



16 October 2024

Zara

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Dear Zara

Request for Information – Local Government Official Information and Meetings Act (the Act) 1987

We refer to your email dated 18 September 2024 for:

Please provide the below policies as at 16 Dec 2021 and all subsequent versions and a list of amendments with dates and the changes made since 16 Dec 2021 for each policy.

** Reserves Acquisition and Disposal Policy*

** Private use of Council Reserve land Policy*

** All and any Council Policy where it mentions anything about fencing on a boundary shared between HCC and any other type of landowner.*

Response:

Please find attached information in the scope of your request.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

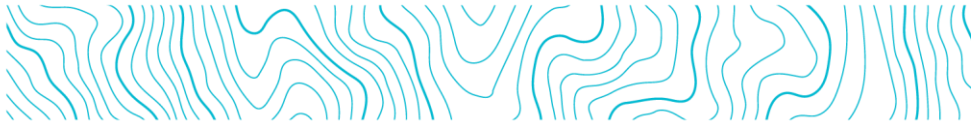
Please note that this response to your information request may be published on Hutt City Council's website. Please refer to the following link: www.huttcity.govt.nz/council/contactus/make-an-official-information-act-request/proactive-releases

Yours sincerely

Philip Rossiter

Senior Advisor, Official Information and Privacy





FENCING CONTRIBUTION GUIDELINE

Council's guideline on contributions towards the cost of fences erected on boundaries with land managed as reserve.

1. This guideline runs in conjunction with the Fencing Act 1978 not as a waiver to the Act, it is provided for information purposes.
2. An adjoining owner must comply with the requirements of the Fencing Act 1978 (including notification requirements).
3. A contribution of:
 - a) A flat rate of \$105.00 (incl GST) per linear metre without mowing strip; OR
 - b) A flat rate of \$120.00 (incl GST) per linear metre where a mowing strip, as described in Clause 4, is required; OR
 - c) 50% of the cost;

NB: Hutt City Council will object to any value above those amounts and handle it through the required process under the Act.

Whichever option is the lesser, will be considered subject to the following clauses.

4. It is the responsibility of the adjoining owner who constructs the fence to ensure it is on the legal boundary. Council will not contribute to a fence that is not on the legal boundary unless there is a written agreement between both parties prior to the fence being constructed.
5. In urban areas Council generally considers an adequate fence to be within a minimum height of 1.0 metre and a maximum height of 2.0 metres. In rural areas an adequate fence could be post and wire. Any building consent requirements must be met by the property owner who constructs the fence.
6. On the Reserve side of the boundary a 300mm mowing strip is required. It should be level with the ground on the Reserve side of the boundary, to allow mowing up to its edge. NB: This applies to reserves that are mown, it does not apply to all boundaries, for example Bush Reserves.
7. If the fence is painted, it must be one uniform colour including the Reserve side.



8. There are no other restrictions on the type of fence to be built, only that it must be of sound construction, using appropriate materials that will achieve a useful life of at least 25 years.
9. On completion, copies of paid receipts showing the cost of the fence must be forwarded to the Council Officer, Hutt City Council.
10. On receipt of these accounts, an inspection of the fence will be made by an independent contractor or a Council Officer.
11. Subject to a report that the fence is satisfactorily constructed, Council's contribution will be processed and deposited into the property owners bank account.
12. If a fencing notice has not been given, Council will not contribute to a fence after three months has elapsed from the time of its construction or where the property has a covenant that excludes Council from liability.

RESERVE LAND ACQUISITION/DISPOSAL POLICY AND GUIDELINES

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1. INTRODUCTION

The Hutt City Council manages over 300 reserves totalling some 4,228 hectares of land out of a total reserve network of some 20,000 hectares contained within the City's boundaries. The Department of Conservation and The Greater Wellington Regional Council manage the remaining reserve areas including the forest and regional parks. It is in this context that the Hutt City Council must consider its reserves' acquisition policy.

The Hutt City Council's Reserves Strategic Directions has recently been completed and sets the priorities for the management and development of the City's parks and reserves over the next 5 to 10 years. The Strategic Directions emphasises:

- the need to include lands that are of high value that contribute to retaining or enhancing the character of the Harbour, Wainuiomata, Hutt Valley and Western Hills landscape identity areas in the reserve network;
- the amenity role open space areas provide for local communities;
- the establishment of corridors that provide for linear recreation opportunities and enhanced ecological links.

Given the history of land acquisition over the last 100 years, the various ways the Council has inherited lands and the ongoing cost of managing these lands it has become evident that its existing parks and reserves need to be assessed for their contribution to the reserves network. Once this is done lands that are held by the Council in fee simple for reserve purposes but have not been vested as reserves under the Reserves Act 1977 will progressively be declared reserves and classified according to the purposes for which they are held. Where lands are found to be of little to no value they will be disposed of and any funds arising will be returned to the reserves network.

This document sets out the Council's reserve land acquisition and disposal policy. It establishes the process the Council can use to review its existing reserve lands and to ensure that the reserves it acquires in the future are a vital part of the network.

.Legislation Affecting the Acquisition/ Disposal Of Land

There are a number of areas of legislation, policy statements and plans that pertain to Council's powers in the acquisition and disposal of land. Below is a brief overview of the legislation.

LOCAL GOVERNMENT ACT 2002

Section 138 of the Local Government Act 2002 legislates for restrictions on the disposal of parks and defines park as meaning land acquired or used principally for community, recreational, environmental, cultural, or spiritual purposes but does not include land that is held as a reserve, or part of a reserve under the Reserves Act 1977. It requires the local authority to consult on any proposal to sell all or part of a park.

Section 189, Compulsory Acquisition of land, authorises a local authority to purchase or take land under the Public Works Act 1981 (clauses 161-173). In particular a local authority may purchase, or

take in the manner provided in the Public Works Act 1981, any land or interest in land, whether within or outside the district, that may be necessary for the purposes of, or in connection with, any public work that the local authority was empowered to undertake, construct, or provide immediately before 1 July 2003. Part 7, 'Specific obligations and restrictions on local authorities and other persons' Subpart 3, 'Restrictions on disposal of, parks, reserves and endowment properties', section 140, 'Restriction on disposal of endowment property' requires the Council to retain the property for the purpose in which it was vested. However clause (4) (b), allows the local authority to sell the property provided the instrument in which the property was vested does not expressly prohibit it but does require the use of the proceeds of the sale to be in accordance with section 141.

Section 141), requires that the use of the proceeds to be consistent with the purpose of the endowment and that the intention to sell and the use to which the funds will be put are in the draft long-term community plan. Section 141, (1) (d) (ii) & (ii) require the local authority to make a reasonable attempt to notify the donor of the property or his or her successor and provide the donor with a reasonable opportunity to comment on the intended sale.

RESERVES ACT 1977

Under the Reserves Act 1977 the Council may acquire private land voluntarily by way of agreement or through a gift or bequest and set aside the land as reserve for recreation, education, preservation of natural ecosystems and landscape and other purposes. Prior to purchase of land the Council needs to take into account the cost of purchase against available funds and the cost of ongoing maintenance for the land. The Crown may also compulsorily acquire private land for the purposes of creating a public reserve under the Reserves Act and appoint the Council to manage and control the land.

Any reserves acquired through subdivision must be vested in the Council under the Reserves Act and managed in accordance with the purposes for which they are held. Under sections 79 and 80, any funds taken for reserves should be spent on reserves.

Sections 24 and 25 of the Act set out the process for the revocation and sale of reserve land. The proceeds of the sale from any reserve land depend on whether the Council owned the land or the land was owned by the Crown and administered by the Council.

RESOURCE MANAGEMENT ACT 1991

The purpose of the RMA is to promote the sustainable management of natural and physical resources (Section 5). The key means for doing this is through policies and rules in the District Plan. In developing its policies and rules the Council must take into account a number of other planning documents. These documents are hierarchical and include the New Zealand Coastal Policy Statement (1994), national policy statements (where these have been prepared), a regional policy statement, a regional coastal plan and regional plans. Brief descriptions of the relevant documents are set out below.

PUBLIC WORKS ACT 1981

The Public Works Act 1981 empowers local authorities to compulsorily acquire land required for a local work for which it has financial responsibilities (section 17). This includes land vested in a local authority or in trustees for local or general public purpose (section 29).

Before proceeding to take the land the local authority is required to enter into negotiation. It serves notice of its desire to acquire the land on those having a registered interest in the land, registers the desire with the District Land Register and advises the estimated amount of compensation (section 18) including purchase of the land or granting of land in compensation (section 21). Notice is published in the Gazette describing the land, the purpose for which the land will be used and the reasons, and a period within which objections may be made (section 23).

In the case of where the land is no longer required for a public work the local authority must offer to sell the land back to the person from whom it was acquired or because of the size, shape or situation of the land offer the sale of the land to the owner of adjacent land (section 40). Where there is no interest in the land by the original owner or the neighbour the local authority may offer the land for sale by public auction, public tender or public application at a specified price (section 42).

CITY OF LOWER HUTT DISTRICT PLAN

The District Plan implements the requirements and intent of the Resource Management Act 1991. The District Plan controls the effects of activities on the City's natural and physical resources through the implementation of policies and rules.

The District Plan also addresses planning matters affecting the City's significant natural, cultural and archaeological resources in accordance with sections 6 and 7 of the RMA. Section 14E of the District Plan has identified objectives, policies and rules to protect the City's significant natural, cultural and archaeological resources and notable trees (Section 14G) from inappropriate subdivision, use and development.

Where the policies and rules cannot achieve protection for natural and physical resources within various land-use activities, acquisition of reserve land is a key method in achieving long-term protection. This may be either through the subdivision process or acquisition through outright purchase.

Section 12 of the District Plan addresses financial contributions. In particular (2.2.1.7. c) identifies the matters to be taken into account when determining whether land, cash or a combination of cash and land will be required. This Land Acquisition/Disposal Policy and Guidelines document further details the priorities and criteria against which the taking of land is assessed especially in terms of the existing reserves network.

CONSERVATION ACT 1987

The Conservation Act promotes the conservation of New Zealand's natural and historic resources. Under the Act the Department of Conservation is required to prepare conservation management strategies which must be taken into account in the preparation of district plans. The Department is

responsible for preparing the New Zealand Coastal Policy Statement and monitoring its effects. It also approves regional coastal plans.

