

NOTICE IS HEREBY GIVEN THAT THE MONTHLY MEETING OF THE FINANCE AND POLICY COMMITTEE, WILL BE HELD IN THE COUNCIL CHAMBERS, 29 CIVIC AVENUE, GORE, ON TUESDAY 14 AUGUST 2007

**Steve Parry
CHIEF EXECUTIVE**

8 August 2007

A G E N D A

1. Building Control Fees
(Page 1)

2. Policy on Guidelines for Funding of Rural Halls and Domains
(Pages 2-12)

3. Gore A & P Association Joint Management Committee Agreement
(Pages 13-20)

4. Parks and Reserves Working Party Issue of Potential Disposals
(Pages 21-44)

5. Total Mobility
(Page 45)

FINANCE AND POLICY COMMITTEE AGENDA

AUGUST 2007

1. BUILDING CONTROL FEES

(Memo from Building Control Manager – 30.07.07)

Since the implementation of the Building Act 2004, there have been a number of new procedures that the Building Control Department has had to implement. These services should be a user pays system and the following fees are recommended:

Swimming Pool Register

Initial inspection	\$120
Return inspections	\$ 30
3 yearly inspections	\$ 60
Amendment to Building Consents already issued per hour – minimum 1 hour charge	\$150
Compliance Schedule	\$200
Certificate of Public Use	\$200
Advisory Inspections/Consultations	\$150 per hour

RECOMMENDATION

THAT the above fees be accepted and included in the Gore District Council Schedule of Fees.

2. POLICY GUIDELINES FOR FUNDING OF RURAL HALLS AND DOMAINS

(Memo from Chief Executive – 03.08.07)

At the June meeting of the Finance and Policy Committee it was recommended that a policy be drafted with criteria as to which groups will be entitled to apply for funding in regard to the Rural Halls and Domains Fund. At the same time the committee recommended that the current funding allocation for rural halls and domains be lifted from \$7,000 to \$12,000 with effect from 1 July 2007.

These recommendations were subsequently endorsed by the Council at its June ordinary meeting.

I have since had an opportunity to review the current policy on allocation of rural halls and domains grants. In the main I believe the current policy provides adequate flexibility to enable a wide range of community organisations domiciled in the rural area of the district to apply for funding. If anything, the current policy is perhaps a little restrictive in terms of some of the information or evidence required by applicants to be considered for a grant.

Attached as Appendix I, the existing policy for rural halls and domains. A suggested alternative framework for the provision of these grants is enclosed as Appendix II. In reviewing the criteria for the grants being made to rural halls, domains and other organisations, I have adopted the premise that the Council would wish to be as flexible as possible to respond to applications from the rural sector.

RECOMMENDATION

THAT the revised criteria for the allocation of rural halls and domains grants as detailed in Appendix II be endorsed.

3. GORE A & P ASSOCIATION JOINT MANAGEMENT COMMITTEE AGREEMENT

(Memo from Parks and Recreation Manager - 30.07.07)

In June 2005 the agreement between the Gore District Council and the Gore Agricultural and Pastoral Association relating to the operation of the Joint Management Committee expired. At the Finance and Policy Committee Meeting held on Tuesday 8 February 2005 there was a working party set up to revisit the content of the document and to reach agreement with the Gore A & P Assn. on a draft to be brought back to the Council for approval.

In the interim with staff changeovers there has been some delay, however we now have a draft document (attached) which has the approval of the Gore Agricultural and Pastoral Association and only requires adoption from the Council prior to signing.

This new proposed document will commence 01 July 2007 and expire 30 June 2012. The financial amounts contained within the document are within the existing and proposed budgets under the Councils LTCCP.

RECOMMENDATION

THAT the Council adopt the new agreement for the operation of the A & P Joint Management Committee between the Council and the Gore Agricultural and Pastoral Association for a term of five years.

4. PARKS AND RESERVES WORKING PARTY ISSUE OF POTENTIAL DISPOSALS

(Memo from the Parks and Recreation Manager – 26.07.07)

At the extraordinary meeting of the Council on 11 April 2007, the Council chose to defer discussions regarding the potential disposal of reserve lands as identified by the Working Party in its report to the Council until the August Operations Committee meeting. This decision was based upon the fact that a lengthy process is required to revoke a Reserves status and therefore it was envisaged that there would not be a financial implication in the 2007/08 financial year.

At that meeting it was also requested that information relating to the current costs of maintenance be collated and presented at this time. These are attached as Appendix 2. This information is now at hand and below there is a list of potential sites that the Council could potentially dispose of, should it wish to.

Before discussing future options with reserves that have been earmarked as candidates for disposal by the Parks and Reserves Working Party, it would seem appropriate to reflect on how this long-running issue came about. A commitment to undertake a critical review of the Council's usage and service levels together with identifying surplus reserves which may not be required in the future was contained in the Council's draft LTCCP when released early in 2006. The drive for a review of this area came from the likes of the Rural ratepayers group and Federated Farmers Eastern Southland, both of whom have been regular critics of the cost of the parks and reserves activity.

This review is therefore part of a commitment given in the Council's approved 2006-16 LTCCP.

In a report from the Department of Conservation, direction was given as to what sites may be able to be sold in fee simple status after the process of removing the "Reserves" classification had been completed. It should be noted that the sale of any of this land will not result in significant operational savings with the exception of interest payable, which would equate to savings of approximately \$7,000 per annum for every \$100,000 repaid. The Parks and Recreation activity (which includes property, civic buildings, public conveniences and aquatic services) currently incurs approximately \$240,000 per annum in interest charges. Any retirement of debt in the above budgets would have a positive impact on the respective annual budget for that account.

Following a question posed at the first estimates workshop, relating to potential financial implications from possible disposals versus other possible increases, the Council sought an opinion from a local valuer for a report with indicative (20%+ /20%-) figures for the Councils information.

