

8. 213 ROCKING HORSE ROAD - PROPOSED DISPOSAL

General Manager responsible:	General Manager City Environment Group, DDI 941-8608
Officer responsible:	Unit Manager, Asset and Network Planning
Author:	Stuart McLeod, Property Consultant

PURPOSE OF REPORT

1. The purpose of this report is to seek the Board's approval to commence proceedings to revoke the reserve status of the property situated at 213 Rocking Horse Road, Southshore, Christchurch.

EXECUTIVE SUMMARY

2. The property located at 213 Rocking Horse Road is no longer required for reserve purposes as it is physically separated from the greater portion of Spit Reserve and is operationally redundant (refer **Attachment 1**).
3. The Board has the delegated authority from the Council to change a reserve's classification or purpose, or revoke the reserve status (sections 24 and 24A of the Reserves Act 1977).
4. Under the Reserves Act 1977 the Council must advertise its intention to revoke the reserve status, submitters (if any) have the right to be heard before a Reserves Hearings Panel if that is their desire.
5. Following the outcome of the public consultation process and the consent of the Minister of Conservation being given to revoke the reserve status, an options report will be presented to the Council to advise on the findings of the Council's standard process in determining future use or disposal of operationally redundant property.

FINANCIAL IMPLICATIONS

6. There are no financial implications to revoking a reserve classification.

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

7. Not applicable.

LEGAL CONSIDERATIONS

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

8. The Council has delegated to the Community Board the power to change the classification or purpose, or revoke the reserve status.
9. Public advertisement of the Council's intention to revoke the reserve status of the land is required under Section 24 of the Reserves Act 1977.
10. In the event of objections being received and the submitters wishing to be heard a reserves hearing panel is appointed by the Council Secretary. The panel considers, hears and determines its position on any objection or submissions received and will forward its recommendations together with any objections to the Minister of Conservation for a decision.
11. If no submissions are received, the original decision stands and is sent to the Minister of Conservation for review.
12. The Minister publishes the revocation in the New Zealand Gazette if they decide in their discretion that the revocation should proceed.
13. Should the reserve designation over the land be revoked an options report will be presented to the Council to consider the future use or disposal of the property as determined through the operationally redundant property process.

Alignment with LTCCP and activity management plans

14. The property is no longer required for Recreation and Leisure - LTCCP page 108.

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

15. As above.

ALIGNMENT WITH STRATEGIES

16. The retention of this property as part of Spit Reserve no longer meets with the Council's parks and open spaces strategies.

Do the recommendations align with the Council's strategies?

17. As above.

CONSULTATION FULFILMENT

18. Public notification pursuant to Section 24 of the Reserves Act 1977 is required and will be undertaken if the staff recommendation below is adopted.

STAFF RECOMMENDATION

It is recommended that the Burwood/Pegasus Community Board publicly notify its intention in accordance with Section 24 (2) (b) of the Reserves Act 1977 to request the Minister of Lands to revoke reserve status of Lot 37 DP 19582, contained in Computer Freehold Register CBA1/288 situated at 213 Rocking Horse Road, Christchurch, as it is physically separated from the greater part of the reserve and is not used for reserve purposes.

BACKGROUND (THE ISSUES)

19. The Council acquired, by way of agreement, Lot 37 DP 19582 contained in Certificate of title (CBA1/288) (refer **Attachment 2**), situated at 213 Rocking Horse Road, Christchurch, from Robert Duncan Scott in 1994. At that time it was a vacant residential site. Mr Scott purchased the property in 1963.
20. The land is held for reserve purposes being vested in the Council by way of a registered gazette notice. Any revocation of its reserve status must be completed in accordance with the Reserves Act 1977 by completing the required public notice, hearing objections (if any) and obtaining consent of the Minister of Conservation.
21. The property was rezoned "Residential Coastal" in 1986, the effect of which was to prohibit dwellings being built on the property. This area of the spit was changed to the Conservation 1A zone in the new City Plan which became operative in 2005; this zoning also prohibited dwellings being built upon the land. This zone was created because of the threat of inundation from the sea resulting from the known fluctuation in the position of the end of the spit over the last 100 years. The effect of this was to ensure that permitted residential uses only occurred on sites which have not been subject to fluctuation in the position of the end of the Spit, and are deemed to have an adequate buffer from the sea.
22. In late 1986 Mr Scott approached the Council to allow him to build on the property. If that was not possible he requested the Council purchase the property because of the changed zoning. Negotiations concluded in 1994 with the purchase of the property as stated in paragraph 19, the consideration was \$15,000.
23. Subsequent to the Council purchasing the property the zoning, referred to in paragraph 24, was challenged in the Environment Court in 2003 and became the South Brighton Conservation Management Area (SBCMA1) which allowed dwellings as a discretionary activity in a small portion of the Conservation 1A zone.
24. This property now falls within two zones. A small triangular portion to the rear of the property is within the SBCMA1 with the balance of the property being Living 1.
25. The representatives of the estate of Mr Scott approached the Council's Greenspace Team to enquire if the Council still required the property. After careful consideration it was decided that the property is no longer required for the purposes of a reserve as it is physically separated from the rest of Spit Reserve. It is considered most unlikely that it would be possible to acquire a legal linkage to the surrounding recreation reserves, which is necessary to enable this section sized reserve to become recreationally useful.
26. The representatives of Mr Scott's estate have indicated that the Scott family is of the opinion the land has never been used for the purposes for which it was acquired and further point out that it is physically separated from Spit Reserve and the likelihood of the Council acquiring a linkage to this land is at best remote (refer **Attachment 2**).