HISTORIC PLACES ACT 1993

The primary purpose of the Historic Places Act is 'to promote the identification, protection, preservation and conservation of the historical and cultural heritage of New Zealand'. The Act establishes a register Rarangi Taonga: the Register of Historic Places, Historic Areas, Wahi Tapu and Wahi Tapu Areas which identifies places of historical or cultural heritage significance or value. In preparing the District Plan the Council is obliged to have regard to any relevant entry in the Historic Places Register (section 66(2)(c)(iia) and section 74(2)(b)(iia). The District Plan includes a list of significant natural, cultural and historical resources. In considering areas for acquisition, land containing these resources should be taken into account.

2. ALTERNATIVE MECHANISMS TO LAND ACQUISITION

Land acquisition by the Council is generally the last resort once all alternative options have been explored.

A range of statutory and non-statutory mechanisms exist for protecting significant areas of land and should be considered in the first instance prior to the Council considering the acquisition of land for reserve purposes. These are outlined below and covered in greater detail in Appendix 2.

RESOURCE MANAGEMENT ACT MECHANISMS

- **Esplanade reserves and esplanade strips** - created under Section 229 of the RMA for the purpose of contributing to the protection of conservation values.
- **Heritage orders** - used by a heritage protection authority to protect a place of special interest, character, intrinsic or amenity value, or visual appeal, or of special significance to tangata whenua for spiritual, cultural or historic reasons.
- **Financial contributions** - a mechanism designed to offset any adverse effects of development including subdivision. Can include money, land or a combination of the two.

OTHER MECHANISMS

These include statutory and non-statutory mechanisms such as:

- **Covenants** - provide for the protection of important natural and cultural features on private land whereby a binding agreement can be established with the landowner to protect in perpetuity an important natural or heritage feature that might exist on the site.
- **Maori reservations** - involve land including places of cultural, historic or scenic interest, being set aside for either the common use or benefit of the owners.
- **Wildlife protection** - wildlife management reserves and wildlife refuges over private and public land.
- **Agreements** - reached with landowners to secure certain privileges such as walkways.

- **Partnerships** - combining of resources or sharing of responsibilities with another agency or private organisation.
- **Land Exchange** - swapping land with a private landowner to secure a significant recreation, ecological, historic or landscape feature.

3. TRENDS

A number of trends affect Council's priorities in the purchase of land. These are:

- Minimal to no growth in the population base of Hutt City resulting in a capping on the funds that can be drawn on for reserve network development.
- Changing housing patterns that require a different style of reserve provision. Changes include the increase of:
 - Lifestyle housing in the Western Hills requiring the protection/acquisition of bush-clad gullies.
 - Infill housing in the central city areas resulting in loss of amenity through the reduced size of sections and the subsequent loss of larger trees. This requires alternatives to be found for tree planting and key sites to be acquired for open space.
- Increasing environmental awareness in the community is resulting in the community meeting the challenge of taking greater responsibility for ensuring the protection and enhancement of the natural character of lands held in private ownership. There are a number of subdividers who now see the natural environment as important for adding value to properties and are keen to see natural features retained and enhanced in a modern subdivision. The maintenance of these areas can be built into purchase agreements with property buyers.
- Recognition of the value in linking areas to enable the establishment of ecological corridors and improve linear recreational access which may require the acquisition of some key lands over time.
- Reinstatement of natural waterways to improve flood management and ecological health may also require the acquisition of strips of land adjacent to waterways over time.

4. LINKS WITH RESERVES STRATEGIC DIRECTIONS

Of the six key directions identified in the Reserves Strategic Directions, four of these influence the priorities the Council has in considering the acquisition and disposal of land. These are summarised as follows:

Key Direction 1 – seeks to identify non-contributing reserve lands that contribute little to the network and to dispose of these lands to avoid unnecessary administration costs and improve the overall focus of the network. It is proposed to do this by using the criteria established in this document for assessing reserve lands. Lands proposed for disposal would be publicly notified and processed in a transparent manner as detailed in this document.

Key Direction 2 – looks to work with other departments of the Council and other agencies to provide more effective and focused parks and reserves' services. This is likely to lead to the rationalisation of land ownership.

Key Direction 4 – seeks to recognise and preserve the essential elements of the City’s landscape that give structure and contribute to its natural and cultural identity. This will result in lands contributing to the geographic character of the City being secured over time and important landscape, ecological, cultural and historic features gaining greater protection and ecological areas being enhanced.

Key Direction 5 – seeks to improve linear recreational opportunities including access to natural areas close to the urban environment. The intention is to link existing reserves and build a network of trails improving links to natural features. This may result in further lands being acquired over time that will improve recreational access.

Arising from the Key Directions is a series of actions some of which set priorities for future land acquisition. A key aspect in guiding land acquisition is the identification of four ‘Landscape Identity Areas’; Wainuiomata, Harbour, Hutt Valley and Western Hills. These areas encapsulate the different landscape settings and establish the priorities for reserve development in each area (for further detail refer Appendix 1).

5. COMMUNITY OF INTEREST

A key factor in considering who should take responsibility for an important tract of land is the community of interest. This can range from national to regional to local (city) and depends on the importance placed on the feature/character of the land under consideration. Legislation usually exists to help identify what is considered important at the different levels e.g. The New Zealand Coastal Policy Statement identifies national/regional resources and priorities, the Regional Policy Statement and associated plans identify regional priorities and the District Plan local priorities. The local priorities along with the national and regional priorities contained within the City boundaries are usually identified in the District Plan.

In most cases the Council is immediately concerned with those matters affecting its community at the local level but where there is a wider interest and matters of national or regional interest are affected there is a need to look at options including partnering where there is clearly joint benefit. The Belmont Regional Park land is an example where the Hutt City Council has purchased the land for local purpose but its management comes under The Greater Wellington Regional Council as the use and benefits are regionally important.

6. FUNDING

The issue of funding is a matter that influences Council’s willingness to acquire land. The Reserve Purchase and Development Fund is the primary source and basis in which the Council will acquire land.

Partnership arrangements, whereby two or more agencies/departments share in the purchase of a property where both are benefiting from the acquisition of the property may act as an incentive towards acquisition of an area of land. Grant funding might also act as a catalyst whereby the

objectives of a heritage protection agency or trust might be met along with the objectives of the Council.

The use of loan funds is also a possible way of funding property acquisition as reserves are held in perpetuity and loan funds enable intergenerational equity to occur (the spreading of costs to later generations who will clearly benefit from acquisition now).

7. ACQUISITION/DISPOSAL POLICY

INTRODUCTION

While the acquisition of land is the definitive means of protecting significant features and obtaining land for reserve purposes there are a number of factors that need to be taken into account by the Council. These include:

- The cost, especially where land valuation is influenced by development expectation
- The need for partnership approaches between agencies to co-ordinate their different functions (especially for regional park land)
- Initial development and ongoing maintenance costs
- The level of developer contribution
- Debt funding and servicing
- Prioritising land purchase across the wider city area
- Any precedents that may be set and expectations that public good outcomes require full compensation to private landowners.

In establishing the following policy the Council is aware that the criteria set out in this document is a guide and factors influencing the purchase or disposal of lands is not a fixed science; it is as much an empirical judgement as one based on technical facts. Community need, political willingness and financial ability all come into the equation along with the need to apply good judgement and common sense.

In making a judgement the Council must consider all other options that enable wider land management objectives to be met. Amongst these are the need to ensure the community takes up a greater responsibility for the protection of natural features where these are on private property. The City's natural character becomes more sustainable when the community is involved in the protection and conservation of land.

When considering land purchase the Council is aware that it has accumulated a large amount of reserve land over many years and it (the Council) needs to ensure it is able to sustain the management necessary to keep the reserve land in good health. In order to maximise natural resource protection a wide range of tools need to be available to allow responsibility for land management to remain with landowners. Reserves should not be considered a deposit for all lands that cannot otherwise be used for development purposes or as a default mechanism for heritage protection. The Council has the challenge of finding a balance between providing protection for important natural resources through reserves and encouraging private landowners to take up responsibility for the protection of these resources on private land.

On the other hand, when considering land disposal the Council is aware that once a reserve is disposed of it is likely that the land will no longer be accessible to the public. Disposal of reserve land can also be an expensive and uncertain process as it requires public consultation and may be subject to Ministerial approval.

Prior to considering the disposal of reserve land the site must be carefully evaluated against the requirements of the City's reserve network as identified in the Reserves Strategic Directions. The following policies are the basis on which the Council will consider the acquisition and disposal of Council reserve lands:

ACQUISITION OF RESERVE LANDS - POLICIES

1. Acquisition of land for reserves will only be considered where there is no other suitable alternative.
2. Lands suitable for acquisition will be identified in the areas where significant amounts of subdivision are occurring such as the central urban area and the Western Hills. Because of commercial sensitivity these lands will be identified on a private file to avoid price hiking.
3. The acquisition of lands contributing to the identified actions of the Hutt City Council's Reserves Strategic Directions – Key Directions will be given priority especially lands contributing to protecting and enhancing the landscape identity areas.
4. The Council will follow the process laid out in the methodology when considering the acquisition/disposal of lands.
5. Lands being considered for acquisition will be assessed against the criteria set out in this document (refer Appendix 3).
6. A full report using these criteria will be required as part of the Council considering land acquisition.
7. Land acquisition arising from subdivision is considered the main mechanism from which future land will be acquired.
8. Generally, only lands making a significant contribution to the reserves network will be considered for acquisition unless there is special merit requiring the Council to do otherwise.
9. Where there is national and regional interest in an area of land, the Hutt City Council will promote the land's protection through the appropriate agency charged with the responsibility of managing that particular level of interest.
10. Where there is a clear, immediate benefit at the local level joint partnering may be considered.
11. The Council will look to partners or for grant support where appropriate.
12. Land will generally only be acquired through the Reserves Purchase and Development Fund.

DISPOSAL OF RESERVE LANDS - POLICIES

1. Lands coming within the reserve portfolio will be assessed against the land Acquisition/Disposal criteria (refer Appendix 3) and where registered as being of low value will be put forward for possible disposal.

