

**HAVE YOUR SAY  
ON THE DRAFT  
WELLINGTON  
TOWN BELT BILL**

# Submissions

**Consultation closed Monday 19 May 2014**

**50 Submissions Received**

**Oral Hearings - Tuesday 27 May, 9.15am,  
Environment Committee**

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## Submitter Details

First Name: Peter

Last Name: Russell

Resident or Ratepayer:

Ratepayer  Resident  Non-resident ratepayer  Other

Which Community Board Area is your property in?

Eastern  Lambton  Northern  Onslow-Western  
 Outside Wellington  Southern

## Submission

1. Overall, do you support or oppose the general direction and objectives of the Bill?

More Information: [Draft Wellington Town Belt Bill](#)

- Strongly oppose
- Oppose
- Neither support nor oppose
- Support
- Strongly support

## Why?

2. Do you support or oppose the following provisions

2a. Land included as Town Belt and the statutory principles

More Information: [Draft Wellington Town Belt Bill](#)

- Strongly oppose
- Oppose
- Neither support nor oppose
- Support
- Strongly support

## Why?

b. Removing the Town Belt from the provisions of the Reserves Act

More Information: [Draft Wellington Town Belt Bill](#)

- Strongly oppose
- Oppose
- Neither support nor oppose
- Support
- Strongly support

## Why?

c. Powers in respect of the Town Belt such as leasing, rights of way and easements

More Information: [Draft Wellington Town Belt Bill](#)

- Strongly oppose
- Oppose
- Neither support nor oppose
- Support
- Strongly support

## Why?

d. Adding to and removing land from the Town Belt

**More Information: [Draft Wellington Town Belt Bill](#)**

- Strongly oppose
- Oppose
- Neither support nor oppose
- Support
- Strongly support

**Why?****e. Management of the Town Belt including the provision for a management plan****More Information: [Draft Wellington Town Belt Bill](#)**

- Strongly oppose
- Oppose
- Neither support nor oppose
- Support
- Strongly support

**Why?****f. Giving the Chest Hospital and Wellington Zoo special status****More Information: [Draft Wellington Town Belt Bill](#)**

- Strongly oppose
- Oppose
- Neither support nor oppose
- Support
- Strongly support

**Why?****3. Do you support or oppose the rationalisation of land into and out of Town Belt in the following projects?****a. Upper Weld Street****More Information: [Draft Wellington Town Belt Bill](#)**

- Strongly oppose
- Oppose
- Neither support nor oppose
- Support
- Strongly support

**Why?****b. Corner of Washington Avenue and Brooklyn Road****More Information: [Draft Wellington Town Belt Bill](#)**

- Strongly oppose
- Oppose
- Neither support nor oppose
- Support
- Strongly support

**Why?****c. Corner of Nairn Street and Brooklyn Road****More Information: [Draft Wellington Town Belt Bill](#)**

- Strongly oppose
- Oppose
- Neither support nor oppose
- Support
- Strongly support

Why?

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#### d. Connaught Terrace land

More Information: [Draft Wellington Town Belt Bill](#)

- Strongly oppose
- Oppose
- Neither support nor oppose
- Support
- Strongly support

Why?

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#### e. Liardet Street

More Information: [Draft Wellington Town Belt Bill](#)

- Strongly oppose
- Oppose
- Neither support nor oppose
- Support
- Strongly support

Why?

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#### f. Mount Albert Road / Volga Street

More Information: [Draft Wellington Town Belt Bill](#)

- Strongly oppose
- Oppose
- Neither support nor oppose
- Support
- Strongly support

Why?

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#### g. Mount Victoria lookout

More Information: [Draft Wellington Town Belt Bill](#)

- Strongly oppose
- Oppose
- Neither support nor oppose
- Support
- Strongly support

Why?

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4. Are there any other major changes you think should be included?

Comments

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5. Is there anything you feel has not been adequately covered in this Bill?

## Comments

The draft plan appears to address environmental weeds fairly seriously, although this seems to be emphasised more in relation to Otari/Wilton's Bush. Environmental weeds should be addressed in ALL areas covered in the plan. These areas are a show case for the people of Wellington. The presence of weeds in them will discourage some people from controlling them on their properties and encourage other people to keep or plant them on their properties. Weeds that are not already widespread should be considered a high priority because there is a chance to bring them under control relatively easily. Outliers of more widespread weeds should also be a high priority. Enough is known about environmental weeds in Wellington that mere monitoring of some species is inadequate. Weedy natives in Wellington include pohutukawa, karo (*P. crassifolium* AND *P. ralphii*), *Hoheria populnea* and *Pseudopanax crassifolius* x *P. lessonii*. Serious efforts to bring these and many other weeds under control is required. These efforts should be part of broader 'catchment level' strategies to control weeds in Wellington. There is little point in controlling weeds at a few sites if they are allowed to spread throughout surrounding areas (because in future seed rain into the few sites will make weed control in them very difficult). WCC should make the most of opportunities to educate the public about weeds, e.g. install interpretation signs at the sites explaining what weeds are being controlled and why.

## 6. Your Additional Comments

### Comments

### Attached Documents

File
Draft Wellington Town Belt Bill

Here's the submission on the Town Belt Bill from the Environmental Reference Group ..

Kind regards

Bev Abbott

Co-chair.

Phone 475 8463 for any queries.

## **WELLINGTON TOWN BELT BILL**

### **SUBMISSION FROM COUNCIL'S ENVIRONMENTAL REFERENCE GROUP**

#### **Intent**

ERG welcomes the proposal to protect the Town Belt by the passing of new legislation. The current arrangements do not appear to provide the degree of protection sought by the public and intended by the original deed. There has been a progressive erosion of the Town Belt through disposals, public works takings, and other actions.

#### **General comments on drafting style**

ERG welcomes the translation of the deed into modern legal language and plain English drafting. That will reduce the risk of variable interpretation. We believe that the Bill could be usefully taken further in that direction. In particular:

- We find the language of clause 8(2) out of keeping with the rest of the Bill.
- We believe that the purposes for which the land is held should be expressed through modern reserve concepts rather than by using the recreation concept used in the deed.
- Wherever possible phrases in other related legislation (e.g. the Reserves Act) should be used, to improve consistency and reduce interpretation risks.

#### **Ensuring protection**

The public will expect the Bill to prevent inappropriate activities being allowed by a future council. We do not believe that the Bill as currently drafted will provide the intended level of protection.

This is particularly because:

- The "have particular regard" provisions of clause 10 are very weak. We believe that these principles should be binding – i.e. give effect to or not inconsistent with.
- The provisions controlling commercial uses, exclusive occupation, and buildings are insufficiently strong and specific to prevent poor council decisions.

For example, clause 17(c)(ii) could be used to justify a development that improved the convenience of a few individuals (e.g. by providing a shorter road journey), that was clearly not of benefit to the wider public and other users. And clause 18 could include more restrictions on buildings and exclusivity, such as a requirement that the activity cannot be reasonably done anywhere else.

#### **Purposes of the Town Belt**



We believe that the purpose set out in the Act is too focused on recreation. That has two negative effects:

1. There is a risk that it will allow forms of recreation which are contrary to the open space values and other values of the land. Forms of recreation that would be contrary to open space values such as motor racing, activities that require areas to be significantly re-engineered (e.g. some types of sports fields), and activities that require exclusive occupation by a few users, would probably be opposed by most people who made submissions on the management plan.
2. There is a risk that recreation will be at the cost of natural heritage and historic heritage values, that are equally important.

We therefore suggest that the various purpose statements, (e.g. in clause 8), cover open space recreation, landscape, natural heritage and historic heritage protection and provision.

### **Management plan**

The role of the management plan needs to be made much clearer. In our view, the purpose of the plan should be to set out how the trust in clause 8 and the principles in clause 10 will be given effect.

### **Acquisition**

The Town Belt is clearly not optimal in its current form, partly because the city has changed and partly because of past losses. The Bill needs to address acquisition to restore/develop an optimal Town Belt. We believe the provisions could be improved by:

- Adding a reference to acquisition on the terms of the trust (clause 8).
- In clause 12 there should be provisions to allow an advance determination of lands that should become Town Belt automatically if acquired. That will allow areas to be identified in the District Plan as desirable additions if they become available (e.g. as reserve contributions). The need for a subsequent decision of council to add the lands to the Town Belt could then be avoided.

### **Public Works Act**

We believe that it is important:

1. To minimise any taking of land for the Town Belt and impacts on the Town Belt of the taking. Town Belt land should be a last resort, when no other option is available for an essential work.
2. To ensure that compensation is “in kind” and improves the Town Belt overall, rather than being market value.
3. To ensure that, if no longer needed for the work, the land goes back into the Town Belt at no cost to the council. That will help avoid the gradual erosion of the Town Belt seen over the last century.

We believe that these aims should be achieved through:

1. Addition of a clause requiring that the taking of Town Belt land can only occur if there are no other practicable options for achieving the objective of the public work. The council should be able to easily challenge an inappropriate requirement, for example in the Environment Court.
2. Addition of a clause requiring that compensation shall be in the form of alternative lands, and the effect of the compensation must be to improve the degree to which the Town Belt can perform its function, taking into account the management plan and any relevant provisions in the district plan.
3. Addition of a clause requiring that the new owners of the land, to the extent compatible with the objective of the public work, shall manage the land to deliver Town Belt purposes.
4. Addition of a clause that requires that any land that is no longer required for a public work automatically becomes Town Belt again, with the council not needing to pay for the land, and no marginal strip or other provisions operating.

**Rentals**

There are no provisions to require that commercial users pay a market rental, and to ensure that the income will be used to improve the Town Belt. Nor to ensure that activities have a net benefit on the town belt, through offsets or similar arrangements.

**Delegations**

We consider that there should be more limitations on what can be delegated, in order to ensure that all significant decisions are made by the full council.

**Drafting**

Suggested wording for changes to provisions in the draft bill to achieve these purposes were presented by two members of ERG to the Environment Committee and officers for their consideration prior to release of the draft bill for public consultation.

# TABLED INFORMATION

## Bev Abbott and Paula Warren - reference (b)

**Public Forum: Environment Committee. 20 March 2014.**

### **Some early comments on Draft Town Belt Bill from Paula Warren and Bev Abbott**

1. We have taken a quick, “fresh eyes” look at the Draft Town Belt Bill, based on several years experience in drafting and working with legislation. We would like the Environment Committee to consider making some changes to the draft bill before it goes out for public consultation.

#### **Clause 9(2)**

As drafted:

*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.*

2. The language in 9(2) is out of character with the rest of the Bill. Its meaning is unclear. Given the public expectations expressed in the earlier consultation, we suggest the following revision:
 

*“When this Act comes into force, the terms of the trust in subsection (1) will be:*

  - (a) To hold and administer the Wellington Town Belt in perpetuity as public open space, in accordance with this Act, any management plan created under this Act, and the benefit and enjoyment [those three words from the Reserves Act purpose] of the public; and*
  - (b) To seek to enhance the Town Belt through the acquisition of additional lands to be held under this Act, particularly where those lands formed part of the original town belt or will enhance the ability to manage the Wellington Town Belt;*
  - (c) To manage or support the management of lands within the Wellington Town Belt to enhance their natural heritage, historic heritage, recreation and other relevant public values.”*
3. Our change does two things. It adds the acquisition aspect, and replaces “public recreation ground” with “public open space”. The term ‘public recreation ground’ is too restrictive, and opens the door for more indoor and stadium-type developments. Definitions of ‘public recreation grounds’ can also be stretched.

#### **Clause 9(3)**

4. If the change in 9(2) is accepted, change “public recreation ground” to “public open space”.
5. Please change (b) to “protection and restoration of the natural environment.”
6. Please add a new subclause (c): protection of historic heritage.

#### **Clause 10**

7. The principles are at the heart of protecting the public interest. The “have particular regard to” requirement is too weak for what are supposed to be guiding principles. Please replace with “give effect to”, or “not be inconsistent with”.
8. Please change para (d) to read “...support healthy indigenous ecosystems”. The focus on ‘populations’ is inappropriate. A similar change was made as a result of public consultation on the Draft TBMP.

# TABLED INFORMATION

## Bev Abbott and Paula Warren - reference (b)

9. Please change para (h) to read “historic heritage within the Wellington Town Belt should be protected, and historical and cultural links to the Wellington Town Belt ...”

### Clause 14

10. We recommend adding a new para so that any land taken for a Public Work will be returned automatically to Town Belt if no longer required for the public work. Possible wording is:
- “In the event that land ceases to be required for that public work, the land shall be returned to the Wellington Town Belt unless the Council resolves that the condition of the land means that the land could no longer be managed effectively as Wellington Town Belt or its inclusion would be contrary to the interests of the public.”*

### Clause 17(c)(ii)

11. Please change “persons” to “public” to avoid any risk that this clause may be interpreted as allowing benefits to an individual to over-ride benefits to the wider public.

### Clause 18

12. We anticipate that the public will want provisions similar to those for concessions. For-profit activities such as guided walks are not problematic, but many submitters on the Draft TBMP objected to ‘for-profit’ activities based on exclusivity, structures, etc.
13. We recommend adding new parts, (5) and (6) similar to 17U(4) in the Conservation Act.
14. We recommend adding a part (8) that the Council may not delegate the power in section (1).

### Clause 19(1)

15. We recommend further clarification by adding the following words:
- “...for any purpose that is provided for in the management plan, or that will enhance the public benefit and enjoyment of the Town Belt.”*

### Clause 19(2)(a)

16. We recommend adding “and the public” after Wellington Town Belt.

### Clause 20

17. We recommend adding a statement that explains what a management plan is for. This could be added as part (2). Possible wording is:
- The purpose of the management plan is to set out how the Council will give effect to the trust set out in section 8(2), and the principles set out in section 10, and any other matters which will improve the management of the Wellington Town Belt, or better provide for the benefit and enjoyment of the Wellington Town Belt by the public. The management plan must not contain anything inconsistent with this Act.”*

### Clause 21

18. We recommend placing Clause 21 before clauses 18 and 19 to which Clause 21 refers.

### Submitter Details

First Name: Ralph

Last Name: Wilkinson

Resident or Ratepayer:

Ratepayer  Resident  Non-resident ratepayer  Other

Which Community Board Area is your property in?

Eastern  Lambton  Northern  Onslow-Western  
 Outside Wellington  Southern

### Submission

1. Overall, do you support or oppose the general direction and objectives of the Bill?

More Information: [Draft Wellington Town Belt Bill](#)

- Strongly oppose  
 Oppose  
 Neither support nor oppose  
 Support  
 Strongly support

### Why?

Rationalisation and thereby simplification. It allows the definition of the land in the town belt to be rationalised with the reality on the ground, and the powers to be clarified.

2. Do you support or oppose the following provisions

2a. Land included as Town Belt and the statutory principles

More Information: [Draft Wellington Town Belt Bill](#)

- Strongly oppose  
 Oppose  
 Neither support nor oppose  
 Support  
 Strongly support

### Why?

b. Removing the Town Belt from the provisions of the Reserves Act

More Information: [Draft Wellington Town Belt Bill](#)

- Strongly oppose  
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 Neither support nor oppose  
 Support  
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### Why?

c. Powers in respect of the Town Belt such as leasing, rights of way and easements

More Information: [Draft Wellington Town Belt Bill](#)

- Strongly oppose  
 Oppose  
 Neither support nor oppose  
 Support  
 Strongly support

### Why?

#### d. Adding to and removing land from the Town Belt

More Information: [Draft Wellington Town Belt Bill](#)

- Strongly oppose
- Oppose
- Neither support nor oppose
- Support
- Strongly support

Why?

---

#### e. Management of the Town Belt including the provision for a management plan

More Information: [Draft Wellington Town Belt Bill](#)

- Strongly oppose
- Oppose
- Neither support nor oppose
- Support
- Strongly support

Why?

Support a management plan that only allows land use consistent with the Deed. in particular 'no thoroughfares' to be created, as explicitly prohibited under the deed. See additional comment submitted.

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#### f. Giving the Chest Hospital and Wellington Zoo special status

More Information: [Draft Wellington Town Belt Bill](#)

- Strongly oppose
- Oppose
- Neither support nor oppose
- Support
- Strongly support

Why?

---

### 3. Do you support or oppose the rationalisation of land into and out of Town Belt in the following projects?

#### a. Upper Weld Street

More Information: [Draft Wellington Town Belt Bill](#)

- Strongly oppose
- Oppose
- Neither support nor oppose
- Support
- Strongly support

Why?

---

#### b. Corner of Washington Avenue and Brooklyn Road

More Information: [Draft Wellington Town Belt Bill](#)

- Strongly oppose
- Oppose
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- Support
- Strongly support

**Why?****c. Corner of Nairn Street and Brooklyn Road****More Information:** [Draft Wellington Town Belt Bill](#)

- Strongly oppose
- Oppose
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**Why?****d. Connaught Terrace land****More Information:** [Draft Wellington Town Belt Bill](#)

- Strongly oppose
- Oppose
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**Why?****e. Liardet Street****More Information:** [Draft Wellington Town Belt Bill](#)

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**Why?****f. Mount Albert Road / Volga Street****More Information:** [Draft Wellington Town Belt Bill](#)

- Strongly oppose
- Oppose
- Neither support nor oppose
- Support
- Strongly support

**Why?****g. Mount Victoria lookout****More Information:** [Draft Wellington Town Belt Bill](#)

- Strongly oppose
- Oppose
- Neither support nor oppose
- Support
- Strongly support

**Why?****4. Are there any other major changes you think should be included?**

**Comments**

No

**5. Is there anything you feel has not been adequately covered in this Bill?****Comments****6. Your Additional Comments****Comments****Attached Documents**

File
Thoroughfare across Town Belt land a submission to WCC
Draft Wellington Town Belt Bill



## Submission: Comment on the Draft Wellington Town Belt bill

### Thoroughfare across Town Belt land

#### Purpose

This submission examines the Deed of Gift for the Wellington town belt land and the references to what is permitted in the TBMP: the instrument being effectively empowered by the WTB bill. It submits that as a commuter cycleway is clearly a “thoroughfare”: prohibited in the deed of gift. Further that therefore, a commuter cycleway can only be built on the margins of Town Belt land and not through any existing sports fields or recreational spaces. Specifically, not through the eastern side of the Berhampore Golf Course.

#### Deed of Gift and the TBMP

The Wellington Town Belt land, was gifted by the New Zealand Company to the citizens of Wellington in 1873, “to be forever used as public recreation ground for the inhabitants of the City of Wellington.”

A specific and main opening provision was:

*“without [granting] 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”*

Reference, the Town Belt Management plan (TBMP) document, as revised and agreed in principal in 2013, on the WCC web site at

<http://wellington.govt.nz/your-council/plans-policies-and-bylaws/policies/wellington-town-belt-management-plan>

The current TBMP (page 2 of the text, p7/8 of the .PDF) states in its preamble

“Today it is widely accepted that open space in the city is essential to not only the character and function of the city but the physical, emotional and spiritual health and wellbeing of its people. Cities around the world with environmental and social problems are working to improve the urban environment, and the provision of open space is high on the agenda. Once the built landscape is there, trying to retrofit the cityscape to include open space is incredibly difficult and often impossible. Established open space within the urban landscape, (especially a large, diverse, connected, accessible and visible open-space network like the Town Belt), is extremely valuable to the city and the people who live there.”

**Comment** Provision of “open space” is here claimed as important, irreplaceable and a priority for WCC. Council officers proposal to put a thoroughfare; in the form of a commuter cycleway at least 2.2m (and up to 2.5m) wide and hard surfaced and probably lit with bollard lights; through Town Belt land at the eastern Berhampore golf course, is totally inconsistent with this objective. This public golf course is an established and valued community sports and recreational facility.

**Open Space Access Plan 2008** – outlines policy around dual use tracks, which tracks are open and track standards.

TBMP P12 / PDF p 20 states

“the Wellington Town Belt Management Plan will be used by staff to ascertain what activity or structure can be permitted on Town Belt land. In the Council's capacity as administrator and trustee of Town Belt, it has the responsibility to ensure the land is managed in accordance with the Town Belt Deed and the Reserves Act 1977.”

Section 4.2 states “The balance of built development and open space in the Town Belt requires careful management. **Incremental increases in built development (including for example buildings, hard surfaces and lighting) detracts from the open-space value of the Town Belt.** It is the natural landscape environment of the Town Belt that provides the context for recreation activity and enjoyment of open space in the urban environment. It is the open space of the Town Belt that is an essential part of the unique and valued character of Wellington City.”

TBMP PDF pages 69 & 70 states

### **Track (access) network**

6.2.6 The Town Belt will be improved by providing clear information and signs, and improving the surface and/or by reducing the gradient of tracks where feasible.

6.2.7 Tracks will be shared use (i.e. pedestrian and cycle) wherever this is appropriate. Tracks are open for biking unless otherwise identified in accordance with the Open Space Access Plan (2008).

6.2.8 The open-space access network will be integrated with the wider city and regional access networks, and cycle and walking commuting needs.

6.2.9 Continue a programme for upgrading walking/cycling tracks in order of priority based on use and asset condition.

6.2.10 All tracks will be physically sustainable and have minimal environmental impact, as far as possible.

6.2.11 Tracks will be designed and maintained to defined standards in the Open Space Access Plan, with significant hazards identified and/or mitigated.

6.2.12 Develop more tracks within the Town Belt that are accessible and useable by people with limited mobility, push chairs and wheelchairs. This includes the able-bodied, people pushing strollers, the elderly and people with impairments or disabilities.

6.2.13 Develop a plan for additional beginner level/family friendly biking and walking tracks.

**Comment.** None of this; including the references to cycling on existing tracks, and the last item above - redevelopment of additional family friendly biking and walking tracks; permits WCC to use town belt land for use as a thoroughfare. This is why council are currently seeking to fudge the purpose of the proposed Island Bay to City cycleway; first describing it as a walkway and cycleway (no walker or pedestrian will want to walk on a cycleway with cyclists wizzing by), and now redefining it as for **recreational and** commuter use. This shades the purpose of the cycleway, as a commuter cycleway is unambiguously prohibited under the Town Belt deed of gift, in my interpretation.

### **Berhampore Golf course**

Specific reference to the Berhampore Golf course (under this heading) is set out on pages 139 and 140 (of the accessible .pdf version) of the updated TBMP (2013), as follows:

“The Mornington Golf Club has moved to the former Berhampore Bowling Club building on Duppa Street. It has converted one bowling green to a practice green. The club has a Memorandum of Understanding to work in partnership with the Council and assist with some tasks associated with the maintenance and running of the golf course. Both parties will work on the future configuration of the course. Options include:

- reconfiguration of the current 18 holes (to better suit the new golf club facility) and training area

- reducing the course to a nine-hole course and playing on the Western side of Adelaide Road only
- reducing the course area to 13 holes on the western side of Adelaide Road (5 holes would be played twice to continue with an 18-hole course)

If the long-term configuration of the golf course is limited to the western side of Adelaide Road consideration will be needed on the future management of the eastern side. The rolling, open nature of the landscape would lend itself to a range of informal recreation activities including biking, walking and running.”

**Comment:** Intensive mixed use of an active golf course, by introducing commuter cyclists, would be dangerous for all users.

### **Tracks** (per the TBMP)

“Tracks and cycling links in this area are constrained by the golf course. As part of the Council’s Walking Policy and Cycling Policy there are two proposals to improve access between suburbs and the Central Business District that could use the Town Belt

- A walking and cycling link could be created between Island Bay and Newtown (in particular South Wellington intermediate School) using parts of the Town Belt on the eastern side of Adelaide Road through Martin Luckie Park.
- A commuter cycling link could be created between Island Bay and the Central Business District passing through sections of the Town Belt.

These links would provide for local Town Belt use, as well as community use, and would be all-weather tracks with a hard surface.”

**Comment:** This intention is inconsistent with the “thoroughfare prohibition” of the Deed of Gift, see below.

### **Thoroughfare**

“Thoroughfare” is defined by the Concise Oxford dictionary as follows:

*Thoroughfare: a road or path, open at both end; esp. for traffic*

**A commuter cycleway, is such a thoroughfare.** The Town Belt deed of gift explicitly prohibits the creation of such a thoroughfare on Town Belt land, and requires the protection of this land for passive and active recreation and sport. The draft TBMP (2013) commits to the protection of Town Belt land against encroachment for unintended and non-core purposes.

The writers’ interpretation of these two matters, taken together, is that a commuter cycleway (despite also possibly having some more minor recreational purpose) across town belt recreational land, is prohibited under the Town Belt original deed and in it’s reflection in the current TBMP proposed for ratification.

A prime example of what should **not** be done, would be a commuter cycleway built across an active sporting field, i.e. the Berhampore eastern golf course. My interpretation is that this is clearly prohibited under the original deed.

**A proposed cycleway route that complies with the spirit of the Town Belt deed of gift**

The writer submits that a reasonable and pragmatic interpretation of these provisions; in favour of a common good without detracting from the principle; would allow such a “cycleway thoroughfare” to be built **around the margins** of playing fields and recreational on Town Belt land. In such a way that no existing sporting or recreation grounds, or fields were disrupted, and that neither sport and recreational users, nor cyclists were endangered, along that route.

A full and effective commuter cycleway could be achieved with an amended western cycleway route, using the margins of existing playing fields. Such a route is being submitted, by the writer, to the Citizens panel selecting possible routes for section 2 of the Island Bay to City cycleway.

**Submitter:** Ralph Wilkinson, Island Bay

30 April 2014

### Submitter Details

First Name: Ron

Last Name: Beernink

Resident or Ratepayer:

Ratepayer  Resident  Non-resident ratepayer  Other

Which Community Board Area is your property in?

Eastern  Lambton  Northern  Onslow-Western  
 Outside Wellington  Southern

### Submission

1. Overall, do you support or oppose the general direction and objectives of the Bill?

More Information: [Draft Wellington Town Belt Bill](#)

- Strongly oppose  
 Oppose  
 Neither support nor oppose  
 Support  
 Strongly support

#### Why?

The Town Belt must continue to be protected by the Reserve Act. If there are issues with this act, then update the act. The Bill can then focus on presenting a separate bill that proposed a governance framework. This should follow a common approach for how reserves are protected and governed across NZ; not just for Wellington.

### 2. Do you support or oppose the following provisions

#### 2a. Land included as Town Belt and the statutory principles

More Information: [Draft Wellington Town Belt Bill](#)

- Strongly oppose  
 Oppose  
 Neither support nor oppose  
 Support  
 Strongly support

#### Why?

Principles are not good enough to protect this important asset. I have worked for most of my career on and with principles, and they always get ignored and broken. Using language like 'should be' indicates that you do not strongly believe in upholding these principles. It should say 'must' and show how the council will do uphold these principles using what governance processes.

#### b. Removing the Town Belt from the provisions of the Reserves Act

More Information: [Draft Wellington Town Belt Bill](#)

- Strongly oppose  
 Oppose  
 Neither support nor oppose  
 Support  
 Strongly support

#### Why?

There is no clear explanation why the Bill seeks to remove the provisions of the Reserves Act. If the Reserves Act has issues, can the Act itself not be improved / updated instead?

#### c. Powers in respect of the Town Belt such as leasing, rights of way and easements

More Information: [Draft Wellington Town Belt Bill](#)

- Strongly oppose
- Oppose
- Neither support nor oppose
- Support
- Strongly support

#### Why?

The council must only be able to make grants for these as long as it is in accordance with the Town Belt Deed and Reserves Act. It must be subject to public consultation.

#### d. Adding to and removing land from the Town Belt

**More Information:** [Draft Wellington Town Belt Bill](#)

- Strongly oppose
- Oppose
- Neither support nor oppose
- Support
- Strongly support

#### Why?

The Bill provides no simple clear explanation of what it means by sections 12-14; what the substantial changes are from the current legislation and deed, and why this needs to change.

#### e. Management of the Town Belt including the provision for a management plan

**More Information:** [Draft Wellington Town Belt Bill](#)

- Strongly oppose
- Oppose
- Neither support nor oppose
- Support
- Strongly support

#### Why?

The governance / management of the town belt needs to be kept separate from the deed and act. I also fully agree with Councilor David Lee's comments on Scoop that: From its origin, the Town Belt has been held in trust for the inhabitants of Wellington. It was gifted to us 'in trust' by the Wellington Provincial Government with the Town Belt Deed of 1873. The Deed made the mayor, councillors and the citizens of Wellington (and 'their successors'), trustees of the Town Belt. The Town Belt Deed, therefore along with the land itself, is the inheritance of present and future Wellingtonians. Under the Deed, the council organisation manages the Town Belt on behalf of the trustees but it does not have beneficial ownership of the land. This is the Town Belt's best protection. It prevents for example the sort of 'rubber stamping' of development by council officials that we have seen on the waterfront, which the council does have beneficial ownership of, and which has resulted in the loss of open space and privatisation of public land. All this would change for the Town Belt if this Bill becomes law under the sponsorship of Wellington Central MP Grant Robertson. This legislation would override the Deed which gifted the land to us, with the result it will no longer be the governing document of the Town Belt as intended by the donors of the land. This would be akin to trying to override a will 141 years after it was executed. The legislation would also allow the council to carry on or undertake 'any activity or business, do any act or enter into any transaction' on the Town Belt and for the purposes of the above would give the council 'full rights, powers and privileges'. It would give council officials the power to undertake 'any' work in the Town Belt 'the council considers desirable' including the 'construction of any building' (so much for publicly notified consents and the protection of the Town Belt's open space). It would allow the council to restrict access to the Town Belt by the public of Wellington (the owners of the land) not just for safety but also to facilitate 'temporary activities' (presumably including commercial ones). Talk about 'broad' powers over the Town Belt, this Bill would give council officials total power! It seems the Bill would also change the trusteeship of the Town Belt. It refers to 'the council's trusteeship' and the council's brochure describes it as 'a trustee' (singular). While the mayor and councilors are trustees of the Town Belt, the council as an organisation is not. The citizens of Wellington, however, who are also trustees, are not referred to. We would be all losing our trusteeship if this bill goes through.

#### f. Giving the Chest Hospital and Wellington Zoo special status

**More Information: Draft Wellington Town Belt Bill**

- Strongly oppose
- Oppose
- Neither support nor oppose
- Support
- Strongly support

**Why?****3. Do you support or oppose the rationalisation of land into and out of Town Belt in the following projects?****a. Upper Weld Street****More Information: Draft Wellington Town Belt Bill**

- Strongly oppose
- Oppose
- Neither support nor oppose
- Support
- Strongly support

**Why?****b. Corner of Washington Avenue and Brooklyn Road****More Information: Draft Wellington Town Belt Bill**

- Strongly oppose
- Oppose
- Neither support nor oppose
- Support
- Strongly support

**Why?****c. Corner of Nairn Street and Brooklyn Road****More Information: Draft Wellington Town Belt Bill**

- Strongly oppose
- Oppose
- Neither support nor oppose
- Support
- Strongly support

**Why?****d. Connaught Terrace land****More Information: Draft Wellington Town Belt Bill**

- Strongly oppose
- Oppose
- Neither support nor oppose
- Support
- Strongly support

**Why?****e. Liardet Street****More Information: Draft Wellington Town Belt Bill**

- Strongly oppose
- Oppose
- Neither support nor oppose
- Support
- Strongly support

Why?

#### f. Mount Albert Road / Volga Street

More Information: [Draft Wellington Town Belt Bill](#)

- Strongly oppose
- Oppose
- Neither support nor oppose
- Support
- Strongly support

Why?

#### g. Mount Victoria lookout

More Information: [Draft Wellington Town Belt Bill](#)

- Strongly oppose
- Oppose
- Neither support nor oppose
- Support
- Strongly support

Why?

#### 4. Are there any other major changes you think should be included?

##### Comments

The major change is that this needs, is to separate the proposals to - Improve the Reserves Act - Implement an improved governance & management framework - Recover or release land Having all of these in this one bill is not the right approach to ensure that the public have a clear understand of the separate problems that are being addressed here.

#### 5. Is there anything you feel has not been adequately covered in this Bill?

##### Comments

This Bill and the communications material that goes with it, does not provide the necessary information to allow the public to be absolutely clear on - what the real drivers are for this bill - why it looks to remove the existing Reserves Act rather than improve it - how the trustee / governance does change

#### 6. Your Additional Comments

##### Comments

##### Attached Documents

File
Draft Wellington Town Belt Bill



### Submitter Details

First Name: Peter

Last Name: Barber

Organisation: Tararua Tramping Club

Resident or Ratepayer:

Ratepayer  Resident  Non-resident ratepayer  Other

Which Community Board Area is your property in?

Eastern  Lambton  Northern  Onslow-Western

Outside Wellington  Southern

### Submission

1. Overall, do you support or oppose the general direction and objectives of the Bill?

More Information: [Draft Wellington Town Belt Bill](#)

- Strongly oppose  
 Oppose  
 Neither support nor oppose  
 Support  
 Strongly support

#### Why?

Wellington's Town Belt is an important recreational resource, and this bill seems intended to safeguard it, and promote its intended purpose.

### 2. Do you support or oppose the following provisions

#### 2a. Land included as Town Belt and the statutory principles

More Information: [Draft Wellington Town Belt Bill](#)

- Strongly oppose  
 Oppose  
 Neither support nor oppose  
 Support  
 Strongly support

#### Why?

This is necessary rationalisation of a muddled state of affairs

#### b. Removing the Town Belt from the provisions of the Reserves Act

More Information: [Draft Wellington Town Belt Bill](#)

- Strongly oppose  
 Oppose  
 Neither support nor oppose  
 Support  
 Strongly support

#### Why?

The Reserves Act seems a poor fit with some of the uses of the Town Belt, and takes power away from the Wellington City Council.

#### c. Powers in respect of the Town Belt such as leasing, rights of way and easements

More Information: [Draft Wellington Town Belt Bill](#)

- Strongly oppose  
 Oppose  
 Neither support nor oppose

- Support
- Strongly support

#### Why?

If public access to leased public land is being barred or charged for, then the public should have a say in what leasing is allowed. The WCC Town Belt Management Plan is the appropriate way to control such developments

#### d. Adding to and removing land from the Town Belt

More Information: [Draft Wellington Town Belt Bill](#)

- Strongly oppose
- Oppose
- Neither support nor oppose
- Support
- Strongly support

#### Why?

This appears to have been well-thought through.

#### e. Management of the Town Belt including the provision for a management plan

More Information: [Draft Wellington Town Belt Bill](#)

- Strongly oppose
- Oppose
- Neither support nor oppose
- Support
- Strongly support

#### Why?

This seems secure and clear in its intent.

#### f. Giving the Chest Hospital and Wellington Zoo special status

More Information: [Draft Wellington Town Belt Bill](#)

- Strongly oppose
- Oppose
- Neither support nor oppose
- Support
- Strongly support

#### Why?

These two institutions are long-term investments which need special provisions.

### 3. Do you support or oppose the rationalisation of land into and out of Town Belt in the following projects?

#### a. Upper Weld Street

More Information: [Draft Wellington Town Belt Bill](#)

- Strongly oppose
- Oppose
- Neither support nor oppose
- Support
- Strongly support

#### Why?

#### b. Corner of Washington Avenue and Brooklyn Road

More Information: [Draft Wellington Town Belt Bill](#)

- Strongly oppose
- Oppose
- Neither support nor oppose
- Support
- Strongly support

Why?

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**c. Corner of Nairn Street and Brooklyn Road**

**More Information:** [Draft Wellington Town Belt Bill](#)

- Strongly oppose
- Oppose
- Neither support nor oppose
- Support
- Strongly support

Why?

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**d. Connaught Terrace land**

**More Information:** [Draft Wellington Town Belt Bill](#)

- Strongly oppose
- Oppose
- Neither support nor oppose
- Support
- Strongly support

Why?

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**e. Liardet Street**

**More Information:** [Draft Wellington Town Belt Bill](#)

- Strongly oppose
- Oppose
- Neither support nor oppose
- Support
- Strongly support

Why?

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**f. Mount Albert Road / Volga Street**

**More Information:** [Draft Wellington Town Belt Bill](#)

- Strongly oppose
- Oppose
- Neither support nor oppose
- Support
- Strongly support

Why?

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**g. Mount Victoria lookout**

**More Information:** [Draft Wellington Town Belt Bill](#)

- Strongly oppose
- Oppose

- Neither support nor oppose
- Support
- Strongly support

Why?

4. Are there any other major changes you think should be included?

Comments

5. Is there anything you feel has not been adequately covered in this Bill?

Comments

6. Your Additional Comments

Comments

Attached Documents

File
Draft Wellington Town Belt Bill

### Submitter Details

First Name: Hugh

Last Name: Smith

Organisation: My Home Town Limited

Resident or Ratepayer:

Ratepayer  Resident  Non-resident ratepayer  Other

Which Community Board Area is your property in?

