
REPORT 3

**Report of the Environment Committee
Meeting of Thursday 20 March 2014**

Members: Mayor Wade-Brown, Councillors Ahipene-Mercer, Foster, Free, Lee, Pannett (Chair), Ritchie and Sparrow.

THE COMMITTEE RECOMMENDS:

1. DRAFT WELLINGTON TOWN BELT BILL (REPORT 1)

THAT Council:

1. *Approve the draft Wellington Town Belt (attached as appendix 1) for public consultation.*
2. *Note that the draft bill includes two alternative approaches to the Public Works Act 1981 and the consultation material includes text that explains the 2 approaches (attached as appendix 2).*
3. *Delegate to the Chief Executive Officer and portfolio leader the authority to approve minor wording, formatting and content changes to the Schedules to the Bill, as well and any changes agreed by the Council.*

2. DISPOSAL - 177 BING LUCAS DRIVE, TAKAPU VALLEY (REPORT 10)

THAT Council:

1. (a) *Agree to revoke the reserve status of 177 Bing Lucas Drive, Takapu Valley (CFR Identifier 342412) pursuant to section 24 of the Reserves Act 1977.*
- (b) *Authorise the Chief Executive Officer to conclude the reserve revocation of 177 Bing Lucas Drive, Takapu Valley.*
- (c) *If the reserve revocation is successful, agree that the property at 177 Bing Lucas Drive, Takapu Valley is not required for a public work and is surplus to requirements.*

- (d) Subject to 177 Bing Lucas Drive, Takapu Valley being declared surplus, authorise Council officers to commission a section 40 Public Works Act 1981 report from a suitably qualified consultant to identify whether this property must be offered back to a former owner or their successor in title, or whether an exemption from offer back applies under section 40(2), 40(3) or 40(4) of the Public Works Act 1981.*
- (e) If 177 Bing Lucas Drive is declared surplus, approve its disposal.*
- (f) Delegate to the Chief Executive Officer the power to take all actions necessary to sell 177 Bing Lucas Drive, Tawa in accordance with the provisions of the Public Works Act 1981.*

Iona Pannett
Chair

Grant Robertson

Wellington Town Belt Bill

Local Bill

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(1) Whakatauki—

"Tumutumu parea, rākau parea, whānui te ara ki a Tāne"

"Ward off post and weapon, so that the expansive path of mankind is opened up"

This was uttered by Te Wharepouri Te Kakapi-o-te-Rangi during the arrival of the colonial ships within the Wellington Harbour, and upon the Petone foreshore during the 1830s. Te Wharepouri, upon building relationships with the colonial settlers, saw the benefits of building positive relationships and working together towards common goals and initiatives. Hence, the

focus of this proverb is about the journey of life, overcoming obstacles and issues, and focusing on the main tasks at hand.

- (2) The New Zealand Company was a private land settlement company formed in London during May 1839, which planned to establish a settlement at Wellington harbour. The Company's representatives arrived at Wellington harbour in September 1839.
- (3) At the time of the New Zealand Company's arrival, the iwi groups with *take raupatu* over all the lands within the Wellington harbour and its environs were Te Ātiawa, Ngāti Ruanui, Taranaki, Ngāti Tama (together, Taranaki Whānui ki Te Upoko o Te Ika) and Ngāti Toa Rangatira. These iwi each had their own *ahi kā* over particular areas as follows:
 - (a) Te Ātiawa at Te Whanganui ā Tara and parts of the south-west coast;
 - (b) Taranaki and Ngāti Ruanui at Te Aro;
 - (c) Ngāti Tama at Kaiwharawhara and environs, and parts of the south-west coast; and
 - (d) Ngāti Toa Rangatira at parts of the south-west coast.
- (4) The New Zealand Company's initial settlement plan provided for the original Town Belt, being public reserves of 1,562 acres around the proposed town of Port Nicholson (now Wellington City), that would separate it from the Company's rural district. The instructions from the Company's secretary, John Ward, to its surveyor, William Mein Smith, included that this land be "public property on condition that no buildings be ever erected upon it".
- (5) On 16 October 1841, the Governor of New Zealand notified that the reserves provided for in the Company's plans were "reserved by the Crown for Public Purposes". This was done without consulting or providing compensation at the time to the relevant iwi groups.
- (6) On 3 June 1861, the Crown conveyed some of the original Town Belt to the Superintendent of the Province of Wellington, "in trust for the purposes of Public Utility to the Town of Wellington and its inhabitants".
- (7) The Wellington City Reserves Act 1871 instructed the Superintendent to convey some of the original Town Belt to Council's predecessor upon trust for "purposes of public utility to the City of Wellington and its inhabitants". The Superintendent carried out this instruction in 1873 by executing the Town Belt Deed, which conveyed certain land on trust to the Council's predecessor. While the land known as the "Basin Reserve" was conveyed to the Council's predecessor by the Town Belt Deed, the Basin Reserve was subsequently resettled on Council by deed dated 17 October 1884 and the Town Belt Deed has no further application to the Basin Reserve.
- (8) The report of the Waitangi Tribunal *Te Whanganui ā Tara me ōna Takiwā: Report on the Wellington District* (Wai 145, 2003) concluded that breaches of the Treaty of Waitangi by the Crown had occurred, including in relation to the Crown's acquisition of lands within the Wellington harbour and its environs. For the Wellington District, the historical claims of Taranaki Whānui ki Te Upoko o Te Ika were settled on 19 August 2008, and the historical claims of Ngāti Toa Rangatira were settled on 7 December 2012.
- (9) As well as the significance of some of the land to mana whenua, the concept of the original Town Belt and having open green space around the central city is important to the people of Wellington generally. Over time, many Wellingtonians and community groups have cared for the Wellington Town Belt, opposed the removal of land from the Wellington Town Belt and worked to recover parts of the original Town Belt not vested in the Council.

