

**REPORT 4**  
*(1215/52/IM)*

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

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

To recommend to the Committee that the Council classifies the land as listed in Schedules 1 and 2, and as shown in Appendix A as reserve land according to each parcel's primary purpose, under the Reserves Act 1977.

### **2. Executive Summary**

Land vested in the Council as reserve requires subsequent classification under the Reserves Act 1977. While seeking the Minister of Conservation's approval of the Northern Reserves Management Plan, it was identified that some parcels of land vested in the Council had not been classified as reserve in accordance with the Reserves Act 1977.

Schedule 1 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.

Schedule 2 lists parcels of land that were classified as Recreation Reserve and now need to be classified as Scenic B Reserve, consistent with each parcel's primary purpose.

### **3. Recommendations**

It is recommended that the Committee:

- 1. Receives the information.*
- 2. Notes that the parcels of land in schedule 2 (shown in blue on the aerial maps in Appendix A) were originally vested in the Council as Recreation Reserve and now require a different classification.*

3. *Recommends to the Council that:*

- (a) *It approves under section 14 of the Reserves Act 1977 that the parcels described in Schedule 2 (shown in blue on aerial maps in Appendix A) are classified as reserve land according to each parcel's primary purpose, subject to a public notification process required by the Reserves Act 1977; and,*
- (b) *It resolves under section 16 2(A) of the Reserves Act 1977 that the parcels of land described in Schedule 1 (shown in red on the aerial maps in Appendix A) are classified as reserve land according to each parcel's primary purpose.*

#### **4. Background**

The Northern Reserves Management Plan (the Plan) was approved by the Council on 29 August 2008. Under section 41 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), which reviews the Plan and provides any necessary feedback prior to obtaining approval from the Minister. The Minister's approval allows the Council to manage reserve land under the Plan without seeking further approval for such things as leasing or licensing the land and granting easements over the land.

On reviewing the Plan, DOC identified a parcel of land which had not been gazetted as scenic reserve land by the Council and declined to approve the Plan until the classification process had been completed. As a result of this, Council officers reviewed the Plan and identified 66 parcels of land that require classification.

#### **5. Discussion**

##### **5.1 Classification of Reserve land**

The primary purpose of each parcel of land is stated on the deposited plan, and therefore Council officers had interpreted section 239 of the Resource Management Act 1991 (RMA) to imply that the land was automatically classified as a reserve under the Reserves Act. Legal advice has identified that reserve land vested in this way does not complete the classification process. The Council must undertake a separate action to classify the reserve in accordance with the Reserves Act.

The subdivision process, where land is vested in the Council as reserve, has now been amended to ensure is classified under the Reserves Act in future. Officers will in future recommend a Council resolution to classify land as Reserve (according to its primary purpose) and notify this decision in the *Gazette* at the point of vesting.

## Schedule 1

These parcels of land were vested in the Council as reserve as part of the subdivision process under section 239 of the RMA (and earlier legislation). Parcels of land vested in the Council are accorded a specific purpose. This purpose is assessed by officers and the primary purpose applied to the vesting of the land and is recorded on the deposited plan. The primary purpose relates to reserve classifications in the Reserves Act (see Appendix B).

## Schedule 2

These parcels of land were vested in the Council as Recreation Reserve. After investigation and consideration of the location, nature, and use/management of the land, officers now recommend that these parcels of land be classified as Scenic B Reserve because of their high ecology and/or landscape values, and is comparatively lower in recreation values (see Appendix B).

## Schedule 1

Land Vested in the Council, proposed to be classified according to its primary purpose under section 14 of the Reserves Act

