
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 reclassifications and classifications contained in Appendices A and B to this report, with the intention of the Council resolving that the sites will be declared and classified as reserve accordingly.

2. Executive Summary

Not all of the Council land covered by the South Coast Management Plan (SCMP) has been declared reserve under the Reserves Act 1977 (the Act). In addition there are reserves that need to be assessed to see if their current reserve classification is appropriate.

In addition to the South Coast lands proposed for classification or reclassification it is proposed that the land between Murchison Road and Quebec Street being part of the Tawatawa Reserve is classified at the same time.

The Reserves Act (1977) 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 are not limited to Local Purpose, Recreation, Historic, Scenic or Scientific.

A thorough methodology has been followed to determine the appropriate classification categories proposed in appendices A and B 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.

3. Recommendations

It is recommended that the Committee:

1. *Receive the information.*
2. *Authorise officers to undertake public notification on reserve classification in accordance with the Reserves Act 1977 for :*
 - *Appendix A: Sites requiring classification as reserve under Section 14 of the Reserves Act (1977)*
 - *Appendix B: Sites requiring reclassification under Section 24 of the Reserves Act (1977)*
3. *Note that officers will report back to SPC following the public notification process by December 2009.*

4. Background

4.1 The South Coast Management Plan

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 Reserves Act 1977.

The SCMP under Section 6.13 Classifying Land as Reserve identified the need to review the status of lands covered by the plan and ...“seek to classify it as reserve land unless there are exceptional reasons not to do so.” (Page 57 SCMP).

The plan also identified that “Consideration will also be given to blocks of land that may benefit from re-classification (for example, changing a classification from local purpose to recreation).” – to be done later.

4.2 Tawatawa Reserve

This is a 66ha reserve that has a coastal forest remnant, tracks and a dog exercise area. In 2006, a landscape plan for the southern area of the reserve was developed with the community.

The land that makes up this reserve has been acquired from different sources. Now that land use issues have been sorted, there is a need to classify the reserve under the Reserves Act.

The reserve is not covered by a Reserve Management Plan and is being looked at as an addition to the Town Belt.

4.3 Reserves Act 1977 Process and guidelines

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

Under section 14 of the Act, the Council can, by resolution that is subject to public notification and approval of the Minister of Conservation, declare any land vested in it to be a reserve. When Council resolves to declare land reserve it must assign an appropriate classification within the framework identified in the Guide. Under section 24 of the Act, the Council can, by resolution that is subject to public notification and approval of the Minister of Conservation, change the classification of a reserve to better reflect its current 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 classification category is provided in Appendix C.

4.4 Previous Council approval and work done to date

In May 2008, officers presented a report to the Strategy and Policy Committee, seeking their agreement to classify 14 sites under the Reserves Act 1977

The Council resolved the following on 28 May 2008;

1. *Declare and classify as reserve in accordance with Section 14 of the Reserves Act 1977, the sites set out in Appendix 1 of these minutes.*

The sites included part of Owhiro Bay Quarry containing the baches at Mestones Bay (D3), to be classified as Scenic Reserve B with the quarry building area off Owhiro Parade classified as Local Purpose Reserve (Information Centre). See Appendix E.

Prior to obtaining the approval of the Minister of Conservation for this classification, officers noted that the leasing powers on Scenic Reserves under the Reserve Act 1977 are limited to activities that enable the public to obtain benefit and enjoyment of the reserve (section 56 (b)). In effect if the area is

classified as Scenic Reserve B, the Council will be unable to grant leases to the bach owners.

Council officers wrote to all those who made a submission on the original classification asking them if they would support a change to the proposed classification. This being that **the footprint of each bach** is classified as Historic Reserve. The remaining classification would be unchanged.

Council officers received a reply from twelve submitters; two did not support the classification on the basis that their original submission was to classify the whole area as Historic Reserve and that they did not support a classification of Scenic Reserve B for any part of this land.

Legal advice recommended that if Council received any objections to the proposed change, a process of re-consultation should be adopted. On that basis officers propose to start the classification process again for D3 and propose that the area be classified as Scenic Reserve B with the footprint around the baches being Historic Reserve and the footprint around the entrance and car park area off Owhiro Bay Parade being Local Purpose Reserve (information Centre and Carpark)

4.5 Methodology

The Reserves Act determines the methodology for classifying reserves.

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.

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, Wellington City Council Archives, Parks & Gardens and Capacity to determine acquisition history, current leases and licences and any other current use of lands.

Consultation also took place with mana whenua. The Wellington Tenth Trust, Port Nicholson Block Settlement Trust and Ngati Toa made recommendations on the proposed classifications and provided officers with advice on the significance of these sites (Appendix F). This supplemented the information in *Nga Waahi Taonga O Te Whanganui a Tara – Maori Sites Inventory* which provides information on Maori heritage sites in the District Plan. The Wellington Tenth Trust raised the issue of the limitations of the classification system to recognise cultural values and felt Historic Reserve classification would be more appropriate for some sites proposed as Scenic B Reserve.

The assigning of a classification to Tawatawa Reserve was a relatively straightforward process, based on an analysis of its current and possible future reserve values, current use and location.

5. Discussion

5.1 General approach to the South Coast lands

In order to recommend appropriate classifications, the South Coast sites 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 based on its primary purpose was then recommended for each reserve.

Refer to Appendix E for aerials of each site.

Several of these reserves from B 14 Te Raekaihau through to D3 former Owhiro Bay Quarry are contiguous with the Taputeranga Marine Reserve. There is no statutory requirement for these reserves to have a classification consistent with the adjacent Marine Reserve. Protection of the marine reserve is best achieved by managing activities on these reserves using the policies in the South Coast Management Plan.

