

## 25. PIGEON BAY BOAT PARK LAND EXCHANGE

<b>General Manager responsible:</b>	General Manager City Environment DDI 941-8608
<b>Officer responsible:</b>	Manager Transport and Greenspace
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### PURPOSE OF REPORT

1. The purpose of this report is to seek the Community Board's approval to undertake the next process step, being resolve to complete the exchange of lands involving part of Pigeon Bay Boat Park (Lot 7 DP 301575 - classified as recreation reserve) and an equivalent area of adjoining privately owned land (Lot 2 DP 301575), refer **Attachment 1**.

### EXECUTIVE SUMMARY

2. The Board resolved on 7 July 2010 for staff to undertake the consultation process required under Section 15 of the Reserves Act 1977 to affect the exchange of part of Pigeon Bay Boat Park with an equivalent area of adjoining land owned by Sage Properties Ltd (Sage).
3. Notification of the proposed swap has now been undertaken providing a month for objections to be received. A notice was placed on the Reserve itself and an advertisement placed in the Akaroa Mail, and whilst enquiries were received, no objections were lodged.
4. As part of the agreement, Sage are also proposing to undertake native plantings to the existing Reserve, the section to be swapped with Council and also contribute to other planting initiatives around the bay as indicated on the plan (refer **attachment 2 separately circulated**).
5. Staff were concerned that these additional plantings do not fulfil an identified need and would therefore only incur additional maintenance cost to Council. As a consequence, staff negotiated that Sage, and any future owner of the property, would be liable for maintenance of the newly planted areas.
6. Section 15 of the Reserves Act 1977 ("the Act") enables the exchange of reserves for other land whilst the Community Board has delegated authority to approve such an exchange. As no objections have been received the next step in the process is for Department of Conservation approval to be obtained and then the land can be surveyed, titles created and the land exchange completed.

### FINANCIAL IMPLICATIONS

7. The two land parcels are the same size and it is therefore considered that they have the same value. All other costs associated with the reserve land exchange such as consultation requirements of section 15 of the Reserves Act 1977 and all associated staff time, including survey costs, will be borne by Sage. There will therefore be no cost to the Council in agreeing to and completing the land exchange.
8. Future maintenance of all the plantings is to be borne by Sage and they have also entered into an agreement that if the property is sold, the title will be encumbered with the liability for this future maintenance.

### Do the Recommendations of this Report Align with 2009-19 LTCCP budgets?

9. No, but the cost of the land swap is to be borne by Sage.

### LEGAL CONSIDERATIONS

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

10. The Community Board has delegated authority to approve an exchange of reserves for other land under Section 15 of the Reserves Act 1977.

11. Section 15 of the Reserves Act 1977 – exchange of reserves for other land, provides that the Minister of Conservation may authorise the exchange of the land comprised in any reserve for any other land to be held for the purposes of that reserve subject to the Council passing a resolution requesting the exchange, following a public notification process.

#### **ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

##### **Do the recommendations of this report support a level of service or project in the 2009-19 LTCCP?**

12. Yes. Refer Page 118 of Volume 1 of the LTCCP, level of service under parks, open spaces and waterways.

#### **ALIGNMENT WITH STRATEGIES**

##### **Do the recommendations align with the Council's strategies?**

13. Open Space Strategy.

#### **CONSULTATION FULFILMENT**

14. The land exchange is to be completed in accordance with section 15 of the Reserves Act 1977 and has had the required months notice with opportunity for objections to be heard. No objections were received.

#### **STAFF RECOMMENDATION**

That the Akaroa Wairewa Community Board adopts a resolution in the following form.

- (a) That the consent of the Department of Conservation is sought for the land exchange; and
- (b) Council staff are delegated authority to agree the landscaping proposed; and
- (c) The Corporate Support Unit Manager is delegated authority to conclude an exchange of the properties and manage the process in every respect.