

Legislative framework

1. Introduction

Greater Wellington Regional Council's (GWRC) parks and forests are governed by a variety of legislation, which sets parameters around how the land is managed, developed, enhanced, acquired and disposed of.

All parks, forests, reserves, recreation areas, soil conservation areas and water catchment areas within GWRC's ownership or management are all managed under the *Local Government Act 2002 (LGA 2002)*.

In addition to the *LGA 2002*, Queen Elizabeth Park and most of East Harbour and Belmont Regional Parks are also managed under the *Reserves Act 1977* legislation. The future water collection areas - Akatarawa and Pakuratahi Forests - are also governed by the *Wellington Regional Water Board Act 1972 (WRWC Act 1972)* and subsequent amendments. See table 1, Legislation summary, in attachment 1.

2. Land ownership

Much of the land in the parks is managed on behalf of other owners (see table 2, Land ownership, in attachment 1), which also affects the legislative parameters. All of Queen Elizabeth Park, Dry Creek and Takapu Block in Belmont Regional Park and parts of East Harbour Regional Park are owned by the Department of Conservation. The land in East Harbour Regional Park is vested with GWRC. In the case of Queen Elizabeth Park and Dry Creek, GWRC only has management and control. The powers associated with "vesting" or "control and management" differ and are prescribed in the *Reserves Act 1977*.

Korokoro Bush and Speedy's Stream in Belmont Regional Park, and part of the northern block of East Harbour Regional Park are owned by Hutt City Council. Management of these lands by GWRC is enabled by a management agreement between the two agencies. Part of Belmont Regional Park is also owned by Wellington City Council.

Battle Hill Farm Forest Park and part of East Harbour Regional Park are owned by GWRC as Fee Simple land, while Stratton Street in Belmont Regional Park has been acquired by GWRC for reserve purposes (but has not been reserved).

3. ***Local Government Act 1974 and Local Government Act 2002***

The *Local Government Act 1974 (LGA 1974)* empowered Auckland and Wellington Regional Councils to hold, manage and purchase land for regional parks to protect natural environmental, landscape, educational, heritage or

archaeological values, or for recreational significance or potential. The *LGA 1974* also required management plans to be developed.

The *LGA 1974* was superseded by the *LGA 2002*. This provides a new framework for local authorities to play a broad role in promoting the social, environmental and cultural well-being of their communities through a sustainable development approach.

GWRC has the right to set its own bylaws and policies under the *LGA 2002* and the *Wellington Regional Water Board Act 1972*. Examples include the *Greater Wellington Regional Council Parks, Forests and Reserves Bylaw 2009*, which controls activities and the *GWRC Parks and Forests Concessions Policy*, which confer a right to carry out an event or activity on GWRC land.

The *LGA 2002* also places restrictions on disposal of land considered as a park. Section 138 of the *LGA 2002* requires that a local authority proposing to sell or otherwise dispose of a park or part of a park must consult through the special consultative procedures within the Act before its sells or disposes of, or agrees to sell or dispose of, the park or part of the park. These restrictions also apply to the granting of leases and licences.

4. Reserves Act 1977

Queen Elizabeth Park and most of East Harbour and Belmont Regional Parks are all managed under the *Reserves Act 1977* (see table 1, Legislation summary, in attachment 1).

The *Reserves Act 1977* provides for the acquisition of land for reserves and the classification and management of reserves (including leases and licences). There are also guidelines to the *Reserves Act 1977* prepared by the Department of Conservation for agencies managing land under this legislation.

The *Reserves Act 1977* has three main functions.

- **Preservation and management of**, for the **benefit and enjoyment of the public**, areas possessing some **special feature or values** such as recreational use, wildlife, landscape amenity or scenic value. For example, the reserve may have value for recreation, education, as wildlife habitat or as an interesting landscape.
- **Preservation of representative natural ecosystems or landscapes** and the survival of indigenous species of flora and fauna, both rare and commonplace.
- **Preservation of access for the public** to the coastline, islands, lakeshore and riverbanks, and to encourage the **protection and preservation of the natural character** of these areas.

