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**REPORT 7**  
*(1215/52/IM)*

## **CLASSIFICATION OF LAND VESTED IN THE COUNCIL AS RESERVE AND CLASSIFICATION OF OTHER LAND**

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### **1. Purpose of Report**

To recommend to the Committee that the Council classifies land as reserve land according to each parcel's primary purpose, under the Reserves Act 1977.

There are three sections:

- 1) land vested in Council from subdivision;
- 2) reserve that needs to be classified;
- 3) land used by an early childcare centre that needs reclassification.

### **2. Executive Summary**

This report covers three sections of the Reserves Act 1977.

- 1) Land vested in the Council as reserve requires subsequent classification under the Reserves Act 1977.

In November 2009, Council agreed to classify a number of sites in the Northern suburbs that had been vested for reserve purposes. (Council had acquired this land from developers or through subdivision.)

Officers have looked at all the other land vested in Council as reserve and assessed these to ensure the vested purpose is still relevant.

Schedule One lists parcels of land that require a resolution by the Council to classify them according to their primary purpose. This process does not require public consultation.

- 2) The delegate appointed by the Minister of Conservation has advised there are three areas (included in the June 10 2010 SPC paper) that needs to be classified under a different section of the Reserves Act than that approved by Council. This requires a new resolution by Council. No further public consultation is required.

- 3) While implementing the Early Childcare Policy, officers have identified land in Ngaio, utilised by an early childcare centre, which needs to be reclassified to Local Purpose Reserve. Public consultation is required for reclassification.

### 3. Recommendations

Officers recommend that the Committee:

1. *Receive the information.*
2. *Recommend to Council that:*
  - (a) *It resolve under section 16 (2A) of the Reserves Act 1977 that the parcels of land described in Schedule One (shown in red on the aerial maps in Appendix One) are classified as reserve land according to each parcel's primary purpose as identified in the final column of the tables in Schedule One.*
  - (b) *It resolve under section 16 (1) (a) of the Reserves Act 1977 that the following land is classified as Scenic Reserve, for the purposes specified in section 19 (1) (b):*
    - *Hue tē Taka Peninsula/Moa Point  
3.4398ha more or less being Sec 33 Watts Peninsula District  
All CT WNA3/204*
    - *part View Road South Headland  
6.1041ha more or less being Part Lot 1 Deposited Plan 786 and Lot 11-20 Deposited Plan 3142 and Lot 418, 426-427 Deposited Plan 172 and Part Lot 383, 385, 387, 389, 391-392, 420, 422, 424 Deposited Plan 172  
All CT WN 556/285*
  - (c) *It resolve under section 16 (1) (a) of the Reserves Act 1977 that the following land is classified as Recreation Reserve:*
    - *Croydon Park  
0.5846ha more or less being Part Section 2 Upper  
Kaiwharawhara District  
All CT WN22D/469*
  - (d) *It resolve that the reserve status of the following land, (utilised by the Ngaio Kindergarten and shown on the map in Appendix Two), should be reclassified from Recreation Reserve to Local Purpose Reserve (Community Purpose), to better reflect the use of the land as a kindergarten, and instructs officers to take all necessary steps under section 24 of the Reserves Act 1977 to reclassify the land, including public notice under section 24 (2) (b):*
    - *Ngaio Kindergarten  
approximately 133 square metres more or less being part of  
Lot 1 DP 9103  
Part of CT WN421/193*

## **4. Classification of land vested in Council through subdivision**

### **4.1 Background to Section 1**

The Council has obtained land for reserve purposes as a result of subdivision. When a reserve contribution is proposed by developers, officers assess the land prior to vesting and recommend the purpose for which it will be managed.

Legal advice has identified that reserve land vested under section 239 of the Resource Management Act 1991 (RMA) – and earlier legislation - does not complete the classification process under the Reserves Act 1977 (Reserves Act).

The Council must undertake a separate action to classify the reserve in accordance with the Reserves Act.

