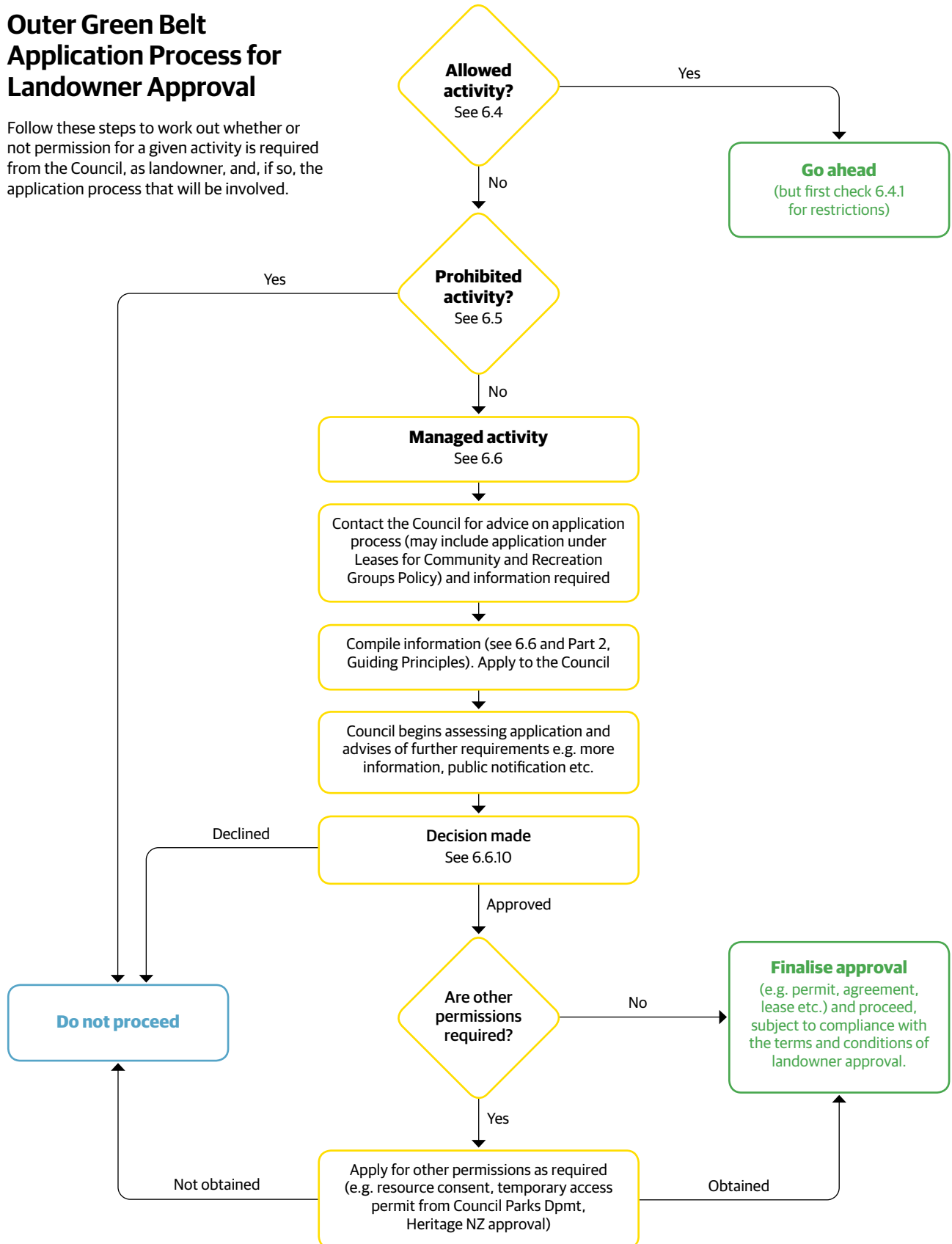


# 6 Rules for use and development



## Outer Green Belt Application Process for Landowner Approval

Follow these steps to work out whether or not permission for a given activity is required from the Council, as landowner, and, if so, the application process that will be involved.