There are eight categories of reserves under the Act. This forms a hierarchy of protection, as some reserve classifications have more stringent requirements for the management, acquisition or disposal of land. The reserve categories include:

- National Reserves
- Recreation Reserves
- Historic Reserves
- Scenic Reserves
- Nature Reserves
- Scientific Reserves
- Government Purpose Reserves
- Local Purpose Reserves

GWRC owned and managed land includes scenic and recreation reserves.

Recreation Reserves, e.g., Queen Elizabeth Park, parts of Belmont Regional Park, part of East Harbour Regional Park, Whitireia Park:

- Provide areas for recreation and sporting activities to provide for the physical welfare and enjoyment of the public, and for protection of the natural environment and beauty.
- Are established primarily to protect and preserve in perpetuity places, objects and natural features of historic, archaeological, cultural, educational and other special interest.

Scenic reserves, e.g., parts of East Harbour Regional Park:

- Are established to protect and preserve in perpetuity, for their intrinsic worth and for the public benefit, enjoyment and use, such qualities of scenic interest or beauty or natural features worthy of protection in the public interest, e.g., parts of East Harbour Regional Park

5. Wellington Regional Water Board Act 1972 (WRWB Act 1972)

Pakuratahi and Akatarawa Forests (future water collection areas), Kaitoke Regional Park and the Wainuiomata Recreation Area are managed under the *WRWB Act 1972*.

The *WRWB Act 1972* sets out GWRC's legal responsibilities and powers over the lands, enabling GWRC to hold and manage lands for water supply purposes, forestry and recreation. The *WRWB Act 1972* authorises officers and rangers to be empowered by the Act's bylaws to control activities in the forests.

In 2005 Parliament passed a Local Bill allowing renewable energy generation to take place on land designated for water catchment or forestry purposes. The *Wellington Regional Council (Water Board Functions) Act 2005* sits alongside the *WRWB Act 1972*.

6. Other Legislation

- Lake Wairarapa is largely held under the *Conservation Act 1987*, although there are associated Wildlife and Recreation Reserves. The proposal is to place the whole park under the *Reserves Act 1977*.
- A walkway through Belmont Regional Park is also governed by the *Walkways Act 1990*.

