



**Report** 04.141  
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**Committee** Landcare  
**Author** Murray Waititi, Manager, Parks and Forests

## **Transfer of management and control of land owned by Hutt City Council**

### **1. Purpose**

To update the Landcare Committee on progress made with transferring the management and control of land owned by Hutt City Council (HCC) within East Harbour Regional Park and Belmont Regional Park to Greater Wellington Regional Council (GWRC).

### **2. Background**

I last reported to the Committee that the proposed transfer of management and control between GWRC and HCC involving land within East Harbour Regional Park and Belmont Regional Park was progressing well and should be completed in mid 2004.

Shortly after my report it came to our attention that it was not possible to transfer management and control responsibilities for land designated under the Reserves Act 1974 between local authorities. To cut a long story short, there was no mechanism or precedent under the Reserves Act for the transfer to take place.

### **3. A Mechanism for Transferring Reserve Land Between Territorial Authorities – Section 17 of the Local Government Act 2002 (LGA)**

Since discovering that the transfer was unable to be done under the Reserves Act, officers from GWRC, HCC and Department of Conservation, as well as our legal advisors, have researched all relevant legislation and agree that the provisions of Section 17 of the Local Government Act 2002 (LGA) can be used.

As we are now going to be transferring the management and control of the lands under the LGA instead of the Reserves Act, there will be a couple of extra administrative conditions that we will have to comply with in order for the transfer to occur. These are:

**Section 17(3):**

Requires that the transfer of responsibility be made by an agreement between GWRC and HCC and on terms and conditions that are agreed to by both parties.

HCC is in the process of preparing a draft document that will form the basis of the agreement between them and us. The draft agreement should be available to GWRC within the next week or so. From then on, GWRC and HCC will agree on the terms and conditions of the transfer. I do not envisage that the terms of this agreement would be any different to the ones that would have been required under the Reserves Act, but if there are any changes, we will seek your approval.

**Section 17(4):**

Requires that the transfer cannot take place unless the proposal has been consulted on either through our respective LTCCP's or through a special consultative process.

Unfortunately, the transfer cannot take place until the appropriate public consultation has taken place through our respective LTCCP processes. As a result, the transfer will not be able to be approved until our respective Councils ratify their LTCCP's. This usually occurs in Late June. This will mean that at the earliest, the transfer will not be able to take place until August.

**4. Communication**

The proposed transfer will be noted as a proposal in both the HCC and GWRC 2004/05 LTCCP's for public consideration. The Minister of Conservation will also be advised of the transfer. No other communications are necessary.

**5. Recommendations**

*That the Committee:*

1. **Receive the report.**
2. **Note the contents of the report.**

Report prepared by:

**Murray Waititi**  
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Report approved by:

**Rob Forlong**  
Divisional Manager, Landcare