



Report 08.460
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Committee Council
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Process for conducting hearings and considering submissions

1. Purpose

To advise Council of the recommended process for conducting hearings and considering submissions on four matters that have been or are being put out for public submissions, and for other matters as they arise.

2. Consideration by Committee

The matters raised in this report were considered by the Parks, Forests and Utilities Committee on 19 June 2008 (Report 08.445). The recommendations contained in this report have been endorsed by the Committee for the Council's consideration and decision. An additional recommendation to request that Council delegates the hearing of submissions on the Waitangirua Farm reserving, the Kapiti Pony Club lease at Queen Elizabeth Park and the Concessions Policy was also endorsed by the Committee. The hearing of submissions will include hearing submitters, considering the submissions and making recommendations to Council on the above matters.

3. 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*.

4. Background

Over the course of the next few months the Committee will be called upon to hear and consider submissions that will be made on three matters that either have been, or are about to be, provided for public comment under the special consultative process detailed in the *Local Government Act 2002* and/or the *Reserves Act 1977*.

Council will be making decisions on the following matters in the near future:

- What reserve status under the *Reserves Act 1977* Waitangirua Farm should have

- Whether a lease should be granted to the Kapiti Pony Club at Queen Elizabeth Park
- The current review of the *Parks and Forests Concessions Policy* (Report 08.290).

With all of these matters, Greater Wellington Regional Council (GWRC) must consider each submission and make provision for those submitters wishing to be heard in support of their submission.

Oral submissions provide submitters with the opportunity to speak to the Committee face to face about the key issues raised in their submission. It is a time for Committee members to listen but there is also the chance for members to ask questions, particularly with the aim of clarifying points made by submitters.

However, before the Committee can undertake hearings, changes are needed to the Committee's delegations. These will be sought at the Council meeting on 30 June 2008.

- With regards to the Waitangirua Farm reserving, the power to make a decision on the declaration of land as a reserve under section 14(1) of the *Reserves Act 1977* has been specifically retained by Council. The Parks, Forests and Utilities Committee has requested the delegation to hear the submissions and make recommendations to Council. The Council will then resolve to declare the land as a particular reserve classification under section 14 of the *Reserves Act 1977*. The Minister of Conservation will then consider the resolution and whether the classification is appropriate.
- The Kapiti Pony Club lease submissions have been received under section 119 of the *Reserves Act 1977* but the lease may be granted (by the Minister of Conservation) under section 59A on the recommendation of the Greater Wellington Regional Council. It is proposed that the Parks, Forests and Utilities Committee hear the submissions and make a recommendation to Council. The Council will then make a recommendation to the Minister of Conservation for consideration.
- The *Greater Wellington Regional Council Parks and Forests Concessions Guidelines* is a non-statutory document but submissions will be sought using the special consultative procedure under the *Local Government Act 2002*. It is proposed that Council delegate to the Parks, Forests and Utilities Committee the authority to consider any submissions as a consequence of the consultative procedure. Recommendations would then be made to Council for the Council's further consideration and action.

5. The hearing process

There are a small number of submitters wishing to be heard for the Kapiti Pony Club lease and Waitangirua Farm reserving matters. The hearings for these matters will be held at the next Parks, Forests and Utilities Committee meeting on 31 July. The hearings will be the first item on the agenda for the meeting but will be separated into two sections. The Kapiti Pony Club lease will be considered first then the process repeated for the Waitangirua Farm reserving.

In the case of the *Greater Wellington Regional Council Parks and Forests Concessions Guidelines* and the Bylaws review, it is unknown at this point exactly how many submitters there will be, and how many of them will wish to be heard. If it is found there are a large number, it may be necessary to hold a special Parks, Forests and Utilities Committee meeting. Councillors will be informed of this closer to the time when the numbers of submitters wishing to be heard are known. In either case, Councillors will receive a copy of the written submissions at least two weeks before the Committee meeting. These will be made available to Councillors in the internal mail.

With the Committee's Order Paper, the Councillors will receive (at least one week before the meeting) a:

- Summary of the submissions, with background information about the key issues
- "Process" Order Paper that confirms the hearing process for the day.

At the start of each meeting where the Committee will consider submissions and hear submitters, the Committee will confirm the process that they will follow for the day and then hear the oral submissions. Officers will provide a 10 minute timeslot for each oral submission. This allows approximately five minutes for the submitters to get across their key messages (but not read their submission in full) and five minutes for Committee members to ask any questions of clarification.

Following that, the Committee will formally consider the written submissions. They will then advise the officers of the outcome of their deliberations and officers will prepare a report containing recommendations for decision (either change to be made to a policy, or a course of action) for formal approval and adoption at the following Committee meeting. After that the recommendations will go to the full Council for formal approval.

For other hearings required during the triennium, it is recommended the Committee delegates to the Committee Hearing the decision as to whether to hear submitters at a scheduled Committee meeting or call a special Committee meeting.

6. Updates on matters for public submission

6.1 Kapiti Pony Club lease and Waitangirua Farm reserving

Ten submissions have been received and two submitters wish to be heard regarding the reserving of Waitangirua Farm.

For the Kapiti Pony Club lease, nine submissions were received and two submitters wish to be heard (on 31 July).

6.2 Concessions guidelines

The draft *Greater Wellington Regional Council Parks and Forests Concessions Guidelines* document is being presented to this Committee meeting (Report No. 08.290).

If this draft is approved, it will be released for public comment in early July. Hearing of submissions for this document are planned to occur in mid-September.

6.3 Bylaws review

The review of the Bylaws is under way and a draft document is currently being prepared. Hearings for the Bylaws are likely to take place in the second half of 2008.

7. Communication

Formal replies will be sent to all submitters who have supplied their contact details soon after the Council has made its decision. More information about communications around changes to the concessions policy or Bylaws will be provided closer to the time at which these policies are being considered.

8. Recommendations

That Council:

- 1. Delegates to the Parks, Forests and Utilities Committee the hearing of submissions on the Waitangirua Farm reserving, the Kapiti Pony Club lease at Queen Elizabeth Park and the concessions policy.*

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