

Mayor and Councillors
COUNCIL

28 SEPTEMBER 2017

Meeting Status: **Public**

Purpose of Report: For Decision

PUBLIC NOTIFICATION OF INTENTION TO DECLARE PHARAZYN RESERVE TO BE LOCAL PURPOSE RESERVE

PURPOSE OF REPORT

- 1 This report seeks a decision from Council to commence public notification of, and consultation on, its intention to pass a resolution declaring Pharazyn Reserve to be local purpose reserve.

DELEGATION

- 2 Council has the authority to consider this matter.

BACKGROUND

The status of the land within Pharazyn Reserve

- 3 The land known as Pharazyn Reserve is made up of five parcels of land (a map is attached as Appendix 2). Two of these which are in the coastal dune area are local purpose reserve. These parcels and their reserve status were created through the deposit of a survey plan in 1998 but they have never been formally classified.
- 4 The remaining three parcels of land are not reserve land at all. They are still held as public works for sewage treatment and disposal purposes.
- 5 These classifications date from when the land was used for sewage treatment ponds and disposal areas associated with the Waikanae Wastewater Treatment Plant. Following Council's adoption of the Waikanae Wastewater Decommissioning and Rehabilitation Plan in 2002, the plant ceased operation and there was public consultation on development of a management plan.
- 6 In 2005 Council adopted the Pharazyn Reserve Management Plan which covered the former sewage ponds and disposal areas as well as the existing coastal dune reserve.
- 7 The management plan stated that Council would, "*seek to change the specified purpose for the three titles that comprise the pond and modified dune areas, to reflect the changed use, (from sewerage treatment to recreation and wildlife habitat).*"
- 8 No action to change the specified purpose for the three titles was subsequently taken, though restoration of the former sewage ponds to wildlife habitat and development of the former disposal areas for recreation proceeded in accordance with the management plan.

- 9 On 13 June 2017 the Waikanae Community Board received a report updating the Board on matters relating to the Pharazyn Reserve Management Plan.
- 10 The status of the land within Pharazyn Reserve was among the issues the report identified, and the Board passed a resolution recommending Council declare as reserve all of the parcels of land contained within Pharazyn Reserve and have them classified under the provisions of the Reserves Act.
- 11 On 17 June 2017 Council accepted the Waikanae Community Board's recommendation. This report proposes that Council start the classification process by commencing notification and consultation as required by Part 2, Section 14 (2) of the Reserves Act 1977 (Attached as Appendix 1 – please note that following a 2014 change in local authority delegations the requirement for Council to consult the Commissioner no longer applies).
- 12 The Act requires Council to publicly notify by advertising in at least one local paper its intention to pass a resolution declaring the land to be reserve and to consider any objections received within one month following notification.
- 13 Following consideration of objections, which could include a hearing if submitters chose to be heard, Council may pass a resolution and have the resolution gazetted.

ISSUES

- 14 Changing the specified purpose for the three parcels held for sewage treatment and disposal would reflect their change in use and be in accord with the Pharazyn Reserve Management Plan.
- 15 The plan states that the ponds area would be rehabilitated as a wetland with waterfowl viewing opportunities and the balance of the reserve would be managed for recreational activities such as walking, picnicking and play, and for protection of a narrow strip of dunes behind the beach that extends north and south in front of private properties. With the exception of temporary use of one of the ponds for model yachting activity that must cease by 31 March 2018, and ongoing use of wastewater infrastructure excluded from decommissioning, Pharazyn Reserve is currently managed and used as intended.
- 16 Therefore it is proposed that the three parcels comprising the ponds and the modified dune areas are declared local purpose reserve (recreation and wildlife habitat) and the two parcels comprising the balance of the reserve are declared local purpose reserve (recreation) and local purpose reserve (foreshore protection). These classifications would indicate the primary purposes for which the areas would be managed under the Act, enabling the management plan to accurately describe their management and use.
- 17 On 17 June 2017 Council accepted the Waikanae Community Board's recommendation for there to be a minor review of the management plan to reflect progress made with its implementation, to update references and to make minor drafting improvements.
- 18 Following gazetting of the reserve, a minor review of the management plan would be undertaken in accordance with Council's acceptance of the Waikanae Community Board's recommendation.
- 19 The presence of the wastewater infrastructure, comprising a pump house and an emergency sewage overflow pond that are ring fenced, should be acknowledged in the management plan, with provision for ongoing use.

Policy considerations

20 This report is informed by the following policy documents:

- Waikanae Wastewater Decommissioning and Rehabilitation Plan (2002)
- The Pharazyn Reserve Management Plan (2005).

Legal considerations

21 As the administering body in this matter, Kāpiti Coast District Council must comply with Part 2, Section 14 (2) of the Reserves Act 1977.

Financial considerations

22 The cost of advertising the reserve declaration, considering any objections, passing the resolution and gazetting could be met within existing budgets.

Tāngata whenua considerations

23 There are no tāngata whenua considerations.

SIGNIFICANCE AND ENGAGEMENT

Significance Policy

24 This matter has a low level of significance under Council's Significance and Engagement Policy.

Consultation already undertaken

25 No consultation has been undertaken in relation to this matter.

Engagement planning

26 In accordance with Part 2, Section 14 (2) of the Reserves Act 1977 an advertisement will be placed in at least one local paper stating the intention of passing a resolution declaring the five Pharazyn Reserve land parcels to be local purpose reserve. Objections submitted within one month of notification would then be considered.

Publicity

27 Other than placing an advertisement in at least one local newspaper stating the intention of declaring the land local purpose reserve, no publicity is currently proposed.

