
REPORT 5
(1215/52/IM)

CLASSIFICATION OF LAND UNDER THE RESERVES ACT 1977

1. Purpose of Report

To seek the Committee's approval to publicly notify the recommended reserve declarations and classifications contained in Table 2 (section 5.3) to this report, with the intention of the Council resolving that the sites will be declared and classified as reserve accordingly.

2. Executive Summary

In October 2002 the Council adopted the South Coast Management Plan (SCMP). The objective of the management plan is to establish guidance for day to day management and decision making, and to establish the desired mix of values and uses for reserve land. The SCMP seeks to declare and classify land as reserve under Policy 6.13 Classifying land as Reserve.

Not all of the Council land covered by the management plan has been declared reserve under the Reserves Act 1977 (the Act). There are 22 sites out of a total of 69 that are currently described as fee simple and one site that was described as legal road.

The Act and the Reserves Act Guide (the Guide) provide a process and methodology for declaring and classifying land as reserve. Section 14 of the Act provides the Council with the statutory authority to pass a resolution to declare any land vested in Council as reserve, subject to compliance with the necessary public notification procedures and ministerial approval.

When declaring a piece of land as reserve, the Act provides for assignment of appropriate classifications according to the sites' primary purpose. The possible classifications are specified in sections 17 to 23 of the Act and include but not limited to Local Purpose, Recreation, Historic, Scenic or Scientific.

A thorough methodology has been followed to determine the appropriate classification categories proposed in Table 2 of this report. The methodology included obtaining acquisition history and visiting the sites to assess the primary and secondary values, the purpose, current and potential use, and the contribution to the wider South Coast context. This information was assessed against the criteria in the Act and the Guide to determine the most appropriate classification category.

This report briefly describes the methodology and presents the sites to be declared reserve under Section 14 of the Act and their proposed classifications.

3. Recommendations

It is recommended that the Committee:

1. *Receive the information.*
2. *Approve the attached sites in Table 2 to be declared and classified as reserve in accordance to Section 14 of the Reserves Act 1977, subject to the public notification process required by the Reserves Act 1977.*
3. *Authorise officers to undertake public notification in accordance with the Reserves Act 1977.*

4. Background

4.1 The South Coast Management Plan

The Act requires management plans be developed for land held as reserve. In October 2002, the Council adopted the South Coast Management Plan (SCMP). The role of the management plan is to direct or manage the use of the land classified as reserve under the Act.

Although not a legal requirement, to add to the credibility of the SCMP it is important that all land managed under the plan is reserve under the Act.

There are 69 land sites covered by the SCMP. The majority of sites managed under the SCMP are already reserve under the Act, but there are still 23 sites not declared and classified as reserve. However this includes sites such as the Dog Pound and one site still required for roading purposes. (Site A17 & A16 respectively in the SCMP).

The SCMP under Section 6.13 *Classifying Land as Reserve* recognised the importance of the land on the South Coast and identified the need to provide the land with an extra layer of legislative protection under the Act.

The policy states ...*“The Council will reinforce the importance of the coastal land under its control by seeking to classify it as reserve land unless there are exceptional reasons not to do so.” (Page 57 SCMP).*

It also mentions that.....

“Without limiting the consultation and classification process, it is generally intended that all land to the seaward side of the road will be classified as recreation reserve.

“A process of assessing the blocks of land listed in section 3.1 that are not classified under the Reserves Act 1977 will be undertaken following the adoption of this Management Plan. This will involve assessing each piece of land and, if appropriate, processing it under the appropriate classification. Consideration will be given to the significant values associated with the land and its current and potential future uses. Particular attention will be given to land that is held for specific purposes (such as

drainage reserves) to ensure that existing infrastructure can be maintained or renewed if necessary...” (Page 57 SCMP).

4.2 Reserves Act 1977 Process and guidelines

The Act and the Guide provide a process and methodology for declaring and classifying land as reserve.