2. Disposal of such lands where they are held in fee simple by the Council and are not classified under the Reserves Act 1977, will follow the procedures for disposal set out in the Reserves Act 1977. Classified lands and lands vested in the Council will follow the procedures of the Reserves Act Guide (Chapter 9, Reserve Revocation and Disposal).
3. Revenue arising from the sale of reserve lands will be held in the Reserve Purchase & Development Fund and expended on either the purchase of high value lands or to carry out improvements to reserves.

Note: the Council is required under various Acts to follow certain procedures. These are referred to in Section 2 Legislation Affecting the Acquisition/Disposal of Land, refer page 4, in particular refer the Local Government Act 2002, Reserves Act 1977 and the Public Works Act 1981.

8. METHODOLOGY

WEIGHTING

A set of criteria has been established to assess areas of land that may be suitable for acquisition by the Council. Criteria have been established within the categories of Landscape, Ecological, Recreation and Heritage and in some cases sub categories have been established e.g. Landscape - open spaces, Landscape - natural site features. A statement covering each level of significance, high medium and low, has been developed to provide an attribute weighting for each characteristic (refer Appendix 3).

It is recognised that site assessment requires a degree of judgement and that land attributes can really only be assigned in the context of the wider area and it is therefore important that officers or other professionals are used to carry out assessments. Given the wide range of reserve types and the different settings it is not possible to make an exact science of the attributes; not all attributes will apply and therefore different areas of land will be judged using different criteria. However, it is important that a weighting be given to the criteria used in assessing the property. It is considered the weighting of High, Medium and Low gives sufficient measure as to whether a particular attribute is a factor in deciding whether to purchase or dispose of a property.

Having identified and weighted the attributes the following factors should be taken into account:

1. Current value of the site versus long-term value i.e. does the site have long term potential and therefore has additional merit to that already assessed?
2. Multi-use values i.e. how many attributes does the land under consideration contain and does the land offer greater opportunity because it has a number of attributes? Multiple values can result in wider use of a reserve thus increasing its contribution.
3. Adding value where the land under consideration lies adjacent to an existing reserve. In this case where an existing reserve might have limitations or be constrained by the current surrounding land holdings and with the addition of an adjacent property the value of the reserve can be improved considerably. This might include the purchase of land along a street frontage to open up the

reserve to improve access, address safety issues and enhance visual appeal. Reserves that would benefit from such treatment could be identified in the reserve management plans.

4. A reserve area may have another purpose such as housing a utility and therefore the land may have a dual purpose. The presence of a utility may have a significant effect on the value or use of a reserve and maintenance for the utility may also limit use of a reserve. In some cases a utility may have no effect on a reserve depending on its nature and character. The presence of a utility and its effect on the land needs to be taken into account when considering acquisition or disposal of reserve lands.

DETRACTORS

In assessing a property, it is necessary to also look at the detractors. These might include:

1. Long term maintenance - are there some potentially costly matters to be dealt with on the property e.g. heavy infestation of noxious or invasive weed types?
2. Inherent defects such as the potential loss of land through slippage or the area is prone to flooding or extreme high tides etc.
3. Potential hazards to users such as a cliff edge, wash outs, earlier dumping of toxic waste.
4. Previous use of the land and likely long-term inherent costs. This might include slumping arising from the area being located on an old dump site, containing an old forestry plantation that due to the difficulty of extracting the timber or the condition of the timber management costs will be far greater than any likely return from timber harvesting.
5. Encumbrances and long-term leases or other access rights including those related to utilities.

PROCESS

The following diagram shows the process that will be followed for the purchase or disposal of reserve land.

PROCESS FOR ACQUISITION/DISPOSAL OF RESERVE LAND

1. Outright purchase
 - a. Property evaluated using evaluation process (refer sections 8, 9, 10 & 11)
 - b. Statement drawn up and recommendation made

Committee considers report & recommends action

2. Disposal
 - a. Property evaluated using evaluation process (refer sections 8, 9, 10 & 11)
 - b. Report prepared
3. Committee decides as appropriate
4. Intention publicly notified and evaluation available on request

5. Submissions received and assessed & report prepared to go to Committee
6. Council decides on sale or otherwise

9. LAND ACQUISITION/DISPOSAL CRITERIA

A range of criteria has been developed to help determine whether the Council should acquire land either as part of the subdivision process or as a direct acquisition (refer Appendix 3). The criteria include:

- Landscape (divided into visual, open space and natural site features)
- Ecological
- Recreation (divided into informal recreation and outdoor sport)
- Heritage

A chart has been prepared for each criteria and a range of characteristics have been described. The level of significance of each characteristic is also described from which a weighting can be applied. The charts are guides rather than definitive statements and need to be interpreted when assessing an area of land. The criteria are also intended for determining whether the Council should dispose of land held for reserve purposes.

The Landscape Identity Areas, identified within the Strategic Directions, help define the essential natural character of an area and the reserves network should build on these to form a cohesive and integrated whole with the built environment. The primary function of reserves is to reinforce this character to the extent possible while fulfilling the range of recreational uses required by the community. In the case of Hutt City, where there is already a significant area of reserve land, it is important that existing lands are developed to strengthen the local character and that where important elements such as recreational access, landscape protection and conservation values exist, and where these lands are vulnerable, that protection mechanisms are applied. Reserve acquisition is one such mechanism but needs to be used as a last resort. Careful consideration should be given when acquiring land, as there is considerable cost to the community in the purchase and maintenance of such lands.

LANDSCAPE

Landscape, for assessing reserve values, relates to two elements, the character of the piece of land under consideration and the context of the land in which it sits.

Visual

The visual quality of an existing or proposed reserve area is important in assessing the contribution the reserve makes or would make to the amenity of the City. Visual appeal is often subjective but the elements that make up what is generally considered an aesthetically pleasing appearance can be identified and a general level of significance attributed to them. The characteristics to be taken into account when considering visual aspects include landscape, prominence, integration, pleasantness and coherence.

Open Space

Open space is the provision of natural or 'unbuilt lands' within the context of the City or its suburbs. The role of open space varies according to its function. Open space can be a small pocket park in a local subdivision or it can be a backdrop of hills covered in native bush. Open space can arise from a number of land uses including schools, golf courses, utilities, water collection areas etc. The acquisition of reserve land for open space purposes needs to be taken in context of the local area and the security of the open space features in that area. Schools can close over time, golf courses can be sold because of land values and what was open space then becomes built area as the result of subdivision.

Equally open space can change in function over time and where a neighbourhood was once occupied by families and the local neighbourhood reserve was used by local children the neighbourhood can become occupied by professional couples and the local playground no longer has a role. These small parks often look unattended, serve little purpose and leave a gap-tooth appearance in the subdivision.

For this reason open space should be as multi-functional as possible to ensure it operates at a number of levels for a number of different uses. If one function ceases or changes emphasis then the open space should remain functional for other purposes.

The characteristics to be taken into account when considering open space include role, multi-functional, threat to existing character.

Natural Site Features

Natural site features include areas of exotic and/or native bush, native and exotic notable trees and native forest remnants (including those that are scheduled in the District Plan), rivers, streams, lakes and coastal areas and topographical and geological features and that are present on a site. The characteristics to be taken into account when considering natural site features include bush, trees, water, stream, geological and topographical.

ECOLOGICAL

While the ecological health of a native bush remnant, wetland or wildlife habitat is very important it can represent considerable cost to the Council to maintain. Retaining land in private ownership with appropriate covenants can be an effective way of managing natural areas. Rules in the District Plan can also be used to control or limit activities that may have an adverse effect on native bush remnants, wetlands or wildlife habitats. The Council should therefore only acquire land that it is able to maintain in a healthy state. Preference should be given to areas that are representative of the biological diversity present in an area (in terms of ecological district, local district or nationally), contain rare and/or endangered species, are ecologically sustainable and do not occur in isolation but are part of the larger landscape. The characteristics to be taken into account when considering ecological aspects include significant natural resource areas, flora & fauna, health, sustainability and infestation.

RECREATION

Land acquisition in urban areas usually has a very high component of recreational importance whether it be for informal recreation involving casual free choice type activities usually occurring in natural or amenity areas, or organised sport that requires modification of the land to create sports grounds and facilities to meet the various sports needs of the different sporting codes. The recreational needs of

different ethnic groups within a community also need to be taken into account whether it is providing areas for outdoor meditation or Samoan cricket. The characteristics to be taken into account when considering informal recreation include linear activities, access to natural areas, proximity to urban areas, neighbourhood park and amenity.

The characteristics to be taken into account when considering outdoor sport aspects include demand, provision, contribution, added value, sector/ethnicity and supporting facilities.

HERITAGE

Heritage in this instance covers cultural, archaeological and historic resources. Cultural resources are identified in the District Plan as being sites and features of significance to Maori and to European culture and the Council will consult directly with Te Atiawa on matters affecting the acquisition or disposal of reserve land. The District Plan includes a list of archaeological sites recorded by the New Zealand Archaeological Association and identified in the NZHP Register. The characteristics to be taken into account when considering heritage aspects include cultural, archaeological and historic.

10. CONSULTATION

When considering land acquisition or disposal, Council Officers will discuss the matter with directly affected parties. This would be a preliminary discussion and would be part of preparing the initial report going to the Committee rounds. Consultation is likely to include but not limited to immediate neighbours and community groups with an interest in the site including local residents groups and existing or potential users groups. In the case of disposal, further and wider consultation will occur prior to any sale as a result of notification required either by the Reserves Act 1977 where the land is declared a reserve or as a result of, Disposal of Reserves Lands - policy 2, as contained within this document (refer pg 12) where the land is held in fee simple by the Council but managed within the reserves portfolio.

11. PROVISION FOR URGENT ACQUISITION

Land acquisition is usually relevant in a willing seller situation. Very often prime reserve land is not on the market and it is usually at short notice that such land becomes available. Often the better land sells quickly. It is proposed that officers be given delegated authority to negotiate the purchase of lands where these have previously been identified as critical to the Reserves network i.e. the land for sale attains a very high rating on the criteria basis and is considered by the Council to be critical.

This would require officers to identify critical lands and for the Council to consider the matter in advance of land coming on the market, with such lands being held on a private file because of the commercial sensitivity.

In urgent cases the Chief Executive Officer would need to approve the final settlement price, where this is the case chairpersons of the relevant committees, wards and boards would be consulted.

12. APPENDIX 1

KEY DIRECTIONS

The following key directions have been extracted from the Hutt City Council Reserves Strategic Directions, October 2003. They are the key directions relevant to the Council's Land acquisition/disposal policies contained in this document.

