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**PROPOSED LAND ACQUISITION  
FORT BUCKLEY – BARNARD STREET, WADESTOWN**

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**1. Purpose of Report**

The purpose of this report is to seek the Committee to recommend to Council the approval for the acquisition of 2290 square metres of land comprising part of the historic Fort Buckley Rifle Muzzle Loading Fortification (Fort Buckley (R.M.L.)) at Barnard Street, Wadestown.

The land to be acquired is shown shaded red on the plan attached as Appendix I.

**2. Executive Summary**

The subject land, being Lot 2 DP 90893, is currently in Crown ownership and is administered by Land Information New Zealand who has offered the land for sale to Council.

Council owns the adjoining parcel of land, Lot 3 DP 90893, being a total of 1.0358 hectares, which comprises the majority of the Fort Buckley (R.M.L.) site. The fortification is registered as a Category I Historic Place with New Zealand Historic Places Trust. It is considered that purchase of the land will offer the highest level of protection of the historical features and add to preservation of the landscape values of the area. The price of up to \$14000 inclusive of costs is considered a low price to protect this land. Funding would be from the Property Purchases – Reserves CX033 account.

The long term risk is that the sale of the Crown owned land into private ownership could see the land used for residential development.

**3. Recommendations**

It is recommended that the Committee:

- 1) *Receive the information.*
- 2) *Recommend to Council to:*
  - a) *Agree to acquire approximately 2290 square metres of land comprising part of the Fort Buckley Rifle Muzzle Loading Fortification, being Lot 2 DP 90893.*

- b) *Agree to authorise the Chief Executive Officer to negotiate and enter into a contract for the land purchase at a price of \$10,000 inclusive of GST.*
- c) *Instruct officers, following completion of the transfer of Lot 2 DP 90893 to the Council, to give public notice under section 119 of the Reserves Act 1977 of the Council's intention to resolve to declare Lot 2 DP 90893 to be historic reserve under the Reserves Act 1977 and once the period for submissions and objections had closed, report back to Council to consider any objections, and for a resolution on whether or not to proceed with the proposal to declare Lot 2 DP 90893 to be historic reserve.*
- d) *Agree to an overspend of up to \$14,000 to project CX033 – 'Property Purchases – Reserves for the land purchase and associated transfer and settlement costs'.*

#### **4. Background**

The Crown land available for acquisition (Crown land,) Lot 2 DP 90893, is an irregular shaped parcel of land which adjoins Barnard Street on the western boundary and adjoins Lot 3 DP 90893 on the eastern boundary. The Crown land slopes steadily downwards from the road in an easterly direction. The Crown land is covered in a mixture of native and exotic scrub; and has panoramic views overlooking Kaiwharawhara and Wellington harbour.

The Council acquired the adjoining land being Lot 3 DP 90893 from Land Information New Zealand (LINZ) in 2001. At this time LINZ were not willing to dispose of Lot 2 DP 90893.

The Crown land is zoned 'Open Space B' as per the District Plan, as is the adjoining Council land. The Council land is also designated with heritage object number '55' which refers to the site of Fort Buckley (R.M.L.).

Fort Buckley (R.M.L.) is registered with New Zealand Historic Places Trust (NZHPT); Register number 7544, as a Category I Historic Place, comprising Lots 2, 3 and 4 DP 90893 as per the registration. The gun emplacements are physically located on Lot 3 DP 90893. Lot 4 DP 90893 is a strata title, owned by the Crown and relates to ownership of the land below Lot 3 DP 90893 comprising the Johnsonville train line.

Fort Buckley (R.M.L.) is afforded automatic statutory protection as an archaeological site as per the Historic Places Act 1993, as it is a place associated with pre-1900 human activity.

Easement Certificate B833696.3, for pedestrian right of way, was registered against the title of the Crown land in 2001 in favour of Council, which legally allows for public access over the Crown land to access the Fort Buckley (R.M.L.) site, the Council owned land. Upgrade works were undertaken in 2008/2009 to make pedestrian access safer and the gun emplacements more accessible. This

was a joint project between the Highland Park Progressive Association (HPPA) and the Council. HPPA received a \$26000 grant from the Ministry for the Environment's Sustainable Management Fund and a \$10000 Council Environment Grant for this work. Council also contributed capital funding to this work.

## **5. Discussion**

### **5.1 Significance**

Fort Buckley (R.M.L.) is a site of national historical importance. It comprises the remains of two circular gun emplacements which were first constructed in 1878 in preparation for a Russian naval invasion, and were later used for defensive purposes during World War II. The gun emplacements were initially made of earth; and were upgraded to concrete in 1886. Military history experts identify the site as one of the most significant or best representative examples of New Zealand's coastal defence sites. It is one of the least altered examples of the first defences constructed in the country.

The site also includes the location of the house where personnel manning the fort were accommodated; however the physical structure is no longer in place. The foundation of this house is on the Crown land.

(Information sourced from New Zealand Historic Places Trust Register and Wellington City Council Principal Heritage Advisor)

In terms of Council's Policy on Significance this matter is not significant.