The Sites

1. Bannerman Park \$360,000

A substantial parcel of unused land currently leased for grazing comprising 3.0134ha located in a prime residential area. Discussion with the Department of Conservation has revealed that the Council can expect to receive the proceeds from the sale of this land once the reserve classification is revoked.

2. Broughton Street Playground \$35,000

Potentially a residential section with a combined area spread over two titles of 811 square metres. Once again the Council could expect to receive the proceeds of any sale due to the land being held in fee simple by the Gore District Council.

3. Dale Crescent Playground \$40,000

A small parcel of land comprising of 1520 square metres. Located in amongst a residential area this reserve once its status was changed would make an attractive residential section. The Department of Conservation has confirmed that the proceeds of sale would revert to the Council as the legal status of land, once the reserve classification is revoked, is fee simple.

4. Hamilton Street Playground \$80,000

A significant parcel of land comprising of 4462 square metres. The land was originally acquired by the Crown for housing purposes. Therefore it is most likely that the proceeds of any sale will revert to the Crown, unless of course the Council could run an argument that it wished to utilise the proceeds of sale to invest in another type of recreational asset.

5. Henderson Park \$180,000

This is a large tract of land contained in a number of separate titles with a total area of 16.2908ha. The land was acquired by the Maitua Borough Council in the 1970s and 80s but is now deemed to be surplus to requirements. The only exception to this would be an area surrounding the old Maitua tip to be retained to comply with resource consent considerations. This particularly concerns the ongoing aftercare obligations for

the closed landfill. However, the bulk of this land could be released for sale and it would result in any proceeds from this action being returned to the Council.

6. Moa Street Playground \$50,000

This is a small playground comprising of 2194 square metres located at the end of a residential cul-de-sac. Once again the land is held in fee simple and therefore the Council will receive the proceeds from any sale once the recreational reserve classification has been revoked.

7. Salford Street Playground \$30,000

A small playground located approximately one third of the way up Salford Street when viewed from the railway line on the southern side of the road. The playground has a total area of 1072 square metres and therefore would make an attractive residential section. The land has a fee simple status and therefore once its reserve classification was revoked, the Council could expect to receive the proceeds from any sale completed.

8. Sword Street Playground \$35,000

Once again a small residential playground comprised of 1745 square metres. However, as this particular parcel of land was obtained from the Crown for housing purpose and is deemed to be held in trust by the Council on behalf of the Crown, it is not expected that the Council would receive any proceeds from its sale. That said, if the Council was of a mind to proceed with removal of its reserve classification and effect a sale it would contribute to cost savings in obviating the need for future maintenance.

9. Tulloch Park \$60,000

This is a sizeable parcel of land comprising an area of 1.4607ha located at the western end of Bangor Street, Mataura. The land is held in fee simple and therefore once the recreation reserve classification was revoked, the Council would appear to be well poised to dispose of the land and receive the proceeds from any sale. Currently this land is grazed and therefore it does lend itself to a high prospect of achieving a good sale.

Subsequent information now shows that this section of land is under a lease with 20 years to run. It is leased to the Gun Club and is necessary as a safety distance barrier. As such this site should now be discounted from this process.

10. Golf Driving Range \$350,000

The golf driving range is situated in a premium location and has a total area of 4.4882ha. Given the dearth of quality sections in the Gore township and the prominent location of this land the current stance of the Council of utilising the land for a golf driving range with approximately one third (being the western corner of the land) being casually grazed, does call into question whether this is in the best strategic and economic interests of the Council. The Working Party only focussed on the western corner of the land which is grazed. However, subsequent reflection and considering the calls for efficiencies in our Parks and Reserves area specifically, the question needs to be seriously posed whether the Council should not be looking to divest the total parcel of land and let the market determine its value and highest and best use.

There is no legal impediment to prevent any sale of this land. The land is held in fee simple and is not the subject of any recreation reserve classification. Therefore the Council could, if it wished to, move to dispose of this particular parcel of land very swiftly.

11. Koa Street Playground \$200,000

This playground is once again in a premium location from a property value prospective. The playground has a total area of 4606 square metres and therefore if dispensed with would create four very attractive and no doubt highly sought after residential sections. Whilst the divestment of this playground would place the Council outside its objective of having a neighbourhood playground within 500 metres of every urban residence, it needs to be emphasised that in this particular instance the close proximity of the open space fields of St Peters College may mitigate the failure to meet this particular objective.

Should the Council wish to soften its stance on this proposal it could look at retaining half the reserve and disposing of the remainder. In terms of any impediments of sale the land has fee simple status and therefore once the reserve classification was revoked, the Council could look forward to receiving the proceeds of sale which would no doubt be attractive.

12. Unformed Portions of Legal Road \$20,000 & \$60,000

The Council has three unformed legal roads at the end of Rock, Nelson and Halton Streets in East Gore. These unformed portions of legal road are situated at the

western ends of the streets and therefore provide spectacular views over the Maitaura River. Whilst there is an entirely different legal process to pursue when dealing with stopping and disposing of portions of legal road, the existence of these three parcels of land is brought to the Council's attention to ascertain whether there is enthusiasm for stopping the road and disposing of the land to the best advantage to ratepayers.

Site	Possible Realisation \$
Bannerman Park	360,000
Broughton Street	35,000
Dale Crescent	40,000
Hamilton Street	80,000
Henderson Park	0
Moa Street	50,000
Salford Street	30,000
Sword Street	35,000
Tulloch Park	0
Golf Driving Range	350,000
Koa Street South	200,000
Unformed Legal Roads (3)	0
	\$1,180,000

Where to from here?

The Working Party has identified what reserves are able to be subdivided and or sold and now it is seeking direction from the Council. Should the Council wish the Working Party to proceed down the disposal pathway, this next phase would necessitate a public consultation process which relates to reserve lands. It would be envisaged that a timeframe of, at the bare minimum, nine months would lapse once a disposal process was instigated to when there may be clear title and an ability to list a property for sale. This being the case it is fair to predict that any positive financial implication would not show up in the actual budgets until 2008/09 at the earliest.

