

Make Submission

Consultee

Email Address

Address



Event Name

2018 Easements - Jacks Bush Road - Waikanae

Submission by



Submission ID

JBR-1

Response Date

27/11/18 3:43 PM

Status

Submitted


Submission Type

Email

Version

0.3

Files

Submission - Jacks bush road Waikanae - Proposed easements - 

Are you providing feedback

as an individual

Title

First and last name



Address



Phone



Email



Hearings

Would you like to make an oral submission to Councillors to support your written submission?

Privacy statement

Please note that all submissions (including names and contact details) will be made available at Council offices and public libraries. A summary of submissions including the name of the submitter may also be made

publicly available and posted on the Kapiti Coast District Council website. Personal information will be used for administration relating to the subject matter of the submissions, including notifying submitters of subsequent steps and decisions. All information will be held by Kapiti Coast District Council, with submitters having the right to access and correct personal information. If you do not want your personal information to be published please tick the box below.

Question 1

Do you support or oppose the proposed new easements over the Local Purpose Reserve? Support

What aspects of the proposal are you neutral towards (if any)?

We live at [REDACTED] and fully support what is being proposed with two sections having easement access onto Jacks Bush Road. This all seems very reasonable as the generously proportioned sites naturally orientate themselves towards Jacks Bush Road. Its great that this can all be achieved without having to do any major earthworks and it leaves the reserve intact. We think that this is a positive move that will help tidy up the area and make Jacks Bush Road an even more attractive place to live.

Jeffrey Clement

From: [REDACTED]
Sent: Tuesday, 6 November 2018 2:43 PM
To: Mailbox - Submissions
Subject: KCDC submission - Jacks Bush Road, Waikanae- Proposed easements

We live at [REDACTED] and fully support what is being proposed with two sections having easement access onto Jacks Bush Road. This all seems very reasonable as the generously proportioned sites naturally orientate themselves towards Jacks Bush Road. It's great that this can all be achieved without having to do any major earthworks and it leaves the reserve intact. We think that this is a positive move that will help tidy up the area and make Jacks Bush Road an even more attractive place to live.



Make Submission

Consultee

Email Address

Address



Event Name

2018 Easements - Jacks Bush Road - Waikanae

Submission by



Submission ID

JBR-2

Response Date

27/11/18 3:49 PM

Status

Submitted


Submission Type

Email

Version

0.3

Files

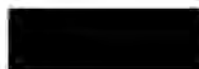
Submission - Jacks bush road Waikanae - Proposed easements - 

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Title

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Email



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Question 1

Do you support or oppose the proposed new easements over the Local Purpose Reserve?

Support

What aspects of the proposal are you neutral towards (if any)?

In response to the KCDC letter dated 1 November 2018 relating to the proposed easements over the reserve land at Jacks Bush Road, Waikanae. We live at [REDACTED] which is [REDACTED] [REDACTED] [REDACTED] We are making our submission in support of the proposed easements and the associated proposed subdivision with two lots having direct access off Jacks Bush Road. The proposals will see the land logically and sensibly developed and enhance the overall character of Jacks Bush Road. In summary we fully support the proposals.

Jeffrey Clement

From: [REDACTED]
Sent: Sunday, 4 November 2018 6:10 PM
To: Mailbox - Submissions
Subject: KCDC submission - Jacks bush road, Waikanae - Proposed easements

In response to the KCDC letter dated 1 November 2018 relating to the proposed easements over the reserve land at Jacks Bush Road, Waikanae. We live at [REDACTED] which is [REDACTED] [REDACTED]. We are making our submission in support of the proposed easements and the associated proposed subdivision with two lots having direct access off Jacks Bush Road. The proposals will see the land logically and sensibly developed and enhance the overall character of Jacks Bush Road. In summary we fully support the proposals. [REDACTED]

Sent from Yahoo Mail for iPhone

Make Submission

Consultee

Email Address

Address



Event Name

2018 Easements - Jacks Bush Road - Waikanae

Submission by



Submission ID

JBR-3

Response Date

27/11/18 3:54 PM

Status

Submitted

Submission Type

Email


Version

0.10

Files

FW Jacks Bush - granting of easements.msg

KCDC 1 Nov 18 Jacks Bush.pdf

Submission on Easement Jacks Bush reserve - .pdf

Submisson.pdf

Are you providing feedback

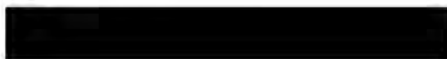
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Title

First and last name



Address



Email



Hearings

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Question 1

Do you support or oppose the proposed new easements over the Local Purpose Reserve? Support Oppose

What aspects of the proposal are you neutral towards (if any)?

Refer to email addressed to Ms Eugenie Sage - Minister of Conservation (attached), also: I object to the granting of easements over Reserve land for the following reasons: 1. Increase in traffic noise The area is already suffers from a high level of traffic noise because of a very noisy NZTA expressway due to its geometry, design etc A 20 % increase of traffic on and off Ngarara Road onto Jacks Bush will increase the amount of noise from this intersection by 20%. Road intersections are particularly noisy because of vehicle linear and angular accelerations and decelerations 2. My neighbours do not want it 3. For the reasons in [redacted] letter to the Department of Conservation attached. I know it's not taken into consideration, but I would like to record that: 1. It should be remembered that the developer is trying to maximise their profits by minimising their costs. In this instance it is at the expense of the Jacks Bush residents and near neighbours. The developer has even implied if the easements are not granted the alternative development he will do will be much 'worse' 2. From our point of view council officers continually fail to look after the interests of existing residents • it appears that the Council prioritises providing opportunities for developers over the well being and wishes of the existing rate paying residents. This could be because the Council is dependent on 'growth' to pay for its current very high levels of debt. • The Parks and Reserves Planning officer does not seem interested in protecting the Jacks Bush Reserve. In fact the Council is seemingly being against this type of Reserve - hence wanting to take back that which has already been paid for. The Councils position surprises me as town planners have used the 'inch' Reserve to achieve desired outcomes for decades. • Previously during an Expressway meeting I asked that a Council planner be our advocate and act to prevent a proposed expressway design change that required consenting. The proposal requiring consent was to change the design from ' Smithfield Road passing over the the top of the expressway' to 'elevating the expressway above the local road' . The Council planner was not prepared to do so. So now we live [redacted] very noisy elevated expressway passing over what is an infrequently used hence quiet road. Elevating roads allows them to broadcast the noise they generate much further (as an individual wishing to be heard would get on a stage or soap box - not descend into a well) 3. Legally protected areas were respected when aligning the Expressway which was a road of national importance. The route the expressway takes deviates [redacted] because of a Queens covenant. Hence we think it is totally reasonable to respect the current legal status of Jacks Bush Reserve

You can send us extra pages if there isn't enough space on this form to say everything you want to tell us. Please make sure you put your name and contact details on each sheet you send us.

Note: Attachments are limited to 10mb

You can attach a document with further comments Submission.pdf
to give all the feedback you want to.

01 November 2018

To the Householder

Dear Resident

INVITATION TO SUBMIT

Proposed new easements over reserve land within the Kāpiti Coast District

Kāpiti Coast District Council is considering granting new easements over part of Local Purpose Reserve at Jacks Bush Road, Waikanae, being Lot 12 DP 344901 (CFR 274608) to two proposed new lots that may be created from existing Lot 2 DP 82054.

The proposed new easements are for the purposes of right of ways, and for rights to convey electricity, telecom and computer media; and would be subject to a resource consent application to create the two proposed lots being approved through the regulatory processes, and the associated deposit of survey plans.

Pursuant to Sections 119 and 120 of the Reserves Act 1977, Kāpiti Coast District Council, as owner and administering body, will consider granting the proposed new easements under section 48 of the Reserves Act 1977.

You are invited to lodge written objections or submissions on the proposed new easements. Some background information is available in the Report to Council CS-18-634 on the Kāpiti Coast District Council website.

If you are interested in lodging a written objection or would like to make a submission, please do this:

- Online at kapiticoast.govt.nz/have-your-say
- By posting to: Kāpiti Coast District Council
175 Rimu Road
Private Bag 60601
Paraparaumu 5254
- By emailing submissions@kapiticoast.govt.nz

All submissions must be received by 4pm on Friday 30 November 2018.

Yours sincerely

Kate Brown
PARKS AND RESERVES PLANNING OFFICER

11/11/18

Ms Eugenie Sage
Minister of Conservation
e.sage@ministers.govt.nz

Dear Eugenie

I wish to alert you to incremental undermining of environmental protection safeguards.

The example highlighting my concern is an application currently before the Kapiti Coast District Council.

A developer is requesting the granting of easements across a Reserve so as to mitigate their development costs.

The Reserve originated as an environmental safeguard installed when creating the Jacks Bush subdivision to protect against future development by restricting access to Jacks Bush road.

Jacks Bush is a stand alone estate of nine properties blending within an ecological zone. The safeguard Reserve is to provide environmental protection and gives certainty to the residents who bought into the Jacks Bush concept.

Following engagement with the Council the developer has now tabled an application requesting easements across this safeguard Reserve, so as to access additional properties onto Jacks Bush road.

This is in direct conflict with the original intent of the safeguard Reserve 'to restrict access to Jacks Bush road'.

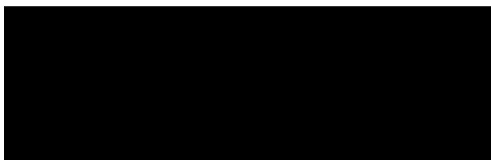
That the process has progressed this far without

- formal consultation with the Jacks Bush residents and
- acceptance by Jacks Bush residents

raises concern whether Council as Crown delegate is exercising the appropriate direction in managing Reserves.

I request your assistance, as Minister of Conservation, in ensuring the original intent of the safeguard Reserve is upheld and that the council reverses its recommendation and advises the developer that their proposal as per the attached report CS-18-634 cannot be endorsed.

Yours sincerely



Attachment Report CS-18-634

cc submissions@kapiticoast.govt.nz

Make Submission

Consultee

Email Address

Address



Event Name

2018 Easements - Jacks Bush Road - Waikanae

Submission by



Submission ID

JBR-4

Response Date

30/11/18 11:57 AM

Status

Submitted

Submission Type

Web

Version

0.4

Files

JBR-4



Are you providing feedback

as an individual

Title



First and last name



Address



Phone



Email

Hearings

Would you like to make an oral submission to Councillors to support your written submission?

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Question 1

Do you support or oppose the proposed new easements over the Local Purpose Reserve?

What aspects of the proposal are you neutral towards (if any)?

Both [REDACTED] Owner/Occupiers would like to make a submission AGAINST the new easements over part of the local purpose reserve at Jacks Bush Road, Waikanae. [REDACTED] Jacks Bush Road and just [REDACTED] [REDACTED] on Ngarara Road. Our objections against the new easements is as follows: 1. This is already a difficult bend for most drivers coming along Ngarara Road, more traffic turning up/or out of Jacks Bush Road could create more hazards for this corner, as drivers do not have a full vision of traffic approaching the bend. 2. Ngarara Road traffic also do not have a clear vision of traffic ahead turning into/or out of Jacks Bush Road until they are more or less on the bend itself 3. We already have a street light outside our front driveway, which shines into our front bedrooms, causing a nuisance. The headlights of traffic coming down Jacks Bush Road at night would create more light disturbance to our front bedrooms. 4. I believe it would be better to spread the load of traffic throughout the driveways available on Ngarara Road, as opposed to putting more traffic at one particular area (Jacks Bush Road/Ngarara Road) especially when the immediate road there can be seen as a hazard. We would like our Submission to be put forward for Council's consideration not to grant new easements over this Road Lot 12 DP 344901 (CFR 274608) to two proposed new lots that may be created from existing Lot 2 DP 82054

You can send us extra pages if there isn't enough space on this form to say everything you want to tell us. Please make sure you put your name and contact details on each sheet you send us.

Note: Attachments are limited to 10mb

You can attach a document with further comments to give all the feedback you want to. [REDACTED]

Make Submission

Consultee	Peter Kettle (83556)
Email Address	peterkettle0@gmail.com
Company / Organisation	Nga Manu Trust
Address	Ng Manu Reserve Road Waikanae 5036
Event Name	2018 Easements - Jacks Bush Road - Waikanae
Submission by	Nga Manu Trust (Peter Kettle - 83556)
Submission ID	JBR-5
Response Date	3/12/18 1:11 PM
Status	Submitted
Submission Type	Letter
Version	0.3
Files	JBR-5 Nga Manu Reserve.pdf

Are you providing feedback

Title

First and last name Peter Kettle

Address

Nga Manu Trust Nga Manu Reserve Road Waikanae 5036

Email peterkettle0@gmail.com

Hearings

Would you like to make an oral submission to Councillors to support your written submission?

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Question 1

Do you support or oppose the proposed new easements over the Local Purpose Reserve?

What aspects of the proposal are you neutral towards (if any)?

Members of the Jack's Road community approached the Nga Manu Trust (NMT) expressing their concern over the proposed easement with the aim of encouraging the NMT to make a submission to the KCDC on this matter. The NMT Board considered the proposal and concluded that it appreciates the concerns of the Jack's Road community regarding possible intensive sub-division and the threats that would pose to the environment in general. It does not wish to make specific comments on the details of the proposal. However, the NMT respectfully requests the KCDC give due regard to the ecological values of Jack's Bush area, recognising the landscape and ecological connectedness of Jack's Bush to the forest and wetland environment within the Nga Manu Nature Reserve. The Nga Manu Nature Reserve is a site of ecological significance (listed as site K133 in Schedule 3.1 of the Appeals Version of the District Plan (March 2018) wherein lies "one of the largest and best examples of swamp forest in the Foxton ecological District". Its ongoing integrity is intimately linked to the similar forest at Jack's Bush, much of which is under QE2 Trust covenant. This protection of the adjacent land from intensive subdivision and maintenance of the integrity of the remnant bush areas under its control will provide benefit for future generations.

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Note: Attachments are limited to 10mb

You can attach a document with further comments JBR-5 Nga Manu Reserve.pdf
to give all the feedback you want to.



Nga Manu

NATURE RESERVE

Nga Manu Reserve Road, Waikanae

Kapiti Coast District Council
175 Rimu Road
Private Bag 60601
Paraparaumu 5254

Re: Application requesting a proposed easement over a Local Purpose Reserve under section 48(1) (of the Reserves Act 1977 (to enable access and services to two additional lots and a boundary adjustment between Lot 2 DP82054 and Lot 1 DP 72861)).

Members of the Jack's Road community approached the Nga Manu Trust (NMT) expressing their concern over the proposed easement with the aim of encouraging the NMT to make a submission to the KCDC on this matter.

The NMT Board considered the proposal and concluded that it appreciates the concerns of the Jack's Road community regarding possible intensive sub-division and the threats that would pose to the environment in general. It does not wish to make specific comments on the details of the proposal. However, the NMT respectfully requests the KCDC give due regard to the ecological values of Jack's Bush area, recognising the landscape and ecological connectedness of Jack's Bush to the forest and wetland environment within the Nga Manu Nature Reserve.

The Nga Manu Nature Reserve is a site of ecological significance (listed as site K133 in Schedule 3.1 of the Appeals Version of the District Plan (March 2018) wherein lies "one of the largest and best examples of swamp forest in the Foxton ecological District". Its ongoing integrity is intimately linked to the similar forest at Jack's Bush, much of which is under QE2 Trust covenant. This protection of the adjacent land from intensive subdivision and maintenance of the integrity of the remnant bush areas under its control will provide benefit for future generations.

Yours faithfully

Peter Kettle

Chairman, Nga Manu Trust

Make Submission

Consultee Guy and Vanessa Simpson (83557)
Email Address guysimpson@xtra.co.nz
Address 205 Ngarara Road
Waikanae
5036
Event Name 2018 Easements - Jacks Bush Road - Waikanae
Submission by Guy and Vanessa Simpson (83557)
Submission ID JBR-6
Response Date 3/12/18 1:27 PM
Status Submitted
Submission Type Letter
Version 0.5
Files JBR-6 Simpson submission attachment three.pdf
JBR-6 Simpson submission attachment two.pdf
JBR-6 Simpson submission attachment one.pdf

Are you providing feedback

Title

First and last name

Guy and Vanessa Simpson

Address

205 Ngarara Road Waikanae 5036

Email

guysimpson@xtra.co.nz

Hearings

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Question 1

Do you support or oppose the proposed new easements over the Local Purpose Reserve?

What aspects of the proposal are you neutral towards (if any)?

We are seeking easements over a tiny strip of local purpose reserve adjacent to Jacks Bush Road to provide access to two new proposed lots situated on our land. A formal application seeking the easements was lodged with the KCDC on 19 September 2018 and for completeness a copy of the application is attached (Attachment 1). Copies of the application have already been circulated to most of the neighbours in the area and we have visited many of them offering to answer any questions/concerns that they may have. We have also considered matters at length, weighed up various options and consulted with many other stakeholders to date. Fundamentally we believe that;

1. The two proposed sites as proposed offer practical building platforms that are of a similar size to other properties in Jacks Bush Road.
2. The two proposed sites naturally orientate themselves towards Jacks Bush Road as they sit to the South of a natural sandhill spine that rises to approximately six metres high.
3. The overall character of Jacks Bush Road will be enhanced if the easements are granted as proposed. We plan to remove the large pine trees that are now becoming dangerous and readily shedding limbs onto the road. We also plan to plant native bush to make the area more uniform.
4. The security in Jacks Bush Road will be enhanced by reducing the areas where visiting vehicles and the public can park/remain in Jacks Bush Road unobserved. To help provide further context to the proposal we have attached a copy of the draft Resource Consent Application - Assessment of Environmental Effects (Attachment 2). We have also sought expert planning advice from Boffa Miskell (Attachment 3) which conclude that the landscape and visual effects of the proposed easements are considered to be no more than minor and that the removal of the pines will result in a positive impact on the ecological site.

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You can attach a document with further comments JBR-6 Simpson submission attachment three.pdf
to give all the feedback you want to.

205 Ngarara Road, Waikanae

Application requesting a proposed easement over a Local Purpose Reserve under section 48(1)(f) of the Reserves Act 1977

Landlink Job No.:	2262
Applicant:	Kanuka Developments Limited
Site Address:	205 Ngarara Road, Waikanae
Proposed District Plan Zone:	Future Urban Development Zone
Legal Description:	Lot 12 DP344901 (Local Purpose Reserve adjoining Lot 2 DP 82054 and Jacks Bush Road)
Proposal:	Application requesting a proposed easement over a Local Purpose Reserve under section 48(1)(f) of the Reserves Act 1977 <i>(to enable access and services to two additional lots and a boundary adjustment between Lot 2 DP82054 and Lot 1 DP 72861).</i>
Report prepared by:	Olivia Campbell, Principal Planner
Report peer reviewed by:	Paul Turner, Principal



Google streetview image Ngarara Road & Jacks Bush Road

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1. THE PROPOSAL AND PURPOSE OF THE REPORT

1.1 Purpose of the Report

This application is made to the Parks and Reserves Department of the Kapiti Coast District Council for the consideration of the application for the grant of a right of way easement over Lot 12 DP 344901, a 20cm wide Local Purpose Reserve strip which separates the southern boundary of Lot 2 DP 82054 and Jacks Bush Road, Waikanae. It is proposed that the Local Purpose Reserve parcel remain and that a right of way over a small, defined area (shown as A&B on the plan in Appendix 1) be sought to allow access to the adjoining land to the north in a controlled manner and at a defined location.

Landlink has had regard for the Council's Significance Policy and determined that the matters addressed in the report do not trigger any of the thresholds in the policy and do not have a high degree of significance. The level of compliance with sections 76-79 of the Local Government Act 2002 (LGA 02) is appropriate to this assessment of significance.

1.2 Reserves Act 1977, Section 48 Legal background and precedent

The Local Purpose Reserve is administered by the Council under the Reserves Act 1977, Section 48 of the Reserves Act – refer Appendix 3. A right of way can be granted under section 48(1)(f) to facilitate access to any land not forming part of the reserve. Public notification may be avoided is, as per section 48(3), where the reserve is not materially altered or permanently damaged and the rights of the public are not likely to be permanently affected. When we consider the purpose that the parcel was created, and the nature of the proposal at hand, we believe that the right of way maintains a peaceful environment and does not materially affect the Reserve and the rights of the public are no likely to be permanently affected.

A 2014 example of a right of way over a Council Local Purpose Reserve under the Reserves Act was considered under report CE-13-996 for access to adjoining land near Paraparaumu Town Centre for Ngahina Trust. This project did not require Ministers Consent, nor public notification.

2. SITE AND SURROUNDING ENVIRONMENT

205 and 211 Ngarara Road, Waikanae, have a combined area of 6.9624ha more or less and are located on the northern side of Jack's Bush Road, and the eastern side of Ngarara Road. The combined sites have an irregular shape with a road frontage to Ngarara Road of approx. 190m, and a road frontage to Jack's Bush Road of approx. 150m. The land is physically quite undulating containing a large dune knoll as shown in the attached contour plans. The Jacks Bush Road southern boundary of the site is bounded by large exotic pine trees which are arguably a threat to the ecosystem of the Jacks Bush Reserve to the south.



Image: KCDC GIS Contours showing site features.

The surrounding area is generally characterised by either established rural properties or residential properties. Situated along Ngarara Road are the Waikanae Swimming Pool, the Waikanae Rugby and Squash Clubs and the Waikanae Cemetery.

The western boundary of the proposed Lot 1 is approximately 230m from the Kāpiti Expressway. The furthestmost south-easterly boundary of proposed lot 4 is under 2 km from the Waikanae Local Centre.



Image: KCDC GIS Aerial showing wider surrounding site environment

3. BACKGROUND

3.1 Resource Consent History and Local Purpose Reserve creation

The subdivision of Jacks Bush Road under reference RM020073 was approved 30th July 2003. An Environment Court Consent Order was issued confirming that consent following an objection by GWRC on ground water issues and some minor amendments were agreed to through that objection process. Landlink was the lead project manager for the subdivision.

When the Jacks Bush Road subdivision was finalised, a small parcel of land, some 20cm wide, was created along the north boundary of the new road as a 'Local Purpose Reserve' strip and vested in the KCDC (Lot 12 DP 344901).

The subdivision Hearing Committee Decision report recorded that "the Applicant submitted "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 Committee agreed with the Applicant's protective purpose of Lot 12. The Local Purpose Reserve was put in place to control future development of the land to the North of Jacks Bush Road (including the subject land).

As discussed above Landlink were involved in that subdivision and a check on the documents confirms that the parcel was created to avoid significantly more traffic using Jacks Bush Road which might require an upgrade to a kerbed road, and because of the effects on flora and fauna caused by more traffic. Condition 16 of the consent described how the spite strip was to be undertaken.

Fifteen years later, the adjoining land is zoned 'Future Urban Development' under the new Proposed District Plan the owner of 205 and 211 Ngarara Road wishes to seek a subdivision proposal enabling a boundary adjustment between Lot 2 DP82054 and Lot 1 DP 72861 (*to facilitate managed development as 'Future Urban' as anticipated under the Proposed District Plan at some point in the future*) and creation of two additional lots in the south western section of the site. This is explained in more detail in section 4 below.

However, the land proposed to be subdivided is currently legally separated from Jacks Bush Road due to the existence of the Local Purpose Reserve (Lot 12 DP 344901), the 200mm wide strip that follows the boundary along the road edge. Hence why the application for consideration of an easement across this reserve is being sought.

3.2 Consultation

Landlink recently consulted with some of the owners within the Jacks Bush development and were advised that they preferred that the reserve strip remain.

3.3 External Consultation

KCDC – Pre-application meeting 2/8/18. Attended by Marnie Rydon, Tapiwa Mbona and Paula Fletcher (all from KCDC), Guy Simpson (client) and Paul Turner and Olivia Campbell (both from Landlink). Consultation was then carried out via email with the Parks and Reserves Department regarding this Reserves application.

4. RATIONALE FOR APPLICATION AND PROPOSAL

4.1 Accompanying Resource Consent for Subdivision

A Resource Consent has been lodged with KCDC as a separate application to be considered independently of this application made under the Reserves Act 1977. For context and transparency, in summary the Resource Consent Application seeks consideration of the following:

1. a two-lot subdivision to create two new allotments along Jacks Bush Road to the south of existing dwellings located at 205 and 211 Ngarara Road, Waikanae. (Proposed lots 3 and 4)
2. Aggregation of the land at 211 Ngarara Road, Waikanae. with the rear of the land at 205 Ngarara Road, Waikanae. (Proposed Lot 1)
3. Consequential reduction of the size of the lot at 205 Ngarara Road, Waikanae (Proposed Lot 2)



Image: Proposed Scheme Plan 2262-P1-001 Rev B

The subdivision will be assessed in the Future Urban Development Zone as a non-complying activity. The land north of Jacks Bush Road is now zoned Future Urban Development in the PDP, now effectively operative for this zone. The land is physically quite undulating and gaining access to the southeast corner from the northeast corner would be considerably more costly and would not lead to a logical urban design outcome.

Lot 1 will have an area of 4.80ha and contains the existing dwelling for 211 Ngarara Road, Waikanae. The land is extensively landscaped around the dwelling with numerous accessory buildings. The remainder of the site is predominately grassed paddocks with some larger vegetation in a cluster.

Lot 2 will have an area of 1.48ha and contains the existing dwelling for 205 Ngarara Road, Waikanae. The land is landscaped around the dwelling with some accessory buildings. The remainder of the site is predominately grassed paddocks, with some trees.

Lot 3 will have an area of 3,443m² and can accommodate a 20m diameter circle, and Lot 4 will have an area of 3,262m² and can accommodate a 20m diameter circle. This is shown on the scheme plan image below. The boundary of both sites with Jack’s Bush Road is planted in large pines.

4.2 Proposed Easement over the Local Purpose Reserve (Lot 12 DP 344901)

The applicant Kanuka Development Limited is seeking KDC’s consent to grant easements for right of way, electricity and telecommunications and computer media over the Local Purpose Reserve (Lot 12 DP 344901) in two adjoining strips A and B, which would in turn provide access to Lots 3 and 4 only (as shown in the plan below). Under this approach the Local Purpose Reserve remains intact for the purpose it was created. 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.

The area shown as Lots 3 and 4 sits to the south of a natural sand dune spine that runs East to West in the area. The sites naturally orientate themselves towards Jacks Bush Road and the proposed formation of these lots would mean that the character of the area was maintained with no earthworks required to form the subdivision. If the KDC was to grant the easements as proposed, then the developer would agree to an Augier condition to;

- Preclude access from the Jacks Bush road direction through Lots 3 and 4 to future Lot 1 by way of a consent notice on the subdivision.
- Permanently fence the boundaries to the North of Lots 3 and 4 to give practical effect to the above.
- Preclude any further subdivision on Lots 3 and 4 for a ten-year period (as was done in the Jacks Bush Road subdivision).
- Remove the large invasive large pine trees and undertake remedial native planting along the road edge.

The above agreements would ensure that the intent of the imposition of the reserve strip Lot 12 DP 344901 imposed under the subdivision of Jacks Bush Road reference RM020073 would remain. The subdivision Hearing Committee Decision report recorded that *“the Applicant submitted “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”.*

Based on the agreements of the applicant above, the conditions would act to create a new buffer protecting the rural character of Jacks Bush road from the potentially more intensive residential development of land to the north anticipated by the Future Urban Zone of the Proposed District Plan (Appeals version).

