
REPORT 5
(1215/52/IM)

RESOLUTION TO CLASSIFY LAND VESTED IN THE COUNCIL THROUGH SUBDIVISION AS RESERVE LAND

1. Purpose of Report

To seek the Committee's approval to recommend to Council that it classifies the land shown in schedule 1 and appendix A as reserve land under the Reserves Act 1977.

2. Executive Summary

While seeking the Minister of Conservation's approval of the Northern Reserves Management Plan, it has been identified that land vested in the Council on subdivision as a reserve had not been classified as reserve in accordance with the Reserves Act 1977. Classification is mandatory under the Reserves Act 1977, and the Minister of Conservation will not approve the Northern Reserves Management Plan until the land is classified.

In addition to the classification of the land in schedule 1, all other land acquired as a reserve by the Council in the same manner will be checked and where necessary classified in accordance with the Reserves Act 1977. Officers have implemented new processes to ensure that in future land vesting as a reserve on subdivision follows the correct classification procedure.

3. Recommendations

It is recommended that the Committee:

- 1. Receive the information.*
- 2. Recommend to the Council that it resolves under section 16(2A) of the Reserves Act 1977 that the land vested in the Council as reserve under section 239 of the Resource Management Act 1991 as shown in schedule 1 and on aerial maps in appendix A be classified as reserve land according to the primary uses or purposes as specified in schedule 1.*

4. Background

The Northern Reserves Management Plan (NRMP) was approved by the Council on 29 August 2008. Under s41 of the Reserves Act 1977 (Reserves Act) the Council is required to obtain approval from the Minister of Conservation prior to implementing any Reserves Management Plan.

This is done through the Department of Conservation (DOC), who review the Plan and provide any necessary feedback prior to obtaining approval from the Minister. The Minister's approval will allow the Council to manage the reserve land under the NRMP without seeking further approval in regard to leasing or licensing the land and easements over the land.

On reviewing the NRMP, DOC identified a parcel of land which had not been gazetted as scenic reserve land by the Council and therefore declined to approve the plan until the classification process had been completed. As a result of the subsequent investigation by officers, 66 parcels of land that have been vested in the Council, were indentified within the Northern Ward as requiring classification.

5. Schedule 1: Land Vested in the Council

SECTOR ONE: Tawa West

Site name	Land Area ha	Legal description	CT reference	Recommended Reserve Classification
Main Road- Porirua Stream	0.0158	Lot 3 DP 70329	WN9A/1353	Local Purpose Reserve (Esplanade)
Oxford Street Reserve	0.0059	Lot 3 DP 80931	WN47B/985	Local Purpose Reserve (Esplanade)
Porirua Stream/Oxford Street Reserve	0.0036	Lot 3 DP 87293	WN54D/736	Local Purpose Reserve (Esplanade)
	0.138	Lot 2 DP 66557	WN36C/292	Local Purpose Reserve (Esplanade)
	0.0036	Lot 3 DP 82825	WN49C/215	Local Purpose Reserve (Esplanade)
	0.082	Lot 5 DP 70008	WN41C/307	Local Purpose Reserve (Esplanade)
	0.0064	Lot 4 DP 82706	WN49A/949	Local Purpose Reserve (Esplanade)
	0.0035	Lot 3 DP88094	WN55C/886	Local Purpose Reserve (Esplanade)
	0.0028	Lot 3 DP 76763	WN43A/404	Local Purpose Reserve (Esplanade)
	0.116	Lot 4 DP 66557	WN36C/293	Local Purpose Reserve (Esplanade)
	0.1015	Lot 2 DP 70008	WN41C/304	Local Purpose Reserve (Esplanade)
	0.0167	Lots 5-6 DP 68979	WN32C/836	Local Purpose Reserve (Esplanade)

Willowbank Reserve	0.0078	Lot 87 DP 34328	WN10B/1186	Recreation Reserve
	1.3506	Lot 80 DP 33022	WN6C/1335	Recreation Reserve
	0.4325	Lot 81 DP 33022	WN6C/1335	Utility Reserve

