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APPROVAL TO CLASSIFY TWO AREAS OF LAND

1. Purpose of Report

The purpose of this report is to seek the Committee's approval in principle to classify two areas of land currently held in trust for recreation purposes, as Recreation Reserve. Both parcels of land have Kindergartens situated on them - Tui Park Kindergarten and Tawa Central Kindergarten. (See Appendix 1 for aerial photographs.)

2. Executive Summary

On 20 August last year a Council resolution was obtained to reclassify the land on which seven childcare centres are located from Recreation Reserve to Local Purpose Reserve (Community Use), pursuant to Section 24 of the Reserves Act 1977.

The reason for the reclassification is that under the Reserves Act 1977 childcare centres are not considered legitimate recreational activities on Recreation Reserve. In order for the Council to offer new leases to the childcare centres, the land must be reclassified from Recreation Reserve to Local Purpose Reserve (Community Use).

As part of the reclassification process, the parcels of land to be reclassified have been surveyed and defined by way of a Graphic Description Plan. (See Appendix 2 for plans.)

However, it was brought to Council's attention that while the land on which two of the seven childcare centres are sited (Tui Park and Tawa Kindergartens) had been dedicated as reserve for recreation purposes, the land had not been classified as Recreation Reserve under the Reserves Act 1977.

Therefore, until these parcels of land have been classified as Recreation Reserve, it is not possible to continue with the reclassification process of the land from Recreation Reserve to Local Purpose Reserve (Community Use). (See red shaded areas in Appendix 1.)

Please note that the Council not only seeks to classify the areas of land occupied by the kindergartens, but also the remainder of the land area currently held in Certificates of Title WN624/58 (Tui Park) and WN624/57 (Tawa Central) which are held in trust for recreational purposes. (See yellow shaded areas in Appendix 1.)

3. Recommendations

It is recommended that the Committee:

1. *Receive the information.*
2. *Agree in principle to the classification of the land, including the areas occupied by the kindergartens, which are currently held in trust for Recreation purposes, as listed in Appendix 1, to Recreation Reserve.*
3. *Note that the approval to grant this classification will be conditional on:*
 - a) *the requirement for public advertising under Section 119 of the Reserves Act 1977 be waived in accordance with Section 16 (5A) of the Reserves Act 1977, as the classification is substantially the same as the purpose for which the reserve is held.*

Note: Council Officers will advise the Ministry of Conservation of the classification under Section 16 (2A) of the Reserves Act 1977 as required by Section 16 (2B).

Note: Council Officers will consult with Local Iwi and other affected parties.

4. Background

There has been confusion as to whether or not the land was officially classified as Recreation Reserve. Further title searches and legal advice revealed that although the land had been declared reserve for recreation purposes, the land had never been classified as Recreation Reserve under the Reserves Act 1977.

Both parcels of land were vested in His Majesty the King as Recreation Reserve before being vested in the Mayor, Councillors and Burgesses of the Borough of Tawa Flat in trust for recreation purposes, pursuant to a gazette notice and in accordance with the Reserve and Domains Act 1953.

Therefore, this paper seeks Council approval to have the land classified as Recreation Reserve. The land occupied by the kindergartens (already surveyed) can then be changed to Local Purpose Reserve.

5. Discussion

5.1 Reserves Act

Pursuant to Section 16 (2A) of the Reserves Act 1977, the Council, by resolution has the ability to classify land in accordance with its principal or primary purpose. The primary purpose for the pieces of the land in question is Recreation Reserve.

5.2 Survey Plans

The areas of land to be reclassified as Local Purpose Reserve have been surveyed. (See Appendix 2 for plans.) Once both parcels of land have been classified as Recreation Reserve, the reclassification process for the surveyed areas occupied by the kindergartens can continue.

5.3 Process

Once a Council resolution has been passed classifying both parcels of land as Recreation Reserve, the Ministry of Conservation will be advised in accordance with Section 16 (2A) of the Reserves Act 1977.

Pursuant to Section 16 (5A), public notification of the classification is not necessary as the classification is substantially the same as the purpose of the reserve.

Once Council has classified the reserves by resolution, the reclassification of the surveyed areas occupied by the kindergartens can be finalised in terms of the procedure already started by Council, pursuant to Section 24 of the Reserves Act 1977.

5.4 Leases

On completion of the reclassification process, Council will offer each Kindergarten a new lease which will be negotiated in line with Council's Leases Policy for Community and Recreation Groups 2001, and in accordance with the Reserves Act 1977.

6. Conclusion

Council officers recommend that the Strategy and Policy Committee approve in principle the classification of two areas of land currently held in trust for Recreation Reserve, and are partly occupied by two kindergartens as shown in Appendix 1, to Recreation Reserve so that the reclassification process, already approved by Council, can continue.

Contact Officer: *Robyn Marx, Property Advisor, Property and Standards.*

Supporting information

a) **Strategic fit**

7.1 Recreation Opportunities – Wellington offers a diverse range and an abundance of quality recreation and leisure activities that are easily accessed and affordable.

7.2 Participation and Health – Increased participation in recreation and leisure activities enhances overall health and well-being.

7.3 Events and Identity – Year-round recreation activities and events contribute to the economic prosperity and identity of Wellington.

b) **Annual Plan reference**

There is no Annual Plan reference for this activity.

c) **Annual Plan and Long Term Financial Strategy implications**

There is no Annual Plan reference for this activity.

d) **Treaty of Waitangi implications**

This paper is conditional upon obtaining Iwi consent.

e) **Consultation**

The Council's Parks & Gardens Business Unit is in support of classifying the land to recreation reserve so that the reclassification process can continue.

All lessees have been notified of the Council's intention to reclassify the status of the land from Recreation Reserve to Local Purpose Reserve.

Public consultation is not necessary pursuant to Section 16 (5A) of the Reserves Act 1977. Public consultation for the reclassification process has already taken place with no submissions having been received.

f) **Legal implications**

Classification of the land to recreation reserve has been undertaken with consultation with Simpson Grierson and the Department of Conservation.

APPENDIX 1

Kindergarten Synopsis and Aerial Photos

Area outlined in black = area to be classified as Recreation Reserve.

Area shaded pink = areas to be reclassified as Local Purpose Reserve
(occupied by the kindergartens).

Tui Park Kindergarten (WN624/58)

Tawa Central Kindergarten (WN624/57)

Name of Group: **Tui Park Kindergarten**

Location: Mexted Terrace
Tui Park
Linden

Lease Type: Ground Lease

Legal Description: Part Section 53 Porirua District and Lot 103 DP 9069

Use: Wellington Regional Free Kindergarten – Linden

Facility Site Area: 863m²

Refer to attached aerial photo. (Proposed classification site shown shaded.)

Name of Group: **Tawa Central Kindergarten**

Location: Coronation Park
Oxford Street
Tawa

Lease Type: Ground Lease

Legal Description: Lot 26-29 DP 10529

Use: Wellington Regional Free Kindergarten – Tawa Central

Facility Site Area Approximately 1365m²

Refer to attached aerial photo. (Proposed classification site shown shaded.)

APPENDIX 2

Plans of each Kindergarten

Tui Park Kindergarten (WN624/58)

Tawa Central Kindergarten (WN624/57)