- (10) There is some uncertainty about the legal status of the Wellington Town Belt, the extent to which the Wellington Town Belt is protected for future generations, and the Council's powers to protect, manage and enhance the Wellington Town Belt. This Act will provide certainty by:
- (a) providing a transparent statutory basis for the Council's trusteeship and management of the Wellington Town Belt;
 - (b) being the principal source of the Council's powers for protecting, managing and enhancing the Wellington Town Belt; and
 - (c) being a mechanism for land to become part of the Wellington Town Belt.

The Parliament of New Zealand therefore enacts as follows:

1 Title

This Act is the Wellington Town Belt Act **2014**.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

Preliminary provisions

3 Purpose

The purpose of this Act is to—

- (a) provide a transparent statutory basis for the Council's trusteeship and management of the Wellington Town Belt;
- (b) recognise the history of the original Town Belt and its significance to mana whenua and the people of Wellington generally; and
- (c) provide the Council with responsibilities and powers to protect, manage and enhance the Wellington Town Belt.

4 Interpretation

In this Act, unless the context otherwise requires,—

Chest Hospital means the land described in Schedule 4

Council means the Wellington City Council

Exhibition Site means the land described in Schedule 5

original Town Belt means the land provided for as a public reserve around the proposed town of Port Nicholson in the New Zealand Company's plan of 14 August 1840

publicly available means, in relation to making a document or other information publicly available, taking reasonable steps to—

- (a) ensure that the document or other information or a copy of the document or other information is accessible to the general public; and
- (b) publicise both the fact that the document or other information is available and the manner in which copies of the document or other information may be obtained

registered interest means any registered estate or interest in land under the Land Transfer Act 1952; and includes any mortgage or charge registered under that Act

Town Belt Deed means the deed, which is set out in Schedule 1 for ease of reference, entered into between the Superintendent of the Province of Wellington and the Mayor, Councillors and Citizens of the City of Wellington dated 20 March 1873

Wellington Botanic Garden means the land described in Schedule 6

Wellington Zoo means the land described in Schedule 7.

5 Meaning of Wellington Town Belt

In this Act, unless the context otherwise requires, **Wellington Town Belt**—

- (a) means—
 - (i) the land described in Schedules 2, 4 and 7; and
 - (ii) land referred to in section 6(2); and
 - (iii) land referred to in section 7(2); and
 - (iv) land included under section 12; but
- (b) does not include—
 - (i) land referred to in section 6(1); and
 - (ii) land referred to in section 7(1); and
 - (iii) land referred to in section 14(3)(a).

6 Exhibition Site

- (1) Any part of the Exhibition Site that is subject to a lease granted under the Wellington City Exhibition Grounds Act 1959 is to be treated as not being part of the Wellington Town Belt.
- (2) Any part of the Exhibition Site that ceases to be subject to a lease under that Act—
 - (a) forms part of the Wellington Town Belt; and
 - (b) ceases to be subject to the Wellington City Exhibition Grounds Act 1959.

7 Wellington Botanic Garden

- (1) Any land that is subject to the Wellington Botanic Garden Vesting Act 1891 is to be treated as not being part of the Wellington Town Belt.

- (2) Any land that ceases to be subject to the Wellington Botanic Garden Vesting Act 1891 forms part of the Wellington Town Belt.

Status and principles

8 Name

The land comprising the Wellington Town Belt is to be called the "Wellington Town Belt".

9 Legal status

- (1) The Council holds the Wellington Town Belt as trustee of the trust created by the Town Belt Deed.
- (2) When this Act comes into force, the only term of the trust in subsection (1) will be to forever hereafter use and appropriate the Wellington Town Belt as a public recreation ground for the inhabitants of the City of Wellington.
- (3) In subsection (2) and for the purpose of the trust in subsection (1), **public recreation ground** means an area provided for—
- (a) recreation, sporting activities, and the enjoyment of the public, with an emphasis on outdoor activities; and
 - (b) the protection of the natural environment.

