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Committee Council  
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## **Waitangirua Farm Reserve Classification (under the Reserves Act 1977)**

### **1. Purpose**

To provide the options as to the most appropriate form of reserve classification for the management of Waitangirua Farm.

### **2. Significance of the decision**

The matters raised in this report were considered by the Parks, Forests and Utilities Committee on 11 September 2008 (Report 08.603). The recommendations contained in this report have been endorsed by the Committee for the Council's consideration and decision.

### **3. Background**

Greater Wellington Regional Council (GWRC), the Crown and Porirua City Council purchased Waitangirua Farm from Landcorp Farming Ltd in July 2006. As part of the Crown contribution to the purchase 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*).

Greater Wellington Regional Council (GRWC) publicly notified the intention to classify the land as a Recreation Reserve, as this classification 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. Comment on this classification were invited from the public during a consultation period that ran from mid-March to 25 April. Hearings were held at the Parks, Forests and Utilities meeting on 31 July, where Councillors considered the submissions and received a report from the officers (Report 08.529).

### **4. Submissions**

A total of 10 submissions were received. 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.

At the hearing, representatives of the Friends of Maara Roa (Inc) requested that the covenants be classified as Scenic Reserve, because the understanding of this group was that covenant status of the bush remnants would be lifted during the reserving process. Mr Peter Matcham of the Friends of Belmont requested recreation reserve status for the whole farm, while Mr Chris Horne asked that Waitangirua Farm be classified as a Scientific Reserve on the basis that it would provide better protection for the peneplain remnants (a special geological feature) present on the farm.

## **5. Options for the Reserve classification of Waitangirua Farm**

### **5.1 General**

Following on from the points made by the submitters, these are the main options that could be used in the reserving of Waitangirua Farm. These options 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 farm in its entirety as a Scientific Reserve
- (4) Reserve the farmland as a Recreation Reserve and the conservation covenants as Scenic Reserve
- (5) 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 Option 1: Reserve Waitangirua Farm as a Recreation Reserve in its entirety**

A Recreation Reserve is managed primarily for the purposes of recreation and sporting activities, the welfare of the public and the protection of the natural environment and beauty of the countryside. Freedom of entry and access is emphasised in a Recreation Reserve, while the preservation of flora and fauna is emphasised in a Scenic Reserve classification.

In the Department of Conservation's "A Guide for Reserve Administering Bodies", a section on guidance for selecting reserve status states that for recreation reserve status, the area may be

- totally modified
- in a partly natural condition or
- lineal, e.g. for recreational walking.

An example of a Recreation Reserve managed by GW is Queen Elizabeth Park. Waitangirua Farm is modified (i.e. it is in farmland) apart from the covenanted areas and some other sites of regenerating indigenous vegetation. The existing covenanted areas are 80ha in size, while the farm's total area is around 1,000ha.

A Recreation Reserve allows for farming as an integral part of the reserve. Waitangirua Farm is currently being managed primarily as an operating farm unit through a licence to Landcorp Farming Ltd. For practical reasons, it is likely that the land will be used as a farm in the future, as part of the park.

Section 54 (leasing powers) gives the Council extensive powers of management, such as to establish relevant buildings for reserves purpose or to lay down grass. Sections 71 to 73 inclusive provide for farming, grazing and other purposes in respect to recreation reserves. The powers to lease land within a scenic reserve are more restrictive than for recreation reserves.

### **5.3 Option 2: Reserve Waitangirua Farm as a Scenic Reserve in its entirety**

A Scenic Reserve is managed primarily for the preservation of flora and fauna. The guidance for the selection of this reserve status provided in the Department of Conservation publication mentioned above states that the area should:

- contain one or more natural or associated cultural or heritage features of special significance, or natural landscape of high scenic quality, and
- be large enough to protect the integrity of the features and its immediately related surroundings.

The only example of a Scenic Reserve currently managed by GW is the northern forest of East Harbour Regional Park. The remnant bush present on Waitangirua Farm totals less than 10% of the area and is fragmented across the farmland. There are eight covenanted bush areas, which vary in size from 0.37 to 29ha.

Farming could take place in a Scenic Reserve, but this activity does not sit naturally within this reserve classification. The scenic reserve classification is more restrictive of GW powers, for example, the building of public amenities or the granting of licences would require the approval of the Minister of Conservation.

