
REPORT 3
(1215/52/IM)

RECLASSIFICATION OF PART OF THE LAND AT CUMMINGS PARK LEASED TO THE WELLINGTON REGION FREE KINDERGARTEN ASSOCIATION FOR NGAIO KINDERGARTEN

1. Purpose of Report

To report on submissions received regarding the reclassification of part of the Council owned land at 65 Ottawa Road, Ngaio, known as Cummings Park and legally described as Part Lot 1 Deposited Plan 9103 and contained in Computer Freehold Register WN421/193. Officers seek Council approval to reclassify the land from Recreation Reserve to Local Purpose Reserve (Community Purpose). Appendix 1 shows the area to be reclassified.

2. Executive Summary

In March 2011, a report was presented to the Strategy and Policy Committee recommending that part of the land at 65 Ottawa Road, Ngaio, known as Cummings Park, be reclassified from Recreation Reserve to Local Purpose Reserve (Community Purpose) under section 24 of the Reserves Act 1977. The reclassification process is subject to public notification under the Reserves Act 1977.

Part of the land at 65 Ottawa Road, Ngaio has been utilised by the Wellington Region Free Kindergarten Association for the purposes of a play area for Ngaio Kindergarten since 1974.

Under the Reserves Act 1977, childcare activities are not considered as being legitimate recreational activities that can take place on Recreation Reserve. The proposed reclassification will enable the Council to grant a ground lease to the Wellington Region Free Kindergarten Association under the Council's Early Childhood Centres Policy (2009).

A public notice inviting the public to make submissions on the proposal was included in the Dominion Post 'Our Wellington' page on 21 June 2011. The submissions period closed on 19 August 2011.

One submission was received and is attached as Appendix 2. This report contains the issues and feedback raised during the public submission period and presents officers responses and recommendations to Council.

3. Recommendations

Officers recommend that the Strategy and Policy Committee:

1. *Receive the information.*
2. *Resolve that the reserve status of part of the land at 65 Ottawa Road, Ngaio known as Cummings Park legally described as Part Lot 1 Deposited Plan 9103 and contained in Computer Freehold Register WN421/193, be reclassified from Recreation Reserve to Local Purpose Reserve (Community Purpose).*
3. *Agrees to officers taking all necessary steps under section 24 of the Reserves Act 1977 to reclassify the land.*

4. Background

Part of the land at 65 Ottawa Road, Ngaio, known as Cummings Park (land) has been utilised by the Wellington Region Free Kindergarten Association (WRFK) since 1974, for the purposes of a play area for Ngaio Kindergarten.

Through the process of implementing the Early Childhood Centres Policy (2009), Council officers became aware of the fact that the land is classified as Recreation Reserve. Under the Reserves Act 1977 (Reserves Act), childcare activities are not considered as being legitimate recreational activities on Recreation Reserve land. In order for childcare activities to take place on Reserve land, the land must be classified as Local Purpose Reserve (Community Purpose).

It appears that this land may have been overlooked in 2005 when land leased to childcare centres was reclassified from Recreation Reserve to Local Purpose Reserve (Community Building). In order for officers to implement the Early Childcare Centres Policy through granting a ground lease to WRFK, the land must be reclassified to Local Purpose Reserve (Community Building).

On 24th March 2011, a report was presented to Council seeking approval to reclassify this land subject to public notification. Council resolved that the land should be reclassified subject to public notification.

When reclassifying land under section 24 of the Reserves Act, officers are required to consult the public under sections 119 and 120 of the Reserves Act.

4.1 The Site

The land is classified as Recreation Reserve and is part of a larger parcel of land known as Cummings Park. The land is managed under the Reserves Act.

The area of the land to be reclassified is approximately 133m² and is legally described as Part Lot 1 Deposited Plan 9103 and is contained in Computer Freehold Register WN421/193.