12.1 CONSOLIDATION OF EXISTING RESERVE NETWORK

DIRECTION ONE:

Review the reserve network to ensure all lands contribute effectively to the core services and activities of the parks and reserves services of the Council now, and in the future.

Principles:

Assessing the contribution each parcel of land makes towards protecting and preserving the city's important natural, cultural and landscape features and/or the community's use and enjoyment will ensure only lands of value are retained in the reserve network.

Diverting money received from the sale of low value reserve land will contribute to the overall improvement of the reserve network by focusing limited resources into the improvement of core areas.

Classifying reserve lands and preparing management plans in accordance with the Reserves Act 1977 for like reserves including passive, active, conservation and special reserves will ensure their long term protection and appropriate management and development.

Relevant Actions:

1. Establish criteria for assessing the contribution an area makes to the recreational activities of the community and towards the protection of the natural and cultural resources of the Hutt City territory.
2. Review all the Council's reserve lands to ensure:
 - a. Each area of land makes an appropriate contribution to the reserve network in line with the purposes of the Reserves Act 1977;
 - b. Lands are appropriately classified according to their purpose; and
 - c. Where lands are marginal, consider alternative options for protecting site values including covenants, subdivisions etc.

12.2 RELATIONSHIP WITH OTHER PROVIDERS

DIRECTION TWO:

Ensure effective delivery of parks and recreation services to the community by continuing to work with other agencies, other departments of the Council and the private sector.

Principle:

Working closely with other providers of parks and recreation services will improve understanding of the roles and responsibilities of all providers, better focus resources and enable the development of complementary activities.

Relevant Actions:

1. Liaise with Wellington Regional Council (WRC) on Belmont and East Harbour Regional Parks to address land ownership matters and the proposed northern area of the East Harbour Regional Park to address management responsibilities.
2. Continue to liaise with WRC to improve environmental quality and recreational opportunity along the Hutt River.
3. Continue to work with private landowners to help provide 4WD and trail-bike access to appropriate areas owned by the Hutt City Council.
4. Work with other Council departments to promote the concept of “greenways” along street corridors, especially leading to the Hutt River and Petone Foreshore from the central and urban areas of the Hutt City.
5. Liaise with other agencies and departments of the Council to establish “ecological corridors” along streams and improve amenity values and recreation opportunities along the harbour foreshore.
6. Liaise with other councils to increase linear recreation opportunities including the Regional Coastal Trail, Hutt River Trail, and access beyond the western and eastern hills, and improve environmental enhancement through the development of cross-boundary ecological corridors.

12.3 ENVIRONMENTAL ENHANCEMENT**DIRECTION FOUR:**

Recognise and preserve the essential elements of the city’s landscape that give structure and contribute to its natural and cultural identity.

Principles:

Using the geographic features of the Hutt City territory to define four distinct landscape identity areas – namely Wainuiomata, Western Hills, Harbour and the Hutt Valley – will create a focus for the reserve network and provide reserves that protect and strengthen the important ecological, landscape, cultural and historic features of these areas.

Developing and managing reserves that focus on and strengthen the unique landscape qualities will not only improve the visual quality of the district but also will increase ecological health and support biodiversity.

Relevant Actions:

1. Assess and develop the reserve network in line with the important ecological, landscape, cultural and historic resources of the landscape identity areas including:

- a. **Wainuiomata:** protecting wilderness areas including bush, rugged coastline and river valleys and protecting bush remnants and regenerating bush on the eastern hills and surrounding hills of the Wainuiomata suburb.
 - b. **Hutt Valley:** focusing and redeveloping the inner-city reserves to improve environmental quality and provide links to the Hutt River and rehabilitate the natural qualities of stream corridors. Protecting significant existing trees in the central city area and intensifying street and tree plantings to compensate for tree loss from subdivision. Continue to protect and revegetate the Eastern Hills as an important backdrop to the Hutt City.
 - c. **Western Hills:** protecting regenerating bush gullies and developing ecological corridors to link with the bush areas of Belmont Regional Park.
 - d. **Harbour:** contributing to environmental protection and enhancement of the inner harbour, protecting culturally sensitive areas and prominent high-quality regenerating bush faces along the harbour edge of the Eastern Bays and rehabilitating the natural qualities of the stream corridors.
2. Increase the ecological value of stream corridors through planting existing public lands with indigenous and ecologically appropriate species and acquiring adjacent lands as reserves through subdivision.
 3. Continue to return the coastal and harbour edges to their natural character.

12.4 RECREATIONAL ACCESS

DIRECTION FIVE:

Improve linear recreational opportunities including access to natural areas close to the urban environment.

Principle:

Linking existing key reserves provides a sound basis from which to build a network of trails improving links to natural features and providing a wide range of recreational opportunity.

Relevant Actions:

1. Implement the findings of the Council's Walkway Review.
2. Work with other agencies to improve access to and along linear features such as the Hutt River, coastline, and hill ridges and mountain ranges including 4WD and other off-road vehicles as opportunity allows.
3. Investigate opportunities for creating "greenways" along suitable streets linking the inner city with natural areas such as the Hutt River and Petone Foreshore.
4. Improve recreational access in the landscape identity areas including:
 - a. **Wainuiomata:** continue to develop access opportunities to surrounding bush areas including East Harbour Regional Park and improve access along the harbour edge, Wainuiomata River and Wainuiomata coastline.

- b. **Hutt Valley:** develop recreational access to and along the Hutt River, plan for and improve access along stream corridors and assess existing reserve areas that would be suitable for creating treed walkways close to the central city urban areas.
 - c. **Western Hills:** link existing bush gullies and provide walking access to Belmont Regional Park.
 - d. **Harbour:** continue to improve recreational access along the foreshore and bays and East Harbour Regional Park.
5. Continue to improve access opportunities to reserves generally to cater for ageing and less mobile members of the community.
6. Assess reserves generally to establish which areas would be suitable for creating treed walkways for access by the less mobile members of the community.

APPENDIX 2

Protection Mechanisms other than Reserves

RESOURCE MANAGEMENT ACT MECHANISMS

Aside from the objectives, policies and rules in the District Plan which can protect significant land by identifying special areas for protection including native bush, ridgelines and heritage places, and controlling the affects of subdivision the RMA also provides for the following mechanisms:

ESPLANADE RESERVES AND ESPLANADE STRIPS

These are created under Section 229 of the RMA for the purpose of contributing to the protection of conservation values by maintaining and enhancing the natural functioning of an adjacent sea, river, or lake, maintaining and enhancing water quality and aquatic habitats, mitigating natural hazards, and enabling public access and recreational use of the reserve and adjacent sea, river or lake.

HERITAGE ORDERS

Heritage orders can be used by a heritage protection authority (which may be a territorial authority) to protect a place of special interest, character, intrinsic or amenity value, or visual appeal, or of special significance to tangata whenua for spiritual, cultural or historic reasons. Where a heritage order is included in a district plan, no person may undertake any use of the land, subdivide, or change the character, intensity, or scale of the use of the land that would nullify, in whole or in part, the effect of the heritage order. A heritage protection authority may compulsorily acquire the land to give effect to the heritage order, however this has not yet been contested through the courts.

FINANCIAL CONTRIBUTIONS

This mechanism is designed to offset any adverse effects of development including subdivision. The means of how the principles are applied is specified in the rules in the District Plan. Financial contributions can include money, land or a combination of the two. This matter is dealt with as a separate item (refer Section 1). The Hutt City Council generally takes money unless there is strong merit in taking the land such as when it has high value as a reserve and there is no other reasonable alternative options to protecting any natural, cultural or heritage features on the land or the recreational opportunities it offers. This document describes what is important in the way of reserve values and will be the basis of assessing land taken as a developer's financial contribution.

OTHER MECHANISMS

These include statutory and non-statutory mechanisms such as covenants, reservations, agreements with landowners, wildlife protection and outright purchase. A brief synopsis of these is set out below: Reserves Act 1977 (Section 77) and the Conservation Act 1987 (Section 27)

COVENANTS

Conservation covenants provide for the protection of important natural and cultural features on private land. They are a way to establish a binding agreement with the landowner to protect in perpetuity an important natural or heritage feature that might exist on the site. They are binding on the titleholder

and remain on the title unless a specific process is gone through to annul the agreement. This usually only happens where loss of the feature occurs due to external circumstances and there is no further merit for its protection. Conservation covenants do not confer reserve status on the land but may be registered against the title.

The advantage of this option is that it gives members of the community the responsibility for applying good care and judgement in something that is of public interest. The Council can get involved in supporting the property owner in the care and maintenance of the feature if it so wishes.

The Queen Elizabeth the Second National Trust Act 1977 established the QEII Trust to operate independently of any Government agency to provide, protect and enhance open space on private land through open space covenants (Section 22). The QEII Trust's emphasis is generally on larger tracts of land and high levels of significance in the features being protected. The landowner usually initiates these covenants which are registered against the title. Generally management of the covenanted land is the responsibility of the landowner but the QE II Trust may provide advice and specialist services.

Under the Historic Places Act 1993, the N.Z. Historic Places Trust (NZHPT) may negotiate a heritage covenant with landowners which have a registered historic place on the land. A heritage covenant is registered against the title and may be in perpetuity, for a specific timeframe or may be terminated on the occurrence of a specific event.

MAORI RESERVATIONS

These are provided for under Te Ture Whenua Maori Act 1993 and involve land including places of cultural, historic or scenic interest being set aside for either the common use or benefit of the owners, Maori of the class specified, or for the common use and benefit of all the people of New Zealand, provided it is in accordance with the owner's views and the local authority agrees to it.

WILDLIFE PROTECTION

Under the Wildlife Act 1953 wildlife sanctuaries, wildlife management reserves and wildlife refuges can be established by order in Council over private and public land. Wildlife sanctuaries can be established without the landowner's consent provided full compensation is paid.

AGREEMENTS

Agreements might be reached with landowners to secure certain privileges such as walkway access where this is a better option to acquiring the land. This is done under the likes of the New Zealand Walkways Act 1990 and gives the owners control as to what happens on their property. The process requires negotiation and only proceeds when both parties are satisfied with the conditions of the agreement. Conditions may require the Council to fence, maintain areas, and take responsibility for any impacts arising from public use of the area. The Department of Conservation is also empowered to negotiate management agreements with landowners under the Conservation Act 1987.