## 6.1 Rules Overview

This part of the plan<sup>82</sup> outlines rules applicable to the Council's Outer Green Belt reserves for the provision and management of all activities, including development. The Guiding Principles in Part 2 should be read in conjunction with the Rules, to help weigh up decisions.

Activities have the potential to impact on the Outer Green Belt environment and people's use and enjoyment of it so activities are managed through approvals by the Council (Parks, Sport and Recreation). The rules are intended to guide decision-making at a range of scales from activities that might affect the Outer Green Belt as a whole down to the site-specific. The type of permission required and decision process depends on which of the following three categories applies:

- Allowed activities
- Managed activities
- Prohibited activities.

These rules for use and development are not intended to preclude the Council's day-to-day management. For example, use of a chainsaw is prohibited but Council staff or their contractors will be permitted to use them as required for tree management.

Council will continue to explore regulatory tools available for enforcement of the Rules, for example, the ability to impose fines to manage behaviours and activity.

Transpower activities are governed by the Electricity Act 1992, Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009, and the Electricity (Hazards from Trees) Regulations 2003. Rules for use and development are not intended to preclude activities that are explicitly permitted by that legislation but a partnership approach is anticipated.

## 6.2 Rules – Objective

1. Manage activities for use and development on the Outer Green Belt in a manner that:
  - a) Recognises and protects the key natural, landscape, culture, heritage, recreation, community and resilience values
  - b) Helps deliver environmental and recreational outcomes that support aspirations for Wellington to be an eco-city recognised for its liveability.

## 6.3 Rules – Policies

1. Provide for environmentally sustainable activities and uses that are consistent with the objectives and policies of this plan
2. Manage and maintain discretion over activities to ensure appropriate allocation of resources, protection of Outer Green Belt values, and the safety of users
3. Maintain discretion over new activities and utilities to avoid or limit impacts on the environment and Outer Green Belt values
4. Follow a process for determining whether new activities and development are appropriate for the open space directly affected and for the Outer Green Belt in general
5. Prohibit activities that are inappropriate for the Outer Green Belt
6. Guide balanced decision-making when assessing potentially conflicting activities and/or when assessing effects of activity on the range of Outer Green Belt values.

<sup>82</sup> These rules should be read in conjunction with the Wellington Consolidated Bylaw 2008.

## 6.4 Allowed activities on the Outer Green Belt

1. The following activities by individuals or groups are permitted for non-commercial purposes and may be subject to certain conditions and temporary restrictions in order to protect Outer Green Belt values and provide for the health, safety and wellbeing of visitors:
  - Walking, tramping and running
  - Cycling and mountain biking on shared and designated tracks (refer also to track network policies and the Council's *Open Space Access Plan*)
  - Electric bicycle use (e-biking)<sup>83</sup>, subject to the *Open Space Access Plan*
  - Dog walking on leash unless in a specified off-leash area, refer to the Council's Dog Policy and management sector maps
  - The movement of horses through management sectors 1 and 2, at Chartwell and on the farm tracks in Te Kopahou
  - Sightseeing and scenic viewing
  - Picnicking, cooking on barbecues (gas only), informal gatherings, group games and other similar activities (restrictions may apply to some locations or activities, refer to 6.4.1 below)
  - Informal games
  - Quiet, sedentary, typically individual activities such as reading, painting, craft work, amateur (i.e. non-commercial) photography and filming<sup>84</sup> that do not potentially offend or obstruct other Outer Green Belt users
  - Nature study and wildlife spotting (for recreation, education and research)
  - Orienteering and geocaching
  - Vehicle access to public carparks and leased facilities
  - Freedom camping of only self-contained campervans in the designated areas and as per set limits
- Vehicle access for reserve management, emergency and civil defence vehicles.
2. Council will consider allowing recreational activities other than those in the above list in specified areas, following analysis of the benefits and effects and subject to reasonable conditions.

### *Explanation*

Allowed activities are largely informal and unstructured, and traditionally associated with public parks and reserves. Allowed activities generally have a low impact on Outer Green Belt values and other users and need few restrictions. The public do not need to book these activities or seek approval for them (if in doubt, contact a park ranger).

Commercial (business<sup>85</sup>) activity is not an 'allowed' activity. Commercial use refers to use by an individual, group or organisation that is carried out for profit or as a means of livelihood or gain. This includes, but is not limited to, recreation and sport, tourism and filming businesses.

