
REPORT 4
(1215/52/IM)

TOWN BELT LEGISLATIVE AND POLICY FRAMEWORK REVIEW

1. Purpose of Report

This report provides background on the Town Belt Legislative and Policy Framework Review. It also seeks approval to release a draft set of guiding principles for the Town Belt Management Plan for public consultation by way of the attached discussion document.

2. Executive Summary

The current Town Belt Management Plan is now almost 14 years old. Under the Reserves Act 1977, established best practice is to review reserve management plans on a ten year basis to ensure they remain up to date with changing circumstances and increased knowledge.

An initial high level review of the Town Belt Management Plan indicated a need for clearer 'Statements of Purpose' or 'guiding principles' to help ensure that community aspirations were reflected in the Town Belt Management Plan and related policies. The review also found that the Council's ongoing relationship with Mana Whenua - with respect to the Town Belt - should be incorporated in the Town Belt Management Plan.

A set of draft guiding principles for the Town Belt Management Plan have been developed based on the findings of market research and a series of deliberative workshops with members of the Wellington community. Approval is being sought to release these draft guiding principles for public consultation.

3. Recommendations

Officers recommend that the Strategy and Policy Committee:

- 1. Receive the information.*
- 2. Note that the Town Belt Legislative and Policy Framework is currently being reviewed.*

3. *Note that an initial high level review of the Town Belt Management Plan indicated a need for:*
 - *a clearer 'Statement of Purpose' or 'guiding principles' in the plan to help ensure that community aspirations were reflected in the Town Belt Management Plan policies.*
 - *clarification of how the Council's ongoing relationship with Mana Whenua with respect to the Town Belt should be incorporated in the Town Belt Management Plan.*
4. *Agree to the following draft guiding principles for the Town Belt Management Plan to be released for consultation by way of the attached discussion document:*
 - *There will always be a Town Belt in Wellington*
 - *The Council will work in partnership with mana whenua to manage the Town Belt*
 - *The Town Belt's natural character will be protected*
 - *The Town Belt is for all to enjoy*
 - *The Town Belt will be used for a wide range of recreation activities*
 - *Management of the Town Belt will acknowledge historical and cultural links to the land.*
5. *Note that public consultation on the draft guiding principles would occur from the beginning July to 9 September 2011 and that the draft guiding principles for the Town Belt Management Plan will be presented to SPC for approval in December 2011 following public consultation.*
6. *Agree to:*
 - *consult on the draft guiding principles for the Town Belt Management Plan by way of the attached discussion document .*
 - *delegate to the Chief Executive and Natural Environment portfolio leader, the authority to make editorial changes to the discussion document, required as a result of decisions of this committee, prior to it being released for public consultation.*

4. Background

The Wellington Town Belt comprises 387 hectares covered by the Town Belt Deed and an additional 11.5 hectares managed as Town Belt (see map in Issues Document: Appendix 1). The Wellington Botanic Garden was part of the original Town Belt and is subject to the Wellington Botanic Garden Vesting Act 1891 and has its own management plan¹. It has not been included in this review.

4.1 The Current Town Belt Legislative and Policy Framework

The *Town Belt and Basin Reserve Deed* (the deed) sealed by the Superintendent of Wellington on 20th March 1873 conveyed responsibility for the Town Belt to the Mayor, Councillors and citizens of Wellington. This remains the key

