

**REPORT 1
(12/15/52/15IM)**

TOWN BELT LEGISLATIVE AND POLICY FRAMEWORK REVIEW – MANAGEMENT PLAN AND DRAFTING INSTRUCTIONS FOR PROPOSED WELLINGTON TOWN BELT BILL

1. Purpose of report

To seek the agreement of the Town Belt Management Plan Hearings Subcommittee (TBMPHS) to recommend to Strategy and Policy Committee (SPC) the final Town Belt Management Plan and drafting instructions for the proposed Wellington Town Belt Bill following public consultation.

2. Executive summary

On the 26 September 2012 the Council approved public consultation on the draft Town Belt Management Plan and the drafting instructions for a proposed Town Belt bill. The Council also established the Town Belt Management Plan hearings Subcommittee (TBMPHS) to accept and hear submissions on the review and recommend changes to policy to the Strategy and Policy Committee.

Public consultation took place between 16 October and 10 December 2012 with 259 written submissions received. 62 submitters also made oral submissions to the TBMPHS between 18 and 22 February 2013.

There was general support for the overall direction of the plan and the major initiatives and policy direction.

A number of additions and amendments were suggested to provide additional clarity and direction to the Management Plan and drafting instructions. This report outlines the main issues which were raised by submitters, and recommended changes to Policy.

The TBMPHS approved a range of issues raised by submitters at its meeting on the 17 April 2013 and recommended these be incorporated into the final Plan and drafting instructions.

Approval is being sought for the final Town Belt Management Plan and drafting instructions for a proposed Town Belt bill.

3. Recommendations

Officers recommend that the Town Belt Management Plan Hearings Subcommittee:

1. *Receive the information.*
2. *Agree to the amendments of the draft Town Belt Management Plan and drafting instructions, giving full consideration to the submissions received.*
3. *Accept the changes to the draft Town Belt Management Plan and drafting instructions following public consultation and outlined in Appendices 3 and 4.*
4. *Recommend to the Strategy and Policy Committee that the final Town Belt Management Plan (Appendix 3) and drafting instructions (Appendix 4) be approved.*
5. *Recommend that Strategy and Policy Committee recommend to Council that the final Town Belt Management Plan (Appendix 3) and drafting instructions (Appendix 4) be approved.*
6. *Agree to delegate to the Chief Executive and the Chair of the Subcommittee the authority to make any changes to the draft Town Belt Management Plan and drafting instructions required as a result of decisions of this Subcommittee, as well as minor editorial amendments, prior to the presentation to the Strategy and Policy Committee.*

4. Background

In early 2010, a high level analysis of the legislative and policy framework for the Wellington Town Belt took place. This work resulted in a three stage project:

Stage 1: Development of guiding principles (completed)

Stage 2: Review of the Town Belt Management Plan and Town Belt Reinstatement Policy

Stage 3: Legislative change through a local Parliamentary bill

Stage one – guiding principles: Consultation on the draft principles took place in mid 2011 with a final set of principles adopted by the Council on 16 December 2011. The Council also agreed to a review of the Town Belt Management Plan and Town Belt Reinstatement Policy.

Stage two - The Town Belt Management Plan 1995 and Town Belt Reinstatement Policy 1998 Review Process: The review was completed in August 2012 with the preparation of the Draft Wellington Town Belt Management Plan (draft plan) to replace both documents.

Stage three: Legislative changes: Preparation of drafting instructions which outline why the legislative changes are needed and what they will achieve. These will form the basis for a local Wellington Town Belt bill to rationalise, clarify and consolidate Town Belt governance under the Town Belt Deed.

The Council approved consultation on the draft plan and drafting instructions on 26th September 2012. It also approved the establishment of the **Town Belt Management Plan Hearings Subcommittee (TBMPHS)** with the following Terms of Reference:

The Subcommittee shall have responsibility and authority to:

Accept and hear submissions on the review of the proposed Town Belt Legislative and Policy Framework Review – Draft Management Plan and Drafting Instructions for Proposed Town Belt Bill and make recommendations for changes to the Policy to the Strategy and Policy Committee.