Some activities, like mountain biking, e-bike riding, horse riding and walking a dog off-leash are subject to further rules about the allowed areas or conditions of use. The *Open Space Access Plan* lists the tracks and areas closed to mountain biking (Schedule A), prioritised for mountain biking (Schedule B), open for e-bike use (Schedule C), and open for horse riding (Schedule D). Dog walking is also governed by a separate and specific Council policy (*Bylaw and Dog Policy*).

Utilities operations access and activities are not an 'allowed activity' and will require assessment and approval depending on the type of utility, relevant legislation associated with that type of utility, legal arrangements (if any) already in place and the timing, nature and scale of any proposed access or work.

<sup>83</sup> An electric bike (e-bike) is defined as a bicycle primarily pedal powered by human energy (pedal assist) and may be assisted by a maximum continuous rated electric motor of up to 300 watts (of battery power) as well as limited to 25km/hr. See *Open Space Access Plan 2016*, S.5.

<sup>84</sup> Non-commercial filming that is anything other than a home video-type activity is a managed activity. The need to obtain land owner (i.e. Council) approval for commercial photography and filming will be assessed on a case-by-case basis, primarily considering the impact of the activity.

<sup>85</sup> "Business activity" means an undertaking carried on for pecuniary gain or reward.

### 6.4.1 Restrictions on allowed activities

1. In order to protect the Outer Green Belt environment, the health, safety and wellbeing of other users and to facilitate management operations, restrictions may be placed on allowed activities. The following is a guide of potential issues that may result in restrictions:
  - a) Group size for informal activities (up to 30 people is generally considered allowed, subject to assessment of the impact of what the group is doing)
  - b) Time of the day and duration of activity (assessed on impact)
  - c) Location (ensuring there is no user conflict between reserve users)

- d) Day of the week or time of year (restriction in regards to events during public holidays and considering weekday and weekend activity)
- e) The weather (restriction of activities and use of certain areas or facilities)
- f) Environment conditions (any impact on the land and surrounding environment)
- g) Compatibility with maintenance or management of Outer Green Belt reserves at certain times.

The Council's rangers will manage these types of restrictions under the Reserves Act and bylaws. These restrictions are usually temporary and in response to situations that are already happening.

## 6.5 Prohibited activities on the Outer Green Belt

Prohibited activities are considered inappropriate because of the permanent adverse effects on the environment, incompatibility with Outer Green Belt values, characteristics and/or management focus or other approved activities, or where private use alienates public access.

The Council will prohibit activities that would have a permanent adverse effect on Outer Green Belt values or would significantly detract from the enjoyment and safety of other reserve users.

Prohibited activities include all those activities prohibited by Wellington City Council bylaws or prohibited by the Reserves Act. Enforcement of all activities will be through the Wellington City Council Consolidated Bylaw 2008, and the Reserves Act 1977.

### 6.5.1 Activities that are specifically prohibited

1. Activities<sup>86</sup> are prohibited that are not directly related to:
  - The protection and research of the Outer Green Belt natural environment, landscape or heritage, or
  - Outdoor recreation and public enjoyment of the Outer Green Belt.
2. Leases and licences for purposes unrelated to outdoor recreation, outdoor education and land management are prohibited (e.g. for childcare, community centres, indoor recreation activities).
3. The following activities are specifically prohibited, unless carried out for the purposes of approved management activities or as otherwise noted below:
  - Construction of unauthorised tracks, including any related earthworks and/or clearance of vegetation
  - Spreading of ashes or placenta (unless approved through the commemorative policy)
  - Open fires other than by permit for events and/or cultural reasons and in accordance with the Wellington Consolidated Bylaw

<sup>86</sup> This does not include utilities or those activities expressly permitted or managed.

- Construction of private residential dwellings or landscaping
- Private garden or orchard allotments
- All mining activities
- Permanent vehicle access for private purposes, except where an existing legal right-of-way exists, for example, at Hawkins Hill
- Firearms and weapons use (unless as approved for pest control or police training)
- Fireworks and/or amplified sound (not associated with an approved event)
- Off-road use of motorised trail bikes or 4WD vehicles (unless approved for one-off recreational event access)
- Hunting
- Use of a chainsaw
- Firewood collection
- Golf
- Keeping of pets and livestock unless approved under a lease or license agreement
- Camping, except as provided under sections 4.5.2.1, 6.4 and 6.6.3 (1)
- Recreational access within the operational area of the Southern Landfill
- Fishing or killing and/or removal of fresh water species except where Council has allowed it under written permit for scientific purposes.

