
REPORT 1
(1215/13/IM)

PROTECTION OPTIONS FOR OLD COACH ROAD

1 Purpose of Report

Feedback is sought from the Makara / Ohariu Community Board on the proposed actions for protection of the Old Coach Road summarised below and in the draft Strategy and Policy Committee report attached as Appendix 1. Any feedback received will be included in the paper to the Strategy and Policy Committee.

2 Recommendations

Officers recommend that the Makara / Ohariu Community Board:

- 1. Receive the information.*
- 2. Provide feedback on the proposals contained in the report attached as Appendix 1 for inclusion in the final report to be presented to the Strategy and Policy Committee on Thursday 10 November 2011.*

3 Background

Old Coach Road is a historic road dating from the 1860's. The heritage values of the road were recognised after the community raised concerns about residential development bordering the road in the early 1990's. As a result, the road is subject to a range of statutory protection mechanisms as a

- listed Heritage Area in the Wellington City District Plan,
- recognised archaeological site, and
- Category I Historic Place under the Historic Places Act.

A conservation plan was prepared in 1999 for Old Coach Road which set out remedial actions required to repair damage to the road formation and established an ongoing maintenance regime. The plan has not been proactively implemented.

The statutory protection mechanisms identified above do not apply consistently to the various parts of the road. The conservation plan and archaeological site cover the unsealed sections of Old Coach Road and Rifle Range Road.

The Heritage Area in the District Plan covers part of the sealed section of Old Coach Road, and the unsealed section of Old Coach Road excluding an area identified for the McLintock Street extension in Johnsonville, and the Category I registration applies to all the unsealed section of Old Coach Road¹.

The main user of Old Coach Road is the neighbouring landowner, Mr Hume, who uses the road to access his land adjacent to the road. Mr Hume has an arrangement with the Council to graze Council owned land adjacent to his own land. Old Coach Road provides the only practical access to his property.

Transpower also uses the road to access its pylons in the area. Transpower are currently undertaking reconductoring works on the main high voltage DC line crossing Old Coach Road. They are seeking archaeological authority from NZ Historic Places Trust and land owner consent from Wellington City Council to carry out works on the road to enable heavy vehicles to carry equipment to the pylons for the reconductoring project. This level of works typically takes place every 20 to 30 years.

Other users of the road are typically recreational users including walkers, joggers and horse riders.

NZ Historic Places Trust has recently written to the Council regarding the impact of cattle on the formation of Old Coach Road and alleged damage to the road. Under the Historic Places Act 1993 anyone who damages an archaeological site can be prosecuted, fined and receive a criminal conviction. The Council intends to work with the Trust and adjacent landowner to resolve this issue to reach a positive outcome for all parties.

Officers have been requested to prepare a paper for the Strategy and Policy Committee around additional protection mechanisms for the road and have sought to achieve a balance between the needs of existing users and protection of the heritage values of the road.

4 Discussion

Officers have considered the issues around the road and conclude there remain a number of potential threats to the heritage values of the road including

- the physical impact on the road surface from current and potential users and land management practices
- potential requests to upgrade the road in response to any future subdivision of adjacent land in the rural area.

A range of statutory protection options and changes to land management practices have been considered and a number of potential actions which could reinforce the protection of the heritage values of Old Coach Road identified.

¹ Note the registration initially included all the remaining sealed and unsealed sections of Old Coach Road but this was amended at a later date to exclude all the sealed sections of the road.

The Strategy and Policy Committee paper recommends that the Council

- restrict the use of Old Coach Road by motorised vehicles with the exception of vehicles associated with Mr Hume, Transpower, emergency vehicles and Council maintenance vehicles
- identify a secondary use of the road under the Public Works Act with similar characteristics as a Historic Reserve and
- consider an amendment to the extent of the heritage area in the District Plan once decisions around the McLintock Street extension are finalised
- update the draft Conservation Plan and include the implementation actions in Council's relevant Asset Management Plans.

The intent of this suite of actions is to

- provide the Council with the ability to stop vehicles using the road:
The Council is currently unable to stop any vehicles or people using the road under any statutory instrument as Old Coach Road remains legal road. The current gates and fences across the road provide physical barriers which could be legally challenged if vehicles wished to use the road. The intent of using a bylaw resolution to restrict vehicle access to the road provides the Council with a statutory mechanism to stop vehicles using the road, in addition to the current physical barriers.
- add another layer of legislative protection and recognition for the road:
Classification of land as reserve provides protection under the Reserves Act 1977 (Reserves Act), however this cannot be applied to legal road. Officers recommend that a secondary purpose with similar characteristics as a Historic Reserve is gazetted for the road under the Public Works Act. The secondary purpose provides recognition of the heritage values of the road and places some limits on how the land can be used. However a critical feature of the secondary purpose is that it cannot interfere with the primary purpose of the land which in this case is legal road.
- increase the level of consistency between the various existing statutory protection mechanisms:
As noted above, the extent of the current statutory protection is not consistent across the various mechanisms, this review is intended as an opportunity to reconsider the boundaries of the District Plan Heritage Area and increase the consistency of the protection mechanisms for the various parts of the road. The inclusion, or otherwise, of the unsealed section of Rifle Range Road in the District Plan Heritage Area would be considered at this time.
In addition, the Heritage chapter of the District Plan has been amended through Plan Change 43 which was initiated in response to the inclusion of a number of urban heritage areas in the Plan. The rules in Plan Change 43 are focused around protection of heritage values in an urban area and may not be appropriate for heritage areas in rural settings such as Old Coach Road.

- establish the level of remedial works and maintenance regime required for the road and consider land management issues
The conservation plan is now 12 years old and the condition of the road will have changed in the intervening time. An update of the plan provides a mechanism to consider the future management of the road in a holistic manner.

5 Conclusion

Officers consider the recommended proposals achieve a balance between the needs of the existing users and the protection of the heritage values of the road. Officers are seeking feedback from the Makara / Ohariu Community Board on the proposals in the draft Strategy and Policy Committee report as outlined above.

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PROTECTION OPTIONS FOR OLD COACH ROAD

1 Purpose of Report

The purpose of this report is to outline the existing and proposed heritage protection options for Old Coach Road and make recommendation on future actions.

2 Executive Summary

Old Coach Road is subject to a range of statutory protection mechanisms as a listed Heritage Area in the Wellington City District Plan, a recognised archaeological site and a Category I Historic Place under the Historic Places Act.