Relevant information for the Committee's consideration:

Appendix 1

Memo from Chief Executive/Parks and Reserves Manager dated 12.3.07 to the Working Party. This gives facts and opinions on the options available

Appendix 2

Outlines current costs associated with the specific sites.

Appendix 3

Contains relevant legal information, notes and historical data from Land Information Services.

Appendix 4

The DoC Report.

RECOMMENDATION

THAT the Council provide guidance and direction by way of instruction to the Parks and Reserves Working Party on how to proceed with this issue.

APPENDIX 1

SURPLUS PARKS AND RESERVES

(Memo from Chief Executive/Parks and Reserves Manager – 12-3-07)

The Parks and Reserves working party as part of its deliberations in regard to identifying efficiencies and rationalisation with our Parks and Reserves, has identified a number of parcels of reserves which it considers are surplus to requirements. In order to further progress the consideration of whether these reserves should be divested advice was sought from Mr Milton Smith of Land Information Services, concerning the legal status of the parcels of land concerned. Once the written advice from Mr Smith was received the Department of Conservation was consulted to ascertain which parcels of land the Council could reasonably expect to receive the proceeds of sale from as distinct from those that would revert back to the Crown. A copy of the generic advice received from the Department of Conservation is attached.

Also enclosed is a schedule detailing the individual parcels of land, their rating and legal descriptions, rating valuations and legal status. All told there are twelve specific locations (albeit contained in numerous titles) which have been earmarked for possible disposal by the Parks and Reserves Working Party. Looking at each of the nine locations identified, the following comments are offered:

1. Bannerman Park

A substantial parcel of land comprising 3.0134ha located in a prime residential area. Discussion with the Department of Conservation has revealed that the Council can expect to receive the proceeds from the sale of this land once the reserve classification is revoked.

2. Broughton Street Playground

Potentially a residential section with a combined area spread over two titles of 811 square metres. Once again the Council could expect to receive the proceeds of any sale due to the land being held in fee simple by the Gore District Council.

3. Dale Crescent Playground

A small parcel of land comprising of 1520 square metres. Located in amongst a residential area this reserve once its status was changed would make an attractive residential section. The Department of Conservation has confirmed that the proceeds of sale would revert to the Council as the legal status of land, once the reserve classification is revoked, is fee simple.

4. Hamilton Street Playground

A significant parcel of land comprising of 4462 square metres. The land was originally acquired by the Crown for housing purposes. Therefore it is most likely that the proceeds of any sale will revert to the Crown, unless of course the Council could run an argument that it wished to utilise the proceeds of sale to invest in another type of recreational asset.

5. Henderson Park

This is a large tract of land contained in a number of separate titles with a total area of 16.2908ha. The land was acquired by the Maitua Borough Council in the 1970s and 80s but is now deemed to be surplus to requirements. The only exception to this would be an area surrounding the old Maitua tip to be retained to comply with resource consent considerations. This particularly concerns the ongoing aftercare obligations for the closed landfill. However, the bulk of this land could be released for sale and it would result in any proceeds from this action being returned to the Council.

6. Moa Street Playground

This is a small playground comprising of 2194 square metres located at the end of a residential cul-de-sac. Once again the land is held in fee simple and therefore the Council will receive the proceeds from any sale effected once the recreational reserve classification has been revoked.

7. Salford Street Playground

A small playground located approximately one third of the way up Salford Street when viewed from the railway line on the southern side of the road. The playground has a total area of 1072 square metres and therefore would make an attractive residential section. The land has a fee simple status and therefore once its reserve classification was revoked, the Council could expect to receive the proceeds from any sale completed.

8. Sword Street Playground

Once again a small residential playground comprised of 1745 square metres. However, as this particular parcel of land was obtained from the Crown for housing purpose and is deemed to be held in trust by the Council on behalf of the Crown, it is not expected that the Council would receive any proceeds from its sale. That said, if the Council was of a mind to proceed with removal of its reserve classification and effect a sale it would contribute to cost savings in obviating the need for future maintenance.

9. Tulloch Park

This is a sizeable parcel of land comprising an area of 1.4607ha located at the western end of Bangor Street, Maitua. The land is held in fee simple and therefore once the recreation reserve

classification was revoked, the Council would appear to be well poised to dispose of the land and receive the proceeds from any sale. Currently this land is grazed and therefore it does lend itself to a high prospect of achieving a good sale.

10. Golf Driving Range

The golf driving range is situated in a premium location and has a total area of 4.4882ha. Given the dearth of quality sections in the Gore township and the prominent location of this land the current stance of the Council of utilising the land for a golf driving range with approximately a 1/3 (being the western corner of the land) being casually grazed, does call into question whether this is in the best strategic and economic interests of the Council. The Council working party only focused on the western corner of the land which is grazed. However, subsequent reflection and considering the calls for efficiencies in our Parks and Reserves area specifically, the question needs to be seriously posed whether the Council shouldn't be looking to divest the total parcel of land and let the market determine its value and highest and best use.

There is no legal impediment to prevent any sale of this land. The land is held in fee simple and is not the subject of any recreation reserve classification. Therefore the Council could, if it wished to, move to dispose of this particular parcel of land very swiftly.

11. Koa Street Playground

This playground is once again in a premium location from a property value prospective. The playground has a total area of 4606 square metres and therefore if dispensed with would create four very attractive and no doubt highly sought after residential sections. Whilst the divestment of this playground would place the Council outside its objective of having a neighbourhood playground within 500 metres of every urban residence, it needs to be emphasised that in this particular instance the close proximity of the open space fields of St Peters College may mitigate the failure to meet this particular objective. Should the Council wish to soften its stance on this proposal it could look at retaining half the reserve and disposing of the remainder. In terms of any impediments of sale the land has fee simple status and therefore once the reserve classification was revoked, the Council could look forward to receiving the proceeds of sale which would no doubt be attractive.

