



Report 10.658  
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Committee Council  
Author Fran Wilde, Chair

## Approval of Greater Wellington Parks Network Plan

### 1. Purpose

To consider how best to proceed with the Greater Wellington Parks Network Plan in the light of recent events.

### 2. Significance of the decision

The Greater Wellington Parks Network Plan is a management plan for parks and forests owned or managed by Greater Wellington, some of which is held under the *Reserves Act 1977*. The Reserves Act (section 41) sets out the process for developing and approving a management plan.

The consultation and decision making processes undertaken comply with the requirements of the *Reserves Act 1977* and the *Local Government Act 2002*.

### 3. Background

The Regional Sustainability Committee held a hearing on the draft Greater Wellington Parks Network Plan (the Parks Network Plan) on 24, 25, 26 and 30 August 2010. The recommendations of that Committee are contained in **Report 10.559 in Attachment A** (enclosed separately).

The hearing concluded an extensive public consultation process, including two formal opportunities for submissions, public meetings, stakeholder meetings and media articles.

The report of the Regional Sustainability Committee was due to be considered by Council in September 2010, but was delayed due to the receipt of a letter from the Ombudsman regarding an ongoing investigation into a complaint about consultation on the Battle Hill Farm Forest Park Management Plan (Nov 2009) by the Pauatahanui Futures Society (PFS). This relates to the resolution of a judicial review by PFS from September 2008 about the same issue.

The Parks Network Plan is proposed to incorporate within it the provisions of the management plan for Battle Hill Farm Forest Park, and will in effect replace the current Battle Hill Farm Forest Park Management Plan. As such

this investigation has some bearing on the Council's consideration of the Parks Network Plan.

#### 4. Consideration

Further correspondence with the Ombudsman has revealed that he considers that further consideration is needed of the decision to include ancillary windfarm activities within the Battle Hill Farm Forest Park Management Plan, and hence the Parks Network Plan.

The Council is now required to consider whether to accept the recommendations of the Regional Sustainability Committee (acting as the hearing committee). At this juncture the Council has the choice of accepting the recommendations in full or re-hearing the relevant submissions on all or part of the Plan before making a final decision.

The Parks Network Plan is an important document that sets out the Council's policy on the management of the entire parks network. Part of the document covers reserve land, and for this land the Parks Network Plan provides the formal management plan required by the *Reserves Act 1977*. The approval of the Minister of Conservation is required for some sections of the Parks Network Plan (eg those held as Scenic Reserve), and this process cannot start until Council gives its formal approval to the Plan. There are also a number of new initiatives proposed in the Plan that cannot proceed further until formal approval is obtained. The approval of the Parks Network Plan will provide certainty for the management of the parks network and clear direction to ongoing planning and operational activities. The wider community, in particular those people who made submissions and attended the hearing, are keenly awaiting the resolution of the process. For these reasons it would not be appropriate to further delay the approval of the Parks Network Plan.

However given the advice of the Ombudsman, and to ensure that every opportunity is given to interested parties to debate the merits of the Council's proposed management approach for Battle Hill Farm Forest Park, it is proposed that a small part of the Parks Network Plan be subject to a further consultation process.

The provisions that have been the subject of the complaint to the Ombudsman are very limited in nature and now concern exclusively the proposed provision of a windfarm access road across the eastern ridgeline of Battle Hill Farm Forest Park. These provisions from the draft Greater Wellington Parks Network Plan are outlined in **Attachment B**.

It is proposed that these provisions be the subject of a further consultation process. It is also proposed to include within this consultation process reference to "ancillary underground services along the access road". Whilst such ancillary services could be considered de-minimus, their inclusion in the consultation will ensure that all potential development associated with the proposed windfarm is explicitly included and any impacts evaluated.

The proposed consultation process would consist of a further round of public submissions over the period from 17 January to 28 February 2011. Existing submissions on these issues (from the submissions on the draft Parks Network Plan) would be automatically included in the process. It is then proposed to hold a further hearing on these submissions in March 2011, utilising a hearing subcommittee comprised of independent persons. The recommendations of the hearing subcommittee would be reported back to Council for consideration. The proposed terms of reference for the subcommittee are attached as **Attachment C**. Discussions between the Chief Executive and the Ombudsman have confirmed that he is supportive of this approach.

