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**REPORT 4**  
*(1215/12/IM)*

## **CLASSIFICATION OF LAND UNDER THE RESERVES ACT 1977**

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

To advise the Tawa Community Board of an upcoming Strategy and Policy Committee that recommends the classification of the land listed in Schedule One and Schedule Three as reserve and reclassification of the land listed in Schedule Two under the Reserves Act 1977.

### **2. Executive Summary**

On October 2009 and July 2010 the Tawa Community Board was presented with proposed reserve classifications for land in the suburbs of Tawa, Grenada North and Takapu. In November 2009 and August 2010, Strategy and Policy Committee agreed to publically notify the Council's intention to classify or reclassify this land as reserve.

This report describes the feedback and issues raised through public submissions, presents officers responses to these and recommendations to Council.

In total, 53 submissions were received of which 17 were from groups. Five supported all classifications and 14 mentioned land in Tawa. NOTE: This report only covers the land within the Tawa Community Board jurisdiction. These submissions are attached in Appendix Two.

### **3. Recommendations**

Officers recommend that the Tawa Community Board:

- 1. Receive the information.*
- 2. Endorse the recommendations contained in the report to be considered by the Strategy and Policy Committee on Thursday 5 May 2011, namely:-*

Officers recommend that the Strategy and Policy Committee:

- 1. Receive the information.*

2. *Recommend to Council that:*
  - (a) *Under Section 14 of the Reserves Act 1977, the Council resolves to declare the parcels of land described in Schedule One classified as reserve land according to each parcel's primary purpose as outlined in the recommended classification in Schedule One.*
  - (b) *Under Section 24 (1) (b) of the Reserves Act 1977, the Council resolves that it considers that the parcels of land described in Schedule Two, currently held as reserve, should be reclassified to better reflect each parcel's primary purpose as outlined in the recommended classification in Schedule Two.*
  - (c) *Under section 16 (1) (a) and (b) of the Reserves Act 1977, the Council resolves to declare the parcels of land described in Schedule Three classified as reserve land according to each parcel's primary purpose as outlined in the recommended classification in Schedule Three.*
3. *Notes that gazetting of the resolutions contained in Recommendations 2(a), (b) and (c) is subject to the approval of the Minister of Conservation, who will consider the proposed reserve classifications, the objections from the public and comments from Wellington City Council before deciding whether to classify or reclassify the land.*

## **4. Background**

### **4.1 Reserves Act**

Classification of land as reserve provides an additional layer of legislative protection under the Reserves Act 1977 (Reserves Act). Classification binds the Council and limits (to a greater or lesser extent) how the land can be used. This increases the protection that the land has and provides the community with certainty as to the types of activities that can and cannot take place on the land.

### **4.2 Methodology to select Classification**

Classification is a mandatory process under section 16 of the Reserves Act which involves assigning a reserve (or parts of a reserve) to the appropriate class. The "class" determines the principle or primary purpose of the reserve. Further information about each classification category is provided in Appendix Three.

In determining the proposed classification of the land, officers have reviewed the history of the sites and visited them to assess the:

- Primary and secondary values;
- Purpose of the land; and
- Current and potential use.

This assessment included looking at whether any of the current and potential uses or activities would be restricted.

### **4.3 Reserve Management Plans**

In May 2004, Council adopted the Outer Green Belt Management Plan (OGBMP). In August 2008, the Council adopted the Northern Reserves Management Plan (NRMP). Most of the proposals are for land included in these plans.

## **5. Discussion**

53 submissions were received of which 17 were from groups. Three individuals and two groups also presented oral submissions to the Strategy and Policy Committee (SPC) on 24 March 2011.

Five supported all classifications and 14 mentioned land in Tawa. NOTE: This report only covers the land within the Board's jurisdiction. These submissions are attached in Appendix Two.

### **5.1 Summary of submissions**

In general, there was widespread support for protecting more 'green' spaces in the city. There were no comments or objections to the proposed classifications for all sites within the Board's jurisdiction – except the Tawa Bush Reserves.

Some organisations did not oppose the classification if it did not affect their activity or planned activity, including two utility companies and a community group leasing part of Grenada North Park (submissions 20, 26 and 27).

*Officer response:* Officers can not see any problems with the utilities continuing to operate on Scenic B, recreation or local purpose reserve, and recommend these sites be classified as intended. The Reserve Management Plans have policies on utilities.

### **5.2 Objections to proposed Classifications and Officer Response**

There was an objection to the proposed classification for the Tawa Bush Reserves. The submitter recommended this be classified as Scenic A reserve (Submission number 12).

There was one submission that supported all the proposed Scenic B classifications in the consultation document (submission 28).