Sandy Beaches

Sites in this group are;

- Site C12 Shorland Park Foreshore

The site is currently classified as Recreation Reserve. The assessment of Shorland Park Foreshore identified recreational activities like swimming, walking, and sun bathing. The surf club building at the eastern end of the beach is used for a wide range of activities. Flexibility is needed for any potential future use of the community building.

It is therefore recommended that Shorland Park Foreshore remain as Recreation Reserve with the area around the buildings being reclassified as Local Purpose Reserve (community). The foreshore is primarily used for outdoor informal recreational access to the coastline and the general enjoyment of the public. It also has visual significance and classification as Recreation Reserve allows protection of the natural environment (ecological and natural character) along with general public access.

Coastal Rocky Outcrops

Sites in this group are;

- Site B1 Foreshore Reserve (Hue Te Taka Peninsula)
- Site B14 Te Raekaihau Point

These reserves have 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 a range of informal recreational activity from very low on Hue Te Taka Peninsula (B1) through to medium levels of informal recreational activity at Te Raekaihau Point (B14).

The assessment of the reserve values suggests that Scenic Reserve B classification take precedence for this group of reserves given their primary purpose is to protect and preserve in perpetuity, areas of scenic interest or beauty or features worthy of protection in the public interest. The classification also allows public freedom of access subject to any conditions necessary for the protection and wellbeing of the reserve.

Reclassification of Site B1 Foreshore Reserve (Hue Te Taka Peninsula) from Recreation Reserve to Scenic Reserve B is due to the important visual qualities, unique landform and important vegetation on this site.

Escarpmnts – on the landward side of the road

Sites in this group are;

- Site B15 View Road/South Headland Reserve
- Site C8 Buckley Road/Orchy Crescent Reserve
- Site C10 Melbourne Road Reserve
- Site C22 Oku Street Reserve

These coastal escarpments are highly visual landscape features with strong visual coherence. They contribute to strengthening the South Coast character and are important scenic features. Their ecological health is medium to high. Recreational activities on these steep escarpments are mainly walking and enjoying the views. They are all currently classified as recreation reserve apart from two parts of site B15 which are fee simple.

Some of these sites have a high level of cultural and archaeological significance. In particular, Uruhau Pa was situated on the edge of Melbourne Road Reserve (C10). This stockaded village of Ngai tara had 12 terraces associated with it and overlooked the beach at Island Bay.

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 reclassify part of site B15 from Recreation Reserve to Scenic Reserve B, with the balance from fee simple to Scenic Reserve B. Sites

C8, and C22 to be reclassified from Recreation Reserve to Scenic Reserve B and Melbourne Road Reserve (C10) from Recreation Reserve to Historic Reserve.

Escarpments along the south west coast

Site D3 former Owhiro Bay Quarry: This area has high levels of Maori and European heritage significance. The Maori heritage site - Whare- raurekau Kainga (M46) is listed under the District Plan as part of the Rimupara Landscape Feature Precinct. The adjacent sites D2 and D4 have been approved by Council as Scenic Reserve B.

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).

Scenic Reserve B classification is recommended for most of this site given the significant landscape of high scenic quality. This classification also protects the significant cultural and heritage features on this site and the restoration of the landscape following closure of the quarry. The Visitor Centre and surrounding car park to be classified as Local Purpose (Information Centre Purpose) with the footprint around the historic baches being classified as Historic Reserve to reflect their heritage. Historic Reserve also allows leasing of buildings.

Site D5 Red Rocks Reserve, and Site D6 Sinclair Head (Te Rimurapa): Both are currently classified as Recreation Reserve. The primary purpose of recreation reserves is providing areas for recreation, particularly in areas that the Council want retained for open space and outdoor recreational activities. The sites in the escarpment group of reserves are steep and recreation would be limited to tracks and passive recreational activities such as developing points in the reserve to view the South Coast and Cook Strait area. These sites have high conservation and landscape values and have less recreational potential.

Sinclair Head (Te rimurapa) (D6) is of outstanding cultural significance and contains Taumata – Patiti a Ngati Mamoe Pa and evidence of a Waipango Fishing Station. Archaeological works in the 1960's found evidence of karaka groves, terraces and middens and ovens.

The 5 historic baches at Red Rocks Reserve (D5) should be classified as Historic Reserve due to their representation of early land use on the South Coast and their involvement in coastal defence. Several of the baches were used as storage facilities for the nearby observation post above Sinclair Head in WWII.

It is recommended to classify site D5 Red Rocks Reserve as Scenic Reserve B with the area around the baches as Historic Reserve.

It is recommended to classify site D6 Sinclair Head (Te rimurapa) as Historic Reserve.

6. Next steps

Public Notice

If the committee agrees with the recommendations in this report then officers will proceed with formal consultation in October 2009.

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 in appendix A to be reserve and to reclassify sites in Appendix B. The notice will call 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 community and residents groups who have an interest in the south coast or the other lands. Iwi consultation will be undertaken by officers at the same time and in conjunction with the public consultation process described above.

- (ii) to receive any objections and submissions and give objectors and submitters a right to be heard. 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*.

7. Conclusion

This report identifies 19 sites requiring reserve classification or reclassification and recommends they be publically notified as required under the Reserves Act.

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: *Mike Oates, Manager – Open Space & Recreation Planning, Parks and Gardens*

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 South Coast Management Plan.

List of Appendices

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