In terms of section 14 of the Act, the Council can, by resolution (subject to public notification, and approval of the Minister of Conservation) declare any land vested in it to be a reserve. The classification of a reserve involves assigning a reserve (or parts of a reserve) with an appropriate classification within the framework identified in the Guide. Classification is completed as part of the section 14 process, and when resolving to declare land to be reserve, the Council must also assign an appropriate classification and the land will be held for the purpose for which it is classified and no other purpose.

The determination of an appropriate classification for a reserve should follow a robust methodology and criteria and is a matter the community should have adequate input into.

A classification has been recommended for each of the sites to be declared reserve. The categories are;

- local purpose reserve
- recreation reserve
- historic reserve
- scenic reserve

Further information about each of the classification category is provided in Appendix A.

4.2.1 Land declared as Pleasure Ground

There are currently seven sites in the SCMP described as “Pleasure Ground”. (Sites C16, C18, C19, C20, C21 & C23 of the SCMP). Officers have had written advice from the Department of Conservation (DOC) advising the following;

- Land acquired by a Council under the Public Works Act as a pleasure ground is not a public reserve subject to the Act unless it was acquired subject to a trust or a condition that it shall be held as a public reserve;
- Land taken by the Crown under the Public Works Act for the purpose of pleasure ground is deemed to be public reserve subject to the Act;
- If the management of any of these Crown pleasure grounds was subsequently transferred to a local authority it would have been vested in Council as a recreation reserve. If they have not already been classified in terms of the process as provided in Section 16 of the Reserves Act 1977, Council should then initiate

action to classify them accordingly for one of the purposes defined in Section 17 to 23 of the Act.

Officers have undertaken further investigation into the acquisition history of the relevant Pleasure Ground sites. All of the Pleasure Ground sites (except site C23 Tapu Te Ranga Island) were taken under the Public Works Act 1905 for the purpose of Recreation Ground. Therefore they are deemed public reserve, based on section 2(i) of the Act and no further action is needed to declare them to be reserve. They will however need to be classified as recreation reserve under section 16 (which is a distinct and separate process from declaration under section 14), and this will be the subject of a separate report at a later date.

4.3 Previous Committee Report and work done to date

In February 2003, officers presented a report to the Built and Natural Environment Committee, seeking their agreement to notify a list of South Coast lands for reserve status classification under the Reserves Act 1977 and adopt the consultation plan.

The Built and Natural Environment Committee resolved the following;

1. *Receive the information*
2. *Agree that the attached list of areas (table 5.1) of the South Coast be notified for Reserves status classification under the Reserves Act 1977.*
3. *Adopt the Consultation Plan as attached in Appendix One.*

The list of land identified in the officers' report is tabulated in Table 2 (section 5.3) and Appendix B.

Before undertaking public notification, officers had to complete a robust methodology and criteria for determining the classification for each piece of land. This justification process is required to ensure that Council complies with its statutory obligation to clearly establish the values of the land in order to decide on the correct classification category.

Further work has been done to undertake the above task, as well as research the land acquisition histories, legal descriptions, District Plan zonings and identify any current leases or licences on the lands.

Officers have also engaged with internal Business Units and local Iwi.

Due to this work, many of the site classifications proposed in the February 2003 report have now changed or the sites were identified as pleasure grounds or are on hold awaiting further decisions.

Officers have also included four additional sites in this report to be declared and classified as reserve. The additional sites include the Karori Wildlife Sanctuary, 42 Disley St, Kainui Reserve/ Treasure Island Play Area and St Gerald's Monastery land.

The additional work undertaken has also highlighted that a number of existing reserves should be reclassified to better reflect their primary use and purpose. Reclassification is a separate legal process under Section 24 of the Act and will be completed as a separate project.

4.4 Methodology

In order to confirm appropriate classifications, a methodology was developed based on the Act and the Guide. Key to determining the class of reserve were site visits to assess the primary and secondary values of each site and their current and future uses.

The assigning of classifications to the four sites outside the South Coast Management Plan discussed under heading 4.3 above was a relatively straightforward process, based on an analysis of their current and possible future reserve values, their use and location. Of the range of reserve classifications, categories considered appropriate to these reserves were Local Purpose and Recreation.