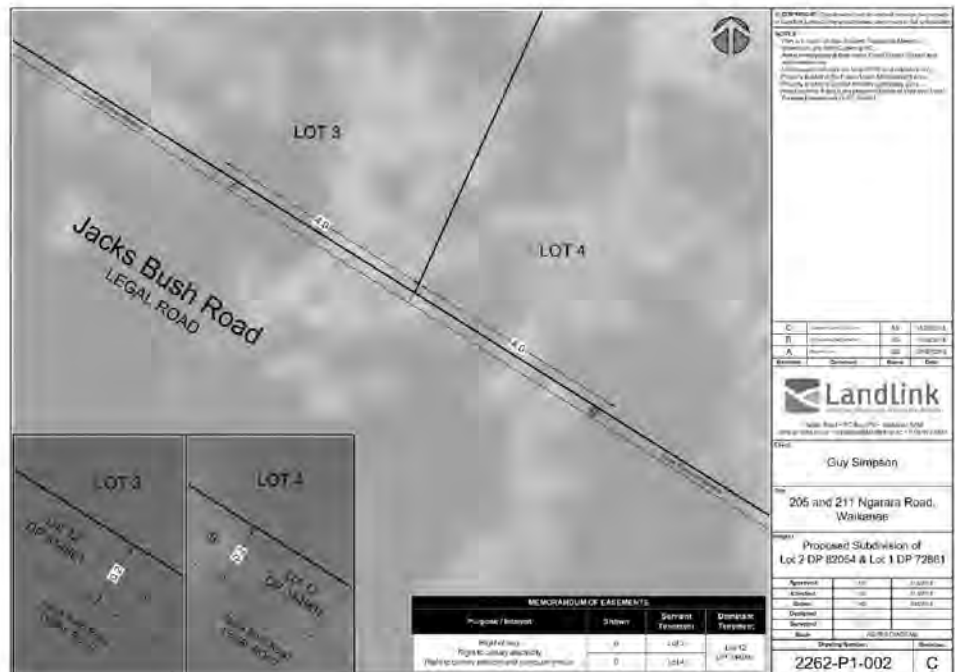


Image: Proposed Easement Plan over Lot 12 DP344901 Local Purpose

5. PROPOSED KAPITI COAST DISTRICT PLAN 2012 (APPEALS VERSION) ZONING AND OVERLAYS

The greater site subject to the Resource Consent for subdivision (submitted independently of this Reserves Application) is zoned Future Urban Development under the Kāpiti Coast Proposed District Plan (Appeals version) 2012. The subject sites are also shown to be within areas identified as:

- Sensitive Natural Features
- Dominant Ridgelines
- Coastal Environment
- Duneland

The application will be assessed as a non-complying activity under rule 7A.5.3 of the Proposed District Plan (Appeals Version) 2012, as the proposal is subdivision in the Future Urban Development Zone.

3.Subdivision of land in the Future Urban Development Zone shown on District Planning Maps a structure plan for the zone has been developed and included as an appendix to this plan.

The Future Urban Development Zone Descriptions and Policies fall under Chapter 7 - Rural Zone within the Proposed District Plan (Appeals Version). The introductory commentary of chapter 7 describes the Future Urban Development Zone as follows:

Future Urban Development Zone

This zone is land identified for future urban growth south of the urban edges north of Waikanae and Ōtaki. In Waikanae North this zone is limited to a small number of existing lots which are adjacent to land in the Ngarara Zone. In Ōtaki the zone extends from the existing residential area to the urban edge. Subdivision in is zone is non-complying until a structure plan has been completed to enable comprehensive low impact urban development.

The implications for development within this zone are explored fully in the Resource Consent application lodged for subdivision independently of this Reserves Act application.

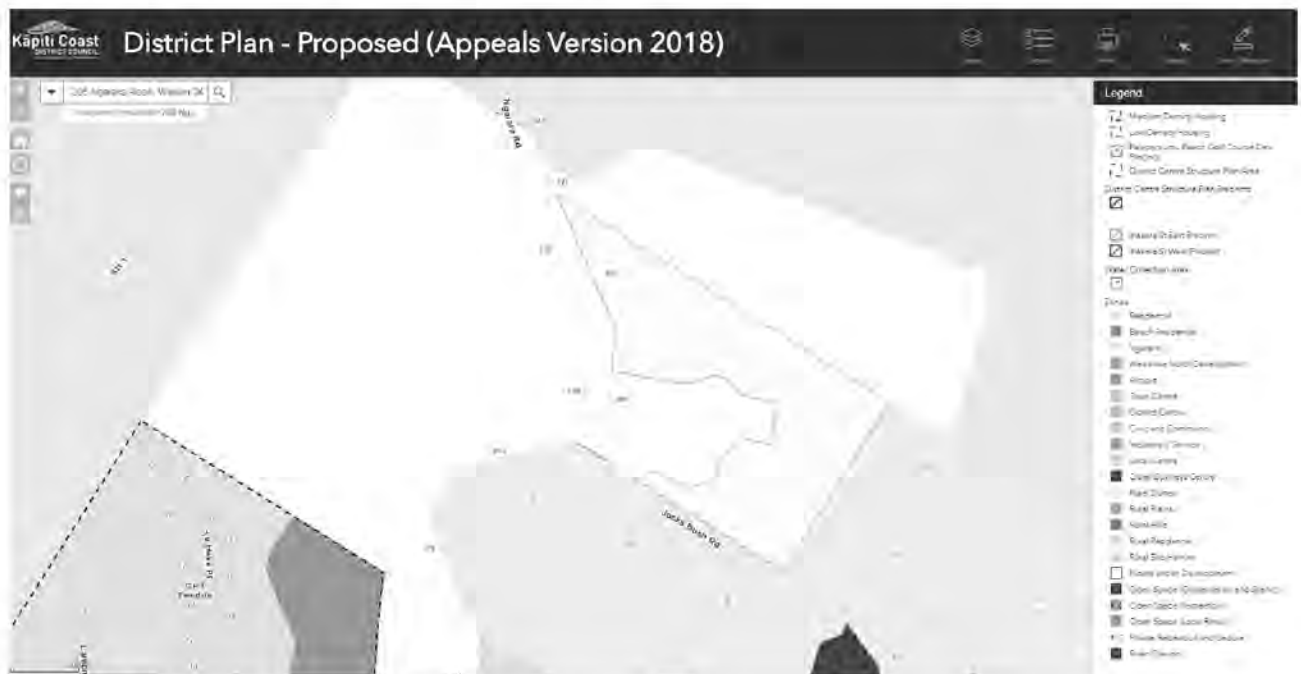


Image: KCDC GIS Zoning PDP (Appeals Version 2018)

6. POTENTIAL IMPACTS ON THE LOCAL PURPOSE RESERVE PURPOSE AND VALUES

The proposed granting of easement for access and service will have a negligible impact on the Local Purpose Reserve as the reserve 'strip' will remain intact. The proposed easement will not materially alter or permanently damage the Local Purpose Reserve. The Local Purpose Reserve itself is physically made up of a 20cm wide grass strip that is indistinguishable from the surrounding land.

The only permanent effect created by granting the easements is to have vehicles passing over it and services located underground within it. The additional traffic created by having two additional lots accessing Jacks Bush Road would be minimal (as explored in the assessment of effects accompanying the resource consent application submitted separately for consideration under the Resource Management Act).



Google Streetview Images Jacks Bush Road: Above looking west towards Ngarara Road, below looking east down Jacks Bush Road



Accordingly, under the Reserves Act the existence of the Local Purpose Reserve will continue to serve its purpose in controlling (but not prohibiting) intensive development including additional traffic. The rights of the public are not permanently affected as the Local Purpose Reserve remains in exactly the same state as it is at present. Any associated services to be contained within the easements will be buried underground and have no practical or visual impact on the Local Purpose Reserve.

Furthermore, the related benefits of the easement creation to facilitate the subdivision would be that the large pine trees on 205 Ngarara (as shown in the images above), which are arguably a threat to the ecosystem of the Jacks Bush Reserve, would be removed, permitting more light to adjoining properties and vegetation, and less chance of wilding pine migration into the ecological site reserve.

The removal of the pine trees and the undertakings to plant native species will enhance the amenity and character of the wider Jacks Bush Road rural residential neighbourhood and align Lots 3 and 4 with the other properties along Jacks Bush Road. Precluding access through Lots 3 and 4 to the North (as proposed by the developer) also creates a further complimentary buffer safeguarding Jacks Bush Road from the effects of any future intensive development.

7. ALTERNATIVE OPTIONS CONSIDERED

The alternative for providing access to Lots 3 and 4 would have been to create rights of way to the other road frontage on Ngarara Road which is approximately three hundred metres away. Additional traffic accessing Ngarara Road would potentially introduce traffic considerations and complicate any future development of the remaining land to the North of Lots 3 and 4.

The land to the north of Lots 3 and 4 is physically quite undulating and gaining access to the southeast corner of the greater site from the northeast corner off Ngarara Road would be considerably more costly, would involve extensive earthworks through a steep and undulating dune landscape which divides the property as shown in the image below, and would not lead to a logical urban design outcome. Therefore, any alternative access arrangements to service Lots 3 and 4, would result in more significant environmental impact than the proposed easement arrangement and may encourage intensive development.

In summary, rights of way to service the area shown as lots 3 and 4 from Ngarara Road to the northwest would be complicated, expensive, change the natural landscape character of the area and be less desirable for any potential future purchasers. Access via the proposed easement is practical, logical and has less than minor environmental effects.



Image: KCDC GIS Contours with alternative access options considered

8. CONSIDERATIONS

8.1 Issues

Without the grant of easements, Lots 3 & 4 will need to provide alternative access via a long length of right of way through undulating steep dune topography resulting in significant earthworks and may allow for unimpeded intensive residential development adjoining Jacks Bush Road. With the grant of easement proposed lots 3 & 4 will have direct access at level grade to the adjoining Jacks Bush Road with no earthworks or landscape change required.

8.2 Terms of the Easement

A draft easement instrument (to be drafted in consultation with Council) will provide for limited vehicular access, and servicing over the areas marked A and B on the Plan (Easement Land). The Council (as Grantor) may wish to pass responsible for maintaining the surface of the Easement Land, at their cost, to the landowner of Lots 3 and 4. The easement instrument may expressly provide that the Council is not required to upgrade or improve the Easement Land, and upgrades will be at the cost of the landowners of Lot 3 and 4, from at the time of registration of the easement instrument.

8.3 Local Government Purpose

Section 10(1)(b) of the LGA 02 states that the purpose of local government is to meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses. Section 10 applies to the Council in performing a function under any other Act to the extent that the application of section 10 is not inconsistent with the other Act (section 13 of the LGA 02).

In this case, the approval of the grant of the easement under the Reserves Act by the Council will facilitate helping to meet the current and future needs of communities for good-quality local infrastructure and local public services through the use of the existing Jacks Bush Road to service the two proposed Lots. The preferred option, to grant an easement over Areas A and B, is considered to be the most cost-effective option for households and businesses in this case because it utilises the existing Jacks Bush road and therefore minimises any formation costs associated with a long right of way through undulating dune landscape.

8.4 Financial Considerations

The costs associated with registering the easement on the titles will be factored into the subdivision costs. The access across the easement does not require any additional works other than standard subdivision requirements of a resource consent to bring it up to the required vehicle crossing standard, so there are no formation costs. In terms of ongoing costs associated with maintenance and upkeep of the access over Areas A and B, the Council may transfer all maintenance costs onto the owners of Lots 3 & 4.

8.5 Legal Considerations

As Lot 12 adjoining Lots 3 & 4 of the proposed subdivision is classified as local purpose reserve, and subject to the Reserves Act 1977, it is requested that the Council consider whether or not to grant the easement under section 48(1)(f) of the Reserves Act.

The power to grant easements under section 48 is subject to the consent of the Minister of Conservation. However, in accordance with delegations from the Minister of Conservation to administering bodies of reserve, the consent of the Minister of Conservation to such an easement may be exercised by the Council.

Public notice of any proposed easement over reserve land is required under section 48(2) of the Reserves Act, except where the reserve is not likely to be materially altered or permanently damaged and where the rights of the public in respect of the reserve are not likely to be permanently affected.

In the present circumstances, it is understood that public notice may be considered appropriate, although given reserve will not be materially altered or permanently damaged and the rights of the public are not permanently affected.

9. RECOMMENDATION

That the Council approves the grant of a right of way easement over Area A & B on Lot 12 DP 344901 as approximately shown on the Scheme Plan attached to this memorandum as Appendix 1 (subject to survey) under section 48(1)(f) of the Reserves Act 1977.

Report prepared by:

Olivia Campbell

Principal Planner

BSc MREP MNZPI

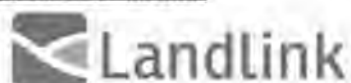
Mobile – 020 4144 0368

Wellington – 1 Ngaio Road + PO Box 370 + Waikanae 5250 + 049026161

Auckland – Level 3 Queens Arcade + 34-40 Queen Street + Auckland 1010 + 098698899

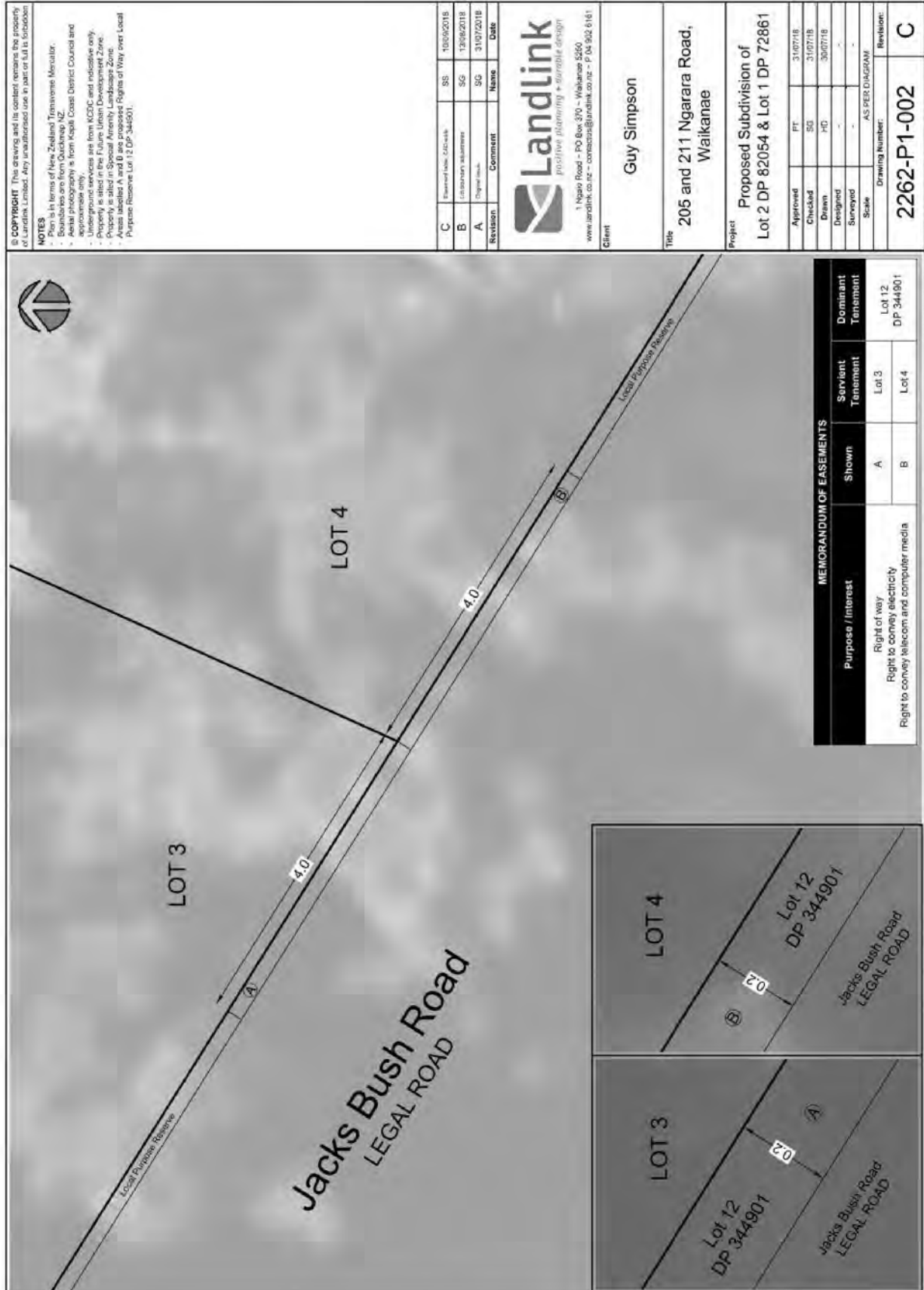
olivia@landlink.co.nz

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APPENDICES

1. Proposed Easement Plan over Lot 12 DP344901 Local Purpose Reserve



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NOTES

- This is in terms of New Zealand's Transactive Model.
- The drawing is based on the information provided to Landlink Limited.
- Aerial photography is from Kapiti Coast District Council and approximate only.
- Underpinning services are from KDCDC and indicative only.
- Property is sited in the Future Urban Development Zone.
- The proposed easement is shown in grey.
- Areas labelled A and B are proposed Rights of Way over Local Purpose Reserve Lot 12 DP 344901.

C	Revised Issue Details	SS	1306/2018
B	Original Issue <td>SG</td> <th>1306/2018</th>	SG	1306/2018
A	Original Issue <td>SG</td> <th>3107/2018</th>	SG	3107/2018

Revision	Comment	Name	Date



1 Ngarara Road - PO Box 300 - Waikanae 5500
 www.landlink.co.nz - contact@landlink.co.nz - P 04 942 6141

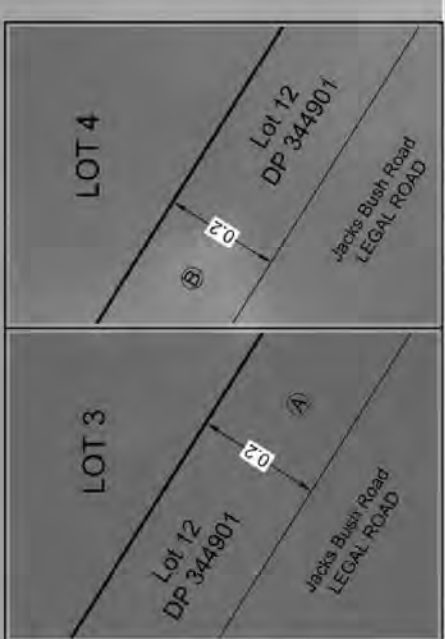
Client
 Guy Simpson

Title
 205 and 211 Ngarara Road,
 Waikanae

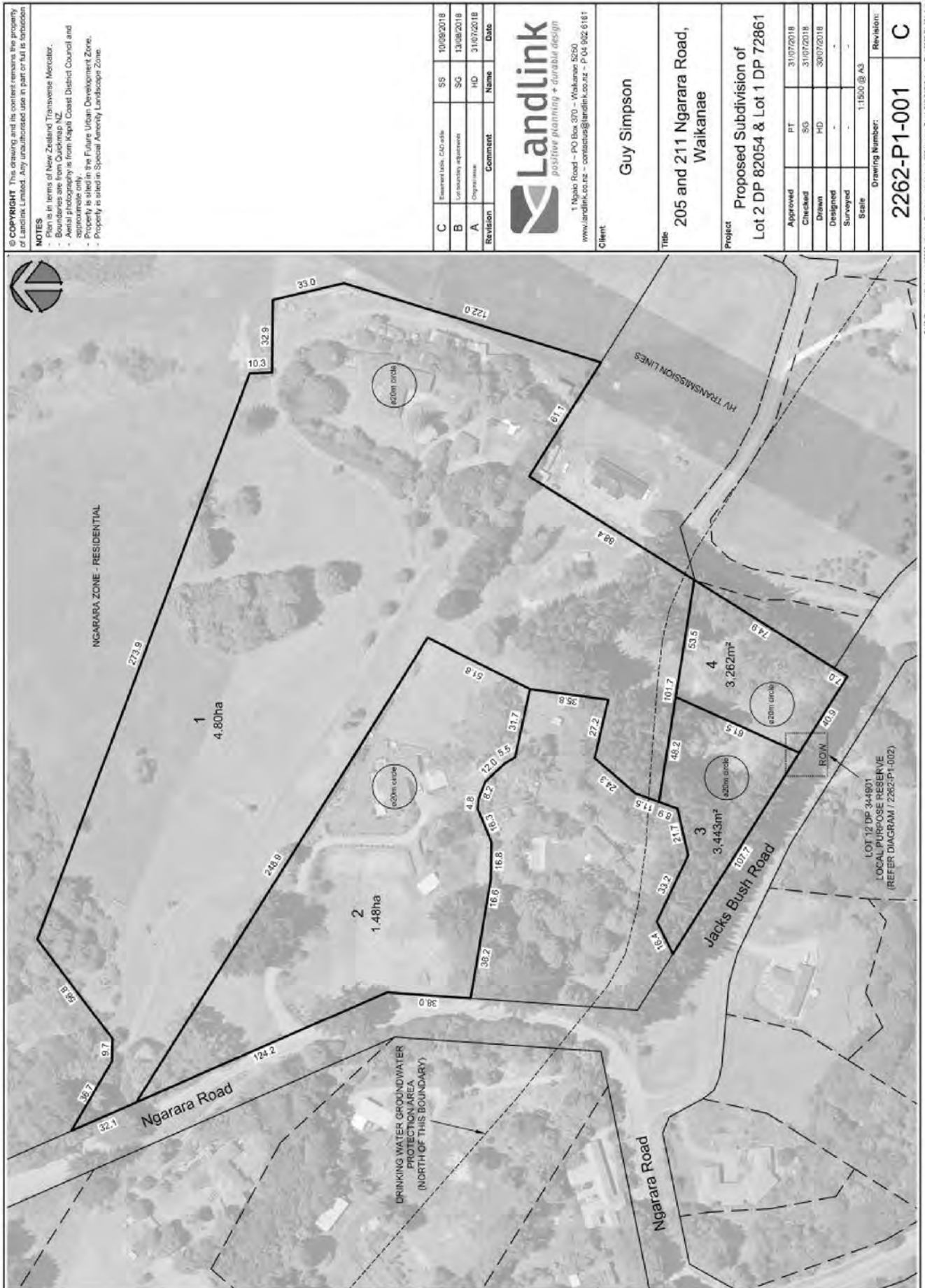
Project
 Proposed Subdivision of
 Lot 2 DP 82054 & Lot 1 DP 72861

Approved	PT	31/07/18
Checked	SO	31/07/18
Drawn	PD	30/07/18
Designed	-	-
Surveyed	-	-
Scale	-	-
Drawing Number: AS PER DIAGRAM		
Revision: C		
2262-P1-002		

Purpose / Interest	MEMORANDUM OF EASEMENTS	
	Shown	Servient Tenement
Right of way Right to convey electricity Right to convey telecom and computer media	A	Lot 3
	B	Lot 4
		Dominant Tenement Lot 12 DP 344901



2. Proposed Subdivision Scheme Plan (refer independent Resource Consent application)



3. Reserves Act 1977 - Section 48



48 Grants of rights of way and other easements

- (1) Subject to subsection (2) and to the Resource Management Act 1991, in the case of reserves vested in an administering body, the administering body, with the consent of the Minister and on such conditions as the Minister thinks fit, may grant rights of way and other easements over any part of the reserve for—
 - (a) any public purpose; or
 - (b) providing access to any area included in an agreement, lease, or licence granted under the powers conferred by this Act; or
 - (c) the distribution or transmission by pipeline of natural or manufactured gas, petroleum, biofuel, or geothermal energy; or
 - (d) an electrical installation or work, as defined in section 2 of the Electricity Act 1992; or
 - (e) the provision of water systems; or
 - (f) providing or facilitating access or the supply of water to or the drainage of any other land not forming part of the reserve or for any other purpose connected with any such land.
- (2) Before granting a right of way or an easement under subsection (1) over any part of a reserve vested in it, the administering body shall give public notice in accordance with section 119 specifying the right of way or other easement intended to be granted, and shall give full consideration, in accordance with section 120, to all objections and submissions received in respect of the proposal under that section.
- (3) Subsection (2) shall not apply in any case where—
 - (a) the reserve is vested in an administering body and is not likely to be materially altered or permanently damaged; and
 - (b) the rights of the public in respect of the reserve are not likely to be permanently affected—
by the establishment and lawful exercise of the right of way or other easement.
- (4) The District Land Registrar for the land registration district in which is situated any reserve in respect of which any right or easement has been granted under this section shall, on the application of the administering body, register the instrument granting the right or easement against any certificate of title that may have been issued for the reserve, and, if the reserve is held on registered lease or licence, any such instrument may be registered in the same way as any dealing with the lease or licence.
- (5) Where no certificate of title has been issued for any reserve over which a right or easement has been granted under this section, the instrument granting the right or easement may be registered with the District Land Registrar in the same manner and with any necessary modifications as any lease or licence of Crown land may be registered under the Land Act 1948.
- (6) Rights of way and other easements may be granted under this section to any person, including, notwithstanding any rule of law to the contrary, the administering body in which the reserve is vested, and, where the right of way or other easement is granted to the administering body, covenants and agreements in respect of any such transaction may be entered into by the administering body in the one capacity so as to bind or benefit the administering body in the other capacity as fully and effectually as if the administering body were a separate person in each capacity.

Section 48: replaced, on 1 July 1996, by section 6(1) of the Reserves Amendment Act 1996 (1996 No 3).

Section 48(1)(c): amended, on 1 October 2008, by section 17 of the Energy (Fuels, Levies, and References) Amendment Act 2008 (2008 No 60).

205 Ngarara Road, Waikanae

Assessment of Environmental Effects

Landlink Job No.:	2262
Applicant:	Kanuka Developments Limited
Site Address:	205 and 211 Ngarara Road, Waikanae
Proposed District Plan Zone:	Future Urban Development Zone
Site area:	6.961ha (3.045ha - Lot 2 DP82054 & 3.916ha Lot 1 DP72861)
Legal Description:	Lot 2 DP82054 and Lot 1 DP72861 (<i>adjoining Lot 12 DP344901 Local Purpose Reserve strip Jacks Bush Road</i>)
Proposal:	Subdivision to create two additional lots and a boundary adjustment between Lot 2 DP82054 and Lot 1 DP 72861.
Report prepared by:	Olivia Campbell, Principal Planner
Report peer reviewed by:	Paul Turner, Principal



Image: Google Earth View perspective of site from west looking east towards Waikanae village.

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Draft - RCA not lodged

EXECUTIVE SUMMARY

Introduction:

The applicant is the owner of 205 Ngarara Road (Lot 2 DP82054) and also 211 Ngarara Road, Waikanae (Lot 1 DP72861205) located within the Future Urban Development Zone. It is the applicant's intention to undertake a boundary adjustment between the two allotments to allow for more comprehensive management of future development in line with the site topography and landscape features, and to create two additional allotments (proposed Lot 3 – 3,443sqm and Lot 4 – 3,262sqm).

