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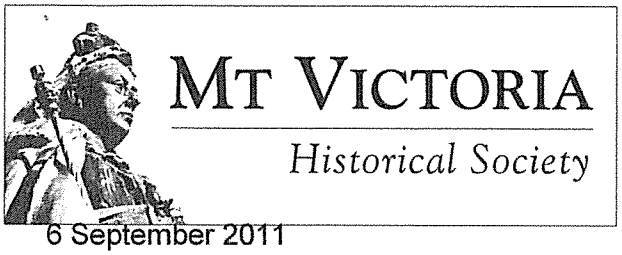

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WELLINGTON
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6 September 2011

Town Belt guiding principles
Parks and Gardens
Wellington City Council
P O Box 2199
Wellington 5140

Submission on the draft guiding principles for the management of the Town Belt

Introduction

The Mt Victoria Historical Society was formed in 1995 with the stated aims of:helping to protect and preserve the natural and built heritage of Mount Victoria.. We also undertake research and the recording of Mt Victoria's history and sharing this with others.

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 inspiration for Wellington's Town Belt was Adelaide in South Australia. Plans prepared by Adelaide's first surveyor-general, Colonel William Light, in1837 showed the future city surrounded on all sides by land reserved as park grounds - reserved from sale for use and recreation of the citizens. Many of the directors and officials of the New Zealand company such as Edward Gibbon Wakefield were associated with or were aware of the South Australian scheme.

The motivation for setting aside Town Belt land

Before commenting on the draft guiding principles themselves, we wish to refer to statements in the *Town Belt Legislative and Policy Review, regarding* the origins of the Town Belt. According to the review; "public good was not the only motivation" for reserving Town Belt land. "The New Zealand Company also wanted to keep land prices high in the town acres of the new settlement. This way it could ensure good returns for its investors and preserve a social hierarchy...The Town Belt, with the added provision that 'it was not to be built upon' would achieve these purposes by distancing the cheaper 'country' sections and maintaining demand for 'town acres'. ".

We question the historical basis for these statements. The purchase of land within and outside the Town Belt wasn't an either or thing. Settlers often bought an acre or two in the town, as well as land beyond for farming. Of course leading lights in the settlement of Wellington, such as Edward Gibbon Wakefield, wanted to preserve the British class system, but this was done by setting, what was termed, a "sufficient price" for the sale of land. The "sufficient price' applied to all company land being sold not just the 'town

acres'.

The instructions of the company's directors in 1839, regarding the Town Belt (available in the National Archives), are clear. It was deemed necessary *'to secure the beautiful appearance of the future city ...rather than the immediate profit of the company"* . This was to be done by *"broad belt of land.. which you will declare the Company intends to be public property, on condition no buildings be ever erected upon it".* We cannot find any NZ Company instructions in the Archives about reserving Town Belt land, and preventing buildings on it, to keep the price of town acres high.

The only historical reference we can find, linking the Town Belt to the issue of land values, is a letter by Colonel William Wakefield, the principal agent of the NZ Company, which was published in *The New Zealand Gazette and Wellington Spectator* of 16 August 1843.(available on line at the Turnbull Library) He was protesting about the newly established Wellington Town Council's plans to lease parts of the Town Belt for housing, despite NZ Company instructions. In his letter Wakefield refers to the objects of setting aside Town Belt land; *"to supply space for recreation and common to the public and to prevent the deterioration of the town acres, by too close a proximity to country sections".*

If this later remark is the basis for the Wellington City Council's view that one of the motives for setting aside the Town Belt was to preserve social heirachy, then it would seem to us that the council has taken it out of context. Wakefield was only refering to town acres on the edge of the town, as further reading of his letter shows: *"the understanding upon which holders of land orders selected town sections* ***near the town belt*** *will be broken through by the Council letting portions of the town belt, which will probably be under let, either for purposes of building, or of taking off the timber which now forms one of the greatest ornaments of the Town..The value of country sections* ***nearest the town*** *will also be proportionately reduced".(*our emphasis*)*

Colonel Wakefield's letter is not about preserving social hierarchy but about keeping faith with the purchasers of land on both sides of the Town Belt and getting the council to abide by the instructions of the founders of Wellington. It is time the council restored the image of the Town Belt by revising its 'mixed motives' view of the land's reservation.

. The necessity of the guiding principles

The *Town Belt Legislative and Policy Review* explains 'how' the draft guiding principles were developed. What the document fails to properly explain is 'why' they were developed in the first place. The Town Belt already has several layers of protection: The Town Belt Deed of 1873; The Reserves Act 1977; a special zoning in the District Plan, and the Town Belt Management Plan, which is apparently going to be reviewed next year with yet another public consulting process. We fail to see why the council couldn't have just included the principles in that process.

The *Review's* title implies there is a connection between the guiding principles and legislation on the Town Belt. We understand a local Bill on the Town Belt has already been drafted with the purpose of "over riding" the Deed. The Mount Victoria Residents Association strongly opposes any attempt to change the Town Belt Deed.

The draft guiding principles fail to comply with the Town Belt Deed

From its inception the Town Belt has always been held in trust for the people of Wellington. First by the New Zealand Company, then by the Crown, and then by the Superintendent of Wellington Province. In 1873 the Town Belt was conveyed to the mayor, councilors and citizens of the City of Wellington. The Deed is the governing document of the Town Belt. The *Review* refers to the Deed's "archaic language". This may be true of references to leasing, however the key words of the Deed are clear. The Town Belt is to be held *"upon trust... for ever hereafter ...as a* ***public recreation ground*** *for the inhabitants of the City of Wellington in such manner as in and by rules and regulations to be from time to time in* ***that behalf by the Corporation****..without any power of 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".*(our emphasis).

The word 'ground' is significant as it implies open space in accordance with the instructions of Wellington's founders regarding the Town Belt that "no buildings be ever erected upon it". The phrase "in that behalf by the Corporation" means the council can make rules to ensure use and protection of the Town Belt's 'public recreation ground'.

We are surprised and disappointed that while the *Review* refers to the Town Belt Deed there isn't actually a principle about it:. The first and primary principle should be that the Town Belt is managed in accordance with the Deed of 1873.

Principle 2: intends to allow a co-management role for the mana whenua.
While the Mt Victoria Historic Society strongly advocates recognition of Maori historical and culture links to Town Belt land (ref to Principle 6), we oppose co-management with any special interest group. Under the Deed, the council, and only the council, has the right to manage the Town Belt. The council does not have beneficial ownership of Town Belt land but holds it in trust for the people of Wellington, including Maori of many tribal origins. Treaty principles therefore do not apply to the Town Belt. The Port Nicholson Block Treaty Settlement gave mana whenua full and final settlement of Treaty claims. This includes granting them first right of refusal to purchase former Town Belt land behind Wellington College and Wellington East Girls College, which was taken from the people of Wellington by the Crown without compensation.

We request that Principle 2 be deleted

Principle 4: *"The Town Belt is for all to enjoy".*
It is difficult for any right-minded person to argue with this principle (apart from its blandness) - that is, until one reads the underlying *"What do we mean"* explanation which refers to "infrastructure" and "utilities". We are concerned that the intent of this benign sounding principle is to grant "easements" to utility companies. Easements are property rights which the council, under the Deed, has no right to grant over Town Belt land.

Principle 5: *"The Town Belt will be used for a wide range of recreation activities".*
Again this seems acceptable until you read the explanation. The intention of this principle is to retain existing informal recreational activities by protecting certain areas. At the same time that there will be recreational "hubs" in the Town Belt with

"development and/or expansion" of formal recreation in them.

The Mt Victoria Historical Society has concerns about these intentions. Firstly the Town Belt is indivisible, the Deed applies to all of it and that all of its remaining open space is required to be protected. We fear that recreational "hubs" would allow for the development and expansion of buildings for formal recreation (private clubs) which will cover over more of the Deed's public recreation "ground".and would be contrary to the instructions of the founders of Wellington regarding the Town Belt that no buildings should be ever erected upon it. The intention of this principle also conflicts with the Town Belt's special C zoning in the District Plan and with The Town Belt Management Plan.

We recommend that guiding principle 5 be amended as follows: "The Town Belt be used for a wide range of recreation activities with the emphasis on outdoor, informal public recreation."

Supported principles

Principle 3: "*The Town Belt's natural character will be protected and enhanced".* We support this principle's intention of native revegetation and restoration programmes in the Town Belt which would be in line with the vision of the founders of Wellington in reserving the Town Belt as *'a landscape to be delighted in".* Thanks to existing native revegetation projects, future generations of Wellingtonians can look forward to enjoying in the Town Belt what Charles Heaphy described in 1839 as *"the blaze of crimson rata".*there.

Principle 6: "*Management of the Town Belt will acknowledge historical and cultural links to the land.* We support this principle with the proviso that it includes acknowledgment of all of those with past historical and cultural links with Town Belt land.

We wish to speak to our submission at any hearing.

MOUNT VICTORIA HISTORICAL SOCIETY INC

for and on behalf of
The Convenor

(JUDY SOUTHWORTH)

action for environment inc.
PO Box 10030 Wellington

7 September 2011

Town Belt guiding principles
Parks and Gardens
Wellington City Council
P O Box 2199
Wellington 5140

Submission by Action for Environment Inc on the draft guiding principles fot the management of the Town Belt

We have read the *Town Belt Legislative and Policy Review* and as a result we have serious concerns about these draft principles and the council's intentions for them. Their wording is so vague and 'wishy washy' that the council has had to add a *"what do we mean"* explanation (one would have thought that principles should be self explanatory!). Such vagueness means they are open to the widest possiple interpretation and would give the council an unprecedented degree of discretion in determining what can happen on the Town Belt. Furthermore, lawyers acting for those with designs on the Town Belt would be able to drive a proverbial truck through them at consent hearings if (as intended) they are going to incorporated into the revised Town Belt Management Plan. The intensions of some of the principles are, in our view, contrary to the Town Belt Deed.

Considering that the Town Belt already has several layers of protection (the Deed, a special zoning in the District Plan, the Reserves Act 1977, and the Town Belt Management Plan) we wonder why these 'guiding principles' are needed in the first place. The council says they are to be used for reviewing the existing Town Belt Management Plan. Action for Environment has questioned why the council has adopted such a convoluted way of doing this. Following workshops, the principles are being put through the public submission process, a report on the outcomes of which will then go to council for approval. When a revised Management Plan is drafted the whole process will have to be gone through again. The TBMP is an excellent document with clearly written aims and objectives. It was produced without such principles (and without the extra expense of producing them).

Even more worrying is the revelation that these principles are '"precursors" for future legislative changes on the Town Belt. *The Wellington Town Belt Bill,* already drafted by the council, states that its purpose is to*: "replace the various powers and limitations in the Deed".* This would mean that the ownership of the Town Belt would be taken away from the people of Wellington. Under this Bill the council would also be able to undertake *"any work which is in its opinion desirable"* (this includes the construction of roads and buildings).

The Town Belt Deed gifted the land to the people Wellington. It not only prohibits encroachments and alienation by private individuals and enterprise but also by the Wellington City Council because it means the council does not have beneficial ownership of the land. One only has to consider the council's removal of the public's right to have a say about developments on the waterfront with Variation 11 (despite a former mayor's promise the public would have a say), to see what can happen to public land when the council does have beneficial ownership of it. The Deed, and the trust

status it confers, is the Town Belt's best protection in the face of changing policies of transitory councils. Perhaps this is why the council wants to replace it by legislation.

Action for Environment strongly opposes any attempt to change the Town Belt Deed.