There remain a number of potential threats to the road including

- the physical impact on the surface from users and land management practices
- potential subdivision in the rural area.

Statutory protection options and changes to land management practices are discussed and a number of potential actions which could reinforce the protection of the heritage values of Old Coach Road are identified. The paper recommends that the Council

- restrict the use of Old Coach Road by motorised vehicles with specified exceptions
- identify a secondary use of the road under the Public Works Act with similar characteristics as a Historic Reserve and
- consider an amendment to the District Plan once decisions around the McLintock Street extension are finalised.

3 Recommendations

Officers recommend that the Strategy and Policy Committee:

1. *Receive the information.*
2. *Agree Old Coach Road remain vested in the Council as legal road.*

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Conservation Plan

3. *Note a Conservation Plan for the unsealed sections of Old Coach Road and Rifle Range Road was developed in 1999 and that this Conservation Plan will be updated to reflect the current status and condition of the road.*
4. *Note that once the Conservation Plan has been updated, officers will incorporate the recommended maintenance programme and any associated works in the Open Space Asset Management Plan.*

Restricting motorised vehicles

5. *Recommend to Council that, subject to consultation, the Council restricts the use of motorised vehicle on the unsealed sections of Old Coach Road and Rifle Range Road under Part 7: Traffic of the Wellington Consolidated Bylaw 2008 except for motorised vehicular traffic associated with*
 - (a) *farming activities of the neighbouring land owner of lots 205, 206 and 207 of DP 80025;*
 - (b) *maintenance of the power lines in the area by Transpower;*
 - (c) *maintenance of the Old Coach Road and Rifle Range Road by the Council and its contractors; and*
 - (d) *emergency and civil defence vehicles.*
6. *Note that the above exceptions may be created via explicitly allowing the vehicle use noted above or via a clause which requires motorised vehicle users to obtain 'the prior written approval of the Council'.*

Public Works Act

7. *Recommend to Council that the Council*
 - (a) *request the Minister of Lands to gazette a secondary use for the unsealed sections of Old Coach Road and Rifle Range Road under the s191 of the Public Works Act 1981 with similar characteristics to that of a Historic Reserve under the Reserves Act 1977;*
 - (b) *agree that all provisions of the Reserves Act relevant to Historic Reserves will be gazetted to apply to the unsealed sections of Old Coach Road and Rifle Range Road; and*
 - (c) *delegate to the Chief Executive the authority to agree the final wording of the gazette notice and supporting documentation.*

District Plan

8. *Agree the following matters be considered as part of Council's wider District Plan review programme:*

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- (a) *including those sections of Old Coach Road not required for the McIntock Street extension in the "Old Coach Road Heritage Area";*
- (b) *including the unsealed portion of Rifle Range Road in the "Old Coach Road Heritage Area"; and*
- (c) *amending the existing District Plan provisions to provide better protection to heritage items in non-urban settings.*

4 Background

Old Coach Road was constructed between 1856 and 1858 to connect Johnsonville with Ohariu Valley. The formation of Old Coach Road originally included the section of road currently known as Rifle Range Road in Ohariu Valley. The portion of the original road formation which remains today is approximately 3km long. Old Coach Road includes a sealed section in Johnsonville and an unsealed portion on the Johnsonville and Ohariu Valley sides of the saddle. The road connects with the unsealed portion of Rifle Range Road in Ohariu Valley.

Figure 1: Map of Old Coach Road
(highlighted green areas = Council owned land)



Residential housing in Johnsonville borders the unsealed Old Coach Road. As part of the earthworks associated with the development of the housing on McIntock Street, approximately 250m of the original track was covered with fill in the early 1990's.

In 1999, the Council purchased land adjacent to Old Coach Road along the ridgeline which now forms part of the Outer Green Belt (see Figure 1 above). This effectively removed any threat to the road from further subdivision in the urban area, however subdivision of the larger rural lots fronting onto the road remains a possibility in the future.

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The Outer Green Belt Management Plan (2004) (Sector 3, Area 3.1) has a range of management actions relating to Old Coach Road. These are attached as Appendix 2. In the listed actions needed for area 3.1.13 (Old Coach Road), the Plan states:

“Consider road closure and creation of historic reserve, excluding any section needed for the possible McLintock Street extension (refer Northern Growth Management Plan). Redefine any part not needed for roading purposes as Heritage Area in District Plan, where not already so defined”.

The Northern Growth Management Framework (2003) also includes mention of Old Coach Road in connection with the completion of the local roading network around Johnsonville and states

“Connect McLintock Street to Cortina Avenue to enhance bus routes and provide access to Outer Green Belt whilst minimising environmental impact on Old Coach Road”

The Council currently has funding in the LTP in 2014/15 to construct a road linking McLintock Street with McLintock Street North which crosses Old Coach Road. The alignment shown in the District Plan maps crosses Old Coach Road four times. However, as part of the work around the implementation of the Northern Growth Management Framework, the Infrastructure team commissioned Boffa Miskell to review the alignment of the connector road and they recommended a new alignment that only crosses Old Coach Road once.

The new alignment will require substantial earthworks to relocate the knoll just north of the end of McLintock Street to the west. This will enable the new road alignment to pass to the east of the knoll, avoiding Old Coach Road and reducing the number of crossings of the road to just one at the end of McLintock Street.

Detailed design work for the new section of road is planned for 2014/15 and will be coordinated with any design and development of the open space and reserve land adjacent to the new road.

4.1 Current users of Old Coach Road

The unsealed sections of Old Coach Road and Rifle Range Road are managed by Parks and Gardens as a recreational walking track. The road is mainly used for walking, running and horse riding, however anyone has the right to use the road and off road vehicles do sometimes use the route. The two biggest vehicle users of the road are Transpower and the owner of the neighbouring farmland. The road provides the only legal and practical access for the landowner onto their land.

Transpower uses Old Coach Road to access parts of the network of power lines in the area including the High Voltage Direct Current (HVDC) line between Oteranga Bay and Haywards substation, a main component of the high voltage network bringing power from the South Island to the North Island. They have rights of access over this and other land to carry out their business under the Electricity Act 1992. Transpower is preparing to carry out some re-

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conducting work on the HVDC line which requires the construction of a bypass route for the HVDC line. Transpower have identified the need to use Old Coach Road and adjacent land to get construction vehicles and equipment to the transmission lines in this area.

The Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (NES) set the rules, standards and conditions which Transpower must meet when undertaking maintenance on their lines. The NES also covers works on access tracks and other associated works to enable any maintenance to take place. The NES facilitates the maintenance of significant assets and overrides the District Plan rules in relation to the activities within its scope. It does not make a distinction between the underlying legal status of land and applies equally to legal road and private land. In terms of Old Coach Road, the permitted activity conditions for earthworks in the NES require Transpower to obtain an archaeological authority prior to carrying out earthworks on an archaeological site. Any earthworks on a heritage site that is not an archaeological site requires a resource consent for a discretionary activity.

Transpower are in the process of seeking a Historic Places Trust archaeological authority to carry out works on the unsealed sections of the roads, and has requested land owner consent from the Council for these works. The works are to enable the track to be used by construction vehicles during the re-conductoring works. Officers have given in principle land owner consent for the works to enable the processing of the archaeological authority to begin. Landowner consent has been provided subject to agreement of further conditions on work methodology and protocols.

4.2 Existing protection mechanisms

Existing protection mechanisms for Old Coach Road heritage values are:

1. listed as a Heritage Area in the Wellington City District Plan
2. recognised as an archaeological site and registration as a Category I Historic Place under the Historic Places Act 1993
3. land use control through Council as landowner.

These are outlined further in Appendix 2.

4.3 Old Coach Road Conservation Plan

A Conservation Plan for Old Coach Road was developed in 1999 but has not been implemented. The Conservation Plan applies to all of Old Coach Road identified as a Heritage Area in the District Plan (that is it excludes the section of Old Coach Road where McLintock Street will cross the road) and the unsealed portion of Rifle Range Road. The Conservation Plan sets out the policies to guide the protection, conservation and use of the road and identifies key threats to the road being from

- loss of purpose,
- natural processes – erosion of the surface of the road from water run-off
- visitor impacts – damage of the road surface by off road vehicles,

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- management impacts – poor maintenance and management practices, and
- information loss – destruction of archival material.

The Conservation Plan recommends that the road is stopped to enable it to be vested as reserve.

Officers have been requested to investigate additional protection options for Old Coach Road. This paper addresses this issue in the context of the first four threats identified in the Conservation Plan and the potential impacts from any future subdivision in the rural area. In addition, the paper makes recommendation on the preferred mechanism to give the road reserve status.

5 Discussion

The potential future actions are focused around mitigating potential threats to the heritage values of the road. These are focused around

- the physical protection of the road surface through maintenance and mitigating any effects of road users on the road, particularly motorised vehicles
- statutory protection of the road under the District Plan and the Reserves Act 1977, and
- mitigating any potential threats from future subdivision.

The extent of the road to be subject to future actions needs to be considered. All of the unsealed portion of Old Coach Road is registered as a Category I Historic Place and should be subject to any future actions around heritage protection. However any future actions need to take account of Council's policy and decisions around the McLintock Street extension.

The two outer stretches of Old Coach Road being the unsealed portion of Rifle Range Road in Ohariu Valley and the sealed portion of Old Coach Road in Johnsonville, are recognised under different documents and statutory mechanisms as having heritage value. Whether either or both of these sections of the road should be included in any future action plan needs to be addressed.

5.1 Physical protection of the road surface

5.1.1 *Maintenance of the road surface*

The Conservation Plan identifies a range of remedial actions, sets out a regular maintenance specification for the unsealed road. Given the age of the Conservation Plan, the condition of the road surface is likely to have changed and the remedial actions suggested in the Plan may not be appropriate. Officers consider that the Conservation Plan should be reviewed and updated as appropriate.

Presently the Conservation Plan covers the unsealed portion of Rifle Range Road and all of Old Coach Road covered by the District Plan Heritage Area listing. Officers consider the review of the Conservation Plan should include the current areas plus the area included in the District Plan for information

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purposes recognising the McLintock Street extension will have some impacts on this section of the road. Once the review is complete, the remedial and maintenance works should be included in the appropriate Asset Management Plan.

5.1.2 Grazing

The Old Coach Road is not fenced in the rural area and the land is grazed to manage grass growth. Until recently, sheep grazed the road, however the farmer now has cattle on the land. Sheep are relatively benign in terms of their impact on archaeological sites in general. Cattle have significantly greater impact on the land and any archaeological material and this may need to be considered in the future. Given the current farming practice of the neighbouring landowner, there may be a need to fence the road in the future. Whilst fencing of the road would protect the heritage aspects of the site, the Council would need to manage weeds (gorse and barberry) and grass growth on the road and road reserve. This would add cost to the management of the road.

The Historic Places Trust have written to the Council on 26th September 2011 raising the issue of alleged damage to the road by cattle and the potential for fencing and gates to control stock movement on the road in the future. As noted in their letter, any damage to an archaeological site without an archaeological authority from the Trust is an offence under the Historic Places Act 1993 (see letter attached as Appendix 3).

If the Conservation Plan recommends fencing or a requirement to fence the road is an outcome of discussions with the Historic Places Trust, then the funding for this would be considered by the Council as part of the relevant Asset Management Plan processes.

5.1.3 Impact of off road vehicles

Off road vehicles can have negative impacts on the surface of the road as well as creating potential issues between other recreational users of the track. Currently vehicles are discouraged from using the road by gates across the entrance to the unsealed portion of Rifle Range Road and the narrow track width and entrance ways at the Johnsonville side. However motorbikes are able to access the road.

Whilst anecdotal evidence suggests there is limited use of the road by off road vehicles, the Council has received complaints from local residents in the past about such activities. The most recent complaints were about an organised event which used the road. The organiser had informed the Council of their use of the road, and given the legal status as 'road', the Council had no ability to decline the use of the road for such an event.

If Transpower undertake significant maintenance works on the road, it may become more attractive for off road vehicles to use.

Officers recommend that, subject to consultation, the Council resolves to restrict vehicular traffic on Old Coach Road except for vehicles associated with farming activities on neighbouring land, maintenance of the road and electricity network infrastructure, and emergency and civil defence vehicles. This could be

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achieved either through an explicit allowance for the users identified above in the resolution or through a requirement that no motorised vehicle may use the road without the prior written approval of the Council.

The restriction of motorised vehicles from using the road should apply to the unsealed portions of Rifle Range Road and Old Coach Road.