SECTOR 2: Takapu Valley, eastern Tawa, Grenada North

Site name	Land Area ha	Legal description	CT reference	Recommended Reserve Classification
Caribbean Avenue Reserve	79.123	Pt Sec 168 Porirua District and Pt Sec 41 Horokiwi Road District	WN34C/629	Recreation Reserve
Grenada North Reserve	7.1345	Lot 5 DP 54434	WN23C/210	Recreation Reserve
	6.66	Lot 2 DP 64240	WN34C/627	Recreation Reserve
Kilkelly	0.0008	Lot 107 DP 384648	338420	Local Purpose Reserve (Isolation Strip)
Kilkelly	0.0006	Lot 108 DP 384648	338421	Local Purpose Reserve (Isolation Strip)
Kilkelly Close Reserve	0.255	Lot 1 DP 87309	WN52C/990	Recreation Reserve
Pikitanga Close	0.654	Lot 12 DP 90311	WN57D/361	Recreation Reserve
Pikitanga Recreation Reserve	1.494	Lot 105 DP 397890	390940	Recreation Reserve
	0.7275	Lot 1 DP 81513	48A/690	Recreation Reserve
Wilf Mexted Scenic Res	2.342	Lot 10 DP 88281	WN55B/538	Scenic Reserve
Wilf Mexted Recreation Res	0.1067	Lot 54 DP 371702	342412	Recreation Reserve
Woodburn Reserve ROW	0.0731	Lot 53 DP 371702	342411	Recreation Reserve
Woodman Drive Extension	2.1425	Lot 1 DP 80235	WN47A/14	Recreation Reserve
Woodman Drive Lookout	0.7458	Lot 1 DP 82612	WN49A/659	Recreation Reserve

SECTOR 3: Churton Park, Stebbings, Glenside

Site name	Land Area ha	Legal description	CT reference	Recommended Reserve Classification
Burbank Crescent play area	0.2125	Lot 1 DP 53495	WN26B/105	Recreation Reserve
	0.2015	Lot 78 DP 63076	WN32D/708	Local Purpose Reserve (accessway)
	0.0572	Lot 79 DP 63076	WN32D/709	Recreation Reserve
Churton Park & play area	0.1202	Lot 1 DP 47752	WN19A/1277	Recreation Reserve
	1.3108	Lot 1 DP 54252	WN24C/499	Recreation Reserve
	0.0507	Lot 3 DP 73175	WN41C/497	Recreation Reserve
Handley Grove Reserve	0.8599	Lot 401 DP 311748	46395	Recreation Reserve
Erlestoke Crescent	0.5219	Lot 200 DP 314946	58953	Recreation Reserve
Rowells Road Reserve	0.6388	Lot 2 DP 79549	WN46A/260	Local Purpose Reserve (Esplanade)
Lakewood Reserve	0.1997	Lot 1 DP 76508	WN43B/101	Recreation Reserve
	3.3284	Lot 1 DP 49752	15A/85	Recreation Reserve
	0.2288	Lot 19 DP 63920	WN33D/740	Recreation Reserve
	0.2404	Lot 4 DP 311793	46529	Recreation Reserve
	0.0077	Lot 18 DP 63920	WN33D/739	Recreation Reserve
	0.0986	Lot 3 DP 53873	WN24A/953	Recreation Reserve
	0.4155	Lot 18 DP 74198	WN38D/460	Recreation Reserve

SECTOR 4: Lincolnshire Farm, Grenada Village,

Site name	Land Area ha	Legal description	CT reference	Recommended Reserve Classification
Water Reservoir, Woodridge Drive	0.1668	Lot 1 DP 88853	WN56B/867	Local purpose Reserve (Reservoir)
(79 Kentwood Drive)	0.902	Lot 3 DP 385115	341008	Recreation Reserve
Kentwood Drive Reserve	2.6754	Lot 441 DP 352897	216702	Recreation Reserve
Woodridge Reserve	2.2677	Lot 2 DP 84214	WN51B/932	Recreation Reserve
Ring Lane Recreation Reserve	0.1116	Lot 32 DP 86292	WN54A/122	Recreation Reserve
White Pine Avenue	0.7715	Lot 1 DP 385115	341006	Recreation Reserve

SECTOR 5: Johnsonville

Site name	Land Area ha	Legal description	CT reference	Recommended Reserve Classification
Helston Park and play area	3.4	Lot 1 DP 74009	WN41C/20	Recreation Reserve
Old Coach Road Reserve	0.0007	Lot 3 DP 313848	54742	Local Purpose Reserve (Isolation Strip)
Sedgley Grove Reserve	0.3116	Lot 1 DP 360298	245139	Recreation Reserve

