

Supporting Information.

Proposed Reserve Revocation – Fisher Place, Carterton

1. Property Description:

The land: Lot 29 DP 44843, Recreation Reserve vested in the Carterton Borough Council in 1976 (*Council passed a resolution that approved the DP Plan identifying the reserve*).

Computer Freehold Register 858815

Area: 2140m²

Physical Description:

The land, located behind 45 Fisher Place Carterton, has no road frontage and only one legal access off Fisher Place. The land is enclosed by established residential lots, undeveloped residential zone land on the west and the Wairarapa to Wellington railway line to the north.

The reserve is maintained as green space and mowed by Council. There are eleven non-native trees on site, estimated to be 30 years old.

A council storm water pipe runs through the reserve.

Location Map Fisher Place Reserve



November 20, 2018

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1:2,000

0 30 60 120 Metres



**COMPUTER FREEHOLD REGISTER
UNDER LAND TRANSFER ACT 1952**



R. W. Muir
Registrar-General
of Land

Search Copy

Identifier **858815**
Land Registration District **Wellington**
Date Issued 24 October 2018

Prior References

WN14C/1443

Estate Fee Simple
Area 2140 square metres more or less
Legal Description Lot 29 Deposited Plan 44943
Purpose Recreation Reserve

Proprietors

Carterton District Council

Interests

Subject to the Reserves Act 1977

2. Background

As part of the 2015 Annual Plan process Carterton District Council consulted widely on changes to the housing services it provided. Council decided to cease provision of housing for the elderly and made a resolution to transfer, by way of gift, ownership of the Council housing units and a vacant section in Fisher Place, to Carter Society Incorporated.

The vacant section referred to is Fisher Place Reserve, a recreation reserve under the Reserves Act 1977. Reserve land is unable to be sold or transferred to a third party. Therefore, to make the land fee simple and enable transfer of ownership, Council also resolved to facilitate revocation of the reserve status.

The Department of Conservation (“DOC”) who acts on behalf of the Crown in relation to land held under the Reserves Act 1977 (the Act), must give its approval to the revocation of the reserve status. A Council resolution and evidence of consultation are required to be submitted to DOC in order to process the revocation application.

Council issued public notice of its intent to consider a proposal to revoke the reserve status 22 January 2019.

3. Decision making process

The Reserves Act 1977:

Any land subject to the Reserves Act must have this status revoked prior to disposal. Council can formally approve a resolution seeking to revoke the status of the reserve however Council does not have the power to revoke the reserve status and must apply to the Department of Conservation to do so. Once the reserve status has been revoked and the land is fee simple, it may be disposed of, subject to any other impediments or claims on the title.

The process to revoke is prescribed by Sec 24 Reserves Act 1977:

1. Council resolution to seek revocation and proceed with disposal. (Sep 2015)
2. Approach Commissioner with the resolution and seek advice on the revocation of the reserve. Commissioner responds with instruction how to proceed. (Aug 2018)
3. Property evaluated for disposal (underway)
 - Assess reserve values.
 - Consider effects of disposing of the land.
 - Consult with required parties.
4. Publically notify intent to revoke. Call for objections only, over 1 month. Make evaluation available on request. (January 2019)
5. Submissions received and assessed and report prepared for Council.
6. Council decides on reserve revocation and disposal.
7. Council recommendation to Commissioner on revocation. The decision on the revocation is that of the Commissioner.

Policy and Planning Implications

The key policy that influences the proposal to revoke the reserve status and transfer the land to the Society are the Reserve Policies and Management Plans 2009 – 2014.

The Carterton District Council Reserve Policies and Management Plans 2009 – 2014 (the current adopted reserve policy) allows Council to revoke a reserves status following the Reserves Act 1977 process if a proposed use conflicts with a present classification.

The Miscellaneous Urban Reserves, Fisher Place Reserve 2009 – 2014 proposes disposal of Fisher Place Reserve as a future management option.

Carterton District Council Reserves Policies 2009 - 2014 (pg. 20)

“A2.27 Reserve Classification

- *Where it is considered that reserve use has changed, or there is a proposed or existing use of the reserve that conflicts with its present classification, the reserve may be changed or revoked accordingly subject to Council approval and section 24 of the Reserves Act 1977.”*

Carterton District Council Management Plans Miscellaneous Urban Reserves, Fisher Place Reserve 2009 – 2014 (pg. 113)

“7. Future Vision

Due to the reserves low patronage, its proximity to town and Carrington Park, and location beside a railway line, the need to develop this reserve into a play area would probably be wasted...

Council options for the future could include:

- *Maintain the reserve in its present for with its ongoing maintenance costs.*
- *Develop the area more e.g. seating, play equipment, bearing in mind the low patronage and its location.*
- *Sell the land and utilize funds to develop other parks or reserves.”*

4. Values Assessment

A pre-consultation assessment of reserve values has been prepared.

The assessment considered the reserves performance and potential as both a Neighbourhood Reserve and as a recreation reserve under the Reserves Act 1977. The assessment considered:

- the reserve’s setting and the reserve’s role in the immediate and wider reserve network,
- the open space values,
- natural features,
- how visible and accessible the reserve is for the safety of users and its use for informal recreation.

Summary of assessment findings:

Fisher Place Reserve has low actual or potential reserves values. Being located next to a railway, having limited access and poor natural visibility are the main restrictions.

END.