Eastern  Lambton  Northern  Onslow-Western

Outside Wellington  Southern

### Submission

1. Overall, do you support or oppose the general direction and objectives of the Bill?

More Information: [Draft Wellington Town Belt Bill](#)

- Strongly oppose  
 Oppose  
 Neither support nor oppose  
 Support  
 Strongly support

### Why?

2. Do you support or oppose the following provisions

2a. Land included as Town Belt and the statutory principles

More Information: [Draft Wellington Town Belt Bill](#)

- Strongly oppose  
 Oppose  
 Neither support nor oppose  
 Support  
 Strongly support

### Why?

b. Removing the Town Belt from the provisions of the Reserves Act

More Information: [Draft Wellington Town Belt Bill](#)

- Strongly oppose  
 Oppose  
 Neither support nor oppose  
 Support  
 Strongly support

### Why?

c. Powers in respect of the Town Belt such as leasing, rights of way and easements

More Information: [Draft Wellington Town Belt Bill](#)

- Strongly oppose  
 Oppose  
 Neither support nor oppose  
 Support  
 Strongly support

### Why?

**d. Adding to and removing land from the Town Belt****More Information:** [Draft Wellington Town Belt Bill](#)

- Strongly oppose
- Oppose
- Neither support nor oppose
- Support
- Strongly support

**Why?****e. Management of the Town Belt including the provision for a management plan****More Information:** [Draft Wellington Town Belt Bill](#)

- Strongly oppose
- Oppose
- Neither support nor oppose
- Support
- Strongly support

**Why?****f. Giving the Chest Hospital and Wellington Zoo special status****More Information:** [Draft Wellington Town Belt Bill](#)

- Strongly oppose
- Oppose
- Neither support nor oppose
- Support
- Strongly support

**Why?****3. Do you support or oppose the rationalisation of land into and out of Town Belt in the following projects?****a. Upper Weld Street****More Information:** [Draft Wellington Town Belt Bill](#)

- Strongly oppose
- Oppose
- Neither support nor oppose
- Support
- Strongly support

**Why?****b. Corner of Washington Avenue and Brooklyn Road****More Information:** [Draft Wellington Town Belt Bill](#)

- Strongly oppose
- Oppose
- Neither support nor oppose
- Support
- Strongly support

**Why?****c. Corner of Nairn Street and Brooklyn Road**

**More Information: Draft Wellington Town Belt Bill**

- Strongly oppose
- Oppose
- Neither support nor oppose
- Support
- Strongly support

**Why?****d. Connaught Terrace land****More Information: Draft Wellington Town Belt Bill**

- Strongly oppose
- Oppose
- Neither support nor oppose
- Support
- Strongly support

**Why?****e. Liardet Street****More Information: Draft Wellington Town Belt Bill**

- Strongly oppose
- Oppose
- Neither support nor oppose
- Support
- Strongly support

**Why?****f. Mount Albert Road / Volga Street****More Information: Draft Wellington Town Belt Bill**

- Strongly oppose
- Oppose
- Neither support nor oppose
- Support
- Strongly support

**Why?****g. Mount Victoria lookout****More Information: Draft Wellington Town Belt Bill**

- Strongly oppose
- Oppose
- Neither support nor oppose
- Support
- Strongly support

**Why?****4. Are there any other major changes you think should be included?****Comments**

## 5. Is there anything you feel has not been adequately covered in this Bill?

### Comments

The attached submissions are made on behalf of My Home Town Limited, a company that has been established specifically to promote Wellington as a destination for visitors and to support various projects that are undertaken with that objective in mind. The Town Belt is a tremendous asset for our city. It is one of the things that sets us apart. It doesn't belong to any particular faction (however well meaning). It is for the benefit of us all. Care needs to be taken with the drafting of the Bill that it does not strangle the use of the Town Belt by turning it into a museum piece. The legislation needs to be enabling so that many uses of the Town Belt can evolve with the recreational wants of Wellingtonians, be they Morris dancing or flying drones. The fundamental principle is that access and the right of enjoyment should be available to all. That should not be interpreted as meaning the public should have unrestricted access to every square inch of it. Organised sport ought to be allowed to have facilities on it, education outside the classrrom ought to be allowed and commercialactivity that is consistent with Town Belt values ought to be allowed, Facilites which enhance the enjoyment of the Town Belt for more people or open it up for access by those who are not so mobile should be encouraged. We should be proud of our Town Belt. We should be showing it to our visitors, so we can hear them say WOW. More detailed submissions on the drafting of the Bill have been attached. They support the Bill but recognise that improvements can be made to the drafting to put more emphasise onthe City's partnership with mana whenua and to remove some of the ambiguity. Knd regards Hugh Smith Director My Home Town Limited

## 6. Your Additional Comments

### Comments

### Attached Documents

File
Gonda - Submssions on the Wellington Town Belt Bill 2014
Draft Wellington Town Belt Bill



## Submissions by My Home Town Limited

on

### The Wellington Town Belt Bill 2014

Clause Reference	Topic	Submission
3(b)	Purpose  Significance to mana whenua	The clause understates the importance of the Town Belt to the mana whenua and its role as a “partner” in the custodianship of the Town Belt – see Principle 10(1)(b)
9(2)	Legal Status	The provisions of the original Town Belt Deed have become too narrow and are no longer in line with who actually uses the Town Belt today and how they wish to use it. Visitors to Wellington make extensive use of certain parts of the Town Belt. This needs to be recognised by either by: (1) deleting the words “for the inhabitants of Wellington”; or (2) inserting “, and visitors to, ”after “of” in the last line.
9(3)	Meaning of “public recreation”	<p>The drafting puts too much emphasis on sporting activity as being recreation. It needs to be made clear that recreation covers other forms of physical activity and also covers passive activities – eg. those who just want to admire the view or “just want to sit and think”. It should also allow for education outside the class room activities which are primarily educational but are consistent the Principles in clause 10. The Town Belt is not museum piece. The Bill needs to be drafted in broad permissive terms so it doesn’t constrain the use of the Town Belt for future enjoyment of activities that may not exist today. For example would the demand for use of the Town Belt by mountain bikers been anticipated even 10 years ago and flying drones might be the next.</p> <p>We submit that the subsections be redrafted as follows:</p> <p><i>(a) the enjoyment of the public: including without limitation for:</i></p> <p><i>(i) recreation;</i></p> <p><i>(ii) physical activities;</i></p>

		<p><i>(iii) outdoor activities, including sporting activities;</i></p> <p><i>(b) use as paths, tracks (including bike tracks) lookouts, playgrounds and other recreational amenities;</i></p> <p><i>(c) education outside the classroom ( being defined as curriculum based learning that takes place outside of the four walls of the class room); or</i></p> <p><i>(d) the promotion and protection of the natural environment for the enjoyment of the public.</i></p>
10(1)(a)	Principles	<p>The clause is too passive. It ought to require the Council to be more active in the promotion of the town Belt and the facilitation of its use. As noted above the Town Belt is not a museum piece. The words “<i>and enhanced and protected</i>” are well intentioned but in terms of creating a legal responsibility their meaning is vague and uncertain and would most likely create inflexibility in the use of the Town Belt as the concept of enjoyment will change over time. They are also not logical when used together an activity required to “protect” may very well conflict with one that is necessary to “enhance”. Which prevails? We submit that subclause 10(a) should be redrafted as follows:</p> <p><i>(a) the Wellington Town Belt should be kept whole and actively promoted as an amenity available for use by current and future generations;</i></p>
10(b)	Principles – mana whenua	<p>We strongly support the principle of management in partnership with the mana whenua. This recognises the settlement reached following the Waitangi Tribunal’s Report on land that ought to have been reserved for Maori.</p>
10(1)(e)	Principles – access	<p>There should be more emphasis on the Council being obliged to make access available to all regardless of ages or disability. We submit it should be redrafted as follows:</p> <p><i>(e) access to the Wellington Town Belt should be made available for all to use and enjoy irrespective of age or liability.</i></p>
10(2)	Precedence of Principles	<p>Clause 10(1)(b) is in a different category and should be given greater weight under the spirit of the settlement reached between the Crown and mana whenua (even though the Council was not a party to that settlement)</p>

17(c)	Restrictions on Council's Powers – Commercial Activity	It is important that the right balance be struck between Town Belt Values and allowing commercial activity on the Belt. Commercial activity is not per se inconsistent with Town Belt values but allowing commercial activity carte blanche is totally unacceptable. Any commercial activity has to be consistent with the Town Belt values regarding access and use. We submit that the drafting of clause 17c) strikes the right balance.
18 and 21(2)(b)	Leasing and Licensing	<p>There is no logical reason for the leasing or licensing regime for the Town Belt to be any different from the regime that applies to Concessions in respect of DoC land. Essentially these are:</p> <ul style="list-style-type: none"> <li>• under 10 years no notification</li> <li>• 10 – 30 years notification required</li> <li>• up to 60 years only with the consent of the Minister (i.e. in the case of the Town Belt this should be the Council).</li> </ul>
20	Management Plan 5(6)(d)	<p>We submit that the clause is ambiguous and impossible to apply if taken literally. It should be redrafted to read:</p> <p><i>“(d) consider all submissions made on the draft.”</i></p>
21(2)(b)	Leases	<p>We submit that the clause is ambiguous and impossible to apply if taken literally. It should be redrafted to read:</p> <p><i>“(b) consider all submissions made on the draft.”</i></p>
24(2)	Changes to the current Wellington Town Belt Management Plan	<p>We support the requirement align the current Management Plan with the [Act] as soon practicable after the Act comes into force.</p>

## Submitter Details

First Name: Richard

Last Name: Cussins

Resident or Ratepayer:

Ratepayer  Resident  Non-resident ratepayer  Other

Which Community Board Area is your property in?

Eastern  Lambton  Northern  Onslow-Western  
 Outside Wellington  Southern

## Submission

1. Overall, do you support or oppose the general direction and objectives of the Bill?

More Information: [Draft Wellington Town Belt Bill](#)

- Strongly oppose
- Oppose
- Neither support nor oppose
- Support
- Strongly support

### Why?

Decisions around town belt issues should be able to be resolved by the council more easily

2. Do you support or oppose the following provisions

2a. Land included as Town Belt and the statutory principles

More Information: [Draft Wellington Town Belt Bill](#)

- Strongly oppose
- Oppose
- Neither support nor oppose
- Support
- Strongly support

### Why?

b. Removing the Town Belt from the provisions of the Reserves Act

More Information: [Draft Wellington Town Belt Bill](#)

- Strongly oppose
- Oppose
- Neither support nor oppose
- Support
- Strongly support

### Why?

c. Powers in respect of the Town Belt such as leasing, rights of way and easements

More Information: [Draft Wellington Town Belt Bill](#)

- Strongly oppose
- Oppose
- Neither support nor oppose
- Support
- Strongly support

### Why?

**d. Adding to and removing land from the Town Belt****More Information:** [Draft Wellington Town Belt Bill](#)

- Strongly oppose
- Oppose
- Neither support nor oppose
- Support
- Strongly support

**Why?****e. Management of the Town Belt including the provision for a management plan****More Information:** [Draft Wellington Town Belt Bill](#)

- Strongly oppose
- Oppose
- Neither support nor oppose
- Support
- Strongly support

**Why?****f. Giving the Chest Hospital and Wellington Zoo special status****More Information:** [Draft Wellington Town Belt Bill](#)

- Strongly oppose
- Oppose
- Neither support nor oppose
- Support
- Strongly support

**Why?****3. Do you support or oppose the rationalisation of land into and out of Town Belt in the following projects?****a. Upper Weld Street****More Information:** [Draft Wellington Town Belt Bill](#)

- Strongly oppose
- Oppose
- Neither support nor oppose
- Support
- Strongly support

**Why?****b. Corner of Washington Avenue and Brooklyn Road****More Information:** [Draft Wellington Town Belt Bill](#)

- Strongly oppose
- Oppose
- Neither support nor oppose
- Support
- Strongly support

**Why?****c. Corner of Nairn Street and Brooklyn Road**

**More Information: Draft Wellington Town Belt Bill**

- Strongly oppose
- Oppose
- Neither support nor oppose
- Support
- Strongly support

**Why?****d. Connaught Terrace land****More Information: Draft Wellington Town Belt Bill**

- Strongly oppose
- Oppose
- Neither support nor oppose
- Support
- Strongly support

**Why?****e. Liardet Street****More Information: Draft Wellington Town Belt Bill**

- Strongly oppose
- Oppose
- Neither support nor oppose
- Support
- Strongly support

**Why?****f. Mount Albert Road / Volga Street****More Information: Draft Wellington Town Belt Bill**

- Strongly oppose
- Oppose
- Neither support nor oppose
- Support
- Strongly support

**Why?**

We park on the road reserve as it is, and when this changes to town belt this would become more difficult. If the new bill made it allowable for this parking to continue I would support it. The Coromandel St situation is a classic example where the sensible option is to still allow the homeowners to access the properties over the townbelt. Traditional use should have some bearing. On Volga St there are some garages that will be effected. Hopefully they will still be allowed to stay.

**g. Mount Victoria lookout****More Information: Draft Wellington Town Belt Bill**

- Strongly oppose
- Oppose
- Neither support nor oppose
- Support
- Strongly support

**Why?**

#### 4. Are there any other major changes you think should be included?

##### Comments

#### 5. Is there anything you feel has not been adequately covered in this Bill?

##### Comments

Hopefully the bill allows the city council in managing the town belt to have a flexible approach to enforcing the use of the town belt. The 206 known encroachments should not be clawed back in a cavalier manner as Councilor Andy Foster wants but in a sympathetic way. These stealers of town belt are usually only doing so because they have a connection with the town belt and more often than not would provide benefit to the surrounding area. Our example being the planting and maintenance of those native plants and the general control of weeds. The hilly nature of Wellingtons town belt area usually creates a natural boundary from residents living beside it without the council having to enforce that boundary. The odd planting of flowers, although not really my thing, should not be discouraged (I'm sure the bees would appreciate it)

#### 6. Your Additional Comments

##### Comments

##### Attached Documents

File
Draft Wellington Town Belt Bill

### Submitter Details

First Name: Mary

Last Name: Munro

Resident or Ratepayer:

Ratepayer  Resident  Non-resident ratepayer  Other

Which Community Board Area is your property in?

Eastern  Lambton  Northern  Onslow-Western  
 Outside Wellington  Southern

### Submission

1. Overall, do you support or oppose the general direction and objectives of the Bill?

More Information: [Draft Wellington Town Belt Bill](#)

- Strongly oppose  
 Oppose  
 Neither support nor oppose  
 Support  
 Strongly support

### Why?

The main justification given by WCC for proposing this Bill is that 'parts of the Town Belt Deed are ... difficult to interpret.' There are no examples given of which parts or what exactly is difficult to interpret. It is almost certain that this Bill will NOT resolve 'the existing legal complexities' and that there will be on-going legal challenges once the WCC sets about undertaking work, including the construction of buildings, which it considers desirable. The 1873 Town Belt Deed at least protects the Town Belt for present and future Wellingtonians because the WCC does not get beneficial ownership of the land (and the subsequent power to restrict access or carry on or undertake, any activity or business, including the construction of any building, it (the WCC) considers desirable.) The Bill also removes the Town Belt from the Reserves Act 1977. This is a further reason for serious concern from Wellingtonians - they will lose the right to appeal to the Minister of Conservation if the WCC does something contrary to the Act regarding the Town Belt. My strong opposition is based on the WCC's preparedness to privatise public land on Wellington's waterfront. It has already done it at the OPT and there is every indication that it intends to continue this with respect to North Kumutoto.

### 2. Do you support or oppose the following provisions

#### 2a. Land included as Town Belt and the statutory principles

More Information: [Draft Wellington Town Belt Bill](#)

- Strongly oppose  
 Oppose  
 Neither support nor oppose  
 Support  
 Strongly support

### Why?

#### b. Removing the Town Belt from the provisions of the Reserves Act

More Information: [Draft Wellington Town Belt Bill](#)

- Strongly oppose  
 Oppose  
 Neither support nor oppose  
 Support  
 Strongly support

### Why?

see above (1)



### c. Powers in respect of the Town Belt such as leasing, rights of way and easements

More Information: [Draft Wellington Town Belt Bill](#)

- Strongly oppose
- Oppose
- Neither support nor oppose
- Support
- Strongly support

#### Why?

see above (1)

### d. Adding to and removing land from the Town Belt

More Information: [Draft Wellington Town Belt Bill](#)

- Strongly oppose
- Oppose
- Neither support nor oppose
- Support
- Strongly support

#### Why?

### e. Management of the Town Belt including the provision for a management plan

More Information: [Draft Wellington Town Belt Bill](#)

- Strongly oppose
- Oppose
- Neither support nor oppose
- Support
- Strongly support

#### Why?

### f. Giving the Chest Hospital and Wellington Zoo special status

More Information: [Draft Wellington Town Belt Bill](#)

- Strongly oppose
- Oppose
- Neither support nor oppose
- Support
- Strongly support

#### Why?

### 3. Do you support or oppose the rationalisation of land into and out of Town Belt in the following projects?

#### a. Upper Weld Street

More Information: [Draft Wellington Town Belt Bill](#)

- Strongly oppose
- Oppose
- Neither support nor oppose
- Support
- Strongly support

#### Why?

**b. Corner of Washington Avenue and Brooklyn Road****More Information:** [Draft Wellington Town Belt Bill](#)

- Strongly oppose
- Oppose
- Neither support nor oppose
- Support
- Strongly support

**Why?**

---

**c. Corner of Nairn Street and Brooklyn Road****More Information:** [Draft Wellington Town Belt Bill](#)

- Strongly oppose
- Oppose
- Neither support nor oppose
- Support
- Strongly support

**Why?**

---

**d. Connaught Terrace land****More Information:** [Draft Wellington Town Belt Bill](#)

- Strongly oppose
- Oppose
- Neither support nor oppose
- Support
- Strongly support

**Why?**

---

**e. Liardet Street****More Information:** [Draft Wellington Town Belt Bill](#)

- Strongly oppose
- Oppose
- Neither support nor oppose
- Support
- Strongly support

**Why?**

---

**f. Mount Albert Road / Volga Street****More Information:** [Draft Wellington Town Belt Bill](#)

- Strongly oppose
- Oppose
- Neither support nor oppose
- Support
- Strongly support

**Why?**

---

**g. Mount Victoria lookout****More Information:** [Draft Wellington Town Belt Bill](#)

- Strongly oppose
- Oppose
- Neither support nor oppose
- Support
- Strongly support

### Why?

#### 4. Are there any other major changes you think should be included?

##### Comments

#### 5. Is there anything you feel has not been adequately covered in this Bill?

##### Comments

The Bill is completely unnecessary. The citizens of Wellington are trustees under the Deed. Our status is not recognized in this Bill.

#### 6. Your Additional Comments

##### Comments

#### Attached Documents

File
Draft Wellington Town Belt Bill

# HAVE YOUR SAY ON THE DRAFT WELLINGTON TOWN BELT BILL



You can comment on the Bill by completing this submission form or writing down your comments and sending them to the Council by:

- **Going online:** Wellington.govt.nz/have-your-say
- **Email:** townbelt@wcc.govt.nz
- **Post:** FREEPOST, Wellington Town Belt Bill, Parks and Gardens (REPL01), Wellington City Council, PO Box 2199, Wellington 6140
- **Fax:** 801 3155

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3. The Council will take submissions into account and approve a final version of the Bill.
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### ENTER YOUR NAME AND CONTACT DETAILS

Mr /  Mrs /  Ms /  Miss /  Dr (Please circle which applies)

First name* <b>STEVE</b>	Last name* <b>DUNN</b>
Street address* <b>1 NIKAU ST</b>	
Suburb <b>NEWTOWN</b>	City <b>WELLINGTON</b>
Phone/mobile	Email <b>sadunn@paradise.net.nz</b>

\* Mandatory fields

**I am making a submission**  As an individual  On behalf of an organisation

Name of organisation

I would like to make an oral submission to the Environment Committee on Tuesday 27 May.  Yes  No

If yes, provide a phone number above so that a submission time can be arranged.

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### 1. OVERALL, DO YOU SUPPORT OR OPPOSE THE GENERAL DIRECTION AND OBJECTIVES OF THE BILL?

(please circle)

Strongly oppose	Oppose	Neither support nor oppose	Support	<b>Strongly support</b>
-----------------	--------	----------------------------	---------	-------------------------

Why? **The Town Belt Deed has been over-riden by previous Councils, Acts of Parliament (with <sup>the</sup> ~~Shorelands~~ <sup>Shorelands</sup> Act) and negotiations. It does not provide sufficient protection + needs a Bill to over-ride other provisions for ultimate protection.**

**2. DO YOU SUPPORT OR OPPOSE THE FOLLOWING PROVISIONS?**

a. Land included as Town Belt and the statutory principles (please circle)

Strongly oppose	Oppose	Neither support nor oppose	Support	Strongly support
-----------------	--------	----------------------------	---------	------------------

Why?

b. Removing the Town Belt from the provisions of the Reserves Act (please circle)

Strongly oppose	Oppose	Neither support nor oppose	Support	Strongly support
-----------------	--------	----------------------------	---------	------------------

Why? *The land is administered by a specific management plan tailored for the Town Belt. The Reserves Act is another complication and should be left out for a clear, simple purpose Bill to make administration easier*

c. Powers in respect of the Town Belt such as leasing, rights of way and easements (please circle)

Strongly oppose	Oppose	Neither support nor oppose	Support	Strongly support
-----------------	--------	----------------------------	---------	------------------

Why?

d. Adding to and removing land from the Town Belt (please circle)

Strongly oppose	Oppose	Neither support nor oppose	Support	Strongly support
-----------------	--------	----------------------------	---------	------------------

Why? *It has been all removal in the past, time now to add land for future generations*

e. Management of the Town Belt including the provision for a management plan (please circle)

Strongly oppose	Oppose	Neither support nor oppose	Support	Strongly support
-----------------	--------	----------------------------	---------	------------------

Why? *This is the tool (that the public has input into) used in administering the T.B / asset.*

f. Giving the Chest hospital and Wellington Zoo special status (please circle)

Strongly oppose	Oppose	Neither support nor oppose	Support	Strongly support
-----------------	--------	----------------------------	---------	------------------

Why?

**3. DO YOU SUPPORT OR OPPOSE THE RATIONALISATION OF LAND INTO AND OUT OF TOWN BELT IN THE FOLLOWING PROJECTS?**

a. Upper Weld Street (please circle)

Strongly oppose	Oppose	Neither support nor oppose	Support	Strongly support
-----------------	--------	----------------------------	---------	------------------

Why?

b. Corner of Washington Avenue and Brooklyn Road (please circle)

Strongly oppose	Oppose	Neither support nor oppose	Support	Strongly support
-----------------	--------	----------------------------	---------	------------------

Why?

---

c. Corner of Nairn Street and Brooklyn Road (please circle)

Strongly oppose	Oppose	Neither support nor oppose	Support	Strongly support
-----------------	--------	----------------------------	---------	------------------

Why?

---

d. Connaught Terrace land (please circle)

Strongly oppose	Oppose	Neither support nor oppose	Support	Strongly support
-----------------	--------	----------------------------	---------	------------------

Why?

---

e. Liardet Street (please circle)

Strongly oppose	Oppose	Neither support nor oppose	Support	Strongly support
-----------------	--------	----------------------------	---------	------------------

Why?

---

f. Mount Albert Road/Volga Street (please circle)

Strongly oppose	Oppose	Neither support nor oppose	Support	Strongly support
-----------------	--------	----------------------------	---------	------------------

Why?

---

g. Mount Victoria lookout (please circle)

Strongly oppose	Oppose	Neither support nor oppose	Support	Strongly support
-----------------	--------	----------------------------	---------	------------------

Why?

**4. ARE THERE ANY OTHER MAJOR CHANGES YOU THINK SHOULD BE INCLUDED?**

Why wasn't Ruarua St included in the land rationalisation examples. Any expansion of Ruarua St should only be compulsory acquisition under the Public works Act. I would have thought it is similar situation to the above.

**5. IS THERE ANYTHING YOU FEEL HAS NOT BEEN ADEQUATELY COVERED IN THE BILL?**

Where T.B. land is lost ~~because of~~ under the Public works Act, stipulate that Council must negotiate land as compensation. <sup>New land</sup> must be contiguous with the T.B. and suit the purpose. The issue has been land (it's loss + value as open space) ∴ land must be the compensation.

6. YOUR ADDITIONAL COMMENTS:

Repeat the Wellington Snowy Mountains Act and bring the lands <sup>fully</sup> back into Town Belt.

The Town Belt should be listed as a heritage item in the District Plans to give it protection in the District Plans. Currently there are no protective <sup>planning</sup> provisions or recognition of this important asset.

(Re)Appoint a TB curator - a single point of contact for all TB issues.

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Further information

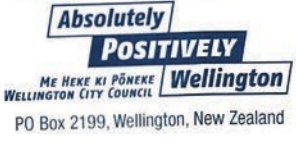
Please visit our website Wellington.govt.nz for more information on the recreation activities on the Town Belt and what environmental projects are under way, including details on environmental community groups. The website and libraries also have copies of Council strategies and policies.

Thank you for your submission

**PLEASE RETURN THIS SUBMISSION FORM BY 5PM ON MONDAY 19 MAY 2014**

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12 MAY 14

>>> GOT A QUESTION? Free  WELLINGTON CO. NZ HELP <<<



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Parks and Gardens (REPL01)  
Wellington City Council  
PO Box 2199  
Wellington 6140

# HAVE YOUR SAY ON THE DRAFT WELLINGTON TOWN BELT BILL



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3. The Council will take submissions into account and approve a final version of the Bill.
4. A local Member of Parliament will sponsor the final version as a local bill through the Parliamentary process. There is likely to be the opportunity for further public comment at the Select Committee stage.

ENTER YOUR NAME AND CONTACT DETAILS	
Mr / Mrs / Ms / Miss / Dr (Please circle which applies)	
First name* Robin	Last name* Buxton
Street address* 40 Central Tee	
Suburb Kelburn	City Wellington
Phone/mobile 9709876	Email buxton)rb@hotmail.com

\*Mandatory fields

<b>I am making a submission</b>	<input checked="" type="checkbox"/> As an individual	<input type="checkbox"/> On behalf of an organisation
Name of organisation		
I would like to make an oral submission to the Environment Committee on Tuesday 27 May.		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If yes, provide a phone number above so that a submission time can be arranged.		

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1. OVERALL, DO YOU SUPPORT OR OPPOSE THE GENERAL DIRECTION AND OBJECTIVES OF THE BILL?				
(please circle)				
Strongly oppose	Oppose	Neither support nor oppose	Support	Strongly support
Why? Have been pushing for new legislation since 2001				



**2. DO YOU SUPPORT OR OPPOSE THE FOLLOWING PROVISIONS?**

a. Land included as Town Belt and the statutory principles (please circle)

Strongly oppose	Oppose	Neither support nor oppose	Support	Strongly support
-----------------	--------	----------------------------	---------	------------------

Why? Too many spurious arguments have been raised in the past

b. Removing the Town Belt from the provisions of the Reserves Act (please circle)

Strongly oppose	Oppose	Neither support nor oppose	Support	Strongly support
-----------------	--------	----------------------------	---------	------------------

Why? A self-contained code is more convenient

c. Powers in respect of the Town Belt such as leasing, rights of way and easements (please circle)

Strongly oppose	Oppose	Neither support nor oppose	Support	Strongly support
-----------------	--------	----------------------------	---------	------------------

Why? Are necessary in some cases, but WCC staff need to be "educated"

d. Adding to and removing land from the Town Belt (please circle)

Strongly oppose	Oppose	Neither support nor oppose	Support	Strongly support
-----------------	--------	----------------------------	---------	------------------

Why? Additions - re instatement policy should be promoted actively - removal only where really necessary

e. Management of the Town Belt including the provision for a management plan (please circle)

Strongly oppose	Oppose	Neither support nor oppose	Support	Strongly support
-----------------	--------	----------------------------	---------	------------------

Why?

f. Giving the Chest hospital and Wellington Zoo special status (please circle)

Strongly oppose	Oppose	Neither support nor oppose	Support	Strongly support
-----------------	--------	----------------------------	---------	------------------

Why?

**3. DO YOU SUPPORT OR OPPOSE THE RATIONALISATION OF LAND INTO AND OUT OF TOWN BELT IN THE FOLLOWING PROJECTS?**

a. Upper Weld Street (please circle)

Strongly oppose	Oppose	Neither support nor oppose	Support	Strongly support
-----------------	--------	----------------------------	---------	------------------

Why? But does it need to be as wide a diagram suggests is proposed

b. Corner of Washington Avenue and Brooklyn Road (please circle)				
Strongly oppose	Oppose	Neither support nor oppose	<input checked="" type="radio"/> Support	Strongly support
Why? logical				
c. Corner of Nairn Street and Brooklyn Road (please circle)				
Strongly oppose	Oppose	Neither support nor oppose	<input checked="" type="radio"/> Support	Strongly support
Why? logical				
d. Connaught Terrace land (please circle)				
Strongly oppose	Oppose	<input checked="" type="radio"/> Neither support nor oppose	Support	Strongly support
Why?				
e. Liardet Street (please circle)				
Strongly oppose	Oppose	Neither support nor oppose	<input checked="" type="radio"/> Support	Strongly support
Why? logical				
f. Mount Albert Road/Volga Street (please circle)				
Strongly oppose	Oppose	Neither support nor oppose	<input checked="" type="radio"/> Support	Strongly support
Why? logical				
g. Mount Victoria lookout (please circle)				
Strongly oppose	Oppose	Neither support nor oppose	<input checked="" type="radio"/> Support	Strongly support
Why? Only as necessary				

**4. ARE THERE ANY OTHER MAJOR CHANGES YOU THINK SHOULD BE INCLUDED?**

would be great to define "recreation" in terms of its meaning 100-150 years ago

**5. IS THERE ANYTHING YOU FEEL HAS NOT BEEN ADEQUATELY COVERED IN THE BILL?**

**6. YOUR ADDITIONAL COMMENTS:**

WCC should formulate policy guidelines for  
 "for profit" activities that are in close harmony  
 with intent of original gift

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**Further information**

Please visit our website [Wellington.govt.nz](http://Wellington.govt.nz) for more information on the recreation activities on the Town Belt and what environmental projects are under way, including details on environmental community groups. The website and libraries also have copies of Council strategies and policies.

Thank you for your submission

**PLEASE RETURN THIS SUBMISSION FORM  
 BY 5PM ON MONDAY 19 MAY 2014**

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**Absolutely**  
**POSITIVELY**  
 ME HEKE KI PŌNEKE  
 WELLINGTON CITY COUNCIL **Wellington**  
 PO Box 2199, Wellington, New Zealand

**Free** 



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 Wellington Town Belt Bill  
 Parks and Gardens (REPL01)  
 Wellington City Council  
 PO Box 2199  
 Wellington 6140

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ENTER YOUR NAME AND CONTACT DETAILS	
Mr / Mrs / Ms / Miss / Dr <i>(Please circle which applies)</i>	
First name* <b>BERNARD</b>	Last name* <b>O'SHAUGHNESSY</b>
Street address* <b>139a DANIEL ST. NEWTON</b>	
Suburb	City <b>WELLINGTON</b>
Phone/mobile	Email <b>Bernardfree@gmail.com</b>

\*Mandatory fields

<b>I am making a submission</b>	<input checked="" type="checkbox"/> As an individual	<input type="checkbox"/> On behalf of an organisation
Name of organisation		
I would like to make an oral submission to the Environment Committee on Tuesday 27 May.		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If yes, provide a phone number above so that a submission time can be arranged. <b>Email me.</b>		

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(please circle)				
Strongly oppose	Oppose	Neither support nor oppose	<b>Support</b>	Strongly support
Why?				

**2. DO YOU SUPPORT OR OPPOSE THE FOLLOWING PROVISIONS?**

a. Land included as Town Belt and the statutory principles (please circle)

Strongly oppose	Oppose	Neither support nor oppose	Support	Strongly support
-----------------	--------	----------------------------	---------	------------------

Why?

b. Removing the Town Belt from the provisions of the Reserves Act (please circle)

Strongly oppose	Oppose	Neither support nor oppose	Support	Strongly support
-----------------	--------	----------------------------	---------	------------------

Why?

c. Powers in respect of the Town Belt such as leasing, rights of way and easements (please circle)

Strongly oppose	Oppose	Neither support nor oppose	Support	Strongly support
-----------------	--------	----------------------------	---------	------------------

Why?

d. Adding to and removing land from the Town Belt (please circle)

Strongly oppose	Oppose	Neither support nor oppose	Support	Strongly support
-----------------	--------	----------------------------	---------	------------------

Why?

e. Management of the Town Belt including the provision for a management plan (please circle)

Strongly oppose	Oppose	Neither support nor oppose	Support	Strongly support
-----------------	--------	----------------------------	---------	------------------

Why?

f. Giving the Chest hospital and Wellington Zoo special status (please circle)

Strongly oppose	Oppose	Neither support nor oppose	Support	Strongly support
-----------------	--------	----------------------------	---------	------------------

Why?

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-----------------	--------	----------------------------	---------	------------------

Why?

b. Corner of Washington Avenue and Brooklyn Road (please circle)				
Strongly oppose	Oppose	Neither support nor oppose	Support	Strongly support
Why?				
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Strongly oppose	Oppose	Neither support nor oppose	Support	Strongly support
Why?				
d. Connaught Terrace land (please circle)				
Strongly oppose	Oppose	Neither support nor oppose	Support	Strongly support
Why?				
e. Liardet Street (please circle)				
Strongly oppose	Oppose	Neither support nor oppose	Support	Strongly support
Why?				
f. Mount Albert Road/Volga Street (please circle)				
Strongly oppose	Oppose	Neither support nor oppose	Support	Strongly support
Why?				
g. Mount Victoria lookout (please circle)				
Strongly oppose	Oppose	Neither support nor oppose	Support	Strongly support
Why?				

**4. ARE THERE ANY OTHER MAJOR CHANGES YOU THINK SHOULD BE INCLUDED?**

YES - SELL THE SPORTS HUB AS  
MICKBIRNIE.

**5. IS THERE ANYTHING YOU FEEL HAS NOT BEEN ADEQUATELY COVERED IN THE BILL?**

YES, MUST HAVE ACCOUNTABILITY  
OF OFFICERS TO DISTRICT PLAN -

6. YOUR ADDITIONAL COMMENTS:

WELL, THIS IS OK, BUT WHOSE'S TO SAY THAT OFFICERS WILL SELL OUT THE LAW, AS THEY HAVE DONE AT

- REMOVAL OF MANNERS MALL
- THE WATERFRONT
- THE HOUSING UPGRADE
- LOTS OF NON-~~WAST~~<sup>CONSENT</sup> BUILDING DEVELS.

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Further information

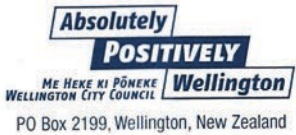
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 Parks and Gardens (REPL01)  
 Wellington City Council  
 PO Box 2199  
 Wellington 6140

## Comments on the Draft Wellington Town Belt Bill

From: Ms Joan Quinn,  
28 Marewa Road, Hataitai, Wellington 6021.  
Phone: (04) 3861796.

I am making a submission as an individual although I am also involved as a Committee Member of the Friends of the Wellington Town Belt.

Yes, I would like to make an oral submission to the Environment Committee on Tuesday 27 May. Please contact (04) 3861796.

I have studied and researched the Wellington Town Belt since the mid-1960s. On many occasions I have spoken out and protested for the protection of the Town Belt. Throughout the process of drafting a new Management Plan and this Draft Legislation for the Wellington Town Belt I have made submissions many of which have been accepted.

I now make no apology for repeating some of the reasons why I strongly believe the Draft Wellington Town Belt Bill (with a few important additions) is ready to proceed to the Parliamentary process.

The Draft Wellington Town Belt Bill reinforces the fact that the Town Belt is held in trust. However the 1873 Deed specified that "The Mayor, Councillors and Citizens of the City of Wellington" (referred to as the Corporation) were the trustees. The wording "Council" in the Bill seems to imply the Mayor and Councillors, and while they obviously represent the people of Wellington, to really follow the spirit of the 1873 Deed it seems vital that the term "people of Wellington" or "citizens" is added. We are all Trustees – holding the land in trust for future generations. This could be added under the term "**Council**" in **Section 4 Interpretation** or by a new term "**Trustees**".

Overall I strongly support the general direction and objectives of the Draft Wellington Town Belt Bill.

I believe the Bill will strengthen the 1873 Deed. The vital clause in the Deed is that the area will forever be "a Public Recreation Ground for the inhabitants of the City of Wellington". By adding the concepts from the 1839 instructions that the land be for the enjoyment of the public "on condition that no buildings be ever erected upon it" this gives further emphasis to the importance of outdoor recreation, enjoyment and protection of the natural environment and the green backdrop to our city. I appreciate the 1839 words are in the Preamble but would suggest that they could be added as well within the Bill itself. Under **Principles 10(1)** it would read as follows: historical and cultural links to the Wellington Town Belt, including the concept of the original Town Belt **that the land be "public property, on condition that no buildings be ever erected upon it"**, should be acknowledged. (Alternatively include the words on the 1840 Plan "**reserved for the enjoyment of the Public, and not to be built upon**",)

Yes, there are sports buildings and some vital public infrastructure on the Town Belt but I am pleased that the leased area is to be limited to 8 hectares, and leased for a maximum period of 20 years (including right of renewal). Both aspects are a vast improvement on earlier legislation. It is essential that further flat land is not lost for informal use by the growing population of Wellington.



I strongly support the addition of land to the Wellington Town Belt. Many of the some 130 hectares being added were part of the original Town Belt, lost prior to 1873, and since regained by the City. Areas such as the old signal station land on Mount Victoria/Matairangi, land on Te Ahumairangi, part of the Vice-Regal land, and the former Chest Hospital land will regain Town Belt status following the passing of this Bill. Other new areas are adjacent and appropriate. There is also the mechanism for adding appropriate or regained land in the future without waiting decades for future legislation. Hopefully future direct negotiation with the Crown will enable areas such as land in Clifton Terrace, Abel Smith Street, and the slopes behind Wellington College and Wellington East Girls College to be added through this mechanism.

