

Mayor and Councillors
COUNCIL

16 APRIL 2015

Meeting Status: **Public**

Purpose of Report: For Decision

RESERVE REVOCATIONS - HARRY SHAW WAY, KAPITI ROAD AND PURIRI ROAD

PURPOSE OF REPORT

- 1 This report recommends the Council does not uphold the objections received for the proposed Reserve Revocations at 27 Harry Shaw Way, Kapiti Road and 31a Puriri Road and recommends officers seek the consent of the Minister of Conservation to revoke the reserve status of all three land parcels.

DELEGATION

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

BACKGROUND

- 3 On 19 June 2014 Council approved the transfer of various parcels of land under a Memorandum of Agreement (MOA) under Section 50 of the Public Works Act 1981 to the Crown¹ for the Kāpiti Expressway Project. Part of the resolution was to take any steps required by the Council to give effect to the revocation of the local purpose reserve Land (road) under Section 24 of the Reserves Act 1977.
- 4 There are three parcels of land identified in the MOA which require their reserve status to be revoked before Council transfers the land to the Crown for use in connection with the Expressway.

1	31a Puriri Road, Waikanae	WN50D/559	Lot 58 DP 16850	613 sq m
2	Isolation Strip, Kapiti Road, Paraparaumu	WN44B/399	Lot 3 DP 78602	5 sq m
3	27 Harry Shaw Way, Raumati	WN54D/864	Lot 28 DP 87351	1,229 sq m

See appendix 1, 2 and 3 for aerials.

Land History

Puriri Road, Waikanae

- 5 31a Puriri Road, Waikanae (PR) was originally acquired by the Crown on subdivision in 1957 under Section 13 of the Land Subdivision in Counties Act 1946, and the land was held by the Crown subject to the Public Reserves and

¹ Any references to the Crown, New Zealand Transport Agency (NZTA) or Mackays to Peka Peka (M2PP) in this report are used interchangeably.

Domain Act 1928. It was subsequently transferred from the Crown to the Council in 1997 as road reserve under section 6 of the Counties Amendment Act 1972. Section 6 (1) of the Act provides that all public reserves for road that were vested in the Crown when the Act came into force will, *“vest in the Corporation of the county, and shall be held as reserves set apart for the purposes for which they are held at that date...”*

Kapiti Road, Paraparaumu

- 6 The isolation strip on Kapiti Road, Paraparaumu (KR) was acquired by the Council from a private owner as a result of a subdivision in July 1994. It was vested in the Council as local purpose reserve (road) under section 239 of the Resource Management Act 1991.

Harry Shaw Way, Raumati

- 7 27 Harry Shaw Way, Raumati (HSW) was acquired by the Council from a private owner as a result of a subdivision in June 1999. It was vested in the Council as local purpose reserve (road) under section 239 of the Resource Management Act 1991. The land is owned by Council with the following encumbrances/interests on the title:
 - Subject to the Reserves Act 1977 for Local Purpose Reserve (road)
 - Compensation certificates pursuant to Section 19 of the Public Works Act 1981 by Her Majesty the Queen (which is a normal condition of public work transactions and relates to the MOA).
- 8 Pritchard Group Limited submitted an application for a subdivision of Lot 2 DP 4850 (see appendix 3 for an aerial) in June 2004. The subdivision required access from Harry Shaw Way through Lots 9 and 28 DP 87351. This application was approved and neighbour's consent was obtained. A Council resolution was passed on 7 October 2004 to dedicate these lots as road pursuant to Section 111 of the Reserves Act 1977.
- 9 Due to a change in roading projects in the area, Lot 2 DP 4850 was acquired by NZTA for use in connection with the Expressway and the subdivision was never completed and lots 9 and 28 were not dedicated as legal road.
- 10 In resource consents for residential development it is a common practice in New Zealand and within the Kāpiti Coast District to use this legal instrument – local purpose reserve (road) – to ensure future development, continuation of the road network and road connections are, or can be, enabled in appropriate and suitable locations.
- 11 When the land was subdivided the Subdivision Code of Practice in effect at the time required land to be provided to enable road connections to adjacent land in order to provide a connected roading network. Harry Shaw Way was taken as local purpose reserve to facilitate future road access to land at the rear of the site. At the time it was also expected to provide a potential connection to the Western Link Road.