12. Unformed Portions of Legal Road

The Council has three unformed legal roads at the end of Rock, Nelson and Halton Streets in East Gore. These unformed portions of legal road are situated at the western ends of the streets and therefore provide spectacular views over the Maitai River. Whilst there is an entirely different legal process to pursue when dealing

with stopping and disposing of portions of legal road, the existence of these three parcels of land is brought to the Council's attention to ascertain whether there is enthusiasm for stopping the road and disposing of the land to the best advantage to ratepayers.

APPENDIX 2

Site	Possible Realisation \$	Current Income \$ Approx.	Current Cost of maintenance \$
Bannerman Park	360,000	\$100	\$0
Broughton Street	35,000	0	\$818
Dale Crescent	40,000	0	\$498
Hamilton Street	80,000	0	\$1,450
Henderson Park	0	100	\$1,930
Moa Street	50,000	0	\$1,000
Salford Street	30,000	0	\$810
Sword Street	35,000	0	\$958
Tulloch Park	0	0	\$0
Golf Driving Range	350,000	300	\$0
Koa Street South	200,000	0	\$2,648
Unformed Legal Roads (3)	0	0	\$1,000
	\$1,180,000	\$500	\$11,110

APPENDIX 3

Bannerman Park

Section 43 Block XVI Town of Gore

Gore Borough Council acquired the fee simple interest in Section 43 (SL171/132) by way of Transfer 98962 from William Challoner Grant.

[Land Information New Zealand is unable to produce Transfer document 98962]

Section 43 was declared to be recreation reserve by NZ Gazette 1963 page 1647 (registered as GN 191920). This reservation was made in terms of a Resolution of the Gore Borough Council pursuant to the authority of section 13 Reserves and Domains Act 1953.

Section 43 was classified as Recreation Reserve pursuant to section 16 of the Reserves Act 1977 by NZ Gazette 1983 page 2175 (registered as GN 100192.1).

Gore District Council became the registered proprietor by Transmission 231671.1.

This land is "Recreation Reserve" subject to the provisions of the Reserves Act 1977 owned in fee simple by the Gore District Council.

Lot 1 DP 8790

Gore District Council acquired the fee simple interest in Lot 1 (SL10A/540) by way of Transfer 191890.4 from NZ Society for the Intellectually Handicapped Inc, in 1991.

Transfer document 191890.4 shows that this land was acquired for the purpose of "recreation reserve"

I have found no record of this land being designated as a reserve by Council or being classified pursuant to section 16 of the Reserves Act 1977.

On this basis, Lot 1 is not a "Reserve subject to the Reserves Act" it is land held in fee simple by the Council for the purpose of recreation reserve.

Lot 27 DP 7296 & Lot 2 DP 8790

Gore District Council acquired the fee simple interest in Lot 27 and Lot 2 (SL10A/541) by way of Transfer 192888.1 from David Stanley and Moira Catherine Briggs, in 1991.

This transfer does not disclose the purpose of the acquisition.

This land was declared to be a recreation reserve by Gazette Notice 249213.1 (NZ Gazette 1996 page 1695). This declaration was made in terms of a Resolution of the Gore District Council pursuant to the authority of section 14 of the Reserves Act 1977.

This land is "Recreation Reserve" subject to the provisions of the Reserves Act 1977 owned in fee simple by the Gore District Council.

Notes re consideration of disposal of the land by Council

- To facilitate disposal, Council would have to arrange for revocation of the reserve designation in respect to Section 43, Lot 27 DP 7296 and Lot 2 DP 8790.

- Because Lot 1 DP 8790 was acquired for the purpose of reserve it is deemed to be a “public work” in terms of the definition set out in the Public Works Act 1981 [PWA]. This parcel would therefore be subject to consideration of the requirement of offer back to the former owner in terms of the provisions of section 40 of the PWA.
- Section 43, Lot 27 DP 7296 and Lot 2 DP 8790 will also be subject to the provisions of section 40 of the PWA unless Council records evidence that these parcels were purchased as “general land for no particular purpose” under the authority of the Local Government Act.

Hamilton Street Playground

Lot 49 DP 6282

The Crown held this land for housing purposes in SL165/265.

Lot 49 was declared to be Crown Land subject to the Land Act by Gazette Notice 200217 (NZ Gazette 1964 page 1369)

Lot 49 was subsequently set apart as a reserve for “recreation purposes” pursuant to the Reserves and Domains Act 1953, and vested in the Gore Borough Council, by Gazette Notice 201273 (NZ Gazette 1964 page 1846).

Certificate of title SLB2/112 issued for Lot 49.

Lot 49 was classified as recreation reserve pursuant to section 16 of the Reserves Act 1977 by Gazette Notice 100192.1 (NZ Gazette 1983 page 2175).

This is Recreation Reserve subject to the Reserves Act 1977, vested in fee simple in the Gore District Council in trust for that purpose.

Notes re consideration of disposal of the land by Council

- The reserve designation would have to be uplifted to facilitate disposal.
- The Housing Department subdivision implemented by DP 6282 was for the purposes of residential housing, therefore the effect of revocation of this reserve should see the land categorised as “derived by the Corporation otherwise than from the Crown” pursuant to subsection 25(5) of the Reserves Act 1977.

If the Minister of Conservation agreed to revocation of the reserve, we would expect the Minister to also authorise disposal of the land by Council and approval for the proceeds of sale to be applied to Council purposes, subject to any conditions that may be imposed by the Minister.

Assuming revocation proceeded in this manner, the Council would be free to sell the land on the open market.

Golf Driving Range

Gore District Council acquired the fee simple interest in Part Lot 10, Block III, DP 70 (SL10C/558) by way of Transfer 213923.4, from the Svensson family, in October 1993.

Transfer 213923.4 does not disclose a Council purpose for this purchase.

I have found no record of other action in respect of this land.

This is fee simple land held by Council without specific purpose or designation.