Officers have identified all the vested reserve land throughout the city. Officers have assessed each, to ensure the purpose for which the reserve was vested, is still the primary purpose of the reserve. The assessment looked at the location, nature, and the use and management of the land.

Schedule One lists vested land that Council intends to manage for the purpose it was vested for. Appendix One has maps showing the location of these sites.

### **4.2 Implications of classification categories**

The process of classification binds the Council and limits (to a greater or lesser extent) how the land can be used. This increases the protection of the land and provides the community with certainty as to the types of activities that can and cannot take place on the land. Appendix Four has details on each classification type and outlines the implications of these for Council.

### **4.3 Classification Process**

Public consultation is not required where land is vested as reserve land and the classification of the land is consistent with the primary purpose as stated on the deposited plan (section 16(5)c of the Reserves Act). The parcels of land in Schedule One fall into this category.

Once Council has agreed on the classification the decision will be notified in the *Gazette*.

### **4.4 Classifying vested land in future**

The subdivision process, where land is vested in the Council as reserve, has now been amended to ensure the land is classified under the Reserves Act. Soon after vesting, officers will recommend a Council resolution to classify land as reserve (according to its primary purpose).

### **4.5 Other land vested in Council**

Officers consider that some land, vested as a particular type of reserve, does not reflect the current use. These parcels should be classified for a different purpose. For most of these parcels, consultation on the proposed classification will occur during the development of the Suburban Reserves Management Plan over the next 2-3 years.

## Schedule One

Land Vested in the Council as reserve and proposed to be classified according to its existing primary purpose under section 16 (2A) of the Reserves Act

### MAP 1:

Suburb	Site name	Land Area ha	Legal description	CT reference	Existing purpose and proposed classification
Brooklyn	Kowhai Park lookout	1.2832	Lot 1 DP 48111	WN20C/478	Recreation Reserve
	Elliot Park and play area	1.0070	Lot 8 DP 41986	WN18B/1365	Recreation Reserve
	Elliot Park and play area	0.4549	Lot 7 DP 41986	WN18B/1253	Recreation Reserve
Evans Bay	Treasure Grove play area/ Kainui Reserve	0.2585	Lot 41 DP 66507	WN34C/770	Recreation Reserve
	Treasure Grove play area/ Kainui Reserve	0.2036	Pt Lot 45 DP 66507	WN48D/671	Recreation Reserve
	Esplanade Reserve	0.2382	Lot 1 DP 88742	WN56B/535	Local Purpose (esplanade) Reserve
	Esplanade Reserve	0.0066	Lot 3 DP 88742	WN56B/537	Local Purpose (esplanade) Reserve
	Esplanade Reserve	0.0060	Lot 4 DP 88742	WN56B/538	Local Purpose (esplanade) Reserve
	Esplanade Reserve	0.5773	Lot 5 DP 88742	WN56B/539	Local Purpose (esplanade) Reserve
	Esplanade Reserve	0.1709	Sec 3 SO 34240	WN56C/573	Local Purpose (esplanade) Reserve
Miramar	Akaroa Drive	0.0498	Lot 17 DP 33249	No CT. Referred to in WN8A/980	Recreation Reserve
	Akaroa Drive	0.0814	Lot 14 DP 33249	WN25C/64	Recreation Reserve
	Isolation Strip	0.0208	Lot 7 DP 41433	WN54C/689	Recreation Reserve
	Isolation Strip	0.0158	Lot 6 DP 41433	WN54C/668	Recreation Reserve
Owhiro Bay	Esplanade Reserve	0.0139	Lot 6 DP 87078	WN54D/168	Local Purpose (esplanade) Reserve
	Esplanade Reserve	0.3105	Lot 57 DP 75796	WN42D/307	Local Purpose (esplanade) Reserve
	Jordan Street	0.1583	Lot 31 DP 87964	WN55C/467	Recreation Reserve
	Happy Valley Park	4.7837	Lot 55 DP 75796	WN42D/306	Recreation Reserve