### SECTOR 1: West Tawa

Site name	Land Area ha	Legal description	CT reference	Recommended Reserve Classification
<b>Main Road- Porirua Stream</b>	0.0158	Lot 3 DP 70329	WN9A/1353	Local Purpose Reserve (Esplanade)
<b>Oxford Street Reserve</b>	0.0059	Lot 3 DP 80931	WN47B/985	Local Purpose Reserve (Esplanade)
<b>Porirua Stream/Oxford Street Reserve</b>	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)
<b>Willowbank Reserve</b>	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
<b>Grenada North Reserve</b>	7.1345	Lot 5 DP 54434	WN23C/210	Recreation Reserve
	6.66	Lot 2 DP 64240	WN34C/627	Recreation Reserve
<b>Kilkelly</b>	0.0008, 0.0006	Lots 107 & 108 DP 384648	338420 & 338421	Local Purpose Reserve (Isolation Strip)
<b>Kilkelly Close Reserve</b>	0.255	Lot 1 DP 87309	WN52C/990	Recreation Reserve
<b>Pikitanga Close</b>	0.654	Lot 12 DP 90311	WN57D/361	Recreation Reserve
<b>Pikitanga Recreation Reserve</b>	1.494	Lot 105 DP 397890	390940	Recreation Reserve
	0.7275	Lot 1 DP 81513	48A/690	Recreation Reserve
<b>Wilf Mexted Scenic Reserve</b>	2.342	Lot 10 DP 88281	WN55B/538	Scenic Reserve
<b>Wilf Mexted Recreation Reserve</b>	0.1067	Lot 54 DP 371702	342412	Recreation Reserve
<b>Woodburn Reserve right of way</b>	0.0731	Lot 53 DP 371702	342411	Recreation Reserve
<b>Woodman Drive Lookout</b>	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
<b>Burbank Crescent Play Area</b>	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
<b>Churton Park and Play Area</b>	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
<b>Rowells Road Reserve</b>	0.6388	Lot 2 DP 79549	WN46A/260	Local Purpose Reserve (Esplanade)
<b>Lakewood Reserve</b>	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
<b>Water Reservoir, Woodridge Drive</b>	0.1668	Lot 1 DP 88853	WN56B/867	Local purpose Reserve (Reservoir)
<b>Kentwood Drive Reserve</b>	2.6754	Lot 441 DP 352897	216702	Recreation Reserve
<b>Ring Lane Recreation Reserve</b>	0.1116	Lot 32 DP 86292	WN54A/122	Recreation Reserve

## SECTOR 5: Johnsonville

Site name	Land Area ha	Legal description	CT reference	Recommended Reserve Classification
<b>Helston Park and Play Area</b>	3.4	Lot 1 DP 74009	WN41C/20	Recreation Reserve
<b>Old Coach Road Reserve</b>	0.0007	Lot 3 DP 313848	54742	Local Purpose Reserve (Isolation Strip)

## SECTOR 6: Harbour Escarpment

Site name	Land Area ha	Legal description	CT reference	Recommended Reserve Classification
<b>Brandon's Rock Access</b>	0.1335	Lot 23 DP 89499	WN56D/645	Recreation Reserve
	0.3677	Lot 23 DP 89611	WN56D/813	Recreation Reserve
<b>Glanmire Road Reserve</b>	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)

## Schedule 2

Land Vested in the Council, Proposed to be classified according to its primary purpose under section 16(2A) of the Reserves Act

Site name	Land Area ha	Legal description	CT reference	Recommended Reserve Classification
<b>79 Kentwood Drive, Woodridge</b>	0.902	Lot 3 DP 385115	341008	Scenic B
<b>Belmont Reserve, Woodridge (Greater Wellington)</b>	3.1353	Lot 7 DP 49151	WN26B/975	Scenic B
<b>Caribbean Avenue Reserve, Grenada North</b>	79.123	Pt Section 168 Porirua District and Pt Section 41 Horokiwi Road District	WN/34C/629	Scenic B
<b>Cromwell Point, Newlands</b>	0.2987	Lot 66 DP 397825	390597	Scenic B
<b>Dungarven Road Reserve, Newlands</b>	0.339	Lot 20 DP 89841	WN56D/931	Scenic B
	1.708	Lot 19 DP 89841	WN56D/930	Scenic B
<b>Erlestoke Crescent, Churton Park</b>	0.5219	Lot 200 DP 314946	58953	Scenic B

