

## 1.2 THE STATUS OF THIS PLAN

This section describes the practical and legal status of this Plan and how it fits into the Council's wider planning programme for parks and open spaces.

### 1.2.1 RESERVE AND OPEN SPACE PLANNING IN WELLINGTON

The Council is responsible for over 250 individual reserves and open space properties covering a total area of 3,376 hectares. Of those that are protected under the Reserves Act 1977, the majority are classified as recreation reserves. A smaller number are scenic reserves or local purpose reserves.

With so many individual reserves and open space properties, the Council has rationalised its approach to reserve management planning by identifying nine major clusters. For each of these clusters, the Council will prepare an 'omnibus' plan that seeks, among other things, to set management objectives and policies that reflect the particular values of each area consistent with the Council's *Capital Spaces* strategy.

Each of these plans may have a slightly different purpose, reflecting the specific areas covered and their legal status. The Outer Green Belt cluster is probably the most complex in terms of its range of issues, areas and property types and it does not fit neatly into a normal Reserves Act 1977 management plan mould. Therefore the status and specific purpose of the plan needs to be interpreted depending on which particular piece of land is being looked at. The following points should help in this regard:

- Where a reserve within the Outer Green Belt already has a management plan, then that plan will remain, unless stated otherwise.
- Where part of an existing plan is in conflict with the objectives of the Outer Green Belt, then this Plan will include new policies that override the existing conflicting policy.
- General objectives and policies for the Outer Green Belt will apply to all areas whether they have an existing management plan or not, but they must be consistent and interpreted with respect to each different reserve type.
- Where a classified reserve does not have an existing management plan, then this Plan will be the management plan for that area.
- For any unclassified reserves this Plan will only have the status of an advance draft.
- For all other Wellington City Council lands that are not reserves, this Plan will have a non-statutory but similar purpose and function.
- Other detailed development or implementation plans may be prepared for particular areas consistent with this Plan. This Plan will recommend additional plans of this type for some areas, but others may be identified in the future.
- This Plan is not intended to control the use of private land within the concept area, but will be used as a reference document and an advocacy tool. More formal policy in respect of private land in this area may be developed separately, following the appropriate Resource Management Act 1991 process, including appropriate consultation.

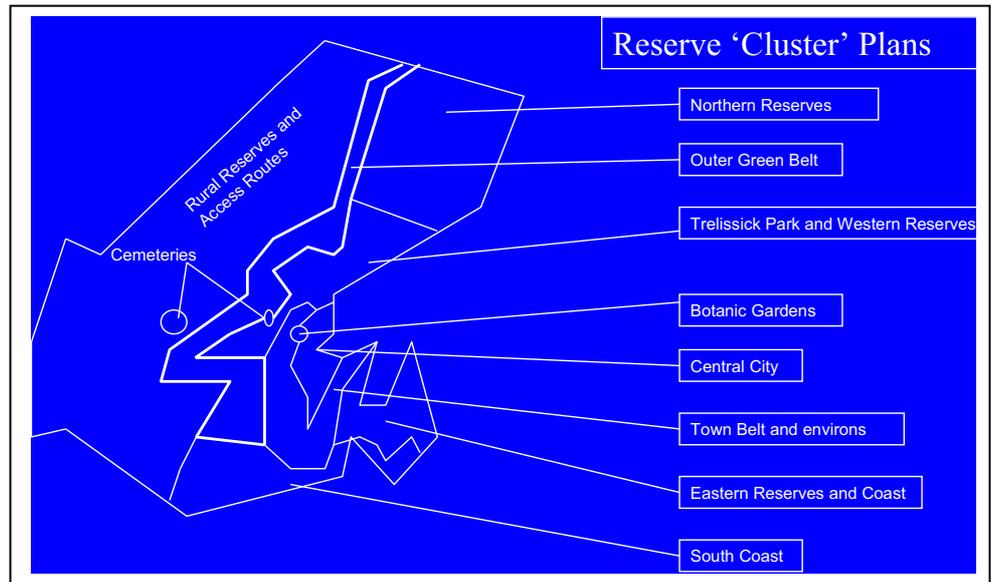
Within the Outer Green Belt there are 27 reserves and other Council properties.

