

#### 4. RESERVE CLASSIFICATION: PART OF RAWHITI DOMAIN

<b>Officer responsible</b> Parks and Waterways Manager	<b>Author</b> Tony Hallams, DDI 941-8320
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The purpose of this report is to allow the Parks, Gardens and Waterways Committee to recommend that the Council classify an area of reserve. The area concerned is part of the Rawhiti Domain.

Classification will enable the draft Management Plan in respect of Rawhiti Domain to be notified in accordance with the requirements of Section 41 of the Reserves Act 1977. The classification of Rawhiti Domain as Recreational Reserve is consistent with the activities being carried out on the Domain, which is in accordance with the definition of s17(1) of the Act which states:

*"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."*

#### BACKGROUND

Rawhiti Domain consists of five parcels of land, these being detailed in the attached Appendix 1.

Lots 2 and 3 DP 3276 detailed in area One of the Appendix have recently been classified as Recreational Reserve by the Minister of Conservation by a Gazette Notice dated 26 April 2002. Departmental officers requested the Crown to classify the above two lots, which were Crown Reserve, as Recreation Reserve. By taking this action the Crown has vested these parcels of land in the Council.

There is a requirement to classify the following three titles of land that have been previously vested as Reserve (detailed under parts Two, Three and Five in Appendix I).

Pt Reserve 1616 of 27.2039 hectares (NZ Gazette 1969 Page 1429)  
Pt Reserve 1579 of 35.9107 hectares (NZ Gazette 1969 Page 1429)  
Res 4467 of 0.2507 hectares (NZ Gazette 1969 Page 1429)

The proposed classification of these parcels of land will not need to be publicly notified because this area complies with the provisions of Section 16 (5) of the Act. Subsection 5 states:

*"Notwithstanding subsection (4) of this section, no such public notice shall be necessary where (a) the classification proposed for any reserve is substantially the same as the purpose for which the reserve was held and administered immediately before the commencement of the Act;"*

There is also a requirement to declare Lot 9, DP 5123 of 0.1085 hectares (detailed under Part Four of the attached Appendix), Council land in fee simple, as Recreation Reserve. This parcel of land must be considered pursuant to Section 14(1) of the Act which states:

- "1. Subject to this section, any local authority may by resolution declare any land vested in it to be a reserve within the meaning of this Act subject to any conditions specified in the resolution, to be held for any of the purposes specified in sections 17 to 23 of this Act.*
- "2. No such resolution shall be passed before the expiration of one month after notice of intention to pass the same and calling for objections thereto in writing has been published in one or more newspapers circulating in its district, and until it has considered all such objections received within that period:"*

*(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 under an operative district plan under the Resource Management Act 1991.)"*

Lot 9 DP 5123 is shown in the Operative District Plan of the former Christchurch City Council as being zoned Recreational 3 land, and as such fulfils the requirements of public notification.

- "3. No resolution under this section shall have any force or effect until it is gazetted as aforesaid."*

#### ISSUES FOR CONSIDERATION

The proposed Management Plan cannot be notified until classification has been completed.

Section 41(5) of the Act requires the Council as the administering body of Rawhiti Domain to keep its Management Plan under continuous review. For this reason the Council is reviewing the current Management Plan for Rawhiti Domain to reflect the changes that have occurred upon the Domain since 1988.

The proposed classification will further protect the land for its prime purpose, that is, for recreational activities, and ensure that the Management Plan has legal status.

#### NATURAL + PEOPLE + ECONOMIC STEP ASSESSMENT

#	CONDITION:	Meets condition ✓✓0*	HOW IT HELPS MEET CONDITION:
<b>The Natural Step</b>			
N1	Reduce non-renewable resource use	-	
N2	Eliminate emission of harmful substances	-	
N3	Protect and restore biodiversity and ecosystems	✓	Recognises and protects the uniqueness of the environment.
N4	People needs met fairly and efficiently	NA	NA - See People Step + Economic Step
<b>The People Step</b>			
P1	Basic needs met		
P2	Full potential developed	✓	Enhances opportunities for physical activity.
P3	Social capital enhanced	✓	Supports the infrastructure of community organisations. Creates/ enhances places for people to come together informally and engage with one another outside of work and home.
P4	Culture and identity protected	-	
P5	Governance and participatory democracy strengthened		
<b>The Economic Step</b>			
E1	Effective and efficient use of all resources	-	
E2	Job rich local economy	-	
E3	Financial sustainability	-	

#### Staff

- Recommendation:**
- That the Council resolve pursuant to Section 16 Reserve Act 1977 to classify as recreation reserve the following parcels of land which make up part of Rawhiti Domain:
    - Part Reserve 1616 of 27.2039 hectares
    - Part Reserve 1579 of 35.9107 hectares
    - Reserve 4467 of 0.2507 hectares
  - That the Council resolve pursuant to Section 14 of the Reserve Act 1977 to classify as recreation reserve the following parcel of land which makes up part of Rawhiti Domain:
    - Lot 9, DP 5123 of 1.085 hectares
  - The Department of Conservation be requested to gazette the land as outlined in Recommendation 1 and 2 above to be classified as Recreation Reserve.

#### Chairman's

**Recommendation:** That the above recommendation be adopted.