

10.2 River Access Reserve Allocation

Report To:	Council
Meeting Date:	Wednesday, 27 August 2025
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Authorised by:	Executive Manager Delivery

Purpose

To seek Council approval to utilise monies held within the River Access Reserve fund for undertaking tree clearing and planting activities within esplanade reserves and funding the Waikato River Trail maintenance contract cost for the 2025/26 Financial Year.

Recommendation

That the Council:

- a. Approves River Access Fund monies be used for clearing of pest plants and aging trees from stream areas and planting of riparian species within esplanade reserves
- b. Approves River Access Fund monies be used for felling of aging Pine trees within the Cullen Reserve to enable safer access and enjoyment of the esplanade reserve
- c. Approves River Access Fund monies be used for funding the Waikato River Trail Maintenance Contract for the 2025/26 FY.

Executive Summary

River Access Reserve funding

In October 2024 the Parks and Reserves Manager enquired of the Chief Financial Officer of any potential availability of using funding held within the River Access Reserve (RAR) to fund works around the clearing of pest plants along streams and rivers within parks and reserves to create access to streams and rivers within the District, and for provision of assets such as paths and seating along those waterways to enhance community use and enjoyment of the streams and rivers.

It was unclear if the monies within the RAR could be allocated, given the background regarding the original intended purpose of the funds and in regard to whom had authority for present day decision-making of how those funds should be dispersed.

Legal advice from Tompkins Wake was therefore sought to clarify responsibility for decision-making and further dispersal of funds totalling circa \$547,000 currently held in the River Access Reserve fund.

Context

The RAR was established following the sale in 2009 of unformed roads that had been stopped pursuant to the provisions of section 342 of the Local Government Act 1974. Pursuant to a consent order issued in April 2009 following objections to the road stoppings, the Environment Court confirmed the decision of the Council to stop the roads (Consent Order).

A Schedule attached to the Consent Order noted the relevant Parties' agreement that the proceeds of sale be held in a special reserve account and that a sub-committee of Council's Community and Assets Committee be established to consider and make decisions on the use of the proceeds "for opening up areas to public access to the Waikato River in the South Waikato District."

Such a sub-committee was established but appears seldom to have met. An initial allocation of \$400,000 to the Waikato River Trails Trust was approved on 16 December 2010 but not paid out. After what may have been a period in remission, the Sub-committee was most recently created for the 2019-2022 term of Council as the Rural Access Sub-committee. No similar sub-committee has been created in the current Council term.

It was therefore unclear how the RAR fund may be expended or how such expenditure can be approved by Council.

Discussion

Advice received from Tompkins Wake was that:

- Council gave effect to that agreement by establishing the Sub-committee, but the funds have not been fully distributed.
- There was agreement between the Parties as to the manner of disposal of the sale proceeds, the terms remain capable of execution, and the Council remains bound by the agreement.
- The Rural Access Sub-Committee no longer exists. Pursuant to clause 30(7) of Schedule 7 of the Local Government Act 2002 ("the LGA"), unless a local authority resolves otherwise, a committee or sub-committee is discharged on the coming into office of each new council. Since there was no such resolution to retain the sub-committee, it was discharged at the end of the 2019 – 2022 term of Council.
- Council has the authority to create a sub-committee of one of its existing committees for the purpose of the agreement pursuant to clause 30(1) of Sch 7 LGA, and since it can appoint up to four members in its own right, it has the ability to ensure a majority membership.
- The Council would also have to give effect to the agreement (as set out in the last clause to Paragraph 6 of the agreement recorded in the Consent Order Schedule) by delegating to the sub-committee "such powers as are necessary for it to fulfil the purpose of its appointment". The newly created sub-committee would then be in a position to allocate the funds in accordance with the agreement and original intent.
- The RAR remains available to allocate according to its stated purpose, "to open up public access to the Waikato River in the South Waikato". This is a broad purpose that would seem to encompass the Council proposal to clear plants along streams and rivers within parks and reserves to create access to streams and rivers within the District, and to provide assets such as paths and seating along those waterways.