## 6.5.2 Encroachments

Encroachments into open space are a significant issue for the management of reserve land. The use of public reserve land by private property owners effectively alienates the public from use or enjoyment of that land<sup>87</sup>. This is contrary to both the Reserves Act and the purpose of provision of public open space.

The Council's Outer Green Belt reserves collectively have a very long boundary that adjoins private land in both rural and residential areas. Private use has encroached along the boundary into the Council-owned reserve land in places. The cumulative effect of encroachments (even those that seem very minor if considered in isolation) considerably reduces public open space and the potential values of that open space are compromised.

The Outer Green Belt is recognised as a unique and very valuable open space in Wellington and requires protection against encroachment.

### 6.5.2.1 Encroachment policy

1. Encroachments are a prohibited activity.
2. The Council will resolve the existing encroachments with a view to regaining lost land.
3. The Council will protect the Outer Green Belt reserves from new encroachment.

Encroachments range in scale and effect, from the minor and easily removed without effect, such as washing lines and children's play equipment, to access driveways and, in the more extreme cases, to parts of dwellings or landscaping. Encroachments include access encroachments.

In some cases, owners of encroachments believe these have been authorised by the Council through the resource consent process under the Resource Management Act 1991 (RMA). Encroachments must be authorised under the provisions of the Reserves Act. Known encroachments are included in Land Information Memoranda (LIM reports).

<sup>87</sup> Use and enjoyment may be indirect or indirect. Examples of indirect use and enjoyment include tourist revenue from having an open space, views of open space or ecological value of vegetation.

### 6.5.2.2 Encroachment management

1. The Council will keep a record of all known encroachments.
2. The Council will require removal of all encroachments either immediately or as a managed process. Managed removal will require issuing a letter of understanding, and a licence or agreement to formalise the removal process.
3. Managed removal of encroachments will result in a signed agreement between the property owner concerned and the Council and will detail:
  - a) A description of the encroachment
  - b) A process for removal
  - c) A timeframe for removal
  - d) Responsibilities of each party for particular actions
  - e) The payment of any one-off or ongoing fees
  - f) Any other matter the Council deems necessary to manage the encroachment removal.
4. If the encroachment can be practically removed or stopped (it might be a garden fence, a shed, a path, an area of garden, part of a deck, a clothesline, or a private vehicle access) it will be removed with full reinstatement of the land generally within 12 months or sooner. This type of removal will be managed by way of a signed letter of understanding, including details as listed in the preceding policy above.
5. If the encroachment is associated with private vehicle or private pedestrian access and immediate removal is complicated by long-term historic use, then a longer term removal agreement such as a fixed-term licence may be negotiated. This will allow agreement of reasonable terms while also ensuring that the access encroachment is removed as per policy 6.5.2.2 (1), (2), and (3). The maximum period of time for this type of agreement will be until there is a change of ownership or occupation in the property associated with the encroachment. The Council may limit access to manage the removal process by, for example, installing gates, specifying access hours and days, limiting numbers of people and/or vehicles.
6. If the encroachment cannot be removed because of ground stability, such as a retaining wall or part of a building, then a longer term removal agreement may be negotiated unless it is deemed unsafe.
7. Emergency retaining and/or land stabilisation will be managed by way of a licence and only where there is no alternative remedial action available. This clause is only intended to apply to unforeseen stability issues (it is the land owner and their contractor's responsibility to carry out appropriate investigation before starting any work) and where there is an immediate need to retain the land and a public benefit to doing the work.
8. If an application is received for a new retaining structure on a reserve boundary, the applicant will be required to provide a survey of the boundary and the completed structure. The completed structure must be built on the applicant's side of the boundary and not on the reserve. The applicant can apply for a temporary access permit to build the wall. The completed structure must be contained on the applicant's property and will be the responsibility of the owner so no encroachment licence is needed.
9. If the encroachment is part of a house or other building, the timeframe for removal is likely to be longer and an encroachment licence may be negotiated (unless it is new and can be immediately removed) to manage long-term removal. The agreement will generally link removal of the encroachment to a specified situation, such as where there are renovations done to that wall or if the house is removed, demolished or falls down.
10. Any managed removal agreement does not run with the land. Any new owner will have to apply for an agreement. It is expected that change of property ownership will often be the point at which a licence will end and the encroachment is removed or access stopped.