With regard to the guiding principles, we are particularly concerned about the following:

Principle 1. *There will always be* ***a*** *Town Belt in Wellington*(our emphasis)

Note it doesn't say **the** Town Belt (wellington's outer green belt is often called a town belt) With principles contrary to the Deed and a council seemingly wanting to override it, one wonders just what sort of Town Belt it will end up being. We find it incredible that compliance with the Deed, the Town Belt's governing document, isn't one of the actual principles.

We recommend that this principle be replaced with one which is clearer and more definite, along the lines of the following: ***The Town Belt will be managed in accordance the Deed of 1873 to keep the Town Belt land forever 'as a public recreation ground for the inhabitants of the City of Wellington'***

Principle 2. "*The Council will work in partnership with mana whenua to manage the Town Belt".*

We question the right of the council to allow such co-management. Under the Deed only the council has the right to manage the Town Belt. Trying to have a special interest group co-manage it would be contrary to the Deed, and in our view discriminatory. The council land does not own the Town Belt holds it in trust for all Wellingtonians. including Maori of many iwi origins.

The council also wants the undefined principles of the Treaty of Waitangi "enshrined" in the Town Belt policies. However as Liz Mellish of the Port Nicholson Block Trust rightly told the Strategy and Policy Committee on 23 June; "The Town Belt is private land". The treaty principles therefore do not apply to it. The Port Nicholson Block Treaty Settlement gave mana whenua full and final settlement of Treaty claims. This includes granting them first right of refusal to purchase former Town Belt land behind Wellington College and Wellington East Girls College, which was taken from the people of Wellington by the Crown without compensation.

Recent council-organised workshops on the Town Belt strongly opposed co-ownership (what was the point of the council holding these workshops when it disregards their outcomes?) There was a lot of support, on the other hand, for the recognition of Maori values in the management of the Town Belt. This will be catered for in Principle 6: '*Management of the Town Belt will acknowledge historical and cultural links to the land'.*

We request that **principle 2 be rejected**

We support principle 3: (*The Town Belt's natural character will be protected and enhanced*), particularly the stated intention of continuing native revegetation and restoration programmes

Principle 4: "*The Town Belt is for all to enjoy"*

A 'feel good'statement that not many people would disagree with. Howevr the underlying explanation refers to "utilities" and "infrastructure".Why a principle regarding the enjoyment of the Town Belt refers to utilities and infrastructure is a mystery to us (and demonstrates just how widely interpreted these nice sounding principles are going to be). Perhaps the increasingly foreign-owned utility companies "enjoy" using the Town Belt for their infrastructure? As for granting "easements" for ultilities, easements are property rights which the council, as trustee of the Town Belt, has no power to grant. If utilities are needed to be located on the Town Belt the land can be leased for the purpose.

Principle 5: *"'The Town Belt will be used for a wide range of recreation activities"*

Again this sounds innocuous enough until you read the underlying *"What do we mean"* explanation, which refers to *"development and/or expansion"* of *formal recreation in recreational "hubs".* The explanation also refers to the need to retain existing informal activities by "protecting areas " such as Central Park, Mt Victoria and Te Ahumairangi (Tinakori). Shouldn't all of the Town Belt be protected? The Town Belt' is indivisible. The Deed prohibits the council from disposing of or alienating any of the land

The development and expansion of formal recreation in these so-called "hubs' will naturally lead to the demand for more buildings for private clubs there. The public recreation **ground** requirement in the Deed implies open space consistent with the instructions of the founders of Wellington that "no building be ever erected on the land".This 'divide and develop' principle of trying to treat different parts of the Town Belt differently is not only contrary to the Deed but also conflicts with the District Plan and the existing Town Belt Management Plan.

We request that this principle be replaced with one along the lines of the following: ***The Town Belt will be used for a wide range of recreational activities with an emphasis on outdoor, informal, public recreation.***

A majority of respondents in a recently released survey by the council opposed allowing new development "anywhere" in the Town Belt. This is consistent with the outcomes of the recent Town Belt workshops where there was "most agreement" that "**no new buildings or built development on the Town Belt with the land to be retained in open green space."** We request that this should be additional guiding principle

With great foresight our city's founders set aside the Town Belt "to preserve the beautiful appearance of the future city" and for the "enjoyment of the public". The Town Belt is the natural inheritance of all Wellingtonians. Over one third of it has been lost. We have a duty to pass it on to future generations 'in trust' with it its remaining open space protected. We wish to make an oral submission.

For and on behalf of
ACTION FOR ENVIRONMENT
David Lee
Chairman (davidjohnlee@hotmail.com)

NZ TRANSPORT AGENCY
WAKA KOTAHI

192

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9 September 2011

Town Belt Draft Guiding Principle (REPL01)

Parks and Gardens

Wellington City

PO Box 2199

Wellington 6140

To whom it may concern

Town Belt Draft Guiding Principles

Please find attached the NZ Transport Agency's submission on the Town Belt Draft Guiding Principles.

If you have any further questions, please do not hesitate to contact me on Ph (04) 931-8918 or dean.ingoe@nzta.govt.nz.

Yours sincerely

Dean Ingoe

Senior RoNS Planner

Encl.

NZ TRANSPORT AGENCY
WAKA KOTAHI

Submission on Town Belt Draft Guiding Principles

To: Chief Executive
Wellington City Council
PO Box 2199
Wellington

From: NZ Transport Agency
PO Box 5084
WELLINGTON 6145

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1. The NZ Transport Agency (*NZTA*) generally supports the Town Belt Draft Guiding Principles, (TBGP) however, requests amendments as detailed below.

2. New Zealand Transport Agency

The NZTA is a Crown entity and its functions include:

- promoting an affordable, integrated, safe, responsive and sustainable land transport system; and
- managing the State highway system in accordance with the Land Transport Management Act (2008)(check date) and the Government Roading Powers Act 1989.

The NZTA's statutory objective is to undertake its functions in a way that *contributes to an affordable, integrated, safe, responsive and sustainable land transport system.*

When undertaking its functions, the NZTA must, among other things:

- exhibit a sense of social and environmental responsibility;
- give effect to the Government Policy Statement (*GPS*) on transport prepared under the LTMA (when performing its functions in respect of land transport planning and funding); and
- ensure that it takes into account any relevant regional land transport strategies.

3. Road of National Significance

The Town Belt is adjacent to State highway 1 (SH1) (Patterson Street/Mt Victoria Tunnel/Taurima Street/Ruahine Street/Wellington Road). SH1 along the Patterson Street/Mt Victoria Tunnel/Taurima Street/Ruahine Street/Wellington Road alignment

forms part of one of seven Roads of National Significance that have been identified in the Government Policy Statement on Land Transport Funding (GPS). This Road of National Significance (RoNS) follows State highway 1 from Wellington International Airport to just north of Levin, and is known as the Wellington Northern Corridor RoNS.

Roads of National Significance are identified as the most essential routes that require significant development to reduce congestion, improve safety and support economic growth. The GPS states that investment in these routes ease the most significant pressure points in the national network, reduce congestion in and around our five largest metropolitan areas, improve road safety and link our major sea and airports more effectively into our State highway network[1]. The general expectation is that the whole of the Wellington Northern Corridor RoNS will be upgraded to four-lane expressway standard.

4. Role of SH1 at the City Level

SH1 plays an important role within the Wellington City roading hierarchy.

The State highway 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 airport.

It provides important connections for the central city and resilience for the city roading network by concentrating traffic and relieving pressure from local roads.

In this location SH1 provides access to significant formal recreation areas such as the Wellington Badminton Association hall, the Wellington velodrome, softball diamond and soccer field, the Marist St Patricks clubrooms, as well as general access to the wider Town Belt for informal recreation.

The general effect is that SH1 provides the link between the city and the country.

5. The NZTA's submission is that:

a) General intent

- The NZTA generally supports the Town Belt draft guiding principles;
- The NZTA seeks amendments to ensure that the TBGP more fully recognises that land can be acquired for roading purposes; and
- That WCC recognises that there is a need to develop nationally significant infrastructure that may impact on the Town Belt due to the Town Belts

[1] Government Policy Statement on Land Transport Funding 2012/13-2021//22 July 2011

constricting geographical make up and boundaries, the close proximity of the SH to the Town Belt, and the role that the SH has in connecting the city with the 'country'.

b) Provision for Roads

The Town Belt was created in 1873 when the then Superintendant of the Province of Wellington (acting under the Wellington City Reserves Act 1871) vested the land to "the Mayor, Councillors and Citizens of Wellington" by executing the Town Belt Deed. In summary:

- In 1871 the Wellington City Reserves Act 1871 (WCRA) was passed, this was the empowering statute that enabled the vesting of the land to create the Town Belt;
- In 1873 a Deed was drawn up, known as the 1873 Deed;
- Roads have been established within the Town Belt as contemplated by the WCRA;
- The Public Works Act allows for the compulsory acquisition and setting aside of Town Belt land.

The NZTA is concerned that the TBGP do not provide for roads within the Town Belt despite WCRA recording an expectation that the Town Belt be used to accommodate roads connecting the city to the country, the fact that such roads have been established over time and that there are current legislative tools available to do so in the future where that reflects the wider public interest

To illustrate the point Section 4 of the WCRA reads:

> "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."

It is clear under Section 4 of the WCRA the Parliament intended the land be utilised to some extent for roading purposes; this is what has occurred over time and what current public works legislation provides for subject to the satisfaction of various statutory requirements.

Consequently, the NZTA considers that the TBGP should make specific provision for roads connecting the streets of Wellington with 'country roads'.

The effects of the roads on recreational use, on the environment and on land acquisition are separate issues. The NZTA of course acknowledges that these issues will need to be determined prior to the construction of any additional roading.

To aid the Council the NZTA has suggested amended wording for the General Principles and their explanatory text below to reflect the intent of the WCRA and appropriately reflect what current public works legislation allows for.

a) **Principle 1: There will always be a Town Belt in Wellington**

The NZTA, as a close neighbour, supports the Council's intent to retain the Town Belt and believes that the Town Belt forms an important part of the fabric of Wellington.

The NZTA believes that it is prudent within the explanatory text to refer to legislation beyond Council powers that allows for the removal of Town Belt land in certain circumstances.

The NZTA suggests that the explanatory text be neutralised by removing the word 'lost' and replace this with 'removed'.

The NZTA understands that the ongoing management of the Town Belt is proactive with a need to adapt to the ongoing growth of a vibrant city like Wellington. As such, the NZTA believes that the retention of the word lost is emotive. It does not take into account that as part of a vibrant growing city the boundaries of reserves, in terms of positives and negatives, change over time to meet the various needs/demands of a city's residents and that no actual overall loss need necessarily occur.

Further, the NZTA also believes that the term "lost" is redundant as the Council has sought to include a policy opposing alienations and encroachments.

The NZTA believes that it should also be noted that some land that has been removed from the Town Belt was/is utilised for public purposes which the city benefits from.

Lastly, the Public Works Act 1981 provides for compensation if any land is required to be taken and for a process to manage the revocation of reserve status in respect of that land; rigid adherence to historical boundaries can be inconsistent with the effective and efficient management of a reserve as a recreational area which is accessible and of use to residents.

Relief Sought

That paragraph two, line four of the explanatory text be altered by replacing the word "lost" with the word "removed" and any other changes necessary to reflect the above submission.

b) **Principle 2: The Council will work in partnership with mana whenua to manage the Town Belt**

The NZTA fully supports inclusive management of the Town Belt.

