
REPORT 4
(1215/52/IM)

PROPOSAL TO TRANSFER THE MANAGEMENT OF BELMONT RESERVE TO THE GREATER WELLINGTON REGIONAL COUNCIL

1. Purpose of Report

For Strategy and Policy Committee (SPC) to recommend to Council that it consults on a proposal to transfer the management of Belmont Reserve to the Greater Wellington Regional Council.

2. Executive Summary

Belmont Reserve is an area of land situated within Belmont Regional Park and owned by the Council (refer to Appendix 1). It has been managed by Greater Wellington Regional Council for many years as part of their management of Belmont Regional Park. However, the management responsibility of Belmont Reserve has not been formally transferred to Greater Wellington Regional Council. This proposal clarifies the management of the Reserve.

Belmont Regional Park is owned by Greater Wellington Regional Council, Wellington City Council, Lower Hutt City Council, Porirua City Council and the Department of Conservation.

Formally transferring the management of Belmont Reserve to Greater Wellington Regional Council is consistent with the Council's Northern Reserves Management Plan (2008). Ownership of Belmont Reserve will remain with Council.

The Local Government Act 2002 requires that the special consultative procedure is used when responsibilities are transferred between local authorities. It is therefore proposed that a Statement of Proposal to transfer the management responsibility for Belmont Park will be included in the Draft Long Term Plan 2012/2022.

3. Recommendations

Officers recommend that the Strategy and Policy Committee:

- 1. Receives the information.*

2. *Recommend to Council that it:*
- (a) *Agrees to consult on the proposal to transfer the management responsibility for Belmont Reserve to Greater Wellington Regional Council.*
 - (b) *Note that the proposal to transfer the responsibility for management of Belmont Reserve will be included in the draft Long Term Plan.*
 - (c) *Note that the Minister of Local Government will be advised of the transfer of management responsibility in accordance with the requirements of the Local Government Act 2002.*
 - (d) *Note that Council officers will continue to negotiate the management agreement details and those will be reported to Council following consultation.*

4. Background

4.1 Belmont Reserve

Belmont Reserve (Land) is a 105 hectare area of land which is situated within Belmont Regional Park (Belmont Park) and can be accessed off Horokiwi Road. The Land was transferred to Council by the Lower Hutt City Council following the Local Government Reorganisation which took place in 1989. The Lower Hutt City Council transferred the Land to Council with the recommendation that it be transferred to Greater Wellington Regional Council (GWRC) for incorporation into Belmont Park.

The Land has been managed by GWRC for many years as part of Belmont Park and is noted as such in the original Management Plan for the park prepared in 1996. However, the management of the Land has not formally been transferred to GWRC. The proposal is to transfer the management of the Park to GWRC and to retain the ownership of the Park. The proposal for transfer of management is consistent with policy in both the GWRC Parks Network Plan (2011) and the Wellington City Council Northern Reserves Management Plan (2008).

The Land is classified under the Reserves Act 1977 (Reserves Act) as Recreation Reserve and is zoned Open Space B in the District Plan. The Land is one of a number of reserves currently in the process of being reclassified. The process is in the final phases awaiting approval from the Minister to reclassify the Land as Scenic B.

4.2 The Process

The Local Government Act 2002 (section 17) requires that where a territorial authority is transferring one or more of its responsibilities to a Regional Council it must:

- either include the proposal in its annual plan or long term plan; or use the special consultative procedure. It is proposed that the transfer is included in the draft Long Term Plan.
- notify the Minister of the proposal – this will be carried out during the consultation phase.

The Act also requires that the transfer must be made by agreement between the authorities, on the terms and conditions that are agreed. Officers are developing the agreement and this will be presented to Council following consultation on the proposal. The agreement will set out:

- That Council will retain ownership of Belmont Reserve and some responsibilities will remain with Council.
- GWRC will be able to grant any lease, licence or concession that does not exceed a term of five years, over the Land without having to consult with Council.
- Decisions to grant easements over the Land will be made by Council, in consultation with GWRC.
- GWRC will be responsible for reviewing and creating management plans for Belmont Reserve. The Council will be provided with an opportunity to comment.
- The approval to place any new utility structure on the Land will be given by Council as landowner but will be done in consultation with GRWRC.
- Neither party will be able to revoke the reserve status of the Land without obtaining agreement from the other party.
- GWRC's existing bylaws will apply to the Land and GWRC and Council will co-operate in relation to any proposed bylaws.
- GWRC will be responsible for all expenditure relating to Belmont Reserve. Any income received from Belmont Reserve will be payable to GWRC and will be spent on Belmont Park.

The Act also provides that a variation of the terms of the transfer or a reversal of the transfer can occur in the same way that the transfer was put in place, that is by agreement and by consulting either through the Annual Plan or Long Term Plan or by using the special consultative procedure.

5. Discussion

GWRC currently manages the Land and includes it in their Parks Network Plan (a combined management plan for all of their parks and reserves) as part of

Belmont Park. Belmont Park is managed to protect landscape, ecology and heritage values and provides for outdoor recreation.

Lower Hutt City Council transferred their administering body powers and management responsibilities of Belmont Park to GWRC by Agreement dated 22 November 2004. The Department of Conservation has vested a portion of the land in Lower Hutt City Council (with a proposal to later vest the land in GWRC) or has appointed GWRC to manage and control the land. GWRC intend to enter into a management agreement with Porirua City Council that will be consistent with their agreement with Lower Hutt City Council and Wellington City Council.

The existing agreement between Lower Hutt City Council and GWRC for land at Belmont Park has to date worked well for both parties.

