

1. HALSWELL DOMAIN – LAND EXCHANGE

Officer responsible Parks & Waterways Manager	Author John Allen – Policy & Leasing Administrator, DDI 941-8699+
---	---

The purpose of this report is to seek approval to exchange part of Halswell Domain, a classified recreation reserve, for other adjacent land, which will be added to the domain, as part of the adjacent residential subdivision reserve contribution.

CONTEXT OF REPORT

This matter is being referred to the Community Board for recommendation to the Council. The Reserves Act 1977 requires the resolution to be adopted by the full Council.

Section 15 of the Reserves Act 1977 requires that the intention to pass a resolution, to exchange the land, is not to be made before the expiration of one month's notice of the intention to pass the resolution and calling for objections thereto in writing has been published in one or more newspapers circulating in Christchurch. The proposed exchange was advertised in the public notices columns of the Press newspaper on Saturday 15 November 2003, calling for submissions, and objections in writing to be forwarded to the author of this report, before Wednesday 17 December 2003. No submissions or objections were received. A letter was also sent to the eight sports, and community groups who have facilities situated on the park and the chairperson of the Halswell Residents' Association making them aware of the proposed exchange and inviting them to make a submission if they wished. No replies have been received. Once the Council has resolved to proceed with the exchange, the Council will request the Minister of Conservation to authorise the exchange, by placing a notice in the New Zealand Gazette.

DESCRIPTION OF THE PROPOSAL

Appendix 1 shows the area of land which it is proposed to exchange in relation to the total area of Halswell Domain. The exchange is being promoted by Neil Construction Limited to maximise the efficient subdivision of the residential zoned land which surrounds the park. The land which is going to be exchanged for other land is two triangular parcels of land, which form an apex at the north-east corner of the park as shown in appendix 2. By exchanging this land for other land a more useful squared off area of reserve will be obtained, enabling a more logical development of the adjacent subdivision to occur.

Approximately two years ago the Council granted an easement over this area of reserve to enable a sewer line to be installed, in anticipation of a road being constructed over it during the development of a later stage of the subdivision. The proposed land exchange is now being pursued to allow this to occur. The title of the land being exchanged is Part RS 40337 CT 646/79, of 1081 square metres, being a classified recreation reserve vested in the Christchurch City Council, the title of which has been derived from the Crown, shown as SEC 1 & 2 on the plan in appendix 2, and Part Lot 1 DP 7532 CT 396/76 of 32 square metres, being a classified recreation reserve held by the Crown, shown as SEC 3 on the same plan.

It is proposed to exchange the above mentioned reserve land for approximately 1104 square metres of Lot 4 DP 49231 CT 30A/14, which presently is held as fee simple land by Neil Construction Limited, and is shown in appendix 1.

OTHER LEGAL ISSUES

Ngai Tahu have registered memorials against the above mentioned reserve titles in accordance with part 9 of the Ngai Tahu Claims Settlement Act 1998. The Council in accordance with section 51 of the Act has given Ngai Tahu notice of its intention to proceed with the exchange described above. Exchanges under section 15 of the Reserves Act 1977 are exempt under section (g)(iii) of the Ngai Tahu Claims Settlement Act from the offer back provisions of section 49 of that Act.

Ford and Baker, Registered Public Valuers, have confirmed that the respective areas are of equivalent value and therefore no payment will be necessary to reflect inequality of exchange.

CONCLUSION

The proposed exchange will enable a more logical development of the adjacent residential area to occur, while at the same time enabling a more useful squared off area of reserve to be obtained.

The applicant has agreed to pay all costs incurred by the Council in effecting this exchange, including Council GST (if any) that will be required to be paid.

RESOLUTION

To give effect to the proposed exchange it will be necessary for the Council to pass the following resolution:

“That pursuant to Section 15 of the Reserves Act 1977 the Christchurch City Council resolves to exchange the land described in Schedule A for the land described in schedule B:

Schedule A

Approximately 1081 square metres (subject to survey), of Part RS 40337 comprised and described in Certificate of Title 646/79, vested in the Christchurch City Council as a Classified Recreation Reserve, shown as Section 1 & 2 on the plan attached as appendix 2.

and

Approximately 32 square metres (subject to survey), of Part Lot 1 DP 7532 comprised and described in Certificate of Title 396/76, vested in the Crown as a Classified Recreation Reserve, shown as Section 3 on the plan attached as appendix 2.

Schedule B

Approximately 1113 square metres (subject to survey), of Lot 4 DP 49231 comprised and described in Certificate of Title 30A/14 held as fee simple land by Neil Construction Limited as shown in drawing C.4093 on the plan attached as appendix 1.”

The majority of members supported the proposal. Neville Bennett expressed reservations about aspects of the land exchange and asked that his vote against the Board recommendation be recorded.

Recommendation: That the Council adopt the above resolution, subject to:

1. Neil Construction Limited paying all the costs incurred by the Council in processing this application, including any GST payable (if any).
2. The Council requesting the Minister of Conservation to authorise the exchange, by placing a notice in the New Zealand Gazette.