4.1 Public consultation

Consultation took place between 16 October and 10 December 2012. This included:

- Media releases and advertising in our Wellington Page
- Council website plus Facebook page
- On-site notices at major Town Belt entrances
- Direct distribution to key stakeholders and previous submitters. This included all of the clubs with leases on Town Belt, community groups working on Town Belt, 158 individuals and organisations who submitted on the guiding principles, all schools in Wellington.
- Three public meetings in the CBD (in conjunction with Friends of the Town Belt), Northland, and Newtown.
- Posters at libraries, community centres

5. Discussion

259 written submissions were received and are available on request (Appendix 1 contains the names of all submitters). 62 of these submitters also made oral submissions to the TBMPHS between 18 and 22 February 2013. Following the oral submissions, officers completed analysis of the submissions (appendix 2) and identified the main issues (and proposed plan changes) that TBMPHS would need to now consider for incorporation into the final documents. These were considered and agreed to at the meeting of the TBMPHS on the 17 April 2013. In addition there were issues where officers were asked to go away and review. These were as follows:

Vision: Some submitters noted a lack of long term vision and/or strategic direction in the plan. Officers recommended at the TBMPHS on 17 April that the existing aims in the 1995 plan were modified and included in chapter 1 as follows:

A Town Belt managed under the Town Belt Deed as a “public recreation ground for the inhabitants of the city of Wellington”

A sustainably managed Town Belt in which the recreational, natural, landscape, cultural and historic values are protected and enhanced

Officers were asked to go away and review this vision to make it more inspirational and reflective of the Town Belt's unique and special features.

Officers recommend the following for consideration:

"The Wellington Town Belt is a unique and historic inner city open space that brings nature into the city and provides current and future residents and visitors with a place to visit, recreate and appreciate"

Ecology chapter: Several submitters recommended changes to this chapter and to the Ecology principle. A workshop took place on 29 April with representatives from Wellington Botanical Society, Forest and Bird and Centre for Sustainable Cities. An agreed approach to the chapter was agreed. The chapter was rewritten and again reviewed by the external submitters. The final chapter and principle are included in the final management plan (Appendix 3). The proposed new principle is:

Healthy ecosystems supporting indigenous biodiversity are once again flourishing in many parts of the Town Belt

Commercial activities: The wording of the plan should enable commercial activities relating to community sport to continue particularly the use of paid coaches, trainers and administrators provided they were working for not for profit sporting and recreation groups. In addition fund raising where it will benefit and help fund the primary activity of the group.

Proposed addition to **Chapter 6 – Recreation** as follows:

Commercial activities: *Running a community sporting team or club can be an expensive operation. There are fewer volunteers around to help run competitions, coach teams and maintain facilities and buildings. This has led some clubs to have paid administrators, coaches and players.*

Some clubs are investigating commercial activities/opportunities to enable them to raise funds to run competitions and programmes and invest in their sport. This varies from charging for play, or sponsorship, through to running commercial facilities such as cafés and pro-shops.

Any approval to carry out commercial activity on Town Belt will only be permitted to the extent that:

- *the activity is necessary to enable the public to obtain the benefit and enjoyment of the Town Belt or for the convenience of persons using the Town Belt*
- *the activity complements and is ancillary to a group's primary community or recreational activity, such as the provision of paid coaches and administrators*

- *any excess funds generated by the group are in the first instance applied to any maintenance obligations the group has under the lease and then to the group's community or recreational activity*

Definition of public recreation (in the drafting instructions): Many submitters had concerns that any interpretation (rather than a definition) of “public recreation ground” would give too many powers to officers to make decisions that are contrary to the Deed. Officers were instructed to develop some definitions of recreation and recreation ground that could be incorporated into the drafting instructions.