RECOMMENDATIONS

28 That Council commence notification of, and consultation on, its intention to pass a resolution declaring the five land parcels comprising Pharazyn Reserve to be local purpose reserve in accordance with Part 2, Section 14 (2) of the Reserves Act 1977, as follows:

- Lot 4 DP 29919, Pt Lot 3 DP 20118 and Lot 1 DP 20118 local purpose reserve (recreation and wildlife habitat)
- Lot 2 DP 85459 local purpose reserve (recreation)
- Lot 4 DP 85459 local purpose reserve (foreshore protection).

Report prepared by	Approved for submission	Approved for submission
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ATTACHMENTS

Appendix 1: Part 2, section 14 (2) of the Reserves Act 1977

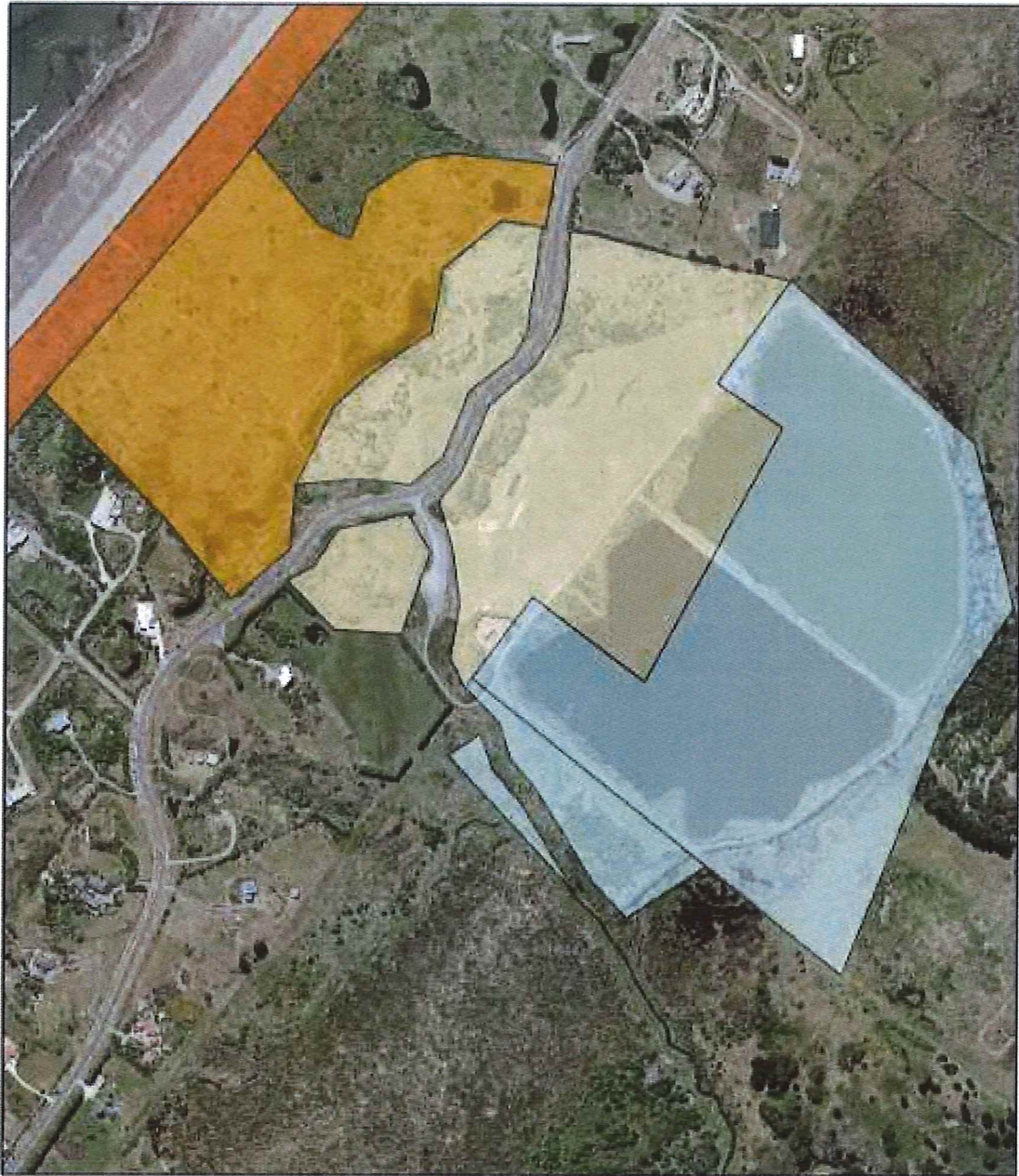
Appendix 2: Map of Pharazyn Reserve

Appendix 1: Reserves Act 1977, Part 2, S14

Reserves Act 1977, Part 2, Section 14

14. Local authority may declare land vested in it to be a reserve

- (1) Subject to this section, any local authority may by resolution declare any and vested in it to be a reserve within the meaning of this Act subject to any conditions specified in the resolution, to be held for any of the purposes specified in sections 17 to 23.
- (2) No such resolution shall be passed before the expiration of 1 month after notice of intention to pass the same and calling for objections thereto in writing has been published in 1 or more newspapers circulating in its district, and until it has considered all such objections received within that period: provided that such a notice of intention shall not be necessary where a district plan makes provision for the use of the land as a reserve or the land is designated as a proposed reserve under an operative district plan under the Resource Management Act 1991.
- (3) A copy of the resolution shall be forwarded to the Commissioner for transmission to the Minister, together with all objections (if any) received as aforesaid and the comments of the local authority thereon.
- (4) The Minister shall consider the resolution and such objections (if any) as have been received by the local authority and the comments of the local authority thereon, and shall then in his discretion either cause the resolution to be gazetted or refuse to do so.
- (5) No resolution under this section shall have any force or effect until it is gazetted as aforesaid.



Appendix 2 - Map of Pharazyn