PARTNERSHIPS

This option might involve the combining of resources or sharing of responsibilities with another agency or private organisation (trust). The Council might agree to contribute part funding or alternatively carry out certain activities such as fencing, wild animal and noxious weed control with the partnering body.

LAND EXCHANGE

Under some circumstances the Council may consider swapping land with a private landowner to secure a significant recreation, ecological, historic or landscape feature.

13. APPENDIX 3

LANDSCAPE - Visual

CHARACTERISTIC	DESCRIPTION	LEVEL OF SIGNIFICANCE		
		High	Medium	Low
Landscape Identity Area	Reinforces the character of the area.	Integral part of the defined character.	Contains elements that make partial contribution.	Not related to the character.
Prominence	Degree to which the area is seen.	Viewed from main arterial routes.	Viewed from suburb.	Viewed within street only.
Continuity	Provides visual continuity with other similar features.	Part of scenic backdrop.	Similar character but separated from adjacent area.	Exists in isolation.
Integration	Provides transition between hard and soft landscape.	Provides significant relief from the built environment in an area where amenity is low e.g. strong presence of low- quality building structures or heavily used high impact road.	Provides moderate relief from the built environment in an area where amenity is low.	Insignificant effect.
Pleasantness	Contributes to harmony and balance between the built & natural environment.	Has a special character that is unique within the reserve's network	Contributes variety to the reserves in the area.	Featureless site in an area with an abundance of open space.
Coherence	Is an integral part of an adjacent area.	Integral part of the adjacent area.	Contains elements of the adjacent area.	Not related to the adjacent area.
Uniqueness	Has a unique or special make up of landscape elements.	Elements are rare and/ or combine to make special character.	No unique elements but character contributes to strengthening landscape elements in the area.	Typical & highly representative of other reserves in area for which there is an over supply.

LANDSCAPE - Open Space

CHARACTERISTIC	DESCRIPTION	LEVEL OF SIGNIFICANCE		
		High	Medium	Low
Role	The purpose for which the land is intended.	Meets more than one of the Key Directions of the Reserves Strategic Directions (refer appendix 1).	Meets one of the Key Directions of the Reserves Strategic Directions (refer appendix 1).	Does not meet any of the Key Directions of the Reserves Strategy (refer appendix 1).
Multi-functional	The range of uses for which it can be utilised.	Multi purpose.	Mixed use but purpose has potential to change.	Single purpose.
Threat to existing character	The way the land might address a threat to the character of the existing open space in the area e.g. subdivision, proposed roading development etc.	Infill housing occurring or other open space land uses changing.	Potential for loss of open space.	Open space provided by other land uses.

LANDSCAPE – Natural Site Features

CHARACTERISTIC	DESCRIPTION	LEVEL OF SIGNIFICANCE		
		High	Medium	Low
Bush	Present on the site (refer also ecological).	Covers whole area.	Covers part of area.	Small scrappy remnant.
Trees	Individual or groups of trees present on site (refer also ecological).	Significant numbers registering high on NZIH assessment, or are notable trees, remnant kahikatea & nikau palms as per District Plan.	Individual specimens registering high on NZIH assessment and can be protected through other mechanisms.	Few trees of poor quality and low amenity value.
Water	Significant water body on/or adjacent to the site (river, lake, harbour, coast).	Strongly present & enables natural character of area to prevail.	Partially present & enables natural character of area to prevail.	Feature modified & minimal presence of natural character.
Stream	Tributary feeding larger body of water.	Protects natural character.	Enables natural character to be reinstated.	Heavily modified & limited opportunity to rehabilitate.
Geological	Contains representative or unusual features e.g. rock faces.	Rare to find such a feature & registered as important in various plans.	Registered as important but limited example.	Not registered as important but provides local character.
Topographical	Relates to the slope and geophysical characteristics of the site.	Provides a unique or special character that is important or rare to the district.	Provides a usable site that can be adapted easily for the purpose for which it is intended.	Can be modified at some expense for an immediate recreational need.

ECOLOGICAL

CHARACTERISTIC	DESCRIPTION	LEVEL OF SIGNIFICANCE		
		High	Medium	Low
Significant Natural Resource Areas	Site is identified in the District Plan 1.	Will contribute greatly to increasing ecological values of SNRA and reserve provision only safe means of protection.	Other mechanisms such as covenants available but there is some risk.	Can be protected by other mechanisms including covenants and rules in DP.
Flora & Fauna	Significant areas of native flora and fauna (not in DP) taking into account rare and endangered species, successional state, representative value, contribution to biodiversity, etc.	The site has been assessed by a botanist or biologist and is considered to have rare and/ or distinctive elements not heavily represented elsewhere in the district.	The site has been assessed by a botanist or biologist and is considered to have moderately important elements reasonably well represented elsewhere in the district.	The site has been assessed by a botanist or biologist and is considered to have potential to become an important site.
Health	Relates to overall state of health of the native flora and fauna & ability of the Council to manage the area.	Health good & only requiring regular monitoring and maintenance.	Health generally deteriorated & requiring significant attention to rehabilitate.	Health poor & requiring a major effort to rehabilitate.
Sustainability	Of sufficient size to sustain ecological integrity.	Potential to improve ecological sustainability as part of larger contiguous area.	Over 2 hectares.	Under 2 hectares.
Infestation	Degree to which area is affected by invasive weed species.	No infestation of weeds threatening the ecological health of the bush.	Some infestation of weeds with minimal threat to ecological health but able to be controlled at moderate cost.	Heavy infestation of weed threatening health of the bush, unable to be controlled without considerable cost.

¹ The District Plan contains a list of natural resource areas including natural and geological features, flora, fauna, wetlands, lakes habitats and the coastal environment.

RECREATION - Informal

CHARACTERISTIC	DESCRIPTION	LEVEL OF SIGNIFICANCE		
		High	Medium	Low
Linear activities	The provision of trails that enable the full range of walking, running, cycling, etc. connecting different natural features & reserves.	Critical for access to wide variety of recreation opportunities or provides an experience that is not readily present in other areas in the city. Links with other areas.	Provides a link with other areas extending the opportunity & range of use within the city.	Is in isolation providing an experience generally available in other areas in the city.
Access to natural areas	Provides access to rivers, harbour, bush & hilltops.	Gives access to recreational areas in high demand.	Complements existing recreational access & improves management access.	Caters for a minority & provided for elsewhere in the city.
Proximity to urban areas	Enables access close to residential areas.	Accessed by walking or biking from residential area.	Generally requires a short distance of transport to get to site.	Accessible only by vehicle.
Neighbourhood Park	Provides space for kick-a-ball space, playground & trees.	Meets immediate needs of local community within context of other uses.	Area serves as a sector playground attracting wider use.	Immediate needs of small local community meet elsewhere in the neighbourhood.
Amenity	Spaces created to provide amenity as relief and interest in the urban environment.	Important high profile area in CBD attracting visitors.	Provides relief in a high-density urban, industrial or roading area.	Contributes to the general quality of a neighbourhood.

RECREATION - Outdoor Sport

CHARACTERISTIC	DESCRIPTION	LEVEL OF SIGNIFICANCE		
		High	Medium	Low
Demand	Population & range base for which facility is sought.	High numbers using facility catering for a wide range of ages both male & female. Can mix with other activities.	Moderate numbers using facility but use restricts other activities.	Low numbers with exclusive use of facility.
Provision	Demand for facility.	Sport in high demand & facilities available elsewhere or cannot be located on existing ground.	Sport in high demand & can not be catered for easily.	Can be accommodated on an existing ground but group prefer own dedicated site.
Contribution	Partnership arrangement with user group.	User group making a financial contribution towards acquiring property.	User group will contribute to ongoing costs of maintenance.	No support from user group.
Added value	The way the activity/facility complements existing activities/facilities.	Is complementary to existing facilities on adjacent area & extends opportunity for wider area.	Minimal conflicts with existing use on adjacent area. Some complementary advantages.	Stands alone with minimal opportunity for other use.
Demographic/Ethnicity	The character & special makeup of the community in the provision of recreation.	Serves a full range of demographic & ethnicity needs across the city.	Serves a significant range of demographic & ethnicity needs in a geographic area.	Demographic & ethnicity needs meet elsewhere and readily accessible to the local community.
Supporting facilities	Facilities required to support the use of grounds.	Minimal to no additional buildings required.	Some facilities required but can be accommodated in existing buildings or otherwise mobile.	Requires major facilities accompanying use of ground.

HERITAGE

CHARACTERISTIC	DESCRIPTION	LEVEL OF SIGNIFICANCE		
		High	Medium	Low
Cultural	Includes all sites & features significant to iwi.	Site of known value to iwi, listed on the DP & registered on the NZHPT register or silent file.	Considered having some importance but exact nature unknown.	Vague reference but no substantive knowledge by iwi.
Archaeological	Includes all sites associated with pre-1900 human activity where there may be evidence relating to the history of NZ (HPA 1993).	All sites included in DP & registered under HPA where acquisition of the land for reserve purposes is considered essential.	Sites where other means of protection may be available e.g. covenants etc., different land uses e.g. grazing, preventative building measures etc.	Unknown sites resulting from ground disturbance & not considered significant by NZHPT or sites where NZHPT gives authority to damage or destroy.
Historic	Includes historic places such as buildings, structures, tracks & gardens that may be rare, representative of NZ history, associated with event/ person/ idea of importance to NZ history, symbolic or commemorative, have technical or design merit, part of historic landscape.	Places registered Category I under the HPA & where acquisition of the land for reserve purposes is considered essential.	Places registered Category II under the HPA & where acquiring the land for reserve purposes are complementary to wider reserve objectives.	Where a feature is present, may be of immediate local value but of little significance to the wider area & therefore lower priority for expenditure of Council funds.

COST OF FENCES ON BOUNDARIES CONTRIBUTIONS

Division	Parks and Reserves
Date Created	August 2008
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Document Identifier	PG-POL-007-Cost of Fences on Boundaries Contributions

Version	Author	Date	Description
V 1.0	Janine Jones	18/08/08	Council Contributions to the Cost Of Fences Erected on Boundaries With Land Managed as Reserve

POLICY

Council Contributions to the Cost Of Fences Erected on Boundaries With Land Managed as Reserve.