10 Principles

- (1) In performing its role under this Act as trustee and manager of the Wellington Town Belt, the Council must have particular regard to the following principles:
- (a) the Wellington Town Belt should be protected and enhanced for future generations:
 - (b) the Wellington Town Belt should be managed in partnership with mana whenua:
 - (c) the landscape character of the Wellington Town Belt should be protected and enhanced:
 - (d) the Wellington Town Belt should support healthy populations of indigenous biodiversity:
 - (e) the Wellington Town Belt should be accessible and for all to enjoy:
 - (f) the Wellington Town Belt should be used for a wide range of recreation activities:
 - (g) community participation in the management of the Wellington Town Belt should be encouraged and supported:
 - (h) historical and cultural links to the Wellington Town Belt, including the concept of the original Town Belt, should be acknowledged.
- (2) The principles in subsection (1) must be considered together and no principle takes precedence over any other.

11 Wellington Town Belt not subject to the Reserves Act 1977

The Wellington Town Belt is not a reserve or public reserve under the Reserves Act 1977.

Adding to and removing from the Wellington Town Belt

12 Adding land to the Wellington Town Belt

- (1) The Council may pass a resolution that land vested in it is to form part of the Wellington Town Belt.
- (2) The Council may not pass a resolution under subsection (1) unless it has consulted the public about the proposal using the special consultative procedure in section 83 of the Local Government Act 2002.
- (3) The Council must, within 30 days after passing a resolution under subsection (1), publish a notice of the resolution in the *Gazette* that describes and defines the affected land.
- (4) On and from a notice under subsection (3) being gazetted, the affected land forms part of the Wellington Town Belt.
- (5) The Council may forward any notice published under subsection (3) to the Registrar-General of Land who must then, without payment of any fee, record a copy of the resolution and register it against the appropriate title (if any).
- (6) The Council may not delegate the power in subsection (1).

13 No removal of land from the Wellington Town Belt

Subject to sections 14 and 15, no land can be removed from the Wellington Town Belt.

Option 1	Option 2
<p>14 Application of the Public Works Act 1981</p> <p>(1) The Wellington Town Belt is subject to the Public Works Act 1981.</p> <p>(2) However, sections 40 to 42 of the Public Works Act 1981 do not apply to the addition of land to the Wellington Town Belt under <u>section 12</u>.</p> <p>(3) Where, pursuant to the Public Works Act 1981, any land ceases to be held by the Council—</p> <p style="margin-left: 2em;">(a) the land ceases to be part of the Wellington Town Belt and is no longer subject to this Act or the Town Belt Deed; and</p> <p style="margin-left: 2em;">(b) the Council must seek</p>	<p>14 Application of the Public Works Act 1981</p> <p>(1) The Wellington Town Belt is subject to the Public Works Act 1981.</p> <p>(2) However, sections 40 to 42 of the Public Works Act 1981 do not apply to the addition of land to the Wellington Town Belt under <u>section [12]</u>.</p> <p>(3) Where, pursuant to the Public Works Act 1981, any land ceases to be held by the Council—</p> <p style="margin-left: 2em;">(a) the land ceases to be part of the Wellington Town Belt and is no longer subject to this Act or the Town Belt Deed; and</p> <p style="margin-left: 2em;">(b) the Council must seek</p>

<p style="text-align: center;">appropriate compensation.</p> <p>(4) The Council must not consent or agree to any land being removed from the Wellington Town Belt under the Public Works Act 1981.</p>	<p style="text-align: center;">appropriate compensation.</p> <p>(4) Despite <u>sections [9] and [17]</u>, the Council may—</p> <p>(a) enter into an agreement to sell part of the Wellington Town Belt under section 17 of the Public Works Act 1981; or</p> <p>(b) give written consent to part of the Wellington Town Belt being declared road under section 114 of the Public Works Act 1981.</p> <p>(5) The Council must not exercise a power under <u>subsection (4)</u> unless it has passed a resolution that the Council is satisfied—</p> <p>(a) the relevant land will be compulsorily acquired if the Council does not exercise the power;</p> <p>(b) exercising the power will result in a greater benefit to the Wellington Town Belt than any compensation the Council would be entitled to if the relevant land was compulsorily acquired; and</p> <p>(c) exercising the power will result in an area of land being transferred to the Council for addition to the Wellington Town Belt that is equivalent to or greater than the relevant land.</p> <p>(6) The Council must, in the course of any decision-making process under subsection (5), take into account the desirability of restoring original Town Belt to the Wellington Town Belt.</p> <p>(7) The Council may not delegate the powers in <u>subsections (4) and (5)</u>.</p>
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15 Land not to be part of the Wellington Town Belt

On and from the commencement of this Act, the land described in Schedule 3 ceases to be subject to—

- (a) the Town Belt Deed; and
- (b) the Reserves Act 1977.

Powers in respect of the Wellington Town Belt

16 Powers of the Council

(1) For the purposes of performing its role of trustee and manager of the Wellington Town Belt, the Council has—

- (a) full capacity to carry on or undertake any activity or business, do any act, or enter into any transaction; and
- (b) for the purposes of paragraph (a), full rights, powers, and privileges.

(2) Subsection (1) is subject to any other enactment, the general law, and this Act.

(3) Without limiting subsection (1), the Council has the power to—

- (a) undertake any work on the Wellington Town Belt that the Council considers desirable, including the construction, repair, demolition or maintenance of any building or fixture; and
- (b) restrict public access to the Wellington Town Belt to enable work to be carried out safely or to facilitate temporary activities; and
- (c) manage and regulate use of the Wellington Town Belt by making bylaws under the Local Government Act 2002 and setting conditions and rules in a management plan under section 20.

