

## 8. DIAMOND HARBOUR COASTAL CLIFF NETWORK OF RESERVES CLASSIFICATION

<b>General Manager responsible:</b>	General Manager City Environment, DDI 941-8608
<b>Officer responsible:</b>	Unit Manager Asset and Network
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### PURPOSE OF REPORT

1. To enable the Community Board to recommend to Council:
  - (a) that they formally resolve to classify the parcels of land which are vested in the Council pursuant to the Reserves Act 1977, as set out in Table 1 **attached**, for the purpose that they are vested.
  - (b) that they declare a number of parcels of land that are vested in the Council for no particular purpose, but are zoned in the operative part of the Banks Peninsula District Plan to be for recreation, as set out in Table 1 **attached**; be held as recreation reserve pursuant to the Reserves Act 1977.

### EXECUTIVE SUMMARY

2. The land parcels of the Diamond Harbour Coastal Cliff Reserves Network occupy the majority of the water front stretching from Hays Bay through to Purau Bay. These land parcels are either held by the Council for no particular purpose, but are zoned for recreation in the operative part of the Banks Peninsula District Plan, or are vested for a particular purpose under the Reserves Act 1977. The land parcels are yet to be formally classified as required by the Act. All parcels are however, zoned for Recreation under the District Plan.
3. No public advertising of the Council's intention to classify the reserves held under the Reserves Act 1977 is required because some parcels of the land are vested in the Council for the purpose which it is intended to classify them for, (section 16 (2A)(a) of the Reserves Act 1977), or while some parcels are vested in the Council for no particular purpose, the land in question is zoned in the operative part of the Banks Peninsula District Plan for recreation, (section 14 (2) of the Reserves Act 1977).
4. Council officers wish to proceed to advertise the draft management plan for Stoddard Point and the Diamond Harbour Coastal Cliff Network of Reserves, under section 41 of the Reserves Act 1977. For such a management plan to be a legal document under the Reserves Act 1977 all parcels of land included in such a plan must be classified for a purpose (sections 17 to 21) as required by the Reserves Act 1977 before a draft plan is advertised for public submissions.
5. Officers are recommending that the Council resolve to formally classify the parcels of land that are existing reserves, or declare parcels of land not presently held as reserve, but zoned as such in the operative part of the Banks Peninsula District Plan, recreation reserve as set out in Table 1 below.

### FINANCIAL CONSIDERATIONS

6. There are no significant costs associated with the recommendations of this report. All costs that will be incurred are covered within existing budgets as shown on Pages 140 to 141 of the 2009/19 LTCCP.

### LEGAL CONSIDERATIONS

7. Section 16 (2A) of the Reserves Act 1977 requires the Council to classify any reserve which was vested in it for the purpose that it was vested, unless it is going to be used for a different purpose, the relevant section of the Reserves Act 1977 being set out below.

**“16 Classification of reserves**

(2A) Notwithstanding subsection (1) of this section, where any reserve was—

(a) Vested in a local authority which did not derive its title to the land from the Crown; or ----- and is or remains vested in a local authority, that local authority shall, by resolution, classify the reserve according to its principal or primary purpose, as defined in sections 17 to 23 of this Act.”

8. The parcels of land set out in Table 1 (A to K inclusive) below of this report are able to be classified pursuant to section 16 (2A) of the Reserves Act 1977, because they were vested for the purpose stated on the title.
9. Section 14 (1) of the Reserves Act 1977 allows the Council to resolve to declare land vested in it to be a reserve within the meaning of the Act to be held for any purposes specified in sections 14 to 23 of the Act.
10. Section 14 (2) of the Reserves Act 1977 requires the Council to publicly advertise it’s intention to resolve to declare land vested in it to be a reserve for one calendar month, unless the parcels of land comply with the following requirement.

**“14. Local Authority may declare land vested in it to be a reserve”**

(2) -----[Provided that such a notice of intention shall not be necessary where a district plan makes provision for the use of the land as a reserve or the land is designated as a proposed reserve or the land is designated as a proposed reserve under an operative district plan under the Resource Management Act 1991].”