*Officer response:* A review of the submissions has resulted in a change to the proposed classification for the Redwood Bush section of the Tawa Bush Reserves area, to protect the tawa-dominated forest remnant and community restoration project. The recommended classification for these land parcels is Scenic 1A.

We recommend the bush at Westhaven Drive and behind Chastudon Place be classified as Scenic 1B reserve because this has more modified vegetation and is at a less advanced state of regeneration.

*Implications of change to Redwood Bush:* If the Council agrees to classify Redwood Bush as Scenic 1A reserve:

- An adjacent section of Redwood Bush is currently classified as Scenic 1B reserve. This will require reclassification and public notification (Lot 1 DP 59929).
- Brasenose Play Area (Lot 23 DP 48578) will need to be classified as recreation reserve because playgrounds and lawn are not appropriate activities/land uses in Scenic 1A reserve. This proposal will require public notification.

### **5.3 Recommended classifications**

Schedules One, Two and Three list the recommended reserve classifications. Appendix One has a map of Tawa, Grenada North and Takapu showing the land needing classification.

### **5.4 Implications of proposed classifications**

Council officers will work with the Historic Places Trust and Iwi on what measures are needed to protect historic and archaeological sites including the Tawa Cemetery.

Many park users or neighbours suggested ways to clean up these places and to protect neighbours values e.g. maintaining views by keeping trees short, improving the drainage so there is little run-off. Some wanted to know if the land was classified, what extra maintenance work would be carried out for example weed control, lawn mowing. Some people made suggestions on new developments (like playgrounds, tracks) that could be built at these parks and reserves.

Parks and Gardens will assess what action is needed to these suggestions. In most cases, classification will not change the existing maintenance programme.

## **6. Conclusion**

The classifications that are recommended in Schedules One, Two and Three have been derived after assessments of the values of each site, current and potential uses and the comments from the public.

Contact Officers: *Megan Duncan, Parks and Recreation Planner, Parks and Gardens, Mike Oates, Manager Open Space and Recreation Planning, Parks and Gardens and Lucy Ross, Team Leader, Property Management*

***Schedule One: Sites requiring classification under Section 14 of the Reserves Act (1977)***

***Schedule Two: Sites requiring reclassification under Section 24 (1) (b) of the Reserves Act (1977)***

***Schedule Three: Sites requiring classification under Section 16 (1) (a) and (b) of the Reserves Act (1977)***

***Appendix One: Maps of Tawa, Grenada North and Takapu with land needing classification***

***Appendix Two: Submissions received***

***Appendix Three: Reserve categories***

## Supporting Information

### **1) Strategic Fit / Strategic Outcome**

*Consistent with the policies in the Northern Reserves Management Plan and the Outer Green Belt Management Plan.*

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

*Work is carried out under project A004. There is no long term financial impact of this work.*

### **3) Treaty of Waitangi considerations**

*Refer to consultation below.*

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

*This is not a significant decision.*

### **5) Consultation**

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

*Public consultation has been carried out following the process outlined in Sections 14, 119 and 120 of the Reserves Act.*

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

*Ngati Toa and Port Nicholson Block Settlement Trust have been consulted and made comments prior to the August 2010 SPC paper.*

### **6) Legal Implications**

*Following Council approval the classification will require approval of the Minister of Conservation under the Reserves Act 1977.*

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

*The classification of the sites covered by the Northern Reserves Management Plan and Outer Green Belt Management Plan is consistent with existing policy*

# Schedule One

## Schedule One

### Sites requiring classification under Section 14 of the Reserves Act (1977)

#### SPORTSFIELDS

NAME	LEGAL DESCRIPTION	CERTIFICATE OF TITLE	SIZE (ha)	PROPOSED CLASSIFICATION	REASON WHY
Grenada North Park and play area	Lot 2 DP 50139	WN38D/485	15.0093	Recreation Except footprint of buildings = Local purpose (community purpose)	to protect recreation values - sportsfield, playground due to community uses of the building (see maps for detail)
Linden Park West	Pt Sec 142 Porirua District	WNB1/656	0.1494	Recreation	to protect recreation values - sportsfield
	Lot 10 DP 18238	WN31C/600	0.987		
Lyndhurst Park and play area	Lot 3 DP 20555	WN802/74	0.5929	Recreation	to protect recreation values - sportsfield, playground.
	Lot 1 DP 41064	WN13A/1499	0.96		
Redwood Park	Lot 1 DP 28061	WNF2/140	0.1907	Recreation	to protect recreation values – squash
	Lot 31 DP 25043	WNB3/1026	1.1162	Recreation	to protect recreation values - sportsfield
	Pt Lot 3 DP 20592	WN11D/343	3.0573		