### MAP 2:

Suburb	Site name	Land Area ha	Legal description	CT reference	Existing purpose and proposed classification
Brooklyn	Brooklyn West reservoir	0.1513	Lot 2 DP 66893	WN36B/369	Local Purpose (utility) Reserve
Karori	South Karori Road	0.0626	Lot 1 DP 340327	165856	Recreation Reserve
	Karori West High Level reservoir	0.1706	Lot 9 DP 71940	WN39B/165	Local Purpose (reservoir) Reserve
	Karori West High Level reservoir	0.0115	Lot 3 DP 67708	WN43C/551	Local Purpose (reservoir) Reserve
	Victory Avenue play area	0.03	Lot 28 DP 48695	WN14D/211	Recreation Reserve
	Hazlewood Avenue	0.1754	Lot 39 DP 48183	WN20C/393	Recreation Reserve
	Paddington Grove play area	0.047	Lot 2 DP 45042	WN21B/184	Recreation Reserve
Makara	Cliff Gaskin Reserve	0.3669	Lot 12 DP 15074	WN31C/629	Recreation Reserve

	Makara Stream Reserve	0.1833	Lot 5 DP 78001	WN45D/290	Local Purpose (esplanade) Reserve
	Makara Stream Reserve	0.5365	Lot 5 DP 78002	WN45D/298	Local Purpose (esplanade) Reserve

**MAP 3:**

Suburb	Site name	Land Area ha	Legal description	CT reference	Existing purpose and proposed classification
Broadmeadows	Broadmeadows High Level reservoir	0.072	Lot 5 DP 64064	No CT. Referred to in WNF4/235	Local Purpose (utility) Reserve
	Broadmeadow Utility	0.1191	Lot 2 DP 64066	WN49C/516	Local Purpose (utility) Reserve
	Kanpur Road Play Area	0.0481	Lot 38 DP 32542	WN25D/481	Recreation Reserve
	Kanpur Road Play Area	0.0559	Lot 39 DP 32542	WN25D/482	Recreation Reserve
	Kanpur Road Play Area	0.0627	Lot 40 DP 32542	WN25D/483	Recreation Reserve
	Kanpur Road Play Area	0.1961	Lot 52 DP 41163	WN25D/484	Recreation Reserve
	College access	0.7964	Lot 2 DP 86024	WN53D/204	Recreation Reserve
Crofton Downs	Isolation Strip	0.0238	Lot 10 DP 29913	WN21A/767	Local Purpose (utility) Reserve
	Isolation Strip	0.0147	Lot 8 DP 32629	WN9A/1283	Local Purpose (isolation strip) Reserve
	Isolation Strip	0.039	Lot 21 DP 20827	WN849/64	Local Purpose (isolation strip) Reserve
	Isolation Strip	0.0196	Lot 13 DP 44084	WN15C/1267	Local Purpose (isolation strip) Reserve
Kaiwharawhara	Kaiwharawhara reserve	0.008	Lot 2 DP 342503	174565	Recreation Reserve
	Kaiwharawhara reserve	0.0125	Lot 3 DP 342503	174566	Recreation Reserve
	Kaiwharawhara reserve	0.004	Lot 4 DP 397952	391132	Recreation Reserve
	Kaiwharawhara reserve	0.0086	Lot 114 DP 321404	85382	Recreation Reserve
Khandallah	Gurkha Crescent	0.0198	Lot 44 DP 62258	WN32D/192	Recreation Reserve
Ngaio	Accessway	0.0317	Lot 2 DP 64237	No CT. Referred to in WN28B/239	Local Purpose (accessway) Reserve
	Tarikaka Street Park	0.3153	Lot 96-97 DP 63402	WN38A/216	Recreation Reserve
	Ridvan Grove	0.0156	Lot 41 DP 68969	No CT. Referred to on survey plan 68969	Recreation Reserve
	Mount Kaukau reservoir	0.1242	Lot 7 DP 61447	WN30C/393	Local Purpose (Utility) Reserve
Wadestown	Trelissick Park	0.3278	Lot 2 DP 87316	WN55B/27	Scenic Reserve, for the purposes specified in section 19 1(A)
	Sefton Street Reserve	0.1925	Lot 6 DP 56919	WN31B/430	Scenic Reserve, for the purposes specified in section 19 1(B)