Consultation

- 12 A public notice was published in the Kapiti Observer on 30 October 2014 seeking submissions on the proposed reserve revocation. The closing date for

submissions was 1 December 2014. The immediate neighbours of each parcel of land were sent a letter outlining the proposal.

- 13 A number of residents in Raumati Estate indicated a desire to meet and discuss the process and implications of the proposal. M2PP were in the process of organising a public meeting for the residents to discuss the Expressway's progress in the area. Council officers and M2PP staff agreed to hold a joint meeting so residents were able to ask questions of both organisations before submitting a submission to the reserve revocation.
- 14 A public meeting was held on 19 November 2014. An invitation was sent to all residents in Raumati Estate. Approximately 40 residents attended along with Council officers, Councillor Holborow and M2PP staff.
- 15 Given the interest in the proposal officers agreed to extend the submission period to allow residents further time to gather necessary information for their objections. A second notice was published in the Kapiti Observer on 27 November 2014 advising the submission period had been extended until 12 January 2015.
- 16 On 24 February 2015 all submitters were given the opportunity to verbally present their objection to Councillors. Nine submitters presented. Any additional points raised at this meeting have been added to the summary of submissions at Appendix 8.

ISSUES AND OPTIONS

Surplus NZTA land

- 17 NZTA owns property between Fincham Road and Poplar Avenue (see Appendix 4 for an aerial photograph) for use in connection with the Expressway. If any property is determined to be surplus to requirements, then NZTA needs to confirm with other Government Agencies (i.e. Council) whether they require the property for any Public Work. If the land is not required for public work the disposal of the property follows a statutory process set out in the Public Works Act 1981. Throughout this process Land Information New Zealand is required to make independent decisions on offering the land back to the former owner/s or their successor/s and offers to Iwi. If both former owner/s or their successor/s and Iwi decline their offers then the land is placed on the open market for sale. This land is called the Proposed New Residential Area for the purposes of this report.
- 18 Most of this land (in the Proposed New Residential Area) is zoned residential under Council's District Plan and has been since 1995 with a small amount zoned Rural. See Appendix 4 for plan outlining the different zones.
- 19 The District Plan allows the development of up to 4 dwellings on a lot (if subdivision standards can be met) as a permitted activity. Further subdivision of the residential land could potentially result in approximately 250 houses in the area to the rear of properties in Harry Shaw Way. Development of this land could occur with access from Harry Shaw Way, Matai Road, Leinster Avenue and/or Poplar Avenue depending on the eventual desire of a future landowner.

Key concerns raised in submissions

- 20 A table outlining all submissions received and officer's comments/responses is included at appendix 8. The main points raised through the consultation process are discussed below.

Future Connections to Surplus NZTA Land

- 21 Submitters do not want a road to be built on the land on Harry Shaw Way to service a Proposed New Residential area (see NZTA Surplus Land section above for details of the area).
- 22 Any significant future development of the land (beyond that permitted as of right) would require resource consent. Under this process an assessment of effects would be provided which would, along with other matters, include an assessment of the full range of transport and traffic effects with regard to network integration, road capacity and safety. This assessment would not be limited to the localised effects but would also be expected to include the impacts beyond Harry Shaw Way, such as the intersection with Matai Road.
- 23 Council works with developers at the planning stage of their subdivisions to make sure new road connections are provided to parcels of land by creating local purpose (road) reserves to access future development in the area. This is the case at Harry Shaw Way where, at the time of the original subdivision, the land was designated as local purpose (road) reserve for potential road access to developments in the area.
- 24 Urban form is a major influence on how successfully an urban area functions. The form and function of an urban area affect its ability to fulfil needs of the immediate and wider community for living, work, economic, social, recreation and educational purposes.
- 25 How well those needs are met depends in part on:
- accessibility to key locations such as the local town centre, schools and recreation areas
 - the integration of new development into the rest of the urban area through roading layout and traffic management, walking and cycling networks, relationship and links to open space, and the careful use of natural features
 - managing possible conflicts between new residential developments and any existing uses nearby such as commercial or industrial activity, and
 - the efficient use of infrastructure, including the existing wider road network.
- 26 As stated above, development of this land could occur with access from any or all of Harry Shaw Way, Matai Road, Leinster Avenue and Poplar Avenue. Limiting the access to the Proposed New Residential Area to only the roads towards the southern end of will have an effect on the future residential development. The management of traffic effects is considered in the context of those effects on the immediate environment, eg Harry Shaw Way, but also, importantly, the effects on the wider road network. Restricting road access to fewer points would be expected to have a consequential effect of increasing the traffic effects at other points of the network, eg Leinster Avenue and Poplar Avenue.

