

**Wanaka Community Board
15 April 2015**

Report for Agenda Item: 4

Department:

Infrastructure

Mt Burke Station – Stopping and Vesting of Road

Purpose

- 1 To obtain the Board's support for a stakeholder agreement to be developed with Mt Burke Station Limited ("Mt Burke Station") for the stopping and vesting of roads.

Recommendation

- 2 That the Wanaka Community Board:
 - a. **Approve** the development of a stakeholder agreement with Mt Burke Station for the stopping and vesting of roads in accordance with the proposal set out in the report.

Prepared by:



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23/03/2015

Reviewed and Authorised by:



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Chief Engineer
1/04/2015

Background

- 3 Mt Burke Station is located to the north of Wanaka in the location indicated by the aerial to the right.
- 4 Mt Burke Station has approached Council seeking its agreement to the relocation of a road that passes through the Station. Mt Burke Station first approached Council on this matter 3-4 years ago when a tenure review process with Land Information New



Zealand (LINZ) was underway. The relocation proposed at that time did not progress because of opposing positions of the Station and stakeholders on the status of the relocated road (legal road versus access by way of easement).

- 5 Mount Burke Station wishes to remove a section of the legal road that runs parallel to the lakefront between the formed section of Maungawera Road and the eastern boundary of the station. This is shown in blue in the map after paragraph 9.
- 6 If Council was to go along with the proposal it would need to process the stopping of a section of road and vesting of a new section of road. This, together with any ancillary costs (i.e. surveying) would be done at Mt Burke Station's expense.
- 7 This report is coming to the Community Board in order to obtain direction on the development of a stakeholder agreement that will, in turn, guide the road stopping and vesting process.