5.2 Statutory protection

5.2.1 Reserve status

Both the Outer Green Belt Management Plan and Conservation Plan include reference to the status of Old Coach Road as legal road and potentially vesting the land as reserve under the Reserves Act 1977.

The Conservation Plan recommends the boundaries of the reserve should be the boundary of the existing road. The Conservation Plan recommends that the road be classified as historic reserve as its principal value is historic, although acknowledges that an alternative would be recreation reserve. It should be noted that the Conservation Plan includes the unformed section of Rifle Range Road as well as the Old Coach Road District Plan Heritage Area.

Reserve status for Old Coach Road would add another layer of protection for the road formation and identify the site as having greater heritage significance. Generally, the Council vests the land managed as open space as reserve.

Officers have investigated the potential for vesting as reserve and consider there are two mechanisms to achieve the same effect using either the Reserves Act or Public Works Act. These are described further below.

Reserves Act 1977

In order to vest Old Coach Road as a reserve under the Reserves Act, the road must first be stopped under either the Local Government Act or Public Works Act. Once a title is issued for the land, then it may be vested as reserve. Statutory public consultation is required for both the road stopping (under the LGA only) and the classification as reserve. The road stopping process would have to be completed prior to initiating any process to classify the land as reserve.

Any stopping of the road would have to exclude the area affected by the McLintock Street extension. This could be achieved by either stopping the sections of the road currently identified in the District Plan as Heritage Area or delaying the road stopping and vesting process until after the design work for the road extension is complete and stopping all Old Coach Road except where the McLintock Street extension crosses it.

Rifle Range Road and Old Coach Road provide practical access to the neighbouring rural land in Ohariu Valley and Transpower's pylons in the area. If any road stopping were initiated, arrangements would have to be made to provide neighbouring landowners in Ohariu Valley and Transpower the right to use Old Coach Road to access their property. This is likely to take the form of an easement over the land.

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Any stopping of the unsealed portion of Rifle Range Road would effectively land lock at least one large rural section. The Council would have to ensure alternative legal access is created to the lots before stopping the road. This may raise the issue of compensation to the landowner for loss of access.

Consultation with both Transpower and neighbouring landowner indicate that they are unlikely to support the stopping of the road.

Public Works Act 1981

An alternative mechanism to stopping the road and vesting as reserve is to 'give' Old Coach Road a 'secondary use' under s191 of the Public Works Act 1981. This is a decision of the appropriate Minister and must be gazetted. Secondary use for reserve within the general characteristics of reserve under the Reserves Act is anticipated by this section of the Act. The section also enables the Minister to both specify which provisions of the Reserves Act will apply to the land and vest control of the land to a local authority.

This is a little used section of the Act, and officers have sought preliminary legal advice on whether the Council could use this to specify a secondary use for Old Coach Road. The preliminary advice is that the Council is able to use this section in this instance with the following qualifiers as set out in the Act that

- the secondary use does not interfere with the public work for which the land is held; and
- it is practicable for the land held for the public work to be applied to the secondary uses.

Benefits and disadvantages

There are a number of advantages and disadvantages for each process to achieve the reserve status. These are set out below:

Road stopping and vesting as reserve under Reserves Act	Secondary use under Public Works Act
Benefits	
<ul style="list-style-type: none"> • Well used sections of the Acts • Stopping the road provides the Council with greater control over who can use the land 	<ul style="list-style-type: none"> • Can be undertaken now • Retains the primary use of the land as road • Doesn't remove any access rights for neighbouring landowners • Council decision on McLintock St extension is largely unaffected by secondary use • Can specify which sections of the Reserves Act should apply to the road
Disadvantages	
<ul style="list-style-type: none"> • Road stopping likely to receive objections 	<ul style="list-style-type: none"> • Not often used and consequently further legal advice will be required

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Road stopping and vesting as reserve under Reserves Act	Secondary use under Public Works Act
<ul style="list-style-type: none"> • Road stopping likely to create access issues for neighbouring landowner and may give rise to claims for compensation • If road stopping includes the unsealed portion of Rifle Range Road, then this will effectively 'land lock' some large rural lots. • An easement in favour of the neighbouring landowner and Transpower will need to be created • OCR may require physically surveying • Timing will have to be deferred until alignment of McLintock Street extension finalised • Requires two public consultation processes if road stopped under LGA 	<ul style="list-style-type: none"> • Not well known or understood by local community and stakeholders • OCR may require physically surveying • Does not mitigate against potential future subdivision in the rural area where new lots may be created with legal access over the road.

Officers do not recommend vesting the road as reserve under the Reserves Act, principally due to the issues created by stopping the road, the timing issues around the McLintock Street extension and the existing level of heritage protection given to the road.

However if the Committee considers the road should have reserve status, officers recommend that the process under s191 of the Public Works Act is the appropriate mechanism. This process can be initiated in the short term and would not impede any progress or decision making around the McLintock Street extension.

5.2.2 District Plan

There are two issues around the District Plan applying to Old Coach Road, firstly the extent of the Heritage Area and secondly the rules in the Heritage Chapter.

The Heritage Area listing extends from the intersection of Safari Crescent and Old Coach Road to the intersection of Old Coach Road and Rifle Range Road. It excludes the portion of Old Coach Road affected by the McLintock Street extension (see Figure A in Appendix 2). At the time of considering the inclusion of Old Coach Road as a Heritage Area, the alignment of the McLintock Street extension crossed the road four times. However, since this time, Infrastructure have commissioned Boffa Miskell to investigate alternative routes for the connector road to minimise the impact on Old Coach Road.

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The proposed new alignment for the McLintock Street extension crosses Old Coach Road once and as a result a much smaller portion of Old Coach Road will be affected by the construction of the new road. The District Plan were amended under Plan Change 72 to include the new alignment of the road. This element of the Plan Change has not been appealed.

It is recommended that once the detailed design work on the road extension is complete, the Council consider whether to include the areas of Old Coach Road included in the District Plan for information purposes only within the Heritage Area listing. In addition, the Council may consider whether the unsealed portion of Rifle Range Road has sufficient heritage values to be included in the Heritage Area listing and whether the sealed section of Old Coach Road should be removed from the listing.