Notes re consideration of disposal of the land by Council

This land is subject to the provisions of section 40 of the PWA unless Council records evidence clearly that it was purchased as “general land without a particular purpose” or land purchased for housing purposes pursuant to the authority of the Local Government Act 1974. To make this determination it will be necessary to;

- Examine Council records relating to the purchase to determine
 - Why the purchase was made
 - The circumstances of the purchase. In particular, was the land

for sale on the open market when purchased by the Gore District

Council?

- In this circumstance we recommend that Council undertake a review of this holding for the purpose of satisfying their obligations in terms of the provisions of section 40 of the PWA.

If records evidence that the circumstances of the purchase justify grounds for exemption from offer back, the report will provide basis for a Council decision to exempt the land from offer back. If no grounds for exemption are evidenced Council’s required path for disposal will be clear.

- We note that the aerial photography supplied indicates that little change to the nature of the land has occurred since it was acquired. On this basis the only grounds for possible exemption would appear to emanate from the circumstances in which the purchase was made.

Koa Street South Playground

Lot 13 DP 9098

Lot 13 vested in Gore Borough Council on deposit of DP 9098, pursuant to Section 352(4) of the Municipal Corporations Act 1954 (SL139/70, SL5B/937, SL5B/402).

Certificate of Title SL5B/1221 issued in the name of the Gore Borough Council in fee simple for a recreation reserve.

Transmission 231671.1 registered the change of registered proprietor’s name to “Gore District Council”.

I have found no of classification of the reserve pursuant to section 16 of the Reserves Act 1977.

We note that the aerial plan supplied illustrates the boundary of the reserve as including Lot 6 DP 10710 and Lot 13 DP 10709.

These Lots were also vested in Council ownership on deposit of the respective plans as “recreation reserve”.

The purpose of these Lots was subsequently changed to “Local Purpose Reserve (Accessway)” by NZ Gazette 1983 page 2175 (GN 100025.1).

Certificates of title have not been uplifted for Lot 6 DP 10710 and Lot 13 DP 10709.

These parcels need to be taken into account in your deliberations.

All of these parcels are reserves subject to the Reserves Act 1977, owned in fee simple by the Gore District Council, albeit that titles have not yet been raised for Lot 6 DP 10710 and Lot 13 DP 10709

Notes re consideration of disposal of the land by Council

- Revocation of the reserve would have to be arranged. This would result in the land becoming fee simple land available for disposal by Council subject to any conditions the Minister of Conservation may impose.
- This land is subject to the provisions of section 40 of the PWA. However, because it was vested on deposit of the respective survey plans, this gives grounds to exempt the land from offer back, on the basis that this requirement would be “unreasonable” in this circumstance.

Council will need to take a formal decision on this matter, to meet audit requirements, prior to proceeding with its sale process.

Tulloch Park

Mataura Borough Council acquired the fee simple interest in Part Lot 4 DP 1157 (part of the land in SL91/149) by Transfer 15884 in July 1958.

Certificate of Title SL202/9 issued from this transfer. Transfer 15884 did not disclose the purpose of this purchase.

Subdivision and disposal of parts of the original holding have been implemented leaving the current balance area comprised in SLA4/600.

Gore District Council became the registered proprietor of this land by Transmission 231671.1

The land has subsequently been declared to be a “recreation reserve” subject to the Reserves Act 1977 by Gazette Notice 249213.1 (NZ Gazette 1996 page 1695). This reservation was made in terms of a Resolution of the Gore District Council pursuant to the authority of section 13 Reserves and Domains Act 1953.

This land is “Recreation Reserve” subject to the provisions of the

Reserves Act 1977 owned in fee simple by the Gore District Council.

Notes re consideration of disposal of the land by Council

- Revocation of the reserve would have to be arranged. This would result in the land becoming fee simple land available for disposal by Council.
- In this circumstance we would recommend that Council undertake a review of this holding for the purpose of satisfying the requirements of section 40 of the PWA.

If records evidence that the purchase was 'opportune without particular purpose', or was specifically 'for development of housing sites', these circumstances would justify a Council decision to exempt the land from offer back. If no such grounds are evidenced, Council's required path for disposal will be clear.

Henderson Park

Part Lot 3 DP 6680

Mataura Borough Council acquired by the balance of Lot 3 comprised (SLB3/889) by way of Transfer 082714.2 in May 1982.

Transfer 082714.2 does not disclose any purpose for this acquisition

Replacement CFR 28866 issued for part Lot 3 in April 2002.

Gore District Council became the registered proprietor of CFR 28866 by Transmission 5179189.2.

CFR 4675 issued for part Lot 3 DP 6680 and Lot 2 DP 301037.

I have found no record of this land being designated fro a particular purpose

This is fee simple land held by Council without specific purpose or designation.

Lot 2 DP 301037

Mataura Borough Council acquired Lot 3 Block IV DP 1237 (SL96/186) by way of Transfer 288601 from Miriam Elizabeth Sleeman (1975).

Gore District Council became registered proprietor by Transmission 231671.1

Lot 3 was declared to be recreation reserve by Gazette Notice 249213.1 (NZ Gazette 1996 page 1695).

Revocation of the reserve was implemented by Gazette Notice 5162987.1 (NZ Gazette 2002 page 262), which also authorised sale of the land by Gore District Council.

Lot 3 was subdivided as Lots 1 and 2 DP 301037.

Lot 1 DP 301037 was disposed in CFR 4674.

CFR 4675 issued in the name of Gore District Council for Lot 2 DP 301037 and part Lot 3 DP 6680.

This is fee simple land held by Council without specific purpose or designation, being revoked reserve.

Lot 16 DP 3402

Mataura Borough Council acquired Lot 16 (SL152/197) by way of Transfer 088609.1 from the Crown (Housing purposes).

Transfer 088609.1 does not disclose the purpose of this acquisition.

Gore District Council became the registered proprietor by Transmission 231671.1.