17 Restrictions on the Council's powers

Despite section 16, the Council has no power to—

- (a) sell, exchange, or use as security any part of the Wellington Town Belt; or
- (b) grant leases, licences, easements, or rights of way other than in accordance with this Act; or
- (c) allow any for-profit use of the Wellington Town Belt unless that use is—
 - (i) considered by the Council to enhance the amenity value of, or the experience of the public using, the Wellington Town Belt; or
 - (ii) for the convenience of persons using the Wellington Town Belt; or
 - (iii) temporary and will have an immaterial effect on the Wellington Town Belt.

18 Leasing and licensing

- (1) The Council may grant a lease or licence over any part of the Wellington Town Belt to any person.
- (2) At any point in time, no more than eight hectares in total (excluding the Chest Hospital and Wellington Zoo) of the Wellington Town Belt may be subject to lease.
- (3) Any lease or licence granted under subsection (1) must—
 - (a) not be for a term of more than 20 years, including any rights of renewal; and
 - (b) specify how the lessee or licensee is permitted to use the land; and
 - (c) not allow for any sub-lease, sub-licence, or unpermitted use of the land without the prior consent of the Council.
- (4) Any lease or licence granted under subsection (1) may authorise—
 - (a) the lessee or licensee to restrict access to facilities and charge for admission or membership; and
 - (b) the construction, repair, demolition, and maintenance of any building.

19 Easements and rights of way

- (1) The Council may grant easements and rights of way over the Wellington Town Belt for any public purpose.
- (2) Before granting any easement or right of way under subsection (1), the Council must consider—
 - (a) the impact that the proposed easement or right of way will have on the Wellington Town Belt; and
 - (b) what alternatives there are to granting the proposed easement or right of way.

*Management of the Wellington Town Belt***20 Management plan**

- (1) The Council must adopt a management plan for the Wellington Town Belt.
- (2) The management plan must not contain anything inconsistent with this Act.
- (3) The Council must review the management plan at intervals of not less than 10 years and, as appropriate—
 - (a) replace it; or
 - (b) amend it.
- (4) In performing its functions and exercising its powers in respect of the Wellington Town Belt, the Council must comply with the management plan.
- (5) The management plan may set out conditions and rules regulating use of the Wellington Town Belt.

- (6) Any new management plan must be prepared in draft, and the Council must—
- (a) make the draft publicly available for inspection;
 - (b) invite the public to make submissions on the draft;
 - (c) give every submitter who asks to be heard a reasonable opportunity to appear in support of the submitter's submission; and
 - (d) take all submissions made on the draft into account.
- (7) The Council may, without complying with subsection (6), amend the management plan, if it passes a resolution that—
- (a) such changes are minor or technical in nature; and
 - (b) compliance with subsection (6) is unnecessary.
- (8) The Council may not delegate the powers in subsections (1) and (7).

21 Consultation

- (1) This section applies to the exercise of the Council's powers to—
- (a) grant any lease or licence under section 18; or
 - (b) grant any easement or right of way under section 19; or
 - (c) consent to any sub-lease or sub-licence for for-profit use of the Wellington Town Belt; or
 - (d) construct, or authorise the construction of, any building on the Wellington Town Belt.
- (2) Before exercising a power in subsection (1), the Council must consider the views of persons likely to be affected by, or to have an interest in, the proposed exercise of the power, including by—
- (a) making information on the proposed exercise of the power publicly available and inviting submissions on it; and
 - (b) taking all submissions made on the proposed exercise of the power into account.

Chest Hospital and Wellington Zoo

22 Application to the Chest Hospital and Wellington Zoo

Sections 17(b) and (c), 18(2) and (3), and 20 do not apply to the Chest Hospital and Wellington Zoo.

Miscellaneous provisions

23 Existing rights not affected

- (1) This Act does not affect any of the following in existence at the commencement of this Act:
- (a) any registered interest in the Wellington Town Belt; or

- (b) any interest in land which comprises part of the original Town Belt, but is not part of the Wellington Town Belt; or
 - (c) any lease or licence existing when this Act comes into force.
- (2) Any public utility on the Wellington Town Belt that is owned by the Council at the commencement of this Act—
- (a) is lawful; and
 - (b) may be the subject of an easement in favour of any party entitled to use the utility, and the Council is empowered to register the easement against the computer register for the relevant part of the Wellington Town Belt.

24 Transitional provisions

- (1) The Council's *Wellington Town Belt Management Plan (June 2013)* is to be treated as the management plan under this Act until it is replaced by the Council adopting a new management plan under [section 20](#).
- (2) As soon as practicable after the commencement of this Act, the Council may, without complying with [section 20\(6\)](#), make changes to the *Wellington Town Belt Management Plan (June 2013)* that are consequential on the commencement of this Act.

25 Consequential amendments

Amend the Acts specified in [Schedule 8](#) as set out in that schedule.

26 Repeals

The Acts specified in [Schedule 9](#) are repealed.