**MAP 4:**

Suburb	Site name	Land Area ha	Legal description	CT reference	Existing purpose and proposed classification
Churton Park	Churton Park & play area	0.0168	Lot 76 DP 75451	WN41A/347 cancelled	Recreation Reserve
	Churton Park & play area	0.3545	Lot 2 DP 50361	WN31A/766	Recreation Reserve

	Churton Park & play area	2.0504	Lot 2 DP 45634 & Lot 1 DP 49619	WN19D/766	Recreation Reserve
	Churton Park & play area	0.0884	Lot 83 DP 70306	WN31B/606 cancelled	Recreation Reserve
	Halswater Drive	0.1005	Lot 32 DP 48397	WN19B/326	Recreation Reserve
<b>Suburb</b>	<b>Site name</b>	<b>Land Area ha</b>	<b>Legal description</b>	<b>CT reference</b>	<b>Existing purpose and proposed classification</b>
Grenada Village	Grenada South Water supply	0.1658	Lot 116 DP 410975	441088	Local Purpose (water supply purposes) Reserve
	Grenada South Water supply	0.1585	Lot 123 DP 410975	441092	Local Purpose (water supply purposes) Reserve
	Lincolnshire pump station	0.0355	Lot 400 DP 410975	441093	Local Purpose (water supply purposes) Reserve
	Isolation Strip	0.0444	Lot 117 DP 410975	441089	Local Purpose (isolation strip) Reserve
	Isolation Strip	0.0175	Lot 118 DP 410975	441090	Local Purpose (isolation strip) Reserve
Johnsonville	Old Coach Road	0.0008	Lot 3 DP 87564	WN55B/136	Local Purpose (segregation) Reserve
	Old Coach Road	0.0013	Lot 61 DP 347863	206131	Local Purpose (segregation) Reserve
	Old Coach Road	0.0027	Lot 6 DP 85464	WN52D/859	Local Purpose (isolation strip) Reserve
	Old Coach Road	0.0038	Lot 4 DP 85463	WN52C/268	Local Purpose (isolation strip) Reserve
	Old Coach Road	0.0007	Lot 2 DP 85462	WN52C/270	Local Purpose (isolation strip) Reserve
	Old Coach Road	0.0009	Lot 65 DP 382970	part of CT 391627	Local Purpose (isolation strip) Reserve
	Old Coach Road	0.0057	Lot 5 DP 85463	WN52C/269	Recreation Reserve
	Flinders Park	0.3773	Lot 1 DP 66655	WN36C/880	Recreation Reserve
	Flinders Park	0.0658	Lot 15 DP 59445	WN29D/258	Recreation Reserve
	Flinders Park	0.0781	Lot 3 DP 62410	WN39C/275	Recreation Reserve
	Flinders Park	0.195	Lot 13 DP 57705	WN27B/607	Recreation Reserve
	Branscombe Street play area	0.2079	Lot 4 DP 31307	WN37B/721	Recreation Reserve
	Tralee Place Reserve	0.062	Lot 31 DP 49217	WN19C/720	Recreation Reserve
	Tralee Place Reserve	0.0979	Lot 14 DP 49216	WN19C/717	Recreation Reserve
Newlands	Isolation Strip	0.0013	Lot 35 DP 86292	WN54A/124	Local Purpose (isolation strip) Reserve
	Isolation Strip	0.0026	Lot 34 DP 86292	WN54A/123	Local Purpose (isolation strip) Reserve
Tawa	Accessway	0.0119	Lot 102 DP 57939	No CT. Referred to in WN27D/277 cancelled	Local Purpose (accessway) Reserve
	Cullen Park	0.09	Lot 101 DP 53938	WN14A/1403 cancelled	Recreation Reserve
	Woodman Drive Park	0.7694	Lot 29 DP 46739	WN7C/999 cancelled	Recreation Reserve
	Isolation Strip	0.0008	Lot 107 DP 399014	395082	Local Purpose (isolation strip) Reserve
	Wilf Mexted Reserve	2.342	Lot 10 DP 88281	WN55B/538	Scenic Reserve, for the purposes specified in section 19 1(B)