Lot 16 was declared to be recreation reserve by Gazette Notice 249213.1 (NZ Gazette 1996 page 1695). This declaration was made

pursuant to a resolution of Council under the authority of Section 14 of the Reserves Act 1977.

This land is reserve subject to the Reserves Act 1977, held in fee simple by the Gore District Council.

Lot 2 Block IV DP 1237

Mataura Borough Council acquired Lot 2 (SL97/233) by way of Transfer 253053 from the Public Trustee.

Certificate of Title SL2A/541 issued for Lot 2.

Gore District Council became the registered proprietor by Transmission 231671.1.

Lot 2 was declared to be recreation reserve by Gazette Notice 249213.1 (NZ Gazette 1996 page 1695). This designation was issued pursuant to a resolution of Council under the authority of Section 14 of the Reserves Act 1977.

This land is reserve subject to the Reserves Act 1977, held in fee simple by the Gore District Council.

Lot 1 Block IV DP 1237

Mataura Borough Council acquired Lot 1 (SLB2/454) by way of Transfer 253213 from Colin Alexander Ashby in 1971.

Gore District Council became registered proprietor by Transmission 231671.1

Lot 1 was declared to be a recreation reserve by Gazette Notice 249213.1 (NZ Gazette 1996 page 1695). This designation was issued pursuant to a resolution of Council under the authority of Section 14 of the Reserves Act 1977.

This land is reserve subject to the Reserves Act 1977, held in fee simple by the Gore District Council.

Part Lot 1 DP 489 & Lot 15 DP 4143

Mataura Borough Council acquired Part Lot 1 and Lot 15, (SL211/91) by way of Transfer 025934.1 from Tulloch Transport Limited in 1977.

Gore District Council became registered proprietor by Transmission 231671.1.

Part Lot 1 and Lot 15 were declared to be recreation reserve by Gazette Notice 249213.1 (NZ Gazette 1996 page 1695). This declaration was issued pursuant to a resolution of Council under authority of Section 14 of the Reserves Act 1977.

This land is reserve subject to the Reserves Act 1977, held in fee simple by the Gore District Council.

Lot 11 DP 5851

Mataura Borough Council acquired Lot 11 (SL230/21) by way of Transfer 157243.1 from Tulloch Transport Limited 1988.

Certificate of Title SL9A/347 issued for Lot 11.

Gore District Council became registered proprietor by Transmission 231671.1.

Lot 11 was declared to be a recreation reserve by Gazette Notice 249213.1 (NZ Gazette 1996 page 1695). This declaration was issued pursuant to a resolution of Council under authority of Section 14 of the Reserves Act 1977.

This land is reserve subject to the Reserves Act 1977, held in fee simple by the Gore District Council.

Lots 1 & 2 DP 5851

Mataura Borough Council acquired Lots 1 and 2, (SLB1/113) by way of Transfer 157243.1 from Tulloch Transport Limited.

Gore District Council became registered proprietor by Transmission 231671.1.

No further action is recorded.

Note Certificate of Title SLB1/113 also includes the adjacent Sections 54 and 55 Block IV Lindhurst Hundred, which were acquired with Lots 1 and 2 DP 5851 under Transfer 157243.1 and the aerial photograph indicates that these two parcels are utilised in conjunction with Lots 1 and 2 DP 5851. These parcels need to be considered in your deliberations. A subdivision consent will be required if Sections 54 and 55 are to be retained separately from Lots 1 and 2 DP 5851.

This is fee simple land held by Council without specific purpose or designation.

Notes re consideration of disposal of the land by Council

- To facilitate disposal, Council would have to arrange for revocation of the reserve designation in respect to Lot 16 DP 3402 (SL 152/197); Lot 2 Block IV DP 1237 (SL97/233); Lot 1 Block IV DP 1237 (SLB2/454); part Lot 1 DP 489 and Lot 15 DP 4143 (SL211/91) and Lot 11 DP 5851 (SL9A/347).
If the Minister of Conservation accepts the revocation proposal, this will result in this land becoming fee simple land available for disposal by Council, subject to any conditions the Minister may set.
- This land is subject to the provisions of section 40 of the PWA unless the circumstances of the individual acquisition evidence that an exemption is justified.

In this circumstance we recommend that Council undertake a review of the circumstances regarding the various acquisitions of this holding, before implementing further revocation action, to determine whether there are any grounds that could justify exemption from offer back pursuant to the provisions of section 40 of the PWA.

Unformed parts of Halton, Nelson and Rock Streets

This land was laid out as legal road on SO 1391, the original Crown settlement survey in this location.

There is no registration.

The status of this land is “Legal Road” owned in fee simple by the Gore District Council. It is subject to the provisions of the Local Government Act 1974.

Notes re consideration of disposal of the land by Council

- The Local Government Act and the PWA provides authority and mechanisms for Local Authorities to stop and dispose of road lines that are not required.

- In these cases, while the particular portions of road are unformed, they are providing “Legal access” to the independently titled parcels of land fronting onto them.

Stopping of these portions of Street could not proceed without replacing the current access to adjacent properties by way of easements.

Public access to River Terrace [also Legal Road] would need to be accommodated.

Salford Street Playground

Gore Borough Council acquired Lots 7 and 8 DP 7453 (SLB4/153 and SLB4/154 respectively) by way of Transfer 070424.1 from Gore Construction Co Limited in June 1981.

Transfer 070424.1 does not disclose any purpose for this acquisition.

Gore District Council became the registered proprietor by Transmission 231671.1.

Lots 7 and 8 were declared to be recreation reserve by Gazette Notice 249213.1 (NZ Gazette 1996 page 1695). This declaration was issued pursuant to a resolution of Council under authority of Section 14 of the Reserves Act 1977.

This land is reserve subject to the Reserves Act 1977, held in fee simple by the Gore District Council.

