



Department of Conservation
Te Papa Atawhai

27 November 2008

Our ref: PAD-09-12-02

Peter O'Brien
O'Brien Property Consultancy Limited
Floor 3
82 Willis Street
WELLINGTON

Dear Peter

**Re: Soil and water conservation reserve at Holdsworth Avenue-Sections 745 & 746
Hutt District**

Thank you for your enquiry of 30th October 2008 by e-mail, which enclosed advice from Brett Latimer of Upper Hutt City Council (UHCC) being dated 23rd October.

My research shows that these two sections were reserved for soil conservation and river control purposes, are Crown owned with the GWRC being appointed to control & manage under Section 28 of the Reserves Act 1977 (RA), as successor to the Hutt River Board.

Now that the GWRC no longer require the reserves for the purpose of their reservation it seems an appropriate step that they be added to the adjoining recreation reserve administered by UHCC.

The steps to achieve this are:

1. Formal confirmation by UHCC that it is prepared to accept a vesting of the reserves as an addition to its adjoining recreation reserve;
2. Cancel (revoke) the appointment of GWRC to control & manage the existing reserve. In this respect GWRC should confirm in writing it wishes to relinquish its appointment. A formal resolution under the Reserves Act is not required (refer s 28 RA);
3. DOC would then classify the reserve for its existing purpose, under s. 16 RA, noting that advertising not required in accordance with subsection 5(a) of Section 16 RA;
4. DOC would then reclassify the reserve for recreation purposes, in accordance with s. 24 RA;
5. If no objections were sustained for the change of purpose, DOC would then vest the reserve in UHCC for recreation purposes under s. 26 RA, noting that advertising is not required in accordance with subsection (4)(b) of s. 26.

NB. A case can be made for a free vesting as the land was originally transferred to the former Land & Survey Department by the Ministry of Works without charge.

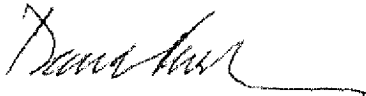
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DOC/DM-375342

We will await confirmation from both parties that this course of action is to be followed.

An invoice for the department's costs in providing this advice and for DOC's part of the processing work will be forwarded, in an equitable split, to the parties at the end of the process.

Yours sincerely

A handwritten signature in black ink, appearing to read 'David Bishop', with a long horizontal flourish extending to the right.

David Bishop
Community Relations Officer (Statutory Land Management)
for Wellington Conservator

cc Brett Latimer, Private Bag 907, Upper Hutt City Council
cc Kerry Swadling, acting Area Manager, DOC, Poneke Area Office, Wellington