



Report 09.123  
Date 2 March 2009  
File N/03/09/17

Committee Council  
Author Peter O'Brien, Property Consultant

## **Proposal to revoke an appointment of Council to control and manage a soil conservation and river control reserve at Upper Hutt**

### **1. Purpose**

To revoke an appointment of Council to control and manage a soil conservation and river control reserve at Holdsworth Avenue, Upper Hutt.

### **2. Consideration by Committee**

The matters raised in this report were considered by the Catchment Management Committee at its meeting on 3 February 2009 (report 09.02). The recommendations contained in this report have been endorsed by the Catchment Management Committee for the Council's consideration and decision.

### **3. Significance of the decision**

The matters for decision in this report do not trigger the significance policy of the Council or otherwise trigger section 76(3)(b) of the Local Government Act 2002.

### **4. Background**

In 1960 the Hutt River Board intended to erect a stopbank along the Hutt River at Upper Hutt. Part of the stopbank was intended to be on Crown owned (Housing) land. The Board requested the Crown to provide, at no cost, all Crown land within the river corridor. In response the Crown declared certain areas to be reserved pursuant to Section 167 Land Act 1948 as reserve for Soil Conservation and River Control purposes – NZ Gazette 1960 page 1748.

Subsequently the Crown, pursuant to Section 21 Reserves and Domains Act 1953, appointed the Hutt River Board to Control and manage the soil conservation and river control reserves – NZ Gazette 1960 page 1747.

Two small areas of soil conservation and river control reserve managed by Council have never been used for flood protection or stopbank purposes. Council has however incurred costs to manage the land to share in the cost of boundary fencing, tree removal and removal of abandoned vehicles. Attachment 1 contains an aerial photograph of the land in question (section 745 and 746).

As there is no known perceived future flood protection use or purpose for the land, it is proposed that Council's appointment to control and manage the reserve be revoked and we facilitate the reclassification to recreational reserve managed by UHCC.

## **5. The Crown Reserve**

The Crown soil conservation and river control reserve comprises two triangular and landlocked areas of land which sit to the rear of housing land off Holdsworth Avenue, Upper Hutt. The area of the reserve is 613 square metres and it is described as being Sections 745 and 746 Hutt District, defined on SO 24190.

Immediately adjoining and to the North of the Crown reserve is land owned by Upper Hutt City Council (UHCC) for the purpose of recreation reserve. UHCC has confirmed it does wish to have the Crown reserve reclassified as recreation reserve and vested in UHCC for UHCC to control and manage (see Attachment 2).

The Department of Conservation (DoC) is the Crown agency in control of the reserve. DoC has agreed, if Council resolves to revoke its appointment to control and manage the reserve, to facilitate the reclassification of the reserve to recreation reserve and to have the reserve vested in UHCC for recreation purposes. Attachment 3 contains a letter from DoC agreeing to the reclassification and setting out the process for this to occur.

## **6. The Reserves Act 1977**

DoC has agreed the process it will follow if it is confirmed that Council has resolved to revoke its appointment to control and manage the reserve as summarised below.

- (a) UHCC is to provide formal confirmation that it is prepared to accept the vesting of the reserves as an addition to its adjoining recreation reserve. UHCC has confirmed it will provide this.
- (b) DoC would reclassify the reserves for recreation purposes.
- (c) DoC would vest the reserves in UHCC for recreational purposes.

Note: DoC has confirmed that no consideration is payable as the land was vested originally at no cost and the process does not require any public advertising.

## 7. Council costs incurred

DoC is now required to charge for its services. DoC advises that the cost of this process is likely to be less than \$500.00. The cost will be met equally by Council and UHCC, (approximately \$250.00 each).

## 8. Funding Provision

The cost of the transfer will be met from within existing Flood Protection budgets.

## 9. Communication

Direct communications with the community on this report are not appropriate at this stage. Once the transfer has occurred the immediate neighbours will be advised.

## 10. Recommendations

*That the Council:*

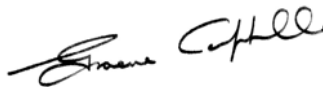
1. **Receives** the report.
2. **Notes** the content of the report.
3. **Endorses** the revocation of the appointment to control and manage the Crown soil conservation and river control reserves being Sections 745 and 746 Hutt District.

Report prepared by:



Peter O'Brien  
Property Consultant

Report approved by:



Graeme Campbell  
Manager, Flood Protection

Report approved by:



Wayne O'Donnell  
Divisional Manager,  
Catchment Management

Attachment 1: Aerial Photograph Holdsworth Avenue

Attachment 2: Email Peter O'Brien/Brett Latimer dated 23 Oct 08

Attachment 3: Letter from DoC dated 27 Nov 08