Schedule 1**Town Belt Deed**Dated 20th March 1873The Superintendent of the Province of Wellington

to

The Corporation of the City of Wellington

Town Belt and Basin Reserve Wellington

C of W No. 1

C O N V E Y A N C E

under the Wellington City Reserves Act

Corpn. Book Fol. 1

THIS DEED

made the twentieth day of March One thousand eight hundred and seventy three

BETWEEN**THE HONOURABLE WILLIAM FITZHERBERT**

Superintendent of the Province of Wellington in the Colony of New Zealand

of the one part and

THE MAYOR COUNCILLORS and CITIZENS OF THE CITY OF WELLINGTON

(who with their Successors are hereinafter termed "the Corporation")

of the other part

WITNESSETH

that in pursuance and by virtue and in exercise and execution of the powers and authorities given to and vested in him the said William Fitzherbert as such Superintendent as aforesaid under and by virtue of "The Wellington City Reserves Act 1871" and of all other powers and authorities in anywise enabling him in that behalf HE THE SAID William Fitzherbert as such Superintendent as aforesaid DOTH hereby convey and assure unto the Corporation ALL AND SINGULAR the lands and hereditaments comprised and described in the first Schedule hereunder written and delineated upon the plan numbered 1 drawn upon these presents and therein colored red WITH all the rights and appurtenances to the same TO HOLD the same unto the Corporation UPON AND FOR the trusts and purposes and with under and subject to the powers provisoes conditions declarations and agreements hereinafter declared expressed and contained of and concerning the same (that is to say) UPON TRUST as to such parts of the said lands hereby conveyed or expressed and intended so to be as are comprised and colored purple in the second plan hereunto annexed AND as to such parts of the said lands as are comprised and colored Blue in the third plan hereunto annexed and known as the Canal Reserve (subject as to the lands comprised and colored purple in the said second plan to the power of leasing hereinafter contained) to be for ever hereafter used and appropriated as a public Recreation ground for the inhabitants of the City of

Wellington in such manner as in and by rules and regulations to be from time to time made in that behalf by the Corporation shall be prescribed and directed AND UPON TRUST as to such parts of the said lands as are comprised and colored green in the said third plan hereunto annexed and known as the Basin Reserve by any deed or deeds to convey the same to a body of not less than three Trustees to be from time to time appointed by the Corporation UPON SUCH TRUSTS and for such purposes of public utility to the City of Wellington and the inhabitants thereof as shall in and by such deed or deeds of conveyance be expressed and declared but without any power for the said trustees to alienate or dispose of the same AND so that no thoroughfare shall at any time be created across the said lands or any part thereof AND IT IS HEREBY DECLARED that it shall be lawful for the Corporation to demise or lease all or any part or parts of the lands hereby conveyed or intended so to be which are comprised and described in the second schedule hereunder written and delineated upon the plan numbered 2 drawn upon these presents and therein colored purple for any term or number of years absolute not exceeding Forty two years to take effect in possession and not in reversion or by way of future interest so that there be reserved in every such demise or lease the best and most improved rent to be payable during the continuance of the term thereby granted which may be reasonably had or gotten for the same without taking any fine premium foregift for the making thereof and so that there be contained in every such demise or lease a clause in the nature of a condition for re-entry or non-payment of the rent therein reserved for the space of twenty one days and so as the lessee or lessees do execute a counterpart thereof respectively and do covenant for the due payment of the rent thereby reserved and are not exempted from punishment for committing waste AND IT IS HEREBY ALSO DECLARED that the Corporation shall stand possessed of all the rents issues and profits arising or to arise from the lands comprised and described in the second Schedule to these presents UPON TRUST to apply or appropriate the same in manner described in and by "The Wellington City Reserves Act 1871" and "The Wellington City Reserves Act 1872" respectively IN WITNESS whereof the said William Fitzherbert as such superintendent as aforesaid hath hereunto subscribed his name and affixed his seal the day and year first above written.

SCHEDULE 1

FIRSTLY ALL THOSE several pieces or parcels of land adjoining the City of Wellington containing by admeasurement One thousand and sixty one acres one rood and two perches more or less and forming part and parcel of the lands commonly called or known by the name of the Town Belt described in the first part of the first schedule to "The Wellington City Reserves Act 1871" SECONDLY ALL THAT piece or parcel of land situate in the City of Wellington aforesaid and containing by admeasurement Nine acres and three roods more or less and commonly called or known by the name of the basin Reserve BOUNDED on all sides by Sussex Square and THIRDLY ALL THAT piece or parcel of land situated in the City of Wellington aforesaid and containing by admeasurement Five acres and one rood more or less and commonly called or known by the name of the Canal Reserve AS all and singular the said lands are delineated in the plan numbered 1 on this skin and thereon colored Red.

SCHEDULE 2

ALL THOSE several pieces or parcels of land situate in the city of Wellington containing by admeasurement One thousand and sixty one acres one rood and two perches more or less and forming part and parcel of the lands commonly called or known by the name of the Town Belt described in the first part of the first schedule to "The Wellington City Reserves Act 1871" AS the same pieces or parcels of land are severally delineated on the plan numbered 2 on this skin and thereon colored purple.

