



Report 07.342  
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Committee Landcare  
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## Proposal for Hutt City Council to Administer and Manage an Area of Regional Council Land

### 1. Purpose

To transfer to Hutt City Council (HCC) administering body powers for management over an area of Greater Wellington Regional Council (GW) land at Wainuiomata to assist HCC develop a Garden of Remembrance.

### 2. Significance of the decision

The matters for decision in this report do not trigger the significance policy of the Council or otherwise trigger section 76(3)(b) of the Local Government Act 2002.

### 3. Background

HCC wishes to develop a Garden of Remembrance at Wainuiomata. HCC has entered into a long-term lease over land owned by Department of Conservation (DoC) and it is on that land the Garden of Remembrance will be developed. The DoC land is part of the Rimutaka Forest Park but the area leased has no street frontage.

Greater Wellington Regional Council owns the land immediately adjoining the DoC land and the GW land has frontage to Hine Road.

HCC wishes to develop and maintain GW land immediately adjacent to the HCC Garden of Remembrance land as a sealed car park and recreation garden for use as an integral part of its Garden of Remembrance, and also as its means of access to Hine Road. HCC already informally manages this land and is requesting a formalisation of this agreement.

GW land is held for the purposes of water supply and recreation and is part of the Wainuiomata Waterworks Recreation Area. GW proposes to transfer its Administering Body powers and responsibility for management in relation to this defined area of Council land to HCC to the extent and on the conditions set out in the proposed agreement. (Refer *Attachment 1*)

There are no water pipes over the land and there are no proposals to lay any.

#### **4. The Proposal**

It is proposed that GW and HCC enter into an agreement (*Attachment 1*) pursuant to the provisions of section 17 of the Local Government Act 2002. Section 17 will allow GW and HCC to avoid more expensive options to achieve the same end result. HCC initially sought to have a long-term lease granted, but this required a survey to be undertaken and a lease drafted, all at an estimated cost of \$8,000 to \$10,000.

HCC has granted GW Administering Body powers and responsibility for management over extensive areas of its land in both East Harbour and Belmont Regional Parks. Therefore, use of section 17 for this proposal is proposed as relevant and appropriate.

*Attachments 2 and 3* depict the area of land over which it is proposed GW Administering Body powers and responsibility for management be transferred to HCC.

Principal matters contained in the proposed agreement are:

- The term shall run until termination by one or both of the parties.
- The Agreement can be terminated by either party on provision of two years notice.
- There is no interest in the ownership of the land created for HCC.
- GW Administering Body powers and responsibility for management are transferred to and become the responsibility of HCC.
- HCC shall restrict its use of the land to development, maintenance and use as a car park and recreation garden.
- HCC shall prepare and maintain a management plan for GW land in accord with the Reserves Act 1977.
- Approval for new utility structures on the land are reserved to GW.
- HCC shall not grant any leases, licences, concessions or easements over GW land.
- HCC is responsible for all operational and capital expenditure on GW land.
- HCC shall maintain GW land.
- GW access rights over the land for its employees, contractors and invitees are preserved.
- GW land remains open to the public at all times.

## 5. Recommendations

*That the Committee recommend that Council:*

1. **Receive** the report.
2. **Note** the content of the report.
3. **Approve** the Council Administering Body powers and responsibility for management over the area defined on Attachments 2 and 3 being transferred to HCC on the terms and conditions set out in the agreement, Attachment 1.
4. **Approve** the Council Seal and authorised signatory being affixed to all documents required to give effect to the proposal.

Report prepared by:

Report prepared by:

Report approved by:

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### Attachments:

- 1 Proposed Agreement
- 2 Map (aerial view) of land
- 3 Map depicting area of land