South Coast reserves were assessed for their purpose, current use, reserve values and contribution to the wider context of the landscape of the South Coast. Fee Simple lands not yet declared reserves were assessed in the context of their location on the South Coast.

Reserve classifications considered appropriate to the South Coast sites were Recreation, Historic, Local Purpose and Scenic B. Before recommending the appropriate classification, it was necessary to identify any issues that might affect classification of reserves and their management. This involved consulting with the Department of Conservation on issues relating to the Act and Wellington City Council City Records, Local Iwi, Wellington City Council Archives, Parks & Gardens and Capacity to determine acquisition history, current leases and licences and any other current use of lands.

5. Discussion

5.1 *General approach to the South Coast lands*

In order to recommend appropriate classifications, the South Coast sites not yet declared as reserve were assessed in the context of their location on the South Coast. The following provides an outline of the assessment.

A site analysis of the landscape in which the sites are located resulted in the identification of a number of landscape types. These types included;

- Steep ridges and coastal rocky outcrops
- Sandy beaches
- Steep escarpments

The individual site values were assessed and the sites grouped into the type of South Coast landscape listed below. A classification was then recommended for each type of proposed reserve.

Refer to Appendix C for site locations.

Sandy Beaches

Sites in this group are;

Site B8 Lyall Bay Beach

Site B9 Western end of Lyall Bay Beach

Site C2 Houghton Bay Beach

The Assessment of Lyall Bay Beach identified two areas of use. The eastern end is used for casual recreation use such as surfing, and walking dogs, while the western end has more organised recreational & community activities associated with the surf clubs as well as activities like swimming, walking, sun bathing etc. The surf club buildings are used for a wide range of activities. Flexibility is needed for any potential future use of the community building.

It is therefore recommended that Lyall Bay Beach and Houghton Bay Beach be classified as Recreation Reserve and the area around the buildings be classified as Local Purpose Reserve (community).

Coastal Rocky Outcrops

Sites in this group are;

Site C1 Houghton Bay (East)

Site C4 Houghton Bay (West)

This group of reserves collectively has a medium to high level of visual amenity , a medium to high level of open space value and significant natural site features. The reserves generally have moderate ecological health and medium to high levels of informal recreational opportunity.

The assessment of the reserve values suggests that a Recreation classification take precedence for this group of reserves. The reserves are primarily used for outdoor informal recreational access to the coastline and the general enjoyment of the public. This group of reserves also has visual significance and classifying it Recreation allows protection of the natural environment (ecological and natural character) along with general public access.

Escarpmnts – on the landward side of the road

Sites in this group are;

Sites A18 & A19 – Land above the dog pond on Moa Point

Sites B11 & B12 – Lyall Bay west escarpment

Site C3 – Hermits Cave above Houghton Bay

Site C11- The escarpment ridge above Southgate overlooking Island Bay

Sites D2, D3, D4 – Escarpment along the former Owhiro Bay quarry site

These coastal escarpments are highly visual landscape features with strong visual coherence. They contribute to strengthening the South Coast character and are important scenic feature. Their ecological health is medium to high. Some of these sites have a high level of cultural and archaeological significance. These escarpment sites have a low level of recreational opportunities largely due to their steepness.

With many of these sites their scenic and historic values outweigh their recreational values. These sites have a high landscape value and less recreation development potential.

It is recommended to classify sites such as B11, B12 and C3 Scenic B. Sites A18 & 19 require further investigation work to assess any potential public works implications (Refer to section 5.4 below).

Sites such as C11 and the Owhiro Bay Quarry escarpment sites (D2, D3 & D4) have high historic and cultural values. Historic or Scenic B are the most appropriate classifications for these sites.

Site C11 was part of the former Uruhau Pa and Waahi Tapu site M85, a site of Maori significance under the Wellington City Council District Plan. As identified in the SCMP the Uruhau Pa was a stockade village of Ngai Tara on the hill of Island Bay, eastern side of the valley, overlooking the beach. The name means ‘Windy Head’. The chief was Pakau, and the principle house of the pa was named Te Maioha.

