

Policy

COUNCIL-OWNED OR MANAGED RURAL RESERVES

TEAM:	Property
RESPONSIBILITY:	Commercial Manager
ADOPTED:	14 December 2017
REVIEW:	Every five years, or as required
CONSULTATION:	None required
RELATED DOCUMENTS:	Ashburton District Plan 2014, Ashburton District Council Property Policy 2017, Local Government Act 2002, Public Bodies Leases Act 1969, Reserves Act 1977, Resource Management Act 1991.

Policy Objective

- To manage small rural reserves in a fair, reasonable and consistent manner when they are not required by Council.
- To establish a consistent and equitable procedure for charging fees associated with the use of small rural reserves.

Definitions

Council means Ashburton District Council.

Council owned or managed reserve means a land parcel managed by Council, classified for gravel extraction, plantations or other miscellaneous purposes. For the purposes of this policy, it also includes other small parcels of land held by Council in rural areas.

Rural area means rural A, B and C zones of the Ashburton District Plan.

Application

This policy applies to all small rural reserves owned or managed by Council in Ashburton District. This policy does not apply to land where existing leases are held in perpetuity.

Policy Statement

1. Introduction

- 1.1 There are a number of small rural reserves in Ashburton District which are owned by Council. The use of these reserves varies and as such, maintenance requirements are also varied.

- 1.2 The Reserves Act 1977 provides a statutory framework for the management and preservation of areas of public land for the benefit of the public. The Act also provides for the classification of reserves, relative to their purpose.
- 1.3 This policy sets out the procedure for occupying small rural reserves and establishes criteria for charging a usage fee. In general, fees are applicable where the reserve is being used for stock grazing purposes.

2. Occupancy and use

- 2.1 Small rural reserves may be occupied by way of a Licence to Occupy. In some circumstances, Leases may be granted. These circumstances are at the discretion of the Commercial Manager.
- 2.2 Reserves remain accessible to the public while a Licence to Occupy is in force.
- 2.3 The intended use of the reserve must be disclosed to Council at the time of application for the Licence to Occupy. Council must be informed if there is a change in use.

3. Requests for a Licence to Occupy or a Lease

- 3.1 A Licence to Occupy or a Lease is required in all circumstances where a small rural reserve is occupied for any use.
- 3.2 All requests for a Licence to Occupy must be authorised by Council's Commercial Manager.

3.3 Fees

An establishment fee will be charged when the Licence to Occupy is granted, as well as an annual fee for the use of the reserve. Where a licence is sought the applicable fee will be set based on the current or intended usage of the small rural reserve.

Requests for a Licence to Occupy for an activity that requires a resource consent are subject to the applicant obtaining resource consent at their cost. Council reserves the right to terminate a Licence to Occupy if resource consent conditions are breached.

Council may revoke a Licence to Occupy if the use of the reserve is required. The notice period required will be specified in each individual licence document at the discretion of the Commercial Manager.

4. Requests for a Lease

- 4.1 In some circumstances, a Lease may be more appropriate than a Licence to Occupy. These circumstances and applicable fee will be determined by the Commercial Manager.

5. Transfer of Reserve Status

- 5.1 If Council's use of a reserve for its classified purpose is likely to cause hardship or nuisance to the adjoining landowner, the reserve status may, where possible, be transferred. The status can only be transferred to an alternative site within land owned by the adjoining landowner. The costs of transferring this status are payable by the adjoining Landowner requesting the transfer.
- 5.2 Once the reserve status is transferred, Council then has the right to use the alternative site.

5.3 If it is not possible to transfer the reserve status, Council will use the land as provided for but will take all reasonable measures to mitigate any negative effects to the landowner.