Officers advise that there are two options:

Option 1: Define recreation. Any definition will need to be very broad to fit in with the range of activities and changing views of what is and is not recreation. The definition provided to the Subcommittee on the 17 April is still appropriate.

***Recreation** means any activity undertaken by a group or individual that gives that group or individual enjoyment, relaxation, satisfaction or a sense of well-being, regardless of the degree of physical activity required.*

Option 2: Define recreation ground. This definition will link closely to the original intent of the Deed, and can better define the purpose of the Town Belt as well as the types of activities that can occur in the area. It can also emphasise the open space nature of the space. A definition, modified from the purpose of recreation reserve outlined in section 17 of the Reserves Act) 1977) is:

***Recreation ground** means an area provided for recreation and sporting activities and the enjoyment of the public, and for the protection of the natural environment, with an emphasis on outdoor activities (both active and passive).*

Officers recommend Option 2. This has been added to the drafting instructions (Appendix 4)

Review of all submissions

Officers have reviewed all 259 submissions and Appendix 2 includes a response to each issue and whether the proposed change has been accepted and incorporated in the plan or drafting instructions or not. The resulting documents with tracked changes are included as Appendix 3 (Wellington Town Belt Management Plan) and Appendix 4 (Wellington Town Belt drafting instructions).

Implementation

The revised implementation plan is included in the management plan (as Appendix 3 in the plan) and is attached as Appendix 5 of this report. The implementation plan (year 1) will commence in 2014/2015 and is divided into short (1-3 years), medium (3-5 years) and long (5-10 years) term.

The majority of actions are to be funded through reallocating existing budgets. However, new funding for capital works projects may be required once the master planning and development planning has been completed for various projects.

Where appropriate, any new initiatives will consider alternative funding sources through sponsorship, grants, trust funds and strategic partnerships.

6. Conclusion

The draft Town Belt Management Plan 2012 was produced following a review of the 1995 Management Plan and 1998 Reinstatement Policy. The final plan will provide strategic direction for the Town Belt for the next ten years.

The drafting instructions are the first stage in the preparation of a Town Belt bill to strengthen the protection of and modernise the governance arrangements for the Town Belt under the Town Belt Deed.

Public consultation has recommended changes to these documents and a final plan and drafting instructions have been developed. It is recommended these be forwarded to Strategy and Policy Committee for approval.

Contact Officer: *Mike Oates, Manager Open Space and Recreation Planning*

SUPPORTING INFORMATION

1) Strategic fit / Strategic outcome

The plan supports Council's overall vision of Wellington Towards 2040: Smart Capital. In particular it supports the Eco –city and people centred city outcomes.

2) LTP/Annual Plan reference and long term financial impact

The project is contained in the Council Plan A004 – Open Space Planning and its activities form part of the Community Environment Outcomes (section 2.2: provider and facilitator – green opens spaces [town belts]). There are no financial implications at this stage

3) Treaty of Waitangi considerations

The policies in the plan are consistent with the Waitangi Tribunal Report. "Waitangi Tribunal, Te Wanganui ā tara me ōna Takiwā: Report on the Wellington District 2003".

4) Decision-making

This is not a significant decision in terms of section 76(3)(b) of the Local Government Act 2002.

5) Consultation

a) General consultation

The Council has consulted on the draft plan and drafting instructions. A statutory 2 month consultation took place as required for the management plan under the Reserves Act 1977.

b) Consultation with Maori

Mana whenua have reviewed relevant sections and commented on the draft plan.

6) Legal implications

Council's lawyers have been consulted during the review of submissions particularly those relating to the drafting instructions.

7) Consistency with existing policy

This is a review of existing policies and will update and replace the Wellington Town Belt Management Plan 1995 and the Wellington Town Belt Reinstatement Policy 1998. The preparation of a Town Belt bill is consistent with current Council policy.