The NZTA is aware that the Town Belt contains sites of cultural significance and considers mana whenua involvement will help to ensure retention, explanation, enhancement and administration of such sites.

c) **Principle 3: The Town Belt's natural character will be protected and enhanced**

The NZTA conceptually supports Principle 3, but suggests amending Principle 3 and its explanatory text to delete the word 'protected' and insert the word 'retained'.

A principle of 'retention' of natural character is more consistent with a proactive and responsive management plan than 'protection' which suggests a narrower and potentially more rigid position. An example of this is that any Principle, and flow on management plan, should allow sufficient flexibility for the Council to remove and substitute exotic vegetation with indigenous vegetation. This will ensure the overall retention of natural character rather than simply protecting the status quo.

The NZTA believes that it is important to recognise that the very character of the Town Belt which makes it so special for the people of Wellington is also a potential physical constraint to the development of regionally and nationally significant infrastructure contemplated by the WCRA and otherwise provided for in current public works legislation.

The encircling nature of the Town Belt boundaries and its physical location within the city creates a barrier between sections of the city which should not constrain the development of appropriate infrastructure to serve the wider public interest. The TBGP should therefore recognise as a fact the importance of that infrastructure in serving the needs of previous generations and maintaining its capacity to do so for the benefit of current and future generations.

As such, the NZTA believes that it is necessary to expand the discussion of critical utilities within the explanatory text to include infrastructure. This will enable infrastructure development, at a city and national level to be contemplated, recognised and provided for in accordance with contemporary requirements and relevant legislative provisions.

Lastly, the NZTA supports Council's stated intent (see paragraph four of the explanatory text to this Principle) with the substitution of the word 'protected' for 'retention' and considers that this should be reflected in the outcomes provided for in paragraph five of that text.

Relief Sought

That the word "protected" be replaced with the word "retained" within Principle 3.

That paragraph six, line three of the explanatory text be altered by replacing "critical utilities" with "critical infrastructure" and the last three words in line four of that paragraph be deleted and replaced with the words "Council's intent".

Any other changes necessary to reflect the above submission.

d) Principle 4: The Town Belt is for all to enjoy

The NZTA conceptually supports Principle 4, because it is prudent within the explanatory text to have a section outlining the need for utility development within the Town Belt.

The NZTA believes that utilities provide a public good regardless of whether they are funded via national government, local government, a private organisation or a hybrid. Principle 4 should balance the benefits provided by both the utilities and the Town Belt so that utilities can be accommodated on/in/under the Town Belt where they do not unreasonably compromise the primary objective of recreation, for example: underground cables, subterranean water storage, tunnels for connecting roads and tunnel vent stacks.

The NZTA suggests expanding principle 4 and its explanatory text to replace "utilities" with "infrastructure" so that roading is included. Further, that the explanatory text is amended from "essential city infrastructure" to "essential city and national infrastructure" to recognise the important role that the State highway fills in the vibrant composition of Wellington.

However as the Town Belt Management Plan cannot prescribe terms and conditions for a nationally significant road (these would be defined by a separate statutory authority), reference to terms and conditions within the explanatory text must be restricted to essential city infrastructure only, beyond any area designated and/or subsequently set aside for roading purposes.

Relief Sought

That paragraph five, line one of the explanatory text be altered and "utility (including easements)" be replaced with the word "infrastructure" and the word 'roads' be added to line two of that same paragraph.

Further, that paragraph five, line two of the explanatory text be altered and "essential city infrastructure" be replaced with "essential city and national infrastructure" and that in line five of that same paragraph, the words 'essential city infrastructure' be inserted between the words 'such' and 'utilities'.

It is noted that the word 'they' in the immediately following sentence only applies to essential city infrastructure but if greater clarity is considered desirable, this can also be made explicit.

Any other changes considered necessary to reflect the above submission.

e) Principle 5: The Town Belt will be used for a wide range of recreation activities

The NZTA supports this policy which provides a range of formal and informal recreation and recognition that such activities, the direct facilities and facilities servicing the activities may change over time.

f) Principle 6: Management of the Town Belt will acknowledge historical and cultural links to the land

The NZTA support recognition of the historical and cultural links including the relationship between the SH and the Town Belt and the connective function of that road.

6. The NZTA does want to be heard in support of this submission.

Dated at Wellington this 9 September 2011.

NZ TRANSPORT AGENCY
WAKA KOTAHI

Lyndon Hammond
Manager, Planning and Investment - Central

Pursuant to a delegation from the Chief Executive of the NZ Transport Agency.

Address for service:	Dean Ingoe NZ Transport Agency PO Box 5084 Lambton Quay WELLINGTON 6145
Telephone Number:	(04) 931-8918
E-mail:	dean.ingoe@nzta.govt.nz

96.

Joanna Gillanders

From: Michael Oates
Sent: Monday, 1 August 2011 8:42 a.m.
To: Joanna Gillanders
Subject: FW: Town Belt Legislative & Policy Review

Mike Oates
Manager Open Space and Recreation Planning City Services Wellington City Council Box 2199 Wellington New Zealand
04 803 8289
021 227 8289
michael.oates@wcc.govt.nz

-----Original Message-----
From: johnrob@paradise.net.nz [mailto:johnrob@paradise.net.nz]
Sent: Friday, 29 July 2011 4:48 p.m.
To: Michael Oates
Subject: Town Belt Legislative & Policy Review

The following details have been submitted from the Town Belt Legislative & Policy Review form on the www.Wellington.govt.nz website:

First Name: John

Last Name: Robinson

Street Address: 131 Eden St

Suburb: Island Bay

City: Wellington

Phone: 9345936

Email: johnrob@paradise.net.nz

I would like to make an oral submission: Yes

I am making this submission: as an individual

Do you have any additional comments:
Concerning the Wellington Town Belt Management Plan

I oppose the suggested formal decision-making role for mana whenua.

Note concerning the Council review

You state that The Council will work in partnership with mana whenua to manage the Town Belt and that the Council's ongoing relationship with Mana Whenua - with respect to the Town Belt - should be incorporated in the Town Belt Management Plan. (Report 4, Town Belt Legislative and Policy Framework Review (1215/52/IM))

Suggestions for possible action then include:
- mana whenua should have a formal decision-making role in the governance and management of the Town Belt
- mana whenua cultural activities be included on the Town Belt
- mana whenua be able to lease/use land on the Town Belt for Maori cultural and recreational activities. (Appendix 1, Town Belt – the issues)

My submission is in agreement with a point of opposition noted:
- Mana whenua could be considered to have an unequal input into the management of a community asset.

Submission

The Council wishes to recognise the principles of the Treaty of Waitangi in the governance of this city on behalf of all the residents of Wellington. This demands recognition of the promise of equality in the Treaty.

Article 3 of the Treaty of Waitangi constitutes a guarantee of legal equality between Maori and other citizens of New Zealand. This means that all New Zealand citizens are equal before the law.

It is contrary to the democratic spirit to privilege one group on the basis of race. This is a small minority: Maori are 7.7% of the Wellington City population (a WCC document gives a figure of 7.4%).

The decision-making role is not however for all Maori, but to those identified as mana whenua, having an ancestor amongst the controlling group 171 years ago in 1840. These 543 Te Atiawa, 144 Taranaki, 267 Ngati Ruanui and 30 Ngati Tama together are 8.1% of Maori. They make up 0.63% of Wellington residents. This is a minority of a minority, one Maori out of 12, one Wellington resident out of 150.

The brief historical comments in the Council paper, supporting the prior position of these iwi, are so blurred as to provide a false impression.

Before the arrival of European colonists, the Town Belt land was under the kaitiakitanga (guardianship) of the resident iwi/hapu.

Mana whenua and the Town Belt. From 1840, ...

The story of our land does not start in 1840. This gives the impression that the noted iwi had been resident for some time. This is not so. They and their allies had just driven out (killed and eaten) the previous residents some 10-20 years before. It is wrong to honour that slaughter all these years later by providing a special place to their descendents. We should understand the true story of our land.

The practical implications of additional representation can be illustrated by my own experience with a proposal for action on the Town Belt. A Transition Towns group suggested that a corner of the golf course at Beramphore be planted as a community orchard. We had the assistance of Councillor Celia Wade-Brown, and after helpful discussions with Council staff, one member of our group prepared a formal proposal. We were then required to make a presentation to the Guardians of the Town Belt committee. Remember that this was simply a group of local people wanting to improve the city, and this was another hurdle put before us. We did that, and were presented with a list of yet further requirements, including consultation with mana whenua. This was one bureaucratic hurdle too many and we gave up, having wasted quite enough of our time.

We found it possible to discuss our idea in an easy manner with Council staff, but the addition of those barriers to our participation made the whole effort an endless struggle. If it were to be carried out effectively, the proposed consultation process will require considerable effort on the part of the iwi concerned (a small group) and will block citizen initiative from others.

This has a further impact on my submission here. When I was on the Wellington committee of Forest and Bird we heard of a great idea of 'green corridors' of trees to provide a path for possible movement of native birds from the Wainuiomata catchment, up the eastern Hutt valley, across to the west, south and along the harbour edge, up to and through the Sanctuary, across to the golf course and Mt Albert, then north again to Mt Victoria. The further development of that green corridor would be a more positive submission for the Town Belt, but I would never try to put the idea forward while such inequality and bureaucratic barriers remain.

Dr John Robinson
131 Eden Street
Island Bay
Wellington 6023

Tel 9345936
Email johnrob@paradise.net.nz

96.

Joanna Gillanders

From: Michael Oates
Sent: Monday, 1 August 2011 8:42 a.m.
To: Joanna Gillanders
Subject: FW: submission with formatting

Mike Oates
Manager Open Space and Recreation Planning
City Services
Wellington City Council
Box 2199
Wellington
New Zealand
04 803 8289
021 227 8289
michael.oates@wcc.govt.nz

From: John Robinson [mailto:johnrob@paradise.net.nz]
Sent: Friday, 29 July 2011 5:01 p.m.
To: Michael Oates
Subject: submission with formatting

I made my submission on line, but have the impression that all the formatting and set-out are lost. I provide a copy here.

Dr John Robinson
131 Eden Street
Island Bay
Wellington 6023
Tel 9345936
Email johnrob@paradise.net.nz

Concerning the Wellington Town Belt Management Plan

I oppose the suggested *formal decision-making role* for *mana whenua*.

Note concerning the Council review

You state that *The Council will work in partnership with mana whenua to manage the Town Belt* and *that the Council's ongoing relationship with Mana Whenua - with respect to the Town Belt - should be incorporated in the Town Belt Management Plan.* (Report 4, Town Belt Legislative and Policy Framework Review (1215/52/IM))

Suggestions for possible action then include:

- *mana whenua should have a formal decision-making role in the governance and management of the Town Belt*
- *mana whenua cultural activities be included on the Town Belt*
- *mana whenua be able to lease/use land on the Town Belt for Maori cultural and recreational activities.* (Appendix 1, Town Belt – the issues)

My submission is in agreement with a point of opposition noted:

- *Mana whenua could be considered to have an unequal input into the management of a community asset.*

Submission

The Council wishes to *recognise the principles of the Treaty of Waitangi* in the governance of this city on behalf of all the residents of Wellington. This demands recognition of the promise of equality in the Treaty.

> *Article 3 of the Treaty of Waitangi constitutes a guarantee of legal equality between Maori and other citizens of New Zealand. This means that all New Zealand citizens are equal before the law.*

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The decision-making role is not however for all Maori, but to those identified as mana whenua, having an ancestor amongst the controlling group 171 years ago in 1840. These 543 Te Atiawa, 144 Taranaki, 267 Ngati Ruanui and 30 Ngati Tama together are 8.1% of Maori. They make up 0.63% of Wellington residents. This is a minority of a minority, one Maori out of 12, one Wellington resident out of 150.

