

STAFF REPORT

TO: Chairperson and Members of the Community Services Committee

FROM: Manager Property

REFERENCE: 51703

DATE: 2 May 2005

SUBJECT: Best Island Esplanade Reserve

PURPOSE

To consider the revocation and subsequent vesting as road of a portion of the Best Island Esplanade Reserve.

BACKGROUND

The major landowner at the Best Island township has made a formal request to Council to consider the revocation of a portion of the Best Island Esplanade Reserve which would subsequently vest as road. The area to be revoked is 4545 m². A survey office plan was prepared and approved in 1982 but the revocation of that part of the reserve was, for reasons unknown, never undertaken. A copy of SO 13106 is attached and shows Area A as land required for road.

The present legal access to the Bests Island township is by sea and an unformed legal road which crosses the estuary. The formed access is by grace and favour of the adjoining property owners from Barnett Avenue. Discussions have been held with these property owners on numerous occasions for many years to vest the access as legal road but without success. Several years ago the Council designed and tendered a subdivision for the township showing legal access from the existing formation off Barnett Avenue. The subdivision was canned because of budgetary considerations but negotiations to buy the access strip were also incomplete. The owner of the undeveloped land has made verbal approaches to the Council previously for a road to be built off the end of Barnett Avenue, across the esplanade reserve to his property. The Department of Conservation have said that they were not in favour of the proposal.

The attached survey office plan was prepared in 1982 which is a fair indication that the residents' desire for physical legal access has been an issue for at least 23 years.

DISCUSSION

Should the Council agree in principal to the request, the following action is required.

- Consultation is required with the Department of Conservation.
- A survey office plan is to be prepared showing the affected area (already done).
- The plan is lodged with Land Information New Zealand for approval as to survey (already done).
- Upon approval as to survey, public notice is given of the intention to revoke that part of the Best Island Esplanade Reserve.
- Notices are also placed on the reserve and as part of our consultative requirements persons considered to be affected are notified.
- Following the closing of submissions, the Council is required to hear and consider submissions.
- The Council may uphold any submission and proceed no further with the proposal or may resolve to proceed with the revocation and recommend accordingly to the Minister of Conservation. The Minister of Conservation will make a determination which if approved will be gazetted. At that stage, the land will either vest as legal road or local purpose reserve (road). A resource consent would be required to form the road.

Although the Council's role is to consider an application to revoke the reserve status of a portion of esplanade reserve, the background does need to be clearly understood. It is accepted that the Department of Conservation and some others may not be supportive of the proposal but as the proposal appears to be the only logical solution available to the landowners of Best Island for legal access, it is considered appropriate to publicly notify the intention.

OPTIONS

Options for this portion of esplanade reserve are simply whether to notify or not. However, this needs to be factored into the options available to provide practical legal access to the majority of the Best Island residents. It may be possible to reconfigure the area needed so that the amount of esplanade reserve affected is reduced.

AFFECTED PERSONS

The Department of Conservation, the owners and occupiers of property at Best Island will have an interest in the proposal and are therefore affected to some degree.

SIGNIFICANCE

The proposal is not significant under the Council's policy on significance and consultative requirements will be dealt with in terms of the Reserves Act 1977.

CONCLUSION

The revocation of a portion of esplanade reserve which would subsequently become road is an unusual circumstance but it is considered that the circumstances that have lead to this application are themselves unusual. A substantial subdivision was approved and developed at Best Island when the only requirement for access was to have access by sea. In today's terms and with the silting up of the estuary this is clearly unacceptable and as other attempts to provide legal access to this part of Best Island has been unsuccessful, it is considered that the Council has an obligation to look at an alternative means of providing access which may impact on a small portion of esplanade reserve.

RECOMMENDATION

That public notice be given pursuant to the Reserves Act 1977 of the intention to revoke the reserve status of part of Lot 37 DP 5090 being the Best Island Esplanade Reserve which upon revocation would vest as legal road.

That the Richmond Ward Councillors be authorised to hear any submissions and present a recommendation to the Community Services Committee.

J K Frater
Manager Property