

Report 11.215
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Committee Council
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Reserving Baring Head as Scenic Reserve and commencement of management plan process

1. Purpose

To seek approval to notify the Council's intention to reserve Baring Head as a Scenic Reserve (1)(a) under Section 14 of the Reserves Act and to notify the Council's intention to prepare a management plan for the area.

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. The process for declaring reserves and developing management plans is set out in the Reserves Act 1977.

3. Declaration as reserve

In 2010 Baring Head was jointly purchased, with financial contributions from the Nature Heritage Fund, Department of Conservation, Hutt City Council and a private benefactor. A condition attached to the financial contributions was that the land would become Scenic Reserve.

At the point of purchase the property did not automatically become a reserve. To achieve this status the Council must follow the process set out in Section 14 of the Reserves Act. The land (currently held in fee simple) needs to be declared as a reserve, and then classified under Section 16 of the Reserves Act. The Council must publish a public notice of the Council's intention to pass a resolution declaring Baring Head to be a reserve and call for objections. A minimum of one month is required to allow objectors an opportunity to submit.

The Council will then consider all objections received and make a decision whether or not to pass the resolution. If the resolution is passed, copies of the resolution together with all objections and the Council's comments are to be forwarded to the Minister of Conservation.

Once the resolution has been passed, it needs to be gazetted (through a publication in the New Zealand Gazette). At this point the Baring Head property will become a Scenic Reserve and part of East Harbour Regional Park.

3.1 Scenic Reserve classification

Classification of reserves under the Reserves Act 1977 (Reserves Act) identifies the primary purpose of a reserve and also helps direct the management, use and development of the reserve.

Classification of land as reserve provides an additional layer of legislative protection under the Reserves Act. Classification binds the Council and limits (to a greater or lesser extent) how the land can be used. This increases the protection that the land has and provides the community with certainty as to the types of activities that can and cannot take place on the land.

The classification of Scenic Reserve was specified as a condition of purchase of Baring Head. The purpose of reserves classified as Scenic Reserves is outlined in Section 19 of the Reserves Act, which provides two options for Scenic Reserve, either 19(1)(a) or 19(1)(b):

19 (1)(a) For the purpose of protecting and preserving in perpetuity for their intrinsic worth and for the benefit, enjoyment, and use of the public, suitable areas possessing such qualities of scenic interest, beauty, or natural features or landscape that their protection and preservation are desirable in the public interest.

19 (1)(b) For the purpose of providing, in appropriate circumstances, suitable areas which by development and the introduction of flora, whether indigenous or exotic, will become of such scenic interest or beauty that their development, protection, and preservation are desirable in the public interest.

These two categories differ slightly in what they are seeking to protect and what activities are allowed. This can be summarised as follows:

Scenic Reserve (1)(a)	Scenic Reserve (1)(b)
<p>Applies to reserves which possess significant qualities of scenic interest or beauty or significant features or landscapes</p> <p>Generally large area that can ensure the integrity of its qualities (with multiple natural, cultural and heritage features of special significance) can be protected.</p> <p>Remove exotic fauna and flora as far as possible.</p>	<p>Applied to areas which by introduction of flora, whether indigenous or exotic, will become of significant scenic interest or beauty.</p> <p>Often smaller areas that are degraded or semi natural where restoration is needed to create a scenic attraction.</p> <p>More flexible on exotic flora.</p>

In both cases, grazing licences are allowed and it is expected that there would be a low level of development (only facilities necessary for the public to enjoy the space such as picnic tables, tracks and shelters), which would be compatible with both Scenic Reserve (1)(a) or (1)(b) classification.

3.2 Application to Baring Head

Baring Head is a rugged, yet spectacular landscape, visible from much of Wellington City. The 284.6 hectares includes the lower reaches of the Wainuiomata River and opening to the sea. The coastal and river escarpment provide a habitat for invertebrates, skink and bird communities. Coastal birds including variable oystercatcher, banded dotterel, Caspian tern and blue penguin can all be found here. The area has rare plants such as *Muehlenbeckia astonii* and matagouri as well as the unusual feature of a dominant grey scrub community.

The lower terrace towards Martin Bay was a significant site for occupation by Maori (Parangarahu Pa) and contains a number of middens, pits and signs of Maori horticulture. Above the escarpment are the marine terraces which are currently grazed and tell the story of our geological past. It also forms part of the Maori story and is referred to as Orua-Pouanui or Parangarahu. More recently, the hill top was used for observation posts during WWII and a few of these structures remain.

This property is of course adjacent to the Baring Head Lighthouse complex and as such provides the landscape on which the lighthouse complex is situated and includes infrastructure (current and historic) servicing the complex.

The qualities of the land, its significant natural (both ecological and geological) features and cultural significance appropriately lead to a Scenic Reserve (1)(a) classification. This is in accordance with advice from officers of the Department of Conservation and is supported by officers of Hutt City Council. To this end it is proposed that the Council notify its intention to reserve with this classification.

