

14. ROCKING HORSE ROAD RESERVE LAND EXCHANGE

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Corporate Plan Output: Reserve Purchases	

The purpose of this report is to put before the Board for its information a proposal to exchange a portion of Rocking Horse Road Reserve for adjoining privately owned land in order to accommodate a parking area for the Spit Reserve.

BACKGROUND

The exchange proposal has arisen as a result of a Parks Unit desire to construct an off road car park and toilet to service the South Brighton Spit Reserve and reorganise the reserve layout in the area into a more logical pattern. It has been made possible by Denis Harwood's willingness to exchange land. However Mr Harwood has made the exchange conditional on his obtaining a building consent for a house on Lot 38 DP 19582 off the end of Rocking Horse Road. Mr Harwood will need to resolve this issue through the appropriate resource consents procedures before the exchange can be proceeded with.

ROCKING HORSE ROAD RESERVES

Rocking Horse Road Reserve consists of Lot 37, a 647m² rectangular section fronting Rocking Horse Road held for reserve purposes, and Lot 35, a recreation reserve of 1,145m². Both are held pursuant to the Reserves Act 1977. The reserves are undeveloped. Lot 35 has access to Rocking Horse Road via a ROW and backs onto the coastal dune/beach strip.

THE PROPOSAL

There are three parties affected by the proposal, namely Mr Harwood, Mr Simpson and the Council. The land exchange agreement is entirely conditional on Mr Harwood being granted a building consent for his property on Lot 38. Mr Harwood will require a resource consent to construct a dwelling on lot 38 as it is situated in a Hazard Zone pursuant to the Proposed Regional Coastal Environment Plan and positioned in the C1A Zone.

The aim of the proposal is to exchange Sec 2 (366m²) and Sec 3 (1,145m²) for Mr Harwood's driveway area (283m²) and 1,229m² of the dune and beach portion of Mr Simpson's property (*see plan S3245/2*). This will allow Parks to create a new off road car park and take control of a further part of the sensitive fore dune area. Public access will be enhanced along the foreshore.

A valuation exercise would be required for undertake to ensure the Council was not financially disadvantaged by the exchange.

Land Exchange - Legal Situation

Section 15 (1) of the Reserves Act 1977 states "*The Minister may, by notice in the Gazette, authorize the exchange of the land comprised in any reserve or any part or parts thereof for any other land to be held for the purposes of that reserve:*

Provided that this power shall not be exercised with respect to any reserve vested in an administering body except pursuant to a resolution of that body requesting the exchange.”

Section 2 also goes on to say that one months public advertisement, prior to the resolution, is required and any objections and the local authorities comments on those objections are to be forwarded to the Minister.

In this case the procedure would be as follows:

1. Public notice of Council’s intention to exchange the land is advertised.
2. Council Resolves to exchange the reserve for the alternative land area.
3. Resolution forwarded to Minister of Conservation for approval and Gazette.

CONCLUSION

The proposed exchange and the building consent are not related, as they require different approvals. However it is considered important that the Board are familiar with the details of the proposed exchange as Mr Harwood’s building consent may refer to the Parks Unit’s aspirations for the Spit Reserve’s development.

Recommendation: That the Board support in principle the exchange of Section 2 and 3 owned by the Council for Sections 1 and 4 as shown on City Design plan S3245/2.

Chairperson’s

- Recommendations:**
1. That the aforementioned recommendation be adopted.
 2. That it be noted that in supporting the land exchange, the Board is not indicating support for building within the Hazard Zone.