### **5.4 Option 3: Reserve Waitangirua Farm as a Scientific Reserve in its entirety**

One submitter suggested that Waitangirua Farm be classified as a Scientific Reserve on the basis that it would provide better protection for the penneplain remnants (a special geological feature) present on the farm. The purpose of a

Scientific Reserve is to protect an area of land (or land and water) possessing ecological associations, plant or animal communities, types of soil, geomorphological phenomena, and like matters of special interest for scientific study, research, education and the benefit of the country.

The guidance for selection of this reserve type is that the area should;

- be at least two-thirds in a natural condition, although it may contain limited areas of modified ecosystems
- be large enough to absorb sustainable scientific and related uses without detriment to its overall long term natural values
- possess features of special interest for scientific study, research, education and like uses.

GW does not currently manage any scientific reserves, but that status is about to be applied to the Pencarrow Lakes in East Harbour Regional Park. In terms of powers of management, this reserve classification has similar restrictions to those of a Scenic Reserve. It is also possible to provide some protection for the peneplain through policies in the park management plan.

#### **5.5 Option 4: Reserve the farmland as a Recreation Reserve and the conservation covenants as Scenic Reserve**

Classifying the farmland as recreation reserve and the covenants as scenic reserve could fit with the guidance for selection provided by the Department of Conservation. The small size of some of the smaller remnants would raise concerns around their ecological integrity. In both this option and Option 5, there would be a need however to manage the land parcels within the farm in a different ways. The permission of the Minister of Conservation would be required for a number of management activities within the covenant areas, such as leasing and granting of licences. Permission would also be required from the Minister for track maintenance or construction (if this involves the cutting of vegetation) and the introduction of species (including plantings).

#### **5.6 Option 5: Reserve the farmland as a Recreation Reserve and retain the conservation covenants**

The conservation covenants are held 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 within the area. 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.

Having covenants in place will have similar implications for management as a scenic reserve classification over the covenanted areas. Buildings or structures, easements, cutting of indigenous vegetation, planting of exotic species and development of new tracks would require the consent of the Minister of Conservation.

## **6. Vehicle use**

Vehicle use in the park is usually managed through the management planning process. The Reserves Act does not specify whether or not vehicle use is appropriate, but focuses on the maintenance of the values for which the park is held. The Conservation Covenant deed does state that no tracked or wheeled vehicles can be used in the covenants without the prior approval of the Minister, though the landholder can maintain or use existing tracks or roads.

## **7. Wind farm proposal**

Legal advice received from Simpson Grierson suggested that a wind farm was not compatible with a recreation or other type of reserve for Waitangirua Farm. The opinion has been shared with the Department of Conservation. Officers of the Department of Conservation have verbally advised that their assessment is not the same as conclusions reached by Simpson Grierson. There is nothing currently in the Reserves Act that prevents an application being submitted for a wind farm. The compatibility of a wind farm needs to be tested against the various sections in the Reserves Act. For example, for a recreation reserve, the impact that a wind farm might have on recreation activities.

At this stage though, any wind farm proposal is not relevant to the reserving process. A requirement of the Crown assistance to the purchase of the farm was that the land must be reserved so the only issue is the type of reserve.

## **8. Option assessments**

Officers are of the view that the most appropriate classification for the farmland of Waitangirua Farm is as a Recreation Reserve. The bush remnants could be classified as recreation, scenic or left as covenants. Classifying the bush remnants as scenic reserve or leaving them as covenants will mean that management will need to be different for these areas to the farm. However, that is the current situation (as the remnants are currently held as covenants) and these areas will essentially be managed differently to the farmland because of their nature and the objectives in the park management plan. Any of the three classifications for the remnants is regarded as suitable.

Costs of management are similar for any of the classifications. While only the Conservation Covenant deed states clearly that the covenants must be fenced, the objectives of the park management plan and the Reserves Act are to care for flora and fauna and as such, the bush remnants should be fenced. Currently all the covenants, except one are fenced and there is a need to continue to maintain these fences over time.

## **9. Next steps**

Formal replies will be sent to all submitters who have supplied their contact details soon after the Council has made its decision.

## 10. Communications

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

## 11. Recommendations

*That the Council:*

1. **Receives** and notes the contents of the report.
2. **Classifies** Waitangirua Farm as Recreation Reserve and approves the retention of the conservation covenants, as detailed in Option 5.

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**Attachment 1:** Map of Waitangirua Farm showing conservation covenants