## 5. Reserve requiring classification under section 16 (1) of the Reserves Act

### 5.1 Background to section 2

Council agreed to classify and reclassify a number of sites, on the South Coast and Outer Green Belt, in June 2010 under section 14 and 24 of the Reserves Act.

The Department of Conservation has advised that three of these reserves need classifying under section 16 (1) of the Reserves Act. This is because they were reserve under previous reserve legislation, but still require classification under the Reserves Act.

The Department of Conservation has advised that under section 16 (1) of the Reserves Act, Council needs to give full consideration to both objections and submissions on a proposed classification. They have advised that only objections were considered in the June 10 2010 SPC paper.

### 5.2 Submissions on proposed classifications

74 submissions were received on proposed classifications for the South Coast, Outer Green Belt and some city sites, 19 from groups. Four individuals and six groups also presented oral submissions to the Committee on 18 March 2010.

In general, there was widespread support for protecting more 'green' spaces in the city. These spaces provide habitat and are places where residents and visitors can use and enjoy natural areas including views of the city, rural valleys, the harbour and Cook Strait.

Note that 17 submissions supported all the proposed classifications. Another four submissions supported all the proposed classifications for South Coast sites, and an additional four submissions supported all Outer Green Belt classifications.

Appendix Two contains site descriptions and the objections and submissions on:

1. Hue tē Taka Peninsula/Moa Point
2. View Road South headland, between Houghton Bay and Lyall Bay,
3. Croydon Park, Karori

#### 5.2.1 Hue tē Taka Peninsula/Moa Point, South Coast (Site A1):

Three submitters objected to the proposed scenic B classification at Moa Point (Submission number: 8, 12, 38). One provided no reason. The Historic Places Trust (submission 38) wants to see this seaward land classified as historic reserve because it is part of the Rangitatau Precinct (in the District Plan). Much of the landward side of the road around to Breaker Bay has been classified as historic reserve.

Another submitter (submission number 8: oral submission) wanted this site to be classified as scenic A reserve so it would have greater protection and stop development like buildings.

Three submitters supported the proposed classification (Submission number: 25, 52, 74) because it would protect coastal ecosystems and the geological landform.

*Officer response: recommend that this site be classified as **scenic** reserve, for the purposes specified in s.19(1)(b) (or scenic B). This site contains threatened*

plants, is zoned as a Conservation Site in the District Plan and is a key native ecosystem.

*The submission that this site should be historic reserve is not consistent with the primary purpose, which is to give greater protection to the indigenous flora and fauna, biological associations, and natural environment.*

*The submission that this site be scenic A reserve is not supported because the site is modified and currently being restored. Scenic B provides the Council with flexibility to manage visitors at this site at the same time as restoration occurs. Although the coastal ecosystem on the southern end is regenerating well, the other area contains a number of weeds.*

*The South Coast Management Plan has policies on new structures (Section 6.7) and utilities (Section 6.9). The District Plan also has policies around activities like utilities.*

### **5.2.2 View Road South headland, South Coast (Site B3):**

Eight submitters supported the proposed classification because it would protect ecosystems and views. (Submission Number: 8, 38, 39, 41, 47, 49, 52, 74)

No-one objected to the proposed Scenic Reserve, for the purposes specified in section 19 1(B), classification for View Road South Headland.