Under Plan Change 43, the heritage rules relating to Old Coach road focus on earthworks. The definition of earthworks includes the removal, relocation and deposition of earth, soil or rock. Most activities on the road are likely to involve some form of earthworks, however there may be other activities such as construction of culverts which may not be captured by the rules in Plan Change 43. New structures are permitted in Heritage Areas (although construction of new buildings requires resource consent) and only the area based rules apply.

The Council may wish to review the Heritage Area rules to ensure they are appropriate to protect the heritage values of a Heritage Area in a non-urban setting.

5.3 Potential Threat from Future Subdivision

A further potential threat to the road is from future subdivision in the rural area. If land adjacent to the road in the rural area were subdivided, then the landowner would be required to provide legal access to the new lots. Council generally requires access to new lots to meet the standards set out in the Code of Practice for Land Development. The unsealed sections of Old Coach Road and Rifle Range Road are currently the only practical access to this land. This may create a tension between the need to provide improved access to the new lots and maintaining the historic character of the road. Additional traffic on the road would also impact on the physical road surface and archaeological features of the road.

If the road were stopped, then it could not be used as access in the subdivision process. As noted above, a potential disadvantage of the Public Works Act process is that the road remains legal road and consequently this process does not mitigate against risks and threats from future subdivision in the rural area. There are two potential mechanisms to address this.

The first is by a resolution under the Local Government Act 1974 which enables the Council to declare roads or sections of road to be 'limited access roads'. Any declaration of a limited access road must provide for one or more specified crossing points to any land affected by the declaration. The effect of such a declaration is that the road is not considered a road for subdivision purposes and alternative access would have to be provided by the landowner wishing to

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subdivide their land. Any claims for compensation would be dealt with under the relevant provisions of the Public Works Act 1982.

A second alternative mechanism is to create an isolation strip along the edge of the road which prevents direct legal access from the adjacent lots onto the road. The isolation strip could either be stopped legal road or purchased from the adjacent land owner.

Neither mechanism is recommended for implementation at this stage.

5.4 Timing of proposed actions

There are four main actions recommended for further protection of Old Coach Road. These are:

1. Update the Conservation Plan and include in the relevant Asset Management Plan
2. Initiate consultation on a bylaw resolution to restrict the use of the road by motorised vehicles
3. Establish reserves status for the land
4. Review the extent of the Old Coach Road heritage area and relevant provisions in the District Plan.

Actions 1 and 2 are able to be initiated immediately and are likely to be completed within 6 months of their start.

The timing of Action 3 would depend in the mechanism chosen to establish the reserve status. If the s191 Public Works Act process is preferred, this can be initiated immediately and is likely to take up to 2 years to complete. However if the Committee decided to stop the road and vest the land as reserve then the road stopping should be deferred until the design works on the McLintock Street extension are complete and all parts of Old Coach Road not required for the new road can be stopped and vested as reserve. The road stopping process is likely to take up to 18 months and the vesting as reserve can be achieved sooner however is typically around 18 months. The road stopping process must be completed before any consultation around vesting the land as reserve is undertaken. As a consequence this is likely to take up to 3 years (provided there are no objections). Given the timing of the road extension, the road stopping process would not be initiated until around 2015 when design works for the McLintock Street extension are complete.

For Action 4, the review of the extent of the heritage area cannot be concluded until the completion of the design works for the McLintock Street extension at the earliest. Any review of the heritage provisions as they apply to rural sites is recommended to be undertaken around the same time, however the timing of any plan change is dependent on the priorities set in the District Plan work programme and the timeframes around the review of the District Plan.

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6 Other issues

6.1 Consultation and Engagement

Discussions have been held with the New Zealand Historic Places Trust, John Hume (the main adjoining landowner in the rural area), and Transpower. A draft of the report was circulated to these parties for their comment; their responses are attached as Appendix 4 and 5.

John Hume wishes to retain use of the road for access to his land and opposes further restrictions on Old Coach Road. He notes that any further restrictions are likely to be opposed by local residents. In addition, John Hume indicates that restrictions on Rifle Range Road would effectively land lock 3 parcels of his land requiring compensation or purchase of his land (see letter attached as Appendix 4).

Transpower wishes to ensure its ability to use Old Coach Road is not hindered and that it can still exercise the rights that it has under the Electricity Act. Transpower is concerned that the options of stopping of the road or the introduction of isolation strips has the potential to place restrictions on their ability the access the transmission lines as are there are no practical alternatives available in this area. Transpower recognises that Old Coach Road is a functioning legal road, with multiple values and uses that must be recognised and provided for along with its historical value.

Transpower is not opposed to the use of a bylaw to restrict vehicular access on Old Coach Road providing that any restriction still provides for Transpower to use the road to operate, inspect, maintain and upgrade the transmission lines in this area (see letter attached as Appendix 5).

The Historic Places Trust support further protection of the road's heritage values.

Given the level of interest in Old Coach Road in the past, officers anticipate that when Transpower apply to the Council for landowner consent for works on the road, key stakeholders and neighbouring properties will need to be kept informed of the proposed works on the road, their progress and any mitigation or remedial works required by the Council at the end of the re-conductoring project.

6.2 Financial Considerations

The following is the estimated financial costs of the potential protection options:

Action	Activity	Estimated cost
	<i>Update the Conservation Plan and include in the relevant Asset Management Plan</i>	
	Public consultation	\$5k plus officer time
	<i>Initiate consultation on a bylaw resolution to restrict the use of the road by motorised vehicles</i>	
	Public consultation	\$1k plus officer time

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Action	Activity	Estimated cost
<i>Establish reserves status for the land</i>		
	Reserves Act process including road stopping (excluding any compensation claims)	\$15k plus officer time and survey costs of between \$5k and \$30k*
	S191 Public Works Act process	\$15k plus officer time and survey costs of between \$5k and \$30k*
<i>Review the extent of the Old Coach Road heritage area and relevant provisions in the District Plan.</i>		
	Expert heritage advice	\$10k plus officer time

* the survey costs are dependent on whether a survey plan can be generated from existing survey data (\$3k to \$5k) or whether a physical survey of the road is required (up to \$30k).

Any remedial actions or maintenance works required will be considered by Council as part of the processes around the review of the relevant Asset Management Plan.

6.3 Climate Change Impacts and Considerations

There are no climate change impacts arising directly from a change in status of Old Coach Road.

6.4 Long-Term Plan Considerations

Any impact on the LTP will be reported back to the Committee through the implementation of the Open Space Asset Management Plan.