The proposed new allotments Lots 3 & 4 are located in a portion of the greater site which is very separate from the remainder of the land holding due to the steep dune topography separating this area from the northern portions of the site. Proposed Lot 3 & 4 will gain access from Jacks Bush Road (over Local Purpose Reserve Lot 12 DP344901 – separate easement application lodged) with notional building areas provided but no proposed earthworks at this time.

The application will be assessed as a non-complying activity under rule 7A.5.2 which expressly lists subdivision of land within a Future Development Zone for which there is no structure plan, as non-complying.

Assessment of Effects

This AEE concludes that the effects on the environment will be less than minor as the new building envelope locations and future dwellings on Lots 3 & 4 will assimilate easily into the dunal hollow areas within this portion of the greater site with no visual or landscape effects, the boundary adjustment between Lots 1 and 2 will provide for effective managed future development of the site taking into account major landscape features in line with the Future Urban Development Zone objectives, and there are no adversely affected parties. Accordingly, the proposal can meet the gateway assessment requirements of s104D of the Act for non-complying activities.



Google streetview image Ngarara Road & Jacks Bush Road

1. THE PROPOSAL

1.1 Description of Proposal and Resource Consents required

This Resource Consent Application seeks consideration of:

1. a two-lot subdivision to create two new allotments along Jacks Bush Road to the south of existing dwellings located at 205 and 211 Ngarara Road, Waikanae. (Proposed lots 3 and 4)
2. Aggregation of the land at 211 Ngarara Road, Waikanae. with the rear of the land at 205 Ngarara Road, Waikanae. (Proposed Lot 1)
3. Consequential reduction of the size of the lot at 205 Ngarara Road, Waikanae (Proposed Lot 2)

The boundary adjustment between Lots 1 and 2 allows for a more comprehensive management of future development of the land in line with the site topography and landscape features, and to create two additional allotments (proposed Lot 3 – 3,443sqm and Lot 4 – 3,262sqm) as shown in the scheme plan image below. The proposed new allotments Lots 3 & 4 are located in a portion of the greater site which is very separate from the remainder of the land holding due to the steep dune topography separating this area from the northern portions of the site.

Proposed Lot 3 & 4 will gaining access from Jacks Bush Road (over Local Purpose Reserve Lot 12 DP344901 – separate easement application lodged) with notional building areas provided but no proposed earthworks at this time. The land is physically quite undulating and gaining access to the southeast corner from the northeast corner would be considerably more costly and would not lead to a logical urban design outcome.

The application will be assessed as a non-complying activity under rule 7A.5.2 which expressly lists subdivision of land within a Future Development Zone for which there is no structure plan, as non-complying. Given the land north of Jacks Bush Road is now zoned Future Urban Development in the PDP, which is now effectively operative for this zone it is reasonable to seek consent for development of this nature to be considered in line with the strategic direction sought and anticipated by the PDP.

Lot Number	Proposed Area (ha)	Existing Lots	Description
1	4.80ha	Existing Lot 1 DP72861 – 3.916 ha	Boundary adjustment to increase size of allotment to facilitate more comprehensive managed future development of more level developable area in the future. Contains Lot 1 will have an area of 4.80ha and contains the existing dwelling for 211 Ngarara Road, Waikanae. The land is extensively landscaped around the dwelling with numerous accessory buildings. The remainder of the site is predominately grassed paddocks with some larger vegetation in a cluster.
2	1.48ha	Existing Lot 2 DP82054 – 3.045 ha	Lot 2 will have an area of 1.48ha and contains the existing dwelling for 205 Ngarara Road, Waikanae. The land is landscaped around the dwelling with some accessory buildings. The remainder of the site is predominately grassed paddocks, with some trees.
3	3,443sqm	New lot	Lot 3 will have an area of 3,443m ² and can accommodate a 20m diameter circle, proposed new allotment accessed from Jacks Bush Road with notional building area – no earthwork consent sought as part of this application.
4	3,262sqm	New lot	Lot 4 will have an area of 3,262m ² and can accommodate a 20m diameter circle. Proposed new allotment accessed from Jacks Bush Road with notional building area – no earthwork consent sought as part of this application.

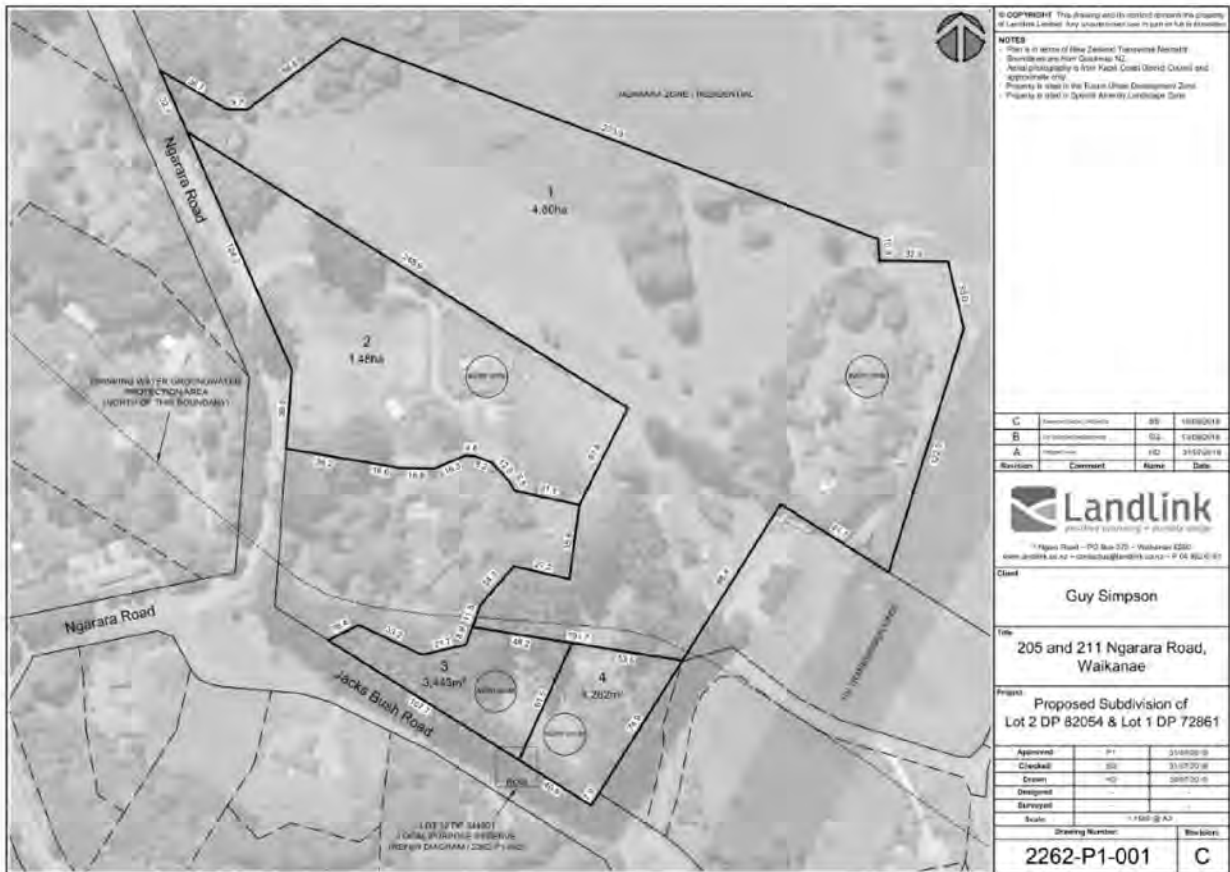


Image: Proposed Scheme Plan 2262-P1-001 Rev C

Roading and access

The existing accesses for Lots 1 and 2 will remain as existing with no change as part of this proposal. Lot 3 & 4 are proposed to gain access from Jacks Bush Road (over Local Purpose Reserve Lot 12 DP3449001). A separate application has been lodged with KCDC under the Reserves Act, Section 48 of the Reserves Act 1977. At the time of lodgement of this resource consent it is understood a report is being considered at the October 2018 Council meeting to consider the matter further independently of this resource management process.

Earthworks and Geotechnical

No earthworks are sought as part of this application, and any required consents will be subject to future applications in the future. Given the known archeological significance of the surrounding Ngarara Road area an Archaeological Assessment report has been prepared and submitted by Mary O’Keefe, Heritage Solutions – **See attachment 4.**

A geotechnical report has been prepared by ABuild Geotechnical Engineers to support the proposed development – **See attachment 6.**

Stormwater infrastructure

Future dwellings to be constructed on proposed lots 3 & 4 will store stormwater as a potable water supply and/or dispose of stormwater to land, to achieve hydraulic neutrality. The viability of this has been assessed by the engineer Dave Munro based on site investigations that are detailed in his report prepared for this application – **See attachment 5.** No changes to the existing stormwater drainage on lot 2 are proposed.

Wastewater infrastructure

Any future development on proposed lots 3 & 4 will require a specifically designed wastewater treatment and disposal system. The viability of this has been assessed by the engineer Dave Munro based on site investigations that are detailed in his report prepared for this application – **See attachment 6**. No changes to the existing wastewater treatment and disposal system on lots 1 & 2 are proposed.

Water supply infrastructure

Any future development on proposed lots 3 & 4 will require a specifically designed water collection, storage and treatment system. The viability of this has been assessed by the engineer Dave Munro based on site investigations that are detailed in his report prepared for this application – **See attachment 6**. No changes to the existing water collection, storage and treatment system on lots 1 & 2 are proposed.

Electricity and Telecommunication infrastructure

Existing electricity and copper telecommunication connections can be reticulated for the proposed new lot as indicated on the scheme plan, where easements have been proposed and requested via the independent s.48 Reserves Act easement application as shown on plan 2262-P1-002.



1.2 Application documents (plans and reference documents)

The proposed subdivision is shown on the Landlink scheme plan for job number 1646 with the drawing number being as follows:

- Proposed Subdivision of Lot 2 DP82054 and Lot 1 DP72861 2262-P1-001 Rev C;
- Proposed Subdivision of Lot 2 DP82054 and Lot 1 DP72861 2262-P1-002 Rev C;

The following information has been provided with the application:

- Application form and Assessment of Environmental Effects prepared by Landlink Limited;
- Archaeological Assessment report - Mary O'Keefe, Heritage Solutions – **See attachment 4**.
- Engineering report Landlink Dave Munro – **See attachment 5**.
- Geotechnical report - ABuild Geotechnical – **See attachment 6**.

2. SITE, SURROUNDING ENVIRONMENT AND RESOURCE CONSENT HISTORY

2.1 Site Description

205 and 211 Ngarara Road, Waikanae, have a combined area of 6.9624ha more or less and are located on the northern side of Jack’s Bush Road, and the eastern side of Ngarara Road. The combined sites have an irregular shape with a road frontage to Ngarara Road of approx. 190m, and a road frontage to Jack’s Bush Road of approx. 150m. The land is physically quite undulating containing a large dune knoll as shown in the attached contour plans. The Jacks Bush Road southern boundary of the site is bounded by large exotic pine trees which are arguably a threat to the ecosystem of the Jacks Bush Reserve to the south.



Image: KDC GIS Contours showing site features.

The surrounding area is generally characterised by either established rural properties or residential properties. Situated along Ngarara Road are the Waikanae Swimming Pool, the Waikanae Rugby and Squash Clubs and the Waikanae Cemetery.

The western boundary of the proposed Lot 1 is approximately 230m from the Kāpiti Expressway. The furthestmost south-easterly boundary of proposed lot 4 is under 2 km from the Waikanae Local Centre.



Image: KDC GIS Aerial showing wider surrounding site environment

2.2 Legal

The property to which this application relates is described legally as follows:

Lot 2 DP82054 (205 Ngarara Road) held within computer register (certificate of title) WN48D/22 has an area of 3.045 ha more or less and is owned by Christopher John Lawton, Guy William Simpson and Vanessa Marie Simpson. Interests on the tile include:

- Electricity and water supply easement – document 5184345.2



Image above: DP82054 Image below: DP72861

Lot 1 DP72861 (211 Ngarara Road) held within computer register (certificate of title) WN38B/637 has an area of 3.9144 ha more or less and is owned by Kanuka Developments Limited. There are no interests on the title.



2.3 Pre-application meeting

A was held at the **Kāpiti Coast District Council** office on 2nd August 2017. The minutes to this meeting are included in as **Attachment 7**. Attended by Marnie Rydon, Tapiwa Mbona and Paula Fletcher (all from KCDC), Guy Simpson (client) and Paul Turner and Olivia Campbell (both from Landlink). Consultation was then carried out via email with the Parks and Reserves Department regarding this Reserves application.

2.4 Consultation

Landlink recently consulted with some of the owners within the Jacks Bush development and were advised that they preferred that the reserve strip remain.

2.5 Resource Consent History and Local Purpose Reserve creation

The subdivision of Jacks Bush Road under reference RM020073 was approved 30th July 2003. An Environment Court Consent Order was issued confirming that consent following an objection by GWRC on ground water issues and some minor amendments were agreed to through that objection process. Landlink was the lead project manager for the subdivision.

When the Jacks Bush Road subdivision was finalised, a small parcel of land, some 20cm wide, was created along the north boundary of the new road as a 'Local Purpose Reserve' strip and vested in the KCDC (Lot 12 DP 344901).

The subdivision Hearing Committee Decision report recorded that "the Applicant submitted "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 Committee agreed with the Applicant's protective purpose of Lot 12. The Local Purpose Reserve was put in place to control future development of the land to the North of Jacks Bush Road (including the subject land).

As discussed above Landlink were involved in that subdivision and a check on the documents confirms that the parcel was created to avoid significantly more traffic using Jacks Bush Road which might require an upgrade to a kerbed road, and because of the effects on flora and fauna caused by more traffic. Condition 16 of the consent described how the spite strip was to be undertaken.

Fifteen years later, the adjoining land is zoned 'Future Urban Development' under the new Proposed District Plan the owner of 205 and 211 Ngarara Road wishes to seek a subdivision proposal enabling a boundary adjustment between Lot 2 DP82054 and Lot 1 DP 72861 (*to facilitate managed development as 'Future Urban' as anticipated under the Proposed District Plan at some point in the future*) and creation of two additional lots in the south western section of the site.

However, the land proposed to be subdivided is currently legally separated from Jacks Bush Road due to the existence of the Local Purpose Reserve (Lot 12 DP 344901), the 200mm wide strip that follows the boundary along the road edge. Hence why a separate application for consideration of an easement across this reserve is being sought (*understood to be considered at the October 2018 Council meeting*).

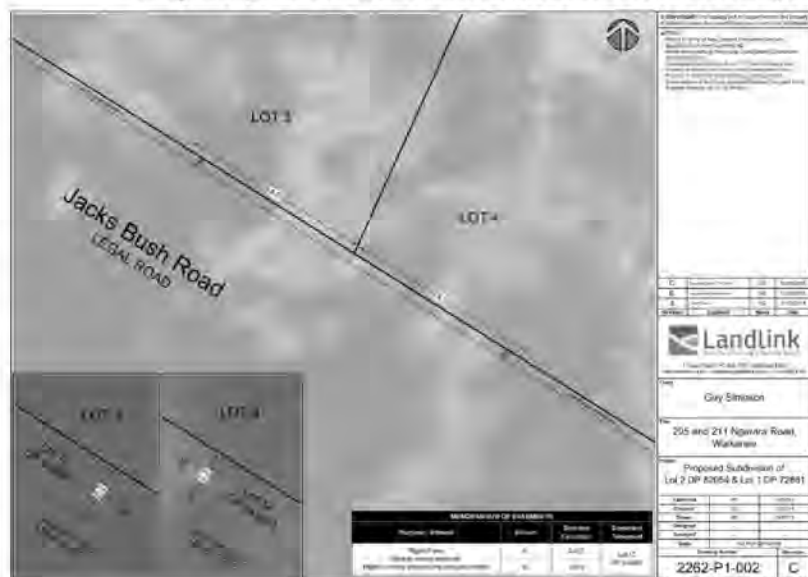
2.6 Proposed Easement over the Local Purpose Reserve (Lot 12 DP 344901)

The applicant Kanuka Development Limited is seeking KDC's consent to grant easements for right of way, electricity and telecommunications and computer media over the Local Purpose Reserve (Lot 12 DP 344901) in two adjoining strips A and B, which would in turn provide access to Lots 3 and 4 only (as shown in the plan below). Under this approach the Local Purpose Reserve remains intact for the purpose it was created. 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.

The area shown as Lots 3 and 4 sits to the south of a natural sand dune spine that runs East to West in the area. The sites naturally orientate themselves towards Jacks Bush Road and the proposed formation of these lots would mean that the character of the area was maintained with no earthworks required to form the subdivision. If the KDC was to grant the easements as proposed, then the developer would agree to an Augier condition to;

- Preclude access from the Jacks Bush road direction through Lots 3 and 4 to future Lot 1 by way of a consent notice on the subdivision.
- Permanently fence the boundaries to the North of Lots 3 and 4 to give practical effect to the above.
- Preclude any further subdivision on Lots 3 and 4 for a ten-year period (as was done in the Jacks Bush Road subdivision).
- Remove the large invasive large pine trees and undertake remedial native planting along the road edge.

Image: Proposed Easement Plan over Lot 12 DP344901 Local Purpose



The above agreements would ensure that the intent of the imposition of the reserve strip Lot 12 DP 344901 imposed under the subdivision of Jacks Bush Road reference RM020073 would remain. The subdivision Hearing Committee Decision report recorded that *“the Applicant submitted “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”*.

Based on the agreements of the applicant above, the conditions would act to create a new buffer protecting the rural character of Jacks Bush road from the potentially more intensive residential development of land to the north anticipated by the Future Urban Zone of the Proposed District Plan (Appeals version).

As stated above, the land proposed to be subdivided is currently legally separated from Jacks Bush Road due to the existence of the Local Purpose Reserve (Lot 12 DP 344901), the 200mm wide strip that follows the boundary along the road edge. Hence why a separate application for consideration of an easement across this reserve is being sought via the Parks and Reserves Department (*understood to be considered at the October 2018 Council meeting*).

Draft - RCA not lodged

3. OPERATIVE DISTRICT PLAN 1999 PROVISIONS

3.1 Kāpiti Coast Operative District Plan 1999

The Kāpiti Coast District Plan sets out the status of the activity within rules, that is whether they are permitted, controlled, restricted discretionary, discretionary, non-complying or prohibited. The Objectives and Policies contained in the District Plan are also important in decision making as they are to be taken into account in the evaluation of the activities.

3.2 Operative District Plan 1999 Zoning and Overlays

The property is zoned Rural under the Kāpiti Coast District Plan 1999, as non-complying for Rural Subdivision.

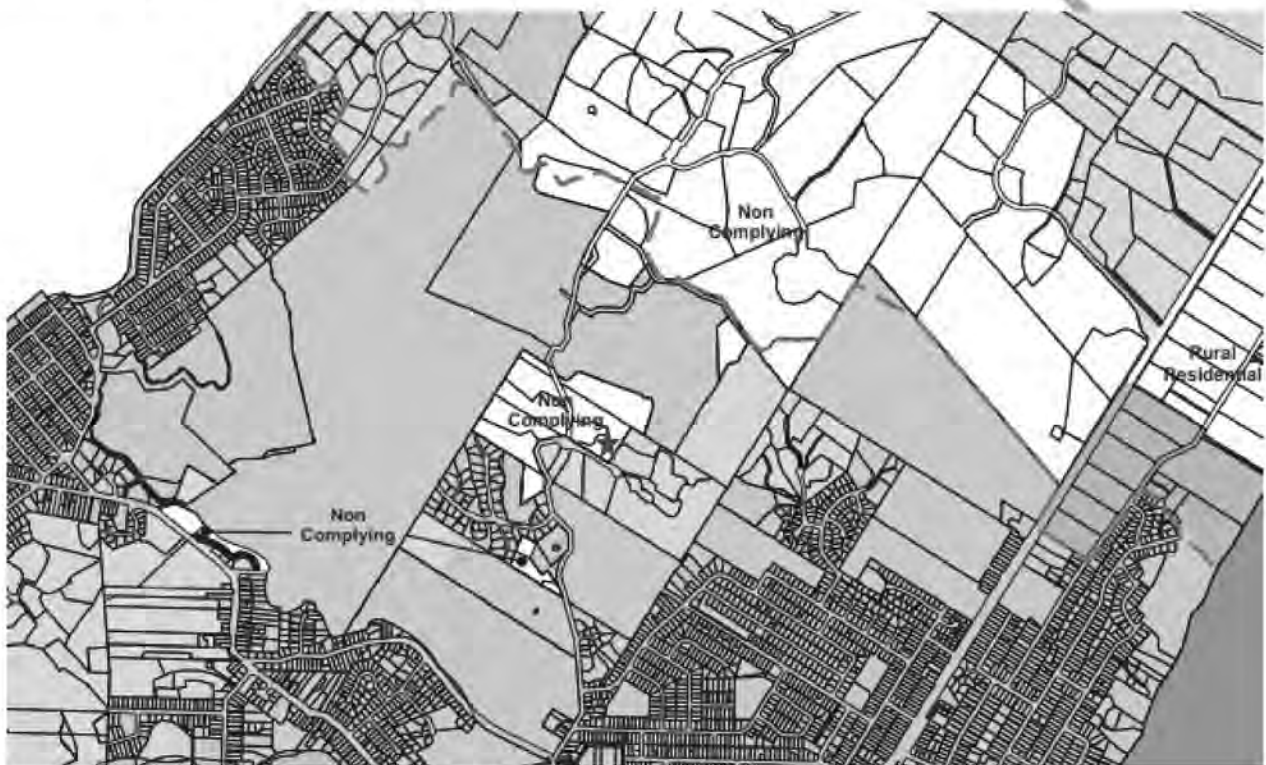


Image – KCDC Map 03 Rural Subdivision

3.3 Operative District Plan 1999 Relevant Rules and Standards

The Rules and Standards that apply to this application are:

D.2.1.4 Non-Complying Activities

(i) – All activities which are not PERMITTED, CONTROLLED, DISCRETIONARY or PROHIBITED.

3.4 Activity Status

The application is for a subdivision resource consent which is assessed as a Non-Complying Activity under Rule D.2.1.4(i). The application has this status as it is identified as Non-Complying on the Rural Subdivision Map 03.

3.5 Operative District Plan Relevant Objectives and Policies

C.2 Rural Zone

Objective 1.0 – General
 Policy 1 – Amenity Values

C.7 Subdivision and Development

C.7.2 Rural Subdivision and Development

Objective 1.0 – General
 Policy 1 – Low Density Character
 Policy 4 – Infill Management: General

C.7.4 Subdivision and Development Principles and Requirements

- Objective 1.0 – General
- Policy 1 – Subdivision and Development Design
- Policy 3 – Underground Services

C.18 Transport

- Objective 1.0 – Efficient and Safe Movement
- Policy 6 – Access and Carparking

See the Operative District Plan for the complete text of the above Objectives and Policies.

4. PROPOSED KAPITI COAST DISTRICT PLAN 2012 (APPEALS VERSION) ZONING AND OVERLAYS

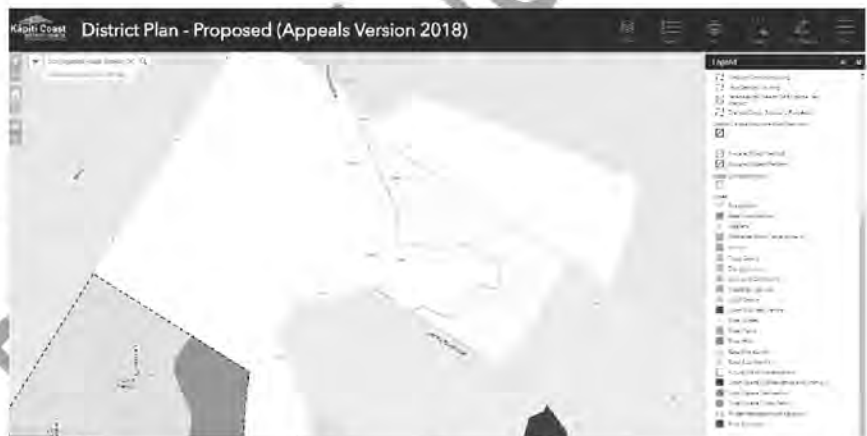
On 29 November 2012, the Council publicly notified the Proposed District Plan 2012 (the Proposed Plan). The Proposed Plan includes a full review of the Operative Plan provisions and marks a major shift in the Council’s approach to resource management in the District. The Proposed Plan has now moved through the public notification, submissions and hearing stages with appeals mediation currently underway. It is anticipated this process could take up to a further 12-18 months to resolve. Parts of the Proposed Plan have been withdrawn, while others will undergo significant amendment as the result of the appeals processes.

The following outlines compliance with the various sections of the PDP relevant to the proposed subdivision for the purposes of the section 104 assessment required under the RMA.

4.1 PDP Zoning and Overlays

These properties are zoned Future Urban Development under the Kāpiti Coast Proposed District Plan (Appeals version) 2012.

Image – KCDC GIS Zoning PDP (Appeals Version 2018)



The subject sites are also shown to be within areas identified as:

- Special Amenity Landscapes;
- Ecological Site K133 located to the south of the site on the opposite side of Jacks Bush Road.

Image below – KCDC GIS Zoning PDP (Appeals Version 2018) Natural Features





Image – KCDC GIS Zoning PDP (Appeals Version 2018) Natural Hazards

The site is not affected by any natural hazard or District Plan feature as shown above.



Image – GWRC GIS Proposed Natural Resources Plan 2015 Layers - Groundwater community drinking water supply protection area

The greater site is located within the Groundwater community drinking water supply protection area reference R26/6291 as shown above. However, the two proposed lots 3 & 4 and their associated notional building areas are not located within the Groundwater protection area.

4.2 PDP Activity Status

The application will be assessed as a non-complying activity under rule 7A.5.3 of the Proposed District Plan (Appeals Version) 2012, as the proposal is subdivision in the Future Urban Development Zone. Rule 7A.5.3 states:

3.Subdivision of land in the Future Urban Development Zone shown on District Planning Maps a structure plan for the zone has been developed and included as an appendix to this plan.

4.3 PDP – Chapter 7 Rural Zone Description – Future Urban Development Zone

The Future Urban Development Zone Descriptions and Policies fall under Chapter 7 - Rural Zone within the Proposed District Plan (Appeals Version). The introductory commentary of chapter 7 describes the Future Urban Development Zone as follows:

Future Urban Development Zone

This zone is land identified for future urban growth south of the urban edges north of Waikanae and Ōtaki. In Waikanae North this zone is limited to a small number of existing lots which are adjacent to land in the Ngarara Zone. In Ōtaki the zone extends from the existing residential area to the urban edge. Subdivision in is zone is non-complying until a structure plan has been completed to enable comprehensive low impact urban development.

