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Committee Parks, Forests and Utilities Committee
Author Sonia Chisholm, Advisor, Planning and Policy, Parks

Classifying Waitangirua Farm as Reserve (under the Reserves Act 1977)

1. Purpose

To provide an overview of the submissions on the reserving of Waitangirua Farm and to provide options as to what would be the most appropriate form of reserve classification for the management of Waitangirua Farm.

2. Significance of the decision

The matters for decision in this report do not trigger the significance policy of the Council or otherwise trigger section 76(3)(b) of the *Local Government Act 2002*.

3. Background

Greater Wellington Regional Council (GWRC), the Crown and Porirua City Council purchased Waitangirua Farm from Landcorp Farming Ltd in July 2006. The farm is in the centre of Belmont Regional Park and was in the past considered informally to be part of the park, despite the fact that it was owned and managed by Landcorp. A walkway registered under the *New Zealand Walkways Act 1990* allows access through the farm (except during lambing time).

As part of the Crown contributing 50 percent of the purchase price of the farm, the Crown required that the land be held as reserve pursuant to the *Reserves Act 1977* (hereinafter referred to as *the Act*).

Following that, GWRC was required to publicly notify the intention to classify the land with the appropriate classification for objection. *Recreation Reserve* was considered the most appropriate classification by the Council for the area, as it sits comfortably with the purpose that Waitangirua Farm was originally purchased for and is considered consistent with other Reserve classifications of Reserve lands of Belmont Regional Park.

The public notification was carried out over a one month period from mid-March and closed on 25 April 2008.

4. Submissions

A total of 10 submissions were received. These submissions are attached for your consideration and, where deemed appropriate, comments in relation to issues raised by the submitters (Attachment 1).

Nine submissions supported the proposal to reserve Waitangirua Farm as a Recreation Reserve, with two submissions requesting a separate status for the existing conservation covenants on the farm. One submitter requested that the covenants remain in place, while another requested Scenic Reserve status for the covenants.

One submitter asked that Waitangirua Farm be classified as Scenic Reserve on the basis that it would provide better protection for the peneplain remnants (a special geological feature) present on the farm.

One objection was received stating that reserving under section 17(1) of the Act is limiting, as no other alternative courses of action have been presented to enable a broader and more informed discussion.

Friends of Maara Roa (Inc.) and Mr Chris Horne would like to be heard in support of their submission.

5. Options for the Reserve classification of Waitangirua Farm

5.1 General

There are several reserve classification types, each with different implications for the management and use of the Waitangirua Farm. The reserve categories, which potentially could be applied to Waitangirua Farm, include Historic, Recreation or Scenic Reserve.

While there are a number of historic features on Waitangirua Farm, including the World War II magazines and Old Coach Road, the land was not purchased because those features were present but rather for its recreational and ecological values. To be consistent with all other landholdings within Belmont Regional Park and their current management practices and uses, the two most appropriate classifications would be Recreation or Scenic Reserve. There are four options that could be used in the reserving of Waitangirua Farm. These are to:

- (1) Reserve the farm in its entirety as a Recreation Reserve
- (2) Reserve the farm in its entirety as a Scenic Reserve
- (3) Reserve the farmland as a Recreation Reserve and the conservation covenants as Scenic Reserve
- (4) Reserve the farmland as a Recreation Reserve and retain the existing conservation covenants.

The implications of these classifications will be discussed and the issue of conservation covenants is also addressed.

5.2 Reserve classification as **Scenic** under **Reserves Act 1977**

Section 19 - Scenic reserves

- (1) *It is hereby declared that the appropriate provisions of this Act shall have effect, in relation to reserves classified as scenic reserves—*
 - (a) *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 in the public interest:*
 - (b) *For the purpose of providing, in appropriate circumstances, suitable areas which by development and the introduction of flora, whether indigenous or exotic, will become of such scenic interest or beauty that their development, protection, and preservation are desirable in the public interest.*
- 2) *It is hereby further declared that every scenic reserve classified for the purposes specified in subsection (1)(a) of this section shall be so administered and maintained under the appropriate provisions of this Act that—*
 - (a) *Except where the Minister otherwise determines, the indigenous flora and fauna, preserved, and for this purpose, except where the Minister otherwise determines, exotic flora and fauna shall as far as possible be exterminated:*
 - (b) *The public shall have freedom of entry and access to the reserve, subject to the specific powers conferred on administering bodies by sections 55 and 56 of this Act, to any bylaws under this Act applying to the reserve, and to such conditions and restrictions as the administering body considers to be necessary for the protection and well-being of the reserve and for the protection and control of the public using it:*
 - (c) *To the extent compatible with the principal or primary purposes of the retention and preservation of the natural or scenic values, open portions of the reserve may be developed for amenities and facilities where these are necessary to enable the public to obtain benefit and enjoyment from the reserve:*

A scenic reserve primarily provides for a relatively passive enjoyment of the reserve, as opposed to the more physical nature associated with a recreational reserve. Section 19(2) allows the public to obtain benefit and enjoyment from the scenic reserve to the extent compatible with the principal or primary purposes of such a reserve. The public has freedom of entry, subject to conditions and restrictions necessary for the protection and well-being of the reserve.