11. Once a resolution is gazetted under section 14 (4) of the Reserves Act 1977, the reserve shall, without further notice or gazetting, be held and administered for the purpose specified in the resolution, and shall be deemed classified accordingly.
12. The parcels of land set out in Table 1 (L - N inclusive) below of this report are able to be classified pursuant to section 14 (2) of the Reserves Act 1977, because although these parcels of land are not presently held as reserve, they are zoned as such, (recreation), in the operative part of the Banks Peninsula District Plan.
13. Section 17(1) of the Reserves Act defines recreation reserves as lands held *“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”*.
14. Section 18 (1) of the Reserves Act 1977 defines historic reserves as lands held *“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”*.
15. Section 23 (1) of the Reserves Act 1977 defines local purposes reserves as lands held *“for the purpose of providing and retaining areas for such local purpose or purposes as are specified in any classification of the reserve”*.
16. The Council has not delegated to Community Boards the power to classify existing reserve land under section 16 of the Reserves Act 1977, and accordingly Community Boards can only recommend to the Council that this occurs.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

17. Activity management plan 6.1 Sports parks on Pages 120 to 124 of the 2009/19 LTCCP. Council will offer varied leisure and recreation opportunities; including spaces for organised sport are well-located and well-distributed across the city.

- (a) Provide green spaces for the city
- (b) Support the health and well being of the community
- (c) Strengthen Christchurch's identity as the Garden City through amenity areas and large trees
- (d) Provide opportunities for improving and enhancing both exotic and local native biodiversity and enhancing waterways
- (e) Ensure the efficient use of natural resources in their design and maintenance
- (f) Provide leased space for clubs to develop sports facilities.

#### ALIGNMENT WITH STRATEGIES

- 18. The Draft Open Space Strategy allows for the provision of Sports Parks to provide for sport or passive outdoor recreation opportunities.
- 19. The staff recommendations are consistent with the Greater Urban Development Strategy strategic direction to enrich lifestyles by developing an open space network and providing additional recreational opportunities in parks and natural areas, and to enhance environments by recognising the value of, and protecting the coastline, estuaries, wetlands and waterways. (p 15 Greater Christchurch Urban Development Strategy)

#### CONSULTATION FULFILMENT

##### Public Notification Requirements

- 20. No public advertising of the Council's intention to classify the existing parcels of land held pursuant to the Reserves Act 1977 for their particular purpose is required because these actions comply with the exceptions to the public advertising requirement (Section 16 (2A) of the Reserves Act 1977).
- 21. No public advertising of the Council's intention to declare the parcels of land not presently held as reserve, is required because of these actions comply with the exceptions to the public advertising requirement (the bracketed Section 14 (2) of the Reserves Act 1977).

#### STAFF RECOMMENDATIONS

It is recommended that the Board recommends:

- (a) That the Council resolves
  - (i) Pursuant to section 16 (2A) of the Reserves Act 1977 that the land described in Schedule A as set out in Table 1 **attached** be classified under section 18 of the Reserves Act 1977 as a Historic Reserve.
  - (ii) Pursuant to section 16(2A) of the Reserves Act 1977 that the land described in Schedule B and C as set out in Table 1 **attached** be classified under section 23 of the Reserves Act 1977 as a Local Purpose (community building) Reserve.
  - (iii) Pursuant to section 16(2A) of the Reserves Act 1977 that the land described in Schedule D as set out in Table 1 **attached** be classified under section 23 of the Reserves Act 1977 as a Local Purpose (cemetery) Reserve.
  - (iv) Pursuant to section 16 (2A) the Reserves Act 1977 that the land described in Schedule H through to and including K as set out in Table 1 **attached** be classified under section 17 of the Reserves Act 1977 as Recreation Reserve.
- (b) In exercise of the powers conferred on it by section 14 of the reserves Act 1977, the Christchurch City Council resolves that those parcels of land held by the City in fee simple and described in the Schedule, be declared to be recreation reserve pursuant to Section 17 of the Reserves Act 1977.

**Canterbury Land District – Christchurch City**

**Schedule**

**Area**

ha

Description

3.5008 Part Lot 2 DP 14050 (all Computer Freehold Register CB557/79) ,

7.1832 Lot 3-4 DP 14050 (all Computer Freehold Register CB520/296), subject to easements created by Documents 758253 and 912001.8

Table 1.