Notes re consideration of disposal of the land by Council

- To facilitate disposal, Council would have to arrange for revocation of the reserve designation.
- This land is subject to the provisions of section 40 of the PWA unless the circumstances of the individual acquisition evidence that an exemption is justified.
- In this circumstance we recommend that Council undertake a review to determine their obligations pursuant to the provisions of section 40 of the PWA.

Noting that our search of the Companies Register shows that there is no company currently registered under the name of “Gore Construction Company Limited” and therefore grounds for exemption from offer back on the basis of “impracticability” exist.

Merlin Place – Broughton Street Playground

Lot 13 DP 9477

Vested in the Gore Borough Council as recreation reserve, on deposit of DP 9477, pursuant to Section 352(4) of the Municipal Corporations Act 1954.

Certificate of Title SLB4/1294 issued for Lot 13.

Gore District Council became registered proprietor by Transmission 231671.1.

I have found no record of this land being classified in terms of the provisions of section 16 of the Reserves Act 1977.

This land recreation reserve subject to the Reserves Act 1977 held in Fee simple by the Gore District Council.

Lot 10 DP 7757

Vested in Gore Borough Council as recreation reserve on deposit of DP 7757, pursuant to Section 352(4) of the Municipal Corporations Act 1954.

A certificate of title has been raised for this parcel. We note that SL149/133, the parent title of DP 7757, is annotated as still containing Lot 10 as a residual balance, however this title could not be used in any dealing with the land.

I have found no record of this land being classified in terms of the provisions of section 16 of the Reserves Act 1977.

Lot 10 is recreation reserve subject to the Reserves Act 1977 held in fee simple by the Gore District Council, without registration.

Notes re consideration of disposal of the land by Council

- Title for Lot 10 DP 7757 will have to be raised. This could be a separate title or in conjunction with Lot 13 DP 9477. Consideration of minimum parcel size, and open space requirements need to be taken into account in taking this decision.
- The reserve designation needs to be revoked to facilitate disposal. If the Minister of Conservation accepted a proposal to revoke the reserve, revocation would result in the land becoming fee simple land available for disposal by the Council, subject to any conditions the Minister may impose.
- This land is subject to the provisions of section 40 of the PWA, however, because the land was vested on deposit, exemption from offer back to the former can be justified on the grounds that the requirement would be “unreasonable” in this circumstance.

The Council will need to take a formal decision on this matter, to meet audit requirements, prior to proceeding with its sale process.

Sword Street Playground

Lot 24 DP 7591

The Crown held this land for housing purposes under Gazette Notice 222547 (NZ Gazette 1967 page 1460).

Lot 24 was set apart as a reserve for “recreation purposes” subject to the Reserves and Domains Act 1953, and vested in the Gore Borough Council, by Gazette Notice 272849 (NZ Gazette 1973 page 1462).

Lot 24 was classified as recreation reserve pursuant to section 16 of the Reserves Act 1977 by Gazette Notice 100192.1 (NZ Gazette 1983 page 2175).

A certificate of title has not been raised for Lot 24 and therefore transmission of the ownership interest from Gore Borough Council to Gore District Council has not been recorded.

Lot 24 is Recreation Reserve subject to the Reserves Act 1977, vested in the Gore Borough Council in trust for that purpose.

Notes re consideration of disposal of the land by Council

- The reserve designation would have to be uplifted to facilitate disposal
- The Housing Department subdivision implemented by DP 7591 was for the purposes of residential housing, therefore the effect of revocation of this reserve should see the land categorised as “derived by the Corporation otherwise than from the Crown” pursuant to subsection 25(5) of the Reserves Act 1977.

If the Minister of Conservation agreed to revocation of the reserve, we would expect the Minister to also authorise disposal of the land by Council and approval for the proceeds of sale to be applied to Council purposes, subject to any conditions that may be imposed by the Minister

Assuming revocation proceeded in this manner, Council would be free to sell the land on the open market.

- Council would have to order a fee simple title for Lot 24. This would require production of a transmission document to evidence the right of Gore “District” Council to hold the land.

Moa Street Playground

Lot 1 DP 8081

Gore Borough Council acquired Lot 1 DP 8081 (SL3A/619) by way of Transfer 089586.1 from W.H. Walker Holdings Limited.

Transfer 089586.1 shows that this land was transferred “as and for a recreation reserve within the meaning of the Reserves and Domains Act 1953”

Gore District Council became the registered proprietor by Transmission 231671.1.

Lot 1 was subsequently declared to be a recreation reserve by Gazette Notice 249213.1 (NZ Gazette 1996 page 1695). This declaration was issued pursuant to a resolution of Council under authority of Section 14 of the Reserves Act 1977.

Lot 1 is a recreation reserve subject to the Reserves Act 1977 held in fee simple by the Gore District Council.

Lot 25 DP 7005

Lot 25 vested in Gore Borough Council as recreation reserve on deposit of DP 7005, pursuant to Section 352(4) of the Municipal Corporations Act 1954.

Certificate of Title SL6D/50 issued for Lot 25.

Gore District Council became the registered proprietor by Transmission 231671.1.

I have found no record of this land being classified as a reserve pursuant to section 16 of the Reserves Act 1977.

Lot 25 is a recreation reserve subject to the Reserves Act 1977 held in fee simple by the Gore District Council.

Notes re consideration of disposal of the land by Council

- The reserve designation over both of these parcels will need to be revoked to facilitate disposal. If the Minister of Conservation accepted a proposal to revoke the reserve, revocation would result in the land becoming fee simple land available for disposal by the Council, subject to any conditions the Minister may impose.
- This land is subject to the provisions of section 40 of the PWA. However;

In the case of Lot 25, because this parcel vested on deposit of the survey plan, exemption from offer back to the prior owner can be justified on the grounds that this requirement would be “unreasonable” in this circumstance.

In the case of Lot 1, examination of the background to Transfer 089586.1 will need to be undertaken to establish the circumstances of this acquisition and determine whether grounds for exemption from offer back exist or not.