4.4 PDP – Policy 7.1 – Rural Zones Provisions

PDP – Part 7.1.1 Policies

The relevant PDP policies state:

Policy 7.10 – Growth Management

The use of land in the Rural Dunes, Rural Plains, Rural Eco-Hamlet and Rural Hills Zones for urban development or rural residential development will be avoided where such a proposal would:

- a) prevent the use of highly versatile soils for primary production activities;*
- b) compromise the District's ability to maintain a consolidated urban form in existing urban areas;*
- c) compromise the distinctiveness of existing settlements and/or reduce rural character values between and around settlements;*
- d) adversely affect the vitality of the District's Centres;*
- e) make inefficient use of the transport network;*
- f) result in an inefficient end use of energy;*
- g) increase pressure for public services and infrastructure (including transport and community infrastructure) beyond existing capacity;*
- h) result in reduction in availability or productive potential of highly versatile or specialised soils; or*
- i) give rise to significant reverse sensitivity effects with rural activities.*

Policy 7.19– Future Urban Structure Plan Areas

In all areas shown as Future Urban Development Zones on the planning maps, subdivision will be restricted to boundary adjustments to prevent unmanaged development occurring before a structure plan has been developed and accepted. Subsequent subdivision and development of these areas will then be undertaken in accordance with approved structure plans.

The proposed boundary adjustment between the two allotments will allow for more comprehensive management of future development in line with the site topography and landscape features which is consistent with the above policy 7.10 and 7.19.

The proposed subdivision will create two additional allotments (proposed Lot 3 – 3,443sqm and Lot 4 – 3,262sqm) which are located in a portion of the greater site which is very separate from the remainder of the land holding due to the steep dune topography separating this area from the northern portions of the site.

4.5 PDP - Relevant Objectives and Policies

The Objectives and Policies in the Proposed Plan have legal effect, and are a matter to have regard to under section 104 of the Act. The following Objectives and Policies of the Proposed Plan are of particular relevance to this application:

Objectives

- Objective 2.3 – Development management
- Objective 2.9 - Landscapes
- Objective 2.11 – Character and amenity
- Objective 2.13 – Infrastructure and services
- Objective 2.14 – Access and transport

Rural Environment Policies

Policy 7.10 – Growth management
 Policy 7.19 – Future Urban Structure Plan Areas

Infrastructure, Services and Associated Resource Use Policies

Policy 11.10 – Quality of infrastructure design and services
 Policy 11.11 – Efficient Resource Use
 Policy 11.17 – Hydraulic neutrality – stormwater
 Policy 11.18 – Stormwater quantity and quality
 Policy 11.19 – Water demand management
 Policy 11.20 – Water supply
 Policy 11.21 – Wastewater
 Policy 11.29 – Integrated Transport and Urban Form
 Policy 11.34 – Safety
 Policy 11.35 – Parking

For the full text of the above provisions, reference can be made to the Proposed Plan. It is considered that the proposed subdivision of the site is in accordance with the above objectives and policies.

4.6 Rural Subdivision Standards 7A.3.2

Rule 7A.3.2 states that the following is a restricted discretionary activity:

Subdivision in all Rural Zones except the Future Urban Development Zone and subdivisions which are controlled activities under Rule 7A.2.2.

As noted previously the proposed development already triggering the non-complying activity status given rule 7A.5.3 which states:

3. Subdivision of land in the Future Urban Development Zone shown on District Planning Maps a structure plan for the zone has been developed and included as an appendix to this plan.

However, the remaining restricted discretionary standards for subdivision under rule 7A.3.2 can still be complied with, and are assessed in the following table:

1. General standards:

a) all lots must meet natural hazard subdivision standards in Chapter 9 Hazards, including Rule 9B.3.3, and the relevant natural and coastal environment standards in Chapters 3 Natural Environment and 4 Coastal Environment, and the relevant historic heritage standards in Chapter 10;

An assessment of the site against identified natural hazards has been provided by Dave Munro – please refer to attachment 5 Engineering Report.

b) all lots must meet access and transport and infrastructure standards for subdivisions in Chapter 11;

The proposed vehicle crossings from Jacks Bush Road (*subject to easement under the s.48 Reserves Act application separate to this resource consent process*), providing access to the proposed dwellings on lots 3 & 4 will comply with the minimum width of 3.5 metres. The entranceway and right of way will be inspected by a suitably qualified civil engineer, and if necessary, upgraded to comply with drawing KCDC-RD-016-R4 as well as the Council's Subdivision and Development Principles and Requirements 2012.

c) each lot must have a notional building area (capable of containing at least a 20-metre diameter circle) and access identified on the site plan; and;

The notional building area for Proposed lots 3 & 4 is shown on the scheme plan 2262-P1-001-C which can easily contain a 20m diameter circle.

d) A firefighting water supply must be provided which complies with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008.

A fire fighting water supply, in general accordance with PAS SNZ 4509 2008 or an alternative accepted by the Fire Region Manager, shall be provided for Lot 3 & 4 and installed prior to issue of certification pursuant to section 224(c). Please refer to attachment 5 Engineering Report.

e) Compliance with Table 12A.1- financial contributions.

The consent holder shall pay a financial contribution to the equivalent of two HUE.

Matters over which Council will restrict its discretion- for Subdivision under Rule 7A.3.2

Whilst useful as guidance, the following matters *over which Council will restrict its discretion* is irrelevant to this proposal as the development cannot meet the restricted discretionary standards for subdivision under rule 7A.3.2. Therefore, the 104D non-complying gateway assessment is the most relevant in this instance, as set out in section 9.

However, the matters over which Council will restrict its discretion under Rule 7A.3.2 are listed for completeness and reference.

1. *The design and layout of the subdivision including earthworks, the clustering of nominated building area and the suitability for primary production activities.*
2. *The degree of compliance with the Kāpiti Coast District Council Subdivision and Development Principles and Requirements 2012.*
3. *The imposition of financial contributions in accordance with Chapter 12 of this Plan.*
4. *Vehicle access points onto legal road including the State Highway Network and any effects on the transport network.*
5. *The location of any building area relative to natural hazards, historic heritage features, ecological sites, geological features, outstanding natural features and landscapes.*
6. *The provision of walking, cycle pathways and bridleways.*
7. *Consistency with relevant appendices and schedules to all Chapters of this Plan.*
8. *Provision of an adequate water supply for fire-fighting purposes.*
9. *The location of sensitive activity building sites to avoid, remedy or mitigate potential adverse reverse sensitivity effects on lawfully established primary production activities and intensive farming activities on adjoining properties.*

4.7 PDP – Chapter 3.3 Special Amenity Landscapes

The site is identified to be located within the Special Amenity Landscape area number 24, where policy 3.13 requires assessment of non-complying activities against this policy. The policy states:

Policy 3.13 – Special Amenity Landscapes

Subdivision, use and development in special amenity landscapes will be located, designed and of scale and character that maintains or enhances the values of the landscape areas identified in Schedule 3.5 of this Plan.

Note: There are no rules relating specifically to special amenity landscapes in Chapter 3. However, where discretionary or non-complying activity resource consents are required under rules of other Chapters of this Plan, and where the activities are located within special amenity landscapes, the proposed activities will be assessed in terms of their consistency with Policy 3.13.

It is considered that the proposed Lots 3 and 4 are consistent with this policy as the proposed lots are essentially situated in a large dunal hollow and accordingly any future dwellings and curtilage will not encroach on or directly affect the adjacent dune ridgelines to the north and west. It is considered that there will be there will be no adverse effects on the physical landforms and given the nature of the topography in the area, the established vegetation cover and the nature and pattern of development in the wider area, I consider the subdivision itself will have no adverse effect on adjoining neighbours.

The proposed new dwelling sites are located in an unobtrusive locations only visible from Jacks Bush Road, which will maintain the overall openness of the area with a relatively low presence of buildings and structures. The development on the site will be virtually unnoticeable from Ngarara Road given the bends on the road and topography of the area.

It is also considered the siting of a single or double storey dwelling on either lots 3 & 4 in the locations proposed will have little, if any, visual impact on adjoining neighbours or indeed the wider neighbourhood area.

Therefore the landscape and visual effects of the proposed subdivision will be negligible and there will be no adverse effects on immediate neighbours or the general area.

It is also considered that the proposed removal of the very large exotic invasive pinus radiata trees on proposed lots 3 & 4 is likely to have positive effects, particular in terms of the protection to the ecological remnant lowland forest are to the south. Therefore, the proposed development is considered to be consistent with Policy 3.13.

4.8 PDP - Chapter 9.3 Earthquake Hazards

This section of the PDP discusses how the District is subject to most earthquake hazards including strong ground shaking, liquefaction, fault rupture and earthquake induced slope failure.

No part of the subject site is shown to be subject to any fault avoidance areas or any other associated earthquake hazard risk as confirmed by the GWRC mapping.

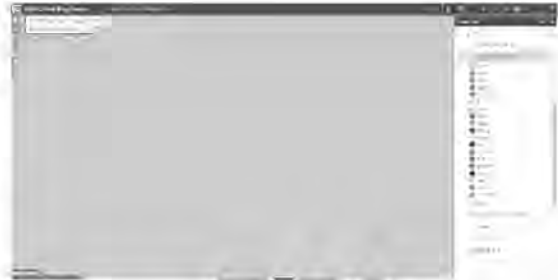


Image: GWRC Liquefaction Potential – site showing as none

4.9 PDP - Chapter 10 Historic Heritage

This section primarily implements Objective 2.7 Historic Heritage (set out in Chapter 2). Objective 2.1 Tāngata Whenua is also relevant to resource management issues for Historic Heritage.

Objective 2.7 Historic Heritage states:

Objective 2.7 – Historic Heritage

To protect historic heritage in the District for the social, cultural and economic wellbeing of the Kāpiti Coast community and future generations, including: a) supporting the contribution of historic heritage features and their values to the identity, character and amenity of places and landscapes; b) recognising and protecting tāngata whenua historic heritage, including waahi tapu and other places and areas significant to Māori; and c) providing for appropriate use and development of natural and physical resources with historic heritage values, while ensuring any adverse environmental effects are avoided, remedied or mitigated.

Objective 2.1 Tāngata Whenua states:

Objective 2.1 – Tāngata Whenua

To work in partnership with the tāngata whenua of the District in order to maintain kaitiakitanga of the District's resources and ensure that decisions affecting the natural environment in the District are made in accordance with the principles of Te Tiriti o Waitangi (Treaty of Waitangi).

The following policies are also relevant to the proposal:

Policy 10.4	Protection of Historic Heritage,
Policy 10.7	Subdivision Involving Historic Heritage
Policy 10.9	Unidentified Historic Heritage

The Ngarara Road area is known to represent an area of considerable archaeological significance. Accordingly, the applicant has engaged Mary O'Keefe of Heritage Solutions to prepare an Archaeological Assessment of the proposal, where in summary the report outlines:

4.1 Archaeological Potential (page 18)

Two sites have been recorded within or immediately beside the proposed area of work:

- R26/443. A midden site recorded and investigated by the author in 2005, as part of the Jacks Bush subdivision development. This site is on a land parcel immediately adjacent and south of the two subject parcels (the scale of Figure

9 makes the site appear as if it is within the subject parcels). Two large middens and a smaller midden recorded on the large sand dune at the west end of the subdivision. Prior to earthworks, this was the largest and highest dune in the immediate vicinity, and would have had the strategic advantage of height. Two large areas of midden on northern side of dune; smaller area on southern side. Two large areas of shell on northern side of dune each had shell scattered over area of approximately 4²m; precise area of midden not evident, as machines had scattered shell around site. Smaller site on southern side of dune was exposed over about two square metres. All sites contained predominantly tuatua (*paphies subtriangulata*), which is typical for midden on the Kapiti Coast, but also some venus shells (*dosinia anus*) and knobbed whelks (*autofusus glans*) were seen. C14 date was obtained: date for the site falls within the mid range of the period of pre-European occupation, around the 16th-17th centuries AD27.

- R26427 is a continuation of site R26/443

Based on information from location and nature of sites recorded in the vicinity, and the predictive model, there is a high probability of sites within the dunes, as fieldwork has indicated that dunes beside wetlands was the preferred location for human activity.

4.2 Effects on known and potential sites

There are no known sites within the area of proposed work. As noted in section 3.4 of this report, a piece of shell was observed on the ground surface during the site visit which suggests the presence of a shell lens somewhere in the vicinity. Potential middens are likely to be located on the upper slopes of the high dunes. There may also be ovens in the vicinity of the middens. Future earthworks to create building platforms (which do not form part of this application and will be subject to a future resource consent application) are likely to destroy sites.

5. Recommendations

There is no reason on archaeological grounds why a resource consent for subdivision should not be granted.

It is recommended that as part of a future resource consent for earthworks (not included in the current proposal for subdivision) the landowners apply to Heritage New Zealand Pouhere Taonga Act 2014 to modify or destroy potential archaeological sites located within land parcels Lot 1 DP 72861, and Lot 1 DP 82054.

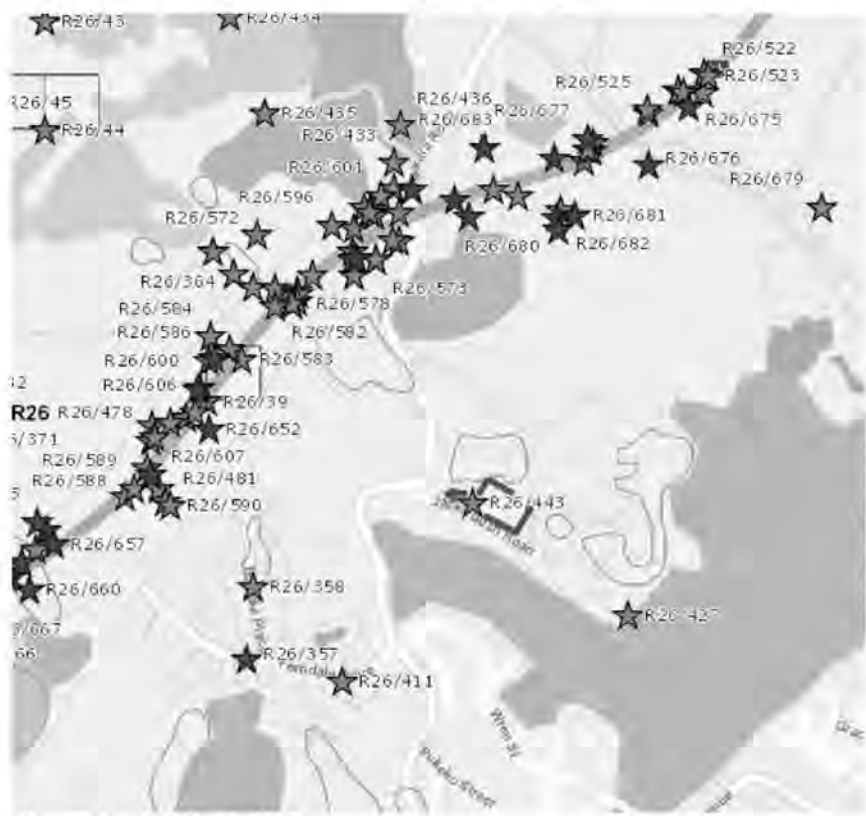


Image: Recorded sites in vicinity of the site

In consideration of the Archaeological Assessment prepared by Mary O’Keeffe of Heritage Solutions it is considered that the proposal is consistent with objective 2.7 and policies 10.4, 10.7 and 10.9 of the Proposed District Plan.

4.10 PDP - Chapter 11E.3 Property Access and Loading for Vehicles

Rule 11E.1.3 requires all proposed lots to demonstrate they can comply with the permitted activity standards for Property Access and Loading for Vehicles. Accordingly, the proposed subdivision can comply with the standards as set out as follows:

**Rule 11E.1.3 Permitted Activity Rule: 3. Property access and loading for vehicles.
Standards:**

1. Access - every property must provide vehicular access over land or by mutual right of way or service lane for parking and/or loading and shall be in accordance with Diagram A2 (Schedule 11.1).

The submitted scheme plan indicates access can be provided to both proposed lots in accordance with the standard.

2. Access - all vehicle accesses must be designed, constructed and maintained to ensure that:

- a) they are able to be used in all weather conditions;
- b) they have no adverse impact on the roadside drainage system; and
- c) surface water and detritus (including gravel and silt) does not migrate onto the highway pavement.

The submitted scheme plan indicates accesses to both lots can be designed, constructed and maintained to meet the required standards. The proposed accesses will operate safely and with a negligible impact upon the movement of other vehicles in this area.

3. Access - all accesses must meet the following:

- a) be a minimum of 3.5 metres wide.

The access width requirement of 3.5m is met by the proposed development.

4. Access - sites containing non-residential activities and which provide more than 6 carparks, shall provide two-way accesses which must be a minimum of 6 metres wide.

Not applicable.

5. Access to/from a state highway - sites that only have access via a state highway must only have one crossing point and shall be in accordance with Diagrams A1 and A2 (Schedule 11.1).

Not applicable.

**6. Access spacing - at intersections (except on strategic arterial routes) carrying traffic volumes of 1,000 vehicles or more in any peak hour, or at which traffic signals are operating, no part of a crossing point must be located within 30 metres of an intersection or within 60 metres on the departure side of an urban state highway intersection.
Note: The distance is measured from the intersecting point of the kerb lines or road edge lines.**

Not applicable.

7. Access spacing - Where a site is located near an intersection having volumes less than 1,000 vehicles in any peak hour; the minimum distance between the crossing point and the roadway edge or kerb line must be:

- a) 9 metres measured from the intersecting point of the kerb lines or road edge lines or 4.5 metres from the tangent point of the kerb lines or road edge whichever is greater; and
- b) 12 metres where a "Stop" or "Give Way" control exists on the roadway measured from the intersecting point of the kerb lines or road edge lines.

Not applicable. Crossing located at a distance exceeding requirement from Ngarara Road intersection.

8. Access spacing for major traffic activities - no crossing point must be located closer to any intersection than the distance specified in Table 1 below. Distances are measured in metres (m) to the intersecting kerb line.

Not applicable. Not a major traffic activity.

9. Access spacing sight distances - the required minimum sight distance between the access and the road must be in accordance with Diagram A3 (Schedule 11.1) and Table 2 (where m = metres):

The horizontal and vertical profile of the Jacks Bush Road will provide sight distances meeting the above requirements.

10. Access spacing for state highways - the minimum distance between accesses on the same side of the road must be 7.5 metres for residential activities and 15 metres for all other activities.

Not applicable.

11. The minimum separation distances between vehicle access to/from a state highway/rural road and an intersection on that state highway/rural road, between a vehicle access to/from a local road and the intersection of that local road with a state highway/rural road and between vehicle accesses to/from a state highway/rural road must be the following (where m = metres, km/h = kilometres per hour, and vpd = vehicles per day):

Not applicable.

12. Manoeuvring – Private residential access - Unless the driveway accesses directly from a local road, sufficient manoeuvring space must be provided on-site to ensure no reversing onto the road is necessary.

Proposed lot 3 & 4 will provide adequate site area to allow manoeuvring once a dwelling is constructed in accordance with the permitted activity standards. Therefore, it is considered that this standard can be satisfied by the proposal.

13. Loading spaces - every property in all Working Zones, the layout of loading spaces must comply with the 90 percentile design two-axled truck as defined by the Ministry of Transport and shall be designed in accordance with Diagram A7 (Schedule 11.1).

Not applicable. Site is not located within a Working Zone.

14. Landscaping - for all non-residential activities, any parking, loading or trade vehicle storage area must be separated from adjoining properties by a minimum depth of 2 metres of landscaping.

Not applicable.

15. Landscaping - all landscaping adjoining the road boundary of sites, must be designed and maintained so that visibility to and from the crossing point complies at all times with the minimum standards sight distances set out in Table 2 above.

Standard able to be complied with via a condition of consent requiring landscaping to maintained to ensure sight distances are maintained.

4.11 PDP – Chapter 11.4 Water supply, Sanitation and Stormwater

(a) Restricted Discretionary Activity Standards for Infrastructure Rule 11B.3.2

Rule 11B.3.2 states that the following is a restricted discretionary activity:

Subdivision of land creating new lots in the rural zones, all open space zones, the private recreation and leisure zone and the river corridor zone, that complies with all restricted discretionary activity standards under Rules 7A.3.2 and 8A.3.3.

The relevant standards are assessed as follows:

Water Supply

1. *It shall be demonstrated (as evidenced by a report including an environmental impact report from a suitably qualified and experienced person) that:*
 - a) *a water supply of sufficient quality (potable for drinking purposes) and quantity can be provided for the activities proposed for the subdivision, including fire fighting;*
 - b) *the proposed water supply will have no adverse effects on other water users;*
 - c) *the proposed supply will have no adverse effects on the water resource; and*
 - d) *the proposed water supply will have no adverse effects on natural and physical resources.*

Any future development on proposed lot 1 will require a specifically designed water collection, storage and treatment system. The viability of this has been assessed by the engineer Dave Munro based on site investigations that are detailed in his report prepared for this application.

2. ***Any risk likely to adversely affect a registered drinking-water supply or water collection area as identified on District Plan Maps, will be managed to avoid the threat.***

The greater site is located within the Groundwater community drinking water supply protection area reference R26/6291 as discussed in section 4.1 above. However, the two proposed lots 3 & 4 and their associated notional building areas are not located within the Groundwater protection area.

3. ***All new buildings and impervious surfaces shall have on-site attenuation and treatment of stormwater including the use of on-site vegetation to slow down run-off rates and improve water filtration. Grassed swales shall be provided to direct road run-off instead of concrete kerb and channel.***

Any run-off from the building is collected at source without the use of on-site vegetation.

Effluent Disposal

4. ***Where subdivision occurs on land that is not serviced by an existing community sewage system, the application shall demonstrate that on-site domestic effluent disposal is suitable for each proposed lot or multiple lots in accordance with AS/NZS 1547:2010 "On Site Domestic Wastewater Management".***

Any future development on proposed lots 3 & 4 will require a specifically designed wastewater treatment and disposal system. The viability of this has been assessed by the engineer Dave Munro based on site investigations that are detailed in his report prepared for this application.

Underground services

5. ***Any underground services must avoid waahi tapu, archaeological and ecological sites.***

Any identified sites will be avoided when underground services are installed. Accordingly, it is considered that the proposed development complies with the requirements of Chapter 11

(b) Chapter 11 - General Infrastructure, Services and Associated Resource Use / Fire Hazard Policies

Policy 11.11 – Quality of Infrastructure Design and Services

Development and subdivision, and the provision of associated infrastructure will be undertaken in accordance with the Council's Subdivision and Development Principles and Requirements, 2012.

Policy 11.16 – Hydraulic Neutrality – Stormwater

Subdivision and development will be designed to ensure that the stormwater runoff from all new impermeable surfaces will be disposed of or stored on-site and released at a rate that does not exceed the peak stormwater runoff when compared to the pre-development situation.

Policy 11.17 – Stormwater Quantity and Quality

The adverse effects of stormwater runoff from subdivision and development, in particular cumulative effects, will be minimised. The following assessment criteria will be applied when considering resource consent applications for subdivision and development:

- a) *whether there is capacity in Council's existing infrastructure;*
- b) *the extent to which the capacity and environmental values of watercourses or drains and the associated catchment areas will be compromised;*
- c) *the extent to which development styles and stormwater management methods mimic natural, pre-development runoff patterns;*
- d) *the extent to which riparian vegetation is protected and enhanced;*
- e) *whether minimal vegetation loss in riparian areas associated with development is achieved;*
- f) *the extent to which water quality is ensured to enhance and maintain aquatic ecosystem health;*
- g) *the extent to which a healthy aquatic system is maintained, including maintenance of sufficient flows and avoidance of unnatural fluctuations in flows;*
- h) *the extent to which degraded, piped or channelled streams are restored and realigned into a more natural pattern;*
- i) *where practicable, the extent to which low impact design, including onsite disposal of stormwater, soft engineering or bioengineering solutions and swales within the legal road are used;*
- j) *the extent to which straightening and piping of streams is avoided; and*

k) the extent to which the adverse effects of stormwater runoff, in particular cumulative effects, from subdivision and development will be minimised.

Policy 11.19 – Water Supply

All new subdivision, land use or development will have an adequate supply of water in terms of volume and quality for the anticipated end uses, including fire fighting supply. Where a new connection to the reticulated network is proposed, evidence may be required to support its viability.

Policy 11.20 – Wastewater

Subdivision, land use and development will ensure that the treatment and disposal of wastewater will be adequate for the anticipated end uses appropriate to the location. The treatment and disposal of wastewater will be undertaken in a manner that avoids, remedies or mitigates adverse effects on the environment and maintains public health and safety. Where a new connection to the reticulated network is proposed, evidence may be required to support its viability.

Policy 11.30 – Integrated Transport and Urban Form

Development and subdivision will be integrated with and consistent with the transport network hierarchy in Schedule 11.2, and undertaken in a manner and at a rate to ensure:

- a) the transport network is capable of serving the projected demand safely and efficiently;
- b) the location of development is appropriate, including providing for the colocation of compatible developments and land use and transport networks to reduce unnecessary travel;
- c) travel time and distance to services are minimised for all modes of travel;
- d) development is consistent with Council's Subdivision and Development Principles and Requirements 2012; and
- e) enhanced community connectivity is achieved, resulting in more efficient travel patterns from the community.

Policy 9.21 – Fire hazards

Risks to people and property from fire hazards will be required to be minimised by:

- a) Requiring plantation forestry and forestry harvesting activities in rural and open space zones to be designed to enable quick response to fire; and
- b) Requiring rural zones to provide water for firefighting; and
- c) Requiring access and adequate fire fighting water supplies to be provided for fire appliances in all zones.

The proposed subdivision is consistent with the above policies as it will be serviced with stormwater, wastewater, water supply and access in accordance with the council's subdivision and development principles and requirements 2012.

Accordingly, a report has been prepared by the engineer Mr Dave Munro to confirm compliance with the above – see attachment 5.

5. RELEVANT NATIONAL ENVIRONMENTAL STANDARDS

The following National Environmental Standards exist and should be considered for their relevancy to the proposal:

- **National Environmental Standard for Electricity Transmission Activities 2010.** Not relevant as the development is not in the vicinity of any existing high voltage transmission lines.
- **National Environmental Standard for Sources of Drinking Water 2008.**
The greater site is located within the Groundwater community drinking water supply protection area reference R26/6291 as discussed in section 4.1 above. However, the two proposed lots 3 & 4 and their associated notional building areas are not located within the Groundwater protection area.
- **National Environmental Standard for Air Quality 2004.** Not relevant because the development does not require any air discharge permit consents and any future building consents for wood burners is outside the scope of what is being applied for.
- **National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health National Environmental Standard.** Not relevant to this application is not for a change of use, subdivision or earthworks.
- **National Environmental Standards for Plantation Forestry 2018.** Not relevant as no forestry activities are proposed.

6. NATIONAL POLICY STATEMENTS – s104(1)(b)(iii)

The following National Policy Statements exist and should be considered for their relevancy to the proposal:

- **National Policy Statement for Urban Development Capacity 2016.** This document is considered relevant to a degree and is discussed below.
- **National Policy Statement for Freshwater Management (amended 2017).** Not relevant as no direct discharge to the Waikanae River or any other waterbody is proposed.
- **National Policy Statement for Renewable Electricity Generation 2011.** This document is not relevant.
- **National Policy Statement on Electricity Transmission 2008.** Not relevant as no transmission activities proposed and the development is not in the vicinity of high voltage transmission lines.
- **New Zealand Coastal Policy Statement 2010.** Not relevant because the site is not in the Coastal Dominance area meaning that it has been determined that this higher order planning document does not apply.