1. This Policy does not act as a waiver to the Fencing Act 1978 it is provided for informational purposes.
2. An adjoining owner must comply with the requirements of the Fencing Act 1978 (including notification requirements)
3. A contribution of:
 - a. a flat rate of \$50.00 (inc GST) per linear metre without a mowing strip; OR
 - b. a flat rate of \$60.00 (inc GST) per linear metre where a mowing strip, as described in Clause 4, is required; OR
 - c. 50% of the cost;

Whichever option is the lesser.

4. It is the responsibility of the adjoining owner who constructs the fence to ensure it is on the legal boundary. Council will not contribute to a fence that is not on the legal boundary unless there is a written agreement between both parties prior to the fence being constructed.
5. The fence must be within a minimum height of 1.0 metre and a maximum height of 2.0 metres. Any building consent requirements must be met by the property owner who constructs the fence.
6. On the Reserve side of the boundary a 300mm mowing strip is required. It should be level with the ground on the Reserve side of the boundary, to allow mowing up to its edge. NB: This applies to Reserves that are mown. It does not apply to boundaries with Bush Reserves or car parks, for example.
7. If the fence is painted, it must be one uniform colour including the Reserve side.
8. There are no other restrictions on the type of fence to be built, only that it must be of sound construction.
9. On completion, a letter requesting Council's contribution towards the repairs/new fence along with copies of receipted accounts, showing the cost of the fence, must be forwarded to the Administration Officer, Parks & Gardens.
10. On receipt of these accounts, an inspection of the fence will be made by a Council officer.
11. Subject to a report that the fence is satisfactorily constructed, Council's contribution will be processed and a payment forwarded to the property owner.
12. Council will not contribute to a fence after three months has elapsed from the time of its construction or where the property has a covenant that excludes Council from liability.

Bruce Hodgins

Divisional Manager

PARKS & GARDENS

Date: _____



POLICY ON

PRIVATE USE OF HUTT CITY COUNCIL LAND

1 PURPOSE

The purpose of this policy is to:

- describe Hutt City Council's (Council's) position on the private use of land owned and managed by Council;
- outline the situations in which such private use will be considered by Council; and
- outline the steps that must be taken when a person (being an organisation or individual) wishes to use Council land for their own use on a long term basis.

2 SCOPE

This policy applies to:

Applications by third parties to Council for:

- The long-term private use of Council land where Council wishes to retain ownership or management of land.
- Use of:
 - a) Roads;
 - b) Drainage reserves;
 - c) Reserves (irrespective of their legal status under the Reserves Act 1977);
 - d) Any other land owned or managed by Council; and
 - e) Space above and below ground level on Council land (e.g. building overhangs).

Exceptions

There are a number of matters outside the scope of this policy. For example, requests for short term use of land (such as for a one or two day event) or a request to purchase land. These matters are addressed on a case-by-case basis by the Asset Manager responsible and in accordance with applicable legislative requirements.

3 DEFINITIONS

For the purposes of this policy:

- **“Drainage reserve”** is land set aside for Council during land development for stormwater and wastewater drainage, water supply reticulation or the right to lay these services in the future. Drainage reserve often includes one or more of the following: overland and underground streams or watercourses; open storm water drains; underground stormwater, wastewater and water pipes. The watercourses, drains and pipes often serve more than one property.
- **“Private use”** refers to all use of Hutt City Council land by any person (being an organisation or individual) other than Council or one of its contractors.
- **“Long term”** refers to any use of Hutt City Council land that is greater than 3 months if the use is continuous, or greater than six months if the use is not continuous.

- **“Council land”** refers to Roads, Drainage reserves, Reserves as well as all other Council owned or vested land, land managed by Council and the airspace above such land.
- **A “Licence”** refers to:
 - a) A **Licence to Occupy**, which is a licence issued for access to and/or private use of (vacant) Council land, where no structures will be permitted. It includes all forms of access provided; including permits and profits a prendre.
 - b) An **Encroachment Licence**, which is a licence issued for private use of Council land where structures will be permitted.

Private use allowed under a Licence may not necessarily allow exclusive use of the land in question.
- **A “Lease”** refers to an agreement between the parties under which the terms and conditions are binding on both parties. Terms will include a specified period- usually with a right of renewal, and rental review periods. ¹
- **“Reserve”** refers to all of the land managed by the Leisure Services Division of the Hutt City Council. Although some of this land has status under the Reserves Act 1977, the majority has none. Regardless of any Reserves Act status, the Council manages all of its reserve land assets as if the land has such status.
- **“Road”** has the meaning set out in section 315 of the Local Government Act 1974 and includes land formed or laid out as road, footpaths, access-ways, berms at the sides of formed road, and land vested in Council or held by Council for roading purposes.
- **“Easement”** refers to a right to use Council land for a particular purpose only (e.g. to pass across Council land or for services under or over Council land). Easements are normally in perpetuity and have clear agreements setting out the right to use the Council land which are registered on both the Council title and the User’s title. Easements can not be granted over “road”.

4 NEW, EXISTING AND UNAUTHORISED USE OF COUNCIL LAND

Subject to any statutory right of ongoing use, from the date of enactment, all future requests for private use of Council land will be treated in accordance with this policy.

All current leases and licences will continue to be upheld as per their current conditions, until the term (including any options to renew that are able to be exercised by the tenant) expires.

Council will seek to formalise all existing unauthorised private uses of Council land in accordance with this policy on a priority basis as they are brought to Council’s attention. In such cases the existing unauthorised use will be treated in the same manner as an application for a new use under this policy. If the current use would not have been given Council approval then that use will have to cease and any building and/or fixtures removed, to a standard acceptable to Council, at the owner’s expense.

5 COUNCIL’S GENERAL POLICY POSITION

Council’s overall position towards the private use of Council land is that Council holds and manages land for specific purposes, and this purpose takes priority over any proposed private uses that are contrary to the purpose of Council.

¹ Note i: Under the Reserves Act 1977 there are special conditions in relation to leases and licenses over Reserve managed by Councils.

This policy does not in anyway override these.

Note ii: While a lease can apply to land or buildings, or both, this policy only applies to the leasing of land, not buildings.

Use of Council land is discretionary. This policy gives guidance on how that discretion will be exercised but Council reserves the right to make decisions on use of the land other than in accordance with this policy.

6. GENERAL CONSIDERATIONS

The Council will make a judgment with each application it receives under this policy as to how a decision on the application ought to be made. The process provided below is a general indication of the steps it intends to take on such applications.

STEP ONE: SIGNIFICANCE

COUNCIL'S GENERAL POSITION	Explanation/Notes
<p>SIGNIFICANCE IN ACCORDANCE WITH POLICY</p> <p>The Council will, upon receiving an application, determine the significance of the application in accordance with any policy under section 90 of the Local Government Act 2002 that may, for the time being, be applicable.</p> <p>The determination of significance will in turn determine the scale and extent of the Council's steps at each stage of the process provided in this clause.</p>	<p>It is not necessary to follow the same decision-making processes for every application. The Council will consider at the outset the importance of the application in order to consider the scale and extent of the steps then taken.</p>

STEP TWO: IS THE USE OF COUNCIL LAND REALLY NECESSARY?

COUNCIL'S GENERAL POSITION	Explanation/Notes
<p>APPLICANT'S ABILITY TO USE OTHER LAND</p> <p>Wherever practical, applicants wishing to use Council land should first attempt to use their own land, or make arrangements with other private parties.</p> <p>A list of steps taken to make such arrangements should be given by the applicant and reasons given as to why those options are not favoured.</p>	<p>The person(s) with the authority to make the decision will need to be convinced that the use of Council land is the best option available for the application.</p>

<p>ABILITY TO USE COUNCIL LAND FOR THE PROPOSED PURPOSE</p> <p>The Council will consider whether there are any legal impediments to the proposed use of Council land that are of such significance that consideration of the proposal ought not to continue. Where the land has been endowed to the Council for a specific purpose that is inconsistent with the proposed use, or where there is any limitation registered on the title to the land that is inconsistent with the application, the Council may refuse the application at this stage.</p>	<p>Where an application is wholly inappropriate for the Council land proposed, the Council is able to point out that fact to the applicant and refuse the application at this stage.</p>
<p>DECISION: ARE THERE BETTER ALTERNATIVES?</p> <p>After receiving suitable information on necessary alternatives the Council will determine whether there are other more appropriate options other than using Council land for the proposal. Considerations will include:</p> <ul style="list-style-type: none"> • Whether inability to use Council land will cause significant hardship to the Applicant; • Whether it is practically possible to use private land for the proposal. <p>If the Council decides that there are practical alternatives to the use of Council land available then the application will be referred back to the applicant for those options to be pursued further.</p>	<p>If the land in question is currently used by the public such as a recreation area or as a walking track, then Council will look at the appropriateness of the use and if there are alternative locations for the current or proposed uses.</p>

STEP THREE: WHO HAS BEEN CONSULTED?