Given this cultural and historical value it is recommended that site C11 is classified Historic Reserve.

Sites D2, D3 and D4 are all part of the former Owhiro Bay Quarry. The SCMP identifies this land as being primarily managed as a wilderness area and supports a level of access for walking, biking and off road vehicles along the coastal platform, as well as pest management. The area has high levels of Maori and European heritage significance. The Maori heritage site - Whare- raurekau Kainga (M46) and is listed under the District Plan as part of the Rimupara Landscape Feature Precinct.

There are five baches located at the base of site D3. The baches and the land surrounding them have a Historic Places Trust designation (Historic Area). Accommodation activities are not allowed on either recreation or scenic reserves under the provisions of the Act but are allowed on historic reserves.

On balance because of the area's rich histories and high cultural values, Historic classification is recommended for these sites, with the area around the interpretation and toilet structure at the entrance being classified Local Purpose reserve (information centre purpose).

5.2 *Implications of Classification Categories*

The process of classification binds the Council and limits (to a greater or lesser extent) the permitted uses of the land. This increases the protection that the land enjoys and the certainty for the community about the future uses that may occur. The following table outlines the opportunities and restrictions of each classification.

Table 1. Implications of Classification under the Reserves Act

Classification Category	Recreation	Scenic B	Historic	Local Purpose
Primary Purpose	Emphasis on the retention of open spaces and on outdoor recreational activities. To provide for the physical welfare and enjoyment of the public particularly through recreation and sporting activities and for protection of the natural environment and beauty	To protect and preserve in perpetuity, for their intrinsic worth and for the public benefit, enjoyment and use, areas of scenic interest or beauty or features worthy of protection in the public interest.	To protect and preserve in perpetuity places, objects and natural features of historic, archaeological, cultural, educational and other special interest.	Managed and developed for local educational, community, social or other local purposes which do not come within any other classification and which are specified in the classification.
Implications:				
on development	Council has high level of decision making authority. Policies in the South Coast Management Plan (SCMP) provide for day-to-day management and development such as erecting appropriate buildings, removing or cutting back trees, constructing and maintaining tracks.	Council makes decisions when development is anticipated in the management plan. This includes pedestrian and cycle access and tracks, necessary structures and facilities e.g. seating, signage, fencing.		Council makes all decisions. Reserves are managed to protect the local purpose. Management and development must be consistent with that local purpose.
on the natural environment	Recreational use and development must be compatible with natural reserve values and open space. SCMP policies protect key values e.g. enhancing coastal ecosystems, restoring natural features.	Activities related to the natural environment are anticipated in the management plan allowing Council to make decisions - including plant restoration and re-vegetation, weed, animal and plant pest control.		
on authority to grant concessions: leases, licences, permits and easements	Council (as the reserves come under an approved management plan).	DOC – Wellington Conservancy has delegated authority. Possible concessions consistent with the primary purpose include access and sightseeing, filming, service easements, seed collection.		Council

5.3 Declaration of Reserves under Section 14 Reserves Act

The following table outlines the sites on the South Coast and other lands which are currently not designated as reserve. The previous recommendation, the current recommendation and whether a change is being recommended are highlighted in the final column. Maps showing the areas in the table are attached in Appendix C and D.

Table 2. Sites to be declared Reserve under Section 14 of the Act.