6.1 National Policy Statement for Urban Development Capacity (NPSUDC)

The National Policy Statement on Urban Development Capacity 2016 (NPSUDC) sets out the objectives and policies for providing development capacity under the Resource Management Act 1991. The NPSUDC can into effect on 1 December 2016 and requires that resource consent decisions consider the relevant objectives and policies in their decision-making.

Paraparaumu has been defined as a 'medium growth' urban area within the district meaning the whole district is subject to the objectives and policies for 'medium growth' urban areas which includes Objectives OA1 to OD2 and policies PA1 to PA4, PC1 to PC4 and policies PD1 to PD4 which are effective immediately.

The proposed boundary adjustment to facilitate management urban development in the future and the 2-lot subdivision is considered to be consistent with the objectives and policies of the National Policy Statement for Urban Development Capacity, where the proposed additional two allotments acts to provide two additional house site location in a unique location without compromising the rural zone objectives and existing urban character of Waikanae.

6.2 Wellington Regional Policy Statement – s104(1)(b)(v)

The Wellington Regional Policy Statement ("WRPS") sets out the strategic framework for managing the use, development and protection of the natural and physical resources of the Wellington region in an integrated and co-ordinated manner.

The RPS provides an overview of the resource management issues for the region (within the regional council's functions under s.30 of the RMA), and states the policies and methods required to achieve the integrated management of the region's natural and physical resources. It is considered that none of the Policies and Objectives of the RPS are relevant to this proposal.

6.3 Proposed Natural Resources Plan for Wellington Region Plan – section 104(1)(b)(vi)

The Proposed Natural Resources Plan for the Wellington Region was notified on 31 July 2015. It is considered that, in this particular case, none of the provisions of the plan are relevant because there are no hazards on this site and no other provisions of the plan appear to apply.

6.4 Any Other Matters

Section 104(1)(c) provides that when considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to any other matter the consent authority considers relevant and reasonably necessary to determine the application.

There are no other matters that are relevant to this application that need to be considered

7. ASSESSMENT OF EFFECTS

7.1 Relevant Statutory Provisions for notification

The Council in considering whether or not notification is required must consider Sections 95A to 95F of the Resource Management Act 1991. Sections 95A to 95F are referenced below:

95A Public Notification of consent application at consent authority's discretion

95B Limited notification of consent application

95C Public notification of consent application after request for further information or report

95D Consent authority decides if adverse effects likely to be more than minor

95E Consent authority decides if person is affected person

95F Status of protected customary rights group

95G Status of customary marine title group

For the full text of the above provisions, please refer to the Resource Management Act 1991.

7.2 Notification requirement

On behalf of our client, we do not request public notification. No rules in the relevant plans (or in any national environmental standard "NES") preclude or require public notification of this application.

7.3 Effects that must be disregarded

Effects on persons who are owners and occupiers of the land in, on or over which the application relates, or of land adjacent to that land must be disregarded. In addition, effects on persons who have given written approval to the application can be disregarded.

At the point of lodgement of the application, no parties have provided their written approval to the proposed development.

7.4 Effects that may be disregarded – permitted baseline assessment

The effects associated with the subdivision cannot be disregarded as all subdivisions require consent.

7.5 Receiving environment

The receiving environment is made up of:

- Permitted activities that can occur as of right on surrounding sites, and:
- The Future Urban zoned properties surrounding the subject site
- The rural zoned properties surrounding the subject site.

This is the reasonably foreseeable environment within which the adverse effects of the proposal are considered. In this case, the boundary adjustment between 205 and 211 Ngarara Road, and proposed subdivision of the site to create two additional, is entirely consistent with the expectations of the environment in which the property is located.

7.6 Adverse Effects

Sections 95A-95F & 104(1)(a) of the RMA provides that when considering an application for a resource consent and any submissions received, the consent authority, must subject to Part 2, have regard to any actual and potential effects on the environment of allowing the activity. This includes both the positive and the adverse effects.

Methods of analysis to determine the actual or potential environmental effects of the activity have focused on an analysis of site constraints through site inspection and studies of Council held data. It is considered that having assessed the key effects arising from the proposed construction of a replacement dwelling, these are:

- Changes to character and amenity
- Temporary disruption from construction
- Additional vehicle movements
- Increased demand on infrastructure

Changes to character and amenity

Resource consent is required for all subdivision consents as these applications influence the way that land can be developed, enabling and restricting certain types of development. The resultant change brought about by this can affect character and amenity values associated with the rural zone. As is evident on the provided scheme plan, proposed Lots 3 and 4 are suitably sized and able accommodate a 20m diameter circle. The presence of this demonstrates that the proposed Lots are suitably sized and orientated for future use and development of a dwelling and associated residential activities.

An extensive analysis of the impact of the proposed development on character, existing landscape values and amenity has been undertaken under section 5.5 of this report above discussing the PDP – Chapter 3: Natural Environment – Biodiversity and Landscape. We conclude that given the topography of the area, it is considered that the landscape and visual effects of the proposed subdivision will be negligible and there will be no adverse effects on the applicant's immediate neighbours or the wider landscape.

Furthermore, the related benefits of the subdivision will be that the large pine trees on 205 Ngarara (as shown in the images below), which are arguably a threat to the ecosystem of the Jacks Bush Reserve, would be removed, permitting more light to adjoining properties and vegetation, and less chance of wilding pine migration into the ecological site reserve.



Google Streetview Images Jacks Bush Road: Above looking west towards Ngarara Road, below looking east down Jacks Bush Road



The removal of the pine trees and the undertakings to plant native species will enhance the amenity and character of the wider Jacks Bush Road rural residential neighbourhood and align Lots 3 and 4 with the other properties along Jacks Bush Road.

In light of this, the effects to character and amenity are considered to be less than minor.

Density

The boundary adjustment between lot 1 & 2 (and resulting site area of Lot 1) is considered large enough to accommodate another two allotments consistent with the density and pattern of development along Jacks Bush Road while having less than minor effects. The increased density is not out of character with the surrounding environment which is low density with rural character with a number of rural residential style dwellings having been constructed within proximity to the subject site.

It is considered that the effects new building envelope locations and future dwellings on Lots 3 & 4 on the environment will be less than minor as they will assimilate easily into the dunal hollow areas within this portion of the greater site, and the boundary adjustment between Lots 1 and 2 will provide for effective managed future development of the site taking into account major landscape features in line with the Future Urban Development Zone objectives.

The creation of two additional allotments will facilitate separate occupation and ownership of the two proposed lots. The density development will not increase beyond that could be realistically expected as a permitted activity and in the longer term, the only identifiable effects which can be directly attributable to the subdivision of the land are related to the mode of tenure and the separate ownership of the two resulting allotments.

It is considered that the effects of this two-lot subdivision, regarding anticipated density of the future urban zone, will not be out of character with the residential environment. Therefore, the effects would be less than minor.

Servicing and Construction effects

The effects related to the construction of the vehicle accesses from Jacks Bush Road and the installation of services to facilitate the subdivision will be of relatively short duration and are an expected consequence of any development.

Reticulated services for water are present within Ngarara Road. It is considered to be feasible to service the additional allotments from the available infrastructure within the immediate vicinity in accordance with the Council's Subdivision and Development Principles and Requirements 2012.

Any adverse construction effects associated with the proposal such as noise, dust and increased traffic movements will be temporary. The existing servicing for Lots 1 and 2 will remain unchanged as the dwellings are connected to the existing reticulated wastewater and water network. In light of the above, the effects are considered to be less than minor.

Traffic effects

The proposed subdivision will result in additional vehicle movements to and from proposed Lots 3 and 4, most likely resulting from the occupation of future dwellings.

Table 8.10 of the NZ Transport Agency research report 453 titled 'Trips and parking related to land use' dated November 2011 provides data based on 85% figures from available surveys indicating that dwelling houses in NZ generate 10.7 vehicles per day and 1.3 vehicles per hour (peak).

The proposed granting of easement for access and service (as requested under the s.48 Reserves Act process independent to the resource consent) will have a negligible impact on the Local Purpose Reserve as the reserve 'strip' will remain intact. The proposed easement will not materially alter or permanently damage the Local Purpose Reserve. The Local Purpose Reserve itself is physically made up of a 20cm wide grass strip that is indistinguishable from the surrounding land.

The only permanent effect created by granting the easements is to have vehicles passing over it and services located underground within it. The additional traffic created by having two additional lots accessing Jacks Bush Road would be minimal. Precluding access through Lots 3 and 4 to the North (as proposed by the developer) also creates a further complimentary buffer safeguarding Jacks Bush Road from the effects of any future intensive development.

Therefore, the expected effects from the additional vehicle movements resulting from two additional dwelling units will be less than minor.

Alternative subdivision and access options considered

The alternative for providing access to Lots 3 and 4 would have been to create rights of way to the other road frontage on Ngarara Road which is approximately three hundred metres away. Additional traffic accessing Ngarara Road would potentially introduce traffic considerations and complicate any future development of the remaining land to the North of Lots 3 and 4.

The land to the north of Lots 3 and 4 is physically quite undulating and gaining access to the southeast corner of the greater site from the northeast corner off Ngarara Road would be considerably more costly, would involve extensive earthworks through a steep and undulating dune landscape which divides the property as shown in the image below, and would not lead to a logical urban design outcome.

Therefore, any alternative access arrangements to service Lots 3 and 4, would result in more significant environmental impact than the proposed easement arrangement and may encourage intensive development.

Without the grant of easements, Lots 3 & 4 will need to provide alternative access via a long length of right of way through undulating steep dune topography resulting in significant earthworks and may allow for unimpeded intensive residential development adjoining Jacks Bush Road. With the grant of easement proposed lots 3 & 4 will have direct access at level grade to the adjoining Jacks Bush Road with no earthworks or landscape change required.

In summary, rights of way to service the area shown as lots 3 and 4 from Ngarara Road to the northwest would be complicated, expensive, change the natural landscape character of the area and be less desirable for any potential future purchasers. Access via the proposed easement (as requested under the s.48 Reserves Act process independent to the resource consent) is practical, logical and has less than minor environmental effects.

Image: KCDC GIS Contours with alternative access options considered



Conclusion on Adverse Effects

Overall, adverse effects of the proposal will be less than minor.

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8. SECTION 104 ASSESSMENT

8.1 104D Gateway Assessment for Non-Complying Activities

Sections 104A-104D set out particular restrictions on determining applications for controlled, restricted discretionary, discretionary, or non-complying activities. The relevant provisions are summarised below:

104B Determination of applications for discretionary or non-complying activities

Section 104B states that after considering an application for a resource consent for a discretionary or non-complying activity, a consent authority-

- (a) *May grant or refuse the application; and*
- (b) *if it grants the application, may impose conditions under section 108.*

104D Particular restrictions for non-complying activities

Section 104D(1) states that despite any decision made for the purpose of Section 93 in relation to minor effects, a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either-

- (a) *The adverse effects of the activity on the environment (other than any effect to which 104(3)(b) applies) will be minor; or*
- (b) *The application is for an activity that will not be contrary to the objectives and policies of-*
 - (i) *The relevant plan, if there is a plan but no proposed plan in respect of the activity; or*
 - (ii) *The relevant proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or*
 - (iii) *Both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity.*

Section 104D(2) states that to avoid doubt, Section 104(2) applies to the determination of an application for a non-complying activity.

Accordingly, s104D must be used as the primary assessment path for the proposed development being a non-complying activity. Section 104D of the Act is a threshold test, and both limbs of the test must be considered when assessing applications for non-complying activities even if they are being processed on a limited or non-notified basis.

Consent may only be granted if at least one of the following tests is passed:

- (a) *the adverse effects of the activity on the environment (other than any effect to which section 104(3)(a)(ii) applies) will be minor; or*
- (b) *the application is for an activity that will not be contrary to the objectives and policies of-*
 - (i) *the relevant plan, if there is a plan but no proposed plan in respect of the activity; or*
 - (ii) *the relevant proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or*
 - (iii) *both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity.*

It is considered that the adverse effects of the activity on the environment (other than any effect to which Section 104(3)(a)(ii) applies) will be less than minor. It is also considered that the application is for an activity that will not be contrary to the Objectives and Policies of the Kapiti Coast Operative and Proposed District Plans as explained in sections 4 and 5 above.

8.2 Actual or potential effects on the environment

Section 104(1)(a) of the RMA requires an applicant to demonstrate to council that regard has been had for any actual and potential effects on the environment in allowing the activity. This includes both the positive and the adverse effects. Methods of analysis to determine the actual or potential environmental effects of the activity have focused on site visits and analysis of Council GIS data online.

Almost all of the effects related to the proposed development have been discussed in detail above at section 7 of this report. Aspects which have not already been covered are discussed below.

Construction effects

It can be expected that the future owner of proposed Lot 3 & 4 will construct a dwelling on this residential site. In order to achieve this, the construction of a future dwelling and associated accessory buildings will

require the use of machinery and power tools. This will be temporary however and undertaken predominantly during weekday daylight hours so as to not affect the character and amenity of this residential area.

Accordingly, it is considered that the effects so generated will, in this context, be less than minor.

8.3 Positive Effects

The proposal allows for the management development land which is identified as being in the 'Future Urban Development Zone', without compromising any proposed Structure Plan. The subdivision of proposed Lots 3 and 4 seeks to utilise an area of land that can be used to provide additional households in an area already provided with some essential services. This makes for a more efficient use of the land identified as 'Future Urban Development Zone' and will contribute positively to the commercial viability of the existing business infrastructure within Waikanae, and the wider region.

8.4 National Policy Statements – s104(1)(b)(iii)

National Policy Statement on Urban Development Capacity

It is considered that the development of this site will be in keeping with the intent of the Objectives and Policies of the National Policy Statement on Urban Development Capacity identified at section 7.2 above.

In this instance it is considered that the proposal meets this balance.

8.5 New Zealand Coastal Policy Statement (NZCPS) – s104(1)(b)(iv)

As mentioned above in section 6 of this report, the New Zealand Coastal Policy Statement is not relevant to the application.

8.6 Wellington Regional Policy Statement – s104(1)(b)(v)

The Wellington Regional Policy Statement (RPS) sets out the strategic framework for managing the use, development and protection of the natural and physical resources of the Wellington region in an integrated and co-ordinated manner.

The RPS provides an overview of the resource management issues for the region (within the regional council's functions under s.30 of the RMA), and states the policies and methods required to achieve the integrated management of the region's natural and physical resources.

It is considered that Objective 22 and Policies 55, 57 and 58 of the RPS are relevant to the proposal and that the application is consistent with the aforementioned Objectives and Policies of the RPS as the application will enable urban development within the existing urban area of Waikanae in a manner that makes efficient use of the already existing and established infrastructure.

The Proposed Natural Resources Plan for the Wellington Region was notified on 31 July 2015. It is considered that, in this particular case, none of the provisions of the plan are relevant because there are no hazards on this site and no other provisions of the plan appear to apply.

8.7 Plan or Proposed Plan – section 104(1)(b)(vi)

The relevant Objectives and Policies contained in the Operative District Plan with respect to this application are set out at section 4 of this report. Similarly, the relevant Objectives and Policies contained in the Proposed District Plan are set out at section 5 above.

The general intent of the Objectives and Policies in both the Operative and Proposed Plans is consistent and is intended to facilitate the creation of developments which create safe living environments which are free of

flood hazards, provide good linkages through a roading and public access network, are fully serviced and are provided with adequate recreation opportunities to serve the needs of future residents.

The Rural Zone Policies of the Proposed District Plan are very similar to the Policies of the Operative District Plan. For those reasons outlined in the notification assessment, above, the proposal is considered to provide development that contributes to the established residential character without adversely affecting the amenity of surrounding properties. As such the proposal is considered to be consistent with the intent of the Proposed District Plan.

8.8 Any Other Matters

There are no other matters that are relevant to this application that need to be considered.

8.9 Section 104D Assessment

Section 104D of the Act is a threshold test, and both limbs of the test must be considered when assessing applications for non-complying activities even if they are being processed on a limited or non-notified basis.

Consent may only be granted if at least one of the following tests is passed:

- (a) *the adverse effects of the activity on the environment (other than any effect to which section 104(3)(a)(ii) applies) will be minor; or*
- (b) *the application is for an activity that will not be contrary to the objectives and policies of—*
 - (i) *the relevant plan, if there is a plan but no proposed plan in respect of the activity; or*
 - (ii) *the relevant proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or*
 - (iii) *both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity.*

It is considered that the adverse effects of the activity on the environment (other than any effect to which Section 104(3)(a)(ii) applies) will be less than minor. It is also considered that the application is for an activity that will not be contrary to the Objectives and Policies of the Kāpiti Coast Operative and Proposed District Plans.

The application therefore passes the 104D tests and consent may be granted under Section 104B.

9. OTHER RELEVANT RESOURCE MANAGEMENT ACT SECTIONS

9.1 Section 106 of the Resource Management Act 1991

Section 106 provides for the consent authority to refuse consent in certain circumstances or to impose conditions to mitigate the effects which may arise from a series of natural hazards. Section 106 also deals with matters related to the provision of satisfactory access to allotments. Section 106 is set out below:

106 Consent authority may refuse subdivision consent in certain circumstances

- (1) *A consent authority may refuse to grant a subdivision consent, or may grant a subdivision consent subject to conditions, if it considers that—*
 - (a) *the land in respect of which a consent is sought, or any structure on the land, is or is likely to be subject to material damage by erosion, falling debris, subsidence, slippage, or inundation from any source; or*
 - (b) *any subsequent use that is likely to be made of the land is likely to accelerate, worsen, or result in material damage to the land, other land, or structure by erosion, falling debris, subsidence, slippage, or inundation from any source; or*
 - (c) *sufficient provision has not been made for legal and physical access to each allotment to be created by the subdivision.*
- (2) *Conditions under subsection (1) must be—*
 - (a) *for the purposes of avoiding, remedying, or mitigating the effects referred to in subsection (1); and*
 - (b) *of a type that could be imposed under section 108.*

Proposed allotments 1 and 2 have existing legal and physical access to the land in terms of the provisions of section 106(1)(c). Proposed allotments 3 and 4 will be provided with legal and physical access to the land in terms of the provisions of section 106(1)(c).

It is considered that the application is consistent with the requirements of section 106.

9.2 Conditions of Resource Consents – s108 or s220

The applicant anticipates Council conditions in order to achieve consistency and compliance with the Councils development requirements.

9.3 Review Condition – s128

No review condition would be considered necessary.

9.4 Financial Contribution Conditions

Financial contributions in the form of Development Contribution Fees and Reserve Contributions are applicable to this consent.

Development Contributions:

Section 198 of the Local Government Act 2002 acting together with the Kāpiti Coast District Council Development Contributions Policy provides Council with the ability to require payment of a Development Contribution for each of the additional allotments being created as a result of the proposed subdivision. It is understood that the requirement for development contributions under the Local Government Act will be added as an advice note.

Reserves Contributions:

The subdivision of the land will result in the creation of two additional allotments. As a result, the cash value of the reserves contribution for the additional allotments will be set by Council.

10. PART 2 MATTERS

Any consideration under Section 104(1) is subject to Part 2 of the Act. Part 2 sets out the purpose and principles of the Act. In addition, Part 2 requires the Council to recognise and provide for matters of national importance (Section 6); have particular regard to other matters (Section 7); and to take into account the principles of the Treaty of Waitangi (Section 8).

10.1 Section 5-Purpose

Section 5(1) states that the purpose of the Act is to promote the sustainable management of natural and physical resources. The proposed subdivision, which creates two additional lots, is considered to achieve the sustainable management of natural and physical resources because it will:

- Enable the owners and the community to provide for their social, economic and cultural wellbeing;
- Meet the reasonably foreseeable needs of future generations, as this land is already identified for 'Future Urban Development';
- Be undertaken in a manner that ensures adverse effects are avoided, remedied and mitigated;
- Safeguard the life-supporting capacity of air, water, soil and ecosystems.

The proposal is in accordance with Section 5 of the Act as it allows for the construction of a subdivision to provide two additional sites for two subsequent dwellings in a proposed urban environment. It is determined that this proposal promotes the sustainable management of natural and physical resources and will not have a detrimental impact on the urban environment or any neighbouring properties.

10.2 Section 6-Matters of National Importance

Section 6 establishes eight matters which must be recognised and provided for by all persons exercising functions and powers under the Act.

There are no relevant Matters of National Importance.

10.3 Section 7-Other Matters

Section 7 establishes eleven matters which all persons exercising functions and powers under the Act shall have particular regard to.

The proposal allows for the efficient use and development of a finite resource with reference to parts (b), (c) and (f) because this proposal provides for the establishment of two allotments in a proposed urban environment without having a detrimental impact on the existing surrounding environment.

10.4 Section 8-Treaty of Waitangi

The proposal is considered to be in accordance with the principles of te Tiriti o Waitangi as the site is not identified as having cultural significance.

Resource management issues relating to Historic Heritage and Tāngata Whenua considerations have been set out in section 4.9 in relation to PDP - Chapter 10.

10.5 Conclusion on Part 2 matters

Overall, the proposal is consistent with Part 2 matters identified above.

11. CONCLUSION

That pursuant to Sections 104 and 104B and with reference to 104D of the Resource Management Act 1991, it is considered that Council should **grant** consent to the proposed development to undertake a two lot subdivision, within the Future Urban Development Zone, with boundary adjustment between proposed Lots 1 and 2 at 205 and 211 Ngarara Road, Waikanae (Lot 2 DP 82054 and Lot 1 DP 72861) subject to conditions.

Report prepared by:

Olivia Campbell

Principal Planner

BSc MREP MNZPI

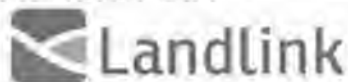
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Attention: Vanessa and Guy Simpson

Company: c/o Landlink Ltd

Date: 28 November 2018

From: Emma McRae, Senior Landscape Architect; Tessa Roberts, Ecologist

Message Ref: Land off Jacks Bush Road, Waikanae

Project No: W18138

Introduction

This report relates to an application for a right of way easement over Lot 12 DP 344901, a Local Purpose Reserve strip, located on the northern side of Jacks Bush Road, Waikanae. Kapiti Coast District Council (KCDC) officers established at their meeting of 25 October 2018 the reserve "was vested to safeguard the ecological values of Jacks Bush from the effects of intensive future development". Jacks Bush lies to the northeast of the site, on the opposite side of Jacks Bush Road. It is classified as ecological site K133 in the Kapiti Coast Proposed District Plan.

The proposed easement will create access for vehicles and services to a two-lot subdivision along Jacks Bush Road to the south of existing dwellings located at 205 and 211 Ngarara Road, Waikanae. Boffa Miskell have been engaged to provide landscape and ecological advice to accompany a submission by the landowner. This report will discuss:

- Whether the impact of two additional dwelling vehicle movements on Jacks Bush Road will have any adverse impact on the ecological site K133;
- Whether the landscape impacts of two additional dwellings in this location will be minor; and
- Whether the future removal of the wilding pines along Jacks Bush Road will have a positive impact on ecological site K133.

This report addresses first the landscape and visual matters, then ecological matters.

Site Description

The site is located to the north of Jack's Bush Road, and the east of Ngarara Road, Waikanae. The site is a 20cm wide reserve strip, which separates the southern boundary of 205 and 211 Ngarara Road from Jacks Bush Road, see **Figure 1** attached to the end of this memo. The site is vested as a Local Purpose Reserve under the Reserves Act 1977. The site is covered by grass and a pine shelterbelt. An existing gateway lies in the location of the proposed easement, see **Viewpoint 1** in the attached **Appraisal Photographs**.

Landscape and visual baseline

The site lies within the Waikanae Lowlands Landscape Character Unit of the Kapiti Coast District Landscape Study (Isthmus Group, 2012). The Waikanae Lowlands LCU extends along the base of the Hemi Matenga escarpment to the east, from the Waikanae River in the south to Kowhai Stream in the north, including the settlements of Waikanae and Peka Peka Beach. Key Characteristics of this area include the "*indigenous vegetation associated with Nga Manu Reserve, [and] Ngarara wetland and Estuary provide wildlife 'stepping stones', estuary habitat for marine, estuarine and fresh water fauna.*" The area is also recognised as "*The District's fastest growing urban area with rural lifestyle blocks surpassing traditional farming.*"

The site is situated to the west of the main Waikanae township and the east of the Kapiti Expressway, in an area that is characterised by residential development of large single to double storeyed houses on large lots, with substantial gardens or planting surrounding them. The area has a well vegetated, semi-rural character, distinct from the more densely inhabited residential area to the south around Wren Street, Pukeko Street and Penguin Grove. Existing properties to the south of Jacks Bush Road are separated from this area by an area

of forest recognised in the Kapiti Coast Proposed District Plan as Ecological site K133, an area of wetland, swamp forest, kohekohe forest and tawa forest, which is protected by a combination of private trust and QEII covenant, see **Figure 1**. High voltage transmission lines run north-south to the east of the end of Jacks Bush Road, form large-scale built elements in the area.

A preliminary site visit by Boffa Miskell on 26th November 2018 identified that there are limited views from existing dwellings within close proximity to the proposed development. Properties with views towards the proposed easement are limited to two properties to the south on Jacks Bush Road. **Viewpoint 2** shows the view northwest on Jacks Bush Road. The well vegetated boundary of 16 Jacks Bush Road is visible in the left-hand side of the view. **Viewpoint 3** shows the view southeast on Jacks Bush Road. The dwelling at 8 Jacks Bush Road is visible in the right of the view.

The existing dwellings at 205 and 211 Ngarara Road have their views towards the site screened by the surrounding undulating landform and vegetation, as does the dwelling at 189 Ngarara Road. Landform and vegetation obscures views towards the easement site from other properties on Ngarara Road and further to the east and west on Jacks Bush Road.

Statutory Considerations

The site lies within the Future Urban Development Zone, and within the Ngarara Dunes Special Amenity Landscape in the Kapiti Coast Proposed District Plan. These areas are currently under appeal. The Future Urban Development Zone identifies for future urban growth south of the northern urban edges of Waikanae and Ōtaki. The Ngarara Dunes are recognised as "*a complex sequence of largely unmodified consolidated dunes as well as wetlands and dune lakelets with hydrological connections predominantly intact.*" The KCDC Landscape Study states of the area that "*Existing patterns of landform, hydrology and indigenous vegetation, along with relatively sparse patterns of settlement, continued rural land use and the backdrop of Hemi Matenga escarpment, contribute to a highly memorable, picturesque landscape, with a moderate - high degree of natural character.*"

Subdivision in the Future Urban Development zone is a non-complying activity until a structure plan has been approved by way of a change to the District Plan, and appended to the District Plan, to enable comprehensive low impact urban development.

Analysis of effects

The proposed easement would allow the vehicular access and services to cross the site, in the location labelled on drawing 2262-P1-001. This would allow a two-lot subdivision. Subdivision is a non-complying activity without an approved structure plan. The effects of subdivision as proposed are described as follows.

Landscape effects

Potential landscape fabric effects of a two-lot subdivision, enabled by the easement across the reserve would be earthworks to create the site access points and building platforms. It is also proposed to remove the shelterbelt pine trees along the road edge and further within the site, which are becoming windblown and shedding limbs, an activity which could be undertaken currently without the requirement for consent. These activities will result in a short term low adverse effect to the local landscape fabric.

