

## 23. *Land Administration*

### **Explanation**

The Conservation Act and the Reserves Act provide the Department with the ability to acquire, exchange and dispose of land and to classify areas it manages in accordance with the classes of protected land established in the Acts. Under the Reserves Act, the Department oversees the management of reserves vested in other organisations and has an approval role for management plans and activities on reserves for which a management plan does not exist.

The Conservation, Reserves and Wildlife Acts contain provisions for the classification of areas managed by the Department. The purpose of protected area classifications is to give legal backing to the control, management and appropriate levels of development and preservation for areas. Protected area status can be significant for determining how an area is perceived by the public, and the level of use it receives.

### **Wellington Conservancy**

The Department maintains a land register which records each unit of land it administers. Basic information, such as the name of the area, its classification, area and legal description are recorded. A geographical information system (GIS) is used to store all data and to prepare maps of areas managed by the Department and of natural and historic resources. This is supplemented by the CMS Inventory (Volume 2 of this CMS), which records briefly the natural and historic resources, recreation facilities, and uses of land.

The areas managed by the Department include numerous small parcels of land allocated to the Department in 1987. Of the 311 areas administered by the Conservancy, 89 are under 1 ha, and 88 between 1 ha and 5 ha. Most of the land managed by the Department (88%) is contained within the three forest parks.

The Department maintains an oversight under the Reserves Act of over 3023 parcels of reserve areas managed by 10 local authorities. Most reserves are recreation reserves and some in urban areas and on the coast are heavily used. The Department has a role under the Wellington Town Belt legislation to approve easements over the Town Belt.

### **Management Issues**

#### *Classifications*

The many land classifications allow areas managed by the Department to be managed to protect natural and historic resources and for recreation. The various Acts and categories provide a range of management directions and restrictions on the activities which can occur. Some of the existing classifications and legal status of areas in the Conservancy do not reflect their conservation values and public use. However, changes and review of the status of areas can be a long, complex process whose outcome may not be significant for day to day management. The Department will reclassify areas only under special circumstances with a clear management benefit.

### *Disposal and Transfer*

The Department wishes to rationalise its landholdings to focus management on areas with highly significant natural and historic resources and/or with a level of public use requiring management. However, the Department will only pursue the sale or transfer of land if there is a net benefit to conservation in terms of the sale proceeds or an exchange of land with greater natural and historic resources. All disposal and transfers will be preceded by an assessment of the natural and historic resources and recreation values of an area. Factors to be considered in the assessment are listed below under Implementation. All disposal and transfer proposals under the Conservation and Reserves Acts require consultation with the Wellington Conservation Board or public notification. Proceeds from reserves are used on a national basis for the acquisition or protection of area with natural and historic resources.

Some of the areas managed by the Department, with low or medium values, may be more appropriately managed by local authorities or organisations. The Department is prepared for this and may encourage it, provided natural and historic resources and recreation uses can be maintained or enhanced. The Department will consult with the Wellington Conservation Board and tangata whenua as appropriate on delegation of the management of any reserve or conservation area with natural and historic resources or recreational values. The Department believes that land of predominantly local interest may be best managed by local government or communities, regional interest by regional government and national interest by the Department.

### *Interests of Iwi*

Most areas managed by the Department are subject to claims under the Treaty of Waitangi Act 1975. If a particular area is declared surplus for disposal by the Department, any claimant groups will be formally notified by the Department of Survey and Land Information. They will be given the opportunity to make submissions on the disposal through the Crown Consultative Process established by the Government and administered by the Treaty of Waitangi Policy Unit within the Department of Justice.

### *Reserves*

Most reserves administered by local authorities under the Reserves Act 1977 are recreation reserves. The Department processes many consents required under the Reserves Act for them, e.g., leases to sports clubs. To reduce administration work, the Department encourages local authorities to prepare management plans for their reserves.

Where reserves have significant natural and historic resources, the Department will work with local authorities, as necessary, to establish appropriate management direction. The Minister has the power under the Reserves Act 1977 to revoke the vesting of a reserve derived from the Crown, if the reserve is not being used for the purpose of its vesting, or if the administering body has in some way failed to comply with the Act. The Department may recommend this course of action if discussions fail to result in appropriate management.

**Objectives**

- 1 Service efficiently the statutory requirements of the Reserves Act 1977.
- 2 Reduce administrative involvement in reserves managed by local authorities under the Reserves Act 1977.
- 3 Uphold the principles of the Treaty of Waitangi and other statutory responsibilities when disposing of any land the Department administers.
- 4 Realise net gains to conservation by taking opportunities to rationalise the Department's landholdings.
- 5 Seek classifications of land administered by the Department appropriate to their natural and historic resources and recreation use and management requirements, where a management advantage will be gained.
- 6 Seek protection of significant natural and historic resources on reserves controlled and managed by other organisations.

**Implementation**

- 1 Maintain a register of all areas managed by the Department.
- 2 When assessing whether areas managed by local authorities or the Department should be disposed of (transferred or sold), the following will be considered:
  - The natural and historic resources and recreational opportunities of the area: whether there is forest or other vegetation, indigenous fauna, scientific, cultural or historic features, or landscape or recreational opportunities which should be protected.
  - Whether the area enhances the natural or historic resources or recreational opportunities, including public access, of any adjacent area or water body managed by the Department, or enhances public access to any adjacent water body.
  - Whether the area could be managed to maintain or enhance its natural and historic resources or recreational use by other organisations or individuals subject to a covenant.
  - Whether the area could be exchanged for an area with greater natural and historic resources or high recreational use.
  - Whether there are any other community uses for the land.
  - Whether there have been any public submissions received on the public notification to transfer or sell the land.
- 3 Consult with the N Z Historic Places Trust when any archaeological site or historic site is being considered for sale.
- 4 Arrange the disposal of surplus areas in accordance with the relevant statutory provisions and any Government instructions relating to disposal of surplus lands of the Crown.
- 5 Advise local authorities of their obligations to prepare management plans under the Reserves Act 1977 for all areas they manage and to manage such areas, in accordance with the plan, especially reserves with high public use.
- 6 Work with local authorities to establish management direction and action where reserves have significant natural and historic resources.
- 7 Implement cost recovery for all Reserves Act 1977 approvals.
- 8 Review classifications and legal status of land managed by the Department and to change the classification or status when:

- Access or activities need to be restricted or management activity facilitated to protect natural and historic resources. [*refer: Sections 5.5, p 40 and 9.3, p 115 for examples*]
  - It is critical that the public's perception of an area needs to be raised because of the natural and historic resources and recreational values present.  
*[refer Section 5.7, p 46 for example]*
- 9 Consult with Wellington Conservation Board and tangata whenua as appropriate on the delegation of the management of any reserve or conservation area with natural and historic resources or recreational value.
  - 10 Consult with the Wellington Conservation Board, tangata whenua and the public as required by the Conservation Act, Reserves Act and Public Works Act when transferring or selling any area.