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11. The removal of all encroaching features is the responsibility of the owner concerned. If the owner fails to comply with the immediate or managed removal as specified by the Council, the work will be carried out by the Council after consultation with the owner and the owner will be charged for the work.
12. All costs associated with immediate or managed removal, including survey and legal costs, shall be met by the owner of the encroachment. Reserve land will not be sold to resolve encroachment issues. Formalisation of managed removal through a licence may be publicly notified if the Council deems the effects of the agreement to be of a nature and scale that public notification is in the public interest and/or if required under the Reserves Act 1977. All encroachment easements and licences require approval by the Council or a delegated committee.

### **6.5.2.3 Botanical enhancements/letter of understanding**

“Botanical enhancements” are small areas of land that are maintained and/or enhanced by a neighbour through planting or vegetation management in keeping with open space values and character. These are managed by way of a “letter of understanding”, which must be obtained by anyone who has, or proposes to, undertake “botanical enhancement”. For the purposes of managing encroachments, botanical enhancements are not considered encroachments and therefore are not by default prohibited.

Letters of understanding to permit “botanical enhancement” will only be issued if all of the following conditions are met. The botanical enhancement:

- a) Is vegetation only (i.e. no paths, steps, walls, fences or structures of any kind are permitted)
- b) Is in keeping with the values and character of the particular reserve
- c) Does not include any plant species considered weeds or that may result in unwanted maintenance issues
- d) Must provide a level of public good
- e) Must not prevent or discourage public access
- f) Must be adjacent to the applicant’s property (i.e. you will not be permitted to carry out botanical enhancement on reserve land that affects or is adjacent to your neighbour’s property).

There is no formal right of occupation associated with a botanical enhancement and responsibility of the ongoing maintenance of the area will be negotiated.



## 6.6 Managed activities on the Outer Green Belt

### 6.6.1 Managed activities

- Managed activities are those that are not specifically ‘allowed’ or ‘prohibited’ and any that are not listed in this management plan or require a case-by-case assessment. They may:
  - Be new activities and development, including utilities
  - Be existing activities or development that do not have the appropriate approval in place
  - Involve access for maintenance in relation to easements
  - Involve the exclusive use of an area for an extended period of time
  - Require the development, extension or adaptation of temporary or permanent structures and buildings
  - Include commercial (business) activities
  - Be large-scale events and a range of other uses.

#### *Explanation*

These activities are generally undertaken in a specific location and may involve temporary or longer term allocation of a reserve area or structure for a specific use. A temporary activity is of a non-repetitive, transient nature that does not exceed six weeks’ duration and does not involve the construction of permanent structures or facilities. Each application is considered on its merits, compatibility and appropriateness to both the Outer Green Belt in general and the location proposed. Some applications may need to be publicly notified and all applications can either be approved, subject to conditions, or declined.

Note: Volunteering activities also need to be managed and approved but this is done through agreements between the Council and volunteer(s), often recorded in Memoranda of Understanding (see 4.6.2.2 Community Partnership).

### 6.6.2 Applications for managed activities

- Wellington City Council, as land owner, will manage approvals of activities and development through one of the following:
  - Concession
  - Easement
  - Lease
  - Licence
  - Permit (including land owner approval letter)
  - Booking.
- Note that some activities may require other approvals from the Council and other organisations including:
  - Resource consent (Resource Management Act)
  - Liquor licence
  - Archaeological authority (from Heritage New Zealand)
  - Adjacent land owners (e.g. if access across adjacent private land is required).