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> *Before the arrival of European colonists, the Town Belt land was under the kaitiakitanga (guardianship) of the resident iwi/hapu.*
>
> *Mana whenua and the Town Belt. From 1840, ...*

The story of our land does not start in 1840. This gives the impression that the noted iwi had been resident for some time. This is not so. They and their allies had just driven out (killed and eaten) the previous residents some 10-20 years before. It is wrong to honour that slaughter all these years later by providing a special place to their descendents. We should understand the true story of our land.

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and we gave up, having wasted quite enough of our time.

We found it possible to discuss our idea in an easy manner with Council staff, but the addition of those barriers to our participation made the whole effort an endless struggle. If it were to be carried out effectively, the proposed consultation process will require considerable effort on the part of the iwi concerned (a small group) and will block citizen initiative from others.

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Dr John Robinson
131 Eden Street
Island Bay
Wellington 6023
Tel 9345936
Email johnrob@paradise.net.nz

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Joanna Gillanders

From: Michael Oates
Sent: Monday, 29 August 2011 8:11 a.m.
To: Joanna Gillanders
Subject: FW: Town Belt Legislative & Policy Review

Mike Oates
Manager Open Space and Recreation Planning City Services Wellington City Council Box 2199 Wellington New Zealand
04 803 8289
021 227 8289
michael.oates@wcc.govt.nz

-----Original Message-----
From: ghenry@actrix.co.nz [mailto:ghenry@actrix.co.nz]
Sent: Sunday, 28 August 2011 11:24 a.m.
To: Michael Oates
Subject: Town Belt Legislative & Policy Review

The following details have been submitted from the Town Belt Legislative & Policy Review form on the www.Wellington.govt.nz website:

First Name: Geoff

Last Name: Henry

Street Address: 25 Ahuriri St

Suburb: Strathmore Park 6022

City: Wellington

Phone: 04.3883536

Email: ghenry@actrix.co.nz

I would like to make an oral submission: Yes

I am making this submission: on behalf of an organisation

Organisation Name: Athletics Wellington

Do you feel that these principles appropriately reflect the community's aspirations for the Town Belt into the future: Unsure

Comments: Partly appropriate.
The principles imply closed use for Tangata Whenua which is not acceptable. Recognition of their interest does not imply any greater rights than are available to all citizens.

There is also a sense of an attempt to "freeze" usage, rather than to allow it to develop as community needs develop.

If not, how would you change these principles? Why would this be better: The Town Belt must be reserved for formal and informal recreation and sporting use.
Existing facilities must be allowed to change and develop as the recreation and sporting needs change and develop.

Do you think there are any other guiding principles we could include: The principle of "no private" use is sound, but should not apply to formal and informal sport and recreation usage.
"Existing" Sport & Rec users must be allowed to develop or retrench as community needs for their activities develop or wane.

Do you have any additional comments: I found that the consultation process I participated in was "captured" by a single interest minority.

The principles must be flexible enough to allow for all members of the community to indulge in formal and informal recreational and sporting activities. This includes restricted acces to specialised facilites such as bowling and croquet greens, athletic and cycle tracks and expensive artificial pitches.

32.
124.

Joanna Gillanders

From: Michael Oates
Sent: Thursday, 8 September 2011 11:38 a.m.
To: Joanna Gillanders
Subject: FW: Town Belt Legislative & Policy Review

Mike Oates
Manager Open Space and Recreation Planning City Services Wellington City Council Box 2199 Wellington New Zealand
04 803 8289
021 227 8289
michael.oates@wcc.govt.nz

-----Original Message-----
From: alana.bowman@mac.com [mailto:alana.bowman@mac.com]
Sent: Thursday, 8 September 2011 11:37 a.m.
To: Michael Oates
Subject: Town Belt Legislative & Policy Review

The following details have been submitted from the Town Belt Legislative & Policy Review form on the www.Wellington.govt.nz website:

First Name: Alana

Last Name: Bowman

Street Address: 2/20 Thompson St

Suburb: Mt Cook

City: Wellington

Phone: 384 4324

Email: alana.bowman@mac.com

I would like to make an oral submission: Yes

I am making this submission: as an individual

Do you feel that these principles appropriately reflect the community's aspirations for the Town Belt into the future: No

Comments: The re-stated principles leave a great opening for development and encroachment on the remaining Town Belt.
The Town Belt should be left as it is - with no possibility of ANY further encroachments, no review of any sort, and no further waste of time and resources on this sort of exercise.

If not, how would you change these principles? Why would this be better: Simply leave the documents on which the Town Belt relies as they are now.

Do you think there are any other guiding principles we could include: No - simply stop this process and rely on the original documentation and purpose of the Town Belt.

Do you have any additional comments: I don't see the need for this activity by WCC. This seems to be a useless waste of resources unless the purpose is to lessen the current level of protection for the Town Belt.

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Joanna Gillanders

From: Michael Oates
Sent: Thursday, 8 September 2011 4:29 p.m.
To: Joanna Gillanders
Subject: FW: Town Belt Legislative & Policy Review

Mike Oates
Manager Open Space and Recreation Planning City Services Wellington City Council Box 2199 Wellington New Zealand
04 803 8289
021 227 8289
michael.oates@wcc.govt.nz

-----Original Message-----
From: victordavie@hotmail.com [mailto:victordavie@hotmail.com]
Sent: Thursday, 8 September 2011 3:33 p.m.
To: Michael Oates
Subject: Town Belt Legislative & Policy Review

The following details have been submitted from the Town Belt Legislative & Policy Review form on the www.Wellington.govt.nz website:

First Name: VICTOR

Last Name: DAVIE

Street Address: 4 CLAREMONT GROVE

Suburb: MT VICTORIA

City: WELLINGTON

Phone: 0210787747

Email: victordavie@hotmail.com

I would like to make an oral submission: Yes

I am making this submission: as an individual

Do you feel that these principles appropriately reflect the community's aspirations for the Town Belt into the future: No

Comments: While your review document commences with the heading "Under the Town Belt Deed of 1873" there is no actual draft principle saying that the Town Belt should be managed in accordance with the Deed. Some of your draft principles are in fact contrary to the Deed.

If not, how would you change these principles? Why would this be better:
Principle 2.
I disagree that there should be any other parties, or special interest groups co-managing the Town Belt. The Deed only gives the right to manage the Town Belt to the Wellington City Council.

Principle 5.
Your explaination talks about protecting certain areas of the Town Belt while allowing "recreational hubs". Your explaination says there will be "development and or expansion" of formal recreation. I feel this will open the door for the development and expansion of more buildings for formal recreation. This would be contrary to the Deed which states the Town Belt "forever hereafter should be a public recreation ground". The word "ground" implies open space which follows the instruction of the founders of Wellington that "no buildings be ever errected upon it". I suggest Principle 5 be clarified as follows: The Town Belt will be used for all manner of recreation activities with the emphasis on outdoor informal, public recreation [implying open space}.

Principle 4. refers to easements for utilities. The Council has no right to alienate or dispose of the Town Belt. Easements are property rights which the Council has no power to grant.

Do you think there are any other guiding principles we could include: I will consider any others in due course.

Do you have any additional comments: I have great concern that it appears the Council is aiming to bring about legislative changes to the Deed.

Joanna and Geoff

From: "Michael Oates" <Michael.Oates@wcc.govt.nz>
To: "Joanna Gillanders" <Joanna.Gillanders@wcc.govt.nz>; "'Joanna and Geoff" <greenfieldsfarm@xtra.co.nz>
Sent: Friday, 9 September 2011 1:05 p.m.
Subject: FW: Town Belt Legislative & Policy Review

Mike Oates
Manager Open Space and Recreation Planning
City Services
Wellington City Council
Box 2199
Wellington
New Zealand
04 803 8289
021 227 8289
michael.oates@wcc.govt.nz

-----Original Message-----
From: mgtaylor@kol.co.nz [mailto:mgtaylor@kol.co.nz]
Sent: Friday, 9 September 2011 12:38 p.m.
To: Michael Oates
Subject: Town Belt Legislative & Policy Review

The following details have been submitted from the Town Belt Legislative & Policy Review form on the www.Wellington.govt.nz website:

First Name: Michael

Last Name: Taylor

Street Address: 10 Laurent Place

Suburb: Kingston

City: Wellington

Phone: 3898071

Email: mgtaylor@kol.co.nz

I would like to make an oral submission: Yes

I am making this submission: as an individual

Do you feel that these principles appropriately reflect the community's aspirations for the Town Belt

into the future: No

Comments: They add an extra layer to the management of the Town Belt. Unlike other areas, this area is not beneficially owned by Council, it was given in trust to the individuals: Mayor, Councillors _and_ citizens (and their successors) for specified purposes. The 1995 management plan reflects that and those puropses. Although that should be reviewed the addition of the proposed principles, which could be seen as taking precedence ing the aims and objectives of the plan

If not, how would you change these principles? Why would this be better: Do not introduce them, whether as another layer above or within the management plan. If they are introduced then they must be made much more specific, less open to interpretation and generally be strengthened to protect the special nature of the Town Belt.

Do you think there are any other guiding principles we could include: If there are to be any principles then Yes. For example The Town Belt will be managed to keep it forever 'as a public Recreation ground for the inhabitants of the City of Wellington' , which is the primary requirement of the Deed.

Do you have any additional comments: I am emailing in a more detailed, more clearly structured and formatted submission.

Parks & Gardens, Wellington City Council
Wakefield St, Wellington
email:townbelt@wcc.govt.nz

10 Laurent Place
Kingston
Wellington
Telephone 3898071
8th September 2011

Proposal for Town Belt principles

Dear Mayor and Councillors,

I make this submission as a Wellington city resident and ratepayer for over 30 years. I greatly appreciate the presence of the Town Belt and am grateful for the foresight of Wellington's founders in setting it aside. I have read through the discussion document "townbelt-discussiondoc.pdf" from the council website in which the proposal to create "guiding principles for the Town Belt" is made. Below is my detailed submission in which I refer to that as "the Proposal" and to the current Town Belt management plan (1994) as "the Plan".

In brief, while I agree a review of the Town Belt management plan is due, on balance I oppose the Proposal. If it does go ahead some substantial changes are needed. I made a short online submission because I suspect generally online responses are used as the basis of the reported statistics of submitters' views for yes/no and multiple choice items, whereas that might not be reported for, or indeed no clear answer may be discernible from, a detailed submission. In the online form I did note that I was emailing in this more complete submission and that I wished to be heard in support of my submission when hearings are held.

Yours faithfully,

Michael Taylor

email:mgtaylor@kol.co.nz

Main comments

(A) Using the Town Belt Deed (page 3):

I believe a better understanding and some agreement on interpreting the Deed, with the original Town Belt "gift" as context, is the key to issues regarding the Town Belt. Establishing that, rather than some set of "principles", would provide a better background and guide for reviewing the Plan.

(a) The biggest obstacles in understanding the Deed for myself, and I suspect most people, is its structure as a single sentence of over a thousand words with essentially no punctuation and its use of some archaic words and constructions. I would expect that a "translation" clarifying those – which clauses qualified which items, how various items and actions are grouped together or separated etc – could be achieved by a fairly standard and uncontroversial analysis. As it stands, for example, I'm not clear whether or how it is that the City Council rather than the individuals "Mayor, Councillors and citizens of Wellington" are the actual trustees for the Town Belt, or if we have the right to choose a set of trustees; or whether the status of the Basin Reserve status created by the Deed differed in some way from that of the Schedule 1 lands [prior to subsequent changes].