I strongly support the clear statement that there will be "no removal of land from the Wellington Town Belt" and that there is no power to "sell, exchange, or use as security any part of the Town Belt." Also that while the Public Works Act might remove land – "the Council must not consent or agree to any land being removed."

Small adjustments have been listed involving Town Belt land to road, or road to Town Belt, and this is largely needed to match situations existing for decades. There is some concern however whether this is the case for all of Weld Street.

I support the fact that Council powers in respect of leasing, right of way and easements, and construction and for "profit use" are subject to restraints in this Bill, in the Management Plan and the consultation process. It would however be helpful to remove the term "**business**" in **16[1](a)**. The public and Councillors will need to monitor and be vigilant in the coming decades to see that no further commercialisation occurs on the Wellington Town Belt. Alternative sites outside the Town Belt must be considered for such uses.

It is pleasing to note that the Botanic Garden is acknowledged as part of the semi-circle of green – part of the Original Town Belt.

The former Chest Hospital Buildings and immediate surroundings and the Wellington Zoo do require special status.

I still have concerns however that the Canal Reserve, while referred to in the 1873 Town Belt Deed, was listed separately as was the Basin Reserve. It needs an appropriate statement in this Bill and not just to be listed in the Town Belt schedule. (Perhaps it could be acknowledged even in the Preamble where it is noted in **(7)** that the Basin Reserve has since gained its own deed, **while the Canal Reserve remains linked to the present Town Belt in this Bill.**

The Exhibition Site also needs clarification – Schedule 5 is still in acres and it is not clear which part has now returned to Town Belt and which area Town Belt status is still in suspension.

Schedule 9 repeals the 1872 Wellington City Reserves Act. Is it absolutely clear that this will not hinder any future action if Council attempts to regain areas of land listed in the First, Second or Third Schedules of this Act?

Reserves Act 1977 – is it absolutely clear that all essential aspects are covered in this Bill?

The Wellington Town Belt is a precious taonga gifted to us by the instructions of the New Zealand Company's secretary John Ward to the surveyor William Mein Smith and shown clearly on the plan of 1840. It has been recognised world-wide as an important aspect of Town Planning and I hope in the near future it will be recognized with a listing on the New

Zealand Historic Places Register (as noted in Appendix 5 of the Wellington Town Belt Management Plan).

Today we recognise the areas of special importance to Mana Whenua and we recognise the importance to all Wellingtonians of the beauty of a green space and backdrop to our city. All benefit physically, emotionally and spiritually from the Town Belt.

I believe this Council will be acknowledged in the future if the passing of this legislation enables the further protection, management and enhancement of the Wellington Town Belt. It will help to redress some of the abuses of the past.

I thank all the Council staff for their hard work over many years, also the Mayor and Councillors who have worked to benefit the Town Belt and to progress this Bill.

I strongly support the Draft Wellington Town Belt Bill being forwarded to the Parliamentary process.

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### ENTER YOUR NAME AND CONTACT DETAILS

Mr / Mrs / Ms / Miss / Dr (Please circle which applies)

First name*	LORRAINE	Last name*	GRIFFIN
Street address*	3 TALAUERA TCG		
Suburb	Kelburn	City	Wellington
Phone/mobile	0274 300222	Email	pnmc.smith@xtra.co.nz

\* Mandatory fields

**I am making a submission**  As an individual  On behalf of an organisation

Name of organisation

I would like to make an oral submission to the Environment Committee on Tuesday 27 May.  Yes  No

If yes, provide a phone number above so that a submission time can be arranged. 0274 300222

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### 1. OVERALL, DO YOU SUPPORT OR OPPOSE THE GENERAL DIRECTION AND OBJECTIVES OF THE BILL?

(please circle)

Strongly oppose	Oppose	Neither support nor oppose	Support	Strongly support
Why?				
Strongly oppose removal of TB from Reserve Act, & Deed should be removed in place				

**2. DO YOU SUPPORT OR OPPOSE THE FOLLOWING PROVISIONS?**

a. Land included as Town Belt and the statutory principles (please circle)

Strongly oppose	Oppose	Neither support nor oppose	Support	Strongly support
-----------------	--------	----------------------------	---------	------------------

Why?

b. Removing the Town Belt from the provisions of the Reserves Act (please circle)

Strongly oppose	Oppose	Neither support nor oppose	Support	Strongly support
-----------------	--------	----------------------------	---------	------------------

Why?

c. Powers in respect of the Town Belt such as leasing, rights of way and easements (please circle)

Strongly oppose	Oppose	Neither support nor oppose	Support	Strongly support
-----------------	--------	----------------------------	---------	------------------

Why? Extremely wide powers are given in the bill 'lease to any person for any purpose'

d. Adding to and removing land from the Town Belt (please circle)

Strongly oppose	Oppose	Neither support nor oppose	Support	Strongly support
-----------------	--------	----------------------------	---------	------------------

Why? The Town Belt is of historical significance & should remain an entity. Land can be added as Reserve land not Town Belt

e. Management of the Town Belt including the provision for a management plan (please circle)

Strongly oppose	Oppose	Neither support nor oppose	Support	Strongly support
-----------------	--------	----------------------------	---------	------------------

Why? The current management Plan is not adhered to, Any management should be consistent with the Deed.

f. Giving the Chest hospital and Wellington Zoo special status (please circle)

Strongly oppose	Oppose	Neither support nor oppose	Support	Strongly support
-----------------	--------	----------------------------	---------	------------------

Why? Only the Chest hospital has been effectively alienated from the public  
 \* The proposed 'Petty Zoo' should be incorporated into the

**3. DO YOU SUPPORT OR OPPOSE THE RATIONALISATION OF LAND INTO AND OUT OF TOWN BELT IN THE FOLLOWING PROJECTS?**

a. Upper Weld Street (please circle)

Strongly oppose	Oppose	Neither support nor oppose	Support	Strongly support
-----------------	--------	----------------------------	---------	------------------

Why?

\* The Zoo is likely to become an... what happens to the land then

b. Corner of Washington Avenue and Brooklyn Road (please circle)				
Strongly oppose	Oppose	Neither support nor oppose	Support	Strongly support
Why?				
c. Corner of Nairn Street and Brooklyn Road (please circle)				
Strongly oppose	Oppose	Neither support nor oppose	Support	Strongly support
Why?				
d. Connaught Terrace land (please circle)				
Strongly oppose	Oppose	Neither support nor oppose	Support	Strongly support
Why?				
e. Liardet Street (please circle)				
Strongly oppose	Oppose	Neither support nor oppose	Support	Strongly support
Why?				
f. Mount Albert Road/Volga Street (please circle)				
Strongly oppose	Oppose	Neither support nor oppose	Support	Strongly support
Why?				
g. Mount Victoria lookout (please circle)				
Strongly oppose	Oppose	Neither support nor oppose	Support	Strongly support
Why?				

#### 4. ARE THERE ANY OTHER MAJOR CHANGES YOU THINK SHOULD BE INCLUDED?

The Reserve Act should be retained.  
 The wide Making Powers awarded to the council as the term 'wide range of Recreation' will inevitably see more town Belt appropriate.

#### 5. IS THERE ANYTHING YOU FEEL HAS NOT BEEN ADEQUATELY COVERED IN THE BILL?

'wide range of Recreation' - is open to wide interpretation  
 A casino, Lap dancing, a movie theatre?

**6. YOUR ADDITIONAL COMMENTS:**

Current legislation has failed in  
 some instances to protect Town Belt  
 even when legal opinion obtained  
 by council has said TB land  
 should not be built on  
 Current proposed legislation will  
 provide ~~to~~ <sup>little</sup> protection

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**Further information**

Please visit our website [Wellington.govt.nz](http://Wellington.govt.nz) for more information on the recreation activities on the Town Belt and what environmental projects are under way, including details on environmental community groups. The website and libraries also have copies of Council strategies and policies.

Thank you for your submission

**PLEASE RETURN THIS SUBMISSION FORM  
 BY 5PM ON MONDAY 19 MAY 2014**

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Free Post Authority Number 2199

**Absolutely**  
**POSITIVELY**  
 ME HEKE KI PŌNEKE  
 WELLINGTON CITY COUNCIL **Wellington**  
 PO Box 2199, Wellington, New Zealand

**Free** 



Freepost WCC  
 Wellington Town Belt Bill  
 Parks and Gardens (REPL01)  
 Wellington City Council  
 PO Box 2199  
 Wellington 6140

# HAVE YOUR SAY ON THE DRAFT WELLINGTON TOWN BELT BILL



You can comment on the Bill by completing this submission form or writing down your comments and sending them to the Council by:

- **Going online:** Wellington.govt.nz/have-your-say
- **Email:** townbelt@wcc.govt.nz
- **Post:** FREEPOST, Wellington Town Belt Bill, Parks and Gardens (REPL01), Wellington City Council, PO Box 2199, Wellington 6140
- **Fax:** 801 3155

You can also attend a public meeting at St Johns in the City Conference Centre on the corner of Willis and Dixon streets between 5.30pm and 7.30pm on Tuesday 6 May. Comments are due by 5pm on Monday 19 May 2014.

## What happens next

1. Comments on the Bill will be considered.
2. Oral hearings will be held on Tuesday 27 and Wednesday 28 May (reserve day if required) for submitters.
3. The Council will take submissions into account and approve a final version of the Bill.
4. A local Member of Parliament will sponsor the final version as a local bill through the Parliamentary process. There is likely to be the opportunity for further public comment at the Select Committee stage.

### ENTER YOUR NAME AND CONTACT DETAILS

Mr / Mrs / Ms / Miss / Dr (Please circle which applies)

First name* <b>JOHN</b>	Last name* <b>BISHOP</b>
Street address* <b>8 HARROLD STREET</b>	
Suburb <b>HIGHBURY</b>	City <b>WELLINGTON</b>
Phone/mobile <b>970-7496</b>	Email <b>BISHOP.LAMB@PARADISE</b>

\* Mandatory fields

**I am making a submission**  As an individual  On behalf of an organisation

Name of organisation **FRIENDS OF THE WELLINGTON TOWN BELT (THE FRIENDS)**

I would like to make an oral submission to the Environment Committee on Tuesday 27 May.  Yes  No

If yes, provide a phone number above so that a submission time can be arranged. **970-7496**

**Privacy statement** Please be aware that all submissions (including name and contact details) are published and made available to elected members and the public. Personal information will also be used for the administration of the consultation process. All information collected will be held by Wellington City Council, 101 Wakefield Street, Wellington. Submitters have the right to access and correct personal information.

### 1. OVERALL, DO YOU SUPPORT OR OPPOSE THE GENERAL DIRECTION AND OBJECTIVES OF THE BILL?

(please circle)

Strongly oppose	Oppose	Neither support nor oppose	Support	<b>Strongly support</b>
-----------------	--------	----------------------------	---------	-------------------------

Why? **THE FRIENDS HAVE ADVOCATED FOR MANY YEARS THAT SPECIAL LEGISLATION IS NEEDED TO**

**(i) REINFORCE THE ROLE OF THE COUNCIL AS TRUSTEE (ii) PROTECT, MANAGE AND ENHANCE THE TOWN BELT (iii) LIST THE LANDS THAT HAVE BEEN REGAINED BY THE COUNCIL (AND OTHER ADJACENT AND APPROPRIATE LANDS) TO GIVE THEM TOWN BELT STATUS (iv) PROVIDE A MECHANISM TO ADD APPROPRIATE LANDS IN THE FUTURE WITHOUT THE NEED FOR FURTHER LEGISLATION, AND (v) PREVENT FURTHER LOSS OF TOWN BELT LAND IN THE FUTURE.**

**2. DO YOU SUPPORT OR OPPOSE THE FOLLOWING PROVISIONS?**

a. Land included as Town Belt and the statutory principles (please circle)

Strongly oppose	Oppose	Neither support nor oppose	Support	Strongly support
-----------------	--------	----------------------------	---------	------------------

Why? *THE TOWN BELT HAS SINCE 1940 BEEN SET ASIDE AS FREELY AVAILABLE OPEN SPACE FOR THE BENEFIT OF FUTURE GENERATIONS TO ENJOY. THE PAST 20 YEARS HAS SEEN THE COUNCIL SUPPORTED BY WELLINGTONIAN SUCCESS IN RECLAIMING LAND AREAS PREVIOUSLY LOST FROM THE TOWN BELT. THE PRINCIPLES IN SECTION 10 OF THE BILL MUST ALL BE CONSIDERED TOGETHER*

b. Removing the Town Belt from the provisions of the Reserves Act (please circle)

Strongly oppose	Oppose	Neither support nor oppose	Support	Strongly support
-----------------	--------	----------------------------	---------	------------------

Why? *ALL RELEVANT PROVISIONS FROM THE RESERVES ACT MUST BE INCLUDED IN THE TOWN BELT ACT AND PUBLIC OPPORTUNITIES FOR INVOLVEMENT AND/OR LEGAL APPEAL ARE AVAILABLE*

c. Powers in respect of the Town Belt such as leasing, rights of way and easements (please circle)

Strongly oppose	Oppose	Neither support nor oppose	Support	Strongly support
-----------------	--------	----------------------------	---------	------------------

Why?

d. Adding to and removing land from the Town Belt (please circle)

Strongly oppose	Oppose	Neither support nor oppose	Support	Strongly support
-----------------	--------	----------------------------	---------	------------------

Why? *ADDITIONS ARE STRONGLY SUPPORTED. ALL PROPOSED REMOVALS MUST FIRST BE CONFIRMED AS INDEED APPROPRIATE (EG, WEND STREET).*

e. Management of the Town Belt including the provision for a management plan (please circle)

Strongly oppose	Oppose	Neither support nor oppose	Support	Strongly support
-----------------	--------	----------------------------	---------	------------------

Why? *MANAGEMENT WILL BE AN ONGOING PROCESS AND THEREFORE WILL BE A NEED TO CONSTANTLY MONITOR ACTIVITY IN THE LIGHT OF PRESSURES FROM FASHIONABLE AND COMMERCIALISATION DEMANDS STRONGLY ADVOCATE FOR THE COUNCIL TO APPOINT A SENIOR PERSON AS CURATOR FOR THE TOWN BELT TO BE KNOWLEDGEABLE AND PRIME LIAISON POINT*

f. Giving the Chest hospital and Wellington Zoo special status (please circle)

Strongly oppose	Oppose	Neither support nor oppose	Support	Strongly support
-----------------	--------	----------------------------	---------	------------------

Why?

**3. DO YOU SUPPORT OR OPPOSE THE RATIONALISATION OF LAND INTO AND OUT OF TOWN BELT IN THE FOLLOWING PROJECTS?**

a. Upper Weld Street (please circle)

Strongly oppose	Oppose	Neither support nor oppose	Support	Strongly support
-----------------	--------	----------------------------	---------	------------------

Why? *THE FRIENDS BELIEVE THE SOUTHERN SECTION OF WELD STREET REQUIRES SURVEYING BEFORE ANY FINAL DECISION IS MADE ON EXCLUSION FROM THE TOWN BELT*



b. Corner of Washington Avenue and Brooklyn Road (please circle)

Strongly oppose	Oppose	Neither support nor oppose	<b>Support</b>	Strongly support
-----------------	--------	----------------------------	----------------	------------------

Why?

c. Corner of Nairn Street and Brooklyn Road (please circle)

Strongly oppose	Oppose	Neither support nor oppose	<b>Support</b>	Strongly support
-----------------	--------	----------------------------	----------------	------------------

Why?

d. Connaught Terrace land (please circle)

Strongly oppose	Oppose	<b>Neither support nor oppose</b>	Support	Strongly support
-----------------	--------	-----------------------------------	---------	------------------

Why?

e. Liardet Street (please circle)

Strongly oppose	Oppose	<b>Neither support nor oppose</b>	Support	Strongly support
-----------------	--------	-----------------------------------	---------	------------------

Why?

f. Mount Albert Road/Volga Street (please circle)

Strongly oppose	Oppose	<b>Neither support nor oppose</b>	Support	Strongly support
-----------------	--------	-----------------------------------	---------	------------------

Why?

g. Mount Victoria lookout (please circle)

Strongly oppose	Oppose	Neither support nor oppose	<b>Support</b>	Strongly support
-----------------	--------	----------------------------	----------------	------------------

Why?

**4. ARE THERE ANY OTHER MAJOR CHANGES YOU THINK SHOULD BE INCLUDED?**

THE SPIRIT OF THE ORIGINAL GIFT OF THE LAND SHOULD IN NO WAY BE BORN IN TO QUESTION i.e. THE TRUST IN PERPETUITY ARE THE MAYOR, COUNCILLORS AND CITIZENS. THAT MUST NEVER BE FORGOTTEN NOR FRUSTRATED. THE NEW ACT MUST ENSURE THE CITIZENS HAVE A POSITIVE ROLE IN THE PROTECTION AND MANAGEMENT OF THE TOWN BELT

**5. IS THERE ANYTHING YOU FEEL HAS NOT BEEN ADEQUATELY COVERED IN THE BILL?**

THE ACT NEEDS TO ENSURE ITS WORDING PROVIDES CLARITY IN TERMINOLOGY TO AVOID CONFUSION IN LANGUAGE IS ELIMINATED FOR THE FUTURE.  
THE PHRASE "FOR BASE OF REFERENCE" IN THE DEFINITION OF TOWN BELT IN SECTION 4 OF THE DRAFT BILL SHOULD BE REMOVED.

**6. YOUR ADDITIONAL COMMENTS:**

THE FRIENDS ARE GRATEFUL FOR THE COMMITMENT AND TIME DEMONSTRATED BY THE COUNCIL AND OFFICERS IN PROGRESSING THE DRAFT BILL.

*John Bishop*  
 President / Chairperson

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**Further information**

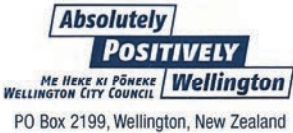
Please visit our website [Wellington.govt.nz](http://Wellington.govt.nz) for more information on the recreation activities on the Town Belt and what environmental projects are under way, including details on environmental community groups. The website and libraries also have copies of Council strategies and policies.

Thank you for your submission

**PLEASE RETURN THIS SUBMISSION FORM  
BY 5PM ON MONDAY 19 MAY 2014**

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 Wellington Town Belt Bill  
 Parks and Gardens (REPL01)  
 Wellington City Council  
 PO Box 2199  
 Wellington 6140

# Wellington Civic Trust

P O Box 10183

Wellington

[www.wellingtoncivictrust.org](http://www.wellingtoncivictrust.org)



To: townbelt@wcc.govt.nz  
Wellington Town Belt Bill  
Parks and Gardens (REPLOI)  
Wellington City Council  
P O Box 2199  
WELLINGTON 6140



18 May 2014

## SUBMISSION ON THE DRAFT WELLINGTON TOWN BELT BILL

### Introduction

1. The Wellington Civic Trust is in broad agreement with the direction of most of the provisions in the draft Bill.
2. The Trust is appreciative of the time and effort devoted over a long time by Councillors and Council staff to reaching this stage of the legislative process.
3. The Trust wishes to make oral submissions.

### Balance in Decision-Making Powers

4. Looking, however, at the balance of provisions in the draft Bill, it does appear that greater weighting has been given to administrative convenience and flexibility. This seeming to be at the expense of the citizens of Wellington having the ability to question and challenge decisions made by the Council, and by Council staff exercising

delegated authority.

5. It is considered, therefore, that the draft Bill needs to be altered to give greater facility to achieving a collective approach between the Council and the citizenry in overseeing the management of the Town Belt and in protecting its integrity.
6. To achieve such a balance it is considered to be imperative that the discretionary powers to be bestowed on the Council by legislation be precisely confined and defined and set out preconditions that must be met before the decision-making powers are exercised.

### **Interpretation**

7. To achieve a greater balance between the Council and the citizens, it is suggested that the interpretation provision which defines the meaning of Council be enlarged to refer back to the 1873 Deed that defines the then Corporation, now the Council, as the Mayor, Councillors and citizens of the city of Wellington.

### **Legal Status – clause 9**

8. It is suggested that the wording of clause 9(1) be changed to read:  
“The Council holds the Wellington Town Belt as Trustee of the Charitable Purpose Trust created by the Town Belt Deed of 1873 for the citizens of Wellington in their capacity as beneficial owners.”

### **Definition of Public Recreation Ground – clause 9**

9. The definition could be extended to recognise heritage features.  
Clause 9(3)(b) could read:  
“The protection of the natural environment and heritage features”

### **Principles – clause 10**

10. In stating that:  
 “the Wellington Town Belt should be protected and enhanced for future generations”  
 clause 10 highlights the gravity and farsightedness of the founding ideals and therefore needs to make these the first point of reference in the evaluation of each of the subsequent principles.
11. Accordingly, clause 10(2) could state:  
 “All principles shall be subject to the overriding purpose of principle (a).”
12. Community participation needs greater and unequivocal emphasis. Clause 10(1)(g) could read:  
 “Community participation in the management and protection of the Wellington Town Belt must be in a manner that is collaborative and inclusive and provides for citizens’ engagement in all strategic decisions of Council on substantial issues.”

### **Application of the Public Works Act 1981 – clause 14**

13. Clause 14(3)(b) could be extended to read:  
 “The Council must seek appropriate compensation, according priority to land of at least equivalent value.”

### **Powers of the Council –clause 16**

14. Unless there are compelling reasons to the contrary, the phrase “or business” should be deleted from the draft Bill in clause 16(1)(a), which gives Council powers to have full capacity and subsequently in clause 16(1)(b) full rights, powers, and privileges.

15. For clarity and to ease the concern of the public, a further subclause (4) could be added to clause 16:  
 “(4)(a) provided that the construction of any significant building or fixture shall be fully publicly notified as required by clause 21(1)(d), except when full public notification is required by other legislation; and  
 (b) no restriction on public access shall unnecessarily compromise the principle of the Wellington Town Belt being accessible and for all to enjoy as required in Principle 10(1)(e).”

### **Restrictions on Council’s Powers – clause 17**

16. The open-ended wording of clause 17(c)(i) and (ii) concerning for-profit use of the Wellington Town Belt is regarded as being far too imprecise.
17. It is the Civic Trust’s view that most Wellingtonians would be repelled and outright angry at the prospect of any part of the Town Belt being given over to permanent or mid- to long-term commercial activity.
18. It is the Trust’s view that any for-profit activity needs to be confined to temporary special events, with any structure or fixtures being removed afterwards.
19. Accordingly, it is suggested that clause 17(c) be reworded to:  
 “the Council has no power to...  
 (c) allow any for-profit use of the Wellington Town Belt—  
 (i) unless that use is solely temporary; and  
 (ii) unless it is associated with a special event; and  
 (iii) unless all associated structures and fixtures are immediately removed after that special event; and  
 (iv) unless the public are given 60 days’ advance notice and invited to submit objections with the valid reasons for these objections; and  
 (v) unless the Council gives due consideration to these objections and either imposes appropriate conditions or declines permission; or  
 (vi) if the exercising of that qualified power would unnecessarily compromise the principle of the Wellington Town Belt being accessible and for all to enjoy as required in Principle 10(1)(e).”

20. It is acknowledged that these “positive tests” to be applied to the exercise of a discretionary power may be viewed as pedantic and overly onerous. However, it is the Trust’s understanding that a series of mutually reinforcing positive tests is essential if the public wishes to pursue before the Courts a Judicial Review of a decision made in exercising discretionary powers bestowed by a statute.
21. By comparison, it is understood that “subjective tests” such as would be applied by the Court to the “open-ended” provisions such as those in the present draft would provide no grounds whatsoever for the Court to evaluate the administrative processes followed. In other words, the protections embodied in the Judicature Amendment Act could not provide any redress. Thus the open wording of the draft Bill would render all decisions made by the Council and by Council staff effectively unchallengeable.
22. There are possibly therefore issues of natural justice that arise from there being so untenable statutory powers having been bestowed by Parliament.

#### **Leasing and Licensing – clause 18**

23. In our earlier submission we supported the eight-hectare limit. After further reflection, we consider that the eight-hectare limit on leasehold land within the boundaries of the Town Belt is inappropriate.
24. The current area is thought to be 5.9 hectares, as stated in section 6.4.2 of the now authorised Town Belt Management Plan of August 2013.
25. Considering that the most valued land within the Town Belt is that which is flat and easily accessible, and that such land is scarce in such a hilly and confined terrain, the limit of eight hectares risks the allocating of all this scarce land to being entirely in leasehold.
26. It is seen as being of primary importance that the availability of leasehold land be restricted so that there will always remain an inbuilt imperative to encourage joint use of the scarce flat and therefore

easily accessible land.

27. Most of the Town Belt flat land is close to or adjacent to residential areas. As the population of the central city intensifies, the amenity value of this scarce resource will increase rapidly.
28. Accordingly, the Trust suggests that a sustainable proportion of Town Belt land available for leasehold be confined to no more than: six hectares.
29. Clause 19 could be augmented as follows:  
 “(3) Easements and rights of way must be granted only as a last resort after exhausting all alternatives.  
 (4) The Council has no power to grant any easement or right of way for a private purpose.”
30. These provisions would ensure that such concessions must be an exception to the rule.

#### **Consultation – clause 21**

31. For the purposes of ensuring that the Council keeps publicly available records on how each submission was evaluated, clause 21(1)(b) should be augmented by a new sentence stating that a record should be kept of how each submission was evaluated.

#### **Town Belt Management Plan – Requirement to Appoint a Curator**

32. The Civic Trust is cognisant of the views of Council’s senior managers that the management and protection of the Town Belt, of necessity, requires the application of a wide range of management responsibilities and skills.
33. From a non-institutional perspective, however, there is much merit in there being one senior Council staff member who is formally designated as the point of contact for the public to have access to in the first instance. Should there be local government amalgamations, the merit of having a Curator would be even more relevant.



34. This formal appointment under the statute would make it plain that the role is to be one of liaison between the public and the Councillors and their senior advisors.
35. Accordingly it is suggested that a further clause 21(3) be included in the draft Bill, namely:  
 “As Trustee the Council will ensure that at all times a senior Council manager is designated as the Curator or alternatively Guardian of the Wellington Town Belt, and that this role is to be one solely of liaison for the citizens of Wellington to have a one-person contact on all issues relating to the Town Belt.”

### Appeal Provisions

36. Considering the limitations of the Judicature Amendment Act and the exclusion of the limited protections available under the Reserves Act, the proposed Bill should ideally contain clauses that will provide the citizens of Wellington with an avenue for pursuing challenges to decisions made by the Council.
37. The Civic Trust has yet to identify the most appropriate public office for performing this critical safeguard. Possibilities include the Minister of Conservation outside the provisions of the Reserves Act; the Auditor-General; the Ombudsman; the Local Government Commission; or a retired Judge of the High Court appointed by the Chief Justice.
38. For the appeal authority to be effective, there would need to be a statutory power to not only overturn a decision of the Council but to impose an alternative decision.



Craig Palmer, Board member  
 For Alan Smith, Chair of the Wellington Civic Trust

Contact details:

Toni Izzard, Deputy Chair, phone 027 5480 989, email [tizzard@eqc.govt.nz](mailto:tizzard@eqc.govt.nz)  
 Craig Palmer, phone 385 0366, email [palmerspring@actrix.co.nz](mailto:palmerspring@actrix.co.nz)

### Submitter Details

First Name: Lim

Last Name: Leong

Resident or Ratepayer:

Ratepayer  Resident  Non-resident ratepayer  Other

Which Community Board Area is your property in?

Eastern  Lambton  Northern  Onslow-Western  
 Outside Wellington  Southern

### Submission

1. Overall, do you support or oppose the general direction and objectives of the Bill?

More Information: [Draft Wellington Town Belt Bill](#)

- Strongly oppose  
 Oppose  
 Neither support nor oppose  
 Support  
 Strongly support

### Why?

We support the draft Wellington Town Belt Bill for the following reasons: - Open streetscape and public vista should be protected for all to enjoy now and in the future. - It is important to have a recreational space close to the city as it makes Wellington a liveable/green city - the Town Belt should continue to be held under the Wellington City Reserves Act 1871 and the Town Belt Deed for all Wellingtonians

### 2. Do you support or oppose the following provisions

#### 2a. Land included as Town Belt and the statutory principles

More Information: [Draft Wellington Town Belt Bill](#)

- Strongly oppose  
 Oppose  
 Neither support nor oppose  
 Support  
 Strongly support

### Why?

#### b. Removing the Town Belt from the provisions of the Reserves Act

More Information: [Draft Wellington Town Belt Bill](#)

- Strongly oppose  
 Oppose  
 Neither support nor oppose  
 Support  
 Strongly support

### Why?

the Town Belt should always be protected under the provisions of the Reserves Act 1977 and the Town Belt Deed.

#### c. Powers in respect of the Town Belt such as leasing, rights of way and easements

More Information: [Draft Wellington Town Belt Bill](#)

- Strongly oppose  
 Oppose  
 Neither support nor oppose  
 Support

- Strongly support

Why?

---

**d. Adding to and removing land from the Town Belt**

More Information: [Draft Wellington Town Belt Bill](#)

- Strongly oppose
- Oppose
- Neither support nor oppose
- Support
- Strongly support

Why?

---

**e. Management of the Town Belt including the provision for a management plan**

More Information: [Draft Wellington Town Belt Bill](#)

- Strongly oppose
- Oppose
- Neither support nor oppose
- Support
- Strongly support

Why?

---

**f. Giving the Chest Hospital and Wellington Zoo special status**

More Information: [Draft Wellington Town Belt Bill](#)

- Strongly oppose
- Oppose
- Neither support nor oppose
- Support
- Strongly support

Why?

---

**3. Do you support or oppose the rationalisation of land into and out of Town Belt in the following projects?**

**a. Upper Weld Street**

More Information: [Draft Wellington Town Belt Bill](#)

- Strongly oppose
- Oppose
- Neither support nor oppose
- Support
- Strongly support

Why?

---

**b. Corner of Washington Avenue and Brooklyn Road**

More Information: [Draft Wellington Town Belt Bill](#)

- Strongly oppose
- Oppose
- Neither support nor oppose
- Support
- Strongly support

**Why?****c. Corner of Nairn Street and Brooklyn Road****More Information:** [Draft Wellington Town Belt Bill](#)

- Strongly oppose
- Oppose
- Neither support nor oppose
- Support
- Strongly support

**Why?****d. Connaught Terrace land****More Information:** [Draft Wellington Town Belt Bill](#)

- Strongly oppose
- Oppose
- Neither support nor oppose
- Support
- Strongly support

**Why?****e. Liardet Street****More Information:** [Draft Wellington Town Belt Bill](#)

- Strongly oppose
- Oppose
- Neither support nor oppose
- Support
- Strongly support

**Why?****f. Mount Albert Road / Volga Street****More Information:** [Draft Wellington Town Belt Bill](#)

- Strongly oppose
- Oppose
- Neither support nor oppose
- Support
- Strongly support

**Why?****g. Mount Victoria lookout****More Information:** [Draft Wellington Town Belt Bill](#)

- Strongly oppose
- Oppose
- Neither support nor oppose
- Support
- Strongly support

**Why?**

#### 4. Are there any other major changes you think should be included?

##### Comments

The seaward facing side of the lower Orangi Kaupapa Road from Open Space B down to number 24 has panoramic view to the Wellington City and Harbour. Historically it used to be part of the town belt. This section of Orangi Kaupapa road is used extensively by pedestrians and commuters to go into the CBD. This stretch of road is enjoyed by the public and should be protected. We would like to propose that the town belt management principles be broadly applied to any development in this section of Orangi Kauapa road to protect public amenities and vistas.

#### 5. Is there anything you feel has not been adequately covered in this Bill?

##### Comments

#### 6. Your Additional Comments

##### Comments

#### Attached Documents

File
Draft Wellington Town Belt Bill

### Submitter Details

First Name: Alana

Last Name: Bowman

On behalf of: Myself

Resident or Ratepayer:

Ratepayer
  Resident
  Non-resident ratepayer
  Other

Which Community Board Area is your property in?

Eastern
  Lambton
  Northern
  Onslow-Western  
 Outside Wellington
  Southern

### Submission

1. Overall, do you support or oppose the general direction and objectives of the Bill?

More Information: [Draft Wellington Town Belt Bill](#)

- Strongly oppose  
 Oppose  
 Neither support nor oppose  
 Support  
 Strongly support

### Why?

I OPPOSE any changes to the current structure which provides strong protection from alienation of one of the most precious heritage aspects of Wellington.

### 2. Do you support or oppose the following provisions

#### 2a. Land included as Town Belt and the statutory principles

More Information: [Draft Wellington Town Belt Bill](#)

- Strongly oppose  
 Oppose  
 Neither support nor oppose  
 Support  
 Strongly support

### Why?

#### b. Removing the Town Belt from the provisions of the Reserves Act

More Information: [Draft Wellington Town Belt Bill](#)

- Strongly oppose  
 Oppose  
 Neither support nor oppose  
 Support  
 Strongly support

### Why?

#### c. Powers in respect of the Town Belt such as leasing, rights of way and easements

More Information: [Draft Wellington Town Belt Bill](#)

- Strongly oppose  
 Oppose  
 Neither support nor oppose  
 Support  
 Strongly support

### Why?

#### d. Adding to and removing land from the Town Belt

More Information: [Draft Wellington Town Belt Bill](#)

- Strongly oppose
- Oppose
- Neither support nor oppose
- Support
- Strongly support

### Why?

#### e. Management of the Town Belt including the provision for a management plan

More Information: [Draft Wellington Town Belt Bill](#)

- Strongly oppose
- Oppose
- Neither support nor oppose
- Support
- Strongly support

### Why?

#### f. Giving the Chest Hospital and Wellington Zoo special status

More Information: [Draft Wellington Town Belt Bill](#)

- Strongly oppose
- Oppose
- Neither support nor oppose
- Support
- Strongly support

### Why?

#### 3. Do you support or oppose the rationalisation of land into and out of Town Belt in the following projects?

##### a. Upper Weld Street

More Information: [Draft Wellington Town Belt Bill](#)

- Strongly oppose
- Oppose
- Neither support nor oppose
- Support
- Strongly support

### Why?

##### b. Corner of Washington Avenue and Brooklyn Road

More Information: [Draft Wellington Town Belt Bill](#)

- Strongly oppose
- Oppose
- Neither support nor oppose
- Support
- Strongly support

### Why?

**c. Corner of Nairn Street and Brooklyn Road****More Information:** [Draft Wellington Town Belt Bill](#)

- Strongly oppose
- Oppose
- Neither support nor oppose
- Support
- Strongly support

**Why?****d. Connaught Terrace land****More Information:** [Draft Wellington Town Belt Bill](#)

- Strongly oppose
- Oppose
- Neither support nor oppose
- Support
- Strongly support

**Why?****e. Liardet Street****More Information:** [Draft Wellington Town Belt Bill](#)

- Strongly oppose
- Oppose
- Neither support nor oppose
- Support
- Strongly support

**Why?****f. Mount Albert Road / Volga Street****More Information:** [Draft Wellington Town Belt Bill](#)

- Strongly oppose
- Oppose
- Neither support nor oppose
- Support
- Strongly support

**Why?****g. Mount Victoria lookout****More Information:** [Draft Wellington Town Belt Bill](#)

- Strongly oppose
- Oppose
- Neither support nor oppose
- Support
- Strongly support

**Why?****4. Are there any other major changes you think should be included?**



**Comments**

5. Is there anything you feel has not been adequately covered in this Bill?

**Comments**

6. Your Additional Comments

**Comments****Attached Documents**

File
Draft Wellington Town Belt Bill

19 May 2014

Wellington City Council

20/5/14

**Proposed Wellington Town Belt Bill**

I strongly oppose any changes to the 1873 Town Belt Deed.

I strongly oppose mana whenua involvement.

I strongly oppose removal of the Reserves Act 1977.

I strongly oppose removal of the Wellington Botanic Garden and Zoo.

I would like to discuss some other matters including status and principles.

Adding to and removing land from the Town Belt should be achieved by a Special Bill.

I wish to make an oral submission.



Victor Davie

P.O. Box 19091  
Wellington

[victordavie@hotmail.com](mailto:victordavie@hotmail.com)

Tel 0210787747

## Antoinette Bliss

---

**From:** Alex Greig <trubyking@xtra.co.nz>  
**Sent:** Monday, 19 May 2014 5:03 p.m.  
**To:** BUS: Town Belt  
**Subject:** Individual submission for town belt management plan

On behalf of the **Truby King House and Garden Trust** I would like to make a presentation or submission otherwise, on the town belt land directly north of the Truby King Park.

The plans we have for this area involve creating a car parking area for 10 cars with recessed rainwater collection tanks as retaining walls to support the existing upper car parking area up to the North boundary of TBK Park.

The car parking would be used by the mountain bike club and for the general walkers. From time to time this car parking would also be used by visitors of the TBK house and enable a more viable number of visitor to park near the house.

Regards

Alex

**Alex Greig**  
Custodian and Trustee  
**Truby King House and Garden Trust**  
PO Box 1364 Wellington  
[trubyking@xtra.co.nz](mailto:trubyking@xtra.co.nz)  
04 387 1042  
cell 0274 465 146

19 May 2014

Freepost WCC  
 Attention: Mike Oates, Manager Open Space and Recreation Planning  
 Wellington City Council  
 WCC PO Box 2199  
 Wellington 6140  
 townbelt@wcc.govt.nz

**Re: Draft Wellington Town Belt Bill**

This submission is from the Architectural Centre, an incorporated society dating from 1946, which represents both professionals and non-professionals interested in the promotion of good design.