### 6.6.3 Permits and bookings

- Managed activities that require a permit or booking will be approved or declined by Council staff. These include:
  - Conducting events (e.g. multisport) and including, but not limited to, events and activities run on a ‘cost-recovery’ or ‘not-for-profit’ basis
  - One-off non-commercial motorised vehicle recreational events organised and run by appropriately qualified persons or organisations
  - Camping for educational purposes only
  - Conducting one-off activities involving site occupation or use (e.g. weddings, concerts)
  - Commercial filming and photography (see footnotes under 6.4)

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- f) Temporary access, such as for infrastructure maintenance, installation of equipment, vehicle use or construction access, (except for reserve management, emergency access and as identified in the management sector plans)
  - g) Parachuting, parapenting, hang gliding, kite carts/boards
  - h) Aircraft, helicopter landing and drone and model airplane activity
  - i) Storage of materials or plant (such as gravel in parking areas, or construction lay-down sites for infrastructure projects)
  - j) Markets and fairs
  - k) Collecting natural materials, removal of living plant material
  - l) Cultural harvesting, managed sustainably through tikanga
  - m) Planting (unless carried out by the Council or its contractors or as approved by Parks, Sport and Recreation)
  - n) Tree felling (unless carried out by the Council or its contractors, or as approved by Parks, Sport and Recreation)
  - o) Environmental and outdoor education when it supports and complements the objectives of this plan
  - p) Total or partial demolition or removal of buildings or structures
  - q) Structures and furniture (including track infrastructure, gates, footbridges, track overpasses, fences, walls, retaining walls, artworks, sculpture, plaques, memorials, seats, interpretation, lighting, sun/shade shelters, but not including utilities)
  - r) Signs in relation to reserve activity only (signs and/or advertising for non-reserve-related activity are prohibited). Council signs do not require approval.

#### **6.6.4 Leases, licenses, concessions and easements**

1. Managed activities that require a lease, licence, concession or easement will be assessed by Council staff and Council (or a delegated committee) will approve or decline. These include:
  - a) Sporting activities that require use of and/or exclusive use of purpose-built ground surface such as a playing field or green
  - b) Leasing buildings and/or Outer Green Belt land (subject to the Leases Policy for Community and Recreational Groups)
  - c) Vehicle access by lease or license holders, as approved under the lease or license
  - d) Commercial (business) activities that are either large one-off events or are concessions for six months or more (including but not limited to multisport events, guided walking, biking or motorised vehicle tours, selling food or drinks or hiring equipment)
  - e) Commercial land use activities, such as beekeeping and grazing
  - f) Community gardens and orchards (see 4.7.2.3 ) and beekeeping
  - g) New buildings, building extensions, carparks and hard surfaces, additions and alterations
  - h) Utilities (essential systems and networks that provide the city with water, energy, communications and wastewater removal), including access across Council land for utility maintenance and management purposes
  - i) Any restriction of public access and charging for entry to areas of the Outer Green Belt, whether commercial or not.
2. The Council will discourage the erection of club or recreational buildings and ensure structures are appropriate for the use and consistent with the principles of this plan.
3. The Outer Green Belt will not, in general, be used as a place for locating those activities which, because of their effects, are unable to be accommodated elsewhere.

#### 6.6.4.1 Utilities

Use of the Outer Green Belt for public utilities is considered appropriate in some circumstances. This does not mean that the utility must be in public ownership but it must provide an essential service to the public. All new utilities and all replacements and upgrades<sup>88</sup> of existing utilities will be allowed on reserves where the Council's specific conditions have been met (see policies below).

