



Report 07.340
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Committee Landcare
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Classifying Waitangirua Farm as Reserve (under the Reserve Act 1977)

1. Purpose

To advise the Committee of the process and seek approval to begin notifying Council's intention to hold Waitangirua Farm as Recreation Reserve under section 14 of the Reserves Act 1977.

2. Significance of the decision

The matters for decision in this report do not trigger the significance policy of Council or otherwise trigger section 76(3)(b) of the Local Government Act.

3. Background

When Greater Wellington Regional Council (GWRC) and the Crown purchased the land referred to as Waitangirua Farm (legal descriptions have not yet been created but a map of the land referred to is outlined in *Attachment 1*), 50 percent of the purchase price was provided by the Crown. The Crown required that the land would be held as reserve pursuant to the Reserves Act 1977. On receipt of legal advice it was agreed that the land would be taken under the Public Works Act 1981 (the most efficient mechanism for Council to acquire the land), and would then be set aside as reserve under the Reserves Act 1977. (Refer Cabinet Note – *Attachment 2*). In order to fulfil its obligations, Council is required to pass a resolution to hold the land for reserve purposes (section 14 of the Reserves Act 1977).

Waitangirua Farm has beneficially been in GWRC ownership since July 2006, taking of the land and subsequent production of a new title will be completed by approximately October 2007. Council's reservation process should begin now as it will precede the taking and title process or at least run in parallel. Both processes must be complete before the management plan is finalised.

While the legal advice received notes that Council is not required to undertake public consultation in order for it to classify and reserve the land, in this particular instance, there has been public interest shown in what reserve type is eventually applied to the land.

As the draft management plan is being prepared and will soon be released for public comment, officers feel that it is prudent to seek public comment on the classification, and more efficient that these two processes be combined and run simultaneously.

This will help alleviate confusion about planning processes running for Belmont Regional Park, is the most efficient use of officers' time, and gives the public the opportunity to express their views.

4. Reserve Classification

As part of the consultation, Council needs to notify its intention to hold Waitangirua Farm as a reserve in the Region's newspapers.

There are several reserve classification types, each with different implications for management. The reserve categories which could potentially be applied to Waitangirua Farm include: Historic, Recreation or Scenic Reserves. A full definition of these reserve types and their management implications as interpreted through the Reserves Act Guide is outlined in *Attachment 3*.

Officers are proposing that Council is to notify its intention to hold Waitangirua Farm as a Recreation Reserve. At this point, "Recreation Reserve" would seem the most appropriate classification as it sits comfortably with the purpose that Waitangirua Farm was originally purchased for. It is also consistent with all other land holdings within Belmont Regional Park and their current management practices and uses.

Once the consultation is completed, Council can then review whether another reserve type, or a combination of types, would be more appropriate.

5. Process and Timeframes

The earliest timeframe to complete this process is as follows:

Action	When
Advertise intention to declare land to be a Recreation Reserve and receive any objections	August and September 07
Consideration of objections and amendment to resolution if need be.	October 07
Resolution by Council of its intention to hold as reserve for recreation purposes under Section 14 Reserves Act	November 07
Council instructs Officers to prepare Gazette notice.	November 07
Transfer of title for Waitangirua Farm	November 07

6. Communication

Communication will be made via public notices in the Region's newspapers as well as public meetings held in support of both the management plan process as well as the reserve classification process. All submitters will be written to, advising them of the classification outcome, as well as notices in papers, green shoots and through management plan newsletters.

7. Recommendations

That the Committee:

- (1) *Receives the report.*
- (2) *Notes the content of the report.*
- (3) *Notes the Crown requirement for Waitangirua Farm to be held as reserve.*
- (4) *Instructs officers to begin notification of Council's intention to pass a resolution to hold Waitangirua Farm as a recreation reserve.*

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Attachments

- 1 Waitangirua Farm land (legal descriptions)
- 2 Copy of Cabinet Note
- 3 Reserve classification definitions (as interpreted in Reserves Act Guide 1977)