7 Conclusion

There are a number of potential actions which could reinforce the protection of the heritage values of Old Coach Road. Officers consider the implementation of an updated Conservation Plan is central to achieving this. The three key statutory mechanisms to further protect the road have been considered and it is recommended that the Council

- restrict the use of Old Coach Road by motorised vehicles (except by one neighbouring landowner and Transpower and/or those with prior written approval of the Council)
- identify a secondary use of the road as Historic Reserve through the Public Works Act and
- consider an amendment to the District Plan once decisions around the McLintock Street extension are finalised.

Contact Officer: Fiona Johnson / Mike Oates

Supporting Information

1) Strategic Fit / Strategic Outcome

This project contributes to developing a stronger sense of place:

- *Wellington will value and protect the City's natural heritage*
- *Wellington will be a memorable, beautiful city, celebrating its capital city status, distinctive landforms and landmarks, its heritage, and its high quality buildings and spaces.*

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

The project is covered by A004 – Open Space Planning

3) Treaty of Waitangi considerations

There are no Treaty of Waitangi considerations

4) Decision-Making

This is not a significant decision.

5) Consultation

a) General Consultation

Example: All affected parties have been identified. The effects of this work are confined to the street and surrounding neighbourhood. It is proposed that consultation be targeted to the local neighbourhood. We propose a letter box drop and to hold a meeting with the residents. Council is not required under legislation to consult on this matter.

b) Consultation with Maori

There has been no consultation with Maori in the preparation of this report. Iwi will be consulted as appropriate during the implementation of the recommendations

6) Legal Implications

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

7) Consistency with existing policy

This report is generally consistent with Council's existing policy in the Outer Green Belt and Northern Growth Management Framework. It recommends additional actions than those envisaged through these documents.

Outer Green Belt Management Plan 2004

Key objectives policies and actions relating to Old Coach Road

5.3.3 MANAGEMENT AREA POLICIES

Area 3.1 - Old Coach Road

Long-term vision

- Old Coach Road is protected and managed in a manner reflecting its importance as a Category One historic place, and as an important point of access to the Outer Green Belt.
- The ridgetop environment near Old Coach Road is protected and maintained in its existing, open character.
- Old Coach Road is developed and enhanced as a major access point to the Outer Green Belt.

Management programme

- Complete and adopt the *Old Coach Road Conservation Plan* (confine content to the management of the heritage values, rather than the wider landscape).
- Ensure all parts of the road not needed for public roading purposes (i.e. The potential crossing of the McLintock Street extension) are given heritage area status under the *District Plan*
- Consider closing Old Coach Road (as a legal road, except for any section needed for actual roading purposes, and protecting it as a category one Historic Road).
- Prepare and adopt a landscape development plan for the wider area, but focus on the central entrance area. This plan should provide for the establishment of a planted bush strip separating the residential environment from the rural environment on the ridgeline. Adequate parking for visitors will be a key aspect to this plan.
- Reflect in the management of this area any decisions about the extension to McLintock Street arising from the decisions in the *Northern Growth Management Plan*.
- Clearly define walking access to Kaukau.
- Negotiate access along Totara Ridge from Old Coach Road to Ohariu Valley Road and protect by any appropriate means the ridgetop landscape values of this section of ridge.
- Work with the owners of the Hampton Gate development to ensure minimum impact on local landscape and heritage values.

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- Protect and enhance biodiversity where possible, while recognising the limited significance of this area to the main ecological values of this sector.

Public use and enjoyment

- Public access for walking and mountain biking will be provided for as the main recreation activities.
- Horse riding on the western side of Old Coach Road and along the main ridge will be allowed, subject to appropriate conditions.
- Access for vehicles on Old Coach Road will be confined to management purposes unless there are exceptional reasons, consistent with the policies of this Plan. Any vehicle access must not damage the road surface.

Existing protection mechanisms

Existing protection mechanisms for Old Coach Road heritage values are:

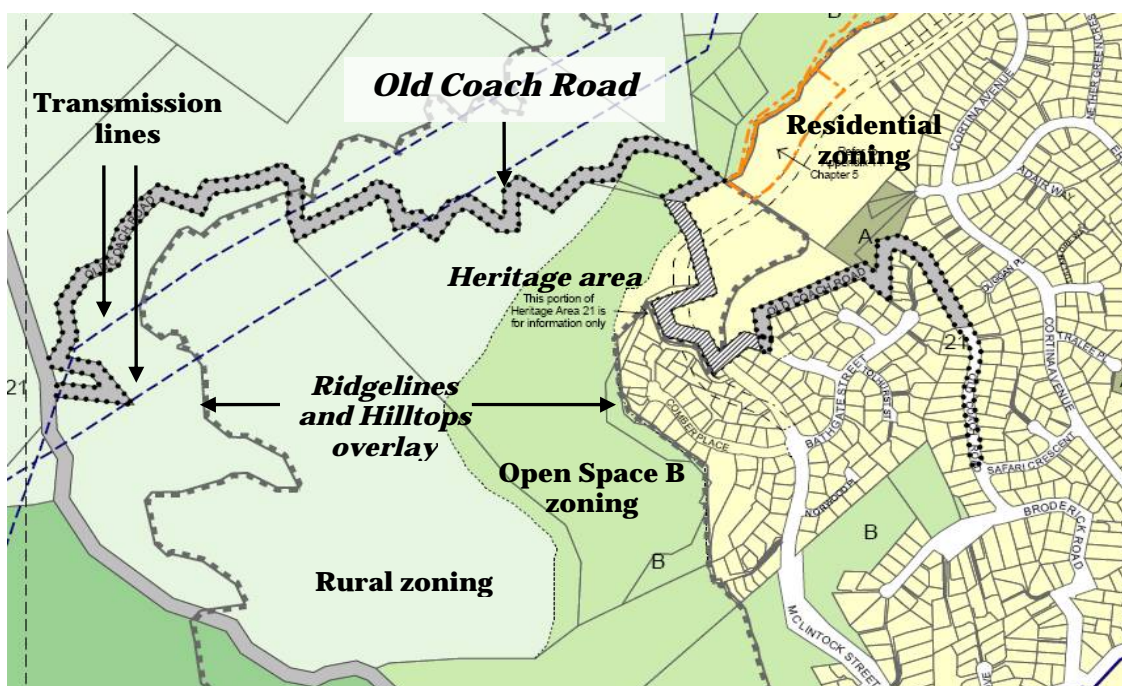
1. listed as a Heritage Area in the Wellington City District Plan
2. recognition as an archaeological site and registration as a Category I Historic Place under the Historic Places Act 1993
3. Council control as landowner.