The intention of the agreement is to formalise the arrangement between GWRC and Council in regards to the management of Belmont Reserve subject to section 17 of the Local Government Act 2002 (LGA 2002).

The agreement will formalise the existing management situation whereby Council retains ownership of the Land while GWRC manage the Land as part of the Belmont Park.

6. Conclusion

This paper proposes transferring the responsibility for management of Belmont Reserve to GWRC and that the proposal is included in the draft Long Term Plan.

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Supporting Information

1) Strategic Fit / Strategic Outcome

Enables implementation of the Council's intention to consider the future management of Belmont Reserve in consultation with the Greater Wellington Regional Council as outlined Northern Reserves Management Plan (2008).

2) LTCCP/Annual Plan reference and long term financial impact

Belmont Reserve is under PLA004 Open Space Planning. There is no long term financial impact of transferring the management responsibilities of Belmont Reserve to the Greater Wellington Regional Council.

3) Treaty of Waitangi considerations

See below.

4) Decision-Making

This is not a significant decision

5) Consultation

a) General Consultation

Public consultation will be carried out within the draft Long Term Plan.

b) Consultation with Maori

Consultation with Mana Whenua will be carried out as part of the general consultation process.

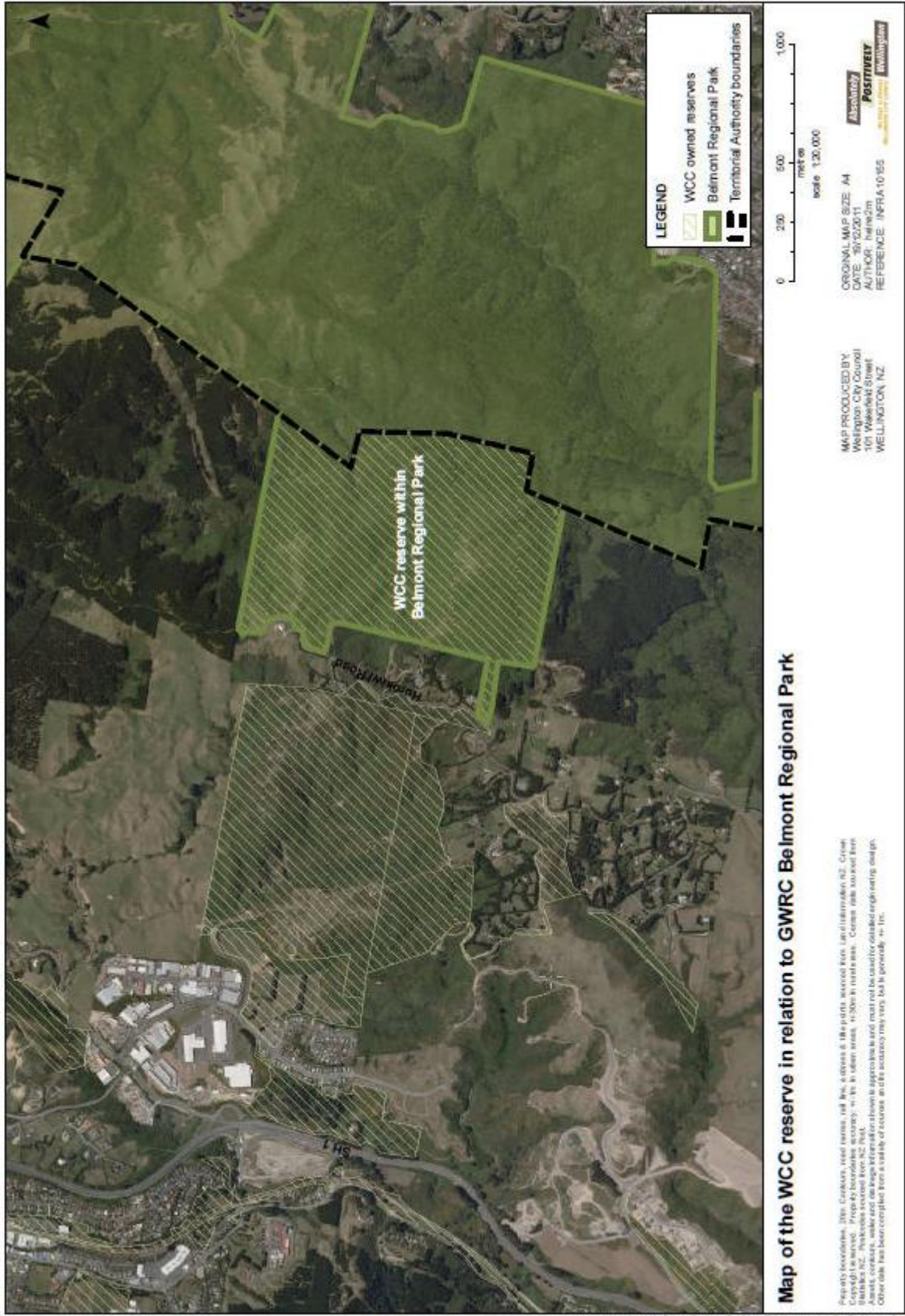
6) Legal Implications

Legal advice will be sought in preparation of the transfer agreement

7) Consistency with existing policy

Transferring the management of Belmont Reserve to the Greater Wellington Regional Council is consistent with the Council's intention to investigate management options of Belmont Reserve in consultation with the Greater Wellington Regional Council as outlined in the Northern Reserves Management Plan (2008).

APPENDIX 1



Appendix One: Map of the WCC reserve in relation to GWRC Belmont Regional Park