<b>Gilberd Bush, Woodridge</b>	2.1005	Lot 1 DP 58085	WN32C/828	Scenic B
	8.052	Pt Lot 1 DP 34856	WN32A/476	Scenic B
	4.8660	Lot 1 DP 74154	WN39C/530	Scenic B
	0.4275	Lot 12 DP 45301	WN32C/827	Scenic B
<b>Handley Grove Reserve, Churton Park</b>	0.8599	Lot 401 DP 311748	46395	Scenic B
<b>Sedgley Grove Reserve, Churton Park</b>	0.3116	Lot 1 DP 360298	245139	Scenic B
<b>Tamworth Crescent Reserve, Newlands</b>	0.6027	Lot 68 DP 340021	164452	Scenic B
<b>White Pine Avenue, Woodridge</b>	0.7715	Lot 1 DP 385115	341006	Scenic B
<b>Woodman Drive Extension, Tawa</b>	2.1425	Lot 1 DP 80235	WN47A/14	Scenic B
<b>Seton Nossiter Reserve, Newlands</b>	2.2677	Lot 2 DP 84214	WN51B/932	Scenic B

## **5.2 Public Consultation**

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, pursuant to section 16(5)c of the Reserves Act. The parcels of land in schedule 1 fall into this category.

Consultation is required where there is inconsistency between the purpose of the land as stated on the deposited plan and the proposed classification. The proposed classifications of the parcels of land in schedule 2 are different from the original purpose on the deposit plan; therefore Council is required to consult on this matter as required under section 14 of the Reserves Act.

## **5.3 Next Steps**

If the committee agrees with the recommendations in this report then officers will investigate the remaining northern reserves to ensure that all other parcels of land that require classification are identified. The process by which public consultation is undertaken is set out by sections 119 and 120 of the Reserves Act. An information package will be prepared for consultation based on the contents of this, and other, reports. It will describe the methodology used to determine the classification for each parcel of land, and provide aerial maps showing the location.

Two public notices will be published as part of the Our Wellington Page in the Dominion Post, and two public notices in local newspapers. The information will be accessible from the Council's website and in hard copy from our

Customer Service Centre, and can be posted if requested. Specific communities of interest will be sent notification directly.

Officers will report back to the committee by after consultation and considering all submissions.

#### **5.4 Other Reserve lands to be Classified**

Since the original advice from DOC which highlighted an incomplete process, officers have identified other land, vested as reserve that has not been classified in accordance with the Reserves Act. Officers have been working to identify such parcels of land and will present further reports to this Committee relating to particular geographical areas.

## **6. Conclusion**

The Council needs to complete classification of parcels of land in schedule 1 that were vested in the Council following subdivision under section 239 of the Resource Management Act. Consultation is not required for these parcels prior to classification.

Parcels of land in schedule 2 also require classification under the Reserves Act. Given that the purpose for which these parcels were vested has been assessed as different from their current purpose, public consultation under section 14 is required prior to classification.

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*Megan Duncan, Recreation Planner*  
*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.*

*The resolution is consistent with the Council's Social and Recreation Strategy which aims to build strong, safe and healthy communities. The facilitation, provision and funding of community participation and support contributes to the Council's long term outcomes of a city that is:*

- *more liveable*
- *more inclusive*
- *more actively engaged*
- *better connected.*

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

*While there will be legal costs associated with the research of information, undertaking public consultation, and publication in the Gazette, 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. Under law, the land must be classified, and the views of affected persons, including Mana Whenua, will be sought via public consultation.*

**5) Consultation****a) General Consultation**

*Council is required under legislation to consult with the public on this matter (relating to the lands in schedule 2). A consultation document will be prepared and will be available in hard copy and on the Council's website. It will be advertised in 2 public notices; the public or any group may make a submission, both in writing and/or orally. All submissions must be considered, and will be addressed before reporting back to the Committee as to a final recommendation on classifying parcels of land.*

**a) Consultation with Maori**

*Iwi have been consulted, and have expressed no concerns. Maori will have another opportunity to be involved with the process and may make submissions via the public consultation process.*

**6) Legal Implications**

*Reserve land is subject to the provisions of the Reserves Act 1977. Completion of the classification process for land that has been vested as reserve will ensure the land is afforded proper protection. The Council's solicitors have been consulted during the development of this report. This correction will rectify a legal anomaly and ensure that the Council complies with existing legislation.*

**7) Consistency with existing policy**

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