District Plan

The majority of the unsealed portion of Old Coach Road and the sealed portion to Safari Crescent is identified as a Heritage Area (outlined by the dashed line in Figure A). The section of Old Coach Road affected by the McLintock Street extension and/or covered by fill is not listed in the District Plan but identified for information purposes only.

Under Plan Change 43, the discretionary activity rule in the Heritage chapter of the Plan around the total or partial demolition, destruction or removal of any listed heritage area has been removed. The Heritage Area rules in Plan Change 43 are primarily focused around protection of heritage values in the urban area and relate in the main to buildings and sites. The only rule in the Plan Change 43 which captures works on Old Coach Road is for earthworks where any earthworks over 10m³ in volume or 10m² in area is a Discretionary (Restricted) activity. Any application for resource consent would be assessed against the impact on the heritage values for which the area was listed.

Figure A: District Plan heritage area and zoning



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Historic Places register and Archaeological site

The whole of the unsealed portion of Old Coach Road and the sealed portion of the road to Broderick Road is registered as a Category I historic place by the Historic Places Trust. It is one of only four roads in New Zealand recognised in this way and is noted as “*one of New Zealand’s best examples of an original nineteenth-century public works thoroughfare*”. As the road predates 1900, the road is also recognised as an archaeological site.

Inclusion in the Historic Places Register has limited regulatory impact. The register is an information and advocacy tool for identifying New Zealand’s heritage. Listing in the Register creates no direct mechanism for protection, nor any obligations on the land owner to protect heritage values.

However, no-one may destroy, damage or modify any part of an archaeological site without the prior authority of the New Zealand Historic Places Trust. This authority must be obtained in addition to any consent under other legislation including the Resource Management Act and Building Act. The Trust has the ability to grant in full, grant with conditions, or decline an application for an archaeological authority. Anyone who damages an archaeological site can be prosecuted, fined and receive a criminal conviction.

Council as landowner

The Council as landowner of the road has the ability to withhold or grant with conditions consent for activities on the road except the right of free passage by the general public.

Whilst a number of properties front directly onto the road, the Council is not required to upgrade the road to provide vehicular access to their properties. Neither is required to grant consent for a third party to upgrade the road to provide access to their own land at their own cost.

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Appendix 3

Copy of letter from NZ Historic Places Trust regarding alleged damage to Old Coach Road

New Zealand Historic Places Trust
Pouhere Taonga



S:/Arch/Site Damage/Old Coach Road c

HP 11011-064

26 September 2011

Johnnie Barrie
Reserve Parks Management
Wellington City Council
PO Box 2199
WELLINGTON

Dear Johnnie,

ALLEGED DAMAGE TO AN ARCHAEOLOGICAL SITE: R27/220

On 21 September 2011 during a field visit by the New Zealand Historic Places Trust (NZHPT) to the Old Coach Road, it was observed that the road formation has been significantly affected as a result of ongoing grazing of cattle.

The Old Coach Road is a 150 year old archaeological site (R27/220), Category I registered Historic Place (#7396), listed in the district plan as a heritage area, and included within the Outer Town Belt Reserve. Roads such as Old Coach Road are now rare in New Zealand, and as such has it had a conservation plan produced for it. The road has been impacted already by the construction of the subdivisions and Transpower accessing their pylons.

The NZHPT understands that until relatively recently sheep were grazed on the land either side of Old Coach Road, and are concerned with the amount of erosion damage produced by the change to grazing cattle.

The *Historic Places Act 1993* ("the Act") provides for the identification, protection, preservation and conservation of the historic and cultural heritage of New Zealand. All archaeological sites are protected by the provisions of the Act. It is unlawful to modify, damage or destroy an archaeological site without the prior authority from the NZHPT. An authority is required whether or not the land on which an archaeological site may be present is designated, a resource or building consent has been granted, or the activity is permitted under the Regional or District Plan.

The NZHPT understands that the land either side of the Old Coach Road is largely private land and a working farm, and a return to the grazing of sheep may not be viable. NZHPT hopes that an arrangement can be made to control stock movement over the historic road to prevent further erosion, such as gates and fencing.

Please call me to arrange a meeting regarding this matter.

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Yours sincerely,



David Rudd
Central Region Archaeologist
New Zealand Historic Places Trust
PO Box 2629
WELLINGTON 6140

(04) 494 8323
drudd@historic.org.nz

cc: Dr Rick McGovern-Wilson, NZHPT Senior Archaeologist
cc: Geraldine Baumann, NZHPT Senior Legal Advisor
cc: Myfanwy Eaves, Special Heritage Advisor, Urban Design & Heritage, Wellington City Council, PO Box 2199, WELLINGTON 6011

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Appendix 4

Copy of letter from John Hume in response to proposals in this paper

109 Rifle Range Road,
Ohariu Valley,
Johnsonville, Wellington.
24 September, 2011

Fiona Johnson,
Wellington City Council.

Dear Fiona,

Protection Options for Old Coach Road.

My comments.

- 1) As in the past I support Transpowers submission and comments. (I have a good working relationship with them).
- 2) I am opposed to any further restrictions on the use of Old Coach Road deeming them both unnecessary and expensive to the Rate payers of Wellington.
- 3) Use of the road at present is mainly by Transpower, I and agents of W.C.C. With regular use by walkers, horses and bikes and irregular use by locals on quads, this would occur about once a month. It is years since I have seen a private vehicle other than those stated above on the road. A vintage motorcycle group caused some objections about 2 years ago. They did ask permission from the Council.
- 4) Any restriction on the unsealed portion of Rifle Range Road would have the effect of land locking three of my lots and would be of considerable cost in compensation to rate payers. Rural lifestyle blocks sell in the vicinity of \$500-600 thousand X 3.
- 5) Cost of surveying and fencing would be considerable if Old Coach Road were to be made a reserve. Fencing cost could be \$100 to

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\$150 thousand alone and the ungrazed land would quickly revert to barberry and gorse. This would increase maintenance costs.