### **5.2 Future Risk**

The Crown land was included in the rezoning of the Fort Buckley (R.M.L.) site from 'Residential' to 'Open Space B' in 2000 when Wellington City Council acquired Lot 3 DP 90893 (being the remainder of the Fort Buckley (R.M.L.) site). LINZ disagreed with this zoning at this time, and believed this was done without the appropriate consultation with them as the landowner. It is highly likely that if LINZ sells the land to a private owner, that owner could petition for this zoning to change and if successful would allow for the construction of residential property on the land; which in this case would be detrimental to the heritage and landscape values of the site.

Although Lot 2 DP 90893 is included in the NZHPT registration, it is still possible for a private landowner to apply to build in this area. There are other houses built on this same side of Barnard Street not far from the subject land. Whilst it is difficult to assess the likelihood of whether an application to build on the land would be approved or rejected by NZHPT it is possible the land could be built upon.

### 5.3 Financial Considerations

LINZ has offered the land to the Council at the purchase price of \$8,889 (\$10,000 inclusive of GST). This offer is based on current market valuation in accordance with the Public Finances Act 1989 to which LINZ are bound. This offer is also subject to statutory approval being obtained by LINZ. This is likely to be forthcoming.

Transfer and settlement costs associated with the proposed purchase are expected to be up to \$5,000. The total purchase cost of up to \$14,000 will be funded via the Reserve Purchase and Development Fund (RPDF). Please note the consequential reduction in the RPDF will result in an increase in borrowing of the same amount.

As the timing of reserve land acquisitions using the RPDF are generally not scheduled, but rather occur when opportunities which align with strategic objectives arise, there is no budget provision for them within the current LTCCP. The successful completion of the proposed purchase will result in an overspend, by the purchase costs for the 'Property Purchases – Reserves' project (CX033).

CX033 – Property Purchases - Reserves Project Component	<b>Capital expenses</b>
	<b>\$000</b>
<i>Land acquisition</i>	8.9
<i>Transfer &amp; settlement costs</i>	5.0
<b>Total</b>	<b>13.9</b>

The improved public access across the land and down to the pits has been completed, and ongoing maintenance will include track maintenance and revegetation. This will be covered from existing budget.

### 5.4 Future Management and purpose

Future management of the site will be incorporated into the Open Space Asset Management Plan.

It is proposed that once the land is in Council ownership it be classified as a historic reserve under the Reserves Act 1977. As discussed previously the land is of national historical importance and fits with the purpose of an historic reserve “ *for the purpose of protecting and preserving in perpetuity such places, objects and natural features, and such things thereon or therein contained as are of historic, archaeological, cultural, educational and other special interest*”

Accordingly Council proposes to declare the land as historic reserve subject to public notice under section 119 of the Reserves Act. This requires the Council to seek submissions on the proposal including any objections against the proposed classification.

### **5.5 Public expectations**

Highland Park Progressive Society has expressed their views urging Council to acquire the land since 1999. There is strong community support for the Council to purchase the Crown land based upon previous communications.

### **5.6 Consultation and Engagement**

Members of the public, particularly local residents have been lobbying for the Council to protect this land for several years. No recent consultation has been undertaken to see if this support has changed.

### **5.7 Long-Term Council Community Plan Considerations**

As there is no budget in the current LTCCP in 2009/10, a successful purchase will result in an overspend in the 'Property Purchases – Reserves' project (CX033).

## **6. Conclusion**

The acquisition of the Crown land (Lot 2 DP 90893) is recommended as this will ensure the opportunity for the long-term conservation and management of the entire Fort Buckley Rifle Muzzle Loading Fortification. The site is of significant national historic importance and acquisition of the land will eliminate the risk of residential development on the land.

It is recommended that the Strategy and Process Committee recommend to Council to approve the purchase of Lot DP 90893, comprising 2290 square metres, located at Barnard Street, Wadestown.

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Planning – Parks and Gardens  
Nicola Hine, Property Advisor – Property Projects*

## **Supporting Information**

### **1) Strategic Fit / Strategic Outcome**

*The acquisition fits with Council's long-term outcome around Stronger Sense of Place. Wellington will have a strong local identity that celebrates and protects its sense of place, capital city status, distinctive landforms and landmarks, defining features, history, heritage buildings, places and spaces*

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

*The project will be funded from the Reserves Purchase and Development fund*

### **3) Treaty of Waitangi considerations**

*There are no Treaty of Waitangi implications.*

### **4) Decision-Making**

*A decision to acquire any land requires a Council resolution. The report sets out the strategic requirement for this land.*

### **5) Consultation**

#### **a) General Consultation**

*All affected parties have been identified. No recent consultation has been undertaken.*

#### **b) Consultation with Maori**

*None at this stage.*

### **6) Legal Implications**

*Council's lawyers have been consulted during the development of this report. No legal implications.*

### **7) Consistency with existing policy**

*This report is consistent with Capital Spaces.*

## Appendix I: Crown land proposed to be acquired