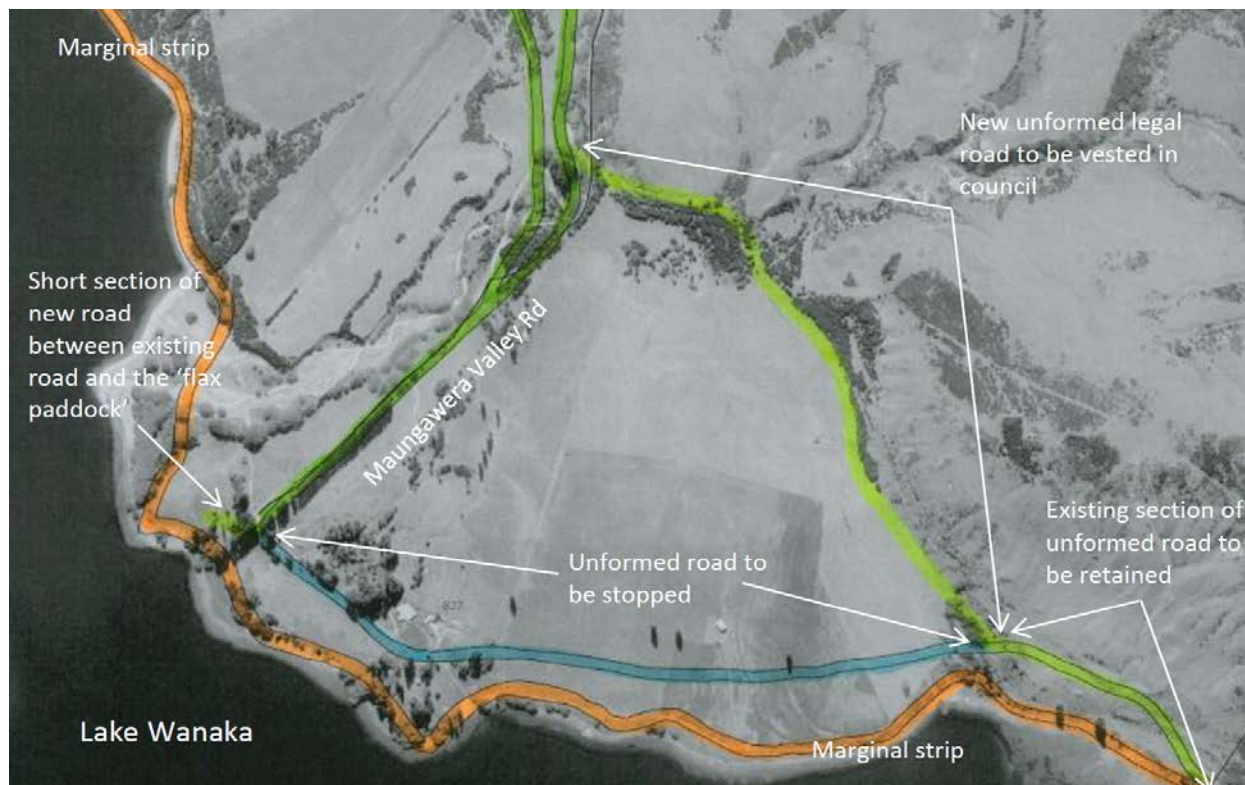
Comment

Overview of the Mt Burke Station Proposal

- 8 The proposal, as put forward by Mt Burke Station's representative, contains the following elements:
 - a. The unformed section of the road between Maungawera Valley Road and the eastern boundary of Mt Burke towards Dublin Bay (the section of road coloured green in the preceding map) is to be stopped.
 - b. A new road is to be vested in Council between Maungawera Valley Road near the base of Mt Brown and the marginal strip near the eastern boundary of the Mt Burke Station.
 - c. Either a short length of new road or a DoC reserve could be created between Maungawera Valley Road and the marginal strip in the Flax Paddock to facilitate public lake access.
 - d. QLDC will plan for the upgrading of parts of the Maungawera Road to address safety issues and will consult with Mt Burke Station in relation to these matters as part of the stakeholder agreement.
 - e. Under tenure review part of the lakefront to the north is to become a reserve administered by the Department of Conservation.
 - f. Appropriate legal mechanisms for biking and walking tracks to be established over Mt Burke Station land from:
 - i. Dublin Bay boundary to Quartz Creek (Stage 1 – involves an existing track and some new areas of access outside the marginal strip)
 - ii. Quartz Creek to the end of Stevenson's Arms (Stage 2 – through the proposed recreation reserve (R1), land outside of the marginal strip and the use of an existing track with resultant easements).
 - iii. These will be implemented through tenure review.
 - g. DOC will draw up a landscape plan and management plan for the Flax Paddock identifying a possible boat launching ramp, car parking, toilet

facilities, rubbish and other lakeside amenities like picnic tables. Camping is not proposed.

- 9 The following plan, prepared by Department of Conservation, illustrates the proposal's elements.



- 10 We understand that the Station's reasons for seeking this change relate to the proximity of the unformed legal road to existing farm buildings and farm operations.
- 11 The removal of the road may also offer an improved development potential to the Station following the conclusion of a tenure review process.
- 12 The land occupied by Mt Burke Station is owned by the Crown (represented by LINZ) and leased to Mt Burke Station. The proposal being put forward by Mt Burke Station would need LINZ approval before it could be implemented.
- 13 Mt Burke Station and LINZ started a tenure review process many years ago. This process was discontinued in 2014 by LINZ because of the lack of progress being made. It is understood that the process would recommence if progress was made on the road issue.

Stakeholder interests

- 14 A range of parties have been consulted in the lead up to the current report. They, and their interests, are listed below
- a. Clutha Fisheries Trust. Seeking to maintain and enhance public access to Lake Wanaka. "Access" encompasses vehicular access as

well as walking and cycling. Concerned where security of access may be compromised through the exchange of road for easement this is not happening – no easements are proposed.

- b. Upper Clutha Anglers Club. Seeking to maintain and enhance public access to Lake Wanaka
- c. Otago Fish and Game. Similar interest to the Clutha Fisheries Trust, although has a wider geographical brief.
- d. Upper Clutha Tracks Trust. Seeking improved walking and cycling access to and alongside Lake Wanaka. The Mt Burke section of the lakefront is potentially a gap in the walking cycling network.
- e. Department of Conservation (DoC): DoC is involved in wider discussions around the tenure review that have been halted by lack of progress on the road proposal. DoC is also involved in the development of reserves in the area.