(b) Where the Deed is silent or ambiguous, although not legally required, it is logical to take direction, in terms of the conditions imposed and intent, from the setting aside ("gift") of the original Town Belt.

(c) I do not suggest that even after such a "translation" the Deed would be consulted for management decisions, it is too general for that; the Plan would remain the definitive document for those. However, such a "translation" would provide the basis for considering any changes to the Plan at each review, rather than having the Proposal's additional layer of "principles". Extra levels work a bit like "Chinese whispers", distorting the message and resulting in parties having different understandings and interpretations without realising that.

Even if that approach is not taken the consultation on the Proposal should have included such a "translation".

(B) The impact of the Town Belt Management Plan (page 6):

I agree that the Plan has been a success. That suggests there is little need to change it - "if it ain't broke don't fix it", let alone meddle with its structure or place in the hierarchy. Nevertheless, after 15 years I agree that there should be a review of the Plan to see if it can be improved by some "tweaking".

Although the Deed, the Reserves Act and the dedicated zoning in the District Plan, provide additional protection, the Plan is the primary and most immediate method and should be sufficient to achieve its aims and the original intent. I am concerned people or organisations with other interests (e.g. commercial) could use the additional layer of "principles" to weaken rather than strengthen the provisions of the Plan, either directly by influencing the "principles" during their creation, or by later exploiting potentially different legal interpretations of those.

(C) Mana whenua and the Town Belt (page 10):

I welcome the involvement of any one or group who wish to help the Town belt by contributing their wisdom, logical argument, knowledge, proven experience or physical effort. I do not doubt that the mana whenua may have a disproportionate amount of historical knowledge about the Town Belt and interest in particular aspects of it. It is certainly also appropriate that Maori historical and cultural links with the Town Belt be taken into account and corresponding interpretation (in publications, through signage etc) be provided. However, treaty issues are a matter for the Crown and these have had full and final settlement. So the history does not itself give mana whenua any greater say in the management of the Town Belt.

Additional comments

(D) Help us develop Town Belt guidelines (Page 3):
Although the title of the Proposal and this starting box refer to "Legislative Review" there is little specific in the Proposal about change(s) to the legislation. The Proposal treats the proposed "principles" only as a step in the management hierarchy as evidenced by the diagram on this page. The Deed is the strongest protection for the Town Belt and the next most powerful level is the legislation. Council should have provided at least an outline of the legislative changes it is considering putting forward, before consulting the public on anything, like the Proposal's "principles", which it may use to justify such changes. By not addressing the legislative intent and implications of the Proposal clearly and in some detail the consultation process and any agreement reached from it cannot be used to justify legislative change.

(E) How were the draft principles developed ? (Page 3):
It would have been useful if the Proposal, or at least the readily available background information, had included the voting, scores or other objective measures of opinions from the 2009 market research and the 2011 workshops.

(F) Protecting the Town Belt (page 3):
The Town Belt was transferred to the individuals, "the Mayor, Councillors and Citizens of the City of Wellington" (and their successors) to be held in trust. That the Town Belt is held in trust in that way makes it fundamentally different from other land managed or land owned by the Council. Its protection must be reflect that and it cannot be treated simply as another open space Reserve. Each generation is the trustee responsible for protecting the Town Belt to hand it on to the next generation in a no worse, and preferably better, state than that in which it received it.
I agree that it unfortunate that "The Deed, however, does not provide total protection as it can always be changed through legislation". However, the Proposal and the "principles" would make matters worse. They would reduce the certainty of protection and the significance of the Plan. Ultimately there is no way for anyone or anything to be protected against the power of New Zealand's government – that is simply a side effect of the democratic system we have. The losses from the original (1840) and Deed Town Belts and failure to reinstate those over time is evidence of that. The map (page 1) really should have shown the whole of the original Town Belt as that forms a significant part of the context of any review. I ask that it be shown in all future review and consultation documents.

Comments on "Draft Town Belt principles"

I provide these comments only to cover the case that my preferred option of not introducing the extra layer of "principles" is not taken.

(G) 1. There will always be a Town Belt in Wellington:
The body of the Proposal repeatedly refers to "the Town Belt" and this "principle" is the only place anywhere in the Proposal that I can find "a Town Belt". I totally reject the implication that other land could be substituted for the Town Belt or any significant part of it. I ask that this be changed to "The Town Belt will be retained in trust as a public recreation ground for the citizens of Wellington in perpetuity".
I strongly support the Town Belt Reinstatement Policy. Consistent with that and as a matter of principle the Town Belt should be regarded as the full 625 hectares surveyed by William Mein Smith, set aside ("gifted") by the New Zealand Company and declared a Reserve in 1941. By using "retained" this obviously applies to the existing Town Belt and to the "lost"

areas if and when they are recovered. Regaining the whole of the original Town Belt should remain as an ultimate vision. That does not mean there is any specific expectation or target for that being achieved or significant expenditure is justified. If that ideal were abandoned, it would be near impossible to resurrect it.
Except for possible minor adjustments to tidy up boundaries, it would be inappropriate to add other areas (not in the original Town Belt) to the Town Belt. That is not to say additional land should not be set aside as public open space for informal recreation, but rather that the Town Belt has a separate status above that of such land additional land.

(H) 2. The Council will work in partnership with mana whenua to manage the Town Belt
It follows from (C) that I oppose this and ask it be removed. All citizens of Wellington have an equal interest in the Town Belt. To give special rights to one subset would be contrary to the Deed as is the idea of "co-management". The proposed 6. makes adequate provision for the mana whenua's specific links to the land to be acknowledged.

(I) 3. The Town Belt's natural character will be protected and enhanced
I would support this. However, my support would critically rely on the detail of "what do we mean" which identifies the natural values - urban forest, green space, topography, native ecosystems, open space, visual appeal and contrast with the city's built environment.

(J) 4. The Town Belt is for all to enjoy
Although this sounds good I am concerned by its wording and by much of the detail under "what do we mean". Unfortunately it could be argued that "enjoy" has not only the normal meaning of obtaining sensory or spiritual pleasure, but also includes the obtaining benefit in various other ways - more generally meaning "use", including consumption and exploitation (e.g. of so called "property rights"). That is potentially confirmed by reference to it as a "city resource". The description here does not even limit such use ("enjoyment") to one compatible with the natural values of the Town Belt and the quiet enjoyment and appreciation of those by the people.
That the majority of the description is taken up listing exceptions to the public's freedom of access is worrying. The indications that such restrictions will be limited and reduced over time are not strong enough. All activities which conflict with the principle of free public access should be phased out. The Town Belt has been abused as a cheap option in catering for various activities and structures – elsewhere and otherwise these should have been provided for through development contributions or paid for in full by any exclusive owner(s). Buildings and associated car parks, even if being used by non commercial organisations, should over time be relocated off the Town Belt and not be allowed to be expanded or to have their normal lifespan extended. Having that clear in this or another principle will not only allow slow progress, but ensure the Town Belt will be permanently clear of such intrusions when the "big one" does hit.

(K) 5. The Town Belt will be used for a wide range of recreation activites [sic]
This is far too permissive and indeed seems to encourage a wide interpretation of recreation. The Plan makes it clear that the activities should focus on outdoor informal recreation. That is consistent with the Deed as it specifies a public recreation ground (i.e. open space) and that reflects the directive for the original Town Belt to be kept free of buildings. I do accept that formal recreation should not itself be excluded. However, any structures or buildings required for formal recreation and recreation which excludes free public access, other than when matches are in progress, are not appropriate for the Town Belt and over time should be relocated elsewhere.
The description of compatibility here should be clearer that "values" refers to the Town Belt's natural character (as explained in principle 3). Where there is potential conflict between activities preference should go to the activities most in harmony with the natural character of the Town Belt. Additionally compatibility is of sufficient importance that the

single summarising sentence should include or flag those requirements. I ask it be changed to "Without compromising its natural character, the Town Belt will principally be used for a range of appropriate outdoor recreation activities."

(L) 6. Management of the Town Belt will acknowledge historical and cultural links to the land With the 1839 onward history (as page 5) comparatively well know, making knowledge of the Maori history and association with these lands more available (documents, signage, interpretation etc) is essential. I certainly also support research, surveys and identification for the public of sites of cultural and historical significance, together with appropriate measures to protect those values. As in (C) I support involvement of all who can contribute to the management of the Town Belt. It's not quite clear what else, if anything, may be implied by "management acknowledging historical and cultural links".

Copy of online form

Your Details
First Name: Michael
Last Name: Taylor
Street Address: 10 Laurent Place
Suburb: Kingston
City: Wellington
Phone: 3898071
Email: mgtaylor@kol.co.nz
I would like to make an oral submission: Yes
I am making this submission:as an individual

Do you feel that these principles appropriately reflect the community's aspirations for the Town Belt into the future: No
Comments: They add an extra layer to the management of the Town Belt. Unlike other areas, this area is not beneficially owned by Council, it was given in trust to the individuals: Mayor, Councillors _and_ citizens (and their successors) for specified purposes. The 1995 management plan reflects that and those puropses. Although that should be reviewed the addition of the proposed principles, which could be seen as taking precedence ing the aims and objectives of the plan

If not, how would you change these principles? Why would this be better:
Do not introduce them, whether as another layer above or within the management plan. If they are introduced then they must be made much more specific, less open to interpretation and generally be strengthened to protect the special nature of the Town Belt.

Do you think there are any other guiding principles we could include:
If there are to be any principles then Yes. For example The Town Belt will be managed to keep it forever 'as a public Recreation ground for the inhabitants of the City of Wellington' , which is the primary requirement of the Deed.

Do you have any additional comments:
I am emailing in a more detailed, more clearly structured and formatted submission.

Joanna and Geoff

From: "Michael Oates" <Michael.Oates@wcc.govt.nz>
To: "Joanna Gillanders" <Joanna.Gillanders@wcc.govt.nz>; "'Joanna and Geoff'" <greenfieldsfarm@xtra.co.nz>
Sent: Friday, 9 September 2011 3:36 p.m.
Subject: FW: Town Belt Legislative & Policy Review

Mike Oates
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-----Original Message-----
From: ellebla@paradise.net.nz [mailto:ellebla@paradise.net.nz]
Sent: Friday, 9 September 2011 3:34 p.m.
To: Michael Oates
Subject: Town Belt Legislative & Policy Review

The following details have been submitted from the Town Belt Legislative & Policy Review form on the www.Wellington.govt.nz website:

First Name: Ellen

Last Name: Blake

Street Address: 72 Majoribanks St

Suburb: Mt Victoria

City: Wellington

Phone: 021 106 7139

Email: ellebla@paradise.net.nz

I would like to make an oral submission: Yes

I am making this submission: as an individual

Do you feel that these principles appropriately reflect the community's aspirations for the Town Belt

into the future: Yes

Comments: Yes mostly agree with principles.
There should always be the Town Belt but this should be increased as the population and town has increased.
Not sure mana whenua should be held by Taranaki tribes.
The natural character should be protected.
The town belt is for all Wellingtonians to enjoy - it should not be managed for visitors and tourists.
More controls on closing the Town Belt to 'ordinary' users should be in place - currently too many closures occur.
The Town Belt is for Wellingtonians and should not be managed as a tourist spot.

If not, how would you change these principles? Why would this be better: Should be a principle to include public input from only Wellingtonians for any policy changes in our Town Belt and for these to be reviewed for effectiveness.