Note that Baring Head Lighthouse reserve is a separate parcel of land adjacent to the 284.6 hectares in question and is already classified as Recreation Reserve and managed by the Council. At this point in time no change in classification is necessary for the Lighthouse reserve.

4. Preparation of a management plan

Since December 2010 officers have been researching the values of Baring Head to provide information for the preparation of a management plan for this area. The tourism and maori heritage reports have been completed and were previously provided to the Social and Cultural Wellbeing Committee. The historic heritage and environmental reports are nearing completion and should be completed within the next month. This initial research will then be made publically available through an online forum, to enable the public to view the reports and comment on particular aspects.

In following the process for the preparation of a management plan for a reserve under Section 41 of the Reserves Act 1997, there are two formal opportunities for the public to participate:

- 1) To provide comment following a public notice of the intention to prepare a draft management plan. These comments provided by the public are used by officers in the formulation of a draft plan; and
- 2) To submit in support or opposition of a draft management plan when it is released for public consultation. This includes a hearing should submitters wish to present their submission in person to the Council.

To ensure that a management plan is prepared in a timely manner this report requests Council to declare its intent to prepare a management plan. This will eventually form an amendment to the Parks Network Plan.

It should be noted that section 41(5A) of the Act allows the administering body of reserve land (this Council), on the recommendation of officers, to resolve not to give notice of its intention to prepare or review a management plan or invite and consider written suggestions on the proposed plan if it determines that written suggestions would not materially assist in the plan's preparations.

By enacting this provision, the Council would not need to seek initial suggestions or consider the comments in developing the management plan(s). However, officers consider that the additional time and effort to seek initial comments would not affect the timeframe for the development of the plan and would make the review process more publicly inclusive. As such, officers recommend that Council proceeds to seek public feedback to inform the development of a management plan.

Legal advice has confirmed that the preparation of a management plan can occur concurrently with the process to declare Baring Head as Scenic Reserve. However, the Reserves Act requires that a draft management plan cannot be released until the classification of the reserve has been completed. Consideration of any objections and final resolution on the reserve classification must be made by Council and this decision sent to the Minister of Conservation prior to the Council considering a draft management plan.

Bearing in mind the constraints identified above, the timetable for both processes would be as follows:

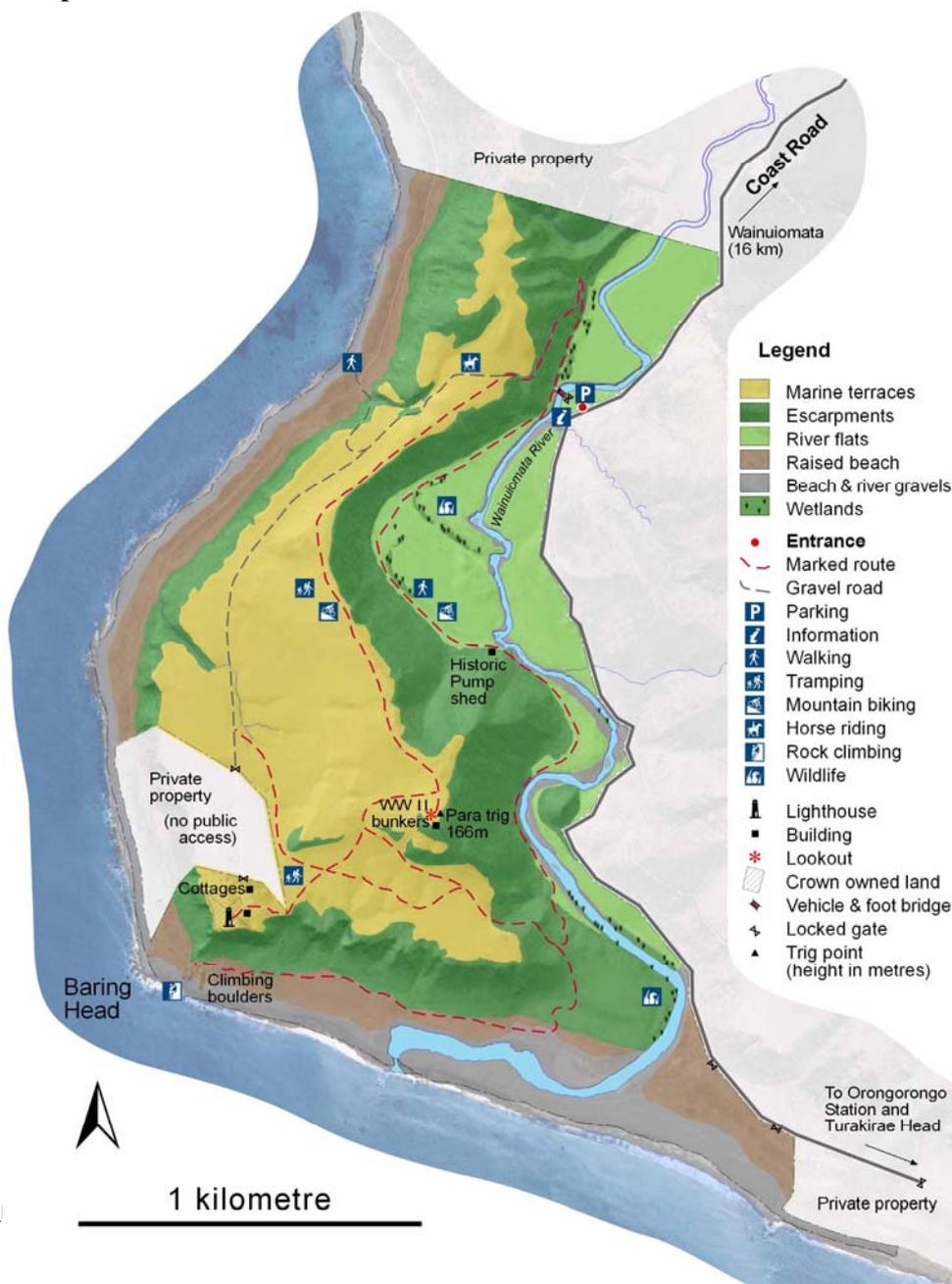
	Process to declare reserve	Process to develop management plan
May	Agree to notify as Scenic Reserve (1)(a)	Agree to initiate the management plan process
June	Public notice (1 June) Receive objections	Public notice (1 June) Receives comments to assist in drafting a management plan.
July	Council consider any objections and confirm resolution (to declare or not)	
August	Notify DOC of resolution, prepare gazettal notice	Management plan drafting (as an amendment to the Parks Network
September		

