

Report 99.456

12 August 1999

File: J/6/1/6

[Report 1999.Env99456.MP:mm]

Report to the Environment Committee
from Mike Pryce, Manager, Harbours

Reclassification of Somes Island Lighthouse Reserve

1. Purpose

To gain Council consent to the cancellation of the vesting of the Somes Island land as a reserve for a lighthouse.

2. Historical Background

The Lighthouse on Somes Island was first built in 1866. In 1952, the light was converted to electricity, with the power supplied via a submarine cable running from Petone and then crossing the island. Access for maintenance is via the main wharf and across the island.

The lighthouse occupies a 3,465 square metre site located at the south west portion of the island. The land is a reserve within the definition of Section 20 (1) of the Reserves Act 1977 as it was acquired in Trust by a Local Authority, the Wellington Harbour Board, as a site for a lighthouse.

The land transferred to the Wellington Regional Council from the Wellington Harbour Board under the Local Government (Wellington Region) Reorganisation Order 1989, New Zealand Gazette 1989 pages 2491 to 2516, (in particular refer to clause 199).

3. Recent Background

The balance of Somes Island was a Ministry of Agriculture and Fisheries animal quarantine station, with access strictly controlled by resident staff of the Ministry. In 1994 the Ministry ownership passed to the Department of Conservation and the balance of Somes Island was classified as a Scientific Reserve.

4. Recent Problems

As set out in Report 96.354 of 2 September 1996, The Department of Conservation has advised us about the problems it experiences with boats landing people on the island via the Council's Lighthouse Reserve. Although the Department of Conservation has staff on the island, they do not have authority to control activity on the Lighthouse Reserve.

5. Possible Solutions

The Council has worked closely with the Department of Conservation in an endeavour to find a solution that satisfies the needs of both the Council and the Department.

Initially the option of a subdivision was explored. This would have seen the Council retaining sufficient land for its present and future lighthouse needs with the balance being transferred to the Department, including all of the sites shoreline. This option was rejected due to the cost of subdivision and the difficulty for Department staff to be sure if people were standing on Scientific or Lighthouse Reserve.

The second option explored was the sale of the Council site at 10 cents to the Department, the land to be classified a Scientific Reserve and for the Department to issue the Council with a lease in perpetuity at a rent of 10 cents. This was rejected as it involved the Council declaring the land surplus to its requirements and under section 40 offering the land back to the former owner.

A third option has been devised which appears to achieve the needs of both the Council and the Department. It is proposed that the Council consent to the cancellation of the vesting of the Somes Island land as a reserve for a lighthouse. With this consent, the Minister of Conservation is empowered, under Section 27 of the Reserves Act, to cancel the vesting of the reserve in the Council. The Lighthouse Reserve would then be returned to land under Crown control. The Crown would classify the land as Scientific Reserve.

The Department would then issue a registered lease to the Council. The terms of the lease would be:

Term - 33 years.

Renewal of Term - Perpetually renewable for terms of 33 years.

Rent - Ten cents per annum.

Use - Lighthouse and marine navigational aid site.

Ability to Erect Structures - Erection of structures to facilitate the permitted use of the site, subject only to the lessee (Council) obtaining and acting in full compliance of all necessary permits and consents.

The Site Under Lease - Part Somes Island, being Section 3 SO 20946, comprising 3,465 square metres together with rights of way for the purpose of access and services over the balance of Somes Island.

The Department has confirmed that the Council consent to the cancellation can be made subject to the grant of the lease. It should be noted that at present the Council does not hold formal access over the balance of the island and this transaction will tidy that matter up. This solution is seen as a win win situation as it achieves the re-classification of the land as a Scientific Reserve and thereby grants the Department the control it is seeking. The Council retains occupation in perpetuity at no greater cost, retains the right to rebuild and obtains an added benefit of formal right of way for access and services over the balance of the island.

This is a low cost option which does not require any survey or production of title. The Department will carry the costs of gazettal action and the issue of the lease.

6. Recommendation

That the Council grants consent to the cancellation of the vesting of the Somes Island land, being Section 3 SO 20946, comprising 3,465 square metres, as a reserve for a lighthouse subject to the Department of Conservation declaring the land to be a Scientific Reserve and granting the Council a lease in perpetuity at a rent of 10 cents and preserving the Council ability to use and redevelop the site for the purpose of lighthouse and navigation.

Report prepared by:

Approved for submission:

PETER O'BRIEN
O'Brien Property Consultancy Limited

MIKE PRYCE
Manager, Harbours

JANE BRADBURY
Divisional Manager, Environment