The use of independent persons for the hearing subcommittee, although unusual for matters of policy, will ensure that the process is perceived as independent and unfettered by any previous decisions made by Council, including any previous contractual arrangements entered into by Council. This is an important consideration for both PFS and the Ombudsman.

Until such time as the Council considers the recommendations of the hearing subcommittee the provisions that are the subject of the consultation would remain in draft form. This would be appropriately reflected in the published version of the final Parks Network Plan.

## 5. Next steps

The Greater Wellington Parks Network Plan includes land under a number of statutes. For example there is land held as fee simple for the purposes of recreation, forestry and water supply (*Wellington Regional Council Water Board Act 1972*, *Wellington Regional Council (Water Board Functions) Act 2005*), as well as recreation, scenic and local purpose reserves under the *Reserves Act 1977*. The legal description of the land included in this plan are shown in Appendix 2 of the Plan.

For land that is held in fee simple, the Council would be essentially adopting a Council policy on how these areas will be managed. For land that is held as recreation reserve, the Council has delegated authority from the Minister of Conservation to approve a management plan. However for land that is held as scenic reserve, the authority to approve a management plan lies with the Minister of Conservation and the Council is required to submit to the Minister the Plan, along with a summary of the submissions and how they have been taken into account. Therefore whilst the Greater Wellington Parks Network Plan is an integrated document, the status of particular parts of it will vary until it has been finally approved by the Minister of Conservation.

The following table sets out the expected timeframe for the approval of the Plan and the further consultation process:

Timeframe	Action
14 December 2010	Plan approved by Council
1 January 2011	Plan has effect for land for which Council holds delegated authority under the Reserves Act 1977 and fee simple land

17 January	Further consultation period on selected provisions of Battle Hill Farm Forest Park commences
28 February	Further consultation period closes
March	Hearing by subcommittee
April	Consideration of hearing subcommittee recommendations
mid 2011	Minister of Conservation gives approval to those parts of the Plan for which delegated authority under the Reserves Act 1977 is not held

## 6. Communication

Following the approval of the Parks Network Plan a statement will be released. All submitters will be notified in writing of the decisions on the Plan.

## 7. Recommendations

*That the Council:*

1. **Receives** the report;
2. **Notes** the content of the report;
3. **Notes** the recommendations of the Regional Sustainability Committee:
  - a. **Approves** the Greater Wellington Parks Network Plan, as set out in Attachment 2, for land which is not gazetted as reserves under the Reserves Act 1977;
  - b. **Approves** those parts of the Greater Wellington Parks Network Plan, as set out in Attachment 2, for which the Council holds delegated authority as required by section 41(6) of the Reserves Act 1977;
  - c. **Agrees** that the Plan shall take effect for those parts of the parks network covered by recommendations 3 and 4 from 1 November 2010;
  - d. **Agrees** to submit the Greater Wellington Parks Network Plan, as set out in Attachment 2, to the Minister of Conservation for approval of those parts of the Plan for which the Council does not exercise delegated authority, as required by section 41(6) of the Reserves Act 1977;
  - e. **Delegates** to the Chair of the Council authority to approve any minor editing changes to the Plan which do not affect substantive policy prior to submitting it to the Minister of Conservation.
4. **Accepts** the recommendations of the Regional Sustainability Committee with the exception of those provisions of the Greater Wellington Parks Network Plan that provide for a potential windfarm access road in Battle Hill Farm Forest Park (outlined in Attachment B).

5. *Agrees that the Plan shall take effect for those parts of the parks network not subject to approval by the Minister of Conservation from 1 January 2011.*
6. *Agrees to undertake a further public consultation process on the proposed provisions providing for a windfarm access road and ancillary underground services in Battle Hill Farm Forest Park.*
7. *Establishes a subcommittee comprised of independent persons to consider and hear submissions and to make recommendations to Council on the proposed provisions unfettered by any previous Council decisions and disregarding any previous contractual arrangements.*
8. *Approves the terms of reference for the subcommittee outlined in Attachment C.*
9. *Notes that a report recommending suitably qualified persons for appointment to the subcommittee will be reported to the Council's first meeting in 2011.*

Report prepared by:

**Fran Wilde**  
Chair

**Attachment A:** Report of the Regional Sustainability Committee (Report 10.559)

**Attachment B:** Provisions for Battle Hill Farm Forest Park subject to further consultation

**Attachment C:** Terms of reference for hearing subcommittee