#### LOCAL PARKS & COMMUNITY PARKS

NAME	LEGAL DESCRIPTION	CERTIFICATE OF TITLE	SIZE (ha)	PROPOSED CLASSIFICATION	REASON WHY
87A Main Road	Lot 2-3 DP 74409	WN41D/326	0.0464	Recreation	to protect recreation values – local park
Arthur Carman Park	Sec 1 SO 35924	WN39A/414	0.144	Recreation	to protect recreation values - dog exercise area and future sportsfield.
Duncan Street	Lot 1 DP 75425	WN42A/832	1.606	Recreation	to protect recreation values – BMX track and skills area
Grasslees Reserve	Pt Sec 284 & Sec 195 Porirua District	WN12C/702	1.4555	Recreation	to protect recreation values – playground, picnicking, and off-leash dog exercise area , roller skating, bowling green
	Sec 407 Porirua District	WN22A/572	0.3217		
	Lot 1 DP 29788	WN6C/480	0.5172		
Larsen Park and play area	Lot 16 DP 27445	WNE3/346	0.1381	Recreation	to protect recreation values – local park and playground
	Lot 3 DP 25519	WND3/305	0.087		
Wall Park and play area	Lot 27 DP 21093 and pt Lot 1 DP 7001	WN6A/1049	0.3301	Recreation	to protect recreation values – local park and playground

# Schedule One

## **BUSH RESERVES**

NAME	LEGAL DESCRIPTION	CERTIFICATE OF TITLE	SIZE (ha)	PROPOSED CLASSIFICATION	REASON WHY
Belmont Reserve	Lot 7 DP 49151	WN26B/975	3.1353	Scenic reserve, for the purposes specified in s.19(1)(b)	to protect 1) landscape values – vegetated backdrop to Grenada North (connects to Caribbean Avenue reserve). 2) ecological values – regenerating bush
Caribbean Avenue Reserve	Pt Sec 168 Porirua District and Pt Sec 41 Horokiwi Road District	WN34C/629	79.123	Scenic reserve, for the purposes specified in s.19(1)(b)	to protect 1) landscape values – vegetated backdrop to Grenada North 2) ecological values – advanced regenerating bush, large size and future importance in ecological connectivity
Charles Duncan Reserve	Lot 1 DP 51563	None issued. Referred to in WND4/957 cancelled	0.7629	Scenic reserve, for the purposes specified in s.19(1)(b)	to protect 1) landscape values – amenity for local community, 2) ecological values – regenerating bush, community group project
Larsen Crescent Reserve	Lot 1 DP 88116	WN55C/ 840	0.6519	Scenic reserve, for the purposes specified in s.19(1)(b)	to protect 1) ecological values –forest remnant & 2) landscape values – amenity.
	Lot 13 DP 27445	WNE2/1288	0.066		
Main Road West	Lot 28 DP 42752	146853	1.0182	Scenic reserve, for the purposes specified in s.19(1)(b)	to protect 1) landscape values – prominent hillside above Main Road and 2) ecological values – regenerating bush
Wadham Reserve	Lot 47 DP33779	WN11A/856	0.286	Scenic reserve, for the purposes specified in s.19(1)(b)	to protect ecological values –regenerating bush and community planting project
Saint Annes Reserve	Lot 2 DP 55689	None issued. Referred to in WN27D/131 cancelled	0.9588	Scenic reserve, for the purposes specified in s.19(1)(b)	to protect 1) ecological values – forest remnant & 2) landscape values – behind St Annes Square
Takapu Road Reserve	Lot 101 DP 79969	WN46D/333	1.003	Scenic reserve, for the purposes specified in s.19(1)(b)	to protect landscape values – linked to Woodburn Reserve. Recreation and utility activities will be able to continue in a scenic B reserve
	Lot 102 DP 79969	WN46D/334	0.09		
Woodburn Reserve	Lot 1 DP 380703	495297	15.2785	Scenic reserve, for the purposes specified in s.19(1)(b)	to protect 1) ecological values – forest remnant, seed source, ecological connectivity & 2) landscape values – prominent hillside Recreation and utility activities will be able to continue in a scenic B reserve
Woodman Drive Extension Reserve	Lot 1 DP 80235	WN47A/14	2.1425	Scenic reserve, for the purposes specified in s.19(1)(b)	to protect 1) ecological values – regenerating bush 2) landscape values – prominent hillside above motorway

# Schedule One

## OTHER PURPOSES

NAME	LEGAL DESCRIPTION	CERTIFICATE OF TITLE	SIZE (ha)	PROPOSED CLASSIFICATION	REASON WHY
Boscobel Lane Station Car park	Lot 6 DP 81011	WN47C/175	0.0009	Local purpose (carpark)	due to use as commuter carpark
	Lot 5 DP 81011 Sec 1 SO 26506	WN47C/174	0.1306		
Tawa Cemetery	Pt Sec 52 Porirua District	WN352/277	0.0986	Historic	To protect historic importance of cemetery