The Architectural Centre strongly supports this proposal for a Wellington Town Belt Bill.

We consider that the protection of the Town Belt, which will be achieved with the passing of this Bill into law, will secure vital inner city green space for our city in the future. We understand that it will protect and enhance our Town Belt and prevent this or future councils from selling any part of it.

The benefits of this will include:

- (a) recreational benefits
- (b) environmental (e.g. as an CO<sub>2</sub> sink, and the provision of a green corridor for inner city wildlife)
- (c) space for community facilities
- (d) support inner city residents
- (e) resilience in disaster situations
- (f) acknowledgement of the city's historical urban form
- (g) a general civic sense of well-being

We note that the Town Belt would benefit from additions in the Kelburn area, and encourage the council to put together a longer term plan to acquire land to add to the Town Belt in this area.

Finally, we note that the concise nature of our submission in no way suggests that we consider this to be an unimportant issue. The Centre considers that the commitment to the long term viability and survival of the Town Belt expressed in this Bill is of utmost importance to the future vitality and sustainability of Wellington in many, many years to come.

Thank you again for this opportunity to comment on this proposal for the Draft Wellington Town Belt Bill. If you have any questions please do not hesitate to contact me.

Yours faithfully

  
 Christine McCarthy  
 President, The Architectural Centre  
 arch@architecture.org.nz



the architectural centre inc.  
 PO Box 24178 Wellington

**Antoinette Bliss**

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**From:** BUS: Town Belt  
**Subject:** FW: Submission on WCC proposed legislation("town belt bill") to privatize and sell off town belt.

----- Forwarded message -----

From: . . <[mit3gnz@gmail.com](mailto:mit3gnz@gmail.com)>  
Date: Sat, May 10, 2014 at 9:30 AM  
Subject: Submission on WCC proposed legislation("town belt bill") to privatize and sell off town belt.  
To: [townbelt@wcc.govt.nz](mailto:townbelt@wcc.govt.nz), [grant.robertson@parliament.govt.nz](mailto:grant.robertson@parliament.govt.nz)

As a trustee I strongly oppose the bill .

1)The right entities already have governace of it and 2) the town belt is not a WCC( council) building to be "modernised" it is a town belt and that is what it should stay, an unmolested town belt.

Kind Regards

Trustee  
Barry Metin

**From:** . . [<mailto:mit3gnz@gmail.com>]  
**Sent:** Saturday, 10 May 2014 9:31 a.m.  
**To:** BUS: Town Belt; [grant.robertson@parliament.govt.nz](mailto:grant.robertson@parliament.govt.nz)  
**Subject:** Submission on WCC proposed legislation("town belt bill") to privatize and sell off town belt.

I strongly oppose the bill .

1)The right entities already have governace of it and 2) the town belt is not a WCC building to be "modernised" it is a town belt and that is what it should stay, an unmolested town belt.

Kind Regards  
WCC Ratepayer  
Barry Metin

18 May 2014

**Draft Wellington Town Belt Bill**  
by e-mail: [townbelt@wcc.govt.nz](mailto:townbelt@wcc.govt.nz)

Chris Gray 139 Coromandel Street

I have submitted separately on the aspect of access to our home in the joint submission, this submission is about my views on other aspects of the draft bill.

I support the overall concepts of updating the legislative framework into a modern and living document, but would encourage the council to retain flexibility through the 10 yearly management plans to cater for the changing expectations of the citizens of wellington over time rather than forcing the need to go back through a legislative process.

The draft bill also has many undefined terms and clauses that may provide ambiguity that can only be addressed by future legislative or legal process. This would seem unnecessarily burdensome if the will of the citizens was to seek change.

I am interested and supportive of the sporting codes that are located within the town belt. I support the principle that they share space and resources to ensure effective use of the space, but per above I would encourage leaving flexibility within the 10 year plans to deal changes over time rather than a legislative process, this is a key concept of local government empowerment.

I agree that the issue of removal of land needs to be tightly managed, but I disagree with the approach taken for removal of land from the town belt, (under the Public Works Act). I believe better outcomes would be achieved through collaborative mechanisms, especially when we fully expect land to be required for widening state highway 1. The expected Ruahine Street removal will impact an unusable grass berm and will no doubt severely impact the badminton club. An outcome that protects both may be more achievable if we the bill was more flexible in this area and probably the preference for the majority of citizens of wellington. Other circumstances may arise where land could be swapped to improve the overall Town Belt, this becomes difficult if we need a further act of parliament.

The capitals roads are too narrow for all the commuting options and the town belt could provide some great and safe commuting and recreational cycling and walking options from all around wellington. I do not see this as contrary to the original town belt deed or its update in the bill, but the wording of the bill and plan should ensure that these options can be explored and implemented.

I have submitted separately on the access issues surrounding Carmichael reservoir but was surprised to see that some residents in Volga street that appear to have been parking on road reserve my now lose this ability if this land passes into town belt coverage, this would be a significant change for the owners of these properties and those near them.

I would also support a review of the outer green belt, so we could get a whole of Wellington framework on the developed and non-developed wellington open spaces and that in the future the full area could be reviewed and managed as one with principles guiding how the different areas can be used and managed.

Finally I do not support the council's ability to make changes to the town belt management plans that are consequential on the commencement of the finally adopted Act. We do not know the final shape of this and as the Town Belt is very important to all citizens, we should always be allowed to comment and be heard on proposed changes. It takes a little longer but that is what makes good local government.

I would like to be heard on this personal submission.

Chris Gray  
139 Coromandel Street  
Newtown  
[thegrays@orcon.net.nz](mailto:thegrays@orcon.net.nz)  
021 253 7223

**Antoinette Bliss**

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**From:** Debra Polaschek <poldeb@clear.net.nz>  
**Sent:** Wednesday, 14 May 2014 3:56 p.m.  
**To:** BUS: Town Belt  
**Subject:** Draft Wellington Town Belt Bill

Short Submission in regards to the Draft Wellington Town Belt Bill re Carmichael Reservoir:

We believe that restricted historic access to homes via the town belt Carmichael Reservoir road should be allowed to continue, as long as it is appropriately managed. Parking in Coromandel Street has not been improved and it is not appropriate that some historic access is granted to some residents (Weld, Brooklyn and Nairn) whilst for others it is rejected. Utilising the Carmichael Reservoir utility road by residents only, does not cause any issues and council appears to be trying to fix a problem that does not exist as the public cannot access this road anyway (gated). You will be creating a larger problem for many more residents,

Regards  
Debra and Chris Polaschek

Debra & Chris Polaschek  
145 Coromandel Street  
Newtown  
Wellington 6021  
p. 04-9348843  
c. 027-6483297



12 Versailles St.  
Wellington 6012  
Tel/Fax (04) 934 2244  
Email : [hugh@infosmart.co.nz](mailto:hugh@infosmart.co.nz)

19 May 2014

Wellington City Council  
[townbelt@wcc.govt.nz](mailto:townbelt@wcc.govt.nz)

## Submission: Proposed new draft Wellington Town Belt Bill

I oppose this draft Bill, as currently drafted, and am so concerned at what it proposes that I ask that it be withdrawn. I have extensive knowledge of land use and reservation issues (See my background at the end of this submission). **I ask to be heard in support of my submission.**

Some of my concerns are:

1. **The Town Belt should continue to be managed under the original deed - the 1873 Town Belt Deed.** This is the original deed under which the Town Belt was brought into existence, and apart from having central Government and the Wellington City Council trying to steal land from it, and privatise it, the Deed has been relatively successful for its management for the 141 years that it has operated. **Both agencies have found it relatively easy to steal land from the citizens**, and have been arrogant enough to have not been at all embarrassed by doing this. To throw out the Deed is to throw out the baby with the bathwater.
2. **The Town Belt Deed is in favour of the Mayor, councillors and citizens of the City of Wellington.** The citizens are left out of the proposed Bill, and are obviously thought little of by the present councillors who these citizens elected. This should be rectified by having a **Guardian Board** to oversee WCC management of the Town Belt, and Outer Green Belt, appointed by citizen groups that legitimately use the Town Belt for recreation. This **Guardian Board** should be incorporated into the Town Belt Deed.
3. **If there are deficiencies in the deed, then WCC should put up appropriate amendments to the Deed for public consultation**, not dump the deed as proposed. It is the Deed that gives the Town Belt its status and importance. Dumping the Deed as the WCC proposes is totally unacceptable.
4. **The Town Belt should remain a recreation Reserve (the most flexible type of reserve) under the Reserves Act 1977**, so that any sale or other significant change proposed by the WCC can be reviewed by the Minister of Conservation and his/her department, and so be a restraint on bad behaviour and bad decisions by the WCC. This is the status quo, and for good reason. It was a role formerly filled by the Lands & Survey Department prior to DOC's creation in 1987. In spite of that WCC has managed to build caretaker houses on the Town Belt and then sell them off. No-one can trust avaricious councillors.

5. **More Open Space needed:** The purpose of the Town Belt was to provide open space for the enjoyment (walking, running, picknicking, amenity etc) for all the citizens of Wellington (and visitors). Even though much of it is covered with pines and scrub eg gorse, it still does this quite well. However, the purpose should NOT be to re-vegetate the open space into impenetrable native bush, which can and will block its outstanding viewpoints and open space. Some preservationist groups see this as desirable. Recreational groups don't. There should be much more open space in the Town Belt in future than there is now to capitalise on these outstanding views of the City and surrounding seashore and countryside.
6. **Hocking off public land owned by Councils:** I was a Wellington Regional Councillor from 2001-4. During that time there was a great reluctance by most councillors to having regional park land in a secure protective land tenure such as recreation reserve or scenic reserve. Presumably, as businessmen they were always looking for opportunities to sell such land at a "profit" to the Council. I see no reason why there would be almost no difference between WRC and WCC councillors in general. As it is part of the Town Belt is likely to be sold off to the NZ Transport Agency for the SH1 upgrade and second Mt Victoria Tunnel.
7. **Maori claims to the Town belt:** To all intents and purposes, the Town Belt was private land purchased - or more accurately not purchased - by the New Zealand Company. However, in terms of the NZ Government's Treaty Claims policies, private land is not available for treaty claim settlements. The Town Belt is private land by this definition, so is not available for Treaty Claims. In any case, the Waitangi Tribunal is simply an unbalanced pro-tribal agency, whose extreme recommendations are not binding on central Government. It's claim that the Town belt was taken illegally is highly questionable. The Crown in its Treaty Settlement did not include the Town Belt, and rightly so, for the reasons discussed above. That claim appears to be an endeavour to somehow rort the people of Wellington out of their Town Belt. Incidentally the Town Belt is available for the Tenth's Trust members to use, along with the Wellington public and the public in general. The Tenth's Trust took the land that they claim in Wellington by defeating the tribes that formerly lived there prior to 1821, by force, probably genocide. Do they want to live in a multi-cultural non-racist society or go back to New Zealand as it was before 1840?
8. **Unavailability of the Draft Town Belt Bill:** My efforts to view the draft Town Belt Bill were unsuccessful. Even with help from a WCC employee on the phone, I only got as far as a pdf that had been damaged and was unable to download. Obviously there is a draft somewhere. But not readily available - another way of the WCC in my view trying to camouflage what is going on. How can the public be consulted on it if no draft Bill exists?
9. **Bad Signs:** The intention to no longer have the Town Belt as a Recreation Reserve shows removal of a protective framework that is very appropriate for the Town Belt, and can only be seen as a very negative decision in terms of its adequate protection. Mentioning "current management plans are irrelevant, as future management can be completely different, and much more developmental

under the new Bill/Act. The ability to buy and sell parts of the Town Belt is another bad sign. I conclude **the present Mayor and Councillors have badly let Wellington citizens down in opening the Town Belt up to significant threats of privatisation.**

As stated above, I request to be heard in support of this submission.

Yours truly

Dr Hugh Barr

CC Grant Robertson

**My background:** Outdoor recreationalist that has tramped, walked and climbed throughout NZ and overseas, and advocated for outdoor recreation nationally eg in requiring the continuation of National Park Boards to oversee management of national parks (1981 National Parks Act).

A past president of Federated Mountain Clubs, and part of the NGO response to the 1987 Crown land Carve-up, to ensure that publicly-owned native forests, and Unalienated Crown Lands (UCL) and other amenity public lands were allocated to DOC, as they should have been.

Argued for re-purchase of ungrazed tussocklands from South Island pastoral lease land. – Pastoral Lease Tenure Review.

A trustee of the Te Araroa Wellington Trust, which uses Town Belt land to access the southern end of the North Island Te Araroa Trail at Island Bay's Shorland Park.

A past Co-chair and current secretary of the Council of Outdoor Recreation Associations of New Zealand.

Past member of the Tongariro-Taupo National Park and Reserves Board

**Antoinette Bliss**

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**From:** Giselle <giselle@bahr.net.nz>  
**Sent:** Monday, 19 May 2014 3:10 p.m.  
**To:** BUS: Town Belt  
**Subject:** Response to consultation on Wellington Town Belt Bill

Thank you for the opportunity to comment on the draft Town Belt Bill.

I am writing as an individual; I have also contributed to a joint submission from residents of Coromandel St.

I submit that managed access to parking and homes via Carmichael Rd should be allowed to continue, for existing as well as new residents. This road predates the houses, and has to be retained because it is used to service the water tank at the top of the road. No problems have occurred with residents using the road. There is no problem to fix.

Driving via Carmichael Rd is the only way to access the top of Coromandel St, as most of the Southern section of Coromandel Street consists only of a pedestrian walkway or zigzag.

Each evening parking is full at the bottom of the Coromandel St zigzag. Additional unnecessary restrictions to access will only make parking difficulties cascade along the length of Coromandel St, affecting hundreds of residents.

I also ask for an opportunity to make an oral submission in support of the comments above.

Kind regards,

Giselle Bahr  
147 Coromandel St  
Newtown  
389 1195



19 May 2014

Parks and Gardens (REPL01)  
Wellington City Council  
PO Box 2199  
Wellington 6140

Level 9, PSIS House  
20 Ballance Street  
PO Box 5084, Lambton Quay  
Wellington 6145  
New Zealand  
T 64 4 894 5200  
F 64 4 894 3305  
[www.nzta.govt.nz](http://www.nzta.govt.nz)

To Whom It May Concern:

**Submission on the Draft Wellington Town Belt Bill**

Please find attached the New Zealand Transport Agency's submission on the Draft Wellington Town Belt Bill.

If you have any questions regarding our submission, please contact Stewart McKenzie, Project Manager, on (04) 910 9978 or [stewart.mckenzie@nzta.govt.nz](mailto:stewart.mckenzie@nzta.govt.nz).

Yours Sincerely,

A handwritten signature in blue ink that reads 'Rod James'.

**Rod James**

State Highway Manager - Central Region

## Submission on Draft Town Belt Bill

### 1 Introduction

- 1.1 The NZ Transport Agency (**Transport Agency**) generally supports the Draft Wellington Town Belt Bill (**Draft Bill**) which has been released for consultation. However, the Transport Agency also has comments on, and suggests amendments to, the Draft Bill, as set out in this submission.
- 1.2 The Transport Agency is submitting on the Draft Bill because it will impact upon the Agency's ability to implement projects which are part of the Wellington Northern Corridor Roads of National Significance. In particular, the Draft Bill contains provisions which will hinder the Crown's acquisition of land necessary for the Transport Agency's Mt Victoria Tunnel Duplication Project, which includes upgrades to Ruahine Street. This Project is supported by the Wellington City Council (**Council**), but the Draft Bill provisions regarding land acquisition are inconsistent with that support.
- 1.3 The Transport Agency **does** wish to make an oral submission to the Environment Committee on Tuesday 27 May 2014. Please contact Stewart McKenzie on (04) 910 9978 or [stewart.mckenzie@nzta.govt.nz](mailto:stewart.mckenzie@nzta.govt.nz) to arrange a submission time.

### 2 Summary of submission

- 2.1 The Transport Agency generally supports the Draft Bill and the Council's intention to clarify the legal arrangements for the Town Belt by way of legislation. The 1873 Town Belt Deed is now over 140 years old, and its terms are sometimes unclear. The relationship between the Town Belt Deed and legislation such as the Wellington City Reserves Act 1871, and Reserves Act 1977 can also cause confusion.
- 2.2 The Transport Agency supports the Draft Bill provisions which will allow the Mt Victoria Tunnel Duplication Project to be efficiently implemented, in a manner which benefits both Wellington State highway users and Town Belt users. However, the Transport Agency is concerned that the Draft Bill provisions regarding land acquisition will hinder Project implementation, for no benefit.
- 2.3 The Transport Agency supports the following aspects of the Draft Bill as they provide certainty with respect to the governance and management arrangements for the Town Belt:
- a The general direction and purpose;
  - b The statutory principles in clause 10 of the Draft Bill;
  - c Removing the Town Belt from the provisions of the Reserves Act 1977;
  - d The powers in respect of the Town Belt such as leasing, rights of way and easements;
  - e The ability to add land to the Town Belt; and
  - f Management of the Town Belt including the provision for a management plan.
- 2.4 However, the Transport Agency suggests amendments relating to the following issues:

- a The ability to remove land from the Town Belt – the Transport Agency supports the recognition in clause 14 that the Town Belt is subject to the Public Works Act 1981 (**PWA**). However, the Transport Agency opposes clause 14(4) which would prevent the Council agreeing to any land being removed under the PWA. Clause 14(4) would:
    - i Operate to increase the costs and delay associated with acquisition, even though the remainder of clause 14 anticipates land acquisition occurring;
    - ii Restrict the Council's ability to negotiate offset or compensation packages benefitting the community (and the Town Belt); and
    - iii Add unnecessary uncertainty, and local/central Government conflict, to proposed Crown infrastructure projects.
  - b Land included as Town Belt – it is not clear whether the Draft Bill provisions will apply to the Canal Reserve Land. This land is shown in Figure 1 of the consultation document, and is listed in Schedule 2 to the Draft Bill. However, while the key to Figure 1 suggests that some of the provisions of the Draft Bill do not apply to the Canal Reserve Land, this is not apparent from the Draft Bill provisions themselves. The Transport Agency seeks clarity that the Canal Reserve Land is to be removed from the Town Belt; and
  - c Land included as Town Belt – the Draft Bill does not remove two parcels of Hataitai Sector Town Belt land from the Town Belt. The Transport Agency seeks that the following land be included in Schedule 3 to the Draft Bill (and accordingly not form part of the Town Belt):
    - i Pohutukawa strip next to Ruahine Street (contained in CT 48B/341); and
    - ii Ruahine Street (area marked green on DP 81724, being part of the land in CT 48B/341).
- 2.5 The Transport Agency neither supports nor opposes the Draft Bill provisions which relate to:
- a The Chest Hospital and Wellington Zoo; and
  - b Rationalisation of specified land parcels.

### 3 Background

#### The NZ Transport Agency

- 3.1 The Transport Agency is a Crown entity and its functions include:
- a Contributing to an effective, efficient, and safe land transport system in the public interest; and
  - b Managing the State highway system in accordance with the Land Transport Management Act 2003 and the Government Rounding Powers Act 1989.<sup>1</sup>
- 3.2 The Transport Agency's statutory objective is to undertake its functions in a way that contributes to an effective, efficient, and safe land transport system in the public interest.<sup>2</sup>

<sup>1</sup> Section 95(1) of the Land Transport Management Act 2003.

<sup>2</sup> Section 94 of the Land Transport Management Act 2003.

- 3.3 When undertaking its functions, the Transport Agency must, among other things:
- a Exhibit a sense of social and environmental responsibility;
  - b Use its revenue in a manner that seeks value for money; and
  - c Ensure that its revenue and expenditure are accounted for in a transparent manner.<sup>3</sup>

#### **Role of State highway 1 in Wellington City**

- 3.4 The Town Belt is adjacent to the section of State highway 1 (**SH1**) that runs along Paterson Street, Mt Victoria Tunnel, Taurima Street, Ruahine Street, and Wellington Road.
- 3.5 SH1 plays an important role within the Wellington City roading hierarchy.
- 3.6 SH1 is the main connecting artery throughout Wellington, from the northern suburbs such as Tawa (and beyond) to the eastern suburbs such as Kilbirnie, and the nationally and regionally significant Wellington International Airport.
- 3.7 SH1 provides important connections for the central city, and resilience for the city roading network by concentrating traffic and relieving pressure from local roads.
- 3.8 In the location of the Town Belt, SH1 provides access to significant formal recreation areas such as the Wellington Badminton Association hall, the Wellington velodrome, softball diamond, netball courts, the Wellington Marist St Patricks rugby clubrooms, as well as general access to the wider Town Belt for informal recreation.

#### **Wellington Regional Land Transport Strategy 2010-40**

- 3.9 As noted above, the Town Belt is adjacent to the section of SH1 that runs along Paterson Street, Mt Victoria Tunnel, Taurima Street, Ruahine Street, and Wellington Road. This part of SH1 forms part of the 'Wellington Northern Corridor', which has been identified as one of the Roads of National Significance (**RoNS**) in the Government Policy Statement on Land Transport Funding (**GPS**).
- 3.10 Implementation of the Wellington RoNS is identified as a key action in the Wellington Regional Land Transport Strategy 2010-40 (**RLTS**).<sup>4</sup> Section 8.7 of the RLTS provides that, to implement the RLTS, Corridor Plans must be prepared and reviewed to identify the needs and proposed actions specific to each Corridor.<sup>5</sup>

#### **Ngauranga to Wellington Airport Corridor Plan 2008**

- 3.11 The Ngauranga to Wellington Airport Corridor Plan 2008 (**N2WACP**) was prepared pursuant to the RLTS. The N2WACP identifies measures that should be completed over the 10 years after adoption, as well as longer term measures that should be developed and programmed to be implemented as conditions and funding allows.<sup>6</sup> The N2WACP identifies that:

<sup>3</sup> Section 96 of the Land Transport Management Act 2003.

<sup>4</sup> Page 32 and 36.

<sup>5</sup> Page 39.

<sup>6</sup> Page 1.



- a Within 10 years of the Plan being adopted, scheme assessments for the duplication of Mt Victoria Tunnel and the widening of Wellington Road and Ruahine Street are to be implemented;<sup>7</sup> and
  - b Duplication of Mt Victoria Tunnel and widening of Ruahine Street and Wellington Road is to be implemented in the 10 years beyond that.<sup>8</sup>
- 3.12 The Mt Victoria Tunnel Duplication Project (**Project**) was identified in the context of immediate priorities for the Corridor, including protecting the strategic road network to ensure the ability to provide for future development of a high quality 'predictable' vehicle 'ring route' for inter-regional accessibility, economic linkages, time critical travel and to support the public transport network.
- 3.13 On 29 April 2011, the Council reconfirmed its support for the implementation of the multi modal package contained in the N2WACP.<sup>9</sup>

### **Mt Victoria Tunnel Duplication Project**

- 3.14 The Project includes a second Mt Victoria Tunnel and the widening of Ruahine Street and Wellington Road, and will make the State highway easier and safer for motorists, public transport users, pedestrians, cyclists and other transport users.
- 3.15 On 7 October 2011<sup>10</sup> the Council confirmed its support for key aspects of the Project, namely:
- a Support of the proposed alignment of the duplicate tunnel to the north of the existing Mt Victoria Tunnel;
  - b Provision of high quality walking and cycling facilities in the new tunnel;
  - c Four laning Ruahine Street and Wellington Road;
  - d Widening Ruahine Street into the Town Belt as opposed to the residential area to the east;
  - e Improving access to Hataitai Park and the Town Belt;
  - f Safety improvements at the intersection of Wellington Road and Ruahine Street; and
  - g A shared pedestrian and cycle path running parallel to Ruahine Street and Wellington Road.
- 3.16 Notwithstanding the above support for the Project, the Transport Agency acknowledges that the Council submission does not provide approval for use or occupation of the Town Belt for the Project, although it does signal an intent to work with the Transport Agency to avoid, remedy and mitigate effects on the Town Belt.<sup>11</sup> It also indicates a desire to enter into discussions about the nature and level of compensation for the loss of Town Belt land.<sup>12</sup>
- 3.17 The Wellington City District Plan contains minor road widening designations along Wellington Road and on Town Belt land adjacent to Ruahine Street. However, the Project cannot be

<sup>7</sup> Page 7 and 11.

<sup>8</sup> Page 8 and 12.

<sup>9</sup> Letter from the Mayor to Transport Agency CEO Geoff Dangerfield

<sup>10</sup> WCC submission – proposed improvements to the inner-city transport network

<sup>11</sup> Para 9.3

<sup>12</sup> Para 9.4

carried out within these existing designation footprints. Designations and resource consents will be sought for the Project once design and assessment are completed (expected later this year).

- 3.18 The Project will require Town Belt land to be used for the following purposes:
- a Road widening along Ruahine Street (i.e. earthworks, retaining structures, carriageway, landscaping works);
  - b The Eastern Portal of the new tunnel; and
  - c Reconfiguration of the intersection of Ruahine Street and Goa Street and the access to Hataitai Park.
- 3.19 The Council's position is that the option of widening Ruahine Street to the west (requiring the compulsory acquisition of Town Belt land) is preferable to widening into the residential area to the east.<sup>13</sup>
- 3.20 Another key consideration for the Council will be the Regional Transport Committee's recent decision on the Public Transport Spine Study, and the selection of Bus Rapid Transit (BRT) as the preferred public transport option. As the Council is aware there may be a need for further widening into the Town Belt to accommodate dedicated bus lanes. Further investigations are currently being undertaken to determine the configuration of BRT through the Project area.
- 3.21 The effects of the Project on the Town Belt will be assessed prior to seeking designations and resource consents. Some of these effects will not be able to be avoided. The Transport Agency is committed to working with the Council to remedy and mitigate the unavoidable effects of the Project on the Town Belt. The Transport Agency is concerned that the Draft Bill will constrain options to remedy and mitigate effects, and thereby prevent the Transport Agency and Council from achieving the best solution for both organisations.

## 4 Provisions supported by the Transport Agency

### Draft Bill direction and purpose

- 4.1 The Transport Agency supports the general direction and purpose of the Draft Bill. The Transport Agency agrees that the current legislative and management framework for management of the Town Belt is complicated and uncertain. The Draft Bill will consolidate the existing framework and bring it into line with modern language and structure.

### The statutory principles in clause 10 of the Draft Bill

- 4.2 The Transport Agency supports the principles set out in clause 10 of the Draft Bill. This clear statement as to *why* the Town Belt is protected will provide direction to its management.
- 4.3 These principles will also allow the Transport Agency's assessment of Project effects to focus on the most relevant effects. The principles will assist with the design of Project mitigation and any offsetting which may be proposed.
- 4.4 The Transport Agency does not oppose clause 10(1)(a) because it considers that the protection of the Town Belt for future generations is consistent with acquisition of individual

<sup>13</sup> Town Belt Management Plan, August 2013, page 163.

Town Belt land parcels (or parts of them) for particular infrastructural purposes. Further, clause 10(2) clarifies that no individual principle is more important than any other.

### **Removing the Town Belt from the provisions of the Reserves Act 1977**

- 4.5 The Transport Agency agrees with removal of the Town Belt from the provisions of the Reserves Act 1977. The Reserves Act requires the categorisation of reserve land, and imposes restrictions on its use. These are unnecessary, given the specific restrictions which already apply to the Town Belt (and are continued by the Draft Bill).

### **The powers in respect of the Town Belt such as leasing, rights of way and easements**

- 4.6 The Transport Agency supports clauses 18, 19 and 21 of the Draft Bill.
- 4.7 The Transport Agency may need to temporarily use Town Belt land during construction of the Project (for example, for the storage of materials or plant). The Bill would allow the Council to grant the Transport Agency leases and licences to allow for this.
- 4.8 Once construction is complete, the Transport Agency may require rights of way or easements to secure access to Project infrastructure for operational and maintenance reasons. As noted in section 5 below, this is consistent with section 4 of the Wellington City Reserves Act 1871.

### **The ability to add land to the Town Belt**

- 4.9 The Transport Agency supports clause 12 of the Draft Bill, which allows land to be added to the Town Belt.
- 4.10 The Transport Agency may be in a position to offer land to be added to the Town Belt as a method of remedying or mitigating the effects of the Project on the Town Belt. Clause 12 will facilitate this process.

### **Management of the Town Belt including the provision for a management plan**

- 4.11 The Transport Agency agrees that the detailed objectives and policies for management of the Town Belt should be included a management plan, rather than the Draft Bill. Management plans are flexible and responsive frameworks, which allow for regular community input and adaptation to changing circumstances.

## **5 Provisions sought to be amended**

### **Clause 14(4) and land acquired under the PWA**

- 5.1 The Transport Agency supports the recognition in clause 14(1) that the Town Belt is subject to the PWA.
- 5.2 This recognition is consistent with the original purpose of the Town Belt. For example, the Wellington City Reserves Act 1871 envisaged that parts of the Town Belt may be required for public works and utilities, including roading. Section 4 of that Act provides (emphasis added):

*Superintendent to convey to Board*

The Superintendent of the said Province of Wellington shall convey the whole of the land comprised in Schedule 1 hereunto annexed to the Mayor Councillors and

Burgesses for the time being of the City of Wellington to hold the same to the said Mayor Councillors and Burgesses and their successors upon such trusts and for such purposes of public utility to the City of Wellington and its inhabitants as shall in and by the deed or deeds of conveyance thereof be expressed and declared

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.**

5.3 However, the Transport Agency opposes clause 14(4) for the following reasons:

- a It is uncertain. It is not clear whether the clause would require the Council to object to the compulsory acquisition of Town Belt (with that objection being heard by the Environment Court), or prevent negotiated settlements of any such objection;
- b It is internally inconsistent. Clause 14(1) recognises that the Town Belt is subject to the PWA and clause 14(3) recognises (in the context of the PWA) that land may cease to be held by WCC, but clause 14(4) prevents Council from consenting or agreeing to that happening. Council is directed in clause 14(3)(b) to 'seek' compensation, which implies some active engagement with the Transport Agency, but that would seem to be precluded by the prohibition in clause 14(4) on Council supporting or consenting to any acquisition;
- c It obliges the Council to delay public infrastructure projects which it nonetheless supports;
- d It obliges the Council to incur costs in opposing infrastructure projects which it nonetheless supports, and also to cause the Crown to incur added costs;
- e The costs and delay incurred would serve no purpose. Clause 14(1) accepts that the Town Belt is subject to the PWA, so there is nothing to be gained by requiring the Crown to pursue acquisition in the courts;
- f It may constrain the Council's ability to provide a clear message of support for the Project during the consenting phase;
- g It would prevent the Council and Transport Agency negotiating a mitigation and remedy package for the Project's effects. Instead, Council would be forced to object to any acquisition, even if Council may in fact support the acquisition in all other respects, which would result in unnecessary conflict between central and local Government. The ultimate decision as to acquisition and compensation would lie with the Environment Court and Land Valuation Tribunal. These decision-making bodies are themselves constrained by legislation as to the solutions they can impose. The result would therefore be a loss of control and certainty for both parties, which is undesirable; and
- h The Council's inability to consent or agree to land acquisition would add to the uncertainty associated with the Project. This is despite the Council's support for the Project and acceptance that the option of widening Ruahine Street to the west (requiring the compulsory acquisition of Town Belt land) is preferable to widening into the

residential area to the east.<sup>14</sup> The added uncertainty would arise because the land acquisition process is typically commenced *after* designations and resource consents are confirmed. If land acquisition is unsuccessful, this is likely to mean the Project must be redesigned and new resource management approvals obtained (or alterations to existing approvals).

- 5.4 Recent case-law<sup>15</sup> has suggested that the status of land under separate legislation is a relevant factor to whether the compulsory acquisition of that land is fair, sound and reasonably necessary in terms of section 24 of the PWA. It would be preferable if a new clause 14(5) was added (or the existing clause 14(1) amended), to provide that 'Nothing in this Act prevents the compulsory acquisition of any part of the Wellington Town Belt'. Clause 14(1) does not extend this far and this confirmation would reduce potential uncertainty.

### Canal Reserve land

- 5.5 It is not clear whether the Draft Bill provisions will apply to the Canal Reserve Land. This land is shown in Figure 1 of the consultation document, and is listed in Schedule 2 to the Draft Bill. However, while the key to Figure 1 suggests that some of the provisions of the Draft Bill do not apply to the Canal Reserve Land, this is not apparent from the Draft Bill provisions themselves.
- 5.6 The 1873 Trust Deed originally included the Town Belt, and the Basin and Canal Reserves. The Basin Reserve is now held under a separate Trust Deed (the 1884 Trust Deed) but the Canal Reserve remains part of the Town Belt. The Canal Reserve has evolved considerably since its creation, so that today it contains a series of landscaped traffic islands and sections of road reserve. It has none of the special characteristics of the Town Belt, and it is nonsensical to manage it in accordance with the principles in clause 10 of the Draft Bill.
- 5.7 The Transport Agency suggests that the inclusion of the Canal Reserve in the Town Belt is now an historical anomaly, and that the land should be formally excluded from the Town Belt, by removing it from Schedule 2 to the Draft Bill and listing it in Schedule 3 instead. Alternatively, the Draft Bill should specifically allow for existing and future roading and infrastructure requirements, but exclusion would be preferable to provide certainty.

### Ruahine Street land

- 5.8 Table 8 of the Town Belt Management Plan<sup>16</sup> notes that the following two parcels of Hataitai Sector Town Belt have never been removed from the Town Belt and declared legal road:
- a Pohutukawa strip next to Ruahine Street (contained in CT 48B/341); and
  - b Ruahine Street (area marked green on DP 81724, being part of the land in CT 48B/341).
- 5.9 The inclusion of these two parcels in the Town Belt is anomalous. In particular, Ruahine Street has existed in its current alignment for many years, and was declared State highway in 1997. Therefore, the Transport Agency has the power to control, maintain and upgrade Ruahine Street as State highway, regardless of the ownership of the underlying land<sup>17</sup>. These land parcels are not currently used as public recreation ground, and their current and likely

<sup>14</sup> Town Belt Management Plan, August 2013, page 163.

<sup>15</sup> *Grace v Minister for Land Information* [2014] NZEnvC 82.

<sup>16</sup> Adopted August 2013.

<sup>17</sup> Section 61(1) of the Government Roading Powers Act 1989 and section 5 (definition of 'State Highway') of the Land Transport Management Act 2003.

future uses are inconsistent with the principles set out in clause 10 of the Draft Bill. They should be removed from the Town Belt in the same way as land occupied by Liardet Street is proposed to be removed (see Figure 5 of the Consultation Document).

- 5.10 The Transport Agency submits that the Draft Bill should exclude these two parcels from the Town Belt by removing them from Schedule 2 to the Draft Bill and listing them in Schedule 3 instead.

16 May 2014

**Draft Wellington Town Belt Bill**  
by e-mail: [townbelt@wcc.govt.nz](mailto:townbelt@wcc.govt.nz)

**From:** Undersigned residents of Coromandel St and surrounding areas

**Contact person:** Chris Gray, [thegrays@orcon.net.nz](mailto:thegrays@orcon.net.nz), 021 253 7223

This submission refers to the proposed Local Wellington Town Belt Bill which in turn will affect the Council's Town Belt Management Plan adopted in June 2013 that amongst other things seeks to address the long term historic access to the Town Belt which is of concern to those living in Coromandel Street and the surrounding area.

This Submission is about this one issue, the submitters supporting this may also have made a separate submission on the draft bill.

We are not convinced that the current Bill acknowledges previous discussions and conclusions between the residents of Coromandel St area and council representatives in previous years. This should be particularly considered in the interest of the hundreds of residents in and near Coromandel, Paeroa and Colville Streets who's parking options will be severely impacted unless the current council-managed access system is extended.

We are also concerned that section 24 (2) of the proposed Town Belt bill does not allow for future negotiations and flexibility, which has been a cornerstone feature of the management plan development over the last 20 years of formal plans, and the restrictions placed on the council whilst well intended may not serve the future citizens of Wellington effectively.

#### 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.

The adopted 2013 Town Belt Management Plan section after over 20 years of review and consultation gives guidance to and enables the councillor's to manage historic access when other solutions to the access issues have not been addressed.

9.6.8.9 If the encroachment is associated with private vehicle or private pedestrian access and immediate removal is complicated by long-term historic use, then a longer term removal agreement such as a fixed-term licence may be negotiated. This will allow agreement of reasonable terms while also ensuring that the access encroachment is

removed as per policy 9.6.8.1, 9.6.8.2 and 9.6.8.3. The maximum period of time for this type of agreement will be until there is a change of ownership or occupation in the property associated with the encroachment. The Council may limit access to manage the removal process by, for example, installing gates, specifying access hours and days, limiting numbers of people and/or vehicles.

We have concern that the following sections appear to be in conflict and many terms are not defined. It would be helpful to clarify the definition of Public and Private purpose and what can be considered as a lease, license, easement, right of way or encroachment.

The Draft Bill states

18 Leasing and licensing

(1) The Council may grant a lease or licence over any part of the Wellington Town Belt to any person.

This appears consistent with the intent of the current section 9.6.8.9, but section 19 seems to be in conflict

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

We are not clear how or if the rights of the residents of the Coromandel St area regarding historic access will change as a result of this proposed Bill or whether existing arrangements are covered:

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.

For Weld Street, Brooklyn Road and Nairn Street it is clear that the option of transferring land out of town belt will resolve the historic access issues associated with these streets, it is not clear for



Coromandel Street and we wonder whether or why a similar option provided to these three streets could be considered.