Do you think there are any other guiding principles we could include: Should add to principle on natural character what this means -e.g natural character is not just any trees it should mean Wellington appropriate flora with no built structures on skyline etc

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134.

Joanna and Geoff

From: "Michael Oates" <Michael.Oates@wcc.govt.nz>
To: "Joanna Gillanders" <Joanna.Gillanders@wcc.govt.nz>; "'Joanna and Geoff'" <greenfieldsfarm@xtra.co.nz>
Sent: Friday, 9 September 2011 4:46 p.m.
Subject: FW: Town Belt Legislative & Policy Review

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-----Original Message-----
From: tim.bollinger@dia.govt.nz [mailto:tim.bollinger@dia.govt.nz]
Sent: Friday, 9 September 2011 4:33 p.m.
To: Michael Oates
Subject: Town Belt Legislative & Policy Review

The following details have been submitted from the Town Belt Legislative & Policy Review form on the www.Wellington.govt.nz website:

First Name: Tim

Last Name: Bollinger

Street Address: 182 Abel Smith Street

Suburb: Te Aro

City: Wellington

Phone: (04) 495 9432

Email: tim.bollinger@dia.govt.nz

I would like to make an oral submission: Yes

I am making this submission: as an individual

Do you feel that these principles appropriately reflect the community's aspirations for the Town Belt

into the future: No

Comments: Aspirations require additional definition and clarification.

Please see further comments below

If not, how would you change these principles? Why would this be better: Please see additional coments below

Do you think there are any other guiding principles we could include: I think there should be a specific principle that emphasises the area as a green vegetative ecology and an environmental carbon sink for the city of Wellington, with a principle that it be grown and expanded upon in order to counter declining private inner city green garden spaces, and the expansion of tarseal and concrete in the city's urban environment as a result of bigger roads, and incremetal clearing for carparking, university accommodation developments, drive-on access, carports, supermarkets etc.

Do you have any additional comments: Principle One: I endorse this principle. But I believe that the wording should be stronger. EG: Words "where possible" should be removed.
And the 'Meaning' should include words that actively protect any further loss of the Town Belt and promote the acquisition of more.
For EG: Suggesting that "powers outside Council's control" that remove land might prompt the Council to "pursue" its replacement, are words that neither actively seek to prevent that loss, nor promise adequate compensation. Given the prospect of a portion of the Town Belt being acquired by the NZ Transport Agency for a State Highway, the degree to which such an opposing use of the land changes its designated purpose under the original deed should trigger greater degrees of opposition and/or obligation for the Trustees to negotiate Trustees for greater compensation (ie: Taking land from pedestrian, recreational and ecological use, to private motor vehicle use requiring significant carbon emission off-sets, so compromises the original purpose of the land and the proper functioning of and access to adjacent Town Belt land, that the acquisition of land for such purposes - even if compulsory - should require greater pursuit of greater compensation - by way of inner-city hectares and additional areas of inner city greenery.

I support extending the Town Belt to the South Coast and closing gaps between Green Belt and the Karori Sanctuary. I further suggest that efforts be made to increase and close gaps between pockets of isolated inner city green land, extending fingers of vegetation into the central city and urban streets to enhance the central city's bird corridors.

Principle Two:

I support the working with the mana whenua, so long as the commercial interests of mana whenua corporations are not confused with the cultural and ecological values of the land.

Principle 3:

I support this principle, but do not understand the purpose of the proviso about the land having been "changed and modified since humans first interacted with it" Of course they have.
In the 'Meaning' section, please use terms like "green space" and "open space" carefully. A car park may be regarded as an "open space", and an astro-turfed sports field may be regarded as a "green space", but both confine the use of that area for single, rather than a shared purpose, neither of which is ecological. In ecological terms, these uses are as objectionable as any other built construction, and require the same heavy vehicle and industrial scale works to create and maintain them Terms like "grassland space" or "vegetative space" would be preferable.

I support native regeneration programmes, but I oppose the destruction of conifer forests without

equivalent age/size forest replacements.
As you suggest, the Town Belt also provides a visual backdrop.A hillside of Pine tree stumps scattered with immature native plantings in the hope that a forest of a similar size will grow 150 years hence, seems to miss the existing value of having large wooded and forested areas in the inner city in the first place.
It should be noted that many native (and other) birds still require (and use) large canopy areas, whether native or exotic, and these should be appreciated and preserved alongside native plantings. Native plantings should happen where there are currently no big trees. Not cut down a whole forest first and then hope that another will grow in the coming years of unpredictable climate change.
Tree management of the Town Belt should be done on ecological and green preservation grounds as a first principle, not on a native vs exotic principle, and it should be undertaken by a different bunch of tree 'specialists' than those who trim road edges and power line access around the city (who quite frankly, are a bunch of hooligans with chain saws, and appear to regard trees as a danger - Reality Check: Please compare statistics for injuries caused by trees vs. motor vehicles in same vicinity on an annual basis, anywhere - Large trees should not be regarded as dangerous. In fact their absence is a serious health hazard to all life.) Many of Wellington's exotic trees (for example those very old ones taken out from the Bolton Street Cemetery a few years ago), are the oldest trees in Wellington and among the original experimental plantings of American conifers by founding Wellington scientist James Hector. Why was his experiment suddenly brought a premature end in the early 21st century? Does anyone know now, just how large or to what age a Pinus Radiata or Macrocapa tree might grow in the southern hemisphere?
The removal of other trees from around the gravestones of the Bolton Street cemetery long after their roots had already disturbed and disrupted historic gravestones, also misses the point. The trees WERE part of the history of the graveyard. Many of the historic gravestones now just sit, cracked and damaged in an open wasteland, exposed to the elements, when let's face it, there was probably more of the ancestor's molecules in the tree that has now been chopped down than left beneath the gravestones cracked from years of overgrown tree roots. And a magical 'living' environment of gravestones among the trees has been destroyed and compromised. Taking out many of the trees in this area has also further exposed the Cemetery to the motorway, for which the large trees provided a sound cushion and a carbon sink.
Please include these considerations of your Town Belt Management Plan.

Principle Four:
Yes, the Town Belt should be for everyone to enjoy, but as a GREEN Town Belt, not as a car park or a single-use area of fenced plastic grass with floodlights. This is at odds with the original intention of 'recreation' in Town Belt terms, which were ecological and about preserving vegetation and 'natural' recreational environments.

Other green spaces have been given over in the city already for Sports complexes.
I don't think that the Council's Recreation Strategy should compromise the ecological values of the Town Belt.
'Community' use of spaces should be given priority over 'commercial' uses.
Easements for Utility purposes should not be given lightly, and direction that utility companies preserve the conservation values of any land that they are allowed to use must be explicit and enforced. (See comments about possible land used for State Highways under Principle Four above)
Encroachments of private property owners where they enhance a 'common' area (eg: with seating, plantings, care, nurture and maintenance etc.) should be encouraged, over and above any insistence upon fences to designate territorial boundaries.
Please include these considerations of your Town Belt Management Plan.

Principle Five:
Please see my comments to 'Principle Four' (above). I don't believe that transferring shared use Town Belt areas such as grass covered fields, where one might walk a dog, have a picnic or feed some birds, to single-use designated astro-turf sports fields with floodlights and car parks should be considered proper recreational use of the Town Belt.

As noted under Principle Four such uses of the Town Belt require the same heavy vehicle and industrial scale works to create and maintain them as roads and buildings, and compromise our city's 'natural' (varied flora) ecological areas.
As also already noted, other green spaces have been given over in the city already for Sports complexes. The Council's Recreation Strategy must not be used to compromise the ecological values of the Town Belt.
Yes, "recreational activities change over time" but we must consider seriously, the extent to which modern 'extreme' sports' wear heavily upon the environment.
Further, in terms of 'recreation', simply walking, thinking, listening and breathing amongst trees and nature must never be defined as a single competing recreational use among the many organised sports codes, clubs and formal groups each of whom have their own special interests and resources to argue for the use of these areas for their own specific 'recreational' activity.
Rather, the recreation of experiencing nature should be the over-arching objective of the Town Belt, with the competing codes and clubs being regarded as a small subset of those who wish to use this environment for recreational purposes.
This will, in the long run, service more residents, citizens and visitors to the city, regardless of their participation of any formal organised activity.
Our hillsides and green spaces are recreational simply by virtue of being accessible. Recreation use should never be used as a justification for industrial scale or commercial sports 'development'.
Please include these considerations of your Town Belt Management Plan.

Principle Six:
Iagree with principle six, but I believe cultural and historical values of the mana whenua can be accommodated alongside the preservation of existing colonial tree plantings.

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Joanna Gillanders

From: Michael Oates
Sent: Thursday, 15 September 2011 4:30 p.m.
To: Joanna Gillanders
Subject: FW: my submission
Attachments: dde TB Final Submission .doc

Mike Oates
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From: John Bickerton [mailto:bickertonjohn@paradise.net.nz]
Sent: Friday, 9 September 2011 2:31 p.m.
To: Michael Oates
Subject: my submission

Hi Mike

Here is my submission. As you would expect it is "as I see it" And I hope that it does not offend anyone.

Please put me down as "someone who wants to be heard at the hearing.

Hope all is well with you.
Cheers

John Bickerton

Town Belt Principles Submission due 9th September 2011

I make this submission as an individual and do wish to be heard.

My Background

During almost all my time in Aotearoa, I have been involved with the Town Belt: starting in the early 90's, as a Voluntary Ranger and then as founding Treasurer of the Friends of the Wellington Town Belt. I resigned from that position in about 2005, and rejoined the committee in 2008.

During this absence I discovered the history of Stellin Memorial park and of Pilot James Stellin, a WW2 hero in France but forgotten here in Wellington. His father, James Stellin, a prominent Wellington businessman and developer bequeathed his "Orangi Kaupapa lands" to the WCC "upon Trust" in 1964. Thus, an important part of Tinakori Hill and a significant part of the Town Belt was returned to the care of WCC. This land is still alienated from the Town Belt and needs legislation to fully repatriate it.

As part of the current consultation process, I was also instrumental in arranging a public meeting at Northland Memorial Community attended by over 100 people to learn about the Town Belt. I spoke to the Strategy & Policy Committee authorising this process.

My Submission

I am puzzled by the present process which is entitled "Town Belt Legislative and Policy Review".

For me, it does not seem to promote a pathway towards legislation. A draft bill was ready in 2003 but the project was apparently shelved because of Waitangi Tribunal considerations. It is difficult to see how the Waitangi Tribunal findings would have changed this legislation. **The present process reduces the certainty of what such legislation would be intended to achieve and creates significant questions.**

I cannot see how a new set of guiding principles would help this process. Nor do I understand how they will identify concerns about the current TBMP (Town Belt Management Plan – surely sine qua non to a review process?

Apart from Principle 2, they are all uncontroversial and have the disadvantage of being "all things to all men". They would therefore offer grounds for a later challenge to the status quo. **I oppose the adoption of these principles.**

Principle 2

The current TBMP states "The active participation by the community and the Friends of the Town Belt, in the ongoing management, maintenance, development and monitoring of the Town Belt shall be encouraged."
The WCC should continue this policy and include Mana Whenua where they are part of the community. **Giving Mana Whenua co-management rights would be contrary to the Deed, and discriminatory. I oppose it.**

Furthermore, it implies that Maori have an unresolved grievance against the WCC. Yet the Port Nicholson Settlement was in "full and final" settlement of all grievances against the Crown. What is the WCC doing and why?