5. Discussion

Viv Chapple made a submission representing the Ngaio Progressive Association (NPA) attached as Appendix 2. The NPA is a residents association in the Ngaio and Crofton Downs area. The submission outlined conditional support of the proposed reclassification. The two 'provisos' of support were as follows:

That the land will be returned to Recreation Reserve once WRFK no longer wishes to renew this or any subsequent lease and that a clause is included into the lease with WRFK prohibiting the building of any structures that are visually intrusive when viewed from the Cummings Park.

If WRFK decide they no longer require the use of the land, officers will assess the future use of the land at the time. If Council decide to lease the land to another party, officers will be required to go through the public notification process before granting a ground lease as is required by the Reserves Act.

The reclassification process cannot address the issue of prohibiting the construction of any structures on the land. Officers believe that this can be dealt with adequately through the lease process.

6. Conclusion

The proposal to reclassify part of the land at 65 Ottawa Road, Ngaio known as Cummings Park from Recreation Reserve to Local Purpose Reserve (Community Purpose) is considered appropriate and is required to reflect the existing and ongoing use of the land.

Officers recommend that the Strategy and Policy Committee approves the reclassification of the land from Recreation Reserve to Local Purpose Reserve (Community Purpose).

Contact Officers:

Bec Ramsay, Reserves Planner, Parks and Gardens.

Hanita Shantilal, Senior Property Advisor, Property Management.

Appendix One: Map of Ngaio Kindergarten lease area to be reclassified

Appendix Two: Copy of submission from the Ngaio Progressive Association

Supporting Information

1) Strategic Fit / Strategic Outcome

Enables implementation Early Childhood Centres Policy (2009)

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

Work is carried out under project PLA004 Open Space Planning. There is no long term financial impact of this work..

3) Treaty of Waitangi considerations

See below

4) Decision-Making

This is not a significant decision.

5) Consultation

a) General Consultation

Public consultation is carried out following the process as outlined in Sections 14, 119 and 120 of the Reserves Act

b) Consultation with Maori

No specific consultation with mana whenua

6) Legal Implications

There are no legal implications.

7) Consistency with existing policy

The classification of the area will enable implementation of the Early Childhood Centres Policy (2009)

APPENDIX 1

Map of Ngaio Kindergarten lease area to be reclassified



APPENDIX TWO

Submission from the Ngaio Progressive Association

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Hanita Shantilal

From: Hanita Shantilal
Sent: Wednesday, 17 August 2011 2:02 p.m.
To: 'Mark & Viv Chapple'
Cc: Robin White
Subject: RE: Reclassification of portion of Cummings Park

Thank you Viv.

I will be in touch soon regarding your submission.

Hanita Shantilal | Senior Property Advisor | Property Management | Wellington City Council |
PO Box 2199 | Wellington | 04 803 8132 | 021 227 8132

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From: Mark & Viv Chapple [mailto:chapplengaio@xtra.co.nz]
Sent: Wednesday, August 17, 2011 1:54 PM
To: Hanita Shantilal
Cc: Robin White
Subject: Reclassification of portion of Cummings Park

Hi Hanita,

Thank you for the opportunity to comment on the reclassification of council owned land in Ngaio from Recreation Reserve to Local Purpose Reserve -specifically the land in Cummings Park intended to be leased to the Wellington Free Kindergarten Association.

The Ngaio Progressive Association supports the change of classification with the following provisos:

(1) that the land will be returned to Recreation Reserve once the Kindergarten no longer wishes to renew this or any subsequent lease.

(2) that a clause be included into the lease with the Kindergarten Association prohibiting the building of any structures that are visually intrusive when viewed from the park.

NPA does not require to deliver this submission orally. We will send a copy of this email to Eleanor Miller at the Ngaio Kindergarten.

Kind regards
Viv Chapple
Chairwoman, Ngaio Progressive Association
(representing Ngaio and Crofton Downs residents)
Ph (04) 479 1998

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17/08/2011