- 27 The Council facilitates the efficient development of vacant residentially zoned land in the district through planning mechanisms such as the land designated as local purpose reserve (road) at Harry Shaw Way. Development can occur provided the rules of the District Plan are followed and appropriate planning consent is granted.

Loss of Dog Walking Area and Access to Open Space

- 28 Submitters object to the revocation due to the loss of the current informal public walkway from Harry Shaw Way to Poplar Avenue and would like Council to acquire some of the surplus land to designate as an unleashed dog exercise corridor. There is also concern at the loss of open space available for use by residents in the street.
- 29 The current walkway used by dog walkers in the area is not in Council ownership. Access has been permitted by NZTA until such time that the Expressway is built. M2PP have erected their site fences to allow continued access to the land at the rear of Harry Shaw Way while construction is being undertaken.
- 30 In response to submissions, in January 2015 officers informed all submitters that; "Council is due to review its Dog Control Policy and Bylaw in 2018. Unleashed dog exercise areas within the district will be reviewed at this time. The public will have an opportunity to comment and provide suggestions on new areas as part of that review. In the meantime if you wish to complete a submission to the Long Term Plan regarding dog exercise areas, consultation commenced in March 2015 and the submission period ends on 24 April 2015. Further information about the Long Term Plan process can be found on Council's website at www.kapiticoast.govt.nz".
- 31 Council's Open Space Strategy (2012) sets a standard that 85% of residential dwellings in an urban area are within 400 metres of a publicly owned open space. The Strategy does not distinguish between the different types of open space, eg river walkway, playground, bush reserve. The map at Appendix 6 shows the 400m buffer around the Council owned open spaces at Sams Way (tennis courts) and Lorna Irene Drive (playground.) All residents in Harry Shaw Way fall within the 400m area. It is recognised these two spaces do not permit dogs but it is also acknowledged there are a limited number of areas in the District where dogs can be exercised on public open space off leash. Those nearest to Harry Shaw Way are the designated tracks in QE Park, Wesley Knight Park, Eatwell Avenue Reserve and an area of Weka Park.

Road Width of Harry Shaw Way

- 32 Submitters believe Raumati Estate was not designed to cater for any more homes and the narrow access from Matai Road has already been designated by Council as unsuitable to sustain any more traffic than is currently using the road. They also believe Harry Shaw Way is too narrow to carry more traffic and is often reduced to one lane when cars are parked in the street.
- 33 Harry Shaw Way has a road width (boundary to boundary) of approximately 17m. It has a carriageway width of 7.4m and footpaths and berm on both sides. According to NZS 4404:2010 the road is wide enough to accommodate additional traffic. The exact quantum of this would need to be determined and evaluated through an assessment of the effects of future development on the transport network.

Covenant on Harry Shaw Way

- 34 Submitters have suggested a covenant is placed on the land if it is sold to NZTA to prevent vehicle access through the land in the future and also to prevent the removal or significant lowering of sand hills in the area.
- 35 If Council were to place a covenant on the land, to prevent the land from being used as a road in the future, it would be contrary to Council's previous decision to recommend that the land be designated as local purpose reserve (road) when the land was originally subdivided. This option would prevent access to the land and is not recommended.