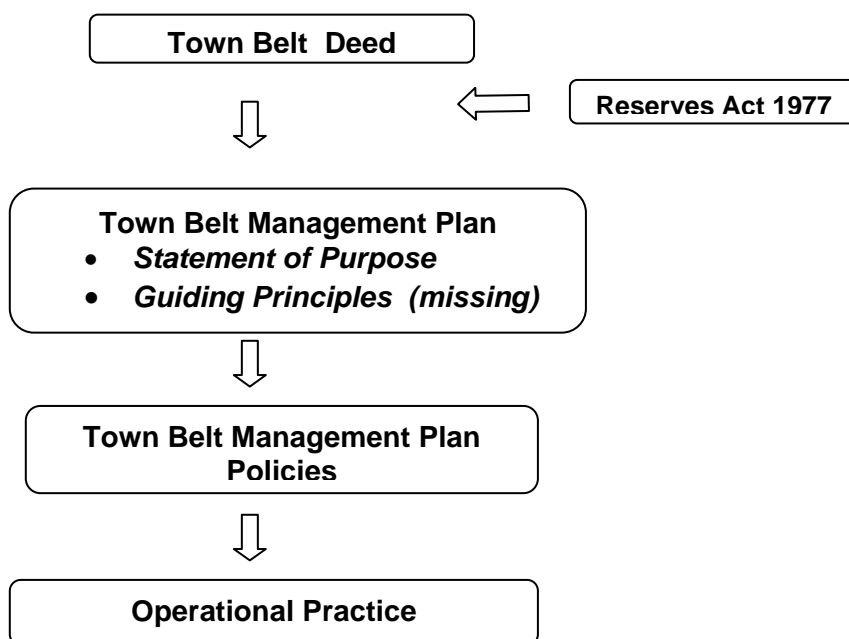
¹ Combined Management Plan – Wellington Botanic Garden Anderson Park Bolton Street Memorial Park January 2002

document giving the Council legal authority over the Town Belt and provides the powers to make rules and regulations to govern the use of the Town Belt.

Over time there have been various statutes sitting alongside the fundamental charitable trust created in 1873 and which have provided the Council with specific powers. Currently, the Town Belt is 'reserve' under the Reserves Act 1977 and the Council manages it as a "recreation reserve" under the definition in that Act. The Reserves Act, however, applies only where its provisions are consistent with the 1873 deed. Overall, the deed prevails

Despite the fact that it is the Town Belt's key governance document, the age, archaic language and nature of the deed means that it is too general to provide clear guidance for the complex management decisions needed to be made on a regular basis (a copy of the deed is provided in Appendix 2).

For this reason, (and to follow best management practice), Wellington City Council adopted the current Town Belt Management Plan in 1995. This attempted to translate the intent of the deed into a set of operational practices through the use of two statements of purpose (Aims) and a number of clear policies on how different aspects of the Town Belt should be managed. The hierarchy of management, therefore, flows as follows:



4.2 Why is the Town Belt Legislative and Policy Framework being reviewed?

The current Town Belt Management Plan is now almost 14 years old. Under the Reserves Act 1977, established best practice is to review reserve management plans on a ten year basis to ensure they remain up to date with changing circumstances and increased knowledge.

Since 1995 and the Management Plan's original approval, however, there have been important developments that need to be incorporated into the overall

Town Belt Legislative and Policy Framework before any updating of the Management Plan can occur.

Key amongst these developments are the resolution of Port Nicholson Block Settlement Trust's (representing the descendents of tupuna of Te Ātiawa, Taranaki, Ngāti Ruanui and Ngāti Tama) historical claim with the Crown and the subsequent Port Nicholson Block (Taranaki Whānui ki te Upoko o te Ika) Claims Settlement Act 2009 that came into force on September 2, 2009.

On 26 August 2010, a Memorandum of Understanding (MOU) was signed between the Council and Port Nicholson Block Settlement Trust. Under the MoU, it was agreed that “...*talks will be held to ensure the Trust is appropriately involved in future management of the Town Belt*”

5. Discussion

5.1 Progress with the Review Process

Four major steps have been taken, thus far, as part of the Town Belt Legislative and Policy Framework Review Project. These are:

5.1.1 Research and analysis:

An internet-based survey of 1000 Wellingtonians was carried out in late 2009 to assess what people valued about the Town Belt, what they considered the major threats were, how they used it and what they liked and disliked about it. The results indicated that:

