

STAFF REPORT

TO: Chairman and Members of the Community Services Committee

FROM: Property Services Manager

REFERENCE: 32001

DATE: 20 June 2007

SUBJECT: Rabbit Island Plantation Reserve

PURPOSE

To inform the Committee on the process which needs to be followed if consideration was to be given to changing the use of part of the Rabbit Island Plantation Reserve.

BACKGROUND

Rough Island was permanently reserved for gravel purposes in 1869 and in 1876 the western portion of the island was permanently reserved for the purposes of public utility. In 1920, Rough Island was vested to the Council and Trust for plantation purposes.

In 1909, Rabbit Island was appropriated for a public recreation ground and was vested for recreation purposes in 1910. In 1920, approximately 355 acres was amended to be reserved for plantation purposes.

In 1979, the Waimea County Council and Empowering Act was passed which authorised the expenditure of the proceeds of afforestation activities on certain reserve land. Section 3 provided that the Council shall apply 10% of the net profit from the sales of forest products and associated activities conducted on the land in each financial year or such greater proportion as it considers necessary for the purposes of the adequate maintenance and improvement of the reserves on that land for recreational purposes or for the purposes set out in Section 80 of the Reserves Act 1977. This applied to Rough, Birds and Rabbit Islands.

In 1930, areas of closed roads were incorporated into the plantation reserve and in 1960 an area of approximately 264 acres was removed from the plantation reserve.

The present areas reserved for plantation purposes are outlined on the attached plan.

DISCUSSION

The process for changing the purpose for which the land at Rabbit Island is reserved is set out in the Reserves Act 1977 and the Reserves Act Guide which is administered by the Department of Conservation.

The Guide provides that the administering body can initiate the process for change of classification or purpose of a reserve for which it is the administering body, subject to meeting the requirements for consultation. The Reserves Act Guide makes the following comments on consultation:

“Consultation is not a mere informing, but a meaningful discussion between parties. The party consulting must ensure that the party consulted has all the relevant information. The administering body must be prepared to listen to the party being consulted and, if necessary, change its views. Consultation is not a negotiation, nor does it necessarily imply that the administering body has to accept the views of the iwi or hapu”.

PROCESS

Following the initial consultation with DOC, the Council will prepare a proposal for consultation. Public notice will be given as required under the Reserves Act 1977. Consultation is required with iwi and should also occur with special interest groups. Every person claiming to be affected by the proposed change of purpose shall have a right of objection to the change and may, at any time within one month after the date of the first publication of the notice of the proposal, give notice of their objections to the proposed change and the grounds thereof.

The Council is required to consider the objections as soon as possible and anyone who does not lodge an objection is considered to have assented to the change of purpose.

If after hearing the objections the Council resolves to proceed with the proposed change, the information including the objections and the Council's reasons for proceeding with the change are forwarded to the Department of Conservation who will review and assess the proposal on its merits. The Department will also look at the public consultation to see that the Council is reflecting the views of the community in seeking to change the purpose of the Reserve. If the Department of Conservation agrees with the change, a notice will be prepared for the Gazette showing a new classification.

COMMENT

Any consideration to reduce the area vested as plantation reserve or to change the classification of part of the plantation reserve will require consultation with the Council's Enterprise Committee with its governance role in forestry. Consideration may need to be given to the financial impact of a reduction in plantable areas.

More than one organisation has expressed an interest in utilising part of the areas set aside for plantation reserve and if the Committee was to seriously consider any proposal it should perhaps consider whether any other use conforming with the Reserves Act 1977 could be appropriate as part of the process.

RECOMMENDATION

THAT the report setting out the process for any change in classification of the Rabbit Island Plantation Reserve be received.

Jim Frater
Property Services Manager