

8. WAINONI PARK - CHANGE OF RESERVE CLASSIFICATION IN ALDERSHOT STREET

General Manager responsible:	General Manager City Environment, DDI 941- 8608
Officer responsible:	Asset and Network Planning Unit Manager
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PURPOSE OF REPORT

1. To seek the Board's approval to change the present Reserve Classification for part of Wainoni Park from "Recreation Reserve" to "Local Purpose (Community Building) Reserve" so as to facilitate and enable the site to be utilised for the erection of the proposed new Aranui Library and associated car parking.

EXECUTIVE SUMMARY

2. The Council on 24 September 2009, resolved that:
 - (a) *"Authority be granted to acquire the property at 109 Aldershot Street described as Lot 2 DP 22500 having a total land area of 783 square metres and be utilised as the site for the new Aranui Library.*
 - (b) *An adequate portion of Wainoni Park immediately to the west of 109 Aldershot Street be classified as "Local Purpose (Community Purposes) Reserve" under the provisions of the Reserves Act 1977 and be made available jointly for car parking as part of the new Aranui Library and also for park users."*
3. A contract for the purchase of 109 Aldershot Street has been concluded with the owners and is subject to the Council obtaining Resource Consent to establish the library. Application for that consent has been lodged and is due to be heard in the near future.
4. The design of the new library is such that the physical building as well as the car park occupies both 109 Aldershot Street and part of the adjoining Wainoni Park, see plan **attached (Attachment 1 and 2)**. The building site location does not align with the Council's resolution in paragraph 2 above.
5. To enable the library to be established partly on the reserve the formal consent of the Board to change the classification from Recreation Reserve to Local Purpose (Community Building) Reserve is required under the Reserves Act 1977 as a prerequisite, as is granting consent to locate the building also on park land.
6. A number of site and building location options have been considered for the proposed library and operationally the current proposal is acceptable to Libraries although not necessarily the preferred option from a green space and park perspective.

FINANCIAL IMPLICATIONS

7. The only financial implications to this consent application are those incurred by the Council to advertise the proposal and the Department of Conservation's fees to consider the proposal to change the classification. These fees will amount to around \$1,000 and will be the responsibility of the library project.

Do the Recommendations of this Report Align with 2009-19 LTCCP budgets?

8. Yes.

LEGAL CONSIDERATIONS

9. Wainoni Park is held by the Council as a Recreation Reserve under the provisions of the Reserves Act 1977.
10. Under Section 24 of the Reserves Act 1977, before considering the change of classification over a Reserve the Council is required to give public notice specifying its intentions. Public Notice was given on the 9 April 2010 of the intention to change the classification and no objections or submissions have been received.

11. The notice to change the classification was given over Lot 1 and part Lot 2 DP 77907 shown as Section 5 on SO Plan 359536 and Lot 1 DP 46591, a total area of 2933 square metres. See Site Plan of Legal Boundaries (**Attachment 3**).
12. The library is proposed to be located on Lot 1 DP 46591, a narrow strip of land reserve immediately to the west of 109 Aldershot St and has an area of 108 square metres and also Lot 1 DP 77907 with an area of land comprising 1418 square metres.
13. It is considered by staff that it is not necessary to change the classification of Lot 2 DP 77907 even though public notice has been given of that proposal. Lot 2 would remain as "Recreation" Reserve. One of the critical park planning considerations when Wainoni Park was redeveloped some five to six years ago was to keep clear sight lines from Aldershot Street into the park. Both 101 and 107 Aldershot Street were acquired from Housing Corporation New Zealand to achieve this site line by turning the properties into reserve. The retention of the recreation classification achieves this essential criteria.

Have you considered the legal implications of the issue under consideration?

14. Yes, see comments in paragraphs 9 to 13 above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

15. Yes.

Do the recommendations of this report support a level of service or project in the 2009-19 LTCCP?

16. Not applicable.

ALIGNMENT WITH STRATEGIES

17. Not applicable.

Do the recommendations align with the Council's strategies?

18. Not applicable.

CONSULTATION FULFILMENT

19. Not required, however public notice under the Reserves Act 1977 of the Council's intention to change the classification has been undertaken and no objection nor submissions have been received.

STAFF RECOMMENDATION

It is recommended that subject to the consent of the Department of Conservation for the proposed change in classification being sought and obtained:

- (a) The Burwood/Pegasus Community Board acting under delegated authority, resolve under Section 24 of the Reserves Act 1977 to change the classification of that part of Wainoni Park fronting Aldershot Street described as Lot 1 DP 77907 being part of Section 5 on SO Plan 359536 and Lot 1 DP 46591 comprising a total area of 1526 square metres from "Recreation Reserve" to "Local Purpose (Community Building) Reserve", and;
- (b) The Burwood/Pegasus Community Board support the building site location of the proposed Aranui Library and associated car parking, subject to Resource Consent being obtained, on that portion of Wainoni Park as described in (a) above including the occupation of air space and structural support over part of Part Reserve 5208 to accommodate the roof overhang.