- The Town Belt is known by almost 9 out of 10 residents
- It is highly valued by residents because it is a natural green area protected from development
- It is well used and valued by residents – especially for informal recreation activities like walking and sightseeing
- There is a need for ongoing protection of the Town Belt
- Formal recreation activities and developments should be limited to existing recreation hubs
- the maintenance of walking tracks is a major priority

5.1.2 Initial High level Review of the Legislative and Policy Framework:

In early 2010, officers completed a high level analysis of the existing legislative and policy framework. The findings indicated that there was:

- A need for clearer ‘Statement of Purpose’ or ‘guiding principles’ in the plan to help ensure that community aspirations were reflected in the Town Belt Management Plan policies and, through that, the operational practice.
- A need to clarify how the Council’s ongoing relationship with *Mana Whenua* with respect to the Town Belt should be incorporated in the Town Belt Management Plan

5.1.3 Councillor Workshop on the Town Belt

A workshop was held with councillors in December 2010 to familiarise them with the issues associated with management of the Town Belt. Officers also outlined the proposed process for the review of the Town Belt Legislative and Policy Framework. Feedback from the workshop supported the policy direction and the proposal to develop a series of draft guiding principles.

5.1.4 Deliberative Workshops to develop draft guiding principles for the Town Belt

Two deliberative Town Belt Management Principle workshops were held in early April 2011 and a subsequent hui/workshop for constituents of the Port Nicholson Block Settlement Trust took place on 6 May 2011. The output from these workshops (and the other research work already mentioned) was used to prepare a draft set of guiding principles to guide the future management of the Town Belt. It is now proposed that the Council consult the public on these draft principles.

5.2 Consultation and Engagement

It is proposed to consult on the draft guiding principles through the attached discussion document from the beginning of July to 9 September 2011. It is proposed to distribute the discussion document to the wider community through Council libraries and the Council website as well as recreation clubs on the Town Belt etc.

A second consultation process on the updated Town Belt Management Plan (incorporating the final guiding principles) will take place in 2012.

5.3 Financial Considerations

There are no specific financial implications associated with this paper.

5.4 Climate Change Impacts and Considerations

There are no specific climate change implications associated with this paper.

5.5 Long-Term Council Community Plan Considerations

There are no specific implications associated with this paper.

6. Conclusion

Initial research, review and analysis of the Town Belt Legislation and Policy Framework has identified the need for guiding principles to be developed and adopted prior to any review of the existing 1995 Town Belt Management Plan.

A series of workshops have been organised with community and mana whenua input. From these workshops a draft set of guiding principles has been developed. It is now proposed to release these draft guiding principles for public consultation in a discussion document.

7 Appendices

Appendix 1: Town Belt – The Issues (Issues document used for deliberative workshops)

Appendix 2: Town Belt Deed

Appendix 3: Text for discussion document

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Supporting Information

1) Strategic Fit / Strategic Outcome

The policy supports Council's activities as a facilitator of recreation partnerships and provider of recreation services. Agreement to the policy will contribute to Council meeting the outcome of offering a diverse range of quality recreation and leisure activities (see outcome 7.1 Recreation Opportunities). It is consistent with Council's Environment Strategy "Protecting and Enhancing Wellington's Environment"

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

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

3) Treaty of Waitangi considerations

The proposed guidelines clarify the Council's relationship with Mana Whenua - with respect to the Town Belt - in alignment with the principles of the Treaty of Waitangi.

4) Decision-Making

This is not a significant decision.

5) Consultation

a) General Consultation

This consultation process follows an initial series of deliberative workshops with community members to develop the draft principles for public consultation. It is proposed to distribute the discussion document to the wider community through Council libraries and the Council website as well as recreation clubs on the Town Belt etc. Council is not required to specifically consult on this matter although the usual decision making requirements of the Local Government Act 2002 apply

b) Consultation with Maori

A specific deliberative workshop/ hui was held with mana whenua to provide input to the draft principles. Mana whenua have also been provided with a copy of the draft principles.

6) Legal Implications

There are no specific legal issues identified in this report.

7) Consistency with existing policy

This report concerns a review of existing WCC policy.