Assessment of options

There are a series of options available to the Council. These are outlined below.

| Advantages | Disadvantages |
|---|--|
| 1. Do nothing | |
| Maintains existing access rights through Mt Burke Station (note though that topography means that sections of the unformed legal road proposed to be stopped are impassable). | Does not provide (legal) access from Maungawera Valley Road to Lake Wanaka, including access to the Flax Paddock recreation area. |
| May be benefits in waiting, and relying on the tenure review process to deliver improved public access to the lake front | Opportunities to improve public access are not realised. |
| 2. Stop road. Create new road or easement adjacent to marginal strip (i.e. move the road to the lake front) | |
| Would provide legal access to the lakefront (by way of the new road and the marginal strip) | Public road and marginal strip running alongside each other would duplicate each other. |
| | Mt Burke Station would strongly oppose a public road along the frontage, while the Fisheries Trust and Otago Fish & Game would strongly oppose a legal road being swapped for an easement. |
| 3. Proposed option | |
| Provides public access to two points of the marginal strip (as compared to none at the moment). | May enhance the development potential of a rural character area of the district – this may be opposed by the community. |
| Enhances recreation potential including boat launching/parking, walking, biking, fishing, camping and opportunities for other recreational activities. | |
| Enables biking and walking tracks to be established from Dublin Bay boundary to Quartz Creek and in time from Quartz Creek to the end of Stevenson's Arms | |

- 15 In accordance with our assessment, we propose to pursue a stakeholder agreement with Mt Burke Station and DoC that will use the Mt Burke Station proposal as a starting point. The agreement will need to stipulate that the land swap process (represented by the stopping and vesting of road) would occur at no cost to Council.
- 16 It is proposed that a draft agreement be reported back to the Community Board for approval.

Financial Implications

- 17 Although the implementation of most actions that form part of the agreement will not be undertaken at Council's cost (they will primarily rest with Mt Burke Station and Department of Conservation) there will be some costs that will need to be met by Council. These include staff time in participating in the process and developing the stakeholder agreement.
- 18 The desire for improvements to Maungawera Valley Road should be noted and will be discussed with Mt Burke Station and other stakeholders as part of the stakeholder agreement. The draft agreement when reported back to Council may include specific costed improvements for the Council's consideration.

Local Government Act 2002 Purpose Provisions

- 19 The matters addressed by this report are consistent with the purpose of local government as set out in section 10 of the Local Government Act 2002. There are potentially significant improvements to public access to and along the Lake Wanaka foreshore arising out of the package of improvements being put forward by Mt Burke Station. The realisation of that improved access is consistent with improvement of infrastructure to meet "future present and anticipated future circumstances" (section 10(2)(c)).

Council Policies

- 20 The following Council Policies were considered:

Significance and Engagement Policy: In terms of the four criteria for establishing significance, the proposal is most likely to trip threshold relating to community interest. Many of the stakeholders that represent the likely public interest have been involved in discussions with Mt Burke Station (the main exception being individual members of the public who have accessed Lake Wanaka from Maungawera Valley Road in the past and camped in the area (these were all with the permission of the Burdon family)).

- 21 It is not at this stage proposed to broaden the consultation beyond the parties that have been consulted thus far. That said, it is a matter that will need to be re-evaluated once a stakeholder agreement is drafted, and before Council commits to the road stopping / vesting process.

Consultation

- 22 The proposal put forward by Mt Burke Station was developed following meetings and dialogue between Mt Burke Station's representative (Peter Bosworth) and Clutha Fisheries Trust, Upper Clutha Anglers Clubs, Upper Clutha Tracks Trust, Otago Fish & Game, and Council. In particular, an on-site meeting was convened by Mr Bosworth on 6 March 2015.

Publicity

- 23 The consultation that has already been undertaken, and the presence of this report in the public section of the Board's meeting agenda leads me to advise that a media statement on the proposal is not yet required.