No requirement for NZTA to acquire Puriri Road

- 36 One submitter has discussed the land at Puriri Road with NZTA over the last few years. NZTA's requirements for the land have changed from a possible CWB link to dealing with stormwater management. The submitter has been told by staff at NZTA that the land is not required by NZTA.
- 37 M2PP are working on stormwater issues in the area with the involvement of Council officers. This has not been solved and further plans are being developed to ensure storm water is dealt with appropriately. The land is still required by NZTA for the project.

Option 1: Recommend to not uphold the objections and continue with revoking the reserve status of the three land parcels.

- 38 Under this option the Council would not uphold the objections and would recommend to the Minister of Conservation to revoke the reserve status of all three parcels of land. If the Minister agrees the land will be disposed of to NZTA as per the MOA.
- 39 This option is supported by the MOA between Council and the Crown to revoke and dispose of the land for use in connection with a road.
- 40 Officers believe a number of the concerns raised by the residents will be addressed through formal Resource Management Act planning processes for future development of the residential area. The land will continue to be used for the original intended use, road purposes through a CWB and a potential road to vacant land holdings in the rear.
- 41 This is the recommended option. The consultation process has not brought to light any compelling reason why the reserve should not be revoked.

Option 2: Recommend to uphold objections, the process ends.

- 42 If the Council upholds the objections, the process ends and the reserve status of the lands will not be revoked.
- 43 Issues raised by the submitters are either not relevant to the reserve revocation process (ie requesting Council acquire land from NZTA for dog walking areas) or they have not provided evidence to support their submissions (ie road width not able to support additional traffic).
- 44 The land was originally transferred to Council and held for future access to vacant land holdings in the area and the revocation will allow this access to continue in the future.

Option 3: Recommend to not uphold objections but place a covenant on HSW before revoking the reserve status.

- 45 Under this option the Council would not uphold the objections and would recommend to the Minister of Conservation to revoke the reserve status of all three parcels of land but register a covenant on the land at HSW restricting a road to be developed on the land in the future.
- 46 Before submitting to the Minister, Council would need to amend the MOA (with NZTA approval) to reflect the covenant on the land. A further valuation would be required as the land would be devalued with such a restriction on place; the original valuation was done with no restrictions on the land. It is considered unlikely NZTA would agree to the covenant being registered on the title and would present the Council with unnecessary legal risk regarding the current terms of the MOA.
- 47 As previously noted the land was originally transferred to Council and held for future access to vacant land holdings in the area. This option would prevent this from being realised.
- 48 This option is not recommended.

CONSIDERATIONS

Policy considerations

- 49 There are no policy implications.

Legal considerations

- 50 Department of Conservation (DOC), Council's legal department and external solicitors have been consulted throughout this process.
- 51 Section 24 of the Reserves Act 1977 outlines the process to revoke reserve statuses. Section 24 (2) (b) requires the Council to seek feedback from DOC prior to commencing a proposed revocation. DOC responded on 8 October 2014 (see appendix 7) confirming the process to follow when undertaking a reserve revocation. This process has been followed.
- 52 Council's solicitors will continue to be involved in any further steps of the process.

Financial considerations

- 53 If the proposed reserve revocation process is successful Council will dispose of the land to the Crown at market value. These values were agreed when the MOA was signed through a valuation process as prescribed by the Public Works Act 1981. The total value of all three parcels of land is \$271,000.
- 54 Under the Reserves Act 1977 the Minister of Conservation may advise how the Council spends the sale proceeds. Officers propose to pay the net proceeds of the disposals into the Reserves Development Fund for the purposes of acquiring new reserves or developing our reserves networks. This is common practice by other Councils across the country and will be acceptable to the Minister.
- 55 The Crown is liable for all reasonable costs involved in revoking the reserve statuses.

Tāngata whenua considerations

- 56 Tāngata whenua were consulted as part of this process and have not responded with any issues.

SIGNIFICANCE AND ENGAGEMENT

Degree of significance

- 57 This matter has a low level of significance under Council policy and does not concern a strategic asset.