The two additional lots would be of a smaller size than the existing properties along Jacks Bush Road which consists of properties of around 1 hectare. However, as illustrated on the subdivision plan 2262-P1-001 a 20m radius development area can easily be accommodated within the site while still retaining the pines to the northwest and southeast. The landform of the site falls away from the road, meaning any potential dwellings may also be partially obscured by landform. Removal of these shelterbelt pines would create a more open view to the properties from 8 Jacks Bush Road.

Given the well vegetated character of the area, it is considered that the two additional dwellings could be complemented by further planting around the site boundaries to retain the well vegetated local character of the area, and screening from neighbouring properties. Planting of native species (such as *Kunzea amathicola*, a locally indigenous form of Kanuka), along the road edge and boundaries where pines are removed would assist in screening the dwellings from view, reinforcing the existing character. Details of such planting could be included within the future resource consent to be lodged for the subdivision of the site. It is considered that there would be a short term negligible impact and a long term neutral impact on the wider landscape character of the Ngarara Dunes and Waikanae Lowlands area once the vegetation is established.

Visual effects

As discussed earlier, the site is very well contained within the surrounding landscape, with the only views towards the site experienced by road users and from dwellings to the south on Jacks Bush Road. Construction of two dwellings to the north of Jacks Bush Road, would create a short term adverse visual effect due to the increased density of development. This view would be experienced by users of Jack's Bush Road, and dwellings to the south of Jacks Bush Road, who have views towards the easement site. Road users would experience very low adverse effects, as people in vehicles are less susceptible to changes in their visual amenity and would only experience glimpsed views of the site as they move along the road. Views experienced by nearby residents would be low adverse, for 8 Jacks Bush Road, and negligible for numbers 2 and 16 Jacks Bush Rd, and 189 Ngarara Road, which are separated from the site by landform and vegetation. Proposed planting of kanuka along the road edge would result in a long term neutral effect for both road users and neighbouring residents.

Ecological effects

Ecological input was requested to respond to two specific questions from the landowner:

1. Will two additional dwelling vehicle movements on Jacks Bush Road have any adverse impact on the ecological site K133?

The Ecological Assessment finds that the 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.

- **Disturbance:** Jacks Bush lies within a relatively developed area and there are currently seven households on Jacks Bush Road. The wildlife will therefore be habituated to a level of activity on the road and in nearby properties.

We therefore, do not consider that the increase in traffic associated with two additional dwellings will have any increase in impacts on resident wildlife present in Jacks Bush.

- **Collision:** There is research on car collisions in New Zealand (Brockie 2007, Brockie et al 2009, Freeman 2010) which shows that bird strike on roads is generally restricted to common and abundant species (harrier hawk, pukeko, magpie) or occurs at blackspots where certain species are particularly susceptible (weka, little blue penguin, gull). Of the species known to be susceptible to road collisions, only pukeko will occur at this site. Our experience is that mortalities of this bird, even in very high traffic areas, do not affect the populations of this common species.

This risk is reduced by the short length of road from the Ngarara Road turnoff to the proposed driveways. It is under 100m, therefore not likely to be driven at speed.

Additionally, the road sits within a hollow between dunelands. Except for pukeko, bird movement is most likely to be above the level of the road.

We therefore, do not consider that the increase in traffic associated with two additional dwellings will put populations of indigenous wildlife at risk.

2. Will the removal of the wilding pines along Jacks Bush Road have a positive impact on ecological site K133?

It is possible that the removal of pines along the northern road edge could have both positive and negative effects.

Negative Effects:

The removal of radiata pine along the northern edge of Jack's Bush Road and its potential to impact the native vegetation community within Jacks Bush is considered. Jacks Bush is located along the adjacent, southern edge of Jacks Bush Road (see Figure 1).

Removal of the pine 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 (*Kunzea amathicola*) a Threatened

- Nationally Vulnerable Species (de Lange et al., 2018), and to a lesser extent, mahoe, kawakawa, kohekohe, titoki seedlings and thin-leaved coprosma.

Based on our experience and knowledge of this type of vegetation, this native dune community is naturally resilient to the high winds and sun of the coastal environment. It is highly unlikely it would be affected by pine removal. If there are concerns over this matter, it would be a simple matter to monitor this vegetation for a period following pine clearance. If there is any evidence of edge effects, some buffer planting using indigenous species could be considered.

Positive Effects:

Removing mature pine from the site will reduce the availability of wilding pine seed and so reduce wilding germination throughout the wider landscape. However, this is a broader effect and not likely to directly affect Jacks Bush. The reason for this is Jacks Bush is a relatively intact wetland-dune complex, with few areas of bare exposed ground which pines favour for establishment.

Conclusion

Landscape and visual effects summary

Earthworks to create the site access points and building platforms and removal of the shelterbelt pines will result in a short term low adverse effect to the local landscape fabric.

Given the well vegetated surroundings it is considered that two additional dwellings could be accommodated in this location while still retaining the well vegetated local character of the area. This could be achieved by planting native species including local species of kanuka (*Kunzea amathicola*) along the road edge and boundaries to assist in screening the dwellings from view and reinforcing the existing landscape character, resulting in a long term **neutral** effect.

The site is very well contained within the surrounding landscape, with the only views towards the site experienced by road users and dwellings to the south on Jacks Bush Road. Construction of two dwellings to the north of Jacks Bush Road, would create a short term adverse visual effect, which would be **low** for nearby residents and **very low** for vehicle users. Proposed planting of native species along the road edge and property boundaries would result in a long term **neutral** effect for both road users and neighbouring residents.

In conclusion, landscape and visual effects of the proposed easement are considered to be no more than minor.

Ecological effects summary

We conclude that both the removal of the pine trees from the property of 205 Ngarara Road, and addition of vehicle movements from two dwellings will have a negligible effect on the ecological site K133 (Jacks Bush) due to (low likelihood of disturbance or collision by the increased vehicle presence.).

However, should the area of removed pine be planted with species eco sourced and representative (such as *Kunzea amathicola*) then this will not only decrease the long-term exposure to the bush edge, but increase the amount of coastal back dune forest habitat in the landscape. Therefore, replacing pines with planting of native bush edge species on the northern edge of Jacks Bush Road will result in a positive impact on the ecological site of Jacks Bush and we recommend that this occurs.

References

- Brockie, R.E. (2007) Notes on New Zealand mammals 4. Animal road-kill "blackspots" New Zealand Journal of Zoology, Vol. 34:4, 311-316.
- Brockie, R.E., Richard M. F. S. Sadleir & Wayne L. Linklater (2009) "Long-term wildlife road-kill counts in New Zealand" New Zealand Journal of Zoology, 2009, Vol. 36: 123-134
- Freeman, S. (2010) Western weka road-kill at Cape Foulwind, Buller, New Zealand. New Zealand Journal of Zoology, 37:2, 131-146
- de Lange, P. J., Rolfe, J. R., Barkla, J. W., Courtney, S. P., Champion, P. D., Perrie, L. R., ...
- Ladley, K. (2018). Conservation status of New Zealand indigenous vascular plants, 2017 (New Zealand Threat Classification Series No. 22). Wellington: Department of Conservation.
- Kapiti Coast District Council, (March 2018) Proposed District Plan – Appeals Version
- Kapiti Coast District Council, Isthmus Group Ltd (October 2012). Kapiti Coast District Landscape Study

Appraisal Photographs



Viewpoint 1 – View northeast towards easement site on Jacks Bush Road



Viewpoint 2 – View northwest on Jacks Bush Road



Viewpoint 3 – View southeast on Jacks Bush Road

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Figure 1

Make Submission

Consultee Wayde and Lynley Hastings (83558)
Email Address thehastings@xtra.co.nz
Address 16 Jacks Bush Road
Waikanae
5036
Event Name 2018 Easements - Jacks Bush Road - Waikanae
Submission by Wayde and Lynley Hastings (83558)
Submission ID JBR-7
Response Date 3/12/18 1:34 PM
Status Submitted
Submission Type Letter
Version 0.2
Files JBR-7 Submission on Proposed Easements over
Local Purpose Reserve, Jacks Bush Road - Wayde

Are you providing feedback

Title

First and last name

Wayde and Lynley Hastings

Address

16 Jacks Bush Road Waikanae 5036

Email

thehastings@xtra.co.nz

Hearings

**Would you like to make an oral submission to
Councillors to support your written submission?**

Privacy statement

Please note that all submissions (including names and contact details) will be made available at Council offices and public libraries. A summary of submissions including the name of the submitter may also be made publicly available and posted on the Kapiti Coast District Council website. Personal information will be used for administration relating to the subject matter of the submissions, including notifying submitters of subsequent steps and decisions. All information will be held by Kapiti Coast District Council, with submitters having the

right to access and correct personal information. If you do not want your personal information to be published please tick the box below.

Question 1

Do you support or oppose the proposed new easements over the Local Purpose Reserve?

Oppose

What aspects of the proposal are you neutral towards (if any)?

We strongly OBJECT to the proposed granting of easements for two rights of way and services over local purpose reserve being Lot 12 DP 344901 (the reserve) at Jacks Bush Road, Waikanae. We believe that if the Kapiti Coast District Council allows this easement application & associated further access ways onto Jacks Bush Road that this will further jeopardize our road safety and protection of a remnant wetland flora /fauna of significant biodiversity. • This proposed easement through the local purpose reserve will directly affect us at 16 Jacks Bush Road as it appears to be located directly opposite our property and our driveway entrance and there is only a narrow roadway in between and we therefore have road safety concerns • We already have traffic, pedal bike and pedestrian safety concerns at the intersection of Jacks Bush and Ngarara Roads and this will multiply with any resulting increased traffic load from Jacks Bush • The Easement application is wide enough for a small road not just two sections as proposed (and there is mention of possible further subdivision in 10 years in the developer's easement application). Our understanding is that Jacks Bush Road is to remain rural but if easement is granted there is nothing to stop the developer using this easement for a road way for further future urban development, how then can Jacks Bush stay rural? • Greater Wellington Regional Council (GWRC) have a lot of input in protecting the environment at 16 Jacks Bush Road through weed control and pest eradication. (Don't forget our National directive to be predator free by 2050) • Allowing easement over this protective buffer strip will potentially allow increasing urban development access along with the associated pest plants and animals (that are likely to be brought with it) into the very near vicinity, therefore allowing the degradation of the biodiversity values placed on this key native ecosystem • The local Nga Manu Wetland Complex (of which the wetland at 16 Jacks Bush Road connects to) is one of the last remaining "...naturally occurring habitats & ecosystem that are in a healthy functioning state & supporting indigenous biodiversity" (Quote from 'Key Native Ecosystem Plan for Nga Manu Wetland Complex 2015-18(Draft)' by GWRC). There is now less than 10% of New Zealand's original wetlands are remaining • We understood that the restricted number (9 only) sections approved for Jacks Bush Road of minimum size of approximate 7000m2 was put in place by KCDC to help protect this significant biodiversity value. • Mitigating environmental impacts if the KCDC choose to grant this easement is simply TOO LATE for our environment! • We believe that back when the Kapiti Coast District Council (KCDC) accepted the land (Lot 12) from the Jacks Bush Developers that they (KCDC) entered into an agreement to protect the rural area and special protective nature including QEII covenants for this development from possible future urban development. • One of the reasons we bought here was due to this belief of protection • If KCDC choose to grant easement they (we believe) will be dishonouring this agreement and undermine all the efforts to make Jacks Bush Road the special environmentally protective place that it is. • By granting easement the KCDC breaking the trust placed in them by the original Jacks Bush developers and the current rate payers at 16 Jacks Bush Road, Waikanae In conclusion we therefore STRONGLY OBJECT to the application for easement across the over local purpose reserve (lot 12) in Jacks Bush Road Waikanae. The history of this area does matter!

You can send us extra pages if there isn't enough space on this form to say everything you want to tell us. Please make sure you put your name and contact details on each sheet you send us.

Note: Attachments are limited to 10mb

You can attach a document with further comments to give all the feedback you want to.

JBR-7 Submission on Proposed Easements over Local Purpose Reserve, Jacks Bush Road - Wayde

Submission on the proposed Easements over local purpose reserve, into Jacks Bush Road.

Submitters - Wayde and Lynley Hastings 16 Jacks Bush Road, Waikanae

Date: 27th November 2018

Purpose of Submission – We strongly **OBJECT** to the proposed granting of easements for two rights of way and services over local purpose reserve being Lot 12 DP 344901 (the reserve) at Jacks Bush Road, Waikanae.

We believe that if the Kapiti Coast District Council allows this easement application & associated further access ways onto Jacks Bush Road that this will further jeopardize our road safety and protection of a remnant wetland flora /fauna of significant biodiversity.

- This proposed easement through the local purpose reserve will directly affect us at 16 Jacks Bush Road as it **appears to be located directly opposite our property** and our driveway entrance and there is **only a narrow roadway in between** and we therefore have **road safety concerns**
- We already have traffic, pedal bike and pedestrian **safety concerns** at the intersection of Jacks Bush and Ngarara Roads and this will multiply with any resulting increased traffic load from Jacks Bush
- The **Easement application is wide enough for a small road** not just two sections as proposed (and there is mention of possible further subdivision in 10 years in the developer's easement application). Our understanding is that Jacks Bush Road is to remain rural but if easement is granted there is nothing to stop the developer using this easement for a road way for further future urban development, how then can Jacks Bush stay rural?
- **Greater Wellington Regional Council (GWRC)** have a lot of input in protecting the environment at 16 Jacks Bush Road through **weed control and pest eradication**. (*Don't forget our National directive to be predator free by 2050*)
- Allowing easement over this protective buffer strip will potentially **allow increasing urban development access along with the associated pest plants and animals (that are likely to be brought with it)** into the very near vicinity, therefore allowing the degradation of the biodiversity values placed on this key native ecosystem
- The local Nga Manu Wetland Complex (of which the wetland at 16 Jacks Bush Road connects to) is **one of the last remaining "....naturally occurring habitats & ecosystem that are in a healthy functioning state & supporting indigenous biodiversity"** (Quote from 'Key Native Ecosystem Plan for Nga Manu Wetland Complex 2015-18(Draft)' by GWRC). There is now less than 10% of New Zealand's original wetlands are remaining
- **We understood that the restricted number (9 only) sections approved for Jacks Bush Road of minimum size of approximate 7000m² was put in place by KCDC to help protect this significant biodiversity value.**
- Mitigating environmental impacts if the KCDC choose to grant this easement is simply **TOO LATE for our environment!**
- We believe that back when the Kapiti Coast District Council (KCDC) accepted the land (Lot 12) from the Jacks Bush Developers that they **(KCDC) entered into an agreement to protect the rural area** and special protective nature including QEII covenants for this development from possible future urban development.
- One of the reasons we bought here was due to this belief of protection

- If KCDC choose to grant easement they (we believe) will be dishonouring this agreement and undermine all the efforts to make Jacks Bush Road the special environmentally protective place that it is.
- By granting easement the KCDC breaking the trust placed in them by the original Jacks Bush developers and the current rate payers at 16 Jacks Bush Road, Waikanae

In conclusion we therefore STRONGLY OBJECT to the application for easement across the over local purpose reserve (lot 12) in Jacks Bush Road Waikanae.

The history of this area does matter!

Sincerely



Wayde and Lynley Hastings



Make Submission

Consultee Anthony and Tracey Salmon (83559)

Address 2 Jacks Bush Road
Waikanae
5036

Event Name 2018 Easements - Jacks Bush Road - Waikanae

Submission by Anthony and Tracey Salmon (83559)

Submission ID JBR-8

Response Date 3/12/18 2:02 PM

Status Submitted

Submission Type Letter

Version 0.3

Files JBR-8 Submission on Proposed Easements over Local Purpose Reserve, Jacks Bush Road - Anthony and Tracey Salmon.pdf

Are you providing feedback as an individual

Title

First and last name Anthony and Tracey Salmon

Address

2 Jacks Bush Road Waikanae 5036

Hearings

Would you like to make an oral submission to Councillors to support your written submission?

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Question 1

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Oppose

You can send us extra pages if there isn't enough space on this form to say everything you want to tell us. Please make sure you put your name and contact details on each sheet you send us.

Note: Attachments are limited to 10mb

You can attach a document with further comments to give all the feedback you want to.

JBR-8 Submission on Proposed Easements over Local Purpose Reserve, Jacks Bush Road - Anthony and Tracey Salmon.pdf

Submission regarding proposed new easements over local purpose reserve at Jacks Bush Road, Waikanae, Lot 12 DP 344901 (CFR 274608)

SUBMITTERS: ANTHONY AND TRACEY SALMON – 2 JACKS BUSH ROAD

In this submission we object to the proposed new easements over local purpose reserve at Jacks Bush Road, Waikanae, Lot 12 DP 344901 (CFR 274608).

Our objections are focused on 3 main areas:

1. Vehicular Traffic,
2. Ecological, and
3. Environmental concerns.

Vehicular Traffic

We live on the corner of Jacks Bush road and Ngarara Road with a driveway within a few metres of the corner. We realise that additional traffic is a natural consequence of the inevitable urbanisation in the Ngarara area and accept the increased traffic along Ngarara Road. However, the Ngarara Road - Jack Bush Road intersection is a particularly dangerous one with very short lines of sight both turning into and out of Jacks Bush Road heading to/from Waikanae centre. There are constantly many near misses and some minor accidents in the vicinity and increase in the amount of traffic turning through that intersection will only increase the risk of a serious accident occurring.

Every time a new house has been built along Jacks Bush Road, with the corresponding increase in trucks and tradesperson's vans and finally regular household vehicles, the frequency of near accidents and evasive action required by drivers, cyclists, walkers, and sometimes even gardeners, has increased.

We bought this property on the understanding that because of the covenants in place along Jacks Bush road, and the local purpose reserve, that there would only ever be 9 properties along the road providing a safe quiet rural road for people to walk even though there are no footpaths, for kids to learn to ride a bike, and that the intersection would have a limit to the regular traffic turning through it.

If the proposed access across the local purpose reserve into 205 Ngarara Road were granted it would not only increase the risk of serious accidents but also start the urbanisation of what is only a rural road, and when further subdivision of the proposed lots occurs in 10 years it will be too late to back track the decision.

There is alternative access to lots 3 & 4 of 205 Ngarara Road. A track is already developed and used to access the area involved which could be further developed and has several possible and safer accesses to Ngarara road off the frontage from 205 Ngarara Road. Allowing the developer to reduce his financial costs in this manner would have the perverse effect of increasing other (not necessarily financial) costs for those around; especially with regard to traffic safety, the local ecosystem, and the environment.

Ecological

The purpose for which the local purpose reserve was created was, “to safeguard Jacks Bush from the effects of future intensive development by placing a buffer zone along the common boundary”.

Ecologically, Jacks Bush is a special place in the region and is part of the Nga Manu Wetland Complex Key Native Ecosystem. A large portion of the total Jacks Bush area is protected by QEII covenants. Any increase in traffic or human habitation along Jacks Bush Road will alter the ecological balance in the area.

The safeguard by way of the local purpose reserve was put in place by a hearing decision of the Kapiti Coast District Council (hearing date Thursday 21 March 2003), and nothing has changed in the area to no longer warrant that protection.

The application requesting easement over the local purpose reserve agrees to a condition (section 4.2) to “Preclude any further subdivision on Lots 3 and 4 for a ten-year period (as was done in the Jacks Bush road subdivision)”. In comment:

- No further subdivision is allowed in Jacks Bush ever, to limit any future ecological impacts.
- Even if this condition was implemented, in ten years’ time further intensive development would be possible meaning such a condition is in no way safeguarding future impacts to Jacks Bush.
- And, if all it takes to overturn a previous protective decision by the Kapiti Coast District Council is a subsequent application to council, any agreement to limit subdivision for 10 years is meaningless. Someone could just apply to have it removed. Granting this easement becomes the thin edge of the wedge, and we would like to see the Council retain its integrity by backing the decision it made in 2003.

The local purpose reserve was put in place because Jacks Bush is a special place and we are working hard to ensure it remains so for future generations to enjoy.

Environmental

The environment is not just the unique ecosystem in the area, but also the place that we all live. Jacks Bush is special. We bought our property in Jacks Bush in the knowledge that there would only be nine properties on the no exit road which would provide a quiet street and community atmosphere, an island of tranquility, even if one day the area around became built up.

Quail and pheasant roam up and down the road safely. Local people walk and cycle down and around the road. We all enjoy the natural, quiet, and peaceful surroundings. Jacks Bush was developed in such a way as to ensure this remains so.

Access points to 205 Ngarara Road from Jacks Bush will mean more through-traffic to more sections in the future, both during and after development of the new subdivision, and open the possibility for future extension to accommodate other subdivisions. This will pull Jacks Bush into an urban environment that it was not built for and the original land-use and subdivision consent did not intend.

The current covenants in Jacks Bush and the local purpose reserve are there to ensure the wonderful environment remains as it is. Granting easement over the local purpose reserve will start to erode this.


205 Ngarara Road is zoned "Future Urban Development" and as such should be considered as part of a wider structure plan for the area to ensure decisions such as this one the council needs to make, are in keeping with the local character and that local-specific issues are managed. Unfortunately, no structure plan for the future urban development sections in this area exists.

In Summary

The purpose for which the local purpose reserve was created was, "to safeguard Jacks Bush from the effects of future intensive development by placing a buffer zone along the common boundary". Any access across the reserve does, by its very nature, materially alter this safeguard and buffer zone.

The impacts to traffic, the ecosystem, and the environment are unnecessary as there is an alternative access to the proposed Lot 3 and Lot 4 of 205 Ngarara Road that, while it may be costlier for the developer, is not impossible as there is currently a track developed and used by the owner for access into the area. Use of this track, turned into a driveway, may mean that the developer can't subdivide quite as he may want to, but with no structure plan in place we ask that the Council consider the local ecosystem, traffic issues, and environment and not purely financial benefits to the developer and the Council.

 30/11/2018

 30/11/2018

Anthony and Tracey Salmon

2 Jacks Bush Road, Waikanae.

Make Submission

Consultee FT and PA Mallia (83560)

Address 31 Jacks Bush Road
Waikanae
5036

Event Name 2018 Easements - Jacks Bush Road - Waikanae

Submission by FT and PA Mallia (83560)

Submission ID JBR-9

Response Date 3/12/18 2:11 PM

Status Submitted

Submission Type Letter

Version 0.2

Files JBR-9 Submission on Proposed Easements over Local Purpose Reserve, Jacks Bush Road - F T

Are you providing feedback as an individual

Title

First and last name FT and PA Mallia

Address

31 Jacks Bush Road Waikanae 5036

Phone 0273 626 595

Hearings

Would you like to make an oral submission to Councillors to support your written submission?

Privacy statement

Please note that all submissions (including names and contact details) will be made available at Council offices and public libraries. A summary of submissions including the name of the submitter may also be made publicly available and posted on the Kapiti Coast District Council website. Personal information will be used for administration relating to the subject matter of the submissions, including notifying submitters of subsequent steps and decisions. All information will be held by Kapiti Coast District Council, with submitters having the right to access and correct personal information. If you do not want your personal information to be published please tick the box below.

Question 1

Do you support or oppose the proposed new easements over the Local Purpose Reserve?

Oppose

You can send us extra pages if there isn't enough space on this form to say everything you want to tell us. Please make sure you put your name and contact details on each sheet you send us.

Note: Attachments are limited to 10mb

You can attach a document with further comments to give all the feedback you want to.

JBR-9 Submission on Proposed Easements over Local Purpose Reserve, Jacks Bush Road - F T

SUBMISSION TO PROPOSED NEW EASEMENT OVER LOCAL PURPOSE RESERVE

LOT NO 12DP 344901 (CFR 274608)

To whom it may concern, our submission is to oppose any granting of easement over the above reserve.

Our reasons are:

- 1 We purchased our property with this protection put in place with the agreement of the environment court, Kea, KCDC and other legal entities to specifically not allow any further traffic, dense housing, damage to bioversity and especially Jacks Bush.
- 2 We believe this proposal is the thin edge of the wedge for developers and Council to completely destroy the East side of Ngarara Road by dense housing thereby causing serious damage around and to Jacks Bush, Ngamanu Bird and Fish Sanctuary and local biodiversity.
- 3 There does not appear to be any local plan re the type of housing, section sizes, traffic infrastructure for Ngarara road and intersections.
- 4 We are not against property development, providing local environmental and biodiversity is maintained to keep Waikanae the Bird and Fauna area it is now.
- 5 We are deeply concerned by the comments of Parks and Reserves Council Employees who told us not to get emotional, that whatever reserve processes were put in place in the past are historic, are not today's policy and are easily changed or discounted.

Signed

P.A. MALLIA

F + T MALLIA + P.A. MALLIA

31 JACKS BUSH ROAD

WAIKANAЕ

0273626595

Make Submission

Consultee Jacks Bush Residents Group (83561)

Company / Organisation Jacks Bush Residents Group

Address Various
Waikanae
5036

Event Name 2018 Easements - Jacks Bush Road - Waikanae

Submission by Jacks Bush Residents Group (Jacks Bush Residents Group - 83561)

Submission ID JBR-10

Response Date 3/12/18 2:41 PM

Status Submitted

Submission Type Letter

Version 0.2

Files JBR-10 Submission on Proposed Easements over Local Purpose Reserve, Jacks Bush Road - Jacks bush Residents Group

Are you providing feedback on behalf of an organisation

Organisation name Jacks Bush Residents Group

Title

Address

Various Waikanae 5036

Hearings

Would you like to make an oral submission to Councillors to support your written submission?

Privacy statement

Please note that all submissions (including names and contact details) will be made available at Council offices and public libraries. A summary of submissions including the name of the submitter may also be made publicly available and posted on the Kapiti Coast District Council website. Personal information will be used for administration relating to the subject matter of the submissions, including notifying submitters of subsequent steps and decisions. All information will be held by Kapiti Coast District Council, with submitters having the

right to access and correct personal information. If you do not want your personal information to be published please tick the box below.

Question 1

Do you support or oppose the proposed new easements over the Local Purpose Reserve?

You can send us extra pages if there isn't enough space on this form to say everything you want to tell us. Please make sure you put your name and contact details on each sheet you send us.

Note: Attachments are limited to 10mb

You can attach a document with further comments to give all the feedback you want to.

JBR-10 Submission on Proposed Easements over Local Purpose Reserve, Jacks Bush Road - Jacks bush Residents Group

SUBMISSION ON THE PROPOSED EASEMENTS OVER LOCAL PURPOSE RESERVE, JACKS BUSH ROAD, WAIKANAЕ

Submitters: Jacks Bush Residents Group and Ngarara Road residents (individuals are listed at the end of this submission)

Date: 26 November 2018

30 NOV 2018

1. Purpose of Submission

This submission **objects** to the proposed granting of easements for two rights of way and services over local purpose reserve being Lot 12 DP 344901 (the Reserve) at Jacks Bush Road, Waikanae (the Application). The submission presents ineluctable information that counters the inaccuracies, inconsistencies and omissions in the Landlink report made on behalf of 205 Ngarara Road (the Applicant) and the Council report prepared by Parks and Recreation Officer Kate Brown for the 25 October Council Meeting.