Land Recommended to be classified reserve under section 14 of the Reserves Act 1977											
Site Name	Map Ref	WCC Site Number	Area (ha)	Legal Description CT/DP/SO	District Plan Zoning	Description	Gazetted	Notes and additional Recommendations	Previous Proposed Status Feb 03	Proposed Status Dec 06	Changed proposed
Foreshore (ex Engine testing sheds)	A16	1196	0.0674	Sec 31 Watts Peninsula SO 24328	Open Space B	Fee simple		Roading recommend that road remain as fee simple in case it is required for roading purposes.	No change	No Change	No
Breaker Bay Play area	A24	1963	Approx. 0.13	Lot 96 SO 25711	Open Space B	Legal Road		Road stopping process completed	Recreation Reserve	Escarpment historic and play area recreation reserve	Part change
Lyll Bay Beach	B8	2253	Approx. 4.4	Pt Lot 3 DP 2456 CT 428/268	Open Space B	Fee simple		Recreation Reserve with the area surrounding the buildings to be local purpose reserve	Recreation Reserve	Recreation Reserve and Local Purpose Reserve (Community)	Part Change

Lyall Bay Western End (Road)	B9	2253	Approx. 0.4	Lot 5 DP 90866 CTWN 116422 Pt Sec 6 Evans Bay SO 11017	Open Space B	Fee simple designated as road		Recreation Reserve consistent with the beach area and use, which is suitable for recreational walking, enables public access, protects natural character, and allows maintenance and enhancement of the foreshore. Recommended that Council retain Pt Sec 6 in Fee Simple for roading purposes.	Recreation Reserve	Lot 5 Recreation Reserve. Remove Pt Sec 6 from reserve schedule – to remain as road reserve.	Part change
Lyall Bay West	B10	207	Approx. 0.1	Lot 5 DP 90866 CT58B/269	Open Space B	Fee simple		Recommendation consistent with the beach area and use, which is suitable for recreational walking, enables public access, protects natural character, and allows maintenance and enhancement of the foreshore	Recreation Reserve	Recreation Reserve	No
Lyall Bay West (escarpment)	B11	207	1.1723	Lot 13 DP 13175 CTWN 116422	Open Space B	Fee simple		Scenic B recommended as part of the South Coast escarpment which is a significant visual feature of the South Coast and is a continuation of the backdrop to the built area along Queens Drive.	Local Purpose Reserve	Scenic B	Yes
Lyall Bay West (Escarpment)	B12	1289	0.416	Lots 18, 19, 20, 21 and 22 DP 10240 CTWN116422	Outer residential	Fee simple		Scenic B recommended as part of the South Coast escarpment which is a significant visual feature of the South Coast and is a continuation of the backdrop to the built area along Queens Drive.	Local Purpose Reserve	Scenic B	Yes

Foreshore Reserve (Houghton Bay)	C1	207	0.8397	Sec D on Plan B/161 CTWN 116422	Conservation Site 2F	Fee simple		Recommendation consistent with the beach area and use, which is suitable for recreational walking, enables public access, protects natural character, and allows maintenance and enhancement of the foreshore	Recreation Reserve	Recreation Reserve	No
Foreshore Reserve (Houghton Bay)	C2	207	0.8397	Sec E on Plan B/161 CTWN116422	Conservation Site 2F	Fee simple		Recreation reserve suitable for recreational activities associated with coastal location and allows maintenance and enhancement of the foreshore.	Recreation Reserve	Recreation reserve	No
Hermit's Cave	C3	211	0.2175	Pt Lots 339, 341 and 343 DP172 Lot 132 DP 1467 CTWN116422	Outer Residential	Fee simple		Scenic B recommended in light of preserving the regenerating indigenous South Coast vegetation and protecting one of the few areas of unbuilt escarpment. Rezoning to open space should be considered.	Recreation Reserve	Scenic Reserve	Yes
Foreshore Reserve	C4	207	Approx. 0.762	Lot 1 and 2 DP 90866 CTWN116422	Open Space B	Fee simple		Recommendation consistent with the beach area and use, which is suitable for recreational walking, enables public access, protects natural character, and allows maintenance and enhancement of the foreshore	Recreation Reserve	Recreation	No
Vacant Land (Melrose Road)	C11	538	1.4765	Lot 105 DP44309 CTWN16D/1136	Open Space B	Fee simple		Historic is recommended because the high level of cultural significance	Local Purpose Reserve	Historic Reserve Subject to drainage easement.	Yes