SCHEDULE 3

ALL THAT piece or parcel of land situated in the City of Wellington and containing by admeasurement Nine Acres and three Roods more or less and commonly called or known by the name of the Basin Reserve BOUNDED on all sides by Sussex Square AS the same is delineated on the Plan numbered 3 on this skin and thereon colored Green.

SIGNED SEALED AND DELIVERED

By the Honourable William Fitzherbert
Superintendent of the Province of Wellington

in the presence of us

(the words "and commonly called or known by the name of the basin reserve" between the sixth and seventh line of the first schedule having been previously interlined)

C.B. BORLASE
Provl. Solr.
Wellington
Wm. Jones
Clerk to Superintendent

William **SEAL** Fitzherbert

Schedule 2

Land to be part of the Wellington Town Belt on this Act coming into force

Area	Description	Certificate of title
6.5595ha	Part Lot 1 DP 10507	CT 427/150
38.9220ha	Part of the land DP 8835	CT 52B/855
0.0033ha	Lot 1 DP 84926	CT 52B/853
0.0018ha	Lot 2 DP 84926	CT 52B/854
0.1075ha	Lot 1 DP 32684	CT 10A/991
0.6032ha	Lot 2 DP 32684	CT 10A/992
0.0670ha	Lot 3 DP 32684	CT 10A/993
0.0278ha	Lot 1 DP 33290	CT 10A/1025
35.7020ha	Parts Lot 1 DP 8519 and Parts College Reserve	CT 48B/341
0.0374ha	Lot 1 DP 81724	CT 48B/336
0.0511ha	Lot 2 DP 81724	CT 48B/337
0.0596ha	Lot 3 DP 81724	CT 48B/338
0.2515ha	Lot 4 DP 81724	CT 48B/339
0.0579ha	Lot 5 DP 81724	CT 48B/340
0.0407ha	Part College Site Reserve	CT 19A/370
0.0584ha	Lot 1 DP 34625	CT 12C/1223
0.0662ha	Lot 1 DP 34024	CT 15A/1225
0.0928ha	Lot 1 DP 33006	CT 9C/1229
0.0607ha	Lot 1 DP 33683	CT 20B/500
0.0803ha	Lot 1 DP 47203	CT 18D/1360
0.2588ha	Part Lot 1 DP 34279	CT 18D/1361
0.1629ha	Lot 1 DP 46505	CT 18C/585
0.0028ha	Lot 1 DP 80431	CT 47A/502
0.0050ha	Lot 1 DP 80751	CT 47B/500
0.0088ha	Lot 2 DP 80751	CT 47B/501
15.7634ha	Part Lot 1 DP 8914	CT 12D/1441
24.1836ha	Part Lot 1 DP 8754	CT 47B/502
0.2201ha	Lot 1 DP 45564	CT 19B/858
0.1866ha	Lot 2 DP 45564	CT 19B/859
0.1365ha	Lot 3 DP 45564	CT 19B/860
57.1086ha	Part of the land in DP 10181	CT 19B/861
45.3454ha	Part Lot 1 DP 10322	CT 47B/388
0.0027ha	Lot 1 DP 80711	CT 47B/387
0.0347ha	Part Town Belt (SO 18506)	Deeds Index 1/4a

Area	Description	Certificate of title
0.0260ha	Lot 1 DP 34790	CT 11B/1136
30.1695ha	Part Lots 1 - 2 DP 10397 & Lot 1 DP 42773	CT46D/915
0.0042ha	Lot 2 DP 80169	CT 46D/914
0.0026ha	Lot 1 DP 80169	CT 46D/913
0.0948ha	Lot 1 DP 80322	CT 47A/234
0.0060ha	Lot 2 DP 80322	CT 47A/235
22.2125ha	Lots 1, 3, 5, 6 & Part Lots 2 and 7 DP 10337 and Lot 1 DP 31911	CT 46D/917
5.2230ha	Lot 4 DP 10337	CT 46D/917
0.0079ha	Lot 1 DP 80170	CT 46D/916
0.0102ha	Lot 11 DP 8655	CT 385/90
0.0032ha	Lot 1 DP 80376	CT 47A/347
25.0141ha	Lots 3, 5, 6, 7 & 8 and Part Lots 1,2,4,9 & 11 DP 10508	CT 12D/1438
7.1139ha	Lots 1, 2 & 3 DP10541	CT 469/200
0.0234ha	Part Section 435 Town of Wellington (SO 19119)	CT 46C/419
6.4657ha	Lot 1 DP 10086	CT 19A/369
70.0072ha	Lots 1, 3 and 6 DP 5461 & Part Lot 1 DP 8709	CT 12D/1439
0.0727ha	Lot 2 DP 46132	CT 17B/358
0.0043ha	Lot 1 DP 81126	CT 47C/457
0.0541ha	Part Lot 1 DP 46132	CT 47C/458
6.4719ha	Pt Sections 13 & 14 Orangi Kaupapa Blk, & Pt Lot 4 DP 706 & Lot 2 DP 51241	CT 21C/945
0.0506ha	Lot 16 DP 2011	Part of CT D1/609
0.0986ha	Lot 60 DP 34918	CT 11C/754
1.1558ha	Lot 73 DP 33790	CT 451/173 & CT 437/213
3.3061ha	Lot 1 DP 51766	CT 21A/468
0.1362ha	Lots 18 & 19 DP 27337	CT E2/191
2.8ha	Pt Section 30 Karori Area	CT 437/213
18.6364ha	Section 2 SO Plan 38299	CT 58B/128
4.7345ha	Section 2 SO Plan 452140	590650
0.929ha	Part Lot 11 DP 32496	CT 10C/1492
0.0354ha	Lot 24 DP 1453	CT 162/266
0.0111ha	Lot 3 DP 33855	CT12D/1439
0.0605ha	NZ Gazette 1928/700	