Publicity

- 58 All submitters were advised of the Council meeting and given the opportunity to attend.
- 59 A letter will be sent to all submitters once a decision has been made by the Minister of Conservation (if applicable).

RECOMMENDATIONS

That the Council:

- 60 Not uphold the objections to the reserve revocation of 27 Harry Shaw Way (WN54D/864), 31a Puriri Road (WN50D/559) and an isolation strip on Kapiti Road (WN44B/399) pursuant to Section 24 of the Reserves Act 1977.
- 61 Authorises the Chief Executive to complete all further steps to complete the reserve revocations.

Report prepared by **Approved for submission** **Approved for submission**

Nicky Holden

Tamsin Evans

Sean Mallon

**Corporate Property
Manager**

**Group Manager
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ATTACHMENTS

- 1 Aerial of 31a Puriri Road, Waikanae
- 2 Aerial of an isolation strip on Kapiti Road, Paraparaumu
- 3 Aerial of 19 and 27 Harry Shaw Way and Lot 2 DP 4850, Raumati
- 4 Aerial of potential surplus land between Fincham Road and Poplar Avenue owned by NZTA
- 5 2 February 2006 letter to residents in Harry Shaw Way
- 6 Recreational spaces within a 400m buffer of Raumati Estate
- 7 DOC letter dated 8 October 2014
- 8 Table outlining submissions and officers comments/responses

Table: Submission Summary

Appendix 8

#	Name	Submission Key Points	Officer Comments/Response
1	Dr Chris Dearden – Puriri Road	<ul style="list-style-type: none"> • Can't ascertain any reason for the proposed change in reserve status. • The land is road and was given road reserve status for a reason. • No reason to change the status since the existing property rights will remain regardless of the property owner. The road remains a road – so why change its road reserve status in the first place? • Section 24 2b (Reserves Act 1977) states the public notice...must specify the reason for the proposal. There was no indication in the notice or letter from Council as to what the reason is. • The submission outlines the different options/uses of the land that M2PP have investigated over time, i.e. access for Cycleway, Walkway and Bridleway (CWB), holding area for contaminated water, which have since been discounted. • Question of repairs of the road and who is liable. Submitter would prefer to deal with Council over these in the future than NZTA. • The three private properties (if NZTA dispose of 45 Puriri Road) will use this land as access to their land and therefore it would seem anomalous that NZTA own the access from the properties to the road. 	<ul style="list-style-type: none"> • M2PP are working on storm water issues in the area with the involvement of Council officers. This has not been solved and further plans are being developed to ensure storm water is dealt with appropriately. The land is still required by NZTA for the project for this reason. • The public notice stated the land is required by NZTA for use in connection with a road, ie storm water purposes. • While Council is the current owner of the land there is no future requirement for Council to own a private road that services three private lots. The easement registered on the land will transfer with the title to any future owner and will not affect the access required to each property. • The easement deals with on-going maintenance requirements. Any additional work required due to trucks crossing the land should be met by NZTA. • Officers believe it is not necessary to retain the status of road reserve as the land will revert to single private ownership and as such could be provided again at a future date to enable road access to Puriri Road for development if necessary. The siting/position of an access road along Puriri Road is not critical as the road is straight and level and an access could be provided at any point along this road. The only controlling factor being property ownership on Puriri Road, which a prospective land developer could acquire through private negotiation.