#### 6.6.4.2 Public utilities

1. New utilities, replacement or upgrades of existing utilities may be permitted by granting leases or easements provided:
  - a) It is an essential service to the public
  - b) It cannot be reasonably located elsewhere
  - c) The natural, recreational, cultural and heritage values of the reserve and Outer Green Belt are not significantly disrupted
  - d) The public benefits outweigh any adverse impacts on the reserve or Outer Green Belt.
2. All new utilities and replacement or upgrades of existing utilities shall comply with the following conditions to the satisfaction of the Council:
  - a) The impact of all utilities on reserve land and its values shall be minimised
  - b) Utility infrastructure shall be as unobtrusive as practicable with forms appropriate for the landscape and finished in low-reflective colours derived from the background landscape. Structures will be screened from view through planting where possible
  - c) All utility services shall be placed underground, except where it is not practicable to do so
  - d) Underground services shall be sited to minimise interference with existing features, facilities and vegetation
- e) Utility services shall be located so as not to restrict areas usable for outdoor activities or required for future facilities or biodiversity restoration planting
- f) Any disturbance of the existing site during installation of a utility shall be minimised and made good immediately after completion
- g) Opportunities for the utility structure to benefit the reserve will be explored where appropriate (e.g. an essential maintenance track might provide an alternative walking route for the general public)
- h) Recorded archaeological sites are avoided and, where required, an Archaeological Authority is obtained from the Historic Places Trust.
3. All utility companies wanting to build new structures or upgrade or replace existing ones on reserve land will need to obtain a lease and/or easement from the Council (as per the Reserves Act 1977). Easements shall be granted for utilities that are located underground in terms of Section 48 of the Reserves Act. Leases shall be granted for utilities that are located on or above the ground and shall be for less than 20 years. This period shall include both the term of the current lease and the term of any right of renewal. Leases and easements will require the approval of Council (or delegated committee).
4. For existing utilities, where there is no lease or easement, utility companies will need to negotiate an agreement with the Council setting out the terms and conditions of access for inspection, maintenance and emergency repairs. Land owner approval will be required for any non-urgent earthworks.

<sup>88</sup> "Upgrading" means an increase in the carrying capacity, efficiency or security of the facility. It may require a bigger footprint for the easement.

### 6.6.4.3 All public and private utilities

1. All existing and future public and private utilities (above and below ground) will be accurately mapped and documented.
  2. All costs arising from the application for a new utility or upgrade or replacement of an existing one shall be met by the applicant. This also includes mapping and surveying, resource consent, legal encumbrance, and public notification costs.
  3. Subject to the ability of the Council to do so under relevant legislation concerning utilities, the Council shall charge a market rental for any existing installations on a park or reserve if the ownership of the utility service or any of its installations changes (when replaced or upgraded). (Existing utilities do not necessarily have easements and/or leases).
  4. When a utility is no longer required, that utility - including all related services, structures and materials - shall be removed and the site reinstated as necessary.
4. In general, the use of Council-owned land in the Outer Green Belt for advertising purposes is not permitted. However, existing and future sponsorship advertising relating to specific facilities and events will be permitted where:
    - a) The wording of the sign is readable only from within the area concerned and the structure supporting the advertising is sited as unobtrusively as possible
    - b) Sponsorship signs are proposed on a building, the name of the sponsor must be incorporated into the external name signs for buildings rather than as a separate sign
    - c) The Council has the right to refuse permission for the display of any sponsorship or advertising material that may offend any section of the community.
  5. Temporary signs relating to special events.

### 6.6.5 Signs

1. Council signage and interpretation will be used to inform visitors about recreation opportunities and potential hazards, and environmental, cultural, and historic values of the Outer Green Belt and/or immediate site or area, including for:
    - Helping visitors navigate tracks successfully and safely
    - Enhancing understanding and appreciation of the Outer Green Belt and its values
    - Managing the interface between private and public land.
  2. No signs or hoardings are permitted on the Outer Green Belt that are not immediately relevant to the activities occurring on, or features of, the reserve. This includes election hoardings and any commercial advertising.
  3. A high number of signs can detract from open space values, so control on the number, location, and design is necessary. The size, location, design and appearance of signs and sponsorship information must not detract from the amenity of the area nor appear to dominate other public information signs. All signs must comply with the legislative requirements, district plan and Leases Policy where relevant.
- ### 6.6.6 Commercial activities
1. Any approval to carry out a commercial activity on the Outer Green Belt will only be permitted if:
    - a) The activity is necessary to enable the public to obtain the benefit and enjoyment of the Outer Green Belt or a reserve area within it, or
    - b) The activity is for the convenience of people using the Outer Green Belt or a reserve area within it, or
    - c) The activity does not adversely affect and benefits the OGB environment, for example, beekeeping.
  2. Any approval to carry out a commercial activity that requires a new permanent building or structure will only be permitted if the approvals and consents necessary for the building or structure are considered as part of the application for the commercial activity and the entire proposal is notified publicly.
  3. Any commercial activity in a new or existing building must be complementary and ancillary to a community or recreational activity on the Outer Green Belt.

