

## **Report 00.157**

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Report to the Landcare Committee  
from Susan Edwards, Manager, Regional Parks (Strategy & Marketing)

### **Kilmister Block, Belmont Regional Park**

#### **1. Purpose**

- To update the Committee on the Hutt City Council's decision to rescind its resolution in December 1999, to sell the land in the Kilmister Block below the 250 metre contour.
- To advise the Committee of the City Council's decisions on the future of the Kilmister Block, including a proposal to declare the land a reserve.

#### **2. Events from December to Present**

At its meeting in December 1999, the Hutt City Council decided to sell the land in the Kilmister Block below the 250 metre contour (excluding Speedy's Stream bush).

There was strong public opposition to the sale. Five Councillors put forward a motion to rescind the December decision. Hutt City Councillors visited the Kilmister Block in February.

The Landcare Committee considered its position on the proposed sale and whether it would consider buying the land at its February meeting (Report 99.26). The Council Chairman then wrote to the City Council outlining the Regional Council's position.

#### **3. Hutt City Council's Latest Decisions**

At its meeting on 7 March, the Hutt City Council considered the rescinding motion put forward and resolved:

*...that the motion relating to the sale of Kilmister Block, passed at the Hutt City Council meeting held on 7 December 1999, be revoked.*

The Council also considered a report on *Kilmister Farm - Options for Future Use* and resolved:

*That Council:*

- (i) *notes the following options identified for the future use and management of the Kilmister Farm have been considered:*
  - ❖ *Sale to Wellington Regional Council*
  - ❖ *Creation of a Maori reservation under Te Ture Whenua Maori Act 1993 (Maori Land Act 1993)*
  - ❖ *Creation of a reserve under the Reserves Act 1977*
  - ❖ *Sale of part of the land to Belmont Pony Club*
- (ii) *notes the Wellington Regional Council's decision not to purchase the land from Hutt City Council; and*
- (iii) *resolves to:*
  - a. *create a reserve under the Te Ture Whenua Maori Act 1993 (Maori Land Act 1993) or the Reserves Act 1977 on the Kilmister Farm*
  - b. *fund the creation of the reserve through the Reserves Purchase and Development Fund*
  - c. *retain the Belmont Pony Club on part of all of their present site under a sale or lease arrangement*
  - d. *direct the Chief Executive to conclude arrangements to achieve a. b. and c. above.*

Additional clauses were added to the resolution requesting officers to report back on several issues including the City Council signing the Belmont Regional Park Management Plan and undertaking further ecological studies on the existing and potential values of the Block.

#### 4. **Implications for Wellington Regional Council**

The intentions in the Hutt City Council report were that the above decision enables the land to be retained in Belmont Regional Park and available for public use. A final decision on the statute under which the land is declared a reserve could have some implications for the Regional Council's management of the Park and require amendments to the Park's management plan.

Te Ture Whenua Maori Act provides for Maori Reserves to be created (section 338) for the use of specified groups of Maori. However, under section 340, *upon the express recommendation of the Maori Land Court, the reservation can be held for the common use and benefit of the people of New Zealand.* Before issuing such a recommendation, the Court will ensure that it is in accordance with the views of relevant Maori and that the local authority (probably Hutt City Council) consents to it. The Maori Land Court also appoints trustees to manage the reservation, and may, on the nomination of the local authority, appoint a person or persons to represent the local authority. Any variation to the terms of management or trustees, requires the consent of the Maori Land Court.

The officer's report did not specify whether section 340 would be used. However, it appears that the intention is for the land to be retained in Belmont Regional Park and available for public use; therefore this section would be appropriate.

This would be a different method of control of the land than is provided for in the Park Management Plan or exists elsewhere in the Council's Parks Network.

The Reserves Act provides for a variety of types of reserves. The most appropriate classification for the Kilmister Block is a recreation Reserve the same as the adjoining Dry Creek Block. Such reserves are administered or managed by a local authority based on a management plan prepared through a public consultation process.

Officers consider management of the Kilmister Block would be less complicated and more consistent with the rest of the Park if it is declared a recreation reserve under the Reserves Act. A letter was forwarded to Hutt City Council outlining this view prior to the meeting on 7 March.

Officers will continue to monitor developments and provide any assistance we can to the City Council while the matter is being finalised.

## 5. **Communication**

The Hutt City Council is intending to issue a press release on their decision, therefore, there is little to be gained by the Regional Council also issuing a press release.

## 6. **Recommendation**

*That the Committee receive the report and note the contents.*

Report prepared by:

Approved for Submission:

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