October		Plan)
November	Gazetted	
December		Management plan draft considered by Council
January		Consultation on draft plan commences

4.1 Area to be covered by the management plan

The lighthouse reserve and escarpment is owned by the Department of Conservation. Greater Wellington has management and control responsibilities for this area. This area is adjacent to the newly required land at Baring Head of 284.6 hectares.

Given that these two areas together will comprise the Baring Head section of East Harbour Regional Park it is appropriate that the two areas be considered together, and that the amendment to the Parks Network Plan covers both areas (note that under the Reserves Act 1977 it is possible to have a management plan that covers multiple reserves). The area to be subject to the management plan is shown below.



5. Communication

Public notices will be placed in the newspapers and website of the proposed reserving of Baring Head as Scenic Reserve (1)(a) and intention to prepare a management plan for the whole of Baring Head section of East Harbour Regional Park in the week beginning 30 May 2011.

6. Recommendations

That the Council:

1. ***Receives the report.***
2. ***Notes the content of the report***
3. ***Agree to notify its intention to resolve that the piece of land described in the Schedule shall be hereby declared to be a Scenic Reserve for the purposes specified in Section 19(1)(a) of the Reserve Act 1977 and is deemed pursuant to Section 16(2) to be classified for that purpose within the meaning of the Act, and furthermore the Council acting pursuant to statutory powers contained in Section 16(10) of the Act declares the said reserve to be part of the East Harbour Regional Park***
4. ***Resolves to publically notify its intention to prepare a management plan for the Baring Head area as shown in Section 4.1.***
5. ***Notes that the public consultation will commence in June 2011.***

Report prepared by:

Report approved by:

Report approved by:

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Parks Planner

Luke Troy
Manager, Corporate Planning

Jane Davis
General Manager, Strategy &
Community Engagement

Schedule 1 Land area

Wellington Land District – Hutt District

Schedule

Area	Description
284.6000 hectares	Lot 4 DP 59276 and subject to rights of way (in gross) over parts marked A, B, G and I and to water supply rights (in gross) and parts marked E, F, G and H on DP 59276 in favour of Her Majesty the Queen created by Transfer 218019 and subject to a right of way (in gross) over part marked C on DP 59276 in favour of Her Majesty the Queen created by Transfer 218022 and subject to rights of way (in gross) over parts marked A, B, G and I on DP 59276 in favour of Her Majesty the Queen created by Transfer 250154 and appurtenant hereto is a right of way specified in Easement Certificate 189837.2 and the easements specified in Easement Certificate 189837.2 are subject to Section 309(1)(a) Local Government Act 1974 and subject to a right of way over part marked D on DP 59276 created by Transfer 265365.14 and appurtenant hereto is a right of way created by Transfer 439467.6 and the easements created by Transfer 439467.6 are subject to Section 309(1)(a) Local Government Act 1974 and subject to a right of way over parts marked A and C on DP 59276 created by Transfer B112207.2 and subject to a profit a prendre (minerals) (in gross) over parts marked G and H on DP 72284 in favour of Firth Industries Limited for a term of 100 years from 5.2.1985 created by Transfer B347360.2 (affects part formerly part Orongorongo 1A1) and subject to Encumbrance in favour of Michael George Cantrick Stephens and Stephen Bruce Bayliss created by Memorandum of Encumbrance (all Computer Freehold Register WN42B/567)