

Wanaka Community Board
22 June 2017

Report for Agenda Item: 4

Department: Property & Infrastructure

Classification & Reclassification of Reserves – Luggate Red Bridge

Purpose

The purpose of this report is to consider notifying the intention to classify and reclassify reserve land known collectively as the Luggate Red Bridge reserves.

Recommendation

That the Wanaka Community Board:

1. **Note** the contents of this report;
2. **Approve** notification of the intention to classify and reclassify reserve land, collectively known as the Luggate Red Bridge Reserves, with legal descriptions:
 - a. To be Historic Reserve
 - i. Lot 5 DP 490602
 - ii. Section 37 Blk VII Lower Hawea SD
 - iii. Section 6 Blk VII Lower Hawea SD
 - iv. Section 1 SO 489559
 - v. Section 3 SO 489559
 - b. To be Recreation Reserve
 - vi. Section 34 Blk VII Lower Hawea SD
3. **Appoint** three Board members, any two of whom can hear any objections received and make a recommendation back to full Council on the proposed classification and reclassification.

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5/06/2017

Reviewed and Authorised by:



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6/06/2017

Background

- 1 Council administers a number of parcels of land at the Luggate Red Bridge summarised as follows:

Legal Description	Classification – Existing
Lot 5 DP 490602	Local Purpose (Gravel) Reserve
Section 37 Blk VII Lower Hawea SD	Local Purpose Reserve – Gravel Reserve
Section 6 Blk VII Lower Hawea SD	Local Purpose Reserve – Gravel Reserve
Section 1 SO 489559	Fee Simple / Freehold
Section 3 SO 489559	Fee Simple / Freehold
Section 34 Blk VII Lower Hawea SD	Local Purpose Reserve - Gravel Pit

- 2 The land is located either side of the Clutha River and the historic Red Bridge (Attachment A), which celebrated its centenary in 2015. Since that time the community has led a project to clear the site of wilding pines and enhance public access to the reserves, predominantly on the north side of the river.
- 3 A significant portion of the land was effectively donated to Council by Contact Energy in 2014 and 2015, covering land parcels 1 & 3 SO 489559 on the south bank of the river and Lot 5 DP 490602 (the narrow rectangular parcel) on the north bank. The other remaining parcels were vested in the former Vincent County Council by the Crown during the mid-1950's.
- 4 The north bank reserves have previously been used by roading contractors to store gravel for roading construction and gritting purposes, detracting from the visual potential of this land. The area is also a problem for unauthorised disposal of household and garden rubbish.

Comment

- 5 The Luggate Community Association (LCA), and also those directly involved in tidying the area in the lead-up to the bridge centenary, have requested approval from Council to further clear wilding pines, and develop a viewing/focal point on the north bank of the river, overlooking the bridge.
- 6 Through this process, Council commissioned archaeological/heritage and landscaping reports, to aid in the planning process. The archaeological/heritage report identified a number of significant features on the land that should be protected under the Heritage New Zealand Pouhere Taonga Act 2014. These features, the landscaping plan (Attachment B) and Council's suggested process

for implementing improvements onsite are still in development by Council's Parks and Reserves department, working in conjunction with the community.

- 7 The LCA are keen to start the process of improving the land, and are understood to have requested financial support from Council, through the Annual Plan process 17/18.
- 8 The land also carries a designation #148 on the north bank of the river, for Local Purpose (Gravel) Reserve. It is anticipated that this designation will be amended in the future, through stage 2 of the District Plan review process.

Reclassification Overview

- 9 Reserves are classified pursuant to section 16 of the Reserves Act 1977. They are classified "to ensure the control, management, development, use, maintenance, and preservation of reserves for their appropriate purposes..."
- 10 Council may classify a reserve vested in or owned by it. The intention to classify a reserve must first be notified calling for submissions, and if any are received, a hearing is held to consider those submissions. Council then passes a resolution approving the classification including the delegated approval of the Minister of Conservation, and the classification is then recorded in the New Zealand Gazette.
- 11 The types of reserve that might be appropriate for the Red Bridge Reserves are considered in the paragraphs that follow.