Schedule	Description	Title and Legal Description	Currently held as	Area Hectares	To be classified as
<b>A</b>	Stoddart Cottage	Lot 4, DP 304811. 19080	Vested for historic purpose	0.1443	Historic reserve
<b>B</b>	Stoddart Point Reserve (Community Hall lease area)	Lot 5, DP 304811. 19081	Vested for local purpose (community building)	0.4638	Local purpose (community building) reserve
<b>C</b>	Stoddart Point Reserve (scout den and playgroup lease area)	Lot 3, DP 304811. 19079	Vested for local purpose (community building)	0.2816	Local purpose (community building) reserve
<b>D</b>	Stoddart Point Cemetery	Lot 11, DP 304811. 19087	Vested for local purpose (cemetery)	1.1805	Local purpose (cemetery) reserve
<b>E</b>	James Drive Recreation Reserve (area adjoining Church Bay Foreshore)	Lot 18, DP 49881	Vested as recreation reserve	0.5509	Recreation reserve
<b>F</b>	Otamuhua Lane Reserve (section adjoining the Coastal Cliff Reserve)	Lot 127, DP 76156, CT-43D/642	Vested as recreation reserve	1.0089	Recreation reserve
<b>G</b>	Otamuhua Lane Reserve (Church Bay section)	Lot 128, DP 72141, CT-42A/132	Vested as recreation reserve	0.3792	Recreation reserve
<b>H</b>	Stoddart Point Reserve (croquet club lease area)	Lot 1, DP 304811, CT-19077	Vested as recreation reserve	0.2409	Recreation reserve
<b>I</b>	Stoddart Point Reserve (bowling club lease area)	Lot 2, DP 304811 CT- 19078	Vested as recreation reserve	0.2984	Recreation reserve
<b>J</b>	Black point reserve above Church Bay, created as a result of subdivision	Lot 51, DP 418001, CT-469251	Vested as recreation reserve	1.3200	Recreation reserve
<b>K</b>	Black point reserve adjoining Hays Bay beach, created as a result of subdivision	Lot 52, DP 418001, CT-. 469252	Vested as recreation reserve	0.1185	Recreation reserve
<b>L</b>	Coastal Cliff Reserve (section north of Laurenson Park)	Pt Lot 2, DP 14050, CT-CB575/79	Held as fee simple with no current purpose	3.5008	Recreation reserve

<b>M</b>	Coastal Cliff Reserve (section with Sam's Gully situated upon)	Lot 3, DP 14050, CT-CB520/296	Held as fee simple with no current purpose	3.2375	Recreation reserve
<b>N</b>	Coastal Cliff Reserve (section above Diamond Harbour Beach and has Morgan's Gully situated upon)	Lot 4, DP 14050, CT-CB520/296	Held as fee simple with no current purpose	3.9457	Recreation reserve

## **BACKGROUND**

22. The Coastal Cliff Network of Reserves is used primarily as a recreational track with formalised recreation occurring in Stoddart Point Reserve. The reserve network has a mix of native and exotic vegetation much of it being along the cliff environment. The area supports a variety of bird and invertebrate species.
23. In order to meet the requirements of the 2006 Christchurch City Council, Banks Peninsula District Council Amalgamation and the objectives of the District Plan, it is necessary for the Council to classify the parcels of land mentioned within this report to enable the development of a management plan legally enforceable under the Reserves Act 1977 for the Coastal Cliff Reserve Network and Stoddart Point Reserve. The land parcels in question all fall under the RV (recreation) zoning in the Banks Peninsula section of the Christchurch City District Plan.
24. Consultation was undertaken with Elected Members and Citizens about the correct classification of the various Stoddart Point Parcels prior to Banks Peninsula District Council amalgamating with Christchurch City Council. The purpose of this report therefore is to complete putting the various agreed classifications in place.

## **Gazette Notice**

25. Council officers will notify the Department of Conservation of the Council resolutions, requesting that the declarations and classifications be gazetted, where required. Council officers will then have these gazette notices registered against the respective certificates of titles for the land parcels.