents.

Response

The visibility of the easements themselves would be two driveways crossing a 20cm wide strip of land.

Replacement of the pines with native planting would be an improvement as once planting becomes established, landscape values would be improved and would be consistent with the ecological character of other properties on Jacks Bush Road.

If the certainty of a low density lot size was not established through granting conditioned easements, then a higher density of housing could potentially occur on the site in the future. The two proposed lots sizes would be in keeping with the low density character of Jacks Bush Road.

e. The easements would enable intensive development in the future

Submission summary:

Six submissions raised concerns that granting the easements would or could potentially be or enable intensive development in the future. The Applicant's submission refers to the proposal providing protection from potentially more intensive residential development of the land than if access is from the north.

Points raised include that:

- There may be intensive development or dense housing (JBR-9, JBR-10)
- If the Local Purpose Reserve was not in place the area currently shown as lots 3 and 4 within the subject land could, in theory, be subdivided into about six lots or be used to provide access further to the North including potentially a roading intersection link (JBR-6)
- Further lots may be accessed in the future (JBR-10, JBR-7)
- There may be further subdivision in ten years time (JBR-7, JBR-8)

Response

The proposed easements are for two proposed lots of 3,443m² and 3262 m². This is not an intensive housing density. If the easements are granted, restrictive easement conditions could include:

- Restricting the right of way easements to the two proposed lots only; and
- Restricting the number of dwellings on each of the proposed lots to one dwelling only; and
- Restricting vehicle access to the two lots to be from Jacks Bush Road only.

If easements with restrictive conditions are granted, further development of the land would be restricted. The easements would be registered on the properties

title and if, in the future, the Applicant sought to vary or discharge the easement the Applicant would require the consent of Council to do so.

f. Alternative access from Ngarara Road

Submission summary

Four submissions raised that there is viable alternative access from Ngarara Road that should be used. The easement application (attached to JBR-6) gives a preference for access onto Jacks Bush Road.

The summary of submission points are:

- Access via the proposed easement is practical, logical and has less than minor environmental effects than alternative options (JBR-6)
- The alternative option is viable (JBR-10)
- The Applicant has a perfectly drivable track from Ngarara Road (JRB-11)
- Failure to properly consider the alternative access from Ngarara Road (JBR-12)
- There is alternative access from Ngarara Road (JBR-13)

Response

There are alternative access options from Ngarara Road. The Applicant's preference is access to Jacks Bush Road. Given the proximity to Jacks Bush Road and the length of accessway required to reach Ngarara Road, it may be considered unreasonable not to grant the easements.

The alternative access options would not provide protective easement conditions, which would provide certainty of low density lots.

Option 1 – Do not grant the easements

- 15 Option 1 is not to grant the easements
- 16 Future subdivision density and configuration of the lots adjacent to the reserve, being 189 Ngarara Road and 205 Ngarara Road, is not known. However, if the easements are not granted, 205 Ngarara Road has the potential to be intensively developed at some point in the future up to the reserve. This does not mean that potential future intensive development would impact on the ecological values of Jack's Bush, as the environmental effects would be considered under the RMA and the applicant would need to explain how effects of development would be avoided, remedied or mitigated.

Option 2 - Grant easements with restrictive conditions

- 17 This option is to grant the easements which would be registered against the property's Certificate of Title with restrictive conditions to:
 - Constrain use of right of way easements to not allow further subdivision of the proposed two lots.
 - Constrain the use of the two right of way easements to only provide access to one dwelling per lot.
 - No additional access from any of the boundaries to enable any further subdivision of the two lots.
 - No expiry date on easement conditions.
 - Easement conditions for replacing the pine trees with native planting that would complement the ecological values of Jack's Bush and the character of Jacks Bush Road.

- 18 There is no way of knowing whether resource consent would be granted for intensive development of the land if accessed from Ngarara Road. These easement conditions would address concerns raised in submissions about enabling a road and intensive development to occur on the adjacent land. Granting the easements with restrictive conditions that prohibit further subdivision and are limited to development of the two proposed lots would provide certainty of low density lots.
- 19 The Applicant is aware of the proposed restrictive conditions and considers them to be reasonable.
- 20 This is the recommended option.

Option 3 – Grant easements with no restrictive conditions

- 21 This option is to grant the easements with no conditions
- 22 The reserve enables additional controls, such as the larger lot size character of Jacks Bush Road to be maintained. These controls are able to be realised if the proposed new lots are accessed via conditioned easements from Jacks Bush Road limiting the number of lots that the easements service.
- 23 If easements were granted with no restrictive conditions, concerns raised by the submitters would not be able to be addressed.
- 24 This option is not recommended.