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| | <ul style="list-style-type: none">• Nobody within NZTA can see any reason why NZTA might want to own the land (that the submitter has spoken to).• There are flooding issues with properties in the area. NZTA have agreed to build a new drain down the edge of the land and lay pipes which will connect with the storm water drains in Puriri Road which will improve drainage and future flooding in area. Council could own the land and allow NZTA to do the works on the land.• If NZTA were to sell the land along with 45 Puriri Road (if this process is successful) then Council would have to buy it back again. So the whole process to sell and purchase is a waste of time and resources. If Council refuses to purchase it then NZTA will be left with land that has no connection with any other piece of their land to maintain.• Additional comments at verbal presentations to Council on 24 February 2015:• The submitter had spoken to NZTA representative the day before who said Council had declined the storm water option through the land. | |
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2	91 residents of Raumati Estate – Harry Shaw Way	<ul style="list-style-type: none"> • Objection Lot 28 – General. • Do not object to an access cycleway or walkway through the land. • Do not want a road to be built on the land to a service a Proposed New Residential area. Council should make a plan for future access before the land is developed. Council should also purchase some of the land as recreation or sporting areas for use by all Kapiti Residents. • Raumati Estate was not designed to cater for any more homes and the narrow access from Matai Road has already been designated by Council as unsuitable to sustain any more traffic than is currently using the road. As discussed when the Western Link Road was being contemplated by the Council (in 2006). • HSW is too narrow to carry more traffic, there is already parking issues on the street where it is often reduced to one lane when cars are parked in the street. • A number of residents are elderly and purchased houses here because of it being a quiet street. • Suggest a covenant is placed on the land if it is sold to prevent vehicle access through the land in the future and also to prevent the removal or significant lowering of sand hills in the area. If this is not possible then an easement should be registered in favour of NZTA and its CWB and the land not sold to NZTA. • Why should Council sell the land to help a future developer? 	<ul style="list-style-type: none"> • Any significant future development of land would be subject to the resource consent process whereby Council would expect an assessment of effects would be provided which would, along with other matters, include an assessment of the traffic and transport of a proposed development. Council would expect this to address the full range of transport and traffic effects with regard to network integration, road capacity and safety. This assessment would not be limited to the localised effects but would also be expected to include the impacts beyond Harry Shaw Way, such as the intersection with Matai Road. • Council have planned for new road connections to parcels of land by creating the local purpose (road) reserve off Harry Shaw Way. This could change as part of the development process and as stated above would be subject to separate evaluation of the assessment of effects through the resource consent process. • Harry Shaw Way has a road width (boundary to boundary) of approximately 17m. It has a carriageway width of 7.4m and footpaths and berm on both sides. According to NZS 4404:2010 the road is wide enough to accommodate additional traffic, however the exact quantum of this would need to be determined and evaluated through the resource consent process and an assessment of effects on the transport network. • If Council were to place a covenant on the land, to prevent the land from being used as a road in the future, it would be contrary to Council's previous decision to recommend that the land be designated as local purpose reserve (road) when the land was originally subdivided. Officers do not support this option as it would prevent
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	<ul style="list-style-type: none"> • There should be no need to construct a Bridleway due to conflict between horses and dogs. • Additional comments at verbal presentations to Council on 24 February 2015: • Parking congestion issues in the street • Letter was sent to residents in February 2006 saying road was too narrow for additional traffic. • Change the status of the land to recreation reserve or change both 31a and 19 Harry Shaw Way to residential lots but sell 50m2 to NZTA for the CWB link. • Objects to the communication process undertaken by Council. 	<p>access to land holdings at the rear.</p> <ul style="list-style-type: none"> • Council is facilitating a CWB connection between HSW and the Expressway CWB on the site and future possible road connections to surplus land holdings at the rear. Any future developer wanting to use this land as a road connection will need to go through a resource consent process. • The activity status of any resource consent for subdivision or development of more than 4 dwellings on the surplus land will depend on the specific proposal. Without a specific application officers are unable to comment on whether or not the resource consent would be a notified application. • 2 February 2006 letter is attached as appendix 5. The letter states “that the connection of Harry Shaw Way is no longer under consideration” as part of the Western Link Road connections and is therefore not relevant to this process. There is no planned/road connection to the Expressway from Harry Shaw Way. • The proposed path will appear similar to the Expressway cycleway which permits equestrian activity north of Mazengarb Road (and south of Raumati Road). Officers don’t expect HSW to be a popular area for equestrians and have not planned to prohibit equestrian access through here. • Department of Conservation and legal advice has been sought throughout this process and officers are satisfied legislative requirements have been met regarding the consultation process.
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3	Stuart Thurston – Harry Shaw Way	<ul style="list-style-type: none"> • Supports the Objection Lot 28 – General as detailed above. • NZTA have stated they would not build a sound wall between the Expressway and the “Proposed New Residential Area” and that sound proofing for residential use would be the developer’s problem. Submitter considers this to be disingenuous at best. Further details have been provided in support of this. • Submitter formally objects unless Council staff plan a solution to the problem outlined in Objection Lot 28 – General and that Council require NZTA install a suitable sound wall and that a permit for new residential areas will not be issued until it is done. • Additional comments at verbal presentations to Council on 24 February 2015: • HSW is 7.5 m2 wide and not wide enough for a through road. 	<ul style="list-style-type: none"> • Council has no ability to impose new conditions (ie sound proofing) on NZTA that aren’t already covered by the current designation as approved by the Board of Inquiry. This land is outside the designation and officers are unable to put an encumbrance on the land. This may be dealt with by a future consent. • Harry Shaw Way has a road width (boundary to boundary) of approximately 17m. It has a carriageway width of 7.4m and footpaths and berm on both sides. According to NZS 4404:2010 the road is wide enough to accommodate additional traffic, however the exact quantum of this would need to be determined and evaluated through the resource consent process and an assessment of effects on the transport network.