We request that Councillors consider and respond to the following questions:

1. Can you confirm if our rights for historic access as granted by section 9.6.8.9 of the Town Management Plan will be upheld by the proposed Bill?
2. Can you confirm if you have considered and acknowledged the issues raised in our previous submissions regarding historic access?
3. Can you confirm what the access road that leads up to the Carmichael Reservoir status actually is? Is it an encroachment or an easement or something else? As far as we are aware this has not been conclusively clarified and we also wonder whether council has researched whether this road is actually the continuation of the originally intended Coromandel Street which was merely broken by the steep section that now has the paved zig zag?

In conclusion, we note that the proposed Bill as drafted does not appear to acknowledge or solve the issues facing residents in and around Coromandel Street, which include:

- Restricted physical access to over fifteen households some that were built up to 110 years ago on sections that were drawn up in 1841 without the benefit of a topographical map, and other houses that council approved long after this which have always fully utilised the road.
- The issues that restricted access places on mobility challenged residents or guests in both a temporary or permanent basis
- The inadequate car parking in Coromandel, Colville and Paeroa streets that will be made worse if parking around Carmichael Reservoir is halted and even worse if parking is removed on Constable Street and through continued council approved intensification along this key traffic spine.
- The Kaitiaki shown by residents to make this area safe, remove graffiti, rubbish and to keep the tracks clear.
- The need for Council, Capacity or other approved entity continuing to have to maintain road access to the Carmichael Reservoir
- The support provided from the wider community, particularly through the Newtown Residents association submissions on the town belt management plan, including the benefit of having more local residents around making it safer for town belt users.

We have attached our last submission into the 2013 Town Belt Management plan as a reference.

The residents on the next page have contributed to and support this submission

This submission is supported by the following residents

Vanessa & Marcus Simons	1 Colville St
David and Adrienne Hermans	114 Coromandel Street
Johnny Nawaz	122a Coromandel Street
Katherine Wong	123 Coromandel Street
Dean & Munjoo Maharaj	123a Coromandel Street
Anne Scott + Roger Howard	134A Coromandel Street
Sally Krogh	135 Coromandel Street
Joy Telford	138 Coromandel Street
Chris & Steph Gray	139 Coromandel Street
Annette and Ben Gittos	139A Coromandel Street
Fraser Fraser Cuff	143 Delhi Crescent
Rae McNair	143 Delhi Crescent
Damian Mclaughlin	141 Coromandel Street
Dave Henderson	142 Coromandel Street
Glen-Marie Burns	142 Coromandel Street
Marion and Quentin Abraham	144 Coromandel Street
Chris & Debra Polaschek	145 Coromandel Street
James Harris	147 Coromandel Street
Giselle Bahr	147 Coromandel Street
Sophie Williams	148 Coromandel Street
Harry Livesey	148 Coromandel Street
Gordon Clarke	149 Coromandel Street
Wendy Kale	149 Coromandel Street
Wendy Kale - Work	149 Coromandel Street
Jude Ball & Nick Treadgold and Rita	148 Coromandel Street
Jenny Hodgen	152A Coromandel Street
Fiona McKenzie	152 Coromandel Street
Tania McKenzie	152 Coromandel Street
Dionne Needham	152 Coromandel Street
Mike Smith and Nicola Beale	4 Paeroa Street
Wayne & Liz Eichler	5 Colville St
Hamish Handley & Hariata Hema	7 Colville St
John Hoggard & Susanne Sturzenhofecker	8 Paeroa Street
Heather and Greg Nicholls	93 Coromandel Street
Jill Ford	96 Coromandel Street
Liz Dennett	Apt 12 /111 Coromandel Street
Reece van der Velden	Apt 3/111 Coromandel Street
Frances Hopkins	Apt 4-5, 109 Coromandel Street

10 December 2012

(Sent via e-mail)

Parks and Gardens  
Wellington City Council  
PO Box 2199  
WELLINGTON 6140

**Town Belt Management Plan Submission**  
**Coromandel Street / Carmichael Reservoir / Colville Street Town Belt**  
**Access Encroachments**

This submission specifically refers to proposals to change Wellington City Council policies on encroachments on the Town Belt, especially with respect to the proposals that refer to the Carmichael reservoir and nearby areas. The Draft Plan will have significant direct effects on over 20 households, and indirectly affect many more.

This submission includes a brief history of private access to the Carmichael reservoir, corrects some information in the Draft Plan, summarises the concerns of affected households, and puts forward suggested solutions. We also recommend some specific changes to the text of the Draft Plan.

We would like to supplement this written submission with a presentation in person to the Council.

Contacts

Chris Gray  
139 Coromandel Street  
Newtown  
Wellington 6021  
Ph 3800-466  
thegrays@orcon.net.nz

James Harris  
147 Coromandel Street  
Newtown  
Wellington 6021  
Ph 389 1195  
james@harris.net

The full list of people contributing to this submission are:

<b>Full Name</b>	<b>Address</b>
Marcus Simons	1 Colville St
Vanessa Simons	1 Colville St
Anne Scott	102 Coromandel Street
Roger Howard	102 Coromandel Street
David Hermans	114 Coromandel Street
Adrienne Hermans	114 Coromandel Street
Johnny Nawaz	122a Coromandel Street
Katherine Wong	123 Coromandel Street
Munjoo Maharaj	123a Coromandel Street
Dean Maharaj	123a Coromandel Street
Sally Krogh	135 Coromandel Street
Joy Telford	138 Coromandel Street
Chris Gray	139 Coromandel Street
Stephanie Gray	139 Coromandel Street
Ben Gittos	139A Coromandel Street
Annette Gittos	139A Coromandel Street
Fraser Cuff	140 Coromandel Street/43 Delhi Crescent, Khandallah
Rae McNair	140 Coromandel Street/43 Delhi Crescent, Khandallah
Colin Frank	141 Coromandel Street
Dave Henderson	142 Coromandel Street
Glen-Marie Burns	142 Coromandel Street
Abbie Rowe	143 Coromandel Street
James Rowe	143 Coromandel Street
Quentin Abraham	144 Coromandel Street
Marion Abraham	144 Coromandel Street
Chris Polaschek	145 Coromandel Street
Debra Polaschek	145 Coromandel Street
James Harris	147 Coromandel Street
Giselle Bahr	147 Coromandel Street
Sophie Williams	148 Coromandel Street
Harry Livesey	148 Coromandel Street
Gordon Clarke	149 Coromandel Street
Wendy Kale	149 Coromandel Street
Nick Treadgold	150 Coromandel Street
Jude	150 Coromandel Street
Rita	150 Coromandel Street
Dionne Needham	152 Coromandel Street
Fiona McKenzie	152 Coromandel Street
Tania McKenzie	152 Coromandel Street
Jenny Hodgen	152a Coromandel Street
Samantha Carter	152a Coromandel Street
Reuben Drew	152a Coromandel Street
Virginia Edmond	19 Colville Street
Mike Smith	4 Paeroa Street
Nicola Beale	4 Paeroa Street

<b>Full Name</b>	<b>Address</b>
------------------	----------------

Liz Eichler	5 Colville St
Hamish Handley	7 Colville Street
Hariata Hema	7 Colville Street
John Hoggard	8 Paeroa Street
Susanne Sturzenhofecker	8 Paeroa Street
Heather Nicholls	93 Coromandel Street
Greg Nicholls	93 Coromandel Street
Jill Ford	96 Coromandel Street
Liz Dennett	Apt 12 /111 Coromandel Street
Reece van der Velden	Apt 3/111 Coromandel Street
Frances Hopkins	Apt 4-5, 109 Coromandel Street

## Our Community View

The Draft Town Belt Management Plan would substantially change current Wellington City Council policy on private access to the Carmichael Reservoir along “Carmichael Rd”. The following information outlines the view of residents from southern Coromandel Street on the Council’s proposal to potentially restrict residents’ access to the reservoir service road for parking and access purposes. 20 properties are directly affected, and many more are affected by the flow-on effects on parking and congestion.

The community of residents offer to work with Council to find a solution that improves the Town Belt and allows controlled vehicle access to continue. There are many valid reasons for vehicular access to continue, including:

- The historic and continued use of the road
- No alienation of the public from use or enjoyment of that land
- No erected structures or harm caused to the town belt
- Parking congestion in southern Coromandel Street
- Intensification of housing in Coromandel Street
- Reasonable access to properties that pay council rates
- Safety
- Maintenance of the area by residents
- The outcome of previous reviews
- Solutions provided to residents in similar situations.

We believe that the continued access does not amount to an unreasonable intrusion of enjoyment of users of this section of the Town Belt and therefore we cannot find a compelling reason for this access to be removed, other than the council’s own parks and recreation policy perspective on this matter.

Further, we have serious concerns about the process and the quality of information given to the public and council. This submission attempts to clarify:

- That the Carmichael Rd **is not the encroachment referred to in the Draft Plan**
- That Carmichael Rd is at least sixty years older than stated in the Draft Plan
- That **the existing arrangement already solves the issues raised** in the Draft Plan
- **The existing arrangements are different from what it stated in the Draft Plan**, and in any case are the result of an incomplete process that we understand was never formally presented to or considered by the Council.

## Potential solutions?

The undersigned residents of Coromandel and Lawrence St highly value living next to the Town Belt and support the Council's intentions to improve the quality of the Town Belt. We suggest that formalising the status of the Carmichael Rd could result in better maintenance of this corner of the Town Belt for the use and enjoyment of all city residents.

Several other options are also put forward for Council consideration, including:

- Completing the paper roads of Coromandel St and Lawrence St
- Upgrading Carmichael Rd to Legal Road
- Using the new provisions in the Town Belt Bill to enable land swaps between the Council's road reserves and the Town Belt.

### Background: Current proposals

The most relevant sections of the Draft Plan are:

#### 8.7.6 Encroachments

A vehicle track, which provides access to the water reservoir off Owen Street, is also used by local residents for drive-on access to several nearby private properties. As the Southern Walkway passes along part of the length of this track, vehicle traffic is not only inappropriate but presents a potential safety hazard. This track also attracts rubbish dumping because it is secluded and accessible by car. A gate has been installed at Owen Street with private vehicle use being phased out over time. No new access is being permitted.

#### 9.6.9 Encroachments.

[...]

There are 206 known encroachments on the Town Belt covering 2.5626ha as of June 2012.

These are broken down as follows:

- 77 gardens/lawns and or plantings
- 13 partial house encroachments
- 8 pedestrian access-ways
- 69 structures such as clotheslines, garden sheds, compost bins and so on
- 35 vehicle accesses from parking places through to larger access routes, such as Carmichael Reservoir.

Many aspects of these two sections are incorrect:

Carmichael Road access

Page 5

- The 'track' is a road used by heavy vehicles needed to maintain the Carmichael Reservoir.
- The access route to the Carmichael Reservoir is not included in the 2.5626ha of encroachments.
- The Southern Walkway does not pass along part of this road; it crosses it at one point; this change was implemented following consultation with residents in 2010.
- The gate which was installed in 2010 restricts access to Council-approved vehicles; this has successfully solved earlier issues of safety and rubbish dumping.
- While no new access is being permitted, this is a policy developed by council officers, that we understand has never been considered or endorsed by Council.

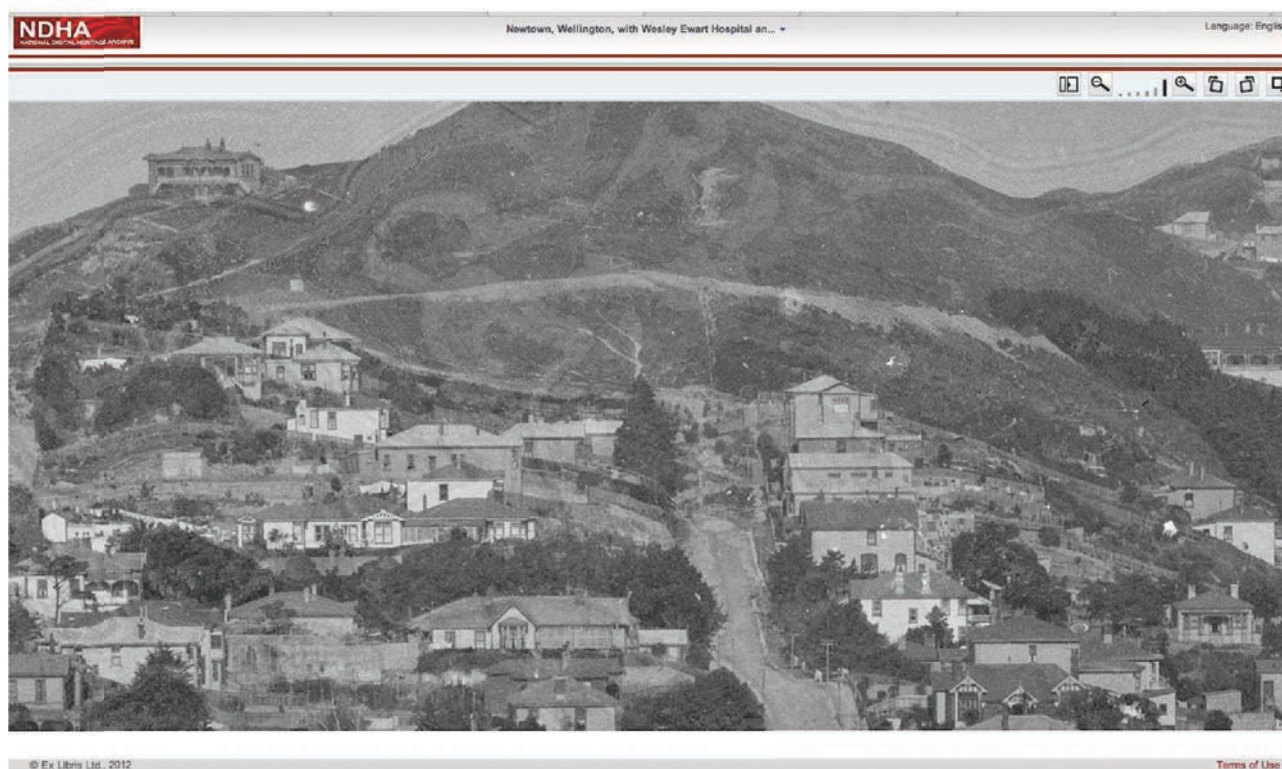
Council officers have also provided us with additional information. At public consultations on the Draft Plan, Council Officers stated that the vehicle track is in fact access for utilities, i.e. the Carmichael Reservoir, and **is not included in the list of encroachments** listed in the Draft Plan. Council Officers have since provided us with a copy of the aerial photos used to identify and measure the area of encroachments. (see Attachment 1). The Council's photos clearly show that only two areas of land beside and beyond the water tank are considered to be 'encroachment'. Also, the Southern Walkway does not pass along part of the length of this track: it crosses the road at one point near the intersection of two paper roads: Coromandel St and Lawrence St.



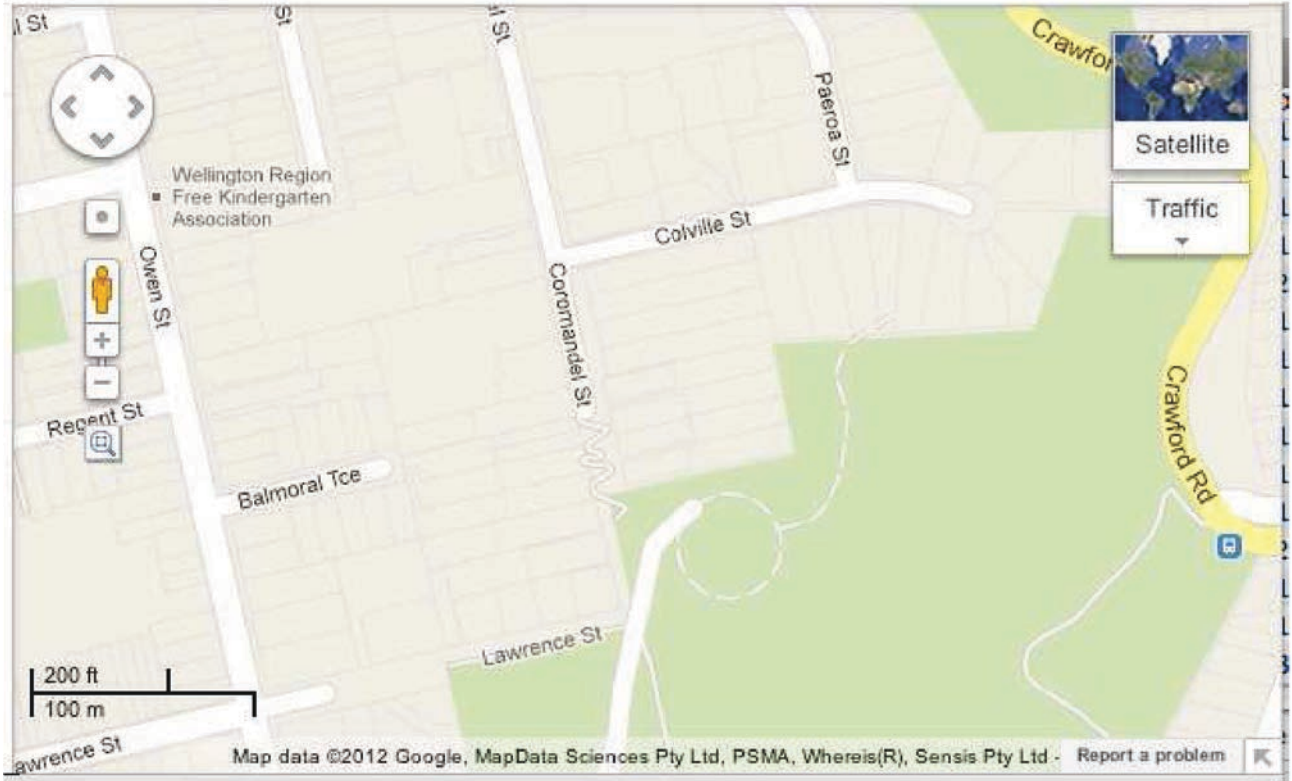
## Background: History of Carmichael Rd, Coromandel St, and Lawrence St

The following photo from the National Digital Historical Archive is dated 1909. It looks south along Coromandel St towards the hilltop that is now Truby King Reserve.

Carmichael Rd is the white line running across the centre of the hill, starting at 149 Coromandel St on the left. Clearly, Carmichael Rd predates many of the houses at the top of Coromandel and Lawrence St. This is in contrast to statements made by council officers at public meetings and in correspondence, that the road was constructed in 1959 or in the 1960s.



The current situation is shown in the following 2 images from Google Maps and Google Earth. The first shows how about 14 properties on Coromandel St and 6 properties on Lawrence St do not have proper road access, instead connecting to the undeveloped Coromandel St and Lawrence St road reserves.



The second image, looking north over the reservoir, shows how the steep streets at the south-eastern corner of Newtown have prevented the original 1841 street plan from being implemented. It is also clear that the Town Belt 'encroaches' on the Coromandel St and Lawrence St road reserves.



This evidence shows that the road has been around since at least the early 1900s and like other roads at the time may have been created to make access between town and country from the 1870s. The paper road at the southern end of Coromandel Street running between the properties up the hill (intended to link with Lawrence street) was never completed, because the existing access road (at one time paved) already provided good access. The southernmost houses on Coromandel Street were built later on the basis of the longstanding access road and the existence of the Paper Roads that may at some future time have been converted to roads despite the obvious geographical difficulties. The residents of the houses at the southern end of Coromandel Street have always used this access road.

## Previous consultation and council actions

Council officers consulted with affected residents about restricting access in 2010, 2006, 2002, and earlier. In each case, although residents consulted in good faith, no comprehensive solutions were agreed.

In the most recent round of consultation in 2010, council officers undertook traffic and parking surveys in Coromandel Street and neighbouring Colville Street.

Despite the outcome of that consultation not being formally put before Councillors for adoption as policy, roadwork's to improve parking at the south end of Coromandel Street, and a remote controlled gate was installed beside the Working Men's' Bowling Club at Owen St in 2011. It can be opened by calls from a cell phone; this allows Council officers to both control and monitor access. This is used by many Coromandel St and Lawrence St residents. Council officers have also granted temporary access from time to time for tradesmen accessing private homes for, contractors developing the Carmichael Reservoir and water pipes, and for forestry workers.

## No new access allowed since 2010

Council officers have chosen not to allow access to new tenants or new home owners since the gate was installed; this is contrary to the current council approved policy (the 2002 Resolution of access encroachments on Town Belt Land report) and does not align with the assurances given by former Mayor Prendergast in her many letters to Coromandel Street residents back in 2010 that access will remain unchanged until a consultation process was completed.

### Policy – Encroachments

- 8.7.6.1 Measures shall be taken to exclude all private vehicle use from the reservoir access track.

This statement assumes a single solution, we disagree that a solution should be stated, and request that this be replaced with a statement that provides for research, consultation and options for resolution that are fair and transparent.

### 9.6.9 Encroachments.

Encroachments into the Town Belt are a significant issue for the management of the reserve. The use of public reserve land by private property owners effectively alienates the public from use or enjoyment of that land<sup>45</sup>. This is contrary to both the Town Belt Deed and the purpose of provision of public open space.

We disagree with the overall 9.6 section and recommend that its wording be changed. There needs to be a clear policy going forward and a clear and fair process for reviewing historic issues. Whilst some encroachments may be deemed significant from a policy perspective, many are not when viewed with all the facts of the situation.

We also disagree that the parking by the reservoir or on private land that is accessed from Carmichael Road in any way alienates the public from use or enjoyment of the land.

All the section 9.6 clauses assume there is only one solution from the council's perspective, which is removal and restatement. We don't agree that this is the only solution and is contrary to assurances that have been provided in the past and inconsistent with the current policy (The 2002 Resolution of access encroachments on Town Belt Land report).

- 9.6.9.1 Encroachments are a prohibited activity.
- 9.6.9.2 The Council will resolve the existing encroachments with a view to regaining lost land.
- 9.6.9.3 The Council will protect the Town Belt from new encroachments.
- 9.6.9.5 The Council will require removal of all encroachments either immediately or as a managed process. Managed removal will require issuing a letter of understanding, and a licence to formalise the removal process.
- 9.6.9.6 Encroachments must be removed immediately when: a. the encroachment is considered dangerous (the assessment of danger is at the full discretion of the Council)
- 9.6.9.9 If the encroachment is associated with private vehicle or private pedestrian access and immediate removal is complicated by long-term historic use, then a longer term removal agreement such as a fixed-term licence may be negotiated. This will allow agreement of reasonable terms while also ensuring that the access encroachment is removed as per policy 9.6.9.1, 9.6.9.2 and 9.6.9.3. The maximum period of time for this type of agreement will be until there is a change of ownership or occupation in the property associated with the encroachment.

### **The issues for this access.**

The issues have been canvassed before and from the residents' position they remain unchanged if access is to be removed now or in the future.

We note that the 100-year old road from Owen Street to the Carmichael Reservoir will remain regardless of the outcome of the current process. It will continue to be used for maintenance access to the reservoir, for forestry operations, and for fire safety. It is also

clear that there are no other options for maintaining viable access to several properties as sealing the Lawrence Street and Coromandel Street road reserves is acknowledged as being impractical.

The largest effect of any reductions in access to the road would be to restrict parking on Coromandel St. This would (and does when access is restricted) affect hundreds of people every day, including all the residents and users of Colville St, Paeroa St, and Coromandel Street south of Constable Street. Parking has become much more congested on Coromandel Street in recent years, as new apartment blocks were completed. It will get even worse if Housing NZ restarts its development plans for housing units at the old school site at 132 Coromandel Street. Restricting access to the reservoir road will force more cars to compete for parks on Coromandel Street, affecting all residents from Constable Street to the southern end of Coromandel Street.

We have not been provided with any evidence of problems for the Council or the general public if access is maintained, the installation of the gate has removed councils concerns. If however access were restricted, we believe that there would be costs to the Council in improving parking, improving access to near-landlocked properties, and managing permits for temporary access. We also believe that the extra congestion on Coromandel Street will adversely affect hundreds of residents as well as other users of Coromandel, Colville, and Paeroa streets.

### **Safety**

We suggest that as the Carmichael road is not sealed and is rutted, that vehicle speed is slow, making it much less risky than roads like Alexandra Road. The council has no recorded incidents of safety regarding vehicles on this section of the town belt<sup>1</sup>.

### **Parking Congestion**

Parking in Coromandel Street is one key issue for the residents who are utilising the road, and is certainly the biggest issue for the residents at the southern end of Coromandel Street and for some in the western end of Colville Street.

Closing the road would currently require additional car parks at the southern end of Coromandel Street, Council traffic engineers have already concluded that they have

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<sup>1</sup> Request for information – Chris Gray October 2012

maximised the number they can provide. There are not enough car parks when the road is closed for essential repairs to the reservoir and we understand the council has received complaints from residents when this has occurred in the past.

Parking studies have indicated that when the street has been surveyed parks have been available, admittedly in Colville, Paeroa and lower Coromandel Streets. Whilst this is true at times, the “last home” residents are frequently required to park in Colville Street or lower Coromandel Street, hundreds of metres downhill from where they live. This is of course even worse when access is closed.

## **Intensification of Housing**

The Council has adopted a policy of allowing intensification of housing along key transport routes. Constable Street is a key transport route and in recent years Coromandel Street has seen many developments adding a significant number of additional apartments, all of which add to the pressure for on street parking despite the requirement for off-street parking for at least one vehicle per property.

- 111 Coromandel Street, Coromandel Heights, 12 apartments
- 131 Coromandel Street, 14 Apartments
- 109 Coromandel Street, St Helen's maternity hospital, converted to more than 20 apartments, with a further 9 in the property next to this.
- 112 Coromandel Street 7 apartments

These additions and the tendency (and statistics) for many homes to have more than one car have seen the parking become noticeably more crowded. Parts of the southern end of Coromandel Street have been reduced to one-way for several hundred metres right down to Constable Street.

On street parking is only set to worsen for both Colville St and Coromandel residents if Housing New Zealand restarts their development of the Kura Kaupapa site at 132 Coromandel St. When the last plans were developed they intended to build 17 housing units there in 2007/08. At best, this will only take away some street frontage with parking provided for the units. However allowance for second vehicles and visitors are not usually catered for and we therefore anticipate congestion to significantly increase with this

development. We note that currently there are more than 100 individual houses and apartments between 100 and 135 Coromandel Street, all these properties will be affected by this proposal.

If there is the future requirement to restrict parking or create clearways in Constable Street there will be even less available parking.

A resident at the southern end of the street has had an application to create a flat on their property declined because it would need one of the limited parking spaces on the street. It would appear contra to this type of decision for the Council then to close access for residents' vehicles forcing more cars to park on the already congested southern end of Coromandel Street.

## **Financial Issues**

The Council should also consider the negative financial impact on home owners if regular access is removed. House prices and rental income are likely to substantially decrease if access is removed for those that use it and for the houses near it if their on street parking deteriorates. Properties that could be further developed are not likely to or indeed may not be granted consent to due to the limited parking in Coromandel Street.

## **Access issues - reasonable access**

In recent times there have been legal cases that have referred to what reasonable access actually means. Whilst we have not sought to compare this situation to any particular case we note that access to properties appears to be increasingly understood legally to mean vehicular access.

If the access is withdrawn nine houses will become more 'landlocked' than they are now, adding to the eight which only have frontage to a road reserve. Most have extremely long and steep access routes along narrow paths. This is of course in addition to the increasingly more difficult problem of finding a park near the walkway access at the southern end of Coromandel Street.

Closing the road will make it impossible for residents with elderly or impaired family or relatives living with them to continue doing so as well as it being prohibitive for elderly or impaired people visiting residents.

A non-related injury to a resident during the time of the recent work on the reservoir meant that as the person required crutches to walk they could not get from the bottom of the zig



zag to the top, this resulted in having to take time off work when with access they could have got to and from work.

Likewise it will create difficulties for self-employed residents who need to frequently move work equipment between their cars and houses

## **Safety and Maintenance**

As the residents are daily users of the access road they provide both a visible deterrent for any troublesome activity and the perception of safety for other users. Residents also assist in keeping the track and the area around the reservoir clean and safe through the removal of glass, rubbish and storm debris which helps keep the track accessible for all users.

## **Previous decisions**

Previous reviews have determined that there is no particular issue with vehicular access. The additional number of properties now in Coromandel Street and the inevitable parking pressures created mean that the benefits of maintaining vehicular access now outweigh the costs to an even greater degree.

While maintaining the Town Belt for recreational use is important, there are processes that have been used to address encroachments when there are sufficient counter balancing reasons (for example in relation to Weld Street and Alexandra Road). We consider that a consistent approach will recognise strong reasons in cases such as ours and the analogous situation in Bell Road.

At the information meeting in Newtown Park a few weeks ago, one of the rationales given for restricting this road is that the only roads allowed access into the town belt are those which connect suburbs; we don't believe this is accurate. As there are also roads which solely reach private property such as Morton St in Berhampore which goes past the council nursery and on to Kilmarnock Heights rest home. This is paved, the city to sea walkway runs along it and it is a dead end to private property. Bay view terrace in Mt Victoria is a dead end sealed road going to private property and runs up into the town belt and Manchester Terrace leading to Truby King House and Capitol House also has access to private housing, there are others as well.

Carmichael road has been in existence for over 100 years and it is only by accident that it has not been paved and in constant use like the other roads mentioned. To block off

Carmichael Road but not these others from private use is unreasonable given that access issue solutions have been resolved before.

### **The access road and recreational use of the Town Belt**

We recognise the importance of the Town Belt for our city and agree that private encroachments should not interfere with its use for recreational purposes. In our view current usage of the access road by local residents does not adversely affect its recreational use.

Because the road follows closely to the edge of the Town Belt through to a dead end it does not create a thoroughfare through it. While the road is a utility access and must remain, it also provides users a pathway enabling them to enjoy the Town Belt without further impacting on the area.

Vehicular usage of the access road is not high, its already monitored, and it has not caused any problems for its recreational use that we are aware of. In fact recreational and residential usage has coexisted for decades since the land was gifted for the Town Belt. As it is now unsealed and relatively corrugated the road cannot be traversed at any speed. Residents are very conscious of the other users of the track and will always drive slowly; the current state of the road ensures any other users also must travel slowly.

### **Options**

Despite the draft plan stated conclusion we believe there are options to research and consider. Several options put forward by contributors to this submission are listed below.

### **Completing the paper roads of Coromandel St and Lawrence St**

In our discussions with Council officials, we have been told that sealing the Coromandel St and Lawrence St road reserves is not really an option, but we are not aware whether an engineer's assessment of this has been carried out.

### **Improvements to parking at the southern end of Coromandel St**

This has been tried with WCC Transport engineers maximising the available parks. The potential properties under construction make this option unlikely to be an effective solution for all affected residents.

## **Access on demand / by arrangement through the Town Belt**

Whilst this provides a solution for one off things like building or moving, this does not address the parking and access issues for all the affected residents. There are 20 properties that would regularly apply for this if this was the only option this would create additional and unnecessary administration for the council.

## **Access remaining through the Town Belt on the road maintained to existing standards (i.e. Status Quo)**

The road could be maintained to a level required for safe access to the utilities and to maintain the land and trees. This option keeps the road in a state that requires slow speed and is not expensive to maintain. This reflects the status quo and does not impact other users of the town belt.

## **Reviewing Carmichael road for potential as a legal Road**

There is no doubt the road was created, whether for maintenance of the farm land, access to the farm property (now 15 Kotinga Street) or perhaps a road linking the town and country.

We don't believe forming this as legal road is necessary and therefore view this as a less desirable option than approving access. Creating a legal road may result in increased use and higher speeds.

## **Summary and our recommended option**

We recognise that Council officers need to review the vehicular access to the Carmichael Reservoir as part of their work in ensuring that the Town Belt is maintained as a recreational resource.

We believe that our current use of the road has no negative impact on the Town Belt or its recreational use by the public. Continued use of the existing road to access our properties is a logical and pragmatic solution to access and parking issues created by the terrain, the original town planning and on-going infill development.

We advocate that Council allows residents to continue using the road for parking and access purposes. This will:

- Avoid further contributing to the congested parking in southern Coromandel Street
- allow residents reasonable access to their properties without causing problems for other users
- allow residents with physical disabilities, elderly dependents or visitors continued access
- avoid expensive and less satisfactory alternatives
- enable the continued use of the Town Belt as a recreational resource
- avoid unnecessary restriction of any further intensification of housing developments in the area
- Provide a solution that the council has granted to other residents on the Town Belt boundary.

### **Recommended changes to the Draft Plan**

We request that Council consider the following changes to the proposed wording for the Town Belt Management Plan. Words ~~struck out~~ should be deleted; words in *italics* added.

#### **9.6.8 The following activities are specifically prohibited:[...]**

- e. ~~permanent~~ *uncontrolled* private vehicle access

[...]

Rationale: clearly, private vehicle access is allowed or encouraged in many parts of the Town Belt, for example for access to recreational facilities. The principles of the Plan are better served by specifying that vehicle access should be controlled or managed.

### 9.6.9 Encroachments. [...]

There are 206 known encroachments on the Town Belt covering ~~2.5626ha~~ [replace with accurate figure] as of June 2012.

These are broken down as follows:

- 77 gardens/lawns and or plantings
- 13 partial house encroachments
- 8 pedestrian access-ways
- 69 structures such as clotheslines, garden sheds, compost bins and so on
- 35 vehicle accesses from parking places through to larger access routes, ~~such as Carmichael Reservoir.~~

Rationale: As written, this statement is false. Attachment 1, supplied by Council officers, marks only a small area at the south end of Coromandel St as ‘encroachment’. The utility access route is not classified as ‘encroachment’.

#### ~~9.6.9.1 Encroachments are a prohibited activity.~~

~~9.6.9.2 The Council will resolve the existing encroachments with a view to regaining lost land, increasing the usable area of the Town Belt.~~

~~9.6.9.3 The Council will protect the Town Belt from new encroachments.~~

Rationale: Clause 9.6.9.1 contradicts many other clauses in the Plan which allow, encourage, and formalise various forms of encroachment. Management of the Town Belt is well protected by clauses 9.6.9.2 and 9.6.9.3.

Further, the suggested change to section 9.6.9.2 would encourage Council to seek creative options, including but not limited to land swaps and purchases, that would enable the Town Belt to grow over time.

#### **9.6.9.9 If the encroachment is associated with private vehicle or private pedestrian access**

and immediate removal is complicated by long-term historic use, then a longer term removal agreement such as a fixed-term licence may be negotiated. This will allow agreement of reasonable terms while also ensuring that the access encroachment is removed as per policy 9.6.9.1, 9.6.9.2 and 9.6.9.3. ~~The maximum period of time for this type of agreement will be until there is a change of ownership or occupation in the property~~

~~associated with the encroachment.~~ The Council may limit access to manage the removal process by, for example, installing gates, specifying access hours and days, limiting numbers of people and/or vehicles.

Rationale for change: This clause (as modified) would enable Council to manage and control private access to the Town Belt. However, the maximum time limit should be deleted; not only would it be a significant change in Council Policy, it would unduly restrict Council flexibility to manage the Town Belt. The change in occupation is simply unfair to rental tenants. Overall, the issue is better addressed by the proposed section 9.6.9.14:

**9.6.9.14 Any managed removal agreement does not run with the land.** Any new owner will have to apply for an agreement. It is expected that change of property ownership will often be the point at which a license *will be reviewed* ~~and~~ and the encroachment *may be* is removed or access stopped.