Recommendations from Tompkins Wake:

Recommended action is therefore that Council appoint and convene a new sub-committee for the allocation of the RAR in accordance with the agreement recorded in the Consent Order, and report and make recommendations on its allocation. We consider Council's intended use for the funds falls within the purpose of the agreement.

Options

The Parks and Reserves Manager therefore seeks Council approval to utilise the River Access Fund monies to:

- Clear Willow and other pest plants/aging tree species to create safe and unimpeded access to streams and rivers within the District
- Provision of riparian planting of stream banks within esplanade reserves for ground stabilisation. Council will seek to partner with schools, members of the public, the Pokaiwhenua Catchment Group and other community organisations to carry out planting sessions.
- Cullen Reserve Pine Trees: Circa 42 over-mature aging Pine trees within Cullen Reserve require machine assisted felling for public safety. This will need to be a one-off opex project over and above the usual opex funded tree maintenance programme due to number of trees and complexity of project. Given this is a well-used esplanade reserve that provides access to

and enjoyment of the Matarawa Stream it is requested to utilise RAR funding to complete this work as quickly as possible, estimated cost \$150,000.

- Waikato River Trail Maintenance Contract: The nature of the WRT contract has changed from being one of the contracts held under the former community contract regime to now being a general services contract to maintain the river trail and facilities within the South Waikato District (circa 50km of trail). A contract has been signed with the Waikato River Trail Trust with a cost of \$52,000 to be paid as a Lump Sum. Budget is needing to be confirmed for the 2025-26 FY, and it is recommended this be paid out of the River Access fund.
- Potential conversion of a portion of the RAR monies to capex funding to enable assets such as paths and seating along those waterways to be developed to further enhance community use and enjoyment of the streams and rivers. Waterways will include the Matarawa Stream within Matarawa Park, Cullen Reserve and the Oraka River within various Oraka Esplanade Reserve sites.

Linkage to Strategic Plan Priorities

This Activity aligns with:

- Council's 'Thriving Communities' Outcome where "diverse people are healthy and well, with ample opportunities to support their quality of life"
- Council's Organisational Strategy's outcomes to 'Build partnerships' and 'Shaping places'
- SWDC 2020 Reserves Management Plan:

B. Use of Reserve

20. Streams and Riverbanks

Public access to streams and rivers for recreation has been identified as important to residents. Public access to these facilities will be encouraged to provide access for fishing or bathing and other recreational activities.

Riparian areas adjacent to lakes, rivers, streams and wetlands will be enhanced and protected. Consultation with Mana Whenua will be engaged in before any changes are made to the management of stream and river resources.

Consultation (Internal and External)

Raukawa Charitable Trust (RCT) has been consulted and confirm the proposed works align with Raukawa's Te Rautaki Taiao a Raukawa (Raukawa Environmental Management Plan 2015):

"RCT are satisfied that the proposal has been assessed against the Raukawa Environmental Plan in adherence with Raukawa Values and Principles. We are in support of the removal of Willow and the re-establishment of indigenous plant assemblages to enhance bank stability, greater river biodiversity and protect the river riparian areas of the Matarawa Stream."

In conjunction with Waikato Regional Council (WRC) advice, this work will be done as a Permitted Activity under the Waikato Regional Plan rules 5.1.4.11, 4.3.10.1 and 4.3.8.1.

- Willow is designated as a pest species under the Waikato Regional Council's Pest Management Strategy.

Financial Considerations

Parks and Reserve's 'Streambank' GL has an allocated funding of \$52,800 for the 2025/26 FY. Given the limited amount of funding, the pace of this work being completed will be impacted with work likely

to be protracted over a number of financial years, however additional funding from the River Access Fund will enable this work to be completed at a quicker pace to achieve the beneficial outcomes.

Risks

Nil

Significance & Engagement Policy

Nil

Reference

Attachments

None