- 6) There would be considerable local opposition to any restrictions.
- 7) The Community Board has not been consulted on this issue! Why not?
- 8) My relationship with the Council and Council Officers has always been cordial and co-operative in the past. The outer Town Belt walkway runs in part over my land and the Council Staff use my private road to access the top of Mt Kau Kau for many reasons. I would hope this will continue.

Old Coach Road is still a functioning legal road with multiple uses and it has not changed in character in my life of farming on its extremities. The only exception being some corners being widened to allow Transpower to transport heavy machinery to its pylons.

I hope to see no further restrictions on its use. This has worked most successfully during my 50 years of farming.

Yours sincerely,

John Hume.

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Appendix 5

Copy of letter from Transpower in response to proposals in this paper

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TRANSPOWER

Keeping the energy flowing

Transpower House
96 The Terrace
PO Box 1021
Wellington 6140
New Zealand
P 64 4 495 7000
F 64 4 495 7100
www.transpower.co.nz

23 September 2011

Fiona Johnston
Wellington City Council
Via email: Fiona.Johnson@wcc.govt.nz

Dear Fiona

PROTECTION OPTIONS FOR OLD COACH ROAD

Thank you for the opportunity to comment on the report on the protection options for Old Coach Road.

Background

Transpower New Zealand Limited is the State Owned Enterprise that owns, maintains, operates and develops New Zealand's high voltage transmission network, the National Grid. The National Grid comprises a network of high voltage lines and substations that transport electricity from where it is generated to towns and cities across New Zealand. We connect with local distribution companies, like Wellington Electricity Network, who connect to individual homes and businesses. The National Grid has been recognised as being of national significance by Central Government through the National Policy for Electricity Transmission (NPSET) and the National Environment Statement for Electricity Transmission Activities (NESETA¹).

Significance of the transmission lines and Old Coach Road

Old Coach Road provides Transpower with access to parts of the National Grid that are of regional and national importance being the access along the Old Coach Road for vehicles, equipment and personnel to service the Oteranga Bay - Haywards (OTB-HAY) transmission line and Takapu Road - Wilton (TKR-WIL) transmission line.

The TKR-WIL transmission line links the Takapu Road and Wilton Substations and is a regionally important asset; that supplies electricity to much of the Wellington CBD. The OTB-HAY line is of national importance. The National Grid includes a high voltage direct current (HVDC) inter-island link between the South and North Islands via submarine cables. The submarine cables emerge at Oteranga Bay and it is the OTB-HAY line that carries the HVDC to Haywards substation where the HVDC is converted to alternating current for distribution throughout the North Island network.

Transpower is in the process of replacing the conductors (wires) on the OTB-HAY line and this is one example of where access is required along Old Coach Road. This maintenance work is replacing the original conductors that were installed in the 1960s. The current maintenance work is requiring some upgrade to Old Coach Road

¹ The provisions of the NESETA apply to National Grid transmission lines in existence at 14 January 2010.

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(an application is currently with the Historic Places Trust for the works) to provide access for heavy machinery (a road width of 4m is required and perhaps some gravel for traction).

The road is not required to be upgraded to this level for Transpower's regular maintenance work. Transpower only maintains the access tracks that it uses to the extent necessary to carry out the work required. Following the current re-conductoring work, Transpower does not expect to undertake any further work on the road in order to gain physical access for many years to come. The majority of the time Transpower's access requirements are limited to 4wd access rather than the current requirement for heavy machinery. While maintenance work is intermittent, Transpower does require four wheel drive access along Old Coach Road to carry out six monthly visual inspections of the lines. These visual inspections provide a vital role in maintaining a secure supply of electricity for Central Wellington and the North Island generally. Due to the rugged topography of the area there are no practical alternatives to provide this access other than Rifle Range Road and Old Coach Road.

Transpower's Statutory Rights

Transpower has access rights under s23 of the Electricity Act 1992. Section 23 states that any person that owns existing works may:

"..enter upon the land for the purpose of gaining access to those works and may perform any act or operation necessary for the purpose of-
(a) Inspecting, maintaining or operating the works

Transpower also has the right under s24 of the Electricity Act 1992 to:

"...from time to time construct and maintain works in, on, along, over, across, or under any road and for any of these purposes may-
Open or break up any road:

The provisions of the NESETA provide for the replacement of conductors as a permitted activity (no resource consent is required) and include the provision that any earthworks within a historic heritage area are permitted if carried out in accordance with the Historic Places Act. The provisions in the NESETA prevail over any rules in the District Plan. (Wellington City Council, as landowner, is being consulted on the current work being proposed).

Maintenance of Transpower's existing rights

Transpower seeks that its ability to utilise the existing road is not hindered and that it can still exercise the rights that it has under the Electricity Act. It is our opinion stopping of the road or the introduction of isolation strips has the potential to place restrictions on our ability the access the transmission lines as are there are no practical alternatives available in this area. Old Coach Road is still a functioning legal road, with multiple values and uses that must be recognised and provided for along with its historical value. These are the provision of physical access to transmission lines and the provisions of access on a daily basis for farming activities for the owner of the surrounding land.

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Transpower is not opposed to the use of a bylaw to restrict vehicular access on Old Coach Road providing that any restriction still provides for Transpower to use the road to operate, inspect, maintain and upgrade the transmission lines in this area.

Preservation of Historical Values

Transpower recognises the historic significance of the area and the value placed on the area by the local community. Transpower is committed to ensuring that these are maintained throughout its maintenance work. It is our understanding that there is some maintenance work required to maintain the historical values of the unsealed road. Transpower is willing to assist the Council (in conjunction with the Historic Places Trust) to carry out this work while it has heavy machinery in the area as part of the re-conductoring work that is about to be undertaken. Transpower would welcome discussions with the Council around how we could assist with maintenance work on Old Coach Road while we have machinery in the area.

Conclusion

The Old Coach Road is still a functioning legal road, with multiple values and uses. The road is the only viable access to transmission lines, which is necessary to ensure security of electricity supply to the North Island, (and for farm access purposes for the neighbouring landowner). Obtaining alternative access is not feasible due to significant technical constraints. Transpower is opposed to any restrictions on the rights that it currently has to operate, inspect, maintain and upgrade the transmission lines in the area.

Transpower is committed to preserving the historical values associated with Old Coach Road and is willing to work with the Council to assist with the maintenance of Old Coach Road while it has heavy machinery in the area as part of the re-conductoring of the OTB – HAY transmission line.

Yours sincerely

Mike Hurley
Environmental Advisor

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