2. Inaccuracies and Omissions

The Landlink and Council reports are flawed documents. Each is under-researched, omit key facts and present a distorted/one-sided picture to the Application. Both reports contain significant errors and omissions associated with the following topics:

- History of Jacks Bush development
- Environment and ecological values
- Road safety
- Consultation and Stakeholder engagement
- Alternative options
- Interdependence considerations

The history of the Jacks Bush development and the vision of its founders is noticeably absent from the Landlink and Council reports. Likewise the environmental and ecological values of Jacks Bush and its direct association with the Nga Manu Wetland Complex bears no mention. Road safety concerns associated with additional vehicles entering what is the most dangerous and difficult bend along Ngarara Road are ignored and meaningful consultation with affected parties has not occurred.

This submission seeks to redress the situation by providing Council with a more accurate and informative account on which to base their decision. Where appropriate extracts from the audio transcript of the 25 October meeting are also included.

3. History of Jacks Bush development

In 1956 Jack Bristed purchased a 40 acre block off Ngarara Road where he planned to retire. It had a magnificent stand of native bush which he nurtured and protected. The land then

passed to his son John Bristed and with business partner Charles Speight formed the Ngarara Development Partnership Ltd with the aim of developing the land in an environmentally sensitive and controlled way that would preserve Jack's legacy.

The development faced many objections from submitters including GWRC and was contested in the Environment Court, the outcome of which resulted in the imposition of numerous restrictions including the surrender of more than half the land area to vest as reserve. Out of the original 40 acres, only 9 lots were granted and no further subdivision of these lots is permitted.

To get the development over the line, the Partnership provided a suite of specialist reports. These included a detailed ecological report from Native Laboratories-Ecology, a soil analysis report for wastewater disposal from Samcon Limited, a road safety audit report from Barclay Traffic Planning for the intersection with Ngarara Road and a Sediment Management Plan for Lot 3.

Despite these challenges, the Partnership maintained its vision of creating a unique, uncrowded and environmentally sustainable living experience with protective covenants designed to add and protect the value of all properties in the development. The entire process from initial application to Council to the granting of resource consent took approximately 10 years.

Because of the environmental sensitivity and uniqueness of Jacks Bush, John and Charles had the foresight to place an isolation strip running parallel to the northern side of Jacks Bush Road to the roundabout to protect the development from the effects of any future development that may occur on neighbouring land - i.e. 205 Ngarara Road. The placing of a protective strip and its purpose is clearly documented in Council report ***'Decision of the Hearing Committee for Application: RM 020073 (applicant Ngarara Development Partnership Ltd) and dated 21 March 2003.*** The report mentions that the isolation strip running parallel to Jacks Bush Road is designated as Lot 12 on Landlink Plan number 119.02-1 Issue E and dated 19.4.2002 (shown as Addendum 1).

At the time of the hearing the Partnership submitted that *"since the adjoining land has the potential to become residential at some point in the future, it is considered prudent to safeguard Jacks Bush from the effects of future intensive development by placing a buffer zone along the common boundary"*.

The hearing committee stated **it agreed with the applicant's protective purpose of Lot 12** and accepted that it should be amalgamated with Lot 3 or was to vest as local purpose reserve with Council. We point out that the purpose of the Reserve to act as a protective buffer was clearly agreed upon and documented at the aforementioned hearing and the use of the term 'spite strip' in the Landlink report and by certain Officers is inaccurate and unwarranted.

4. Environment and ecological values

Jacks Bush has been described as an ecological wonderland that has been growing for centuries. It has been nurtured and protected by its original owners and now by the Jacks Bush residents. It contains a 21 acre stand of native bush reserve and offers a diversity of birdlife. There is nothing comparable on the Kapiti Coast that combines privacy, space and exceptional biodiversity in an environment of such significance. In this respect Jack Bush is a landmark development.

The submitters contest that the magnitude of the environmental downside to Jacks Bush in granting easements of any form over the Reserve is not acceptable or compatible with Jacks Bush ecological values. Any increase in traffic or human habitation along Jacks Bush Road will negatively impact the ecological balance. Our reasoning is based on the following:

- The Landlink and Council reports fail to recognise or acknowledge the Key Native Ecosystem (KNE) plan for the Nga Manu Wetland Complex (NMWC) as set out by GWRC Biodiversity and which Jacks Bush is part of (Figure 1). The NMWC is a protected area of ecological significance covering 38 ha.

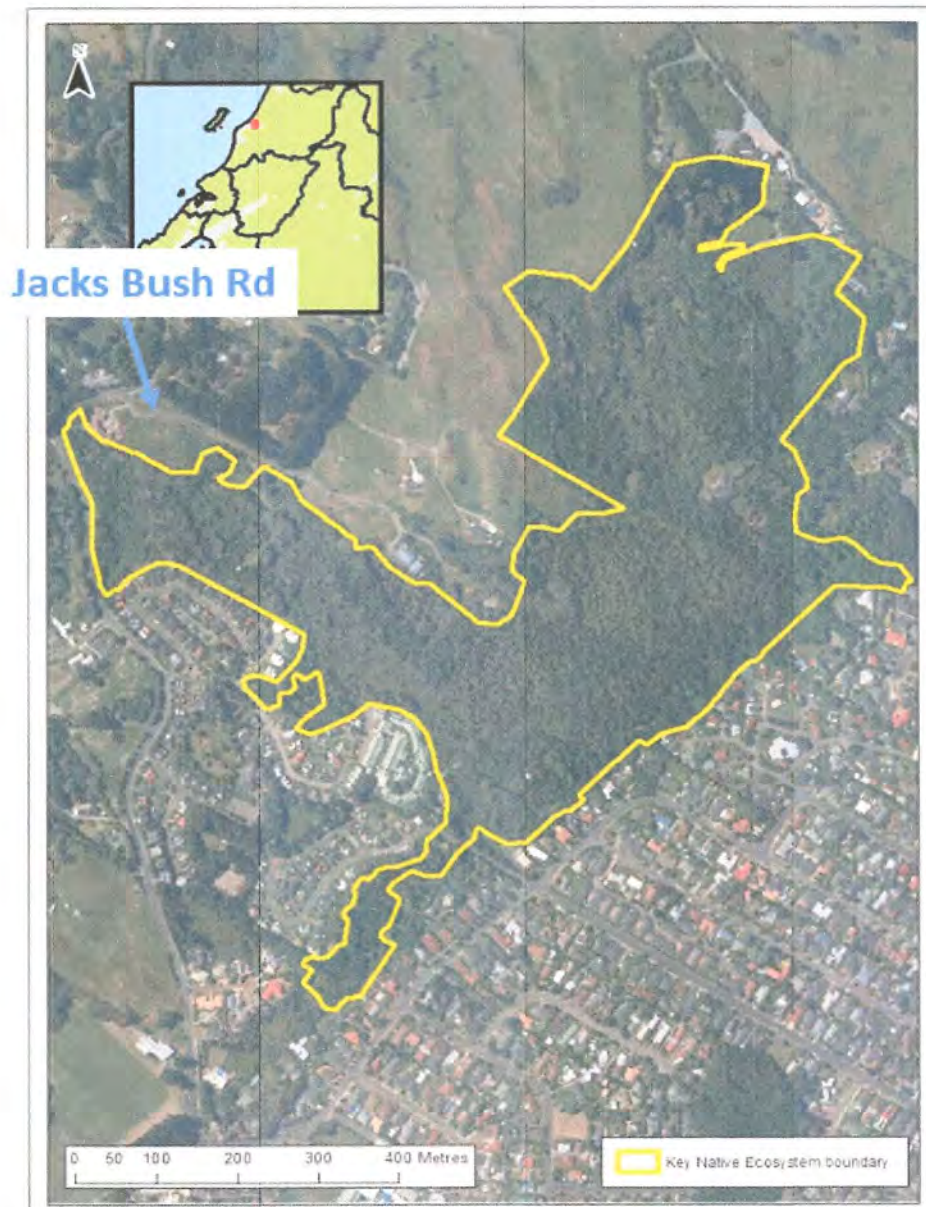


Figure 1. Nga Manu Wetland Complex Key Native Ecosystem boundary

- Lots 3 and 4 as described in the Landlink report contain a small pond/wetland area that arguably could be restored and included in the greater NMWC. At the very least it should be assessed by a specialist biodiversity expert to determine its significance. Before the Applicant purchased the property there were frogs inhabiting this wetland which could clearly be heard from some distance. Over the years this feature has been degraded and reduced in size by the dumping of rubbish, infill of the pond and the running of stock (Figure 2). There has been no attempt by the Applicant to preserve or protect this ecosystem which in our opinion elevates the environmental risk to Jacks Bush in granting the easements.



Figure 2. Damaged wetland - Lots 3 and 4 as per Landlink report

- Sections 2 and 6 of the Landlink report state that the large pine trees on the southern boundary of Jacks Bush Road “are arguably a threat to the ecosystem of the Jacks Bush Reserve”. We disagree. The pine trees provide a natural visible boundary to that part of Jacks Bush and serve as a protective haven for a variety of birdlife. Any seedlings that appear are easy to control. The report claims that granting the easements will enable their removal – yet the Applicant has in the past already taken out a number of pine trees. In any event the claimed ecological threat of the remaining pine trees to Jack Bush is unfounded and irrelevant. Their removal would likely occur regardless should development of the land be permitted.
- The Landlink report makes repeated yet inaccurate claims that granting of easements would not materially alter or permanently damage the Reserve, that it would remain intact and would continue to serve its primary purpose in protecting Jacks Bush (Sections 1.2, 3.1, 4.2, & 6). Yet it simultaneously concedes that future intensive development and additional traffic would not be prohibited on the land proposed for development (Section 6). We completely refute these spurious claims. Should the easements be granted and two 4 metre permanent entrances be constructed (as presented in Appendix 1 of the report), then by definition the Reserve will no longer be intact and would have suffered permanent damage.

The ambitions of the Landlink report appear peppered with environmental concerns but at its core the request for easements over the Reserve is financial which should be of no concern to Council. If granted there would likely be a negative impact on the ecology of Jacks Bush which is counter to Councils' stated policy of integration and protection of areas of environmental and ecological significance.

In this end our objection to the granting of the easements is about the long term preservation of the local environment and diverse ecosystems which in many regions are in existential crisis. Ergo, instead of the passive process driven and dismissive attitude we have been confronted with by certain Officers, Council should be more open, constructive and supportive on the matters raised by the residents.

5. Road Safety

Road safety concerns associated with increased traffic entering and exiting this difficult part of Ngarara Road with Jacks Bush do not feature in the Landlink report. The Council report mentions the 'roading team' are ok with the two lots accessing Jacks Bush Road without providing any justification for reaching this decision.

Is Council aware that granting the easements will allow all sorts of additional traffic to access Jacks Bush Road including logging trucks, various contractor and utility vehicles and that further lots maybe accessed in the future resulting in even more traffic? (Sections 4.2 & 6, Landlink report).

Has Council compared lines of sight for vehicles travelling along Ngarara Road at Jacks Bush Road and 205 Ngarara Road and for traffic entering Ngarara Road from these two locations? It would appear not. Figure 3 shows sightline measurements taken where Jacks Bush Road intersects with Ngarara Road. Position A – the actual location of the intersection – shows sight distances of 60 metres to the north and 75 metres to the south.

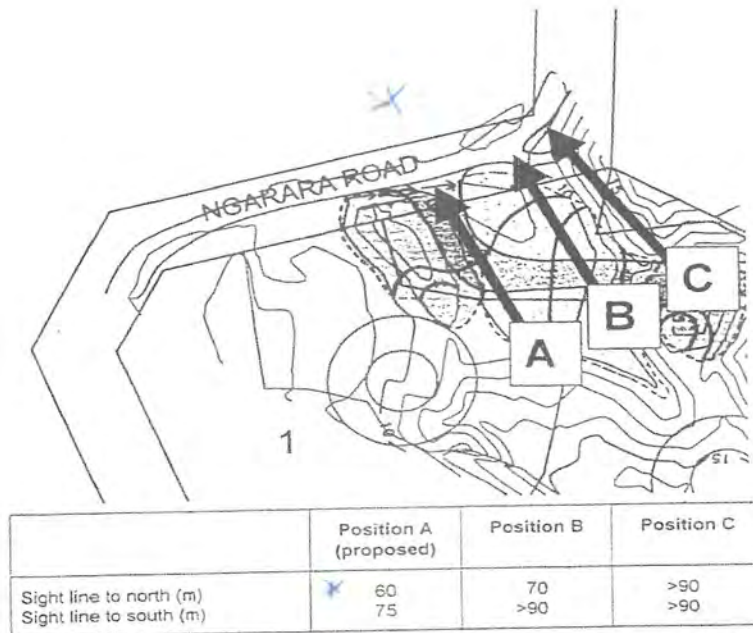


Figure 3. Sightline measurements along the intersection of Jacks Bush Road with Ngarara Road. (Source: Report by Barclay Traffic Planning, 2003)

A visual comparison between the intersections of Jacks Bush Road and 205 Ngarara Road is shown as Figures 4 to 7. It is obvious sight distances to the north and south are greater for 205 Ngarara Road making access from this location a safer option for any development of the subservient land. The roading team might usefully ponder the geometry of this and apply geometric reasoning in their decision making.



Figures 4 and 5. Sight lines looking north and south from the intersection of Jacks Bush Rd with Ngarara Rd



Figures 6 and 7. Sight lines looking north and south from 205 Ngarara Road

Compounding the safety concerns of more traffic accessing this section of Ngarara Road is the concentration of driveways. The 2003 Barclay Traffic report noted there were 11 such entrances within a distance of 320 metres from the derestriction sign (now the 60 kmph sign) giving frontage conditions comparable to those of an urban residential street. This is not the case for 205 Ngarara Road. Figures 8 and 9 show 5 of these driveways in close proximity to Jacks Bush Road (red stars). An additional 6th driveway (yellow star) is seen immediately to the right on entering Jacks Bush Road.



Figures 8 and 9. Jacks Bush Road in close proximity to 5 Ngarara Road driveways indicated by red stars. Left picture is looking north; right picture is looking south.

One of the actions taken in granting the development of Jacks Bush was to vest the notional road shown on the District Plan as road reserve for the future re-alignment of this section of

Ngarara Road should traffic from Jacks Bush Road increase. It is our understanding that development of the paper road would be triggered if additional traffic were to access Jacks Bush Road. Has Councils' roading team conveniently forgotten this?

In short we contend that any increase in traffic accessing Jacks Bush Road poses a material increase in road safety for all users, particularly walkers and cyclists. At the time of the development of Jacks Bush it was noted by the Waikanae Community Board that the road in this vicinity is difficult and dangerous. On this issue alone we believe there is sufficient reason not to grant the easements

6. Consultation and Stakeholder engagement

Consultation by the Applicant with local residents has been minimal and as far as we are aware non-existent with stakeholders such as Nga Manu, Tangata whenua and Forest and Bird. The only communication of any substance has been between Landlink and John Bristed to see if he would agree to the removal of the protective strip which he refused.

Officer ██████████ in her report to Council notes that Officers met with some residents where concerns were raised regarding access across the reserve to 205 Ngarara Road, but egregiously avoids documenting their content or voicing them at the 25 October meeting, thereby depriving elected members of useful insight. The audio transcript highlights the selective and premeditated strategy of Council Officers in limiting key information being communicated. Officer ██████████ is evasive and at best economical with the truth when questioned by Councillor Cardiff as to what happened at the meeting with residents, were concerns raised? ██████████ response: *"...we talked about the process under the Reserves Act and Resource Management Act and there may be an opportunity to submit concerns to Council if Council decides"* ██████████ makes no reference to concerns raised by residents and was dismissive of the history of the development. ██████████ also contradicts ██████████ when ██████████ assured residents that if an application for granting easement or permanent access across the Reserve was made residents **would be** (not may be) publically notified.

To compound matters, Jacks Bush residents notified Council in May via a letter (addressed to ██████████ and copied to ██████████ and ██████████) of their opposition to granting access over the Reserve (Addendum 2) and requested a copy be made available to elected members at the 25 October meeting. Suffice to say this did not occur. Nor has there been any action taken or acknowledgement from Council in response to the complaint contained in the May letter regarding the ongoing illegal access across the Reserve by the Applicant.

The fact that some Officers have chosen not to listen let alone respect the wishes of the community is deplorable and conveys arrogance and dogmatism on behalf of council members. These pathological behaviours, particularly those exhibited by ██████████

display a high level of disregard towards the residents that is not befitting a public servant. They raise serious concerns with regards to public transparency and accountability.

We can only conclude that these same Officers have no interest in the concerns or expectations of the residents and presumably anticipated the easement application would be 'rubber stamped' thus negating the public notification process. Presumably this is the same thinking as to why Councils' report notes that engagement planning with affected stakeholders such as Nga Manu is not required.

7. Alternative options

Section 7 of Landlinks' report claims the alternative option to access from Ngarara Road is not viable because it involves more earthworks through steep and undulating land, would result in more traffic accessing Ngarara Road, complicates future development and is more costly. Notwithstanding that 205 Ngarara Road has no legal frontage or access from Jacks Bush Road, the above reasons used to undermine the Ngarara Road option become less convincing upon closer inspection:

- **More earthworks:** The aerial image in Section 7 of Landlink's report with annotated arrows and text reading "*steep dune landscape impractical access for Lots 3 & 4*" is grossly misleading. The arrows are positioned on the steepest terrain that adjoins neighbouring 189 Ngarara Road and diverts attention from the already formed track that currently provides access and which the Applicant has been regularly using to move stock and drive round his property. Figures 10 and 11 show this more clearly.



Figure 10. Alternative access via 211 Ngarara Rd avoids steepest terrain and expensive earthworks



Figure 11. Mildly undulating land where track already formed accessing Lots 3 & 4

- **More traffic accessing Ngarara Road:** Yes there would be more traffic on this section of Ngarara Road but the same argument applies if access was from Jacks Bush Road. The main difference as already discussed in Section 4, is additional traffic entering the section of Ngarara Road from Jacks Bush Road brings greater safety risks.
- **More costly and complicates further development:** The cost of undertaking the alternative access from within 205 Ngarara Rd and any potential effects on further subdivision are not relevant to the application and should be of no concern to Council. The already formed track to the proposed lots should make access easier, not more complicated. In any event, the Applicant was well aware of the protective Reserve when 205 Ngarara Road was purchased.

Council mirror Landlinks wording in their report suggesting Officers have accepted at face value these claims and have not undertaken their own due diligence. Such acceptance only re-enforces residents' perceptions of bias in favour of the Application.

8. Interdependence considerations

Paragraph 11 of Councils report states there is no interdependence between decisions relating to the easement application and decisions relating to the proposed subdivision to create Lots 3 and 4. This assertion is challenged by Mayor Guru in the audio transcript. The Mayor mentions a perceived conflict of interest on Council's part as granting the easements

would enable the pending resource consent application to occur with follow on financial benefits to Council.

Indeed, the whole paragraph is one of semantics. Why? Because Lots 3 and 4 as shown and described in the *'Accompanying Resource Consent for Subdivision'* (Landlink report Section 4.1) are very much dependent on two 4 metre access ways across the Reserve from Jacks Bush. Declining the easements would not only reduce the likelihood of the resource consent application being lodged (as the Mayor was arguing) but would inevitably result in the lots being re-designed, possibly to the extent that only one larger sized lot is feasible – which would be far more in keeping with neighbouring property sizes.

9. Conclusions

The submitters contend that the proposed granting of easements which will inevitably result in development of the adjoining land and which as the Applicant has threatened might be intensive, does not demonstrate an acceptable level of compatibility with the overall character, environmental sensitivity and ecological values of Jacks Bush. In other words, we genuinely fear the granting of easements will lead to a withering of the high environmental standards that Jacks Bush presently exhibits and which the community cherish.

Moreover, both Landlink and Council, as evidenced by the content of their reports appear to be oblivious of the Key Native Ecosystem Programme that seeks to protect and restore indigenous biodiversity in the Nga Manu Wetland Complex and which Jacks Bush plays an integral part.

It is very simple. What the majority of the local community is asking for is meaningful and proactive support from Council for its desire to preserve and protect what is a unique part of the Kapiti Coast ecosystem.

For those reasons we request that Council decline the application for easements over the Reserve.

Submitted on behalf of the following individuals:

Jacks Bush Residents

Tracey and Tony Salmon:

2 Jacks Bush Road



Wayde and Lynley Hastings:

16 Jacks Bush Road



Vance and Gail Stirrat:

23 Jacks Bush Road



Laurie and Robyn Fabish:

27 Jacks Bush Road



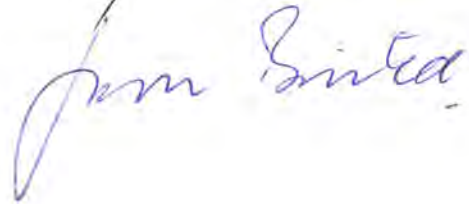
Frank and Trish Mallia:

31 Jacks Bush Road



John Bristed:

Lot 6 Jacks Bush Road



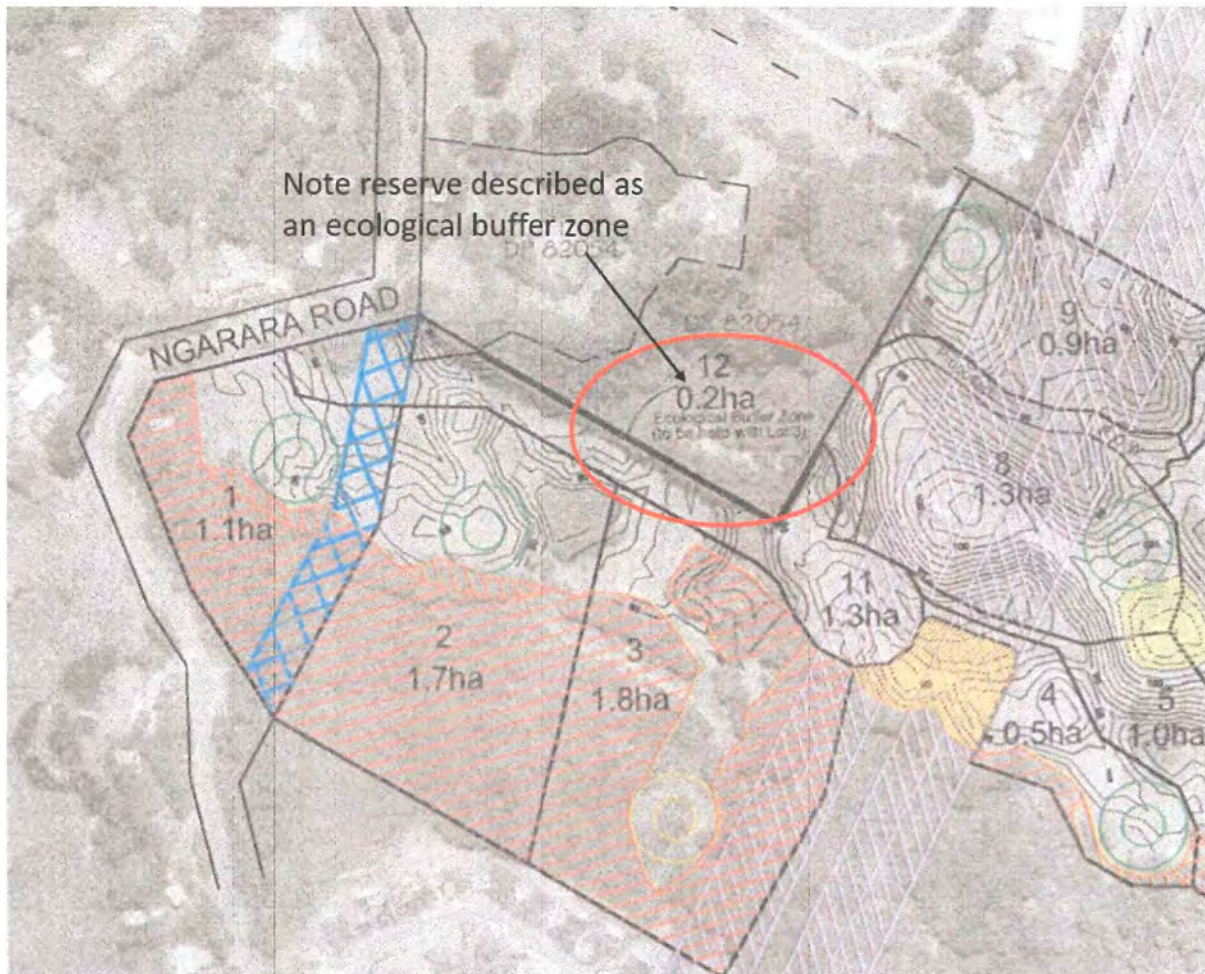
Ngarara Road Residents

Dorothy Muller and
Mark Blood:

189 Ngarara Road



ADDENDUM 1



ADDENDUM 2

Mr Vijay Soma
Resource Consents Manager
Kapiti Coast District Council
Private Bag 60601
Paraparaumu 5254

Mr Frank Mallia
31 Jacks Bush Road
Waikanae 5391
Email: tmallia@xtra.co.nz

15 May 2018

Joint Letter from Jacks Bush Residents, Waikanae [Contacts: Frank Mallia, details above or



Dear Vijay,

This letter is made on behalf of the majority of Jacks Bush residents (whose names appear at the end of this letter), collectively known as the Jacks Bush Residents Group (JBRG). Every property owner is concerned at the potential development of the neighbouring property 205 Ngarara Road which may seek one or more access points from Jacks Bush Road across a designated protective strip of land that currently vests with Council. Our concern is premised on two facts:

1. That 205 Ngarara Road along with other addresses are likely to be rezoned as Deferred Urban, and
2. Mr Paul Turner of Landlink has emailed Mr John Bristed on behalf of Mr Guy Simpson, the owner of 205 Ngarara Road, requesting he support an application to have the protective strip removed to allow development of the land which runs parallel with Jacks Bush Road. A copy of this email trail is shown as Addendum 1.

You may be aware the original development of Jacks Bush (formerly 183 Ngarara Road) was undertaken by John Bristed and [REDACTED] (under the Ngarara Development Partnership Ltd) with great difficulty and with many objections and restrictions including giving up more than half the land area to vest as reserve. Despite these challenges, the Partnership maintained its vision of creating a unique, uncrowded and environmentally sustainable living experience with protective covenants designed to add and protect the value of all properties in the development.

Significantly, John and [REDACTED] had the foresight to place an isolation strip running parallel to the northern side of Jacks Bush Road to the roundabout to protect Jacks Bush from the effects of any future development that may occur on neighbouring land i.e. 205 Ngarara Road. This placing of a protective strip and its purpose is clearly documented in a council report entitled '*Decision of the Hearing Committee for Application: RM 020073 (applicant*

Addendum 1

John Bristed <john@capitalmag.co.nz>

8 May (6 days ago)

Reply to a

[REDACTED] Lynley, [REDACTED] Frank [REDACTED]

[REDACTED]

I think I speak for the other owners when I say that the first and obvious objection is that there'd be more people who are not part of our group using the Jack's Bush road – exactly what we don't want.

John

From: Paul Turner [mailto:paul@landlink.co.nz]

Sent: Tuesday, May 8, 2018 10:25 AM

To: John Bristed

Cc: [REDACTED] markfblood@gmail.com; Lynley H; [REDACTED] Frank Mallia; [REDACTED]

Subject: RE: [#LL-2262] Jacks Bush

Thanks John

Im interested to drill down to the details on what you are trying to achieve, and on the downsides so that we can consider how to solve any issues. Can you elaborate?