### 6.6.7 Community gardens and planting for food

1. Consider any application for a community garden or orchard under the criteria in the *Wellington City Council Guidelines for Community Gardens, September 2009*, and taking into account the Outer Green Belt values of the site, including that:
  - a) The site context is on the edge of the Outer Green Belt and appropriate (e.g. adjacent to residential housing rather than native forest)
  - b) Existing activities at the site are compatible (e.g. a play area, where learning about food could be complementary)
  - c) Any garden or orchard planting will not have a negative impact on indigenous biodiversity
  - d) The site conditions are suited to the proposed planting
  - e) No commercial gardening is involved.

#### Explanation

Many areas of the Outer Green Belt are unlikely to be suitable for food production at any scale, given much of the land's poor soils, exposed conditions, steepness and important areas of biodiversity where the risk of invasive exotic plant species spreading into natural/restoration areas needs to be avoided.

### 6.6.8 Public notification

1. Applications for managed activities will be publicly notified when:
  - a) It is required under the Reserves Act 1977
  - b) It is required by Council policy (e.g. granting a lease or licence under the Leases Policy for Community and Recreational Groups)
  - c) An application to construct or modify a permanent utility would significantly alter the nature, scale, or intensity of the effect on the reserve

- d) The nature and/or scale of the proposed activity has the potential to adversely impact on reserve values, including permanent public access and open space
- e) They involve a commercial sub-lease or sub-licence or concession.

### 6.6.9 Information required with an application

1. All applications are required to include the following<sup>89</sup> relevant information:
  - a) A description and/or plans of the proposal with enough detail for Council staff to determine all potential effects
  - b) An assessment of the impacts the development/activity will have on the immediate and wider environment
  - c) The purpose of the proposed development/activity and why it needs to take place on the reserve network
  - d) An explanation of how the development/activity is aligned with the objectives and policies in this plan
  - e) Details of other approvals or consents required (e.g. if consent is required under the Resource Management Act 1991)
  - f) Consultation with affected parties
  - g) Identification of health and safety issues and how these will be managed
  - h) Where required, a business plan for concessions, leases, and licence applications
  - i) Information as required by other Council policy (e.g. the Leases Policy) or as required on any specific application form (e.g. the Temporary Access Permit).

<sup>89</sup> The amount of detail required will be in relation to the scale and complexity of the proposal and potential for effect on the reserve and other reserve users.

### 6.6.10 Decision-making guidelines

Read and base decisions on the Guiding Principles in Part 2

1. Wellington City Council (Parks, Sport and Recreation) will consider the following when assessing applications for land owner approval:
  - a) The effect, including cumulative effect, on the predominantly natural character of the Outer Green Belt as a setting
  - b) Any resulting lost opportunity for connectivity of native vegetation, visual landscape or track network in the Outer Green Belt
  - c) The extent to which the proposal is focused on opportunities for outdoor recreation and leisure
  - d) The extent to which an commercial/concession activity enhances and does not detract from the other user experiences
  - e) If the activity and/or development could be co-located
  - f) Whether the proposal could reasonably be undertaken in another location, e.g. on non-reserve land, on another reserve, or at another location in the Council's reserve network where potential adverse effects would be less
  - g) The degree to which the proposal is consistent with the relevant objectives and policies of each section of this plan, including those for the relevant management sector (s)
  - h) Effects (positive and negative) on reserve infrastructure, approved activities, the surrounding environment, and the enjoyment of other reserve users (limits may be placed on the frequency of the proposed activity and the need for temporary closure)
  - i) The level of any additional benefits, enjoyment, and use opportunities for visitors to the reserve, local and regional community and mana whenua
  - j) The extent to which the proposal affects current or future public access
  - k) Assessment of the effects of the location, extent, design and cumulative effect of any infrastructure (such as earthworks, lighting, fencing, carparking, access roads and so on) associated with a development or activity proposal
  - l) The potential to mitigate the effects of the development or activity in a way that is in keeping with the site and wider Outer Green Belt landscape character and values
  - m) The degree of risk associated with any activity (in relation to biosecurity, sustainability etc).