On page 10 of the Consultative document, reference is made to a Memorandum of Understanding between the WCC and Mana Whenua which states that "the Town Belt is significant to both parties" and suggests "[appropriate involvement] in future management". This MOU was not available on the WCC website and, as far as I can tell the community was unaware of it.

On page 12, the Consultative document refers to "right of first refusal to some sections of ex- Town Belt land". This information was withheld from the Consultation workshops.

Principle 6
I support the recognition of Maori values in the management of the Town Belt. '*Management of the Town Belt will acknowledge historical and cultural links to the land*' is, in my view, consistent with the existing TBMP.

I agree that the story of the town belt has been Eurocentric but it was not wrong – Maori chose not to participate (cf Vol3 Background Report, TBMP. I also agree that the history of both cultures should be fairly interpreted (page 16). The policies should ensure that there is a right of reply to the Waitangi Report view particularly to Chapter 6 (Town Belt) which contains an important error. Currently there is no forum to discuss these matters.

Conclusion
Looking at the "Town Belt Legislative and Policy Review" strategy, the MOU and the results of the workshop, I feel that not everything is as transparent as it should be. I do not understand where it is trying to get to.

Wellington has come a long way since Governor Hobson proclaimed the township in September 1841. It was a bi-cultural city then and it is now. Despite mistakes being made, Wellingtonians are rightly proud of their city. Together with the harbour the Town Belt is its soul with the Mayor, Councillors and citizens its trustee.

Principle 2 is discriminatory and should not be entertained. Furthermore including the term "Mana Whenua" in Town Belt principles, legislation or any other enduring document should not be considered until we know exactly who they are and to what extent they represent the Wellington portion of "Tangata Whenua".

Thank you for the opportunity to make this submission.

John Bickerton
9 September 2011

141 Orangi Kaupapa Rd
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Tel 04 970 7765

138.

Joanna Gillanders

From: Michael Oates
Sent: Monday, 19 September 2011 8:11 a.m.
To: Joanna Gillanders; Brian OSullivan; 'Joanna and Geoff'
Subject: FW: Bot Soc submission on Town Belt principles V2 18 Sept (2)
Attachments: Bot Soc submission on Town Belt principles V2 18 Sept (2).doc

Mike Oates
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From: Bev Abbott [mailto:bevabbott@xtra.co.nz]
Sent: Sunday, 18 September 2011 8:07 p.m.
To: Michael Oates
Cc: Zach Rissel
Subject: Bot Soc submission on Town Belt principles V2 18 Sept (2)

Hi Mike

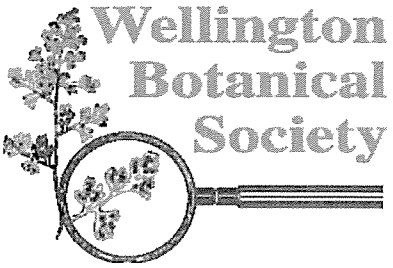
I hope you are there to make sure this gets into the submission.

I'm pleased I waited for the discussion at ERG on Monday night before sending it it.

Cheers

Bev

PO Box 10-412
Wellington 6143
New Zealand



Charities Commission Registration CC10518

18 September 2011

GUIDING PRINCIPLES FOR TOWN BELT LEGISLATIVE AND POLICY REVIEW

Submitter: Wellington Botanical Society
Contact details: Bev Abbott
40 Pembroke Rd, Northland, Wellington 6012
bevabbott@xtra.co.nz
Phone 475 8468 (H).

INTRODUCTION

1. The Wellington Botanical Society was puzzled by Council's decision to start the process for the review of the current Town Belt Management Plan by consulting on some guiding principles. The need to for guiding principles was not really made clear by the consultation document. It is regrettable that this step appears to have re-introduced some of the uncertainties that were resolved during the preparation of the current Management Plan. It may also have raised unnecessary suspicions about the way Council intends to exercise its role as Trustee of the Town Belt in the future.

2. The current Town Belt Management Plan includes a useful list of the features of the good management plan. We suggest Council and staff review the original before staff start to develop the next draft plan. Features listed in the current plan include:

   - readily understood by all who might be affected
   - draws together all the relevant descriptive information on the property
   - comprehensive – because omissions may give rise to ambiguity and misinterpretation
   - permit some flexibility within prescribed limits.

3. The contents of our submission have been guided by the Society's objects which include:

   - to advocate the preservation of lands and waters under protected area statutes in their natural state
   - to make, or to join or to cooperate with any other group in making representations on any existing, draft or proposed legislation, regulation or planning document having any repercussions on the preservation or protection of the flora of New Zealand

- to collect and disseminate knowledge of, and encourage the cultivation of native plants
- to create an interest in, and foster an appreciation of, native plants in the field.

4. If there is an opportunity to speak to this submission, we would like to do so.

5. For numerical purposes only we wish to record our response to the question on the response form to showing that Wellington Botanical Society **does not agree** that the proposed guiding principles appropriately reflect the community's aspirations for the Town Belt into the future.

DISCUSSION

6. Initially we were reassured by the apparent degree of alignment between the Society's objects and the following three guiding principles:

   - Principle 1: There will always be a Town Belt in Wellington.
   - Principle 3: The Town Belt's natural character will be protected and enhanced.
   - Principle 4: The Town Belt is for all to enjoy.

7. This feeling changed as considered the implications of the "What do we mean?" explanations of the guiding principles.

8. The wording of the first guiding principle "There will always be a Town Belt", alerted us to the potential for current or future Councils (n their role as Trustees for the Town Belt) to accept further alienations as long as remnants of the original belt remain (the salami principle). We want to see the wording of this principle strengthened so that it better reflects the community's and Council's aspirations for retention and re-acquisition.

9. We found potential risks of further alienation of the Town Belt in several of the proposed guiding principles or the associated "What do we mean" notes, for example:

   - further use of the Town Belt as an inexpensive and convenient source of land for existing clubs to expand existing indoor recreational facilities, and for new clubs to develop facilities for new types of recreation
   - more commercial facilities (such as restaurants and souvenir shops) plus additional parking at key viewpoints such as Mt Victoria if a future definition/interpretation of "public recreation" muddies the distinction between 'recreation' and 'tourism
   - further loss of open space Town Belt values land if policies in the management plan require clubs and/or Council to provide adequate car and bus parking at formal recreational facilities to cater for users if sites are not well served by public transport services
   - central or regional government wanting to establish more or different utilities or "regionally significant" infrastructure on the Town Belt (e.g. electricity, wider roads, new roads, telecommunications, schools, water storage infrastructure, defence and aircraft safety facilities, education facilities or social housing.

10. Further alienations may result in further fragmentation of Wellington's indigenous ecosystems at a time when there is growing recognition of the importance of ecological connectedness as a strategy for protecting Wellington's indigenous ecosystems. They may also undermine or waste ratepayers' recent investments in increased pest and weed control.

11. The following table records our comments on each of the proposed guiding principles.

	Current wording	Proposed revision or concern
1	There will always be a Town Belt in Wellington.	We'd like to see this principle replaced by two principles requiring Council to increase the size of the Town Belt and improve the ecological integrity of the Town Belt. Such principles, particularly if reinforced by legislative changes, may assist Council to reach win-win solutions if there are ever circumstances where it is "in the public interest" for any level of government to alienate further sections of the Town Belt. We suggest Council argue that legislation authorising any alienation 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 that will reduce the ecological fragmentation or advance the ecological integrity of the Town Belt.
2	The Council will work in partnership with mana whenua to manage the Town Belt.	This guiding principle describes the intended relationship between Council and mana whenua. It is helpful because it clarifies that the recent Treaty Settlement between the Crown and the Port Nicholson Block Settlement Trust did not result in mana whenua having a statutory role in the governance of the Town Belt. It may also reduce the ambiguity of some statements in the current Management Plan.
3	The Town Belt's natural character will be protected and enhanced.	As a guiding principle, this statement may receive high levels of community support because it is generally interpreted as helping to manage the impacts of placing additional buildings with a recreation purpose, Our concern, however, is that the principle does not provide adequate guidance about other components of "natural character". As a starting point, the 'natural character' of the Town Belt is a function of its ecology and perceptions of its, landscape and the nature of the recreational experiences provided. Within the ecological component, there are at least three subcategories (indigenous, naturally regenerating, and exotic). Naturally regenerating ecosystems present some difficulty as they include some very weedy areas. These 'weeds' include, but are not limited to exotic pest plants. They may be

		indigenous plants from other parts of New Zealand, e.g. garden escapees, wind-pollinated species, or hybrids that wouldn't normally be found in Wellington. Others 'weeds" may have been planted as part of early "revegetation" projects, where the goal was to grow replace "weeds" with "robust natives", or to "beautify the area" with cultivars. These weeds may not necessarily be "pest plants". We would like to see the draft of the next Management Plan utilise the much more sophisticated language that is now being used to differentiate between the processes and goals of revegetation, regeneration, restoration, and possibly other terms. This will lead to developing more specific ecological goals for particular sites. In particular, we would like to see a high value placed on identifying sites on the Town Belt where future generations will have opportunities to experience more of the ecological diversity that would have been found on the Town Belt before any people started modifying Wellington's ecosystems. As an example, where the likelihood of the original indigenous Wellington species overtopping or outcompeting "weeds" is remote, then some clearing of "naturally regenerating" areas may be necessary to achieve the outcome described in the previous paragraph.. This approach may also help identify sites where the goal is "revegetation" rather than "ecological restoration". The identification of "revegetation" sites would allow mana whenua to seek the Turstees' permission to plant flax varieties from other parts of New Zealand, (especially Taranaki), if such plants are a necessary part of retaining the full range of weaving skills and products. At some sites, any planting may be required to fully comply with eco-sourcing principles. A similar, more-detailed analysis within the landscape component of "natural character" may also be advantageous. This would recognise components of landscape values such as those experienced close at hand when on the Town Belt, (including views being obscured by growing vegetation), and the landscapes of the Town Belt as seen from the city or suburbs (e.g. the vegetated slopes and undisturbed skylines which provide a backdrop to the CBD.
4	The Town Belt is for all to enjoy.	Principles 4 and 5 overlap to a considerable degree and the need for both not clear The explanation for Principle 4 starts by explaining that

		this principle is about equity of access. Equity of access principles are better applied across larger areas with more diverse topography and greater diversity of recreational settings. There is no necessity for "equity of access" principles to the Town Belt given its small size and the range of other recreational settings close to the CBD. We also note that equity of access principles have been used in other statutory and strategic processes to support arguments for more aircraft landing-sites and more roads in national parks so that more residents and tourists can access more places more quickly/easily. The counter-view is that such intrusions on the quality of these places can destroy the original reasons for visiting and result in visitor/user displacement. A more realistic objective (not goal) would be to identify barriers to access. We suggest replacing principles 4 and 5 with one principle about fostering increased recreational use of the Town Belt whilst protecting the quality of 'open space' visitor experiences.
5	The Town Belt will be used for a wide range of recreation activities.	See notes on Principle 4. We suggest that Council also explore the potential to manage some parts of the Town Belt as Recreation Reserve, and other parts as Scenic Reserve. This may simply the future governance and management of the Town Belt.
6	Management of the Town Belt will acknowledge all historical and cultural links to the land.	This is a good principle. We would welcome more on-site information about the history of the Town Belt.