These are further subdivisible into 167 individual land parcels with a variety of legal definitions and types.

Of these, 77 titles are recreation reserve, 22 scenic reserve, 13 local purpose reserve, three are unclassified reserves and 52 are not reserves.

Within the concept there are also approximately 100 private land titles.

Figure 2. Reserve Cluster Plans



### 1.2.2 THE RESERVES ACT 1977

This cluster plan approach is broadly consistent with the Reserves Act 1977 and its interpretation in the *Local Government Reserves Act Guide* which makes a number of points about omnibus plans and what they can and cannot do. In particular:

*“Provided the requirements of s.41 of the Act are otherwise met, a management plan may cover more than one reserve.*

*Such a multiple-reserve management plan may cover all reserves of a single class (for example: all recreation reserves) or cover reserves of different classes for which the Council is the administering body.*

*In the latter instance, the provisions in the plan relating to reserves of any particular class must be consistent with the statutory requirements related to that class of reserve (s.41(3)). For example, any goals or objectives in the plan which relate to recreation reserves must be consistent with the purposes defined in s.17. Those for scenic reserves must be consistent with s.19.*

*The reserves covered by the plan (and their boundaries) must be sufficiently described for a member of the public to recognise them individually. This can be done, for example, by mapping them in adequate detail in the plan. Legal descriptions and references to land status documentation (ie: how the land became a reserve) should be included.*

*The plan must provide details of the classification of each reserve, and a reference to the authority for the classification (source document) is essential. The purposes for which a reserve must be managed derive from its classification.”*

The guide further states:

*“The Council can prepare an advance draft of a plan covering an unclassified reserve(s) for which it is the administering body, provided this does not pre-empt the classification process.*

*The Council cannot, however, invite public submissions on the draft plan until all the reserves which it covers are classified and the draft plan is consistent with those classifications.*

And:

*“Any land of the Council which is not subject to the Reserves Act 1977 can be included in a multi-reserve plan if the Council wishes. It will need to be distinguished from the reserves and appropriately provided for (Council cannot be bound by the terms of the Act for those areas).”*

### **1.2.3 RELATIONSHIP WITH TANGATA WHENUA**

Wellington City Council recognises the importance of the mana whenua relationship and has a formal memoranda of understanding with Wellington Tenth Trust and Ngati Toa Rangatira.

Under the memoranda of understanding, each party recognises the authority of the other to exercise their responsibilities – kawanatanga (governance) by the Wellington City Council and rangatiratanga (customary authority) and kaitiakitanga (guardianship) by tangata whenua.

Actions taken under this Plan will reflect these principles and are intended to provide opportunities for discussion and to develop partnerships. At the time of writing the memoranda of understanding are under review.

#### **The Port Nicholson Block Claim**

On 17 May 2003, the Waitangi Tribunal presented the report on Wellington and its environs, *Te Whanganui a Tara me Ōna Takiwā*, to the claimants and their nearly 1,000 supporters at Pipitea Marae.

This very significant document will form the background to subsequent claim settlement negotiations between the claimants and the Crown. The relevance of this document, and the future settlement process and outcomes may take some time to fully resolve, and its relevance for the Outer Green Belt will be discussed directly with the tangata whenua.

### **1.2.4 FUTURE REVIEW OF THIS PLAN**

This is the first plan for the Outer Green Belt. Fulfilling a long term vision for the Outer Green Belt will take many years. For the plan to fulfil its purpose it will need to be kept up-to-date through regular review, either of the whole plan, or particular parts according to need.

Before the first review, all necessary reserve declarations, classifications and re-zonings of Wellington City Council lands will be carried out following the respective processes set out in the Reserves Act 1977 and the *District Plan*.