One submitter asked that Waitangirua Farm be classified as Scenic Reserve on the basis belief that it would provide better protection for the penneplain remnants (a special geological feature) present on the farm. The Scenic Reserve classification is recommended for areas that contain one or more natural or associated cultural or heritage features of special significance or natural landscapes of high scenic quality. Scenic reserves are not commonly

used to protect geological features, such as a peneplain remnant. Geological features are normally protected in scientific reserves.

It is possible to lease land for farming and grazing under a scenic reserve classification, but these activities must be for the purpose of managing the reserve. Waitangirua Farm is currently being managed primarily as an operating farm unit through a licence to Landcorp Farming Ltd. It is intended that the land will be used as a farm in the future, as an integral part of the park. These powers to lease land within a scenic reserve are more restrictive than for recreation reserves.

5.3 Reserve classification as *Recreation* under *Reserves Act 1977*

Section 17 - Recreation reserves

- (1) *It is hereby declared that the appropriate provisions of this Act shall have effect, in relation to reserves classified as recreation reserves, 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 emphasis on the retention of open spaces and on outdoor recreational activities, including recreational tracks in the countryside.*
- (2) *It is hereby further declared that, having regard to the general purposes specified in subsection (1) of this section, every recreation reserve shall be so administered under the appropriate provisions of this Act that—*
 - (a) *The public shall have freedom of entry and access to the reserve, subject to the specific powers conferred on the administering body by sections 53 and 54 of this Act, to any bylaws under this Act applying to the reserve, and to such conditions and restrictions as the administering body considers to be necessary for the protection and general well-being of the reserve and for the protection and control of the public using it:*
 - (b) *Where scenic, historic, archaeological, biological, geological, or other scientific features or indigenous flora or fauna or wildlife are present on the reserve, those features or that flora or fauna or wildlife shall be managed and protected to the extent compatible with the principal or primary purpose of the reserve:*

Provided that nothing in this subsection shall authorise the doing of anything with respect to fauna that would contravene any provision of the Wildlife Act 1953 or any regulations or Proclamation or notification under that Act, or the doing of anything with respect to archaeological features in any reserve that would contravene any provision of the [Historic Places Act 1993]:
 - (c) *Those qualities of the reserve which contribute to the pleasantness, harmony, and cohesion of the natural environment and to the better use and enjoyment of the reserve shall be conserved:*
 - (d) *To the extent compatible with the principal or primary purpose of the reserve, its value as a soil, water, and forest conservation area shall be maintained.*

Recreation reserves are of a more physical nature than that of scenic reserving. Recreation reserving has an emphasis on retaining open spaces and on outdoor recreational activities. Similar to the scenic classification, it also gives the public freedom of entry and access to the reserve.

Recreation reserving can also involve a part or parts of the reserve to be closed for public access. It can also contain areas open for public enjoyment to be of a passive nature. This also allows for the administering body to impose such conditions and restrictions necessary for the protection and well-being of the reserve and for the protection and control of the public using the reserve.

While the primary objective of a recreation reserve is to provide for open space and recreational activities, it also has a primary purpose to conserve those qualities which contribute to the pleasantness, harmony and cohesion of the natural environment. To conserve these qualities as a recreation reserve is to also include the management and protection of indigenous flora and fauna.

Areas selected for Recreation Reserve status may be modified or in partly natural condition. Section 54 (leasing powers) gives the Council extensive powers such as to establish relevant buildings for reserves purpose or to lay down grass. Sections 71 to 73 inclusive provides for farming, grazing and other purposes in respect to recreation reserves.

5.4 Conservation covenants

The conservation covenants are in perpetuity with the land until surrendered. Should they be removed, they would need to be uplifted through a separate legal process. The purpose of a covenant agreement is to protect the values that are currently there. Classifying Waitangirua Farm as either scenic or recreation reserve would not be in conflict with this. Under both the scenic or recreation classifications, the covenants would be protected and their natural environment, including any indigenous flora and fauna would be preserved.

One option that has been put forward by one submitter is that the conservation covenants be given scenic reserve status, while the rest of Waitangirua Farm be classified as recreation reserve. Classifying the conservation areas as a scenic reserve, while the balance of the land remains as a recreation reserve, would mean that approximately 80 hectares of land would be held and administered somewhat differently to the 1,000 hectares of the landholding balance.

6. Next steps

After the Committee has considered the submissions and then in turn has deliberated the options for reserve classification, the decision on the type of reserving will be determined at the next Committee meeting on 11 September 2008.

7. Communications

When the Council formally approves the reserve designation, the Minister of Conservation will be notified.

8. Recommendations

That the Committee:

1. ***Receives and notes the contents of the report.***
2. ***Considers the attached submissions on the intention to classify as recreation reserve.***
3. ***Considers the options for Waitangirua Farm in regards to its reserve classification.***

Report prepared by:

Report approved by:

Report approved by:

Sonia Chisholm
Advisor, Planning and Policy, Parks

Murray Waititi
Manager, Parks

Murray Kennedy
Divisional Manager, Water
Supply, Parks and Forests

Attachments:

- 1 Summary of submissions table
- 2 Map of Waitangirua Farm
- 3 Map of Waitangirua Farm showing conservation covenants