SECTOR 6: Harbour Escarpment

Site name	Land Area ha	Legal description	CT reference	Recommended Reserve Classification
Brandons Rock Access	0.1335	Lot 23 DP 89499	WN56D/645	Recreation Reserve
	0.3677	Lot 23 DP 89611	WN56D/813	Recreation Reserve
Gilberd Bush	2.1005	Lot 1 DP 58085	WN32C/828	Recreation Reserve
	8.052	Pt Lot 1 DP 34856	WN32A/476	Recreation Reserve
	4.8660	Lot 1 DP 74154	WN39C/530	Recreation Reserve
Glanmire Road Reserve	0.002	Lot 26 DP 89611	WN56D/814	Local Purpose Reserve (Isolation Strip)
	0.0019	Lot 22 DP 89611	WN56D/812	Local Purpose Reserve (Isolation Strip)
Belmont Reserve (GW)	3.1353	Lot 7 DP 49151	WN26B/975	Recreation Reserve
Dungarven Road Reserve	0.339	Lot 20 DP 89841	WN56D/931	Recreation Reserve
	1.708	Lot 19 DP 89841	WN56D/930	Recreation Reserve
Tamworth Crescent Reserve	0.6027	Lot 68 DP 340021	164452	Recreation Reserve
Cromwell Point	0.2987	Lot 66 DP 397825	390597	Recreation Reserve

6. Discussion

6.1 Classification of Reserve land

The parcels of land shown in schedule 1 have been vested in the Council, over a number of years, as reserve land as part of the subdivision process under s239 of the Resource Management Act 1991 (RMA) and earlier legislation. The land that was vested in the Council had specific purpose(s) which is recorded on the individual deposited plan. Within Wellington City Council this purpose is decided by officers in the Parks and Gardens team, who consider the most appropriate classification of the land; this is recorded on the deposited plan which vests on subdivision.

Because the purpose of each piece of land (be it recreation reserve or other) was stated on the deposited plan, Council officers had interpreted s239 of the RMA to imply that the land was automatically classified as a reserve under the Reserves Act. However after seeking legal advice, it has been identified that reserve land vested under s239 of the RMA does not complete the classification process and the Council must undertake a separate action to classify the reserve in accordance with s16 of the Reserves Act.

There is no specific deadline to classify reserve land but certain transactions, such as the granting of leases, cannot be undertaken without the prior consent of DOC, until the classification process is completed. The Council must follow the processes set out in the Reserves Act to classify the land in schedule 1.

Additional steps have been put in place to ensure land vesting as reserve under s239 of the RMA will be classified under the Reserves Act. In future, upon deposit of a plan including land to be vested as a reserve, officers will recommend a Council resolution to classify land as Reserve (according to its primary purpose) and notify in the *Gazette*.

6.2 Public Consultation

Public consultation is not required where land is vested as reserve land and the purpose of the land is consistent with the purpose stated on the deposited plan, pursuant to s16(5)c of the Reserves Act. Consultation would be required if there was inconsistency between the deposited plan and the proposed classification. The proposed classifications of the parcels of land in schedule 1 are consistent with the original purpose on the deposit plan and therefore Council is not required to consult on this matter.

6.3 Other Reserve lands to be Classified

Since the original advice from DOC which highlighted an incomplete process, officers have identified other land, vested as a reserve on subdivision which has not been classified in accordance with the Reserves Act. Officers have been working to identify such parcels of land and will present a further report to this Committee by December 2009.

7. Conclusion

In order to gain the Minister's approval of the NRMP the Council must resolve that the parcels of land shown in schedule 1 of this report are classified according to their primary purpose in accordance with the requirements of the Reserves Act.

Contact Officer: *Heather Cotton, Property Advisor; Megan Duncan, Recreation Planner, and Mike Oates, Manager, Open Space and Recreation Planning.*

Supporting Information

1) Strategic Fit / Strategic Outcome

This resolution will allow alignment of the Council's internal processes with the requirements of the Reserves Act 1977. It will also allow implementation of the Northern Reserves Management Plan.

2) LTCCP/Annual Plan reference and long term financial impact

While there will be legal costs associated with the research of information and publication in the Gazette, this expenditure is necessary to ensure compliance with existing legislation.

3) Treaty of Waitangi considerations

This resolution will rectify an existing process that is incomplete. Mana Whenua are not affected by a change in the Council's classification process, and have not been consulted with over this report.

4) Decision-Making

This resolution will bring the Council's subdivision process in line with the requirements under the Reserves Act 1977. It rectifies an existing issue with parcels of land that have been vested in the Council as reserve but have not been classified as such.

5) Consultation

a) General Consultation

The Building Consents and Licensing, Parks and Gardens, and Enterprise data management teams have been involved with the preparation of this report. Council is not required under legislation to consult with the public on this matter.

6) Legal Implications

The Council's lawyers have been consulted during the development of this report.

7) Consistency with existing policy

This correction will rectify a legal anomaly and ensure that the Council complies with existing legislation.