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4	Julianne Alve and Susan Wall – Harry Shaw Way	<ul style="list-style-type: none"> • Utilises the reserve land as a recreation area and value the open space outlook from their living rooms. • The loss of this land will impact dog owners as it provides an excellent off leash exercise area. • Will significantly alter the family friendly atmosphere. • The loss is counter to the stated intentions of the KCDC District Plan, Section B.13 to preserve public access areas and facilitate community interaction. • Object to a road being built on the land as it will devalue our property and any disruption to the stability of the dunes would potentially destabilise our foundational integrity. Who would be responsible for any retaining that would be required. • We do not oppose an easement being created for a CBW link. • Questions why it is necessary to revoke status if land is only required for a CWB. • Details have been included why they bought the house, atmosphere of Raumati Estate, great amenities and reserve adjacent to their property. 	<ul style="list-style-type: none"> • Officers consider any amenity issues are unlikely to be upheld by the Minister. • The submitter has not provided any evidence that the revocation of the reserve will devalue their property. • M2PP have erected their fences to allow current dog owners access to the land at the rear of HSW while construction is being undertaken. • Council's Open Space Strategy (2012) sets a standard that 85% of residential dwellings in an urban area are within 400 metres of a publicly owned open space. Attached is a map showing the 400m buffer around the Council owned open spaces at Sams Way and Lorna Irene Drive. All residents in Harry Shaw Way fall within the target area. See appendix 6. • If a road is built on this parcel of land it will be subject to consent and engineering requirements.
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5	Robert and Beth Hatten – Harry Shaw Way	<ul style="list-style-type: none"> • Objects to 31a and 19 Harry Shaw Way having their reserve statuses revoked. • Proposes an easement should be granted to NZTA rather than sale for the CWB. • There should be no need to construct a Bridleway. No horses have ever been sighted in the Raumati Estate and horse access would create traffic and other problems associated with horses in a residential area. • If the land is sold to NZTA they could dispose of it for a link road to a housing development at the rear. Raumati Estate was not designed to cater for any more homes and the narrow access from Matai Road has already been designated by Council as unsuitable to sustain any more traffic than is currently using the road. As discussed when the Western Link Road was being contemplated by the Council. • There are other access links from Poplar Ave, Matai Road, Fincham Road or Leinster Ave. 	<ul style="list-style-type: none"> • 19 Harry Shaw Way is shown on appendix 3 and is a local purpose reserve (road) which is held for the same reason as HSW. There is no current proposal to revoke this reserve status. • Council will not own the Expressway CWB after it is built. As per the MOA NZTA requires this land for the CWB, an easement does not give NZTA ownership of the land as they require. • The proposed path will appear similar to the Expressway cycleway which permits equestrian activity north of Mazengarb Road (and south of Raumati Road). Officers don't expect HSW to be a popular area for equestrians and have not planned to prohibit equestrian access through here. • As stated earlier in the report Council would consider transport and traffic matters as part of the resource consent process of which integration with the existing transport network is a key consideration. Access to the transport network is also dependant on the proximity of the land parcel to the network and boundary locations/frontages. With regard to network connectivity NZS4404:2010 - Land Development and Subdivision Infrastructure states that development design shall ensure connectivity to properties and roads that have been developed, or that have the potential to be developed in the future and that the designer shall maximise connectivity to existing development. If an application was received it could have access links at other roads in the area. Until an application is received officers are unable to comment on the preferred access locations.
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6	Margaret Brimblecombe – Harry Shaw Way	<ul style="list-style-type: none"> • Strongly objects if there will be extra vehicular traffic on Harry Shaw Way, if the land will be used as a vehicle connection to the Expressway and if any of the residents or their land will be disturbed. • Does not object if the land is required for a home to be built or pedestrian access. • Supports an easement for pedestrian access in favour of selling the land to NZTA. 	<ul style="list-style-type: none"> • NZTA have confirmed there will be no connection from HSW to the Expressway and the land is required for the CWB and a possible road connection to proposed surplus land in the area.
7	Pete and Kim Haakman – Harry Shaw Way	<ul style="list-style-type: none"> • Concerned that only certain residents were consulted by an official letter from Council. Does not believe a public notice issued validates Council's duty of notification to all affected parties. • Land is important part of our neighbourhood and adds overall aesthetic to our cul-de-sac and used by a wide number of the districts residents for access to a walkway. Will have wide-ranging implications for the entire local community if sold. • Confused why Council is proposing the change. • Have no concern with the proposed change if the land is only used as a CWB. • Objects if the land is to be used by the Expressway contractors to access the construction site. 	<ul style="list-style-type: none"> • Department of Conservation and legal advice has been sought throughout this process and officers are satisfied legislative requirements have been met regarding the consultation process. The consultation period was extended when it became clear many residents wished to make a submission. • NZTA have indicated HSW is required for the CWB and want to own the land the CWB is located on. Future use will be subject to the District Plan rules and regulations as any other parcel of land within the District. • M2PP have confirmed HSW will not be used as an access point for contractors bringing material onto the construction site.