Owhiro Bay Quarry	D2	2327	0.8764	Pt Lot 1 DP 26908 CT39D/222	Rural	Fee simple		Historic is recommended because the high level of cultural significance This classification allows freedom of access to the public subject to the conditions and restrictions necessary for the protection and wellbeing of the reserve.	Scenic reserve	Historic	Yes
Owhiro Bay Quarry	D3	2327	54.329	Lot 1 DP 26786 CT 39D/222	Rural	Fee simple		Historic is recommended because the high level of cultural significance This classification allows freedom of access to the public subject to the conditions and restrictions necessary for the protection and wellbeing of the reserve.	Scenic reserve	Historic Visitor Information building – Local Purpose; Baches- Historic)	yes
Owhiro Bay Quarry	D4	2327	71.6350	Lot 1 DP 61218 CT39D/222	Rural	Fee simple		Historic is recommended because the high level of cultural significance This classification allows freedom of access to the public subject to the conditions and restrictions necessary for the protection and wellbeing of the reserve.	Scenic reserve	Historic	yes

Other Land Recommended to be classified reserve under section 14 of the Reserves Act 1977

Site Name	Map Ref	WCC Site Number	Area (ha)	Legal Description CT/DP/SO	District Plan Zoning	Description	Gazetted	Notes and additional Recommendations	Previous Proposed Status	Proposed Status	Change?
Karori Wildlife Sanctuary	n/a	n/a	245.8	Lot 1 DP 313319 CTWN52413	Conservation	Fee Simple	n/a	Recommendation is due to the unique nature of the site which does not fit into any standard classification. This specified classification will take into account both the needs of the Karori Wildlife Sanctuary and the needs of the water reservoirs as emergency supply to Wellington.	Local Purpose (Wildlife Sanctuary, Education and Water Purposes)	Local Purpose (Wildlife Sanctuary, Education and Water Purposes)	n/a
42 Disley Street	n/a	1441	5069m2	Lot 5 DP 313319 CTWN52417	Conservation	Fee Simple	n/a	Recommendation is due to the unique nature of the site which does not fit into any standard classification. This specified classification will take into account both the needs of the Karori Wildlife Sanctuary and the needs of the water reservoirs as emergency supply to Wellington.	Local Purpose (Wildlife Sanctuary, Education and Water Purposes)	Local Purpose (Wildlife Sanctuary, Education and Water Purposes)	
Kainui Reserve/ Treasure Island Play area	n/a	1777	6026m2 9390	LOT 39 DP 66507 CT 32C/768	Open Space A	Fee Simple	n/a	Recommendation due to the status of adjacent Lots 45 and 41, which are already Recreation reserve. This land is open space suitable for public access and recreational activities.	Recreation	Recreation	
Kainui Reserve/ Treasure Island Play area	n/a	1730	2809m3 (3)	Lot 47 DP66508 & Lot 3 DP 60206 Subdivision application 113190; now lot 3 DP 345516 CTWN34C/778	Open Space A	Fee Simple	n/a	Recommendation due to the status of adjacent Lots 45 and 41, which are already Recreation reserve. This land is open space suitable	Recreation	Recreation	

								for public access and recreational activities.			
St Gerard's Monastery	n/a	2023 2025	3074m2	Lot 1 DP 76510 CTWN 42D/683	Open Space B	Fee Simple	n/a	Recommendation to allow public access and to conserve those qualities which contribute to the pleasantness of the environment and better use and enjoyment of the reserve.	Recreation	Recreation	

5.3 Sites requiring further work

Following research into the acquisition history of the sites, it appears that some of the sites may be affected by the Public Works Act 1981 because they were acquired for public works purposes. Preliminary legal advice has confirmed that further legal investigation is required for such sites. If these sites are subject to the Public Works Act, a resolution and gazette notice will be necessary to declare that the public work for which the land is held has changed to reserve, before the land can be formally declared and classified as reserve under the Act. Therefore they are not included in the list to be declared and classified at this stage but may be at a future date once further investigation has been completed and the necessary steps taken under the Public Works Act.