<p>COUNCIL'S GENERAL POSITION</p>	<p>Explanation/Notes</p>
<p>CONSULTATION UNDERTAKEN</p> <p>The onus is on the Applicant to show to the Council that they have consulted with all the groups that might be affected in some real way by the proposal. Not only the fact of consultation should be disclosed, but also the views of the groups consulted.</p>	<p>Before making the application the Applicant should have spoken to the people it thinks would be affected by the proposal. It should record their opinions and present those to the Council with its application.</p>

<p>DECISION: SUITABLE CONSULTATION?</p> <p>The Council will then make a determination whether any other person, group or organisation should properly be notified and consulted. An application may be referred back for further consultation if:</p> <ul style="list-style-type: none"> • The applicant has failed to consult with groups that in the Council's opinion will be affected in a material way by the proposal being granted; or • A consulted party's opinion on the proposal has not been suitably communicated to the Council. <p>The Council may choose to undertake the further consultation itself rather than refer the applicant back to undertake further consultation.</p>	<p>Because the Council has the obligation to consider all the people that will be affected in some real way by the application, the Council will first see whether all the necessary people have been approached.</p> <p>If they have, it will then see whether their views have been recorded. If some deficiency exists in either respect, the application may be referred back for further or better consultation.</p>
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STEP FOUR: CONSIDERATION

COUNCIL'S GENERAL POSITION	Explanation/Notes
<p>CONSIDERATION 1: COUNCIL'S INTENDED USE</p> <p>The Council's need for and the purpose of Council land will take priority over any proposed private use.</p>	<p>When considering an application Council will look at whether or not it still requires the land.</p> <p>Sale and exchanging of land are not covered in this policy as they are covered by separate statutory requirements and Council policies/processes. If Council pursues either of these courses of action it must follow specific legal procedures to do so. This may mean that the land is not able to be purchased or used by the applicant.</p>
<p>CONSIDERATION 2: APPLICANT'S PROPOSED USE</p> <p>Some of the issues that may be considered when looking at the proposed use of Council land by the applicant are:</p> <ul style="list-style-type: none"> • Whether it is desirable for the general public to (still) have access to the land; • The intended length of the use; • Consistency with Council asset management planning requirements; • Likely impacts including any significant amenity impacts; and • Long-term benefits and disadvantages to the city and community (e.g. 	<p>As a landowner, Council has an obligation to ensure that the proposed use of the land is consistent with how Council wishes the land to be used.</p> <p>It should be noted that this approval is separate and notwithstanding any other approvals that need to be gained for any other legislative requirements such as Resource Consents and Building Consents.</p> <p>The permitted use will be specified in any</p>

<p>environmental, social, economic and cultural benefits).</p> <p>This list is not exhaustive. The person(s) delegated the decision making power may take into account other factors considered relevant to the application received.</p>	<p>licence or lease issued.</p>
<p>CONSIDERATION 3: LEGISLATIVE REQUIREMENTS</p> <p>Any approval to use Council land is given by Council acting in its role as a landowner only, and will be subject to the applicant meeting all relevant legislative requirements.</p> <p>The applicant will be responsible for identifying and meeting these requirements, as well as meeting all costs associated with them.</p>	<p>Depending on the proposed use of the land, and the type of land involved, this may include (but is not limited to) requirements relating to:</p> <ul style="list-style-type: none"> • The Reserves Act 1977 • The Resource Management Act 1991 • The Public Works Act 1981 • The Local Government Act 1974; and • The Local Government Act 2002. <p>As part of the Application For Use process, officers will endeavour to assist applicants to identify potential legislative requirements, however ultimately the applicant is responsible for identifying and meeting any legislative requirements.</p>
<p>CONSIDERATION 4: SAFETY/NUISANCE AND COUNCIL LIABILITY</p> <p>The applicant must satisfy the Council that any safety, nuisance or other liability issues have been identified and managed appropriately.</p>	<p>Council cannot or will not approve private use of Council land for illegal or unsafe activities. Council will also consider the effects on adjoining landowners and concurrent users of the land in assessing its concerns about risks arising from the proposed use of the land. Council may require the applicant to indemnify the Council as a condition of granting its consent to use the land.</p>
<p>OTHER CONSIDERATIONS</p> <p>The Council may consider any other factor that may, in its view, be of relevance to the application and may disregard any of the above considerations if, in its view it is not of relevance to the application.</p>	

7 PROCESS

The process for applying and having a request considered is set out in the diagram in Appendix A.

Applicants are required to complete the application form for Private Use of HCC land. The application must describe the proposed use and include a plan prepared by a suitably qualified person showing clearly the following:

- a) Legal boundaries and legal description of the area, together with any adjoining properties that may be affected;
- b) The position of services (if any), both on under or above the road and the site. This includes sewer, storm water, water supply, gas, electricity, and telecommunication services²;
- c) The position of adjacent buildings (if any); and
- d) Topography – including key levels, contours, embankments, trees, road carriageway, footpath, kerbs, berms and any other physical features.

The application should address applicable considerations identified in this policy. Applicants' attention is drawn to Appendix B, which sets out other considerations applicable to Road, Drainage reserve and Reserve land respectively.

Applicants will be required to meet all costs associated with this application including an initial* application fee of \$150 plus GST for new applications or \$50 plus GST for existing applications that already have Land Owner consent. This application fee may be waived in special cases by Council officer's, for instance, if the private use of Council land will have a significant benefit to the Council.

The Application fee is to be charged in order to recover some of the cost to the Council involved in processing and assessing each application received.

* If the application assessment/processing time exceeds 8 hours an hourly rate of \$45 per hour will be charged. Council officers will advise the applicant if the time frame will be exceeded prior to proceeding further with the processing of the application. The additional application fee will be payable prior to advising the applicant of the Council's decision.

Application should include the following in addition to the foregoing:

- a) A description of what private property (if any) may potentially be suitable as a site for the proposed use;
- b) An explanation as to why Council property is being favoured over the use of private property;
- c) A list of the groups that have been consulted. In addition, an explanation as to why those groups have been consulted or, if no groups have been consulted, an explanation as to why, in your view, consultation is unnecessary; and
- d) Where consultation is undertaken, an explanation as to each group's position with respect to the proposal.

8 COSTS

Care of Land

Persons using Council land will need to accept responsibility and associated costs for maintaining the Council land in accordance with any legal requirements and to a reasonable standard, to the satisfaction of Council.

² Council land is often used by utility service providers and as such, before approving the use of land, the applicant will be required to produce letters of approval from (where applicable) the appropriate network operators

Annual Charges

In most cases, persons using Council land will be charged for use of the land. Council sets charges for leases and licences at a level that fairly reflects:

1. The benefit received by the private user;
2. Council's reasonable costs in administering the licence³ or lease; and/or
3. Local authority charges relating to the land.

An indication of these charges is given in the following table.

Type of Use	Charge Rate (Annual Rental)
Commercial/Industrial	Market rate*
Non Profit Organisations	As per Reserve Rental Formula**
Charities	Peppercorn
Use by an individual or group of individuals ("Individual") - exclusive use	Licence –flat rate***
	Lease –market rate
Individual Use –unlimited public access	Peppercorn

* All market rates are as assessed and negotiated by the Property Manager, based on independent valuation advice, or standard methods used by other authorities i.e. the Department of Conservation.

** Council adopted this in June 1994. Refer Appendix C for details of the formula.

*** The flat rate for individual(s) use will vary depending upon the nature of the use, however an indication of the rates will be shown each year in Council's Annual Plan.

³ Charges may vary depending on the type of agreement Council requires.

POLICY APPENDICES

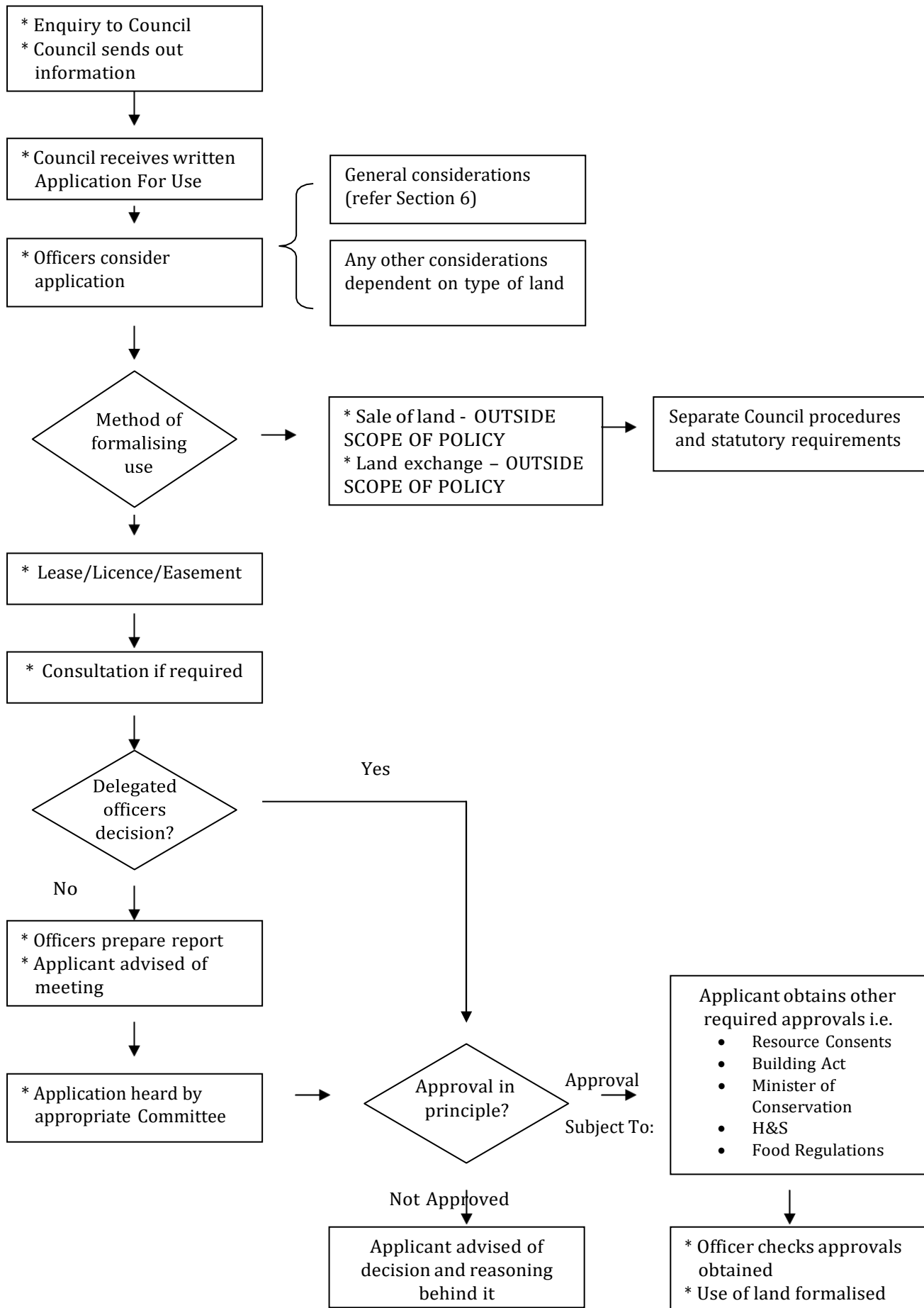
A) PROCESS FOR ADMINISTERING REQUESTS FOR USE OF COUNCIL LAND

B) OTHER CONSIDERATIONS:

- **Roads**
- **Drainage reserve**
- **Reserves**

C) RESERVES RENTAL CHARGE FORMULA

APPENDIX A - GENERAL PROCESS FOR ADMINISTERING A NEW REQUEST TO USE COUNCIL LAND



APPENDIX B - OTHER CONSIDERATIONS

The following are some guidelines towards the types of other considerations that Council may take into account when dealing with a private application to use Road, Drainage Reserve or Reserve land. Applicants are advised however that these considerations are not exhaustive and that all applications will be treated on a case-by-case basis.