The Council will need to take a formal decision in respect to each parcel, to meet audit requirements, prior to proceeding with its sale process.

We recommend that this investigation be completed prior to implementing the reserve revocation.

Dale Crescent Playground

Lot 18 DP 6429

Vested in Gore Borough Council as recreation reserve on deposit of DP 6429.

No separate title has been uplifted for Lot 18.

Part of Lot 18 was subsequently taken for road by Gazette Notice 229901 (NZ Gazette 1969 page 1772).

No record of further action has been found.

Lot 11 DP 7291

Vested in Gore Borough Council as recreation reserve on deposit of DP 7291, pursuant to Section 352(5) Municipal Corporations Act 1954.

No separate title was uplifted for Lot 11.

No record of further action has been found.

Both of these Lots are recreation reserve subject to the Reserves Act 1977 held in fee simple by the Gore District Council, albeit that no certificate of title has been raised.

Notes re consideration of disposal of the land by Council

- Title should be raised to this land by Council to facilitate management and future dealings. Because part of Lot 18 has been taken for road it will be necessary to produce a compiled plan of the balance area in order to raise a title.
- The reserve designation over both of these parcels will need to be revoked to facilitate disposal. If the Minister of Conservation accepted a proposal to revoke the reserve, this would result in the land becoming fee simple land available for disposal by the Council, subject to any conditions the Minister may impose.
- This land is subject to the provisions of section 40 of the PWA, however, because the land vested on deposit of the respective surveys, exemption from the requirement to offer back can be justified on the grounds that offer back would be “unreasonable” in this circumstance.

The Council will need to take a formal decision on this matter to meet audit requirements prior to proceeding with its sale process.

Notes regarding the application of section 40 of the Public Works Act

The definition of “Public Work” in the Public Works Act 1981 [PWA] is very encompassing, and as a result there are very few properties held by Council that are not caught by the provisions of section 40 of that Act [obligation to consider offer back to the former owner]

That said there are several circumstances that can justify a property being “exempted from offer back” in terms of the Act. Some of these are indicated in the attached property data. The purpose specified in the process of purchase i.e

- did the Council seek purchase or was the property available for sale on the open market;
- was the land intended for development and resale for housing or industrial purposes
- what Council fund financed the purchase

Facts relating to these matters may support exemption.

Council’s obligations pursuant to Section 40 of the PWA could be dealt with in two ways;

1. If the “former owner” can be found, Council could take a decision to formally communicate it’s intension to dispose of the land, and offer to sell the land back to that former owner at “current market valuation”.

This process would satisfy all statutory obligations of Council in terms of the principles on which the offer back process was established. It might also achieve the Council’s disposal objective at the same time.

If such an offer was made, and the former owner responded (in writing) stating that he/she did not wish to repurchase the land, this would give closure to the obligation and allow the Council to proceed with disposal of the land on the open market.

2. Examine the circumstances of acquisition of each parcel to determine whether there are any grounds for exclusion from offer back in terms of the provisions of section 40 of the PWA.

Given the nature of the land examined in this report it is reasonable to assume that the only basis for exemption from offer back under section 40 of the PWA would be where the circumstances of acquisition gave rise to offer back being unreasonable.

For example, such a determination could arise where the land came into Council ownership in lieu of a reserve contribution on a subdivision, and also where the land was for sale on the open market at the time Council purchased it in an arms length dealing.

We recommend that research of the circumstances of purchase should be completed as a "first step", prior to proceeding with reserve revocation.

APPENDIX 4

File: PAR-14-01-02

8 March 2007

Steve Parry
Gore District Council
PO Box 8
GORE
9740

Dear Steve

RATIONALISATION OF RESERVES - GORE DISTRICT

Further to our discussion yesterday I note there are twenty-five reserves potentially available for rationalisation by council.

The majority of these reserves are owned in fee simple by the Gore District Council. Should council seek to revoke the reserve status the Minister of Conservation's consent is required for said revocation. Council would need to show there is no longer a need for a particular reserve and that the reserve cannot be used for another purpose.

Many of the reserves will be subject to Section 40 of the Public Works Act 1981 (offer-back to former owners) unless there are grounds for an exemption.

Where the land is council owned as opposed to crown derived, council have the power to dispose of the land but the manner of disposal and the proceeds of sale are subject to any conditions the Minister may impose pursuant to the Reserves Act 1977.

There are also roads involved and these cannot be stopped and disposed of until a suitable access alternative is provided for adjoining landowners.

If you have any further queries please contact me on 03-2112489 or email cbragg@doc.govt.nz

Yours sincerely

A handwritten signature in blue ink, appearing to read 'C. Bragg', is centered on a light green rectangular background.

Cindy Bragg
Statutory Land Management
for Conservator

5. TOTAL MOBILITY

(Memo from Chief Executive – 08.08.07)

As Councillors will be aware, since the early 1990s, the Gore District Council has participated in the Southland Total Mobility Scheme. Cr Sutherland is the Council's representative on the Regional Committee which provides oversight of the scheme with administrative support being provided by the Invercargill City Council.

Land Transport New Zealand (LTNZ), which subsidises the scheme, recently released requirements for the implementation of what is referred to as Phase 2.

Those Councils participating in the national scheme that choose to sign up to Phase 2 will then be eligible for an increase in their financial assistance rate from 50% to 60% in the 2007.08 financial year.

The Total Mobility Finance and Policy Committee met on 31 May and agreed that the implementation of Phase 2 would be yet another positive step for total mobility in the Southland region.

According to the Invercargill City Council, the implementation of Phase 2 of the scheme is anticipated to be accomplished comfortably.

Given the increase in subsidy that accompanies Phase 2, it is recommended that the Council formally endorse signing up to the amended scheme. No doubt Cr Sutherland, as the Council's representative, will be able to provide further details of what is proposed.

RECOMMENDATION

THAT the Council endorse signing up to Phase 2 of the Total Mobility Scheme.