The sites include:

- A18 & A19 Escarpment above Moa Point
- C13 Corner of The Esplanade and Trent Street, Island Bay
- D7 Te Kopahau (Waipapa Catchment)

Also on hold to possibly be declared and classified reserve are:

- (i) the land at Te Raekaihau Point, the proposed site for the Marine Education Centre (as per the SCMP) which is currently going through an appeal process under the Resource Management Act 1991 for the resource consent; and
- (ii) Tapu Te Ranga Island which requires further engagement with Iwi, Department of Conservation and the Historic Places Trust to determine the most appropriate classification category.

6. District Plan Zoning

Throughout the process of assessing the land for reserve classification the District Plan zoning was also considered. The following areas will be considered by the District Planning Team to deem whether a zone change to Open Space is appropriate.

- Site B12 - Lyall Bay west escarpment
- Site C3 – Hermit's Cave
- Site D2, D3 & D4 – Former Owhiro Bay quarry sites. District Plan zone change assessment process has already started on these sites.

7. Next steps

Public Notice

- If the committee agrees with the recommendations in this report then officers will proceed with formal consultation.

Public consultation and submission requirements are prescribed in sections 119 and 120 of the Act. Steps which the Council will need to take are:

- (i) to advertise its notice of intention to pass a resolution declaring the sites to be reserve and calling for objections (the public notification period is one month, with additional requirements if notification occurs over the Christmas period);

Officers will also prepare an information package for consultation based on the contents of this report. This will describe each site, the methodology used to determine the classification categories and the proposed classification category. The public notice will be in local papers and available on the Council's web site. Specific communities of interest will be sent notification and an information pack.

Specific communities of interest include local Iwi, community and residents groups who have an interest in the coast or the other lands.

If the Committee approves the recommendations in this report then officers intend to undertake the consultation early in the New Year.

- (ii) to receive any objections and submissions and give objectors and submitters a right to be heard. Therefore a hearing may need to be held for this purpose;
- (iii) to consider submissions and objections and if appropriate pass a resolution under section 14 to declare the sites set out in Table 2 of this report to be reserve according to the classifications set out in that Table.
- (iv) to then refer all objections and the Council's decision (including the extent to which it has accepted or not accepted any objections and its reasons) to the Department of Conservation for a Ministerial decision.

If the Minister upholds the Council's decision, the Council then has delegated authority to formally gazette the sites as reserve. The process is not completed, and the sites will not be reserve until a gazette notice is published in the *New Zealand Gazette*.

Iwi consultation will be undertaken by officers at the same time and in conjunction with the public consultation process described above.

8. Conclusion

This report recommends 19 sites to be declared reserve and proposes an appropriate classification category for each site.

Declaring and classifying land reserve under the Act will allow for added protection and guidance of management decisions for that land and will more accurately reflect the character of the land involved.

Contact Officer: *Joanna Gillanders, Manager; Open Space & Recreation Planning*

Supporting Information

1) Strategic Fit / Strategic Outcome

It fits under the Environment Strategy and portfolio.
This work has been done in accordance with the SCMP policy 6.13

2) LTCCP/Annual Plan reference and long term financial impact

A004

3) Treaty of Waitangi considerations

Officers have engaged with Local Iwi

4) Decision-Making

The report sets out a number of options and reflects the views and preferences of those with an interest in this matter who have been consulted with.

5) Consultation

a) General Consultation

Once committee approval has been obtained then officers will publicly notify under the Reserves Act.

b) Consultation with Maori

Officers have engaged with Local Iwi

6) Legal Implications

Council's lawyers have been consulted during the development of this report.

7) Consistency with existing policy

Consistent with the policies in the SCMP

List of Appendices.

- Appendix A** Information on the classification categories from the Reserves Act 1977
- Appendix B** February 2003 Built and Natural Environment Committee report schedule
- Appendix C** Maps showing site locations
- Appendix D** Aerials of each site

Appendix A - Reserve Classification Categories

Appendix B - February 2003 Built and Natural Committee report schedule

Appendix C - Maps showing site locations

Appendix D – Aerials of each site