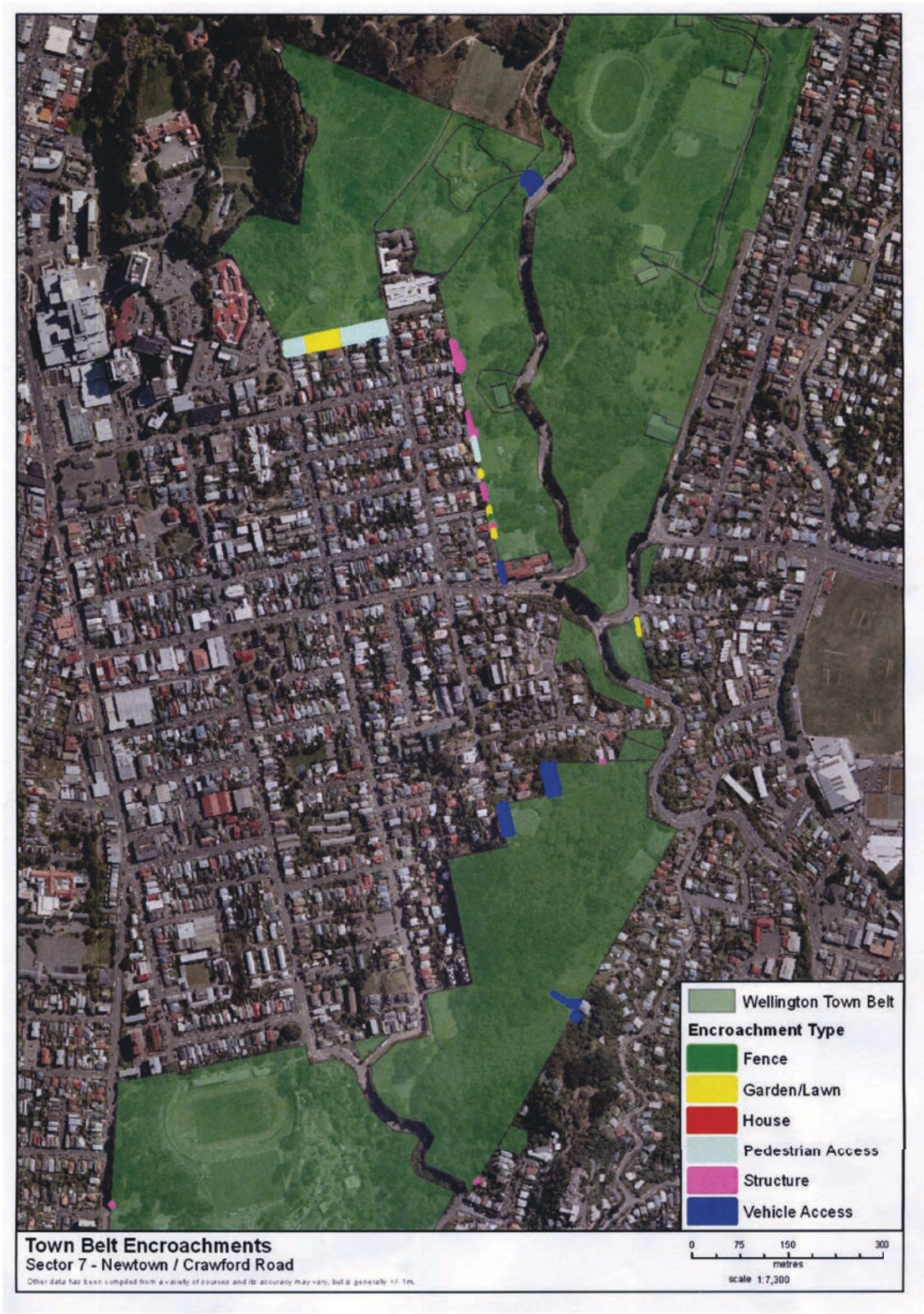
Rationale: This clause as written better states the intent of the Town Belt plan, without restricting the options available to Council. The change should also have criteria around the reassessment to enable a fair and reasonable process to occur.

**9.6.9.17 Town Belt land will not be sold** to resolve encroachment issues *unless as part of a transaction that results in a net gain to the Town Belt.*

Rationale: This clause should be more flexible, creating options for Council to increase the Town Belt while retaining room for creative solutions. We understand that under the proposed Town Belt Act, the Council will for the first time have legislative authority to alter Town Belt boundaries. However, the draft Plan suggests that special legislation will be required to realign Mt Albert Rd. Allowing swaps subject to a requirement of net gain would be more flexible.

# Attachment 1: Council plan used to define and measure encroachments

Supplied by Mike Oates, Manager Open Space and Planning, 4 December 2012.



**Antoinette Bliss**

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**From:** Ian Johnstone <eml4ij@gmail.com>  
**Sent:** Thursday, 15 May 2014 8:32 p.m.  
**To:** BUS: Town Belt  
**Subject:** Draft Wellington Town Belt Bill;

Dear Councillors,

We live at 1 Paeroa St. in Newtown and our road access and egress are seriously affected by traffic movement and on-street parking in and around Paeroa, Colville and Coromandel (south of Constable) streets. We would like you to ensure that the present restricted access to homes via the townbelt is allowed to continue as long as it is appropriately managed. Parking in Coromandel St is already dense and has not been recently improved and it is not appropriate that historic access be granted to some residents but denied to others. Using the Carmichael reservoir utility road causes no problems or difficulties and we see no reason why the existing arrangements need to be changed, specially since such change would create problems for a considerable number of residents. we ask you to give this matter very serious consideration.

Ian Johnstone and Marjorie Montagu, owners and ratepayers, 1 Paeroa Rd. Newtown



**Antoinette Bliss**

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**From:** James Harris <james@harris.net>  
**Sent:** Sunday, 18 May 2014 9:21 p.m.  
**To:** BUS: Town Belt  
**Subject:** Response to consultation on Wellington Town Belt Bill  
**Attachments:** Zigag presentation to council 22 Feb.pptx

Thank you for the opportunity to comment on the draft Town Belt Bill and the supporting drafting instructions.

I am writing as an individual; I have also contributed to a joint submission from residents of Coromandel St which includes points related this email.

I also ask for an opportunity to make an oral submission in support of the comments below.

With thanks,

James Harris  
147 Coromandel St  
Newtown  
ph 389 1195

**1. Bill should be more permissive towards "private" access to and maintenance of the Town Belt**

The Town Belt is an important part of Newtown. The tracks, roads, and routes in the Town Belt are important for pedestrians, cyclists, and for some residents' access to their homes. The Council should support and encourage residents' work to maintain or improve parts of the Town Belt for the benefit of all residents, be it by planting, weed removal, or track maintenance.

For these two reasons, I am concerned about the Bill's inflexibility towards encroachments and future changes in Town Belt boundaries. I suggest that the Bill should allow long-term managed encroachments and encourage flexible use of licences and leases to support residents who want to donate their time and energy to improving the Town Belt directly.

As written, the Bill would prevent any further 'rationalisations' of boundaries such as the ones proposed as part of the bill, short of returning to Parliament for approval. To give more flexibility to the Council, while protecting the Town Belt against future loss of land, I suggest that the Bill allow for the Town Belt boundaries to be varied by Council without needing to return to Parliament for permission, so long as each transaction leads to a net increase in the Town Belt's area.

**2 For avoidance of doubt, the Bill should state that cycling is an activity to be supported and encouraged within the Town Belt.**

In its current form, the Bill is unclear whether cycling is a private or public access, and whether it may be prohibited as 'vehicle access'. I ask that the Bill be edited to clarify that cycling is supported and encouraged within the Town Belt.

**3. Inconsistencies between Bill and Town Belt Management Plan require formal update of Plan within months of the Bill being enacted**

The Bill assumes that the current Town Belt Plan will apply for 10 years from its approval by Parliament. I submit that the Plan will need immediate updating by Council, as some of its contents are inconsistent with the Bill.

For example, the Plan describes as 'encroachments' some areas that will now be 'easements' or subject to 'licences'. In sections 8.7, the Plan states:

#### **8.7.6**

##### **Encroachments**

A vehicle track, which provides access to the water reservoir off Owen Street, is also used by local residents for drive-on access to several nearby private properties. As the Southern Walkway passes along part of the length of this track, vehicle traffic is not only inappropriate but presents a potential safety hazard. This track also attracts rubbish dumping because it is secluded and accessible by car. A gate has been installed at Owen Street with private vehicle use being phased out over time. No new access is being permitted.

##### **Policy – Encroachments**

#### **8.7.6.1**

Measures shall be taken to exclude all private vehicle use from the reservoir access track.

It was clear even at the time of drafting that many of the statements in these two clauses were unfounded. For example, the track is not an encroachment, it is a utility road. The gate has solved any rubbish dumping issues. And the Southern Walkway had been moved to eliminate any safety hazard. Although these issues were acknowledged by council officers during public meetings, the Plan was not corrected before being considered by Council.

This section of the Plan will need to be updated when the Bill is enacted. The Bill will make Carmichael Rd an easement used by Council to maintain the Carmichael Reservoir (public utility). As an easement, the issues of encroachment no longer apply.

#### **4 Formal update of Plan will give opportunity for Council to correct flaws in earlier process**

As a separate point, I note that the "Policy" in section 8.7 was never adopted as such by Council. Before the Plan, it was proposed subject to consultation and Council approval; however in the Plan it was presented to Council as previously-approved policy. I ask that this section of the Plan be taken back to Council for proper consideration, subject to public consultation.

I also attach the submission previously offered to Council in 2013, as it appears that the specific points in it are still to be considered by Council or officers.

# Managing vehicle access in the Town Belt

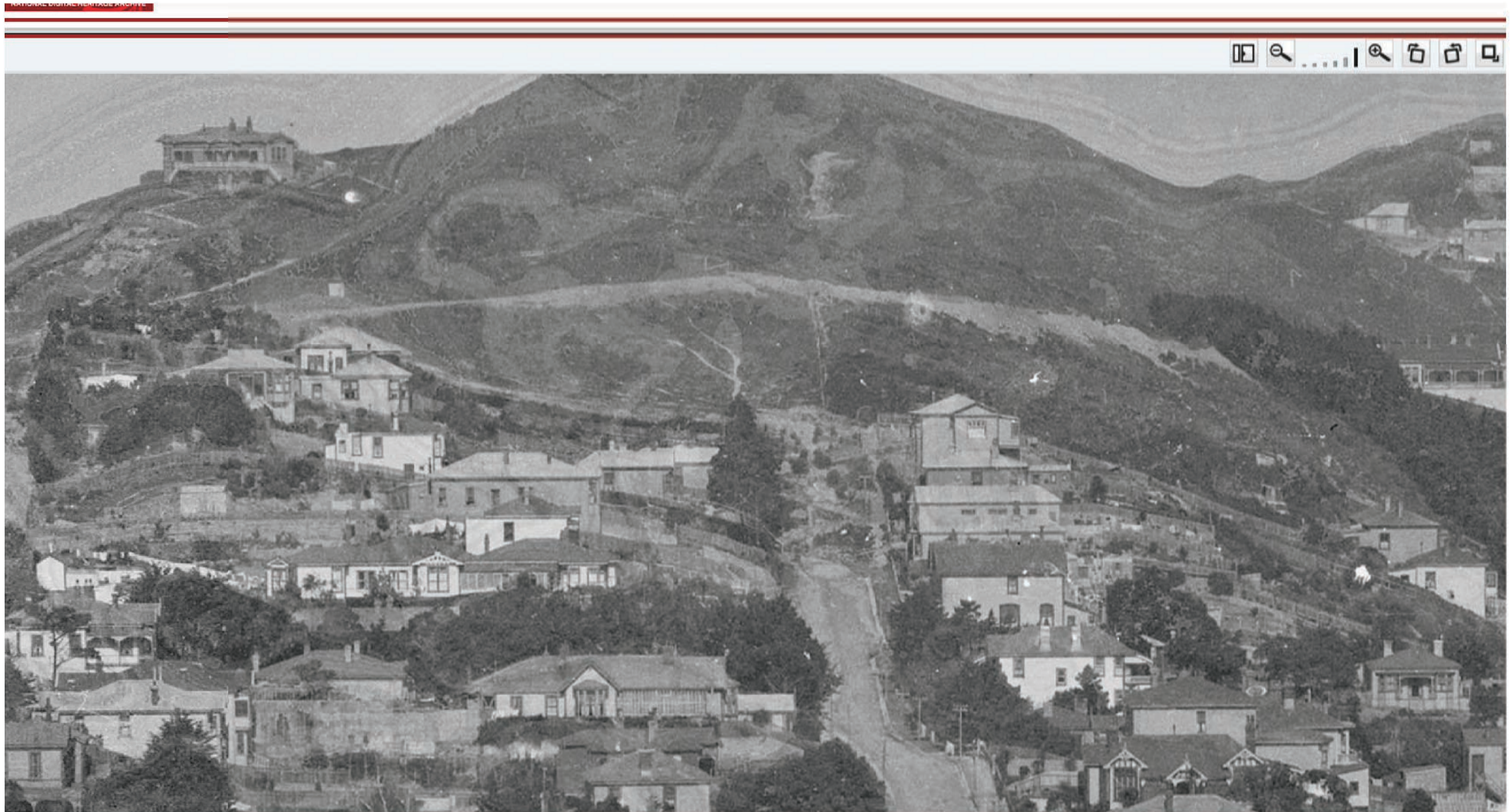
Carmichael Reservoir Rd

56 submitters  
from Coromandel St community

1841



# 1909





# Encroachment or utility?



# Draft Plan Issues

8.7.6 A vehicle track, which provides access to the water reservoir off Owen Street, is also used by local residents for drive-on access to several nearby local properties.

As the Southern Walkway passes along part of this track, vehicle traffic is not only inappropriate but presents a potential safety hazard.

This track also attracts rubbish dumping because it is secluded and accessible by car.

A gate has been installed at Owen Street with private vehicle use being phased out over time. No new access is being permitted.

9.6.0 Encroachments ... 35 vehicle accesses from parking places through to larger access routes, such as Carmichael Reservoir



# Residents' Issues

- Access pre-dates construction of houses
- Utility road will remain in place
- Lawrence and Coromandel St are paper roads only, with poorly maintained walking tracks
- Parking shortage spills over to surrounding streets – and will get worse with intensification
- Community contributes to maintenance of both Town Belt and paper roads
- **Gate has resolved Plan's issues: status quo allows Council to manage access.**

# Proposals

- Move “private vehicle access” to *managed* activities (9.6.8)
- Confirm that gate access to utility road solves Council concerns
- Council to confirm gate access available to new tenants and residents

# Drafting changes

- 9.6.9.1 Encroachments are a ~~prohibited~~ *managed* activity.
- 9.6.9.2 The Council will resolve the existing encroachments with a view ~~to regaining lost land.~~ *increasing the usable area of the Town Belt.*
- 9.6.9.3 The Council will protect the Town Belt from new encroachments.

# Drafting changes

9.6.9.9 If the encroachment is associated with private vehicle or private pedestrian access and ~~immediate removal~~ is complicated by long-term historic use, then a longer term ~~removal~~ agreement such as a fixed-term licence may be negotiated. This will allow agreement of reasonable terms while also ensuring that the access encroachment is ~~removed~~ *resolved* as per policy 9.6.9.1, 9.6.9.2 and 9.6.9.3.

# Drafting changes

~~The maximum period of time for this type of agreement will be until there is a change of ownership or occupation in the property associated with the encroachment.~~

The Council may limit access to manage the removal process by, for example, installing gates, specifying access hours and days, limiting numbers of people and/or vehicles.

# Summary

Build on the current situation:

- Manage vehicle access
- Gate controls access to utility road
- Resolve issues by continuing to work with residents to improve the Town Belt

# Discussion

Thank you

# Personal Submission

## Flexibility in land swaps

- Permit transactions that result in net increase

## “Vehicle access prohibited”

- “Vehicles” include bicycles and skateboards

## Cycle commuting

- Create cycle routes through Town Belt

James Harris



## Antoinette Bliss

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**From:** Shona McCahon <shonam1957@gmail.com>  
**Sent:** Sunday, 18 May 2014 10:25 p.m.  
**To:** BUS: Town Belt  
**Subject:** Wellington Town Belt Bill

This is a brief submission on the above, in response to the 'Have Your Say on the Draft Wellington Town Belt Bill' document.

I tried to use the online form, which crashed on me at the first question so I'm suing email instead.

I simply want to say that strongly support the general direction and objectives of the Bill, because legislation is needed to make the practical boundary adjustments explained in the document and, more importantly, to formalise the return to the Town Belt of land that was originally part of it that was taken historically for other purposes.

I also support the intention to make the Town Belt legislation the single, over-riding legal document that will guide the Town Belt's management in future, on the basis that it endorses and strengthens the original intentions of the Town Belt being set aside in the first place as a public recreation in perpetuity for Wellington's inhabitants, and that it recognises that the Wellington City Council holds and manages the Town Belt in trust for the citizens of Wellington.

In relation to point 14 in the consultation document ('application of the Public Works Act, 1981', I agree with statement 14 (4) that the Council must not consent or agree to the removal of any land from the Town Belt. I also suggest adding to 14 (3)(b) that suitable land for addition to the Town Belt should be sought as the first priority when seeking appropriate compensation for any Town Belt land taken under the Public Works Act. However, I would not go so far as to insist that land would be the *only* type of compensation, as there could be situations where there was no land available that would be a sensible or valuable addition to the Town Belt, in which case, some other form of compensation might be more appropriate. I wonder whether 'appropriate' goes far enough in making clear that the compensation should be used for the benefit of Town Belt?

I do not wish to make an oral submission.

### Shona McCahon

Phone: (04) 970 7573

Mobile: 027 413 2930

Email: [shonam1957@gmail.com](mailto:shonam1957@gmail.com)

Postal: 74 Collier Avenue, Karori, Wellington 6012

## Antoinette Bliss

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**From:** Michael Gibson <michaelpcgibson@hotmail.com>  
**Sent:** Monday, 19 May 2014 9:59 a.m.  
**To:** Kevin Lavery  
**Cc:** BUS: Town Belt; Councillor Andy Foster; Councillor Helene Ritchie;  
 Councillor Jo Coughlan; Councillor Simon Woolf  
**Subject:** Submission re Town Belt Bill

Dear Dr Lavery - I oppose the Bill because it allows the Council's unelected officers to abuse the delegated authority which the Bill proposes to transfer to them.

The Bill is highly controversial because of its transfer of Trusteeship from the Citizens of Wellington to such an unsatisfactory surrogate.

This is particularly the case when officers of the Wellington City Council are involved with property-related matters.

I therefore oppose Clause 16 (1) (a) of the Bill which allows the Council to carry on or undertake "*any activity or business, do any act or enter into any transaction*" regarding the Town Belt with "*full rights, powers and privileges*" to do so (Clause 16 (1) (b)).

I oppose the Bill's possible gift to commercial enterprises regarding encroachment onto the Town Belt as is surreptitiously permitted by Clause 17(c)(i) of the Bill: "*the Council has no power to.....allow any for-profit use of the Wellington Town Belt unless that use is (i) considered by the Council to enhance the amenity value etc*" (emphasis added).

This could happen to the detriment of the Citizens of Wellington if the Council were taken over by (for example) a crazed cyclist & if such a person wished to develop cycle-ways by using a cycle-manufacturer as a commercially-driven sponsor.

I wish to speak on this submission so that I can illustrate the above concerns with

- 1/ up-to-date & relevant examples of the Council's formal record-keeping,
- 2/ some results of its present interface with the Citizens of Wellington,
- 3/ examples of its general approach to consultative practices (including those described in S. 83 of the Local Government Act 2002) &
- 4/ illustrations of the effects of the way in which authority is presently delegated.

SIGNED

Michael Gibson  
 7 Putnam Street  
 Northland  
 Wellington 6012  
 Tel 4757545



## ORIENTAL BAY RESIDENTS ASSOCIATION

To: townbelt@wcc.govt.nz  
Wellington Town Belt Bill  
Parks and Gardens (REPLOI)  
Wellington City Council  
P O Box 2199  
WELLINGTON 6140

### SUBMISSION ON THE DRAFT WELLINGTON TOWN BELT BILL

The residents of Oriental Bay greatly value the Town Belt, both as visual counterpoint to the relatively high density of the residential area and, in particular, as providing a much used recreational facility close to that residential area. As such, OBRA is of the view that it is essential that the vision of the early Fathers of the city that a green belt surround it be preserved, and it is opposed to any further long term alienation of any part of the Belt.

The Executive Committee of OBRA has had the opportunity to view the Wellington Civic Trust's submission on this matter. Clauses 1 and 2 in that submission, which are set out immediately below, admirably summarise the views of OBRA.

1. *Looking, however, at the balance of provisions in the draft Bill, it does appear that greater weighting has been given to administrative convenience and flexibility. This seeming to be at the expense of the citizens of Wellington having the ability to question and challenge decisions made by the Council, and by Council staff exercising delegated authority.*
2. *It is considered, therefore, that the draft Bill needs to be altered to give greater facility to achieving a collective approach between the Council and the citizenry in overseeing the management of the Town Belt and in protecting its integrity.*

Our submission therefore is that Council should give full consideration to the points raised by the Wellington Civic Trust in their submission of 18 May 2014. For ease of reference a copy of that submission is attached.

We wish to acknowledge the time and effort of the Wellington Civic Trust in producing a professional and robust submission.

Colin Blair  
President, Oriental Bay Residents Association.

# Wellington Civic Trust

P O Box 10183

Wellington

[www.wellingtoncivictrust.org](http://www.wellingtoncivictrust.org)



18 May 2014

To: [townbelt@wcc.govt.nz](mailto:townbelt@wcc.govt.nz)  
Wellington Town Belt Bill  
Parks and Gardens (REPLOI)  
Wellington City Council  
P O Box 2199  
WELLINGTON 6140

## SUBMISSION ON THE DRAFT WELLINGTON TOWN BELT BILL

### **Introduction**

1. The Wellington Civic Trust is in broad agreement with the direction of most of the provisions in the draft Bill.
2. The Trust is appreciative of the time and effort devoted over a long time by Councillors and Council staff to reaching this stage of the legislative process.
3. The Trust wishes to make oral submissions.

### **Balance in Decision-Making Powers**

4. Looking, however, at the balance of provisions in the draft Bill, it does appear that greater weighting has been given to administrative convenience and flexibility. This seeming to be at the expense of the citizens of Wellington having the ability to question and challenge decisions made by the Council, and by Council staff exercising

delegated authority.

- 5. It is considered, therefore, that the draft Bill needs to be altered to give greater facility to achieving a collective approach between the Council and the citizenry in overseeing the management of the Town Belt and in protecting its integrity.
- 6. To achieve such a balance it is considered to be imperative that the discretionary powers to be bestowed on the Council by legislation be precisely confined and defined and set out preconditions that must be met before the decision-making powers are exercised.

**Interpretation**

- 7. To achieve a greater balance between the Council and the citizens, it is suggested that the interpretation provision which defines the meaning of Council be enlarged to refer back to the 1873 Deed that defines the then Corporation, now the Council, as the Mayor, Councillors and citizens of the city of Wellington.

**Legal Status – clause 9**

- 8. It is suggested that the wording of clause 9(1) be changed to read: “The Council holds the Wellington Town Belt as Trustee of the Charitable Purpose Trust created by the Town Belt Deed of 1873 for the citizens of Wellington in their capacity as beneficial owners.”

**Definition of Public Recreation Ground – clause 9**

- 9. The definition could be extended to recognise heritage features. Clause 9(3)(b) could read: “The protection of the natural environment and heritage features”

### **Principles – clause 10**

10. In stating that:  
 “the Wellington Town Belt should be protected and enhanced for future generations”  
 clause 10 highlights the gravity and farsightedness of the founding ideals and therefore needs to make these the first point of reference in the evaluation of each of the subsequent principles.
11. Accordingly, clause 10(2) could state:  
 “All principles shall be subject to the overriding purpose of principle (a).”
12. Community participation needs greater and unequivocal emphasis.  
 Clause 10(1)(g) could read:  
 “Community participation in the management and protection of the Wellington Town Belt must be in a manner that is collaborative and inclusive and provides for citizens’ engagement in all strategic decisions of Council on substantial issues.”

### **Application of the Public Works Act 1981 – clause 14**

13. Clause 14(3)(b) could be extended to read:  
 “The Council must seek appropriate compensation, according priority to land of at least equivalent value.”

### **Powers of the Council – clause 16**

14. Unless there are compelling reasons to the contrary, the phrase “or business” should be deleted from the draft Bill in clause 16(1)(a), which gives Council powers to have full capacity and subsequently in clause 16(1)(b) full rights, powers, and privileges.

15. For clarity and to ease the concern of the public, a further subclause (4) could be added to clause 16:  
 “(4)(a) provided that the construction of any significant building or fixture shall be fully publicly notified as required by clause 21(1)(d), except when full public notification is required by other legislation; and  
 (b) no restriction on public access shall unnecessarily compromise the principle of the Wellington Town Belt being accessible and for all to enjoy as required in Principle 10(1)(e).”

### **Restrictions on Council’s Powers – clause 17**

16. The open-ended wording of clause 17(c)(i) and (ii) concerning for-profit use of the Wellington Town Belt is regarded as being far too imprecise.
17. It is the Civic Trust’s view that most Wellingtonians would be repelled and outright angry at the prospect of any part of the Town Belt being given over to permanent or mid- to long-term commercial activity.
18. It is the Trust’s view that any for-profit activity needs to be confined to temporary special events, with any structure or fixtures being removed afterwards.
19. Accordingly, it is suggested that clause 17(c) be reworded to:  
 “the Council has no power to...  
 (c) allow any for-profit use of the Wellington Town Belt—  
 (i) unless that use is solely temporary; and  
 (ii) unless it is associated with a special event; and  
 (iii) unless all associated structures and fixtures are immediately removed after that special event; and  
 (iv) unless the public are given 60 days’ advance notice and invited to submit objections with the valid reasons for these objections; and  
 (v) unless the Council gives due consideration to these objections and either imposes appropriate conditions or declines permission; or  
 (vi) if the exercising of that qualified power would unnecessarily compromise the principle of the Wellington Town Belt being accessible and for all to enjoy as required in Principle 10(1)(e).”

20. It is acknowledged that these “positive tests” to be applied to the exercise of a discretionary power may be viewed as pedantic and overly onerous. However, it is the Trust’s understanding that a series of mutually reinforcing positive tests is essential if the public wishes to pursue before the Courts a Judicial Review of a decision made in exercising discretionary powers bestowed by a statute.
21. By comparison, it is understood that “subjective tests” such as would be applied by the Court to the “open-ended” provisions such as those in the present draft would provide no grounds whatsoever for the Court to evaluate the administrative processes followed. In other words, the protections embodied in the Judicature Amendment Act could not provide any redress. Thus the open wording of the draft Bill would render all decisions made by the Council and by Council staff effectively unchallengeable.
22. There are possibly therefore issues of natural justice that arise from there being so untenable statutory powers having been bestowed by Parliament.

### **Leasing and Licensing – clause 18**

23. In our earlier submission we supported the eight-hectare limit. After further reflection, we consider that the eight-hectare limit on leasehold land within the boundaries of the Town Belt is inappropriate.
24. The current area is thought to be 5.9 hectares, as stated in section 6.4.2 of the now authorised Town Belt Management Plan of August 2013.
25. Considering that the most valued land within the Town Belt is that which is flat and easily accessible, and that such land is scarce in such a hilly and confined terrain, the limit of eight hectares risks the allocating of all this scarce land to being entirely in leasehold.
26. It is seen as being of primary importance that the availability of leasehold land be restricted so that there will always remain an inbuilt imperative to encourage joint use of the scarce flat and therefore



- easily accessible land.
27. Most of the Town Belt flat land is close to or adjacent to residential areas. As the population of the central city intensifies, the amenity value of this scarce resource will increase rapidly.
  28. Accordingly, the Trust suggests that a sustainable proportion of Town Belt land available for leasehold be confined to no more than: six hectares.
  29. Clause 19 could be augmented as follows:  
“(3) Easements and rights of way must be granted only as a last resort after exhausting all alternatives.  
(4) The Council has no power to grant any easement or right of way for a private purpose.”
  30. These provisions would ensure that such concessions must be an exception to the rule.

#### **Consultation – clause 21**

31. For the purposes of ensuring that the Council keeps publicly available records on how each submission was evaluated, clause 21(1)(b) should be augmented by a new sentence stating that a record should be kept of how each submission was evaluated.

#### **Town Belt Management Plan – Requirement to Appoint a Curator**

32. The Civic Trust is cognisant of the views of Council’s senior managers that the management and protection of the Town Belt, of necessity, requires the application of a wide range of management responsibilities and skills.
33. From a non-institutional perspective, however, there is much merit in there being one senior Council staff member who is formally designated as the point of contact for the public to have access to in the first instance. Should there be local government amalgamations, the merit of having a Curator would be even more relevant.

34. This formal appointment under the statute would make it plain that the role is to be one of liaison between the public and the Councillors and their senior advisors.
35. Accordingly it is suggested that a further clause 21(3) be included in the draft Bill, namely:  
 “As Trustee the Council will ensure that at all times a senior Council manager is designated as the Curator or alternatively Guardian of the Wellington Town Belt, and that this role is to be one solely of liaison for the citizens of Wellington to have a one-person contact on all issues relating to the Town Belt.”

### **Appeal Provisions**

36. Considering the limitations of the Judicature Amendment Act and the exclusion of the limited protections available under the Reserves Act, the proposed Bill should ideally contain clauses that will provide the citizens of Wellington with an avenue for pursuing challenges to decisions made by the Council.
37. The Civic Trust has yet to identify the most appropriate public office for performing this critical safeguard. Possibilities include the Minister of Conservation outside the provisions of the Reserves Act; the Auditor-General; the Ombudsman; the Local Government Commission; or a retired Judge of the High Court appointed by the Chief Justice.
38. For the appeal authority to be effective, there would need to be a statutory power to not only overturn a decision of the Council but to impose an alternative decision.

Craig Palmer, Board member  
 For Alan Smith, Chair of the Wellington Civic Trust

Contact details:

Toni Izzard, Deputy Chair, phone 027 5480 989, email [tizzard@eqc.govt.nz](mailto:tizzard@eqc.govt.nz)  
 Craig Palmer, phone 385 0366, email [palmerspring@actrix.co.nz](mailto:palmerspring@actrix.co.nz)



*c/o 20 Porritt Avenue  
Mt Victoria  
WELLINGTON  
Phone (04) 385 2254*

*www.mtvictoria.history.org.nz*

May 19, 2014

Wellington City Council  
PO Box 2199  
Wellington 6140

### **Submission on the Draft Town Belt Bill**

This submission is made on behalf of an organisation, **Mt Victoria Historical Society Inc.** (MVHS).

It is an incorporated society with the aims of researching and sharing the history of the suburb of Mt Victoria and promoting interest in, and preservation of, its unique heritage. One of the long boundaries of the suburb abuts an important, high-use and high-profile section of the Town Belt.

We wish to be heard in support of our submission.

Contact details:            Joanna Newman  
  Convenor  
  [jnewman@xtra.co.nz](mailto:jnewman@xtra.co.nz)  
  Phone 027 7577 984

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### **Introduction**

We oppose, in part, the draft Wellington Town Belt Bill.

This is consistent with our submission in December 2012 on the Town Belt Legislative and Policy Review.

An important part of the heritage of Mt Victoria (and all of Wellington) is the Town Belt, a natural legacy of the great foresight of the founders of Wellington. The Town Belt has a special status and heritage going back to the very foundation of New Zealand as a nation. It is of national importance and, as an example of the green belt concept in 19th century town planning, it has international significance.

The Mt Victoria Historical Society (MVHS) is concerned that historic and heritage values of the Town Belt on Mt Victoria are protected and that the intentions of the founders of Wellington in reserving the land are followed.

MVHS welcomes, however, the ability provided under the proposed legislation to return former Town Belt land now in Council ownership to Town Belt trust status, and the ability to add land to compensate for land which cannot be restored.

## Draft Wellington Town Belt Bill

With regard to the other matters in the draft Bill, our key concerns are as follows:

1. The proposed Bill results in the Town Belt no longer being governed by the Town Belt Deed of 1873.

We strongly oppose this change. The Town Belt Deed must be retained as the governing document of the Town Belt, as intended by the founders of Wellington when they gifted the land to the citizens of Wellington and their successors.

Along with the Town Belt itself, the Deed is the inheritance of present and future Wellingtonians. It protects the Town Belt because it means the Council does not have beneficial ownership of the land.

We believe this change is not consistent with Wellington City Council's original drafting instructions – on which it consulted - which stated that the bill would seek to “In conjunction with the 1873 deed, established a legal framework for Council's trusteeship” [Drafting Instructions 3.3].

2. S.11 provides that the Town Belt will no longer be subject to the Reserves Act 1977.

We oppose removal of the Town Belt from the authority of the Reserves Act (and any corresponding legislation which succeeds it) because it removes a level of protection that we believe could be required in future for the main Town Belt lands and for the Canal Reserve. The ability of the citizens of Wellington to appeal to an authority other than the Council should be retained in legislation.

3. S. 16 grants the Council “full capacity to carry on or undertake any activity or business, do any act, or enter into any transaction” and “undertake any work on the Wellington Town Belt . . . including the construction . . . of any building”.

S. 17 allows profit-making business to operate on the Town Belt if the Council considers they enhance the amenity value of the public.

We believe these powers are too broad and ill-defined and therefore oppose current wording.

4. In similar vein, S.18 allows the council to lease or license Town Belt land and for buildings to be constructed on that land that can have restricted, charged (i.e. non-public) access.

We believe these powers are too broad and ill-defined and therefore oppose current wording.

## Antoinette Bliss

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**From:** Richard <richardd@paradise.net.nz> on behalf of richardd150@gmail.com  
**Sent:** Monday, 19 May 2014 3:34 p.m.  
**To:** BUS: Town Belt  
**Subject:** Draft Wellington town belt bill

Hi there.

We're adjacent to the Connaught Terrace section affected by the bill. There's three things we'd like taken into account in the process:

1. In principle we don't have a major objection to the land being removed from reserve but we do have concerns in relation to its disposal because of the license we have for the retaining wall which sits within the reserve land. We would like a condition of sale that the new owner needs to secure a permanent retaining wall between the ex-reserve land and 1 Connaught Terrace which is approved by an engineer.
2. We would like the council to survey the boundaries before disposal, especially to clarify which land would still remain as road reserve.
3. Reiterating (we have already expressed an interest) we would like first right of refusal on the land so we can ensure the structural integrity of the retaining wall remains within our control.

Thank you for this opportunity to contribute to the process.

Regards

Richard and Gillian Dudfield  
1 Connaught Terrace.



**CAMPUS SERVICES**

Te Puni Tauwhiro

VICTORIA UNIVERSITY OF WELLINGTON, PO Box 600, Wellington 6140, New Zealand

Phone +64-4-463 6600 Fax +64-4-463 5242 Email [fm-servicedesk@vuw.ac.nz](mailto:fm-servicedesk@vuw.ac.nz) Web [www.victoria.ac.nz/fm](http://www.victoria.ac.nz/fm)

19 May 2014

Freepost WCC

Attention: Mike Oates, Manager Open Space and Recreation Planning

Wellington City Council

PO Box 2199

Wellington 6140

**Draft Wellington Town Belt Bill**

To whom it concerns,

Victoria recognises the importance of the Town Belt in maintaining Wellington as a vibrant city with easy access to nature. As such the University supports the draft Bill and the clarity it will provide for the management of the Town Belt.

Of particular relevance to the University is section *18 Leasing and licensing, subsection 4: "Any leases or licence granted under subsection (1) may authorise – (a) the lessee or licensee to restrict access to facilities and charge for admission or membership"*.

The University leases Town Belt land on Salamanca Rd opposite the Kelburn campus. The site is used for tennis and netball with associated clubrooms. The adjacent land is used for permit based car parking to support University activities and City Council officers have recently advised that under the current Town Belt Management Plan and legislation this cannot be retained.

The clause above would provide the Council with the necessary management guidance to work with the University on an amended lease which could effectively resolve the issue.

The University strongly endorses the inclusion of this clause in the Bill.

Yours sincerely

Jenny Bentley

**Director, Campus Services**

**Victoria University of Wellington**

**CAMPUS SERVICES**

Te Puni Tauwhiro

VICTORIA UNIVERSITY OF WELLINGTON, PO Box 600, Wellington 6140, New Zealand

Phone +64-4-463 6600 Fax +64-4-463 5242 Email [fm-servicedesk@vuw.ac.nz](mailto:fm-servicedesk@vuw.ac.nz) Web [www.victoria.ac.nz/fm](http://www.victoria.ac.nz/fm)

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The University strongly endorses the inclusion of this clause in the Bill.

Yours sincerely

Jenny Bentley

**Director, Campus Services****Victoria University of Wellington**



## Mt Victoria Residents Association

P.O Box 19056, Courtenay Place, Wellington.

19 May 2014

Wellington Town Belt Bill

Parks and Gardens (REPL01)

Wellington City Council

Email: [townbelt@wcc.govt.nz](mailto:townbelt@wcc.govt.nz)

### Submission on Draft Wellington Town Belt Bill

**Contact:** Elaine Hampton, President

**Address:** 52 Porritt Ave, Mt Victoria, Wellington 6011

**Phone:** 802 4492

**Email:** [Elaine.hnz@xtra.co.nz](mailto:Elaine.hnz@xtra.co.nz)

The Mount Victoria Residents' Association Inc submits the following on the Draft Wellington Town Belt Bill. The neighbourhood we represent terraces down the northwest slopes of the Mt Victoria/Matairangi section of the Town Belt. The Town Belt is therefore treasured by us as public recreation space open to everyone. We are committed to ensuring the aim of Wellington's British founders is perpetuated for the enjoyment of present and future generations,

We wish to make an oral submission to the Environment Committee.

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The Association has previously expressed serious concerns about the Town Belt principles, their embedding in the Management Plan, the need for a Town Belt Bill, and the impact of all this on the future integrity of the Town Belt. In our view, the 1873 Town Belt Deed is sufficient guidance for the Council to fulfil its trusteeship role in managing the Town Belt. The Deed states very clearly the overarching principle that the Town Belt is "...for ever hereafter used and appropriated as a public Recreation ground for the inhabitants of the City of Wellington...". The Deed also specifies that:

- the Council has no power to alienate or dispose of the lands
- no thoroughfare shall at any time be created across the lands
- the Council has the power to lease all or any part of the lands for any term not exceeding 42 years, at best and most improved rent.





## Mt Victoria Residents Association

We also believe additional guidance is provided in the instructions on the original Town Belt from the New Zealand Company Secretary, John Ward, to William Mein Smith, i.e. that the land be public property on condition that no buildings be ever erected upon it.

That said, we acknowledge that the Bill is apparently a *fait accompli*. We offer our comments on the Bill in the spirit of trying to ensure the Bill reflects as closely as possible the original intent for the Town Belt while also acknowledging current realities. We appreciate that the Bill for the main part does reflect the provisions of the Deed and our comments relate to parts where that is not the case.