Option 4 - revoke the reserve status and vest as legal road

- 25 This option is to remove the reserve and vest the land as legal road.
- 26 This would relinquish the controls that the reserve provides regarding placing restrictive conditions limiting development and ensuring ecological enhancement within the proposed lots. The zoning of the land to the north of the reserve, including the location of the proposed lots, in the Proposed District Plan Appeals Version 2018 is Future Urban Development Zone. This area is not under appeal. This zone is enabling of urban development.
- 27 The RMA manages the effects of future development. The reserve, created to protect Jack's Bush from the potential adverse effects of intensive development, therefore duplicates the role of the RMA in managing effects of development. However, removing reserve status would potentially enable more intensive development with a main access road off Jacks Bush Road, which could be of a more urban character than other properties on Jacks Bush Road.
- 28 This option is not recommended.

CONSIDERATIONS

Policy considerations

- 29 There are no policy issues arising from this decision.

Legal considerations

- 30 Under the Instrument of Delegation for Territorial Authorities dated 12 July 2013, the Minister of Conservation has delegated authority to the Council to grant easements over reserve land under the Act.

- 31 The Council is able to grant easements over any part of the reserve for an electrical installation or work, as defined in section 2 of the Electricity Act 1992, under section 48(1)(d) of the Act.
- 32 The Council is able to grant easements over any part of the reserve for providing or facilitating access or the supply of water to any other land not forming part of the reserve or for any other purpose connected with any such land, under section 48(1)(f) of the Act.
- 33 If the proposed easements are approved, easement documentation will be drafted and will be reviewed by the Council's legal counsel before being presented to the Applicant for their agreement.

Financial considerations

- 34 There are no financial considerations as all costs associated with right of way and services construction and remedial works will be met by the Applicant. The Applicant will also pay for all costs (survey and legal) associated with the granting of the easements.

Tāngata whenua considerations

- 35 Te Ātiawa ki Whakarongotai Charitable Trust (TAKW) as mana whenua and kaitaki provided comments to the Applicant. The preference of TAKW is to undertake a comprehensive assessment of a resource consent application but recognised that some initial feedback would be useful.
- 36 TAKW are concerned that this area has national value, high sensitivity and is at risk from proposed development. TAKW could not support a proposed development that is at cross-purposes with the culture of the area, being both the culture of kaitiakitanga, and the culture of protection that local residents have established and enacted through their lives as residents.
- 37 TAKW noted they do not wish to be unnecessarily obstructive to any proposals for development but must recognise that the purpose of the isolation strip was to provide the most appropriate means of ensuring that the extremely high values of the area are protected.
- 38 As a result of the initial assessment, TAKW has advised they cannot offer their support to the proposal for the easement. TAKW will provide an assessment of the resource consent application if the applicant is successful with the easement and chooses to pursue the resource consent application.

SIGNIFICANCE AND ENGAGEMENT

Significance policy

- 39 This matter has a low level of significance under Council's Significance and Engagement Policy.

Consultation already undertaken

- 40 Prior the report CS-18-634, Council officers met with several residents of Jacks Bush Road and Ngarara Road, at their request.

- 41 Public notification was carried out in accordance with section 119 of the Act. A public notice outlining the proposed easements and asking for objections and submissions was published in the Kapiti News on 31 October 2018. In addition to the public notification requirements under the Act:
- Letters providing information about the public notice, were delivered to fifteen residential letterboxes in Jacks Bush Road and Ngarara Road; and
 - Information about the public notice was sent to ten email addresses of residents or non-resident land owners in the local area (Jacks Bush Road and Ngarara Road).

Engagement planning

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

CONCLUSION

- 43 A range of views and topics were raised in the objections and submissions. The easements for access to the two proposed lots were both opposed and supported.
- 44 Key issues raised were an understanding from residents that the reserve prohibited any access to land to the north, and concerns that the easements would enable further development that would be intensive; more vehicles on Jacks Bush Road and using the intersection with Ngarara Road was dangerous; the effects of additional vehicles and removing pine trees on ecological values, and that there is alternative viable access from Ngarara Road.
- 45 Benefits raised included improvements to the character of Jacks Bush Road, ecological benefits, providing certainty regarding housing density.
- 46 Council is required to fully consider the objections and submissions in deciding whether to consent or refuse consent to grant some or all of the proposed easements.
- 47 If Council decides to grant the easements, conditions to restrict further development on the proposed lots and require native vegetation is established and maintained would be imposed via easement conditions.

RECOMMENDATIONS

- 48 That the Kāpiti Coast District Council notes the 15 submissions received.
- 49 That the Kāpiti Coast District Council delegates to the Chief Executive all necessary powers to agree and register the easements as shown on Appendix 1 of this report CS-18-699, provided that a resource consent is approved through the regulatory process, and the associated deposit of survey plans. The easements will have restrictive conditions as noted in paragraph 16 of this report (as a minimum).

Report prepared by	Approved for submission	Approved for submission
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Legal Counsel	Group Manager Place and Space	Group Manager Regulatory Services

ATTACHMENTS

- Appendix 1 Map showing location of proposed easements and Lots 3 & 4
- Appendix 2 Previous report CS-18-634
- Appendix 3 Summary of submissions
- Appendix 4 Full submissions