Sincerely
Paul Turner

Principal
Landlink Limited
Licensed Cadastral Surveyor
BSurv (Otago) – MNZIS
Registered Professional Surveyor

Cellphone – 021 503 220

Wellington – 1 Ngairi Road + PO Box 370 + Waikanae 5250 + 049026161

Auckland – Level 3 Customs Arcade + 34.10 Queen Street + Auckland 1010 + 099608800

From: John Bristed <john@capitalmag.co.nz>

Sent: Tuesday, 8 May 2018 10:09 AM

To: Paul Turner <paul@landlink.co.nz>

Cc: [REDACTED] markfblood@gmail.com; Lynley H <thehastings@xtra.co.nz>; Trish <tmallia@xtra.co.nz>; Frank Mallia <fautoservices@xtra.co.nz>; paul.nouata@gmail.com

Subject: RE: [#LL-2262] Jacks Bush

Hi Paul,

Sorry to take so long coming back to you.

The whole idea of Jacks Bush, given the enormous restrictions placed upon us by the collective objectors, was to make it a 'special' peaceful enclave amid the burgeoning metropolis around us, which would in turn add value for the owners.

We haven't entirely achieved that yet because not every owner has yet quite got the idea that there's value in making a property look good (remember all those covenants which you helped form), but I think you'll find we get there.

I can see no upside in letting any other development in on what we are trying to achieve, but plenty of downside.

So my wish would be that the spite strips stay.

Regards

John Bristed
c/o Box 9202
Wellington 6011
027 449 4611

From: Paul Turner [mailto:p.turner@landlink.co.nz]
Sent: Thursday, April 19, 2018 4:29 PM
To: john@planning.co.nz
Cc: Guy Simpson
Subject: [=LL-2262] Jacks Bush

Hi John, thanks for taking my call this afternoon.

We are doing some initial work for Guy Simpson who owns some land to the north of Jacks Bush Road, at 205 Ngarara Road. I have sketched up the location of his land as attached as a red line on the aerial photo. The work we are doing is to investigate the development potential of the land, and provide advice about development options. I have also attached a copy of the survey plan showing the strip and a diagram showing that it is 200mm wide.

Guy's land is separated from Jacks Bush Road by a strip of land owned by the Council which runs along that boundary. This strip stops Guy from gaining direct access to his land from the road.

We would like to approach the Council to seek to have the restriction lifted and your support for that proposal would be helpful.

If you have any questions or comments, please let me know.

Sincerely
Paul Turner

Principal + Landlink Limited

Cellphone – 021 603 220
Wellington – 1 Ngaio Road + PO Box 370 + Waikanae 5250 + 049026161
Auckland – Level 3 Queens Arcade + 34-40 Queen Street – Auckland 1010 – 090899899

Ngarara Development Partnership Ltd) and dated 21 March 2003. The report mentions that the isolation strip running parallel to Jacks Bush Road is designated as Lot 12 on Land Link Plan number 119.02-1 Issue E and dated 19.4.2002 (shown as Addendum 2).

At the time of the hearing the applicant submitted that *“since the adjoining land has the potential to become residential (i.e.205 Ngarara Road) at some point in the future, it is considered prudent to safe guard Jacks Bush from the effects of future development by placing a buffer zone along the common boundary”*.

The committee at the hearing stated it agreed with the applicant’s protective purpose of Lot 12 and accepted that it should be amalgamated with Lot 3 or was to vest as local purpose reserve with Council.

While the JBRG has no objection to a consented future development/subdivision of 205 Ngarara Road under the New District Plan, we do not want access to be from Jacks Bush Road. We strongly oppose the removal or dilution of the protective strip to allow access for such development from Jacks Bush and if necessary we are prepared to take the matter to the Environmental Court. Additionally, there are other factors we wish Council to note that supports our position on the matter.

Road Safety

Allowing additional access points from Jacks Bush to a 205 Ngarara Road development will generate increased vehicular traffic entering on to what is already a dangerous bend at this part of Ngarara Road. This would pose a material increase in road safety for all users, particularly walkers and cyclists as well as car users turning onto Ngarara Road. The impairment in road safety would especially occur during the construction phase of any development when numerous contractor vehicles and other machinery would use Jacks Bush to gain entry. At the time of the Jacks Bush subdivision back in 2003, it was noted by the Waikanae Community Board that the part of Ngarara Road in this vicinity is ‘difficult and dangerous’. It remains so to this day, even with a reduced speed limit and some tree pruning.

Environment

Jacks Bush is zoned rural and has extensive restrictive covenants which were planned with Council support not just to protect the uniqueness and character of the life style properties but also the natural environment.

These factors will undoubtedly be compromised should access be granted for a neighbouring development. Any access to a subdivision of 205 Ngarara Road from Jacks Bush is incompatible with the immediate neighbourhood and does not provide for the protection of Jacks Bush as a significant natural resource for Waikanae.

The Threshold Test

Section 104 (1A) of the RMA 1991 states:

When considering an application for a resource consent and any submissions received, one of the criteria the consent authority must have regard to is *“any actual and potential effects on the environment of allowing the activity”*.

We recognise that under the New District Plan subdivision of 205 Ngarara Road is likely to be a complying activity and will not require consent per se. Consent however, will be required for removal of the isolation strip to allow development to occur from Jack Bush.

We contend that adverse effects on Jacks Bush - both the environment and the community – will be more than minor and granting such consent would be contrary to the policies and objectives of the District Plan. In other words, removal of the isolation strip to permit development of a neighbouring property (i.e. 205 Ngarara Road) would not meet the Threshold Test.

Mr Simpson has used a route across the isolation strip on an occasional basis for years and as good neighbours members of the JBRG group have not objected. But the JBRG is now very concerned and requests Council to formally notify Mr Simpson to immediately cease using the gate allowing access across the isolation strip on Jack’s Bush road to access his property. We believe as a group that such action is warranted to maintain the integrity of Jacks Bush in the face of increased urbanisation of the immediate area and its potentially negative impact on the environment.

In concluding, while we have no objection in principal for a neighbouring development to occur, we categorically do not support that such development involves or utilises access coming off Jacks Bush Road. And to ensure this does not occur we re-iterate that Council do not remove or amend the status of the isolation strip.

Sincerely, the undersigned representing the Jacks Bush Residents Group.

Name:

Signature:

Date:

Name:

Make Submission

Consultee	Jukes and Trish Barrett (83562)
Address	8 Jacks Bush Road Waikanae 5036
Event Name	2018 Easements - Jacks Bush Road - Waikanae
Submission by	Jukes and Trish Barrett (83562)
Submission ID	JBR-11
Response Date	3/12/18 2:46 PM
Status	Submitted
Submission Type	Letter
Version	0.2
Files	JBR-11 Submission on Proposed Easements over Local Purpose Reserve, Jacks Bush Road - Jukes

Are you providing feedback as an individual

Title

First and last name Jukes and Trish Barrett

Address

8 Jacks Bush Road Waikanae 5036

Hearings

**Would you like to make an oral submission to
Councillors to support your written submission?**

Privacy statement

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Question 1

Do you support or oppose the proposed new easements over the Local Purpose Reserve?

Oppose

You can send us extra pages if there isn't enough space on this form to say everything you want to tell us. Please make sure you put your name and contact details on each sheet you send us.

Note: Attachments are limited to 10mb

You can attach a document with further comments to give all the feedback you want to.

JBR-11 Submission on Proposed Easements over Local Purpose Reserve, Jacks Bush Road - Jukes

31 NOV 7:00

18th November 2018

**Proposed New Easements over part of Local purpose reserve at Jacks Bush Road,
Waikanae (Lot DP 344901).**

We vehemently object to the Council allowing any easements over DP344901 – the isolation strip was put in place by the Ngarara Development Partnership and then vested with the council. Council will have broken the contract with the original Developers should the easements be granted.

Kanuka Development (the Applicant) and Landlink have produced a glossy brochure that in our opinion contains misleading and inaccurate information.

The Applicant has a perfectly drivable track from 205 Ngarara Road to the proposed subdivision sites.

The Jacks Bush Road and Ngarara Road intersection is very dangerous with vehicles constantly cutting the corner, articulated trucks trying to turn in the intersection. The photographs submitted by the Applicant should be dismissed as they do not show just how bad the visibility situation is.

205 Ngarara Road and 211 Ngarara Road both have considerable frontages that would allow additional traffic to merge comfortably into Ngarara Road without jeopardising the already impacted Jacks Bush Road intersection with Ngarara Road. Obviously cost has come into this application, but that is involved anyway and should not come into Councils decision making.

We therefore maintain there is strong merit in leaving Jacks Bush Road as it is without allowing easements across the protective reserve for this proposal.

It was concerning at the lack of transparency and integrity shown by some of the Council personnel with the first council meeting with residents. We feel that this should be investigated.

Jukes & Trish Barrett

8 Jacks Bush Rd, Waikanae

Make Submission

Consultee Mark Blood and Dorothy Muller (83578)

Address 189 Ngarara Road
Waikanae
5036

Event Name 2018 Easements - Jacks Bush Road - Waikanae

Submission by Mark Blood and Dorothy Muller (83578)

Submission ID JBR-12

Response Date 3/12/18 3:43 PM

Status Submitted

Submission Type Letter

Version 0.2

Files JBR-12 Submission on Proposed Easements over Local Purpose Reserve, Jacks Bush Road - Mark Blood

Are you providing feedback as an individual

Title

First and last name Mark Blood and Dorothy Muller

Address
189 Ngarara Road Waikanae 5036

Hearings

Would you like to make an oral submission to Councillors to support your written submission?

Privacy statement

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Question 1

Do you support or oppose the proposed new easements over the Local Purpose Reserve?

Oppose

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JBR-12 Submission on Proposed Easements over Local Purpose Reserve, Jacks Bush Road - Mark Blood

Submission on the proposed easements over local purpose reserve, Jack Bush Road, Waikanae

Submitters: Mark Blood & Dorothy Muller, 189 Ngarara Road, Waikanae

20 NOV 2018

Date: 27 November 2018

This submission opposes the councils proposed granting of easements over local purpose reserve being Lot 12 DP 344901 as described in Landlink report 2262 made on behalf of 205 Ngarara Road and the Council report (CS-18-634) presented at the 25 October Council meeting.

The submission fully endorses the content and reasoning of the Joint Submission lodged by the local community in opposing the granting of the said easements and raises concern as to whether Council as Crown delegate is exercising the appropriate direction in managing Reserves.

Key factors that leave us no alternative but to oppose the application and which are articulated in greater detail in the Joint Submission include:

- Failure by the Applicant to ensure the same high environmental standards will be applied to the proposed Lots 3 and 4
- Failure by the Applicant and Council to acknowledge the history and uniqueness of the Jacks Bush development and its integral association with the Nga Manu wetland complex
- Failure to acknowledge or recognise the road safety aspects of additional traffic entering/exiting this part of Ngarara Road from Jacks Bush Road
- Failure by Council to properly consider the alternative access from Ngarara Road
- Failure by the Applicant to conduct any formal or meaningful consultation with the local community and affected stakeholders
- The lack of acceptance by Jacks Bush residents and affected neighbours

Furthermore we bring to Councillors' attention the material we presented at the Submission Hearing of 15 June 2016 (shown as Appendix 1) where we stated our concerns as regards road safety and environmental considerations for Jacks Bush as well as our opposition to a change in status of the local purpose reserve. None of these factors have changed since then to alter our position on maintaining the integrity of the reserve strip as well as the high environmental standards associated with Jacks Bush.

We therefore request that Council decline the easement application and instead uphold the original purpose of the reserve to restrict access to Jacks Bush Road.

Sincerely,

Mark Blood and Dorothy Muller



Appendix 1

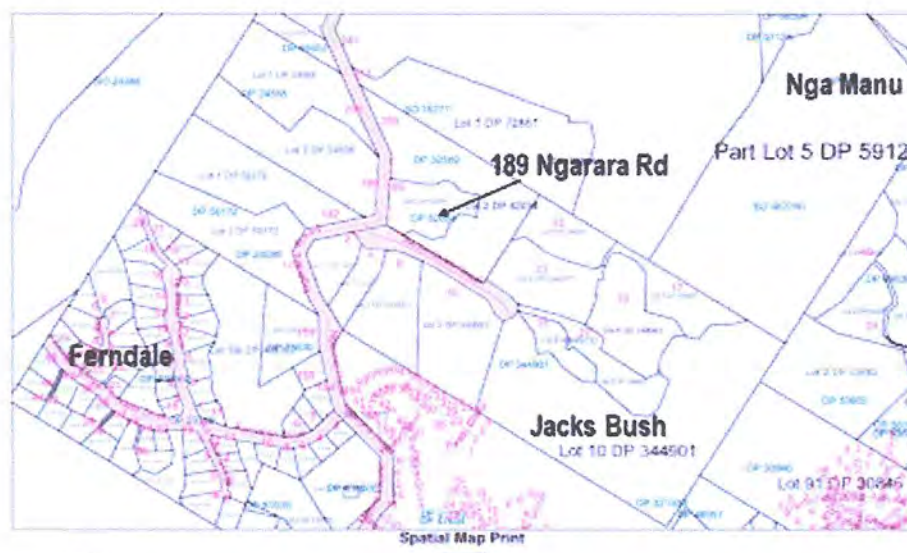
Submission #179, Mark Blood and Dorothy Muller, 189 Ngarara Road - Chapter 7 Rural Environment

Submission Hearing 15 June 2016

- This presentation summarises the key issues raised in submission #179 regarding Ngarara Road properties designated future urban
- While supportive in principal of submission #168 & #348 the response received (3.17.32 & 3.17.33, Ch7, S42A) does not provide sufficient clarity or insight to the issues and questions raised for this submitter to unconditionally support the plan change process
- Submitter seeks further information from council to allow a more informed decision on whether to continue support for the plan change

Background

- Modest size and steep topography limit subdivision potential of 189 Ngarara Rd – translates to lack of strong or compelling reason for submitter to fully endorse rezoning of said properties



Issues raised in Submission #179

- **Traffic Effects**
 - Measures to ensure safety of all users traversing Ngarara Road
- **Environment**
 - Will be increasingly impacted by smaller lot sizes. No indication given as to minimum size that will be permitted
- **Preference for a 2-part structure plan**
- **Isolation strip**
 - Change of purpose of the isolation strip running along Jacks Bush Road
- **Water**
 - Continued use of existing bores following re-zoning

Traffic Effects

- **Re-zoning and subsequent subdivision will generate additional traffic resulting in increased Health and Safety risks for all road users**
- **The Hearing Committee for the application to subdivide what is now Jacks Bush (RM 020073) in 2003 recorded:**
 - WCB noted that part of Ngarara Road is "difficult and dangerous" and opposed the application
 - Report by Barclay Traffic Planning (Proposed Subdivision of 183 Ngarara Rd) noted the road is slow and winding with tight curves and has significant visibility issues. A particular feature of this part of the road is the close spacing of a large number of driveways giving frontage conditions comparable to a residential street
- **The present 70km/hr limit is too high when compared to other rural road speed limits e.g. Rutherford Drive**
- **Suggested safety improvements:**
 - Extend the 50 km/h limit to cover the affected properties
 - Erect appropriate signage + mirrors
 - Longer term - re-alignment of this section of Ngarara Road

Issues raised in Submission #179

- **Traffic Effects**
 - Measures to ensure safety of all users traversing Ngarara Road
- **Environment**
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 - Longer term - re-alignment of this section of Ngarara Road

Environment

- Submission #179 noted that any development of the eastern group of properties (189, 205 & 211) would likely have a greater environmental impact than the western group due to the proximity of any development to Nga Manu and Jacks Bush.
- Smaller lot sizes would exacerbate the environmental impact
- A minimum lot size of 0.4 Ha was therefore proposed for the Eastern group
- Ferndale potentially sets a guide to a smaller lot size for the Western group



Why not 2 structure plans?

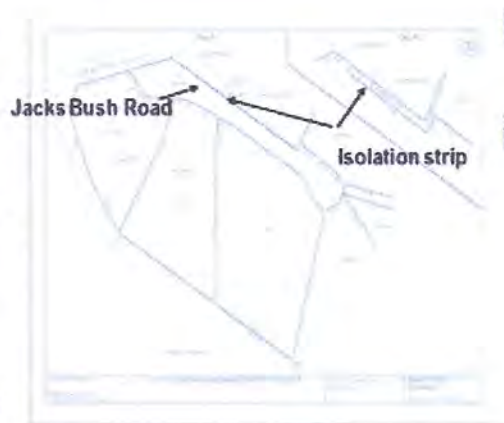
Submitter proposed separate structure plans for the Ngarara Rd properties given:

- Ngarara Rd marks a clear divide between the Eastern and Western group
- Lot sizes are likely to vary
- Absence of residential development adjacent to East group
- Increased environmental sensitivities for East group
- A single structure plan may not be workable or desirable



Isolation Strip

- To protect Jacks Bush against potential future development of the adjoining land an ecological buffer zone was established along the common boundary (Lot 12)
- The Hearing Committee for application RM 020073 agreed with the Applicants protective purpose of Lot 12
- Since 2006 Lot 12 has vested as Local Purpose Reserve with Council
- Submitter requested the protective purpose of the strip be retained until all affected parties are consulted and have endorsed a structure plan assuming the plan change process proceeds.
- Submitters preference now is for the protective strip to be maintained regardless



Water

- **Retention and continued use of existing water bores following rezoning**
 - Submission #179 was made before the introduction of the river recharge scheme and before the reduced water usage by the community following the introduction of water meters was quantified.
 - Submitter notes that a condition of the subdivision of 183 Ngarara Road (Jacks Bush) was sealing of the existing water bore
 - Submitters property has an easement to water supply from a bore on property 205 Ngarara Road and would prefer this arrangement to continue should re-zoning occur
 - Submitter would like clarification on water rights and whether a landowner who does not want to develop can remain as is with regards to water supply/access
-

Make Submission

Consultee

Address



Event Name

2018 Easements - Jacks Bush Road - Waikanae

Submission by



Submission ID

JBR-13

Response Date

3/12/18 3:46 PM

Status

Submitted



Submission Type

Letter

Version

0.2

Files

JBR-13 Submission on Proposed Easements over Local Purpose Reserve, Jacks Bush Road - 
.pdf

Are you providing feedback

as an individual

Title

First and last name



Address



Hearings

Would you like to make an oral submission to Councillors to support your written submission?

Privacy statement

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Question 1

Do you support or oppose the proposed new easements over the Local Purpose Reserve?

Oppose

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Note: Attachments are limited to 10mb

You can attach a document with further comments to give all the feedback you want to.

JBR-13 Submission on Proposed Easements over Local Purpose Reserve, Jacks Bush Road - [REDACTED]

28 November 2018
Mayor and Council

7.0 NOV 2018

Proposal to Grant Access to Lot 12 DP344901 – Jacks Bush Road Reserve.

I wish to register my opposition to the proposal before council on the following basis:-

The nature and purpose of the Jacks Bush Road (JBR) development was to maintain a purpose built subdivision with strict covenants and the concept of the nine land owners working together to abide by the covenants and protect the area.

This concept was a huge part of my decision to purchase the land back in 2007. The JBR sub division is protected by the local purpose reserve along JBR and is flanked by ecological sites/reserve land on more than 80% of the boundaries.

I purchased the property with the express purpose of starting a new life on the Kapiti Coast and raising a family in this unique environment. I am in the process of achieving these goals with a new career (self-employed) and a new family. My children are aged 8, 6 and 2 years old – all of them being born and raised in JBR and the amazing environment that provides.

My family and I have been using JBR for our regular family walks and bike rides and two of my children have learned to ride their bikes using the quiet and friendly nature of JBR. They have been instructed to stay on the north side of the road as they exit the shared driveway at the start of the turning circle. This keeps them away from the 3 driveways on the south side of JBR. It provides them safe passage down to Ngarara Road.

I fear the proposal of the developer is only the thin end of the wedge on this access route. If the sanctuary of JBR is breached by permitting access, it will become a real and logical choice of egress/access to further subdivision developments which are in planning stage.

There is another option for access and egress of these proposed properties and that is back through the current parcel of land that they currently reside on. The JBR approach is least cost and least expense to the developer, which provides benefits only to that developer and forces disadvantages to the residents and owners of Jacks Bush Road.

The vesting of this land as a local purpose reserve by the Ngarara Development Partnership was done expressly to prevent this sort of change to JBR and I would like to see this gift and the purpose upon which it was vested in KCDC being honoured. Refer to Section 23 of the Reserves Act 1977.

As such I request that KCDC refuse to grant the rights of way as proposed

Regards



Make Submission

Consultee Lawrence and Robyn Fabish (83580)

Address 27 Jacks Bush Road
Waikanae
5036

Event Name 2018 Easements - Jacks Bush Road - Waikanae

Submission by Lawrence and Robyn Fabish (83580)

Submission ID JBR-14

Response Date 3/12/18 3:50 PM

Status Submitted

Submission Type Letter

Version 0.2

Files JBR-14 Submission on Proposed Easements over Local Purpose Reserve, Jacks Bush Road - Robyn Fabish.pdf

Are you providing feedback as an individual

Title

First and last name Lawrence and Robyn Fabish

Address

27 Jacks Bush Road Waikanae 5036

Phone 04 293 8130 or 021 101 8596

Hearings

Would you like to make an oral submission to Councillors to support your written submission?

Privacy statement

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Question 1

Do you support or oppose the proposed new easements over the Local Purpose Reserve?

Oppose

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Note: Attachments are limited to 10mb

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JBR-14 Submission on Proposed Easements over Local Purpose Reserve, Jacks Bush Road - Robyn Fabish.pdf

23 November 2018

20 NOV 2018

Submission on the Proposed Easements over Local Purpose Reserve, Jacks Bush Road, Waikanae

Submitters: Lawrence Fabish and Robyn Fabish, 27 Jacks Bush Road, Waikanae
Tel: 293 8130 or 021 1018596

This submission **objects** to the proposed easements for two rights of way and services over part of the Local Purpose Reserve being Lot 12 DP 344901 at Jacks Bush Road, Waikanae.

Council has received an application from Guy Simpson (The Developer) of 205 Ngarara Road, Waikanae to remove the isolation strip that runs along the northern boundary of Jacks Bush Road. The removal of this isolation strip would allow the developer to access his proposed subdivision from Jacks Bush Road rather than from near his own residence on Ngarara Road.

When we made the decision to purchase the land at 27 Jacks Bush Road and to build a new house, we were very much influenced by the following:-

1. The land forms part of the Nga Manu Wetland Complex and is a protected area of ecological significance.
2. Much of the land area both on our property, neighbouring properties and surrounding reserve is under the protective covenant of the QEII trust.
3. No further subdivision of the individual lots would be permitted.
4. The isolation strip put in place along the northern boundary of Jack's Bush Road protected the Jacks Bush area from future development.

To grant the Developer's request would be to remove an important protection that was approved by Council, to protect the unique biodiversity that makes Jacks Bush and the Nga Manu wetlands a valuable asset to the Kapiti Coast.

The Developer does have a viable alternative in being able to access his future subdivision from Ngarara Road where a track already exists. The Developer owns that land and it provides a sensible, safe and ready-made access for him. There is simply no need for the proposed sub division to be accessed via Jack's Bush Road. It would appear from the Landlink report dated September 2018 that the Developer has requested the granting of easements across the Reserve simply to reduce his

development costs. That same report shows little concern for the Jacks Bush development which has been successfully blended into an ecological zone of national significance.

There is no doubt that the intersection of Ngarara Road and Jacks Bush Road is dangerous to vehicular and pedestrian traffic and is the most difficult stretch on all of Ngarara Road. Road users have always struggled to use this intersection safely and that situation would undoubtedly worsen if traffic volumes were to increase. There are many driveways concentrated in a small area around the junction of Jacks Bush Road and Ngarara Road which can make it dangerous for walkers, cyclists and motor vehicles. It is quite obvious that an entrance further along Ngarara Road would go a long way to mitigate some of the traffic issues.

We would ask that the council give careful consideration to our submission.

Lawrence Fabish

Robyn Fabish




Make Submission

Consultee Vance and Gail Stirrat (83583)
Email Address vancegail@xtra.co.nz
Address 23 Jacks Bush Road
Waikanae
5036
Event Name 2018 Easements - Jacks Bush Road - Waikanae
Submission by Vance and Gail Stirrat (83583)
Submission ID JBR-15
Response Date 3/12/18 3:53 PM
Status Submitted
Submission Type Letter
Version 0.2
Files JBR-15 Submission on Proposed Easements over
Local Purpose Reserve, Jacks Bush Road - Vance

Are you providing feedback - as an individual

Title

First and last name Vance and Gail Stirrat

Address
23 Jacks Bush Road Waikanae 5036

Phone 04 293 1233

Email vancegail@xtra.co.nz

Hearings

**Would you like to make an oral submission to
Councillors to support your written submission?**

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Question 1

Do you support or oppose the proposed new easements over the Local Purpose Reserve? Support Oppose

You can send us extra pages if there isn't enough space on this form to say everything you want to tell us. Please make sure you put your name and contact details on each sheet you send us.

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You can attach a document with further comments to give all the feedback you want to. JBR-15 Submission on Proposed Easements over Local Purpose Reserve, Jacks Bush Road - Vance

**Submission on the Proposed New Easements over Local Purpose Reserve at
Jacks Bush Road, Waikanae.**

As residents of Jacks Bush Road we would like to put forward this submission to show our objection to the granting of easements over the Local Purpose Reserve, Lot 12 DP344901.

We purchased our section 12 years ago in the idyllic setting of Jacks Bush as it was a quiet, peaceful and safe location for bringing up our three sons. We now have one of our son's, his wife and our 6 year old grandson living with us.

We walk and cycle around Jacks Bush Road with our grandson in the knowledge that it is a quiet location where we all know each other and look out for each other, especially children. We go through the bush areas showing our grandson the native birds and plants that abound.

Our feelings are that the granting of the Easements will cause unnecessary disruption to the local wildlife, which as the years have gone by has increased dramatically. Also the native bush is regenerating significantly along the western side of our property which directly adjoins the proposed Lot 4, which without the protection of the pine trees would not prosper as well.

The other main concern that we have is the increase of vehicular traffic along our quiet cul-de-sac. With no footpaths this will become dangerous not only for our grandson but for ourselves and our animals. The junction with Ngarara Road is tricky at the best of times and would become more dangerous with the increase of traffic turning into and out of Jacks Bush Road.

We bought here in the knowledge that this was a well protected subdivision and are appalled that the council would even consider revoking the protective reserve that is Lot 12.

For the above mentioned reasons we request that the Council declines the Application for the Proposed Easements over the Reserve.

Vance Stirrat  30-11-18

Gail Stirrat  30/11/18
2

Submission on the Proposed New Easements over Local Purpose Reserve at

Jacks Bush Road, Waikanae.

Submitters: Mr Vance Stirrat and Mrs Gail Stirrat,

Owners/Occupiers of 23 Jacks Bush Road, Waikanae.

04 293 1233

vancegail@xtra.co.nz

Date: 30th November 2018