The Wellington Tenths Trust recommended the headland be classified as Historic Reserve.

*Officer response: recommend that this site be classified as **scenic** reserve, for the purposes specified in s.19(1)(b) (or scenic B). This site has important landscape values and coastal flora and fauna.*

### **5.2.3 Croydon Park, Outer Green Belt (Site L1) :**

There was one submission in support of classifying this as a Recreation Reserve (submission 43). No reason was provided.

No-one objected to the proposal.

*Officer response: recommend that this site be classified as **recreation** reserve to protect current uses.*

## **6. Land used by an early childcare centre that requires reclassification under section 24**

### **6.1 Background to section 3**

The land known as 65 Ottawa Road, Ngaio, shown in Appendix Three is Council owned land beside Cumming Park play area, which has been leased to the Wellington Region Free Kindergarten since 1974 to use for the purposes of a kindergarten.

Through the process of implementing the Early Childhood Centres Policy (Policy) which was adopted by Council in July 2009, Council officers became aware of the fact that this land is currently classified as Recreation Reserve.



It appears that this site may have been overlooked in 2005 when a number of parcels of land leased to childcare centres were reclassified to Local Purpose (community building) Reserve.

## **6.2 Local Purpose Reserve**

Under the Reserves Act 1977, childcare centres are not considered as being legitimate recreational activities on Recreation Reserve land. In order for the Council to implement the Policy through granting a new lease to the Kindergarten, the land must be reclassified to Local Purpose (community building) Reserve.

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. Officers will report back to Committee after consultation has occurred. If Council agrees to reclassify this land, a survey will be carried out and then a new lease will be negotiated with the Kindergarten.

## **7. Conclusion**

- 1) The Council needs to complete classification of parcels of land in Schedule One that were vested in the Council following subdivision. Consultation is not required for classifying land that Council wishes to manage for its vested purpose.
- 2) The Department of Conservation has advised that Council needs to pass a new resolution to classify some reserve under section 16 (1) of the Reserves Act. No further public consultation is required.
- 3) It is recommended that an area used by an early childcare centre gets reclassified so the Early Childcare Policy can be implemented.

Contact Officers:

*Megan Duncan, Parks and Recreation Planner, Parks and Gardens.*

*Mike Oates, Manager Open Space and Recreation Planning, Parks and Gardens.*

*Lucy Ross, Team Leader, Property Management.*

**Appendix One:** Maps of vested land needing classification (Section 1)

**Appendix Two:** Site descriptions and submissions on proposed classifications  
(Section 2)

**Appendix Three:** Map of Ngaio Kindergarten lease (Section 3)

**Appendix Four:** Reserve categories

## **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 Reserve Management Plans.*

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

*There will be no impact on the LTCCP as expenditure will be accommodated by existing unit budgets.*

### **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.*

### **4) Decision-Making**

*This is not a significant decision. The 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.*

### **5) Consultation**

#### **a) General Consultation**

*Council is required under legislation to consult with the public on Recommendation 2(d). A public notice will call for submissions on the proposed reclassification. All submissions must be considered, and there will be a report to Committee with a final recommendation on the reclassification. The Tawa Community Board and Makara/Ohariu Community Board have been informed.*

#### **b) Consultation with Maori**

*Iwi do not need to be consulted on classifications in Recommendation 2(a). Iwi were consulted on the proposed classification for Recommendation 2 (b) and (c). Any comments are in section 6.2. Iwi will be consulted on Recommendation 2(d).*

### **6) Legal Implications**

*Reserve land is subject to the provisions of the Reserves Act 1977. Completion of the classification process for this land will ensure the land is afforded proper protection. The Council's solicitors have been consulted during the development of this report.*

### **7) Consistency with existing policy**

*This decision does not relate to a particular policy. The decision is consistent with legal requirements and current practice.*