• ROADS

Specific Principles For Roads

It is Council's position that:

- a) Roads are primarily to be used for movement of vehicles and people, but also may accommodate a variety of other public uses (e.g. utilities); and
- b) Private use of Road is only acceptable to Council where certain criteria are met, the Council is satisfied that the right to pass and re-pass is protected and there is no legal nuisance arising.

Specific Considerations For Roads

- a) Potential traffic/ safety implications – e.g. protrusions into the formed road or blocking of sightlines
- b) Neighbours' concerns
- c) Potential conflicts with utility operations, such as buried and overhead services
- d) Legislation applying to Road Land includes:
 - Local Government Act 1974; and
 - Resource Management Act 1991.
- e) Other specific documents related to the use of Roads include:
 - Proposed District Plan; and
 - Eastern Bays Design Guide.

• DRAINAGE RESERVES

Specific Principles For Drainage Reserve

Land held as Drainage reserve enables Council to have unrestricted access to the watercourses, drains and underground pipes for maintenance and renewal purposes, and also gives it the right to lay drainage services in the future.

Most applications for the private use of Drainage reserve relate to the extension of lawns and/or landscaping from private properties onto the Drainage reserve, vehicular access to properties and the erection of structures such as garages and overhanging decks.

It is Council's position that:

- a) It is important for Council to maintain unrestricted access to water services infrastructure. Drainage reserve is one mechanism by which this can be achieved.
- b) Drainage reserves covering open drains and watercourses should be free of encroachment and/or obstruction as they are important for stormwater drainage and flood control in the district.
- c) Private use of drainage reserve land that would significantly increase the loading on services in the drainage reserve or otherwise expose the services to increased risk of damage are undesirable.

- d) Private use of drainage reserve land that limits Council access to the land or services and/or limits the public from using the land is undesirable.
- e) Proposals for vehicular access along a significant distance of a drainage reserve are undesirable. Only proposals for localised vehicular access will be considered.
- f) It is desirable for Council to retain drainage reserve land if the land is used, or has potential to be used, as a public access way leading to a public amenity, for example footpath leading to a beach.
- g) If it is deemed unnecessary for Council to have ownership of the drainage reserves land which contain underground pipes, Council will consider the sale or exchange of land on the condition that an easement is drawn up over the land to enable Council to have access to the underground pipes for maintenance and renewal. For example, private properties adjoining drainage reserve land with underground pipes.

Specific Considerations For Drainage Reserve

- a) Care of Drainage reserve

Successful applicants will be required to carry out maintenance on the Drainage reserve and to properly maintain any existing fences. No additional trees will be permitted to be planted on Drainage reserve with underground water services, as tree roots could damage the water services.

Successful applicants will be required to ensure that access is available for Council to inspect its drainage assets.

- b) Other documents related to the use of Drainage reserve.

Although this policy stands alone for the purpose of guiding decisions on private use of Drainage reserve, there are other documents that may be referred to and followed in the process. These documents include:

- Hutt City Council Proposed District Plan
- Water Services Asset Management Plans

- **RESERVES**

The Leisure Services Division of Council is responsible for approximately 5300 hectares of land and 1340 individual properties. The bulk of this land is owned and managed by Council. However some properties are owned by the Crown and managed by Council, others are owned by Council but managed by the Wellington Regional Council.

Generally these properties have an ecological, landscape enhancement or recreational focus. Regardless of any Reserves Act status, Council uses the Act's objectives and processes to guide its management of Reserves.

The range of Reserves managed by Council is diverse and covers many environments, habitat types, recreational activities and community uses. These Reserves generally provide recreational, ecological, conservation, open space, community, educational and landscape benefits to the City.

Human and non-human populations enjoy the benefits of Reserves and the Reserves are managed to enhance the long-term capability of these sites. Reserves play a special role in the City's biodiversity. They contribute significantly to the character and attractiveness of the City.

Specific Principles For Reserves

With regard to Reserves, it is Council's position that:

- a) Reserve land is important for humans, terrestrial and aquatic creatures, invertebrates, birds and soil conservation;
- b) Individual properties managed as Reserve provide opportunities to benefit different populations;
- c) Generally Reserve land is precious and Council does not wish to see the City's Reserve estate decline in quantity or quality;
- d) Council's ability to use Reserve land for recreational, ecological, conservation, open space and landscape purposes brings benefit to the City; and
- e) Council encourages the use of Reserve land by communities, and recreational groups, especially where multiple uses of land and facilities can occur.

Process For Making Applications For Use Of Reserves

Where Council receives a proposal for private use of Reserve land, the general process outlined in Appendix A is followed.

However for Reserve there is usually a requirement for Council (in accordance with the Reserves Act 1977) to publicly notify its intention to consider the possibility of issuing a Licence, Lease or Easement to a private user and to invite submissions either supporting or opposing the proposal. If objections are received it will probably be necessary to hold a hearing on the applicant's proposal.

In addition to possible hearings, the application may also require consent from the Minister of Conservation. This Ministerial consent is required only where a Reserve Management Plan does not cover the Reserve in question and/or the Reserve Management Plan does not contemplate the issuing of a Lease or Licence that has been applied for.

Some applications may require a Resource Consent. This process is separate to the Reserves Act process. It is the applicant's responsibility to apply for a Resource Consent if needed, and to supply all information required. Any Lease or Licence applied for will only be issued subsequent to the issuing of Resource Consent where this is required.

Specific Considerations For Reserves

- a) Council's intended use

Where Reserve land is fulfilling a function that is consistent with the purposes and uses of Reserve land, such use will generally take priority over any proposed private use.

It is acceptable for Reserve land to be currently undeveloped, even if it is not generating obvious benefits now, so long as there is potential for the City to benefit from the land in the future. Council may take this future value into account in considering any application for private use.

- b) Applicant's proposed use

The proposed use must be consistent with the principles of Council's Reserve Management Plans, the Reserves Act 1977 and any other relevant Council policies.

Specifically, when dealing with land managed under the Reserves Act 1977, Council officers may consider the effects (e.g. recreational and ecological) that any loss of public access to the site may have.

c) Specific legislation applying to Reserves

Regardless of whether the Reserve has official status under the Reserves Act,⁴ Council will follow the process and principles in the Reserves Act 1977 in making decisions concerning private use of such land.

d) Current use

Council encourages the use of Reserve land by community and recreational groups, especially where multiple uses of land and facilities can occur. If such use is already occurring on the Reserve in question, and there is limited scope and/or capacity for additional uses then any further applications may be declined.

e) Consultation requirements

Under s119 of the Reserves Act 1977, public notification of the proposed use of the Reserve land may be required. There are some exceptions to this. Officers will advise applicants of the consultation requirements when they are preparing their application.

f) Care of Reserve land

The private user will be responsible for managing the land in accordance with any Licence or Lease document entered into by Council. Modifications to Reserve land or buildings, structures, natural or manmade facilities, trees and vegetation must be approved by the Asset Manager prior to changes taking place.

g) Other documents related to the use of Reserves

Other documents that may be referred to and followed in the process for considering applications for private use under this policy include:

- Hutt City Council District Plan;
- Hutt City Council Reserves Strategic Directions, May 2001;
- Hutt City Council Reserve Management Plans;
- Hutt City Council Walkways Review, 1997; and
- Any relevant Hutt City Council Asset Management Plans.

⁴Some reserves land can also be “endowment” land and remain subject to sections 140 and 141 of the Local Government Act 2002 if the reserves classification is revoked.

APPENDIX C - RESERVE RENTAL CHARGE FORMULA

Non-profit organisations (such as recreational and sporting bodies) using Council land will be charged a rental based on the following formula.

- 1. For land with permanent buildings.

This is charged at \$4.00 for the first 100m² and the remainder at \$2.00 per m² up to 500m².

NB: For buildings in excess of 500m². The remainder over 500 is calculated at \$1.00 per m².

NB: An additional (1 metre) is added to the perimeter of the building to allow for steps, overhangs etc.

- 2. For land not used for buildings. This is calculated at \$20.84 per 1,000m².
- 3. A 50% rebate is given for unlicensed areas used for the principal purpose of the lessee.

EXAMPLE

Bowling Club (746m² for their building and enclosed land for greens 6,869m².)

<i>Building</i>	<i>100m² at \$4.00</i>	<i>=</i>	<i>\$400.00</i>
	<i>400m² at \$2.00</i>	<i>=</i>	<i>\$800.00</i>
	<i>246m² at \$1.00</i>	<i>=</i>	<i>\$246.00</i>
 <i>Land</i>	 <i>6869m² \$20.84 per 1,000m²</i>	 <i>=</i>	 <i>\$143.15</i>
	 <i>Total</i>		 <i>\$1,589.15</i>

These formulas will become effective on 1 July 1994 until further notice.

(All figures are exclusive of GST)

APPENDIX 3

Private Uses that will Be approved by Officers, and Council Committees.

Major Uses <i>(Political Decision)</i>	Minor Uses <i>(Officer Delegation)</i>
Any significant commercial/industrial activity All applications for use of land Managed as Reserve under the Reserves Act 1977, excluding ; gardens, lawns and grazing, and granting of S461 certificates for drainage rights Any use involving dangerous goods in areas where it is not a permitted use in the proposed district plan Major structures and uses Bridges Easements excluding ; S461 Certificates to grant drainage rights as follows; rights to convey water and rights to drain water Any exclusive use lease or licence for a period greater than 5 years	Garages Parking areas, carports, pads Gardens, garden sheds and garden structures Lawns Grazing land Cable cars Driveways and access ways Canopies and building overhangs Café dining Verandas, balconies, decks Underground tanks Signs and fences Footpaths Utilities Renewal of existing leases and licences S461 Certificates Vendor licences Any other minor structures

If there is ambiguity as to whether an encroachment is major or minor, the encroachment will be treated as major.

That an officer acting under delegated authority, if considered appropriate and with due sensitivity, could refer the matter to the Chairperson of the relevant Community Board or Ward Committee for comment.