8	79 Individuals- Harry Shaw Way	<ul style="list-style-type: none"> • Object because of the loss of the current public walkway from HSW south to Poplar Ave. Suggest Council either purchase some of the land within the Proposed New Residential Area to ensure retention of the current walkway; or facilitate an agreement with NZTA for continued use as a walkway until the land is developed; and designate it as a dog exercise unleashed corridor. • Further details have been provided around dog exercise areas in the district, Council's policy and the proposal for Council to manage a new unleashed dog corridor. • There is potential for conflict between dogs, cyclists and horses on a CWB network. • Additional comments at verbal presentations to Council on 24 February 2015: • Section b.13 of Council's LTP states Council will protect reserve areas in the district. All residents are to live within 400m to an open space. 	<ul style="list-style-type: none"> • The current walkway used by dog walkers in the area has never been in Council ownership, access has been permitted by NZTA until such time that the Expressway is built. • M2PP propose to mitigate any safety concerns along the CWB with appropriate signage. • Officers have informed all submitters that; "Council is due to review its Dog Control Policy and Bylaw in 2018. Unleashed dog exercise areas within the district will be reviewed at this time. The public will have an opportunity to comment and provide suggestions on new areas as part of that review. In the meantime if you wish to complete a submission to the Long Term Plan regarding dog exercise areas, consultation will commence in March 2015. Further information about the Long Term Plan process can be found on Council's website at www.kapiticoast.govt.nz". • Council's Open Space Strategy (2012) sets a standard that 85% of residential dwellings in an urban area are within 400 metres of a publicly owned open space. Attached is a map showing the 400m buffer around the Council owned open spaces at Sams Way and Lorna Irene Drive. All residents in Harry Shaw Way fall within the target area. See appendix 6.
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