Recreation Reserve

- 12 These are for "the purpose of providing areas for the recreation and sporting activities and the physical welfare and enjoyment of the public, and for the protection of the natural environment and beauty of the countryside, with an emphasis on the retention of open spaces and on outdoor recreational activities, including recreation tracks in the countryside".
- 13 The administering body can do many things in respect of a recreation reserve including setting aside part or parts of the reserve for camping ground, parking places, and may construct and develop these amenities and fix reasonable charges for their use. Leases can be granted on the land, either to a voluntary organisation for recreation, or commercially if the trade or business "must be necessary to enable the public to obtain the benefit and enjoyment of the reserve or for the convenience of persons using the reserve".
- 14 Classifying the reserve for recreation would essentially make recreation the priority activity on the land. It gives no specific protection to the historic features, although that can be achieved through a Historic Places registration or the District Plan.

Historic Reserve

- 15 These are 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". It further requires:

- a. The structures, objects and sites to illustrate with integrity the history of New Zealand.
- b. The public shall have freedom of entry (although rules may be put in place).
- c. Indigenous flora and fauna shall be preserved.

16 The Minister of Conservation may give approval for buildings, but they must be necessary for the beneficial management, protection and maintenance of the reserve, or for the provision of displays and information for visitors to the reserve, so long as such buildings cannot be provided outside and in close proximity to the reserve. The provision of public toilets could be seen as beneficial for the protection of the reserve. Fees can be charged for the use of amenities.

17 Historic reserves can be leased to voluntary organisations, for residential purposes, or for commercial purposes, so long as such leases do not compromise or threaten the historic features. We have been advised verbally by the Department of Conservation that camping would be an acceptable activity on a historic reserve.

Scenic Reserve

18 Scenic reserves are for "the purpose of protecting and preserving in perpetuity for their intrinsic worth and for the benefit, enjoyment and use of the public, suitable areas possessing such qualities of scenic interest, beauty, or natural features or landscape that their protection and preservation are desirable or in the public interest". The focus is generally on the protection of indigenous flora and fauna, and natural beauty, and as far as possible exotic flora and fauna should be exterminated. The public shall have free entry, but rules can apply.

19 Where the reserve contains historical or archaeological features, those features shall be managed and protected to the extent compatible with the principal purpose of the reserve, that is, protecting the scenic amenities take precedence over the historic features. Facilities may be developed if they are deemed necessary and camping grounds may be set aside, so long as they cannot be readily provided outside and in close proximity to the reserve.

20 Leases can be granted on the land, either to a voluntary organization for recreation, or commercially if the trade or business "must be necessary to enable the public to obtain the benefit and enjoyment of the reserve or for the convenience of persons using the reserve".

Review of Options

21 We understand that the Luggate Red Bridge Reserve land is intended to be used primarily for recreational purposes, for walking, picnicking, launching kayaks, swimming and maybe camping, but that the preservation of the historic features is a priority.

- 22 If the Board and community feel that recreation is the main priority, then the land should be classified as recreation reserve. The historic features can still benefit from protection, but recreation would take priority.
- 23 Conversely, if the Board considers that protection of the historic features is the priority, then it should be classified as historic reserve. A broad range of recreational activities can still be undertaken on the land, but only if they do not compromise the historic features.
- 24 As the main purpose of a scenic reserve is the protection of flora and fauna and natural beauty, we do not believe this option to be appropriate. Those features would take priority over protection of the historic features.
- 25 The final option is to classify the various land parcels differently. We do not see any benefit in having a range of reserve types because it may make the management of the area more complex. However, there could be merit in classifying Section 34 Block VII, as recreation reserve, because it has few historic features, and any amenities buildings and car parking could be concentrated on that site, therefore negating the need to have to justify to the Minister of Conservation the need for buildings.
- 26 Giving regard to all of the above considerations, we propose that the following reserve classifications be approved for notification:

Legal Description	Classification – Existing	Classification – Proposed
Lot 5 DP 490602	Local Purpose (Gravel) Reserve	Historic Reserve
Section 37 Blk VII Lower Hawea SD	Local Purpose Reserve – Gravel Reserve	Historic Reserve
Section 6 Blk VII Lower Hawea SD	Local Purpose Reserve – Gravel Reserve	Historic Reserve
Section 1 SO 489559	Fee Simple / Freehold	Historic Reserve
Section 3 SO 489559	Fee Simple / Freehold	Historic Reserve
Section 34 Blk VII Lower Hawea SD	Local Purpose Reserve - Gravel Pit	Recreation Reserve

- 27 To reclassify the reserves, Council must give public notice of the 'Intention to reclassify' pursuant to section 24, 119 and 120 of the Reserves Act 1977. If objections are received, a hearing would be required in order to make a recommendation to full Council.

- 28 The land which is not already classified on the South bank of the river, may be classified under Section 14 of the Reserves Act 1977, subject to Council undertaking the necessary public notification procedures prescribed under section 119 and 120 of the Act.

Options

- 29 Option 1 To approve notification of the intention to classify and reclassify the reserve land as proposed.

Advantages:

- 30 It will provide more appropriate reserve classifications to the land.

- 31 Would help in the long-term improvement, development and protection of historic features on the reserves.

Disadvantages:

- 32 None noted.

- 33 Option 2 To approve notification of the intention to classify and reclassify the reserve land, but as other reserve types.

Advantages:

- 34 There may be other considerations that can be incorporated in different classifications.

Disadvantages:

- 35 None noted.

- 36 Option 3 To decline notification of the intention to classify and reclassify the reserves.

Advantages:

- 37 None noted.

Disadvantages:

- 38 It would not provide more appropriate reserve classifications to the land.

- 39 It would not help in the long-term improvement, development and protection of historic features on the reserves.

- 40 This report recommends **Option 1** for addressing the matter, as it provides appropriate historic classification to the reserves with historic features, whilst making one parcel recreation reserve, providing a greater degree of flexibility to its management.

Significance and Engagement

- 41 This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy because it does not involve a Strategic Asset but involves the classification and reclassification of reserves in which the Community has an interest.

Risk

- 42 This matter related to the operational risk OR11 "Decision Making" as documented in the Council's risk register. The risk is classed as low. This matter relates to this risk because the recommendation will see a decision that is timely, as delegated and compliant with legislation.

Financial Implications

- 43 The recommendation does not have any significant impact on the financial plans of Council.

Council Policies, Strategies and Bylaws

- 44 The following Council policies, strategies and bylaws were considered:

- Property Sale and Acquisition Policy, 2014.

- 45 The recommended option is consistent with the principles set out in the named policy/policies, specifically #9, providing that property will be re-purposed for more appropriate uses.

- 46 This matter is included in the 10-Year Plan/Annual Plan

- N/A, there is no direct cost anticipated as a result of this recommendation.

Local Government Act 2002 Purpose Provisions

- 47 The recommended option:

- Will help meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses by providing reserve land which is held and used for its most appropriate purpose;
- Can be implemented through current funding under the 10-Year Plan and Annual Plan;
- Is consistent with the Council's plans and policies; and
- Would not alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of the Council, or transfer the ownership or control of a strategic asset to or from the Council.

Consultation: Community Views and Preferences

- 48 The persons who are affected by or interested in this matter are the residents and ratepayers of the Wanaka Ward and more specifically of the Luggate area.

The LCA have been consulted with on the proposal and provided their approval to classifications as proposed.

49 Formal consultation will be undertaken in accordance with section 119 of the Reserves Act 1977, requiring public notification of the reclassification of the reserves.

Attachments

- A Aerial plan of the proposed reserve classifications
- B Landscape plan - Draft



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