## BUSH RESERVES MANAGED UNDER THE OUTER GREEN BELT MANAGEMENT PLAN

NAME	MANAGEMENT PLAN REF	LEGAL DESCRIPTION	CERTIFICATE OF TITLE	SIZE (ha)	PROPOSED CLASSIFICATION	REASON WHY
Chastudon Place	1.2.2	Lot 86 DP 73352	WN52D/362	0.6525	Scenic reserve, for the purposes specified in s.19(1)(b)	to protect the 1) landscape values as they comprise part of the western hills of Tawa & 2) ecological values including a significant forest remnant and regenerating bush
	1.2.3	Lot 84 DP 73352	WN52D/361	0.2841		
	1.2.4	Lot 1 DP 55650	WN47D/884	4.6468		
	1.2.7	Lot 85 DP 86775	WN54B/442	0.0135		
Ordley Grove	1.2.6	Lot 83 DP 86775	WN54B/441	0.5404		
Westwood Road	1.2.8	Lot 1 DP 51597	WN20D/1436	3.7008		
Redwood Bush	1.2.9	Lot 26 DP 52654	WN40A/175	0.78	Scenic reserve, for the purposes specified in s.19(1)(a)	to protect the 1) landscape values as they comprise part of the western hills of Tawa & 2) ecological values including a significant forest remnant and regenerating bush  There is a playground and grassed kick-about area at the southern end of Redwood Bush. These activities can not occur in a scenic A reserve. Council will need to consider if this should be recreation reserve.
	1.2.11	Lot 21 DP 48577	WN40A/172	0.1537		
	1.2.12	Lot 24 DP 48579	WN40A/174	1.5108		

# Schedule Two

## Schedule Two –

### Sites requiring reclassification under Section 24 (1) (b) of the Reserves Act (1977)

NAME	LEGAL DESCRIPTION	CERTIFICATE OF TITLE	SIZE (ha)	CURRENT CLASSIFICATION	PROPOSED RECLASSIFICATION	REASON WHY
Victory Crescent, Main Road Cutting	Lot 44 DP 26513	None issued. Part gazette notice 654457.1	0.0936	Recreation	Scenic reserve, for the purposes specified in s.19(1)(b)	to protect landscape values – prominent hillside above Main Road  A recent assessment of the primary purpose concluded the Council is managing this site more for its scenic values than its recreation values.
Main Road West	Lot 48 DP 26425	None issued. Referred to in WND2/1377 cancelled	0.2198	Recreation	Scenic reserve, for the purposes specified in s.19(1)(b)	to protect 1) landscape values – prominent hillside above Main Road and 2) ecological values – regenerating bush
	Lot 50 DP 41183	None issued. Referred to in WN866/99 cancelled	0.4075			
Katarina Grove Scenic Reserve	Lot 120 DP 48945	None issued. Referred to in WND4/957 & WN866/99 cancelled.	4.8465	Recreation	Scenic reserve, for the purposes specified in s.19(1)(b)	to protect the 1) landscape values as they comprise part of the western hills of Tawa & 2) ecological values including a significant forest remnant and regenerating bush.

# Schedule Three

## Schedule Three –

### Sites requiring classification under Section 16 (1) (a) and (b) of the Reserves Act (1977)

#### Section 16 (1) (a)

NAME	LEGAL DESCRIPTION	CERTIFICATE OF TITLE	SIZE (ha)	PROPOSED CLASSIFICATION	REASON WHY
Lyndhurst Park and play area	Sec 160 Porirua District and Pt Sec 162 Porirua District and Lot 112A DP 9950 and Lot 340-341 DP 10265	WN13B/122	1.7755	Recreation	to protect recreation values - sportsfield, playground.
Victory Crescent, Main Road Cutting	Lot 20-24 & 43 DP 26513	None issued. Part gazette notice 678559 & all gazette notice 749294	0.5413	Scenic reserve, for the purposes specified in s.19(1)(b)	to protect landscape values – prominent hillside above Main Road

#### Section 16 (1) (b)

NAME	LEGAL DESCRIPTION	CERTIFICATE OF TITLE	SIZE (ha)	PROPOSED CLASSIFICATION	REASON WHY
Linden Park	Pt Sec 53 Porirua District	WN615/99	1.5009	Recreation	to protect recreation values - sportsfield.
Linden Park West	Sec 1 survey office plan 34924	WN33A/907	0.193	Recreation	to protect recreation values - sportsfield