Area	Description	Certificate of title
33.9405ha	Section 30 Ohiro District and Section 1153 Town of Wellington	CT676/81
0.4075ha	Part Subdivision 3 Block XVA Polhill Gully Native Reserve	CT362/202
0.1406 ha	Lots 1 & 2 DP 2322	CT 420/183
0.4027 ha	Lots 12, 13, 14 and 15 DP 995	CT 425/168
15.0027ha	Pt Sec 1 Upper Kaiwharawhara District, defined on Application Plan 844	CT 6D/671
0.0296ha	Pt Sec 1 Upper Kaiwharawhara District	CT 20A/507
0.0631ha	Lot 8 DP 313319	CT 52420
0.7599ha	Pt Sec 10 Owhiro District	Pt CT 568/165 Cancelled
2.2224ha	Pt Sec 10 Owhiro District	CT 568/231
0.2188ha	Lot 13-17 Application Plan 1524	CT 388/156
0.0938ha	Lot 20-22 Application Plan 1524	CT 23A/607
0.2023ha	Pt Sec 11 Ohiro District	CT 81/265
0.0921ha	Lot 18-19 DP 124	CT 345/47
0.6118ha	Sec 28 Owhiro District	WN593/206
0.3828ha	Lot 44 DP 66894	WN 36B/370
13.4047ha	Pt Lot 1 DP 66893	CT47A/439
0.1456ha	Lot 2 DP 66893	CT 36B/369
0.0850ha	Lot 18-19 DP 1402	CT E2/465
0.2786ha	Lot 2-8 DP 1402	CT 501/195
0.0779ha	Lot 1 DP 995	CT 835/93
0.1477ha	Lot 2-3 Block IX DP 995	CT 849/7
0.0717ha	Pt Lot 6 Block IX DP 995	CT 834/34
0.1044ha	Pt Sec 10 Owhiro District also known as Pt Lots 102-105 DP 114	CT 863/42
0.0692ha	Pt Lot 4 Block IX DP 995	CT 539/83 Cancelled
0.0665ha	Pt Lot 5 Block IX DP 995	CT 555/253
0.1937ha	Lot 4-8 DP 22555	CT 934/78
0.4982ha	Part lot 1 DP 10508	CT 608/49
0.4071ha	Section 34 Town of Wellington	CT 75/271

Area	Description	Certificate of title
0.2522ha	Section 36 Town of Wellington	CT 125/25
0.8479ha	Lot 3 DP 78149	CT 44D/514
0.2727ha	Lots 445, 446 & 447, DP 9808	CT 559/64
0.0918ha	Lot 448, DP 9808	CT 549/96
0.1999ha	Lots 449 & 450, DP 9808	CT 489/262
0.1678ha	Closed Street as shown on SO Plan 23070	CT 624/38
0.2109ha	Section 1 SO Plan 22375	CT 597/102
0.1617ha	Lot 2 DP 80801	CT 47B/602
0.2995ha	Lots 35 and 36 DP 17934	CT 42D/764
2.3028ha	Lot 3 DP 316137	CT 63102
0.8973ha	Lot 4 DP 316137	CT 63103
0.3462ha	Section 1342 Town of Wellington	CT 38A/760
8.1142ha	Section 1324 Town of Wellington	CT 22C/3
0.3778ha	Sec 2 SO 303812	Part of CT 69533
0.2402ha	Sec 4 SO 303817	Part of CT 69533
0.0905ha	Sec 5 SO 303817	Part of CT 69533
0.2405ha	Sec 6 SO 303817	Part of CT 69533
0.086ha	Sec 1 SO 303812	Part of CT 123577
0.0506ha	Sec 8 SO 303817	Part of CT 123577
0.1658ha	Lot 2 DP 306858	CT 55700
0.0555ha	Lot 1 DP 11417	CT 464/324
1.8678ha	Part of Mt Victoria and part of the land described in the 7th Schedule to the "Wellington Corporation and Harbour Board Streets and Lands Act 1892"	CT 716/19
3.7365ha	Lots 2 & 3 DP 10507	CT 427/150
0.7147ha	Section 167 Evans Bay District	CT 22B/899
2.3028ha	Lot 3 DP 316137	CT 45C/357
	Parts remaining of the Canal Reserve Town of Wellington (as shown on SO 19168)	