### ***Apparent ambiguity regarding status of the 1873 Town Belt Deed***

The Section 4 definition of Town Belt Deed states the Deed is set out in Schedule 1 “for ease of reference”, implying it has no status except as a reference document. However, Sections 9, 14(3)(a), and 15(a) imply the Deed continues to exist. In our view it is imperative that the Deed must continue to exist and that this must be explicitly stated in the Bill. Merely deleting the words “for ease of reference” in Section 4 allows the ambiguity to continue.

### ***Section 5 Meaning of Wellington Town Belt***

It is not possible to understand from Section 5 and Schedules 2, 4, and 7, what land is included. We trust that it does include the Canal Reserve land between Kent and Cambridge Terraces. We note from the drafting instructions that it was not intended to include the Basin Reserve (as this is subject to a subsequent 1884 Deed). Nor does it include the Exhibition Site or Wellington Botanic Garden per Sections 6 and 7 as they are subject to separate Acts – we agree that these lands should revert to Wellington Town Belt if they cease to be subject to their separate Acts.

### ***Section 9 Legal status***

We are very concerned that subsection (1) conveys the Town Belt lands to the Council only. This is contrary to the Deed which conveys the lands to “the Corporation”, and defines the Corporation as “The Mayor Councillors and Citizens of the City of Wellington”. We therefore urge that the Bill include in Section 4 the same definition of “the Corporation”, and that Section 9 (1) then states “The Corporation holds the Wellington Town Belt ...”. If that is not feasible, then we suggest that the wording should reflect the nature of the trust and accordingly state “The Council holds the Wellington Town Belt as trustee of the charitable purpose trust created by the 1873 Town Belt Deed for the citizens of Wellington as beneficial owners”.



## Mt Victoria Residents Association

To avoid the ambiguity noted above around the status of the 1873 Town Belt Deed, we strongly urge that Section 9 include a part that the Deed continues to prevail as the primary source of guidance to the Council in its trustee role. The Deed provides the key protection of the historic and heritage values of the Town Belt in perpetuity whereas legislation exists at the whim of Parliament.

We do not agree with subsection (2) which states the only term in the Deed that still stands is “will be forever hereafter etc”. We believe the other terms in the Deed regarding no disposal of lands, thoroughfares or buildings should also be included. We note section 17 appears to mean the Council has no power to alienate or dispose of the lands. On thoroughfares, we recognise the benefits of pedestrian tracks, but would otherwise like to see this defined as roads and carparks. On buildings, we note the drafting instructions included (17.3 under Principles) provision that no buildings be ever erected on the Town Belt, but this has been dropped from the Bill. We urge that this provision stand, albeit with some recognition that buildings now exist but should be removed in the event that they are no longer needed for the intended purpose. Existing buildings have essentially alienated the spaces from general public access and do not support the aim of encouraging outdoor recreation.

In addition, we consider it very important to recognise the heritage features of the Town Belt, and the definition of public recreation ground should reflect this.

### ***Section 11 Wellington Town Belt not subject to the Reserves Act 1977***

One aspect of this provision that concerns the Association is loss of the right of objection to the Minister of Conservation where anyone believes the Council has contravened its role in administering the Town Belt. We suggest the Bill include an additional section enabling such right of objection, or some other provision to enable people to make formal complaints or objections regarding the Council’s management of the Town Belt.

### ***Section 14 Application of the Public Works Act 1981***

Subsection (3)(b) states the council must seek appropriate compensation where land is taken under the Public Works Act. While we understand the Council may not wish to restrict the form of such compensation to land, we believe it should be restricted to land, and suggest adding “with land of an equivalent amenity value” after the word compensation. Land would at least preserve the already much-eroded land area remaining to the Town Belt whereas other forms could potentially disappear into more general council coffers.



## Mt Victoria Residents Association

### ***Section 16 Powers of Council***

We strongly oppose the power in subsection (3)(a) to construct any building, or for any lease or licence to authorise construction of any building (Section 18(4)(b)). As noted above, this is contrary to the instructions to William Mein Smith which form part of the original intent for the Town Belt. The public consultation requirements in Section 21 are not sufficient protection regarding construction.

We also believe the original intent was to provide outdoor informal public recreation. The top three values of the Town Belt for Wellingtonians in the 2009 survey emphasise the value of the natural unbuilt environment. We are dismayed at the emphasis on increasing formal indoor sporting facilities on the Town Belt. While we recognise the long-standing presence of some such facilities on the Town Belt, we urge that the Bill should not enable any additional land area to be developed for organised indoor recreation facilities. Clubs and groups that want to expand or establish new facilities should seek alternative locations not on Town Belt land, including existing recreation centres or the new facility on Cobham Drive.

The Association recommends that the powers also specifically enable the Council to actively promote the Town Belt as a space for public recreation and the enjoyment of all Wellingtonians. This would help dispel the views of some people, including those in central government, that the Town Belt is an under-used, free, unwanted or spare space.

### ***Section 17 Restrictions on the Council's powers***

We agree with subsection (c) that the Council has no power to allow any for-profit use of the Town Belt and to the exceptions in subsections (c)(i) and (c)(iii). However we do not agree to the vague and broad exception in subsection (c)(ii) as this could open the door to enable for-profit activity by anyone using the Town Belt.

### ***Section 18 Leasing and licensing***

Subsection (2) provides that no more than eight hectares (excluding the Chest Hospital and Zoo) may be subject to lease. We note from the 2012 draft Town Belt Management Plan that 5.9 hectares was leased to clubs and community groups, most having buildings available only for club members. We do not agree that any more than the current area (say six hectares) should be subject to lease, particularly as the lease or licence term can be granted for up to 20 years, and as the lessee can restrict access and charge admission or membership.



## Mt Victoria Residents Association

### ***Section 22 Application to the Chest Hospital and Wellington Zoo***

We note this Section exempts the Chest Hospital and Zoo from the restrictions regarding for-profit use, maximum lease land coverage, and maximum lease term of 20 years, and inclusion in the Management Plan. We assume the for-profit use will enable the Zoo to continue operating a cafe and the SPCA's plans to operate one, but do not wish to see these organisations otherwise being allowed to operate on a for-profit basis. We also do not wish to see them granted leases in perpetuity, and that the Management Plan's rules for use and development should apply.

### ***Section 23 Existing rights not affected***

We note the Act does not affect any lease or licence existing when the Act comes into force. This is of concern unless the Council can assure itself that no existing lease or licence enables a term of more than 20 years. This will ensure that the public consultation provisions of Section 21 will apply so the public will be able to comment on any new lease or licence for the same club or group.

### ***Addition of a guardian/kaitiaki***

The Association believes protection of the Town Belt for future generations merits requiring the appointment of a guardian/kaitiaki or other senior person responsible for ensuring that both the intent of the 1873 Deed and the interpretation of the Wellington Town Belt Act if enacted, are honoured by Councillors and Council officers. This person could also be the point of contact between the public and Council.

Elaine Hampton

President

## Antoinette Bliss

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**From:** Janice Schone <janice.schone@gmail.com>  
**Sent:** Monday, 19 May 2014 5:42 p.m.  
**To:** BUS: Town Belt  
**Subject:** Townbelt submission

This is brief because I have not had time to properly research the 'pros & cons' of the proposal but strongly believe that the original wording of the 1873 Town Belt Deed should not be changed. This includes making the Mayor, the Councillors and the citizens of Wellington trustees Nor should the protection of the Reserves Act be taken away from the Town Belt so that it is preserved, for generations to come, against the whims of individuals or groups for private gain.

When individual Problems occur as recently where some residents found that they only had vehicle access to their properties by using town belt land then their case should be considered sympathetically.

The green belt is a real asset and a wonderful recreation area for our city which is in line with a lot of the great cities of the world. We often went walking or cycling in the 'Stadtwälder' when visiting family and friends in Germany. It is fortunate that the founders of Wellington had the foresight to set aside the land in public ownership.

I would like the opportunity to speak to it.

Janice Schone  
[janice.schone@gmail.com](mailto:janice.schone@gmail.com)



# Newtown Residents' Association

PO Box 7316      Newtown      Wellington 6242  
 newtownwellington@gmail.com

16 May 2014

## Draft Wellington Town Belt Bill Submission

### Introduction

The Newtown Residents' Association is the Incorporated Society representing the suburbs of Newtown, Berhampore, Mt Cook and parts of Melrose. We are an active local group of residents and businesspeople, concerned with maintaining and improving our suburb's liveability, connectedness and sustainability. For 100 years our organisation has worked actively to make our community a thriving, diverse, great place to live. We care passionately about the design, function and ecology of our urban and natural environment. The Association has a long history of contributing to Town Belt policy and Town Belt Management Plans.

The Newtown Residents' Association applauds the WCC and its officers for finally getting the draft bill out for consultation and hopefully shortly into the legislative agenda.

### Submission

The Newtown Residents' Association supports the overall concepts of:

- Updating the legislative framework into a modern and living document.
- Providing key principles that act to provide clear guidance.
- Providing flexibility through 10 yearly management plans to cater for the changing expectations of the citizens of Wellington over time.

Our Residents' Association considers the Wellington Town Belt is an important heritage element that should be listed as such in the Bill as well as the District Plan to give it added protection.

## Comments

The Newtown Residents' Association (NRA) does however wish to make the following comments and suggestions:

1. The NRA acknowledges that the council is the trustee on behalf of the citizens of Wellington, as long as the citizens of Wellington have regular access to consult and contribute to the on-going guardianship and development of the Town Belt through regular review of the Wellington Town Belt (WTB) Management Plan (Clause 20)
2. The NRA supports the principle of an Act to enable the Wellington City Council (Council) to manage the area but then with restrictions on what it can do The Bill confirms flexibility for the Council through formal public local processes rather than central/national legislative processes.
  - a. Local processes reviewing of the WTB Management Plan will enable changes to be made as circumstances change over time.
  - b. Terms such as license and easement etc are legally defined terms. We support that the interpretation of them overtime will be through review of the WTB Management Plan.
  - c. No one can see enough into the future to define exactly what terms will be needed (as part of the Bill) but the Bill should include clarification that these will be managed through the regularly reviewed WTB Management Plan (future proofed as needed). See Point 1.
3. The NRA supports the strong protection of the current “historic” Town Belt area under the original deed and supports where practical the addition of land to be managed as part of the Wellington Town Belt. [ Our members are also supportive of how the Bill might allow the linking Outer Green Belt spaces and bird corridor to in future also enjoy Wellington Town Belt status.]
4. The NRA notes the restriction around space and lease terms for sporting codes with premises on the Town Belt. We support this principle, and the underlying principle of the codes to share space and resources to make effective use of this space. This would encourage the flexibility to be left to the local processes of the 10 yearly Town Belt Management plan and not through the national legal framework. Again, we fully support Clause 20 of the Bill
5. The NRA acknowledges and fully supports the requirement that Wellington Town Belt land cannot be lost unless acquired under the Public Works Act. If this occurs then WCC should negotiate replacement with suitable land, sometimes more than equivalent to what is lost under the footprint of the acquired land. This strategy needs to include a premium value approach – getting the best outcome for the Town Belt as compensation if this might occur. We support a change to this section to be that any outcome considerably improves the Town Belt.

6. The NRA supports the concept that commuter cycle and walk ways may be considered as an acceptable and appropriate activity within the Wellington Town Belt. Many of Wellington's streets are just not wide enough for safe travel for all. Cycling through the town belt as a commuting activity is in fact a circuitous journey, a recreational activity combined with travel. This is worth acknowledging in the Bill. The Town Belt Management Plan should identify all the recreational amenities that can be reached by a connected recreational cycling network. Just as vehicle access is paved for convenience safety and durability so too should some Town Belt cycleways be. Cycling through the town belt is already an accepted occurrence and the Bill and Plan need to accommodate this.
7. The NRA notes that some historic access issues have been resolved by taking land out of the Town Belt, (Liardet, Mt Albert, Weld, Brooklyn and Nairn) which seems a sensible approach to these long standing issues, however the NRA feels a similar mechanism for other long standing access issues will be carried forward under the new Bill.

Newtown Residents' Association has submitted before that the limited vehicle access to the Carmichael Reservoir above the south end of Coromandel Street has long been supported by the Association and as nothing has changed in regard to the issues, particularly parking for local Newtown residents in this area, we continue to advocate for this access to be accommodated under the new Bill.

Newtown Residents' Association does not wish this to be treated as an encroachment as that means the access will eventually cease.

Newtown Residents' Association asks that the route be listed as road reserve, but with limited local (swipe card / txt code) access. Limited controlled access provides a desirable gravel road, with a slow moving traffic that makes a pleasurable unique Town Belt experience. This rural back-road atmosphere is part of our community's historic fabric and very significantly provides a degree of supervision and safety for users of this area of the Town Belt.

The residents here provide significant Kaitiaki over this area. Local residents and our Association members really appreciate that this area is clearly cared for by the immediate local residents. With the moveable barrier control locals vehicular use of the utility access is well managed.

The NRA is also very supportive of measures to improve public transport and cycling commuting into the city. A constant theme for this intensification is that space is needed for parking at home while travelling by public transport, cycling or walking. This edge of the Town Belt by the reservoir is performing a valuable environmental function hosting cars that stay home.

Similarly we are also concerned that some residents in Volga Street who have been parking on what was road reserve now lose this ability if this land passes into Town Belt. This would be a significant and no doubt unexpected change for the owners of these properties.



8. Whilst many including Councillors and Officers may feel the time taken to get to a new Bill has been long, we do not support clause 24 (2) of the proposed Town Belt Bill.

“24 Transitional provisions

(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.”

The NRA is not comfortable supporting this, as the final outcome of the Bill is unknown and nor is the possible interpretation by Council Officers and Councillors known at this stage.

We would like to see a consultation process for any changes to the Wellington Town Belt Management Plan retained whenever changes are to be made to it, including any changes now during the transitional process.

The NRA also expects the final version of the Bill will be circulated to submitters.

## Conclusion

On behalf of the Newtown community, and on behalf of past citizens and future citizens of Wellington, the Newtown Residents' Association thanks you for helping us to look after this important part of our city. With our suggestions and refinements included we are supportive of this Bill going to parliament.

The Newtown Residents' Association would like to be heard in support of this succinct submission. Please do not hesitate to contact me at [martin.hanley@vuw.ac.nz](mailto:martin.hanley@vuw.ac.nz), or on 389 7316 if you would like our Association to provide more detail on this important Wellington issue.

Yours sincerely



Martin Hanley  
President  
Newtown Residents' Association

J C Horne  
 28 Kaihuia Street  
 Northland  
 WELLINGTON 6012  
 Ph 475 7025, fax 475 7253  
 bmitcalfe@clear.net.nz

B J Mitcalfe  
 15 Boundary Road  
 Kelburn  
 WELLINGTON 6012  
 Ph/fax 475 7149

19 May 2014

Wellington Town Belt Bill  
 Parks and Gardens (REPL01)  
 Wellington City Council  
 WELLINGTON 6140

### **SUBMISSION: Draft Wellington Town Belt Bill**

Thank you for the opportunity to comment on the draft bill.

We wish to be heard in support of this submission.

#### **Introduction**

We welcome Council's intention to enshrine in legislation the permanent protection of the Wellington Town Belt, which was gifted to the inhabitants of the city of Wellington, by the New Zealand Company, to be managed on behalf of the inhabitants by Wellington City Council, acting as trustees.

As members of the Friends of the Wellington Town Belt, Wellington Botanical Society and Wellington Civic Trust, we support the general direction of the submissions of those organisations.

#### **Submission**

1. Overall, we strongly support the general direction and objectives of the Bill. *Reason:* we want the letter and spirit of the Town Belt Deed 1873 enshrined in legislation..

2a: We strongly support land included as Town Belt and the statutory principles. *Reason:* the land is the property of the citizens of Wellington, managed by Wellington City Council, acting as trustees on behalf of the citizens.

2b: We support removing of the Town Belt from the provisions of the Reserves Act. *Reason:* it would prevent the Minister of Conservation from over-riding a decision made by Council, acting as trustees, on behalf of the citizens of Wellington. Instead, such a decision would have to be made by Parliament.

2c: We oppose powers in respect of the Town Belt such as leasing, rights of way and easements, unless each proposal is advertised in the public notices in *The Dominion Post*, *The Wellingtonian*, *Cook Strait News*, and *The Independant Herald*, with adequate notice, for public submissions on the proposals.

2d: We strongly support proposals for adding to the Town Belt. We generally strongly oppose proposals for removing land from the Town Belt, because it was gifted by the New Zealand Company to the citizens of Wellington.

2e: We strongly support management of the Town Belt, including the provision of a management plan. *Reason:* the Town Belt is the property of the citizens of Wellington, managed on their behalf by Wellington City Council, acting as trustees.

2f: We strongly oppose giving the Chest Hospital and Wellington Zoo special status simply because they are on Town Belt land, which is the property of the citizens of Wellington.

#### 4. Interpretation

We recommend that the term “public purpose”, as used in 19(1), be defined in “Interpretation”.

#### 20. Management Plan

We recommend that 20(4) be amended to read: “in performing its functions and exercising its powers in respect of the Wellington Town Belt, the Council must comply with the management plan, and to assist in exercising this responsibility must appoint an officer of Council as Town Belt Curator, this person to be the contact at Council for the citizens of Wellington for all matters pertaining to the Town Belt.”

#### Appendix 1: Maps

Figure 1 – Land included in the Draft Wellington Town Belt Bill

We may comment on this map at the hearing.

Figure 2 - Upper Weld Street

We oppose Council's proposal to take Town Belt land which extends south from the top of Weld Street, then designate it as 'road'. *Reason:* it would turn Town Belt into a private drive.

Figure 3 - Brooklyn Road & Nairn Street

We support Council's proposal to take Town Belt land, then designate it as 'road'. *Reason:* the land is either already Washington Avenue, or, in effect, road reserve on Brooklyn Rd.

Figure 4 - Connaught Terrace

We oppose Council's proposal to dispose of Town Belt land on Connaught Terrace. *Reason:* the triangle of Town Belt land is contiguous with vegetated road reserve.

Figure 5 - Liardet Street

We support the proposal to take Liardet Street as 'road', in exchange for taking the Unformed Legal Road across Liardet Park as Town Belt. We oppose taking Town Belt land west of Liardet St and gazetting it as reserve. *Reason:* it is contiguous with vegetated land south toward Farnham St.

Figure 6 - Mt Albert Road

We support adding to Town Belt the two areas in blue. We oppose taking the western part of the area in pink, as 'road'. *Reason:* it is contiguous with the land west of Mt Albert Rd which is proposed be added to Town Belt.

Figure 7 - Volga Street

We support these proposals. *Reason:* the gains for the Town Belt are more extensive than the losses. Also some of the land proposed to be taken as 'road' is already 'road', or road reserve.

Figure 8 - Lookout Road, Mt Victoria

We support the proposed transfers of reserve to Town Belt. We oppose the proposal to take from Town Belt part of Lookout Road. *Reason:* the prime function of this section of Lookout Road is to provide access to Mt Victoria / Tangi te Keo, one of the higher summits on the Town Belt.

Yours sincerely

Chris Horne and Barbara Mitcalfe.

**Antoinette Bliss**

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**From:** Susan Wauchop <susan.wauchop@gmail.com>  
**Sent:** Sunday, 18 May 2014 4:35 p.m.  
**To:** BUS: Town Belt  
**Subject:** Town Belt: Brooklyn Road

I understand the intention is to remove a portion of Brooklyn Road adjacent to Washington Ave from the Town Belt and redesignating it "road".

If this means the loss of the "green fringe" along this part of Brooklyn Road, I am opposed to the proposal. Brooklyn Road is arguably one of the most beautiful in Wellington. The sweep down the hill with green vistas on both sides is something very special. (That is, when the fenceline opposite Washington Ave is not littered with advertising signage).

Bearing in mind that Brooklyn Road his is part of the Wellington and Bays scenic drive, we should, in my view, protect the value of this stretch of road to the best of our ability.

Yours sincerely

Susan Wauchop

**Antoinette Bliss**

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**From:** Greg Nicholls <gregnicholls@hotmail.com>  
**Sent:** Thursday, 15 May 2014 1:43 p.m.  
**To:** BUS: Town Belt  
**Subject:** Carmichael Reservoir/Town Belt proposal

To the Wellington City Council

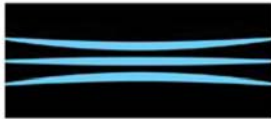
We live at 93 Coromandel Street, Newtown, Wellington. We are not directly affected by the proposal to restrict parking by residents at the Carmichael Reservoir (with access through the Town Belt) but we are concerned about both the impact on parking in Coromandel Street and the fairness of these proposals.

In regard to parking in Coromandel Street, it is already a very busy street with the redevelopment of St Helens and the building of Housing Corporation units on the corner of Colville Street in particular affecting parking in the years we have lived there. It is also likely that the old school site opposite the entrance to Colville Street will be redeveloped into high density housing at some time. Another 10 to 15 cars added to the street from the Carmichael Reservoir proposal will have a very detrimental impact on residents, which the Council should take into consideration.

We also regard the proposal to restrict parking as particularly unfair. These residents have had this access for a very long time. To now, for example, have to carry their groceries from wherever they can get a park and up the zigzag path seems very tough. We also question whether their cars have much impact on the Town Belt. We walk our dog 3 or 4 time a week in the Town Belt near and past Carmichael Reservoir and very rarely encounter a car on the road through the Town Belt. This proposal seems to be adversely affecting a small number of people to a great degree for minimal overall benefit. It also seems unfair when you consider all the other uses the Town Belt is put to and that access through the Town Belt is allowed elsewhere.

We consider that the Council is being unreasonable in this matter and ask that you reconsider your position.

Greg and Heather Nicholls  
93 Coromandel Street  
Newtown



**T R A N S P O W E R**

## **Draft Wellington Town Belt Bill**

**Submission by Transpower New Zealand Limited  
to the Wellington City Council**

**15 May 2014**

**Contact details:**

Mike Hurley  
Senior Environmental Planner  
Email: [environment.policy@transpower.co.nz](mailto:environment.policy@transpower.co.nz)  
Telephone: 04 590 7244

Transpower New Zealand Ltd  
PO Box 1021  
Wellington 6140

1. Transpower welcomes the opportunity to submit on the Draft Wellington Town Belt Bill (the draft Bill) and wishes to appear before the Council to present our submission in person.

### **Summary of Transpower’s suggested amendments to the draft Bill**

2. Transpower owns and operates two National Grid transmission lines that traverse sections of the Wellington Town Belt (as shown in the map in Appendix 1).
3. Transpower recognises the importance of protecting and managing the Town Belt. Transpower has existing rights, granted under the Reserves Act 1977, to operate, maintain, upgrade, and develop National Grid assets in the Town Belt. The exercise of these rights has not, and will not, impact on the protection and management of the Town Belt.
4. Transpower supports the draft Bill provided it does not restrict the operation, maintenance, upgrade and development of National Grid assets in the Town Belt<sup>1</sup>. Transpower understands this is not the intention of the draft Bill and seeks amendments to clarify this.
5. Transpower seeks amendments to the draft Bill, to recognise:
  - a. The need for particular public utilities, such as electricity networks, to be located in the Town Belt to provide services to the public (clause 10, “Principles”);
  - b. That the Council’s power to construct, repair, demolish or maintain any building or fixture in the Town Belt does not apply to National Grid assets (clause 16(3)(a) – “Powers of the Council”);
  - c. That a lease or licence can be granted for National Grid assets in the Town Belts (clause 18(4)(b) – “Leasing and licensing”);
  - d. That any lease or licence granted to Transpower would need to apply without time or area restrictions (clause 18(2) and 18(3)(a)); and
  - e. Transpower’s existing rights under the Electricity Act 1992 that enable entry onto land for the inspection, maintenance or operation of existing works<sup>2</sup> (clause 23(2) – “Existing rights not affected”).
6. Further details on the amendments suggested above are provided at the end of this submission.
7. For clarity, Transpower suggests that clause 20(3) is amended so the management plan must be reviewed at intervals of not more than 10 years (as opposed to “not less” than 10 years).

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<sup>1</sup> In this submission ‘Town Belt’ includes all land covered by the draft Bill - i.e. land that is currently protected by the Town Belt Deed and land that will become part of the Town Belt.

<sup>2</sup> Electricity Act 1992, s 23.



### Transpower's assets in the area covered by the draft Bill

8. Transpower has two transmission lines that traverse the Town Belt.
9. The Central Park to Wilton A (110kV) and Central Park to Wilton B (220kV) are both on the same support structures between Durham Street and the Central Park substation on the corner of Brooklyn Road and Nairn Street. The two lines take different routes between the Central Park and Wilton substations but they both traverse the Town Belt (the map in Appendix 1 shows Transpower's assets in the Town Belt).

### Background on Transpower and our rights in relation to the National Grid

10. Transpower New Zealand Limited is the State Owned Enterprise that owns, maintains, operates, and develops New Zealand's high voltage transmission network, the National Grid. The National Grid comprises a network of high voltage lines and substations that transport electricity from where it is generated to towns and cities across New Zealand. We connect with local distribution companies, like Wellington Electricity, who connect to individual homes and businesses.
11. The National Grid has been recognised as being of national significance by Central Government through the National Policy Statement on Electricity Transmission 2008 (NPSET<sup>3</sup>) and the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (NESETA<sup>4</sup>) under the Resource Management Act 1991 (RMA).
12. Transpower has access rights for inspecting, operating, and maintaining *existing* works under the Electricity Act 1992<sup>5</sup> and tree trimming rights under the Electricity (Hazards from Trees) Regulations 2003. Shifting or modifying existing lines, or building new infrastructure, such as a tee-point off an existing line, would require Transpower to obtain property rights, such as an easement or licence. Transpower currently has the ability to secure property rights for land in the Town Belt.
13. Wellington's Town Belt is currently managed through the Town Belt Management Plan which is made under the Reserves Act 1977.

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<sup>3</sup> The objective of the NPSET is to recognise the national significance of the electricity transmission network by facilitating the operation, maintenance and upgrade of the existing transmission network and the establishment of new transmission resources to meet the needs of present and future generations, while managing the adverse environmental effects of the network; and managing the adverse effects of other activities on the network.

<sup>4</sup> The provisions of the NESTA apply to National Grid transmission lines in existence as at 14 January 2010. The NESETA manages the effects of the operation, maintenance, development and upgrading of the National Grid transmission lines under the RMA.

<sup>5</sup> Section 23.

14. The Reserves Act authorises the Wellington City Council to grant rights of way and other easements over any part of the Town Belt for (among other things), an electrical work<sup>6</sup> which includes National Grid transmission lines<sup>7</sup>.
15. Transpower currently has easements in the Town Belt authorising the construction, operation, and maintenance of telecommunications. The easements also grant the right to transmit signals along the telecommunications line and to access the line with vehicles, machinery or equipment. The draft Town Belt Bill should similarly allow for rights of way and other easements to be granted for electrical works.
16. Transpower's rights of access for operation, maintenance and inspection of the National Grid apply to "existing works". Without the amendments Transpower proposes to the draft Town Belt Bill, Transpower would not be able to obtain the necessary property rights, such as an easement, in order to carry out work on the Central Park to Wilton A and B lines (such as reconductoring work or any tower relocation for instance), nor would it be able to build any new assets that traversed any part of the Town Belt. This could in turn impact on the efficient and secure operation of the transmission network and security of electricity supply.

#### **Further detail on Transpower's suggested amendments to the draft Bill**

17. Transpower recognises the importance of protecting and managing the Town Belt. Transpower has existing rights, granted under the Reserves Act 1977, to operate, maintain, upgrade, and develop the National Grid assets in the Town Belt. The exercise of these rights has not, and will not, impact on the protection and management of the Town Belt. The Council's power to grant rights of way and other easements over the Town Belt for particular public purposes, such as the transmission of electricity, should be carried over into the new Town Belt legislation so that important infrastructure can continue to operate.
18. Transpower seeks amendments to the draft Bill, to recognise:
  - a. The need for particular public utilities, such as electricity networks, to be located in the Town Belt to provide services to the public (clause 10, "Principles");
  - b. That the Council's power to construct, repair, demolish or maintain any building or fixture in the Town Belt does not apply to National Grid assets (clause 16(3)(a) – "Powers of the Council");
  - c. That a lease or licence can be granted for National Grid assets in the Town Belts (clause 18(4)(b) – "Leasing and licensing");
  - d. That any lease or licence granted to Transpower would need to apply without time or area restrictions (clause 18(2) and 18(3)(a)); and

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<sup>6</sup> Section 48(1)(d) Reserves Act 1977.

<sup>7</sup> 'Works' is defined in section 2 of the Electricity Act 1992.

- e. Transpower’s existing rights under the Electricity Act 1992 that enable entry onto land for the inspection, maintenance or operation of existing works<sup>8</sup> (clause 23(2) – “Existing rights not affected”).
19. In relation to (a) above, Transpower notes that having public utilities in the Town Belt is not contrary to the purpose of the draft Bill. It is possible to protect, manage, and enhance the Town Belt as well as allowing for the operation, maintenance, upgrading and development of the National Grid in this area. To date there have been no issues with accessing and maintaining our assets in the Town Belt.
  20. In relation to (b) above, Transpower notes that clause 16(3)(a) gives the Council the power to construct, repair, demolish or maintain any building or fixture in the Town Belt. The terms “building” and “fixture” are not defined in the draft Bill. Transpower notes that it is not the intention of the draft Bill to allow the Council to undertake work on National Grid assets in the Town Belt. Therefore, Transpower seeks an amendment to clause 17 “Restrictions on Council’s powers” to clarify that clause 16(3)(a) does not apply to National Grid assets.
  21. In relation to (c) above, clause 18(4)(b) refers to granting licences for the construction, repair, demolition, and maintenance of any “building”. As mentioned above, the term “building” is not defined in the draft Bill. Therefore Transpower seeks an amendment to clarify that clause 18(4)(b) applies to National Grid assets.
  22. In relation to (d) above, Transpower notes that in the current draft of the Town Belt Bill, leases and licenses cannot be granted for a term longer than 20 years (clause 18(3(a))) and are limited to 8 hectares in total (clause 18(2)). Transpower does not currently have any leases or licences in the Town Belt. However, if Transpower did need to negotiate a lease or licence in the future, this would need to apply indefinitely, given the enduring nature of the National Grid. The lease or licence may also need to be for an area that exceeds the 8 hectare limit, depending on the area covered by the asset. Therefore Transpower seeks an exemption from these restrictions on leases and licences.
  23. In relation to (e) above, clause 23(2) of the draft Bill only recognises existing public utilities owned by the Council as lawful and notes that they may be subject to an easement. In Transpower’s view, this clause should also extend to other public utilities, such as electricity networks. Transpower has access rights for inspecting, operating, and maintaining existing works under the Electricity Act 1992. The “Wellington Town Belt Management Plan – June 2013” recognises that the use of the Town Belt for public utilities is considered appropriate in some circumstances and sets out conditions for new utilities and replacements and upgrades of existing utilities. Transpower seeks that this recognition is also included in the draft Bill.
  24. Transpower notes that a parcel of land next to the Central Park substation is being removed from the Town Belt and sold (Pt Lot 11, DP 10508). Given the proximity of

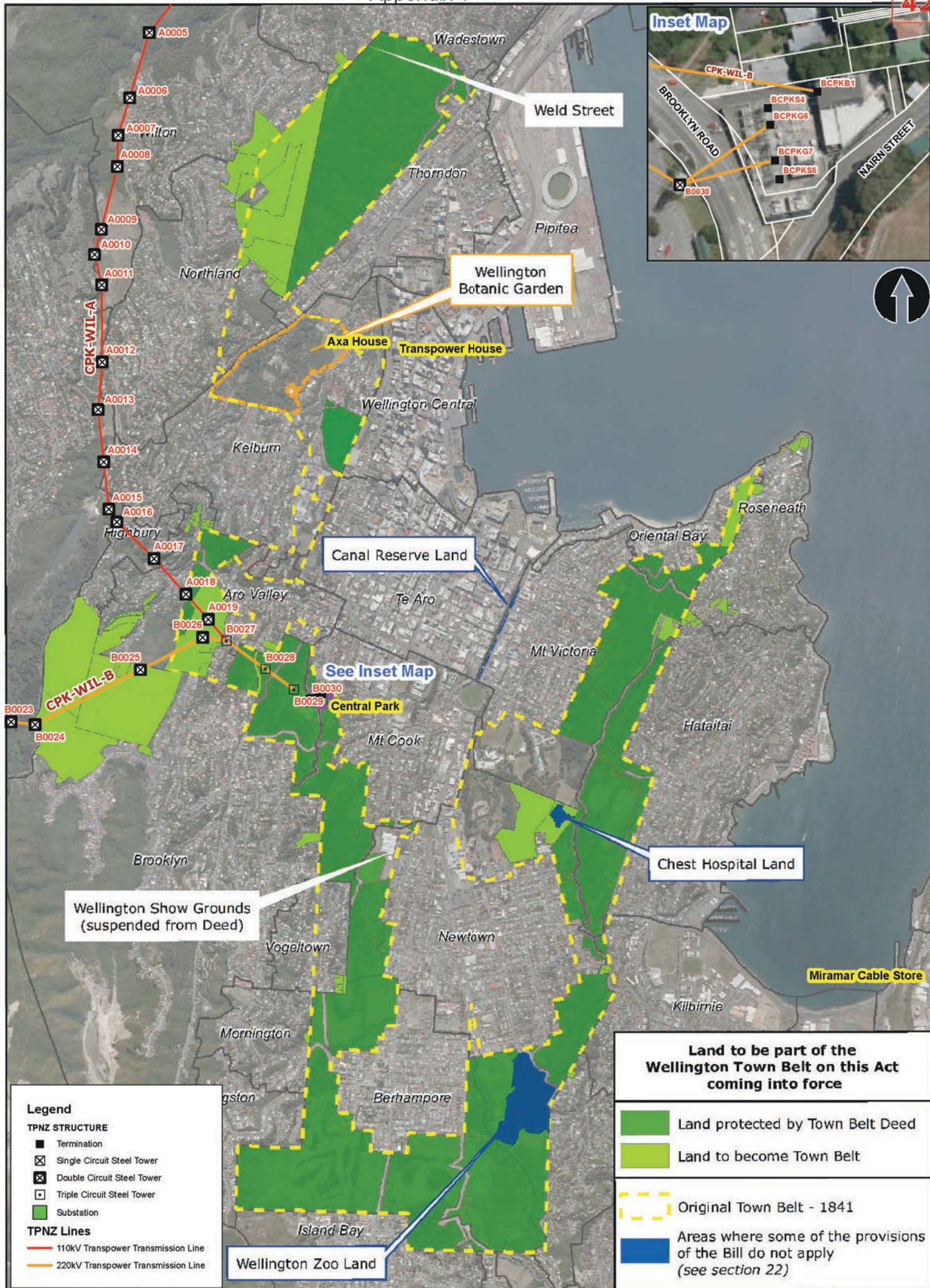
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<sup>8</sup> Electricity Act 1992, s 23.

this land to the substation, Transpower would be concerned if this land was sold for residential or other sensitive uses. The location of sensitive activities in close proximity to National Grid assets would be contrary to Policies 10 and 11 of the National Policy Statement on Electricity Transmission and the Resource Management Act 1991.

## **Conclusion**

25. In summary, Transpower supports the purpose of the draft Bill and recognises that it is not the intention of the draft Bill to restrict the operation, maintenance, upgrade and development of National Grid assets in the Town Belt. The amendments that Transpower is seeking are to ensure that we can continue to operate, maintain, upgrade and develop the National Grid in the Town Belt, without compromising the Council's ability to protect, manage and enhance the Town Belt.



**Legend**

**TPNZ STRUCTURE**

- Termination
- ⊗ Single Circuit Steel Tower
- ⊗⊗ Double Circuit Steel Tower
- ⊗⊗⊗ Triple Circuit Steel Tower
- Substation

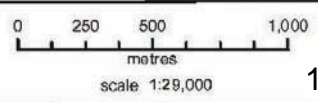
**TPNZ Lines**

- 110kV Transpower Transmission Line
- 220kV Transpower Transmission Line

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

- Land protected by Town Belt Deed
- Land to become Town Belt
- - - Original Town Belt - 1841
- Areas where some of the provisions of the Bill do not apply (see section 22)

**Land Included in the Draft Wellington Town Belt Bill**



Other data has been compiled from a variety of sources and its accuracy may vary, but is generally +/- 1m.

DRAFT TOWN BELT SUBMISSION 19.05.14

Mike Oates

Manager of Open Spaces & Recreation Planning,

Wellington City Council

P O Box 2199

Wellington 6011.

I make this submission for Athol and Pauline but do not wish to be heard.

The three points we wish to make are:

We oppose the Town Belt as it is currently drafted.

We support the retention of the Town Belt Deed as the governing document of the Town Belt

We oppose the removal of the Reserves Act from the Town Belt

The Bill should be explicit that the Council as trustee should continue to work with all residents of Wellington to manage and monitor the Town Belt on their behalf.

We are currently submitted out! So this is short but although we do not wish to speak to the hearing would appreciate being advised of time and dates.

Yours sincerely

Pauline and Athol Swann

47 Mairangi Road Wadestown Wgtn 6012

Email: athol.swann@paradise.net.nz

## Antoinette Bliss

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**From:** Dionne Needham <awards@ipenz.org.nz>  
**Sent:** Tuesday, 13 May 2014 4:40 p.m.  
**To:** BUS: Town Belt  
**Subject:** Draft Wellington Town Belt Bill

I believe that restricted historic access to homes via the town belt should be allowed to continue as long as it is appropriately managed. Parking in Coromandel Street has not been improved and it is not appropriate that some historic access is granted to some residents whilst for others it is rejected. Utilising the Carmichael Reservoir utility road does not cause any issues and Council appears to be trying to fix a problem that does not exist and one that will create a larger problem for many more residents.