Attachment 1

Table 1 - Legislation summary

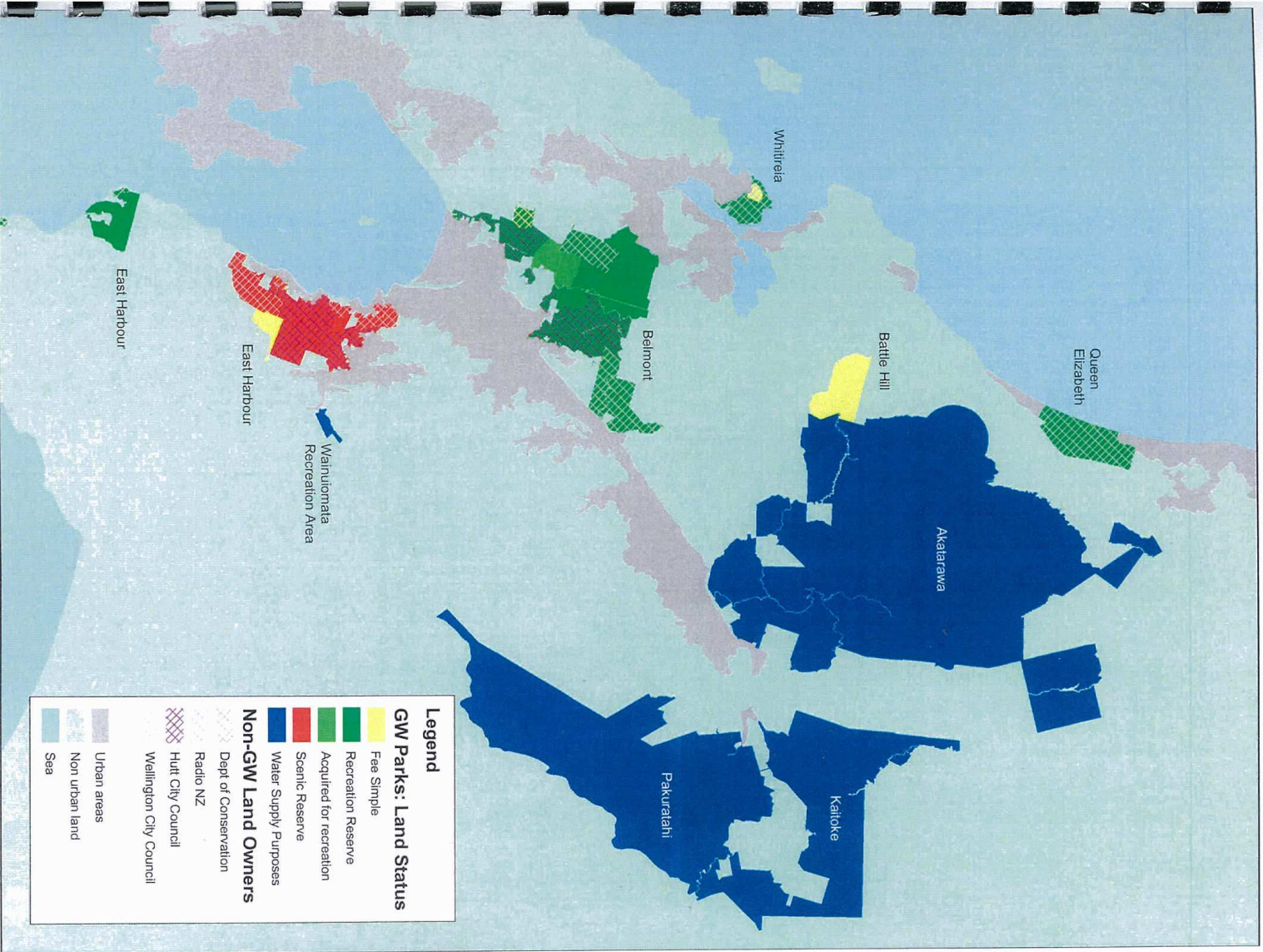
Park/Forest	Key Legislation
East Harbour Regional Park	<i>Reserves Act 1977</i> <i>Local Government Act 2002</i>
Kaitoke Regional Park	<i>Wellington Regional Water Board Act 1972</i> <i>Local Government Act 2002</i>
Queen Elizabeth Park	<i>Reserves Act 1977</i> <i>Local Government Act 2002</i>
Belmont Regional Park	<i>Reserves Act 1977</i> <i>Public Works Act 1940</i> <i>Local Government Act 2002</i>
Battle Hill Farm Forest Park	<i>Local Government Act 2002</i>
Akatarawa Forest	<i>Wellington Regional Water Board Act 1972</i> <i>Local Government Act 2002</i>
Pakuratahi Forest	<i>Wellington Regional Water Board Act 1972</i> <i>Local Government Act 2002</i>
Wainuiomata Recreation Area	<i>Wellington Regional Water Board Act 1972</i> <i>Local Government Act 2002</i>

Table 2 - Land ownership

Park/Forest	Ownership
East Harbour Regional Park	Greater Wellington Regional Council Department of Conservation Hutt City Council
Kaitoke Regional Park	Greater Wellington Regional Council
Queen Elizabeth Park	Department of Conservation
Belmont Regional Park	Greater Wellington Regional Council Department of Conservation Hutt City Council Wellington City Council
Battle Hill Farm Forest Park	Greater Wellington Regional Council
Akatarawa Forest	Greater Wellington Regional Council
Pakuratahi Forest	Greater Wellington Regional Council
Wainuiomata Recreation Area	Greater Wellington Regional Council

GW Regional Parks:
Legal Status and Ownership

0 1 2 4 Kilometers



Legend

GW Parks: Land Status

- Free Simple
- Recreation Reserve
- Acquired for recreation
- Scenic Reserve
- Water Supply Purposes

Non-GW Land Owners

- Dept of Conservation
- Radio NZ
- Hutt City Council
- Wellington City Council
- Urban areas
- Non urban land
- Sea