Area	Description	Certificate of title
	<i>[Insert land to be added to the Wellington Town Belt through boundary adjustments upon the Bill becoming law]</i>	
	<i>[This schedule has been reproduced from Appendix 2 to the Wellington Town Belt Management Plan (June 2013). It will be reviewed for accuracy and some amendments may be necessary.]</i>	

<i>[Insert reference to map for consultation purposes]</i>
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Schedule 3**Land not to be Wellington Town Belt on this Act coming into force**

Area	Description	Certificate of title
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[Insert land to be removed from the Town Belt Deed through boundary adjustments upon the Bill becoming law]

[Schedule 3 will list all land that will no longer be subject to the Town Belt Deed upon the Bill becoming law (and therefore will not form part of the Wellington Town Belt)]

[Insert reference to map for consultation purposes]

Schedule 4**Chest Hospital land**

Area	Description	Certificate of title
0.8973ha	<u>Lot 4 DP 316137</u>	CT 63103

[Insert reference to map for consultation purposes]

Schedule 5**Exhibition Site land**

All that parcel of land, containing by admeasurement 12 acres 3 roods 25 perches, more or less, being portion of the Town Belt Reserve of the City of Wellington and closed street, being part of the land comprised and described in certificate of title, Volume 427, folio 148, Wellington Registry, and being all the land shown edged red on a plan numbered 23797 lodged at the office of the Chief Surveyor at Wellington.

[Insert reference to map for consultation purposes]

Schedule 6

Wellington Botanic Garden land

Area	Description	Certificate of title
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[Insert area, description and certificate of title reference for the Wellington Botanic Garden land]

[Schedule 6 will describe the Wellington Botanic Garden land]

[Insert reference to map for consultation purposes]

Schedule 7

Wellington Zoo land

Area	Description	Certificate of title
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[Insert area, description and certificate of title reference for the Wellington Zoo land]

[Schedule 7 will describe the Wellington Zoo land]

[Insert reference to map for consultation purposes]

Schedule 8**Consequential amendments****Health Sector Transfers (Wellington City Council) Order 2002 (SR 2002/393)**

Revoke regulations 9, 10 and 11.

Reserves and other Lands Disposal Act 1938 (1938 No 19)

Repeal section 37.

Wellington City Reserves Act 1871 (1871 No 23)

Amend section 4 by omitting the words "Provided that one half of the moneys derived from such lands shall be devoted to the ornamentation and utilization of the lands referred to in the Schedules to this Act and no other purposes Provided also that the other half of such moneys shall be devoted to the construction and maintenance of roads upon the Town Belt described in Schedule 1 to this Act connecting the streets of the said city with the country roads and to no other purpose".

Schedule 9

Enactments repealed

Wellington (City) Reserves Act 1908 (1908 No 45)

Wellington City Reserves Act 1872 (1872 No 13)

APPENDIX 2

Appendix 2: Insert into Wellington Town Belt Bill consultation document that accompanies the draft Bill

Application of the Public Works Act 1981 (PWA)

The Wellington Town Belt Bill (**the Bill**) will not allow the Council to sell or exchange any part of the Wellington Town Belt (clause 17(a)).

However, the Bill will remain subject to the PWA (clause 14(1)) and the Crown will still be able to take land for public works such as a road.

We want your feedback on two approaches the Bill could take in circumstances where the Council has been notified that the Crown intends to compulsorily acquire Wellington Town Belt land.

Option 1: The Council is unable to consent or agree to any land being removed.

This means the Crown would have to take steps to compulsorily acquire any Wellington Town Belt land it needed under the provisions of the PWA. The Council would be entitled to "full compensation". If compensation could not be agreed, it would be determined in the first instance by the Land Valuation Tribunal.

Potential consequences:

- This approach sends a clear message that the Council does not want any Wellington Town Belt taken for public works.
- The Council's ability to negotiate compensation involving elements such as the exchange of land and the funding of improvements to the Wellington Town Belt would be limited.
- The Council's legal right to compensation would be limited to whatever amount is determined by applying the provisions of the PWA. In general terms this would be the market price of the land that is acquired.

Option 2: The Council is able to agree to land being taken under the PWA in certain restricted circumstances.

This could only occur if the Council was satisfied that:

- The land would be compulsorily acquired regardless; and
- Entering into an agreement would benefit the Wellington Town Belt; and

APPENDIX 2

- The agreement would include the return of land that could be added to the Wellington Town Belt (such as an area of the original Town Belt that is no longer held by the Council) of the same size or greater than the land being taken for a public work.

Potential consequences:

- The Council may be able to achieve a better overall outcome by negotiating directly with the Crown outside the constraints of a compulsory acquisition process. A negotiated agreement would be subject to safeguards, as explained above. Such an agreement would be in the form of land, and could also include improvements and/or money.

Question in the consultation document

There are two approaches the Bill could take once the Council has been notified that the Crown is going to compulsorily acquire Wellington Town Belt land.

- a. The Council is unable to consent or agree to any land being removed.
- b. The Council is able to agree to land being taken under the PWA in certain restricted circumstances

Which do you support and why?