

Report No:	RCS11-12-03
File No:	
Date:	22 November 2011
<b>Decision Required</b>	

## REPORT SUMMARY

**Report to:** Community Services Committee  
**Meeting Date:** 1 December 2011  
**Report Author:** Manager Property Services  
**Subject:** Classification of Reserves

### EXECUTIVE SUMMARY

To inform the Council of the requirements of the Reserves Act in respect of certain uses of reserves and recommend changes in classification to acknowledge those uses.

### RECOMMENDATION/S

That this report be received.

### DRAFT RESOLUTION

**THAT the Community Services Committee:**

- 1 Receives the Classification of Reserves Report RCS11-12-03; and**
- 2 Approves the intention to change the classification of those parts of the Tapawera Memorial Recreation Reserve, Brightwater Recreation Reserve and Moutere Hills Recreation Reserve that are occupied by either kindergartens or playcentres to be notified pursuant to the Reserves Act 1977 as an intention to change the reserves classification from recreation to local purpose.**

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## 1. PURPOSE

- 1.1 To inform the Council of the requirements of the Reserves Act in respect of certain uses of reserves and recommend changes in classification to acknowledge those uses.

## 2. BACKGROUND

- 2.1 The Reserves Act 1977 provides a requirement for the classification of reserves to ensure the control, management, development, use, maintenance and preservation of reserves for their appropriate purposes. Reserves are classified as recreation reserves, historic reserves, scenic reserves or local purpose reserves. A reserve classified as a local purpose reserve includes the purpose of a utility, road, street, accessway, esplanade, service lane, playcentre, kindergarten, Plunket room or other like purpose.
- 2.2 This report focuses on the use of reserves for the purposes of playcentres and kindergartens. In Tasman District most of these are located on local purpose reserves in accordance with the requirements of the Reserves Act 1977. Where these facilities have been constructed on recreation reserves, it is necessary to reclassify the land they occupy as local purpose reserves in order to comply with the requirements of the Act. Only the footprint of the facilities are required to be reclassified.
- 2.3 The following is a list of the facilities located on recreation reserves which require reclassification as local purpose reserves:

**Tapawera Memorial Recreation Reserve, 56-60 Main Road, Tapawera**  
The playcentre is located within the hall.

**Brightwater Recreation Reserve, Charlotte Lane, Brightwater**

The kindergarten was erected in the last few years and a minor extension to the building is planned.

**Moutere Hills Community Centre, Moutere Highway, Upper Moutere**

A playcentre is located within these premises.

**3. PRESENT SITUATION/MATTERS TO BE CONSIDERED**

- 3.1 To comply with the requirements of the Reserves Act 1977, classification of the portion of the reserves occupied by playcentres or kindergartens should be changed to local purpose reserve. In respect of the Tapawera Recreation Reserve, the hall and playcentre could be subject to a change in classification that recognises both uses as shown on Attachment 1. The Brightwater facility is also shown on Attachment 2 and the most appropriate way to deal with the Moutere Community Centre would be to do a change of classification for the entire building which also recognises the uses undertaken thereon.
- 3.2 The process set out in the Reserves Act 1977 for the change of classification requires the giving of public notice of the proposed change of purpose specifying the reasons for the proposal. Any person claiming to be affected by the proposed change shall have the right of objection and may within one month of the date of first publication of the notice, give notice in writing of their objection. Any person who does not lodge an objection is considered to have assented to the change of purpose. The Council is required to consider all objections before making a decision on whether or not to change the classification. Following this, a survey office plan is prepared, lodged with Land Information New Zealand and used as the basis for the subsequent gazette notice that has to be published.
- 3.3 If the changes in reserve classification occur, the respective reserve management plans will require amendment to incorporate the changes at some future date.

**4. FINANCIAL/BUDGETARY CONSIDERATIONS**

- 4.1 There will be some media advertising which can be processed through Newline and the cost of the surveys, lodgement with Land Information New Zealand and subsequent gazettal will be in the order of \$8,000. This can be accommodated within an existing budget.

## **5. OPTIONS**

- 5.1 (Option 1) - continue with the uses of the playcentres and kindergartens on recreation reserves at present.
- 5.2 (Option 2) - notify the intention to change the classification of the reserves in accordance with the requirements of the Reserves Act 1977.
- 5.3 (Option 3) - require the facilities to be removed from the recreation reserves.

## **6. EVALUATION OF OPTIONS**

- 6.1 Option 1 is not recommended as the Council should be observing the requirements of the Reserves Act 1977.
- 6.2 Option 2 is supported as it provides the opportunity to correct the use of these facilities and properly classify them. The community has been supportive of the facilities and it is not expected that notifying the intention to change the classification will produce much negative reaction.
- 6.2 The third option is not considered appropriate for reasons that the community have previously supported these facilities on the Council's reserves and an expectation that alternative sites could be utilised is unrealistic.

## **7. RECOMMENDATION/S**

- 7.1 That this report be received.

## **8. TIMELINE/NEXT STEPS**

- 8.1 If the Committee passes the draft resolution the next steps will be to prepare the appropriate public notices for publication and engage the reserve management committees, kindergarten and playcentre committees as part of this process. It is not anticipated that any hearing of objections would occur before March 2012.

<b>9. DRAFT RESOLUTION</b>
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Manager Property Services

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