My father has limited mobility and would not have been able to stay with me if I was not able to park at the Carmichael Reservoir as he would not have been able to manage the Southern walkways gradient or set of two stairs. I live alone and when I ended up on crutches a couple of years ago without the ability to park close to my house I would not have been able to get to work. The trip to and from the bus stop was physically impossible to complete after a full day on crutches. I would have had to relocate to friends for the two months I have no family in Wellington and rely on their good will while also paying rent on a house I could not live in. Having the parking also meant that I could get groceries from my car to my house saving on the additional expense of online shopping.

Regards  
Dionne Needham  
Resident 152 Coromandel Street Newtown

Draft Town Beltbill Submission due 19<sup>th</sup> May 2014

Rosamund Averton  
12/17 Brougham Street,  
Mount Victoria,  
Wellington 6011

Mike Oates: Manager of Open Spaces and Recreation Planning,  
Wellington City Council,  
P.O Box 2199,  
Wellington 6011.

[Mike.Oates@wcc.govt.nz]

I make this submission as an individual and do wish to be heard.

Introduction:

This new draft bill has been heralded for some years but I remain unconvinced that it is actually needed other than to allow for the removal or addition of land.

The bill lays a different and sometimes contrary emphasis to the original Deed. My submission, below, seeks remedies to some lacks within the draft bill.

However, having read and re-read the various documents including primary sources relating to this draft bill I remain convinced that the present deed with some minor modifications would suffice rather than its replacement.

Submission:

### 1: Trusteeship

The bill's purpose refers to "the council's" trusteeship. While the Mayor and councillors are trustees of the Town Belt, the Wellington City Council, described as a "trustee" is not. The citizens of Wellington are also trustees under the Deed but are not mentioned in the bill. This omission can be easily remedied with the addition throughout the bill of the phrase "the citizens of Wellington as trustees". The trustees may delegate their responsibilities but that should not be interpreted as allowing for them to abdicate in favour of non-elected officials without prior public consultation.

The bill should also be reworded to explicitly say that the Council as trustee will continue to work with all residents of Wellington to manage and monitor the Town Belt on their behalf.



The place of the Treaty of Waitangi should be acknowledged and mana whenua should of course be acknowledged as partners in the operation of this bill. Reference should also be made to the newly enacted Heritage NZ Act 2014.

## 2: WellingtonTown Belt :

The proposed bill is equivocal in regard to the Town Belt's governance and management. It should clearly state that our Town Belt should not be privatised, commercialise or colonised to the financial benefit of any group or organisation nor should the Town Belt land ever be transferred to a third party in a way that allow them to profit, however tangentially, from such an assignment of public land. Current leases should be allowed to stand until they naturally expire but no land transfers to other leaseholders; neither should leaseholders be allowed to assign their leases or permit buildings to be hired out (eg: Innermost Gardens hiring out for commercial purposes the Charles Plimmer "Hall" on Mount Victoria).

## 3: Reserves Act

I oppose the removal of our Town Belt from the provisions of the Reserves Act 1977. This removal would mean the right of appeal to the Minister of Conservation and implicitly another layer of protection for our Town Belt would be expunged.

Actions of the elected and non elected representatives of Council must remain able to be scrutinised in public after public notification.

## 4: Natural Character

The modifications to both landscape and ecology of the Town Belt should be treated as an intrinsic part of the history of the site to be added to the schedule of the Heritage NZ Act.

Maori settlers cleared sites by burning all existing vegetation to allow cultivation. Re-growth on Orangi Kaupapa – Mt. Etako – Tinakori Hill was clear felled at least twice post 1840. Sites like Mount Victoria facing west were hostile to self seeded vegetation until the pines and eucalypts were planted to provide shelter and land stability. In recent years many trees have been felled to satisfy the fashion for arboreal purity linked to a mythical past. The actual vegetation extant in earlier time is well documented by early settlers; their reflections should be our model not some aspiration for regional purity.

The landscape and ecology of the Town Belt must be retained to ensure the enjoyment of residents and visitors to Wellington is preserved and that any vegetation that survives should be nurtured to ensure the entire Town Belt is densely covered in a cloak of mixed vegetation providing habitat to fauna.

All "pest" eradication programmes should cease on our Town Belt to avoid the dangers of land and water pollution and the denudation of vegetation thus depriving fauna of habitat. This provision should be enshrined in the bill.

#### 5: Enjoyment

It is important that should the Council decide to persist with this "bill" that the draft specifically includes reference to free, unhindered access to our Town Belt without any direct or indirect charges. I can find no explicit reference in the bill to this important matter.

The areas already colonised by leaseholders must not be allowed to inhibit access to our Town Belt. Leased buildings (eg: Scout building, Pottery building etc) allow members/subscribers to enter their premises but restrict access to the public. WCC should, once leases expire, be cleared of buildings. Town Belt land should then be allowed to revert to open green space. I exclude the "Waterworks Building" opposite Newman Terrace from this stricture; it could be converted into an "Industrial History" museum that commemorates Wellingtons early industries (eg: quarries, brickworks, tree felling and milling etc). This significant heritage building should be listed in the schedule of this bill and also in the Heritage NZ Act 2014.

#### 6: Recreation activities

I reiterate, from earlier submissions, that there may have been confusion in relation to what is, or is not "recreation". I believe that the term "recreation" should be used for all of any activity that people engage in for enjoyment including children playing in a crèche or adults making pots as well as "directed" (organised sporting activities eg: team sports, Tai Chi) and or "un-directed" (generally spontaneous activities like walking, bird-watching, photographing etc) but not any activity that is for commercial gain to any party.

Directed activities might also include tending allotments, re-vegetating sites and organised cycling events but not hiring out for commercial activities.

#### 7: Historical and Cultural links

Separate legislation should be considered for the preservation and protection in perpetuity of other significant areas such the Outer Town Belt and the Miramar Peninsula.

#### Conclusion:

Whilst proffering some changes to the draft bill my essential position remains that the present Deed continues to serve its purpose and does have the advantage of not bestowing beneficial ownership on trustees, Council or

citizens. This omnibus draft bill is far from a simple remedy to an absence of a means of including or removing land from the Wellington Town Belt which was the original intention.

Thank you for this opportunity,

Rosamund.

Rosamund Averton  
12/17 Brougham Street,  
Mount Victoria,  
Wellington 6011.

[3851 495]

**Antoinette Bliss**

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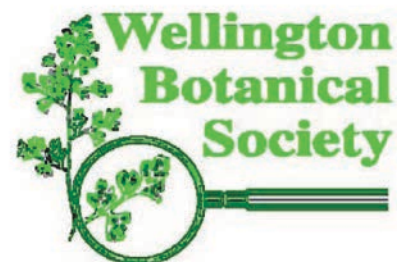
**From:** Mark Richardson <m\_i\_richardson@hotmail.com>  
**Sent:** Thursday, 1 May 2014 11:34 a.m.  
**To:** BUS: Town Belt  
**Subject:** Draft Town Belt Bill Re Liardet St Macalister Park.

Dear Mike,

thank you for your letter which restarts the quest enacted by a past councilor who unfortunately passed away before the bill was presented to Parliament. It all makes good sense. Thirty four years ago I brought my house and the drive way servicing those properties was well established by Bruce Hancock when he built just after the 2nd WLD War. The access way and bank covered in gorse was relayed by myself after the town belt next to my house caught fire for the second time. The drive way has been invaluable not only for fire engines, but on many occasions during Bruce's last years have seen ambulances, doctors , nurses , home help, plunket and district nurses, vets and WCC refuse , drainage etc and lastly the residents all make use of this access way. The incredibly large lawn that I created as a fire break has been mowed and maintained by myself as with the drive way since my arrival but unfortunately I'm about to under go a hip replacement which will see my lawn mowing days come to an end now I'm in my sixties coupled with the hardship of mowing on a slope. I consider my self as the unofficial caretaker of this area and it would be grand knowing the continued use by residents is guaranteed under your proposal should it come to fruition. Thanks for your time to read Mike and look forward to your reply.

Kind Regards,  
Mark Richardson.

PO Box 10-412  
Wellington 6143  
New Zealand



Charities Commission Registration CC10518

19 May 2014

## DRAFT WELLINGTON TOWN BELT BILL

**Submitter: Wellington Botanical Society**  
**Contact details** Bev Abbott  
 40 Pembroke Rd, Northland, Wellington 6012  
[bevabbott@xtra.co.nz](mailto:bevabbott@xtra.co.nz)  
 Phone 04 475 8468 (H)

### INTRODUCTION

1. Wellington Botanical Society welcomes this opportunity to comment on the draft bill.
2. Our submission focuses on two issues: the taking of land under the Public Works Act, and the Guiding Principle for indigenous biodiversity.
3. A final section signals our support for matters raised by the Wellington Civic Trust. We saw a draft of their submission shortly before the closing date for submissions.
4. We also expect the current trustees of the Town Belt, on behalf of the citizens of Wellington, to add further provisions to the Bill to address the potential for local-body amalgamation. If it doesn't happen in this decade, it is likely to be proposed during some future decade. We recommend a provision that would ensure that, in the event of the abolition of Wellington City Council, the trusteeship of the Town Belt shall be transferred to the new territorial local authority which will be directed to act on behalf of the citizens of the present city of Wellington.
5. We wish to be heard in support of this submission.
6. We would welcome opportunities for further discussions with Councillors and / or staff on matters in the Bill.

### BACKGROUND

7. We first raised these issues in September 2011 in our submission on the Draft Guiding Principles. The next two paragraphs trace subsequent events.

8. Officers reported the results of the analysis of submissions on the Draft Guiding Principles to the Strategy and Policy Committee in December 2011. They said the submissions showed that the term ‘natural character’ was too generic, and that further definition was required on what natural aspects of the Town Belt were to be protected and enhanced. Council subsequently agreed to replace the draft ‘natural character’ principle with two more specific principles, one on ‘landscape’ and one on ‘indigenous biodiversity’. The new biodiversity principle was “*The Town Belt will support healthy populations of indigenous biodiversity*”. This principle appeared for the first time in the Ecology Chapter of the Draft Town Belt Management Plan (DTBMP).
9. Our submission on the DTBMP, and a Council-led workshop with other stakeholders, contributed to a change in the biodiversity principle. The principle in Chapter 5 of the approved Wellington Town Belt Management Plan states:

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

#### **Draft Town Belt Bill, Section 10(1)(d) Guiding Principles**

10. The amended Guiding Principle for indigenous biodiversity was not incorporated into the Drafting Instructions or the Draft Bill. Section 10(1)(d) of the draft bill reverts to the original wording:
- “The Town Belt will support healthy populations of indigenous biodiversity”.*
11. Managing the Town Belt so that it supports healthy populations of an unspecified number of unspecified indigenous species is very weak as a guiding principle. We strongly believe that Town Belt management should be focused on establishing healthy ecosystems not just healthy populations. Healthy ecosystems protect indigenous biodiversity. We will not have healthy populations of iconic indigenous species such as silver ferns, wetas, earthworms and geckos etc, if we don’t protect the ecosystems in which they live. Managing for healthy ecosystems encompasses their biotic and abiotic components, and the ecological processes which connect them. We must to pay attention to the soil, water, non-vascular plants such as mosses and lichens, vascular plants (ferns, flowering plants, and podocarps), other invertebrates, birds, lizards, fungi, and the soil bacteria which make up the host ecosystems. Healthy ecosystems also deliver other ecosystem services which contribute to the city’s resilience, for example, absorbing carbon from the atmosphere, reducing flooding by slowing runoff, and filtering pollutants and sediments from runoff.
12. We recommend changing Section 10(1)(d) to *either* read something like:
- Healthy ecosystems supporting indigenous biodiversity are once again flourishing in many parts of the Wellington Town Belt. (Consistent with the Town Belt Management Plan 2014)*
- or wording similar to that used in other principles, for example:
- “Healthy ecosystems on the Wellington Town Belt should support indigenous biodiversity.”*

13. The change we are seeking is a shift to a focus on ecosystems, not populations.

#### **Section 14: Application of the Public Works Act 1981**

14. In our submission on the guiding principles in 2011, we argued that legislation authorising any alienation of Town Belt land should require the Crown (or beneficiaries of the acquisition) to replace the alienated land with an equivalent area of open space land adjacent to the Town Belt, and that priority be given to additions (replacements) that will reduce the ecological fragmentation, or advance the ecological integrity of the Town Belt.
15. We remain committed to this approach with one clarification. When we used the phrase ‘equivalent area’, we were not speaking solely on hectares, but of the values of the land.
16. Under the draft bill, “the Council must not consent or agree to any land being removed from the Wellington Town Belt under the Public Works Act 1981”.
17. Another provision provides that “where, pursuant to the Public Works Act 1981, any land ceases to be held by the Council, the Council must seek appropriate compensation”. We found no draft statutory guidance on what would be “appropriate”.
18. A quick check of the Public Works Act shows that, if the Crown takes the land anyway, and the Council and the Crown cannot agree on the amount of compensation to be paid, Council can give notice to the Crown requesting that the issue of compensation be determined by the Land Valuation Tribunal (LVT). The value of land would then be based upon the amount the land would be expected to sell for if sold on the open market by a willing seller to a willing buyer on a specified date.
19. This could lead to a situation with the following elements:
- the Crown will use the Public Works Act to take exactly what Town Belt land it wants; the opportunities for Council to suggest alternative solutions, or minor modifications to boundaries will be severely constrained
  - the Trustees will be able to say that they have upheld their responsibilities to never agree to land being removed from the Town Belt
  - the Council will receive financial compensation, either directly from the Crown, or after a LVT determination, and the money can be spent on whatever a future Council chooses; it does not have to be spent on purchasing land
  - the city gets the “improved” roading or other public works
  - the Town Belt gets smaller
  - the ratepayers pay the legal costs.

20. We do not think this is a satisfactory outcome. We urge Council to give serious consideration to:

- adding a clause that would allow the Crown to take Town Belt land only if there were no other practicable options for achieving the objectives of the public work
- adding a clause requiring that compensation shall be in the form of land of equivalent value, preferably but not necessarily land adjacent to the Town Belt, but otherwise other nearby open space
- adding a clause that would require any land that is no longer required for a public work to automatically become Town Belt again at no cost to Council.

### **Support for submission from Wellington Civic Trust**

21. Shortly before submissions closed, we read a draft of a submission by the Wellington Civic Trust. We support their call for:

- giving pre-eminence to Principle 10(1)(a) over the other principles, i.e. “the Town Belt should be protected and enhanced for future generations”
- a shift in the balance of decision-making powers towards a more collaborative approach between the Council and the citizens of Wellington in overseeing the management of the Town Belt, protecting its integrity, and making decisions on substantial issues
- including “positive tests” that the Courts could apply to Council’s exercise of discretionary powers in the event that the citizens of Wellington wished to seek a Judicial Review of a Council decision made under those discretionary powers
- the need for appeal provisions.

### **In conclusion**

22. We recommend that Council give serious consideration to alternative drafting provisions, even if this means that the draft bill cannot be introduced into the House before it rises for the General Election. Getting the legislation “right” is too important to be rushed.



## Antoinette Bliss

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**From:** Georgina McPherson <GMcPherson@burtonconsultants.co.nz>  
**Sent:** Monday, 19 May 2014 3:29 p.m.  
**To:** BUS: Town Belt  
**Subject:** Submission by Powerco on the Wellington Town Belt Bill  
**Attachments:** 09j097 Submission by Powerco on the Wellington Town Belt Bill.pdf;  
Appendix 1 - Powerco Assets in Wellington Town Belt.pdf

Dear Mike

Please find attached a submission prepared on behalf of our client Powerco Limited in relation to the Wellington Town Belt Bill.

I would be happy to discuss if you have any questions or comments in relation to the submission.

As a related matter, Powerco is able to supply shape files of its network within the Town Belt if this would be of assistance in terms of achieving clause 9.5.4.g of the 2013 Reserve Management Plan – ‘*all existing and future public and private utilities (above and below ground) will be accurately mapped and documented*’.

Let me know if you would like to progress this and I will provide you with contact details for the relevant person at Powerco.

Kind regards

Georgina



Georgina McPherson | Senior Planner  
PO Box 33-817 | Level 1, 2-8 Northcroft Street | Takapuna | Auckland 0740  
DDI: 09 917 4301 | tel: 09 917 4300 | fax: 09 917 4311  
Web: [www.burtonconsultants.co.nz](http://www.burtonconsultants.co.nz)  
Email: [gmcpherson@burtonconsultants.co.nz](mailto:gmcpherson@burtonconsultants.co.nz)

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**SUBMISSION BY POWERCO LIMITED ON  
THE WELLINGTON TOWN BELT BILL**

**Due: 19<sup>th</sup> May 2014**

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**TO:** Wellington City Council  
PO Box 2199  
Wellington 6140  
Attention: Mike Oates,  
Manager Open Space and Recreation Planning

**By Email:** [townbelt@wcc.govt.nz](mailto:townbelt@wcc.govt.nz)

**FROM:** Powerco Limited ("Powerco")  
Private Bag 2061  
NEW PLYMOUTH 4342

**ADDRESS FOR SERVICE:** BURTON PLANNING CONSULTANTS LIMITED  
Level 1, 2-8 Northcroft Street  
PO Box 33-817, Takapuna  
AUCKLAND 0740

Attention: Georgina McPherson

Phone: (09) 917 4301

Fax: (09) 917 4311

Email: [gmcpherson@burtonconsultants.co.nz](mailto:gmcpherson@burtonconsultants.co.nz)

## 1.0 INTRODUCTION

- 1.1 Powerco is New Zealand's second largest gas and electricity distribution company and has experience with energy distribution in New Zealand spanning more than a century. The Powerco network spreads across the upper and lower central North Island servicing over 400,000 consumers. This represents 46% of the gas connections and 16% of the electricity connections in New Zealand
- 1.2 Powerco has gas pipeline networks in Taranaki, Hutt Valley, Porirua, Wellington, Horowhenua, Manawatu and the Hawkes Bay, comprising some 5,800 kilometres of gas pipelines.
- 1.3 Powerco has existing gas assets located within the Wellington Town Belt, including 53 Gas Meters, two District Regulating Stations, 12 gas valves, 2km of live service pipes and 3-4km of main distribution pipes. These assets are illustrated on the map in **Appendix 1**. The part of Powerco's network that passes through Sector 3, at the head of the Aro Valley, is strategically important and any damage to this pipeline could result in loss of supply to over 19,000 customers including Wellington Hospital. Another strategically important area is where the network passes between Sectors 8 and 9, near the Mt Victoria Tunnel, where any damage to the pipeline could result in loss of supply to some 7,000 consumers including Wellington Airport.
- 1.4 Powerco has one existing easement within the Wellington Town Belt, over the land legally described as Pt DP 8835, located near the end of Ellice Street. This easement covers part of the network where it passes between Sectors 8 and 9.

## 2.0 POWERCO'S SUBMISSION

- 2.1 Powerco supports the intent of the Wellington Town Belt Bill (*the Bill*) to simplify the governance framework relating to the Town Belt. The Bill includes a number of provisions relating to public utilities within the Town Belt. However, these appear to relate solely to Council owned utility networks and do not appear to recognise network utilities, such as Powerco's gas network, that are privately owned. Powerco seeks to ensure the status of its assets located within the Town Belt is clear, and seeks a number of amendments to the Bill to clarify how the following matters will be addressed:

- The protection of and ability to access existing gas infrastructure for maintenance and upgrade purposes;
- The ability to install new gas infrastructure within the Wellington Town Belt; and
- The requirements around easements and leases in relation to Powerco's existing and any new gas infrastructure.

### **Existing Gas Assets**

- 2.2 Clause 23 of the Bill provides that existing rights are not affected. However, the current wording does not appear to provide any protection for Powerco's existing gas assets.
- 2.3 Clause 23(1) provides that the Act does not affect any 'registered interest' (cl 23(1)(a)) or any lease or licence (cl 23(1)(c)), neither of which apply to Powerco's existing assets.
- 2.4 Clause 23(2) provides that the Act does not affect any 'public utility' on the Wellington Town Belt that is 'owned by the Council'. Public utility is not defined in the Bill and there is no certainty that the term could be extended / interpreted in such a way as to apply to privately owned infrastructure, such as Powerco's gas network. Notwithstanding this, the clause is specifically limited to public utilities owned by Council and so does not apply to Powerco.
- 2.5 It is expected that Powerco will, to some extent, be able to rely on the rights afforded to it under sections 23 and 24 of the Gas Act 1992 (depending on the actual circumstances at the time of the establishment of various assets). However, it is considered inappropriate to separate the approach to network utilities within the Town Belt on the basis of asset ownership. Privately owned infrastructure, such as gas, electricity and telecommunications networks, form an essential part of the physical, social and economic infrastructure of Wellington and should be recognised and provided for on the same basis as utilities in public ownership.

### **New Gas Assets and Easements**

- 2.6 Currently any utility company (either council or private) wanting to build new or upgrade or replace existing structures on the Town Belt is required to obtain a lease

and / or easement from the Council in accordance with the Reserves Act 1977. This requirement is detailed in part 9.4.5 of the Council's Wellington Town Belt Management Plan (June 2013) (*the 2013 Management Plan*).

- 2.7 On commencement of the Town Belt Act, however, the leasing, licencing and easement provisions of the Bill (clauses 18 and 19) will come into effect and the provisions of the Reserves Act 1977 will no longer apply within the Wellington Town Belt.
- 2.8 Clause 19 of the Bill provides the Council with the ability to grant an easement. In comparison to the existing easement regime set out in section 48 of the Reserves Act 1997, the effect of clause 19 of the Bill would be that:
- Powerco would be solely reliant on the Council to grant an easement (rather than 'the administering body, with the consent of the Minister and on such conditions as the Minister thinks fit' as provided in section 48 of the Reserves Act 1948);
  - Easements and rights of way will be limited to those associated with 'any public purpose'. Consistent with the comments in section 2.4 above, it is not clear how much weight can be placed on those provisions as applying to infrastructure privately owned by Powerco; and
  - The provisions of clause 19 are relatively uncertain and require consideration of the extent to which the proposed easement will impact on the Town Belt. While there is no specific reference, it is assumed that this would require consideration in relation to the Principles in clause 10, which are weighted towards amenity / recreational / cultural values etc. and which do not include any specific recognition of the network utilities traversing the Town Belt (e.g. gas, electricity, telecommunications) and the need for their protection. This provides little certainty that easements for privately owned network utilities are actually intended and anticipated by the Bill.
- 2.9 Powerco acknowledges that the 2013 Management Plan provides clear guidance around the use of the Town Belt for public utilities, including those in both public and private ownership. The provisions in clause 9.5.4 are particularly useful in this respect,

as they set out clear decision making guidelines in relation to proposals for new utilities and for the replacement and upgrade of existing utilities within the Town Belt, including expectations around leases, licences and easements.

2.10 The 2013 Management Plan will have transitional status until such time as a new Management Plan is introduced in accordance with the Bill. However, in the absence of any clear provision for privately owned utilities in the primary legislation (the Bill), (and indeed some provisions, such as clause 23, that appear to draw a clear distinction between public and privately owned utilities), it is uncertain to what extent Powerco will be able to continue to rely on the provisions of the 2013 Management Plan.

2.11 In order to address these uncertainties, Powerco seeks the following amendments to the Bill:

**Relief Sought (additions underlined; deletions in strikethrough)**

1. **Amend Clause 23** to extend the protection of existing rights to privately owned utilities. This could be achieved by amending sub-clause (2) so that it applies to both public and privately owned utilities or by adding a new sub-clause that specifically relates to privately owned utilities such as gas, electricity and telecommunications, as follows:

**EITHER**

**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 interests 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~~ in public or private ownership 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.*

OR

**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 interests 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 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.*

(3) Any privately owned utility associated with the conveyance of gas, electricity or telecommunications on the Wellington Town Belt, that is lawfully established at the commencement of this Act -

- (a) *Is lawful; and*
- (b) *may be the subject of an easement in favour of the utility owner, and the Council is empowered to register the easement against the computer register for the relevant part of the Wellington Town Belt.*

2. **Include a definition** of the terms ‘public purpose’ and ‘public utility’ that covers privately owned utilities, such as Powerco’s gas network. This could be achieved by adopting an interpretation similar to that currently used in the 2013 Reserve

Management Plan, as follows:

***public purpose / public utility:** a utility that provides an essential service to the public. This does not mean that the utility must be in public ownership.*

- 3. **If the relief sought in 2 above is not adopted, amend Clause 19 to make it clear that it applies to all easements and not just those for a public purpose.**

**19 Easements and rights of way**

(1) *The Council may grant easements and rights of way over the Wellington Town Belt for any utility, including in privately owned utilities, that provides an essential service to the 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.*

- 4. **Adopt any other such relief, including additions, deletions or consequential amendments necessary as a result of the matters raised in these submissions, as necessary to give effect to this submission.**

**3.0 CONCLUSION**

- 3.1 Thank-you for the opportunity to lodge a submission on the Wellington Town Belt Bill. If you have any questions regarding the issues raised in Powerco’s submission please contact the writer.



Dated at TAKAPUNA this 19<sup>th</sup> day of May 2014

Signature for and on behalf of  
Powerco Limited:



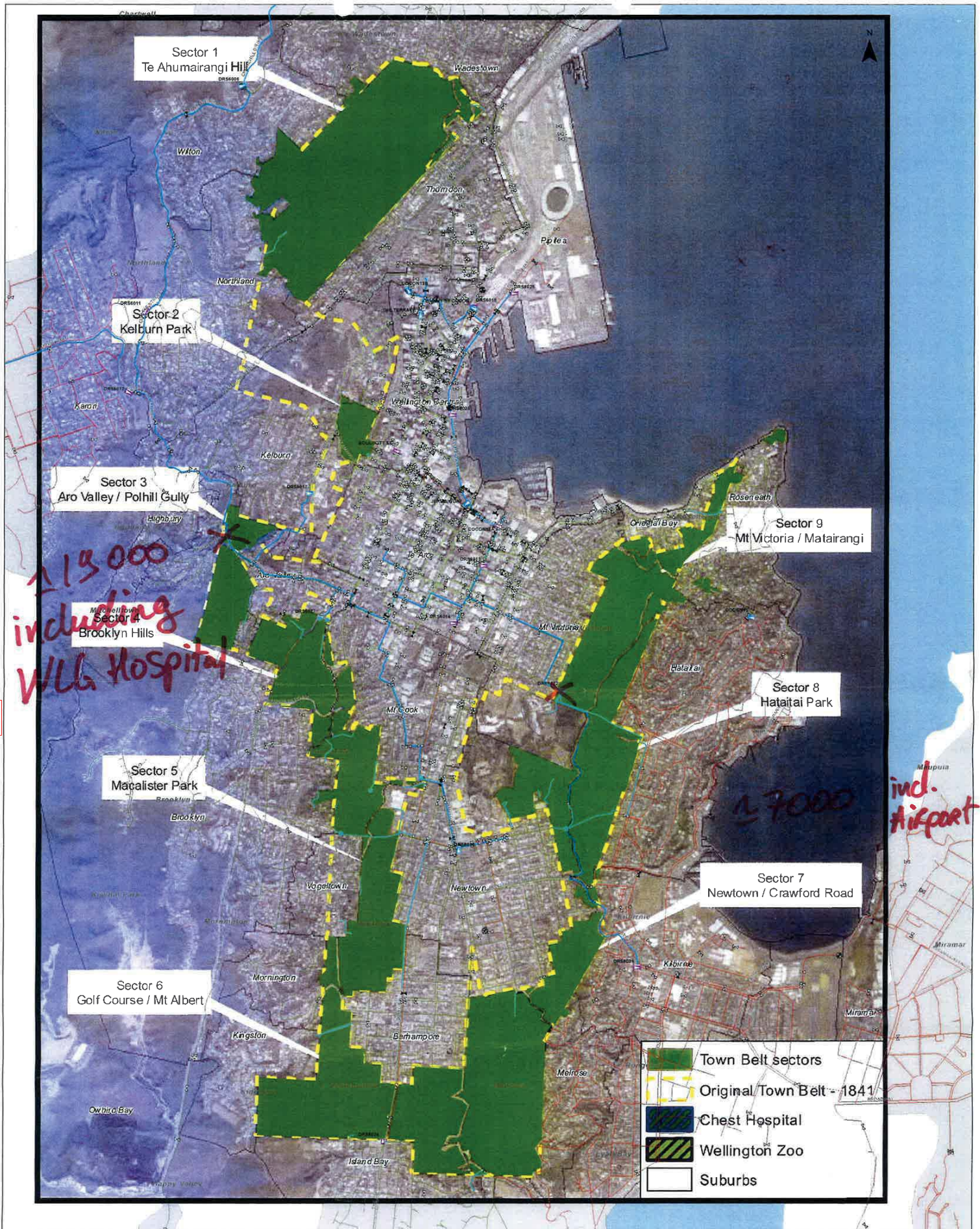
.....  
Georgina McPherson

Address for service: (as per cover sheet)

BURTON PLANNING CONSULTANTS LIMITED  
PO Box 33-817  
Takapuna, 0740  
Auckland

Attention: Georgina McPherson

Phone: (09) 917-4301  
Fax: (09) 917-4311  
E-Mail: [gmcpherson@burtonconsultants.co.nz](mailto:gmcpherson@burtonconsultants.co.nz)  
Ref: 09j097



48

13,000 including Wlls Hospital

7,000 incl. Airport

The information shown on this plan relates to Powerco's UNDERGROUND GAS/ELECTRICITY reticulation only.

This plan:

- Should be used as a guide only and no warranty to its accuracy is given or implied
- Must be used in conjunction with the Conditions outlined on the Underground Enquiry Form
- Must be kept on site while excavation work is taking place
- May not necessarily indicate all redundant pipe/cables or all service pipe/cables. Additional pipe/cables may have been installed since this plan was printed.
- For work in the vicinity of Powerco's gas pipe/cables please refer to the Conditions outlined on the Underground Enquiry Form.
- It is the responsibility of the person in charge of the work to ensure compliance with all relevant Acts, Regulations and Codes of Practice.
- It is the Contractor's responsibility to comply with the Department of Labour's Occupational Safety & Health booklet "Guide for Safety with Underground Services", this includes the requirement that the exact location of the gas pipe/cables be determined by surveying.
- In the event of being unable to locate the gas pipe/cable and/or additional information is required, Powerco should be contacted for further assistance. Phone 0800 769 372.

## Powerco Asset High-lighted In Town Belt Sectors



Cartography&GIS: Hamed Farzin  
Printed 16/11/2012

Wellington Town Belt Bill  
Parks & Gardens  
Wellington City Council  
P O Box 2199  
Wellington, 6140

17 May 2014

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

Action for Environment has acted as a guardian of the Town Belt since its foundation over 40 years ago. We have long advocated for former Town Belt land to be legally returned to Town Belt status, so we support the Draft Bill's object in doing this. We can also appreciate the logic behind land rationalisation of areas of Town Belt taken out for roading etc under the Public Works Act. The bill however, as currently drafted, goes way beyond these objects. If passed into law it would radically change the status and protection of the Town Belt. Action for Environment therefore strongly opposes the Bill as it is currently drafted.

The Town Belt was gifted "in trust" to the citizens of Wellington "and their descendants" by the 1873 Town Belt Deed. The Deed, along with the Town Belt land are the natural inheritance of present and future Wellingtons. Overriding the Deed, the governing document of the Town Belt, which this bill seeks to do, would be in our view similar to attempting to change a will 141 years after it was executed.

It is claimed the aim of the bill is to "strengthen" the protection of the Town Belt (as if it wasn't already one of the best protected urban reserves in New Zealand!) This statement doesn't stack up as the bill aims to give what is described as "broad powers" over the Town Belt to council officials (powers they don't have now). Under the Deed the council organisation manages the Town Belt on behalf of the trustees but it does not have beneficial ownership of the land. This is the Town Belt's best protection because it prevents the sort of 'in-house deals' deals being done by council officials on the waterfront, where the council does have beneficial ownership of the land. All this would change for the Town Belt if this bill becomes law: the Town Belt will become more like the waterfront

We are also disturbed that the bill seeks to remove the Town Belt from the Reserves Act 1977. The council claims the bill, if it is enacted, will "simplify" the Town Belt's management and make what is described as a "one-stop-shop" for it. Removal of the protection of the Reserves Act from the first land to be reserved in New Zealand for the sake of bureaucratic convenience, is quite frankly outrageous. Action for Environment strongly opposes it.

Legislation based on this bill would allow the council to carry on or undertake "any activity or business, do any act or enter into any transaction" on the Town Belt and for the purposes of the above would give the council "full rights, powers and privileges". (our underlining). It would give the council officials the power to undertake "any" work in the Town Belt "the council considers desirable" including the "construction of any building" (so much for publicly notified consents & the protection of the Town Belt's open space!). It would allow the council to restrict access to the Town Belt by the public of Wellington (the owners of the land) not just for safety but also to facilitate "temporary activities" (presumably including commercial ones). Talk about "broad" powers over the Town Belt, this Bill would give council officials total power!

We oppose the removal of the Wellington Show grounds, Botanic Garden land, and Wellington Zoo land from the Town Belt Deed. It needs to be remembered that the original layout of Town Belt has an important heritage value that should be protected. The instructions for reservation of the Town Belt and the first plan of Wellington showing it are part of the foundation documents of New Zealand as a nation. These areas should therefore remain in the Town Belt and the administration of their special requirements can be adequately dealt with by management plans.

The principles should not be enacted but should remain just that: principles for the management

plan. There was considerable opposition from submitters to joint management of the Town Belt with mana whenua contrary to the Town Belt Deed, under which only the council is entitled to do so. Despite many submissions requesting that the Deed be referred to in the principles and a promise by councillors to include it, Town Belt Deed is not mentioned in the principles

It seems the Bill would also change the very trusteeship of the Town Belt. It refers to "the council's" trusteeship and the council's brochure describes it as trustee (singular). While the mayor and councillors are trustees of the Town Belt, the council is an organisation is not. The citizens of Wellington who are also trustees of the Town Belt are not referred to in the bill. So it would appear that we, the people of the City Wellington and our descendants would be all losing our trusteeship under legislation from this bill. It should be sent back for substational redrafting.

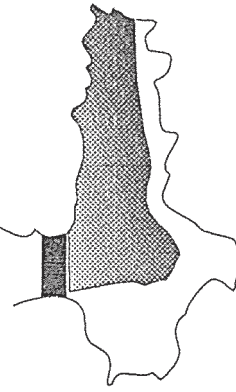
We wish to speak in support of our submission

ACTION FOR ENVIRONMENT INC



David Lee  
Chairman  
(davidjohnlee@hotmail.com)

MIRAMAR  
PROGRESSIVE



MAUPUIA  
ASSOCIATION

19 May 2014

### Submission on the Draft Wellington Town Belt Bill

We would like to acknowledge the work done on this Bill on behalf of the community of Wellington and applaud Council where common sense has prevailed.

We would also like to express our concern on it as it affects the general population of Wellington City.

First and foremost, we note that the Bill refers to citizens. We assume this is a generic reference as some of the population of the city are neither 'citizens' or 'residents' in the generally accepted definitions of Immigration NZ.

We also note that that Bill refers back to 1973 when Wellington truly was a village – its population in 1876 (Stats NZ) was a mere 7,460 and the 'green belt' did in reality circle the 'city'. It is now 2014 – the city boasts a population of 200,100 (Stats NZ 2013) and well outreaches the original green confines, a fact not envisaged by the founding fathers.

There is a general trend to build upwards as the land availability shrinks. The importance of the community spaces (in keeping with the valued four well-beings of Local Government – cultural, economic, environmental, social) cannot be ignored. With the economic pressure in ensuring there is value in the land some of the clubs have traditionally sited on Town Belt land, notably Athletics, Badminton, Bowling Clubs, Golf, Harriers, Hockey, Mountain Bike riding, Netball, Rugby and Tennis. Minor sports / recreational activities, including walking, are also in the mix.

By initiating a 10 plus 10 rental on these properties the promoters of this Bill will ensure that such activities are eventually curtailed, the properties removed/demolished and the land use reverted back to open space. The token 8 hectares offered for a built environment is minimal. The Tenths Trust/Port Nicholson Settlement Trust Board are at least entitled to ten per cent of the land in Wellington, the general population is only entitled to 1/65<sup>th</sup> and even that is not on a firm basis. The document does not appear to state what land is currently leased (excluding Government Buildings which is assumed to be exempt from lease, the Chest Hospital site, the Zoo) to sport codes etc. for a comparison to be made between what is current and what is proposed.

The founding fathers did not foresee that their insistence ' that the land should not be built upon' would be penalising future generations.

As the population becomes more evidently 65 years plus in number (estimated to be ¼ of the total by around 2040) those walking the tracks will be fewer in number while those seeking more sedentary pursuits will increase. It is already difficult for those with young children to negotiate push chairs on dirt tracks. The same applies to the older generation.

We would like to see a fairness in the system. The city pays for the upkeep of the Town Belt either directly via rates or through the leases that the Council would, if the Bill goes through, see an end to. It is our view that the existing facilities should be retained and kept viable subject to its confirmed uses as community facilities.

We would like to make an oral presentation, preferably on Wednesday 28 May.

Yours sincerely



Robin Boldarin  
Chair

Ph: (04) 388 2647