
ORDINARY MEETING

OF

ENVIRONMENT COMMITTEE

MINUTE ITEM ATTACHMENTS

Time: 9.15am
Date: Thursday, 4 September 2014
Venue: Committee Room 1
Ground Floor, Council Offices
101 Wakefield Street
Wellington

Business

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Wellington Town Belt Bill

Suggested Minor Additions or Amendments to The Environment Committee --

4 September 2014. From Members of the Friends of the Wellington Town Belt.

6. Meaning of Wellington Town Belt.

- (a) Alter order so that the land described in Schedule 2 (i.e. all the area at present) becomes (i) and then followed by (ii) land included under Section 21, and (iii) land referred to in Section 25.(2)

12. Power^s of the Council.

- ~~12~~ (2)in this Act, the Management Plan, or another Act or rule of law (i.e. add the Management Plan).

14. Delegation of the Council's powers.

- (1) Pleased to see Management Plan in this section.
Suggest " power to grant leases under Section 16" should also be in Part (1) i.e. The Council must not delegate, not in Part (2).

15. Consultation.

- (2) (b) add "having public hearings" and taking into account

16. Leases

- (3) add (e) not to be granted for an activity that could reasonably be undertaken in another location that is outside the Wellington Town Belt.

18. Business Activities.

- (2) (b) add "and no more than is necessary to continue an existing use" add (c) or the activity could not reasonably be undertaken in another location that is outside the Wellington Town Belt.

20. Public Services.

- ~~20~~ (2) (b) add to statement either outside the Wellington Town Belt or another part of the Wellington Town Belt where the potential adverse effects would be significantly less.

Wellington Civic Trust

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SUBMISSION TO THE ENVIRONMENT COMMITTEE,
WELLINGTON CITY COUNCIL
THURSDAY 4 SEPTEMBER 2014

CURRENT DRAFT OF THE TOWN BELT BILL

1. The Civic Trust wishes to acknowledge the sub-committee of the Environment Committee for its strenuous striving to reach common ground.
2. The present draft goes some way to addressing the issues raised by the Civic Trust. Considering, however, that the provisions in the Bill will endure for generations to come, it is suggested that further refinements could be made.

Underlying principles

3. These suggested refinements are grounded in the following fundamental perspectives:
 - (a) the Town Belt is first and foremost a heritage feature of national significance and in time will inevitably possess international status.
 - (b) it is primarily for the enjoyment of Wellingtonians, they having free access at all times.
 - (c) it should not be categorised as a source of revenue for the City Council and a commercial attraction.
 - (d) private property rights should not attach to any lease, licence, permit, etc
 - (e) alternative sites should be the first consideration before granting leases, etc.
 - (f) private commercial ventures should not occupy land on the Town Belt other than to enhance temporary public events.

4. Suggested changes to the draft
 - (a) Definition of business
Exclusion of private ventures for personal or company profit other than to enhance temporary open-to-the-public special events
 - (b) Alternative sites
To be the first consideration when deciding the granting of leases, licences, permits, etc
 - (c) Leases to be free of encumbrances
No lease, licence, etc to be given legal status as an asset in the accounts of a lessee, licensee, etc
 - (d) Public hearings
All leases etc should not only be publicly notified allowing for submissions but also allow for public hearings on application by any submitter
 - (e) Maximum area of leasehold
The 8-hectare absolute maximum could be qualified by adding the imperative that the Council must endeavour to achieve consolidating joint use of buildings and their surroundings by clubs and sporting codes wherever practicable.
Exclusive use is to be the unavoidable exception.
 - (f) Powers of Council to delegate
The power to grant leases and to amend or replace the Town Belt Management Plan should be decided by the full Council.

Concessions for access to the Town Belt

5. The Trust further suggests that, when the Council is finalising the policy and procedures of granting concessions, the Town Belt be treated separately with more restrictive protections that uphold its unique heritage status.

Craig Palmer and Jim McMahon appearing for the Wellington Civic Trust
Thursday 4 September 2014

4 September 2014
To the Wellington City Council's Natural Environment Committee

Submission on the proposed Wellington Town Belt Bill by Action for Environment Inc

May I commence by congratulating you, Cr Ritchie and the committee for making improvements to the Town Belt Bill since the last draft. Having said that, Action for Environment still has some serious concerns about this Bill as it is currently drafted: namely

- The Town Belt Deed, the governing document of the Town Belt, which gifted the land to the citizens of Wellington "and their successors" "in trust" and made them trustees of the land. is to be overridden. That trust will be broken by this Bill, depriving the majority of the trustees, present and future Wellingtonians of their rightful inheritance. It is akin, in our view, to attempting to change a will 142 years after it has been executed.
- Although the wording has been changed, the Council (in effect Council officials) would still be given, in our view, dangerously "broad powers" over the Town Belt. According to *Powers of the Council*, (clause 12) council officials will have "full capacity" to undertake "any" activity, do "any" act and enter "any" transaction regarding the Town Belt with "full rights, powers and privileges". (our emphasis). Action for Environment questions how such unrestrained Council powers are consistent with the protection of the Town Belt's open space inherent in the Bill's *Principles* (4).
- In line with the powers granted in clause 12, under *Consultation* (clause 15), the Council would have the automatic right to "build or extend" a "structure, or facility" in the Town Belt. And while it is required to consult the public and invite submissions beforehand, it can seemingly carry out such work after doing so without the need for a publicly notified resource consent, removing the right of appeal to the Environment Court. Such powers would be contrary to the Town Belt's Open Space C zoning. They will not maintain and protect the finite open space of the Town Belt which is a fundamental objective of the District Plan.
- Under this Bill, the Town Belt as a reserve under the Reserves Act 1977 is to be revoked, removing restraints on the Council's actions over the Town Belt. It seems ludicrous to us (as it would be to many Wellingtonians) that the most important and visible reserve in the city is no longer to be deemed one! We understand this would also remove the right of appeal to the Minister of Conservation should the Council do something untoward with the Town Belt. Such a move would also prevent any future attempt to make the Town Belt a National Reserve, as its heritage and status warrants.
- While ^{we}read Paul Radish QC's legal opinion on this matter, we received it only two full days before this hearing, so we were not able to get our own legal opinion on it at such short notice. We note with further concern however that the lack of restraint on Council powers over the Town Belt, was not referred to in his legal opinion. This proposed Bill if passed into law would be the most dramatic change to the status and protection of the Town Belt for over 140 years. We question why submitters were given such short notice of the latest draft before this meeting.
- We cannot comment on the schedules regarding land to be added or removed from the Town Belt as there was nothing about them in the copy of the Bill we were sent.

This Bill is not so much about better protecting the Town Belt (it's arguably already the best protected urban reserve in the country) rather it is about giving more power to the the Council. The loss of open space on the waterfront (where the Council does have broad powers over the land) is a salutary lesson of what is likely to happen to the Town Belt if this Bill, as is currently drafted, is passed into law. The Council will be subjected to development pressures on the Town Belt as it has been on the waterfront. The lesson of the waterfront saga is that the Town Belt needs protection by the Council but also from the Council. The citizens of Wellington should not have to fight the Council to protect the Town Belt's open space as they have had to do with the waterfront, Sadly we can see this happening with the Town Belt if this Bill is not amended to limit Council powers. Thank you.

David Lee
Chairman
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