

10. REUTER SCENIC RESERVE – FORESTRY RIGHT

General Manager responsible:	General Manager City Environment, Jane Parfitt
Officer responsible:	Transport and Greenspace Manager, Michael Aitken
Author:	Lewis Burn, Property Consultant, DDI 941-8522 Kay Holder, Regional Parks Team Manager, DDI 941-8797

PURPOSE OF REPORT

1. The purpose of this report is to seek the Board's recommendation to the Council to formally accept an offer from Mr Horst Reuter to gift the cutting rights he holds over two plantations of mainly eucalyptus trees on Reuter Scenic Reserve.

EXECUTIVE SUMMARY

2. The Council holds as Scenic Reserve some 23 hectares on the Port Hills adjacent to Dyers Pass Road above Governors Bay. This land which formed part of a property was gifted to the Council in 1994 by Mr and Mrs Reuter who retained about 3 ha of land around the house.
3. As part of the conditions of this land gift the Council agreed to the Reuters retaining cutting rights over two eucalyptus woodlots covering approximately 1.7 hectares of the reserve. The cutting rights were retained in the form of a Memorandum of Grant of Forestry Right registered against the title to the scenic reserve. This right is for a term of 40 years from 1 August 1996 and ceases on the earlier of expiry, 31 July 2036 or the felling of all trees to stump level.
4. Mr Reuter has approached the Council expressing his wish to now gift this Forestry Right to the Council. On accepting this offer this would mean that the right would extinguish and merge with the Council's title leaving the Council free to manage the trees in any way it sees fit.
5. A forestry consultant who was involved in the planning and establishment of the two plantations from 1984 onwards has provided an initial report on these trees. This report gives a description of the current state of the trees and comments on issues with harvesting the trees. When the trees are owned by the Council further work will be done on the options for managing and/or harvesting the trees for economic and environmental benefits. Before questions can be answered to make a reasonably accurate assessment of any financial benefit there may be from these plantations, further study is needed. For the time being the offer should be accepted with gratitude as there are clearly benefits to the Council in being able to manage as it sees fit, the vegetation as a whole on the reserve.

FINANCIAL IMPLICATIONS

6. There will be legal process costs that rightfully the Council should bear to have the forestry right formally conveyed to the Council. These costs are estimated to be around \$1,000.
7. The trees do not need any significant maintenance and any costs will be covered within the current LTCCP by the operational budget for Port Hills, Regional Parks. Any on-going financial implications with the management of the trees will be covered in future LTCCPs but this need not impact on the decision to accept Mr Reuter's offer to gift the cutting rights.

Do the Recommendations of this Report Align with 2006-16 LTCCP budgets?

8. Not applicable.

LEGAL CONSIDERATIONS

Have you considered the legal implications of the issue under consideration?

9. As there is no delegation from the Council to any officer in relation to the subject matter it is necessary for the Council to formally accept or decline the gift offered.
10. The Board, whilst not having the delegation to make the decision to accept or decline the proposed gift, does however have the power to make a recommendation to the Council.

11. The proposed gift will result in the transfer to the Council of a legal property right in the form of the extinguishment of a registered Memorandum of Grant of Forestry Right. The effect of this will be to extinguish the existing legal right of Mr Reuter to harvest the trees and to transfer ownership and responsibility for those trees to the Council.
12. If the Council resolves to accept the gift the Council's Legal Services Unit will arrange for the necessary documentation to be prepared, signed and registered to give effect to the gift.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

13. Parks, open spaces and waterways – Regional Parks. These parks are used for informal recreation, conservation of natural resources and scenic values, and cultural and heritage preservation.

Do the recommendations of this report support a level of service or project in the 2006-16 LTCCP?

14. Yes. Proposed track linkages within the reserve connecting Sugarloaf Reserve and Reuter Scenic Reserve to the residential area of Governors Bay may utilise these woodlots.(Regional parks walkways development). The existence of these woodlots provides important canopy connections between areas of regenerating native forest while restoration plantings become established in the surrounding areas (Port Hills restoration projects).

ALIGNMENT WITH STRATEGIES

15. Not applicable.

Do the recommendations align with the Council's strategies?

16. Not applicable.

CONSULTATION FULFILMENT

17. Not applicable. The asset owning Unit, Transport and Greenspace, supports accepting the offer to take these trees over to enable the Scenic Reserve to be managed as a single entity for its environmental, recreational and scenic values.

STAFF RECOMMENDATION

- (a) That the Lyttelton/Mount Herbert Community Board recommend that the Council accept Mr Horst Reuter's offer to gift the cutting rights held in Forestry Grant A256619/1.
- (b) That all costs associated with legally conveying the forestry grant to the Council be met by the Council.
- (c) That a letter of appreciation be sent to Mr Reuter expressing the Council's thanks for his offer to gift the forestry right.