33.
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Joanna Gillanders

From: Michael Oates
Sent: Thursday, 8 September 2011 12:41 p.m.
To: Joanna Gillanders
Subject: FW: Town Belt Legislative & Policy Review

Mike Oates
Manager Open Space and Recreation Planning City Services Wellington City Council Box 2199 Wellington New Zealand
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-----Original Message-----
From: evansfam@ihug.co.nz [mailto:evansfam@ihug.co.nz]
Sent: Thursday, 8 September 2011 12:09 p.m.
To: Michael Oates
Subject: Town Belt Legislative & Policy Review

The following details have been submitted from the Town Belt Legislative & Policy Review form on the www.Wellington.govt.nz website:

First Name: BOYDEN

Last Name: EVANS

Street Address: 10 RANGIORA AVENUE

Suburb: KAIWHARAWHARA

City: WELLINGTON 6035

Phone: 4736 175

Email: evansfam@ihug.co.nz

I would like to make an oral submission: Yes

I am making this submission: as an individual

Do you feel that these principles appropriately reflect the community's aspirations for the Town Belt into the future: Yes

Comments: Generally they do, but some of the wording is open to interpretation. For example, in Principle 1, on page 11 it states that there will always be a Town Belt in Welllington. It would be preferable to refer specifically to the Wellington Town Belt. In Principle 3 (page 11) the wording of the principle and the explanation are not consistent. The explanation states that the Council's intention is to "mainatin the landscape and ecological values" whereas surely the aim should be to "improve the landscape and ecological values".
While the more comprehensive explantions on pages 12-14 elaborate on these matters, more precise wording would assist.

If not, how would you change these principles? Why would this be better: As noted above.
Also, change the words "Under the Town Belt Deed of 1873" to "In accordance with. the Town Belt Deed of 1873."

Do you think there are any other guiding principles we could include: No.
But in places in the document there is some loose language / statements which could be misconstrued. For example, at the start of the text there is a heading, 'Help us develop Town Belt guidelines', yet the explanation refers to the Council's intention of developing 'guiding principles', and further down policies in the Management Plan; these are quite different to developing Town Belt Guidelines.

Do you have any additional comments: The document is entitled 'Town Belt Legislative and Policy Review' yet there is virtuallly nothing about the Legislative Review, it is barely mentioned yet it is headlined on the front page. The legislative component (or more specifically Town Belt legislation) should precede the review of the Management Plan. The legislation should enshrine the Town Belt Deed and provide the basis upon which the review of the Management Plan is carried out.
I acknowledge that the Mangement Plan could be tweaked and improved in places but it has endured and provided WCC with a robust document to manage this fantastic asset. The time and resources being spent on developing guiding principles and undertaking a review of the Management Plan would in my view be better spent focusing on first getting the Town Belt legislation in place.

H58

Joanna and Geoff

From: "Michael Oates" <Michael.Oates@wcc.govt.nz>
To: "Joanna Gillanders" <Joanna.Gillanders@wcc.govt.nz>; "'Joanna and Geoff'" <greenfieldsfarm@xtra.co.nz>
Sent: Friday, 9 September 2011 10:23 a.m.
Subject: FW: Town Belt Legislative & Policy Review - Submission

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From: Shona McCahon [mailto:shona.mccahon@clear.net.nz]
Sent: Friday, 9 September 2011 10:18 a.m.
To: Michael Oates
Subject: Town Belt Legislative & Policy Review - Submission

TOWN BELT LEGISLATIVE & POLICY REVIEW – SUBMISSION

First name: Shona

Last name: McCahon

Street address: 74 Collier Avenue, Karori, Wellington 6012

Phone: 970 7573

Email: shona.mccahon@clear.net.nz

I would like to make an oral submission – **yes**

I am making this submission - **as an indiviudal**

DO YOU FEEL THAT THESE PRINCIPLES APPROPRIATELY REFLECT THE COMMUNITY'S ASPIRATIONS

FOR THE TOWN BELT INTO THE FUTURE?

Unsure.

Based on the brief summary of the internet survey of Wellingtonians (contained in Strategy And Policy Committee meeting of 23 June 2011, Report 4 (1215/52/IM)), the draft principles do appear to pick up on the main aspirations – namely, an open space that is:

- sufficiently used and valued to warrant its protection;
- valued for its green undeveloped character;
- valued and used as a place for recreation.

However, I do have some comments/suggestions.

IF NOT, HOW WOULD YOU CHANGE THESE PRINCIPLES? WHY WOULD THIS BE BETTER?

Principle 1: There will always be a Town Belt in Wellington

The wording of this principle is vague in that '*a* Town Belt' could be any land, whereas alternative wording that refers to '*the* Town Belt' or similar, would imply more clearly the land deemed Town Belt under the Deed.

I don't necessarily disagree with the draft wording, in that it makes provision for the addition of land that has not historically been Town Belt and allows for the possible necessity (as the discussion document says) to pursue replacement land should existing or historic Town Belt land be taken for other uses (e.g. the proposed Ruahine Street road widening).

The important thing is to be clear about what we mean by the term 'Town Belt' and that is not clear. This point is raised as an issue on page 7, and it looks, on page 12, as if the Council is opting for the 'extended Town Belt' option described on page 7. I would endorse this extended approach as being one that is practical and has a degree of flexibility but *only* if there is more discussion about what 'Town Belt' means and what its key qualities should be when we say, "There will always be a Town Belt". I would suggest some important aspects would be:

- the Town Belt should be as much as possible continuous public green space encircling the inner city
- its total area should be no less than that currently regarded as Town Belt (including the land returned to WCCC but not yet given formal Town Belt status)
- that any extensions should make common sense to the Town Belt concept – i.e. that Wellingtonians would naturally perceive the added areas as being 'Town Belt' (this would rule out, for instance, swapping Town Belt land for open space that is not contiguous with existing Town Belt land or not contributing to the physical green encircling of the inner city).

Principle 3: The Town Belt's natural character will be protected and enhanced

I endorse the intentions described on page 13 of restoring native vegetation cover, wildlife habitats and streams. However, I wonder about the use of the term 'natural character' – partly because of

possible confusion with the way this term is used and interpreted in the RMA, but also because part of the Town Belt's character is the presence of some areas of exotic amenity planting (gardens, specimen trees etc) and grass to support recreation activities and to meet community desire for some areas of seasonal change and open areas.

The reference to 'landscape values' in the page 13 explanation may be intended to cover this, but I think it needs to be made more explicit. I would suggest the wording could be changed to something like "The Town Belt's natural values and landscape character will be protected and enhanced." The term 'landscape character' incorporates both natural and cultural components in a landscape.

I endorse the intention to minimise building and physical obstruction on the Town Belt (e.g. to minimise the possibility in future of such proposals as the badminton hall extension)

Principle 5: The Town Belt will be used for a wide range of recreation activities

This principle doesn't reflect the preference reflected in the internet survey for informal recreational activities. A similar preference/weighting for informal activities also came out in the community consultation that took place prior to the formulation of the 1995 Town Belt Management Plan, when the community indicated that there should not be any more development of formal recreation facilities on the Town Belt. i.e. the acceptable limit had been reached. These two results indicate that it is a preference of long standing. The preference for informal recreation also goes hand-in-hand with other key concepts such as the Town Belt being a green open space and freely available to the public – so it might be worth considering rewording this principle.

I also feel that the explanation is somewhat naive when it states that a range of activities be allowed 'provided that they don't conflict with, or compromise, other users or values.' It seems to me that some conflict or compromise is likely when there are a range of activities, and a more realistic approach would be to aim for a balance between activities and management to minimise conflict. To this end, the suggestion to focus more formal and intensive recreation uses to the recreation hubs is a good one, in that it would more clearly separate out the areas for formal and informal uses for appropriate management. My reading of the recreation hub idea is that it would not be introducing new areas for formal recreation (which I and, it would seem, survey respondents would not want to see) but, rather, rationalising the use of the existing hub areas of Hataitai Park and Newtown Park.

DO YOU THINK THERE ARE ANY OTHER GUIDING PRINCIPLES WE COULD INCLUDE (IE NOT RULES OR POLICIES)?

The Council holds the Town Belt in trust on behalf of the citizens of Wellington. Therefore, I suggest that another guiding principle might be something along the lines of, *"The Council will encourage community participation in protecting and managing the Town Belt."*

DO YOU HAVE ANY ADDITIONAL COMMENTS?

I agree with principles 2 and 6.

The discussion document that sets out the draft guiding priniciples is vague about quite how the principles will be used, other than to say they will guide the review of the review of the Town Belt Management Plan and/or any future legisltative changes that muight be required. Given that the draft principles, too, are vague –

leaving a great deal of room for interpretation on quite *'how'* they would be implemented – I would certainly hope that:

- They would be translated into more specific objectives and policies in the reviewed management plan, and

- if a set of guiding principles are introduced to the reviewed management plan, that they are tightened up and/or their weight in guiding decision-making made clear.

That said, however, the concept of articulating, broadly, the overall intentions and important values relating to the Town Belt at the outset is a good one.

I note the summary on page 6 of the discussion document of successes following the completion of the 1995 management plan. That plan has set a positive precedent and basis from which to proceed with the proposed management plan review – hopefully, that is what is envisaged – a review and clarification/updating of policies, rather than a complete start-again approach. More a case of what has and hasn't worked in the existing plan and what can be improved?

In terms of the legislative review, I note the statements in the discussion document that, should the Government decide to acquire Town Belt land, the council has limited ability to protect the Town Belt. That might be so, but at least there is some protection in the necessity for Parliament to pass legislation in order to do so. That is an opportunity (if a last ditch one) for the Wellington community to express its views about the importance of protecting the Town Belt. I hope that the outcome of any legisltative changes envisaged is to consolidate/formalise the legal staus of the land council owns that is regarded as Town Belt and still retain the need for legislation to take Town Belt land for other purposes.

Shona McCahon

M35

Joanna Gillanders

From: Michael Oates
Sent: Monday, 5 September 2011 8:48 a.m.
To: Joanna Gillanders
Subject: FW: Submission to Town Belt Legislative and Policy Review on behalf of the Dog Owners' Group

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From: Mary Ellen Gordon [mailto:m.gordon@markettruths.com]
Sent: Monday, 5 September 2011 8:43 a.m.
To: Michael Oates
Cc: 'Lisa Snow'
Subject: Submission to Town Belt Legislative and Policy Review on behalf of the Dog Owners' Group

To whom it may concern,
I am writing regarding the Town Belt Legislative and Policy Review on behalf of the Dog Owners' Group.
We are generally supportive of the principles outlined in the review document; however we request that two matters be considered when the Town Belt Management Plan is updated:

1) Providing places within the town belt where dogs can be walked off lead. This is very much consistent with Principle 4 – making the town belt available for all to enjoy. Dog walking is a prototypical example of the type of informal recreational activity for which the town belt is intended, and yet except for Tinakori Hill, we are not aware of any off lead exercise areas within the town belt that are large enough to allow for off lead walking. While dogs can be walked on lead throughout most of the town belt, many dog owners would have a more enjoyable recreational experience and they and their dogs would get better exercise if dogs were allowed to be walked off lead. (With owners still having responsibility for keeping their dogs under control and picking up after them.) We recognise that not everyone is comfortable around dogs, so understand that there would still be places within the town belt where leads would be required; however as noted in the discussion document, there are already many examples of situations where the activities of some users of the town belt restrict the activities of other users to some degree, as is the case with sports fields (which are not available to dog walkers at any time).

2) We are supportive of protecting the town belt's natural character as described in Principle 3; however we ask that the policies developed for the Management Plan consider how control for pests such as possums can be done without

putting dogs at risk. For example, while it is not within the town belt, in the past there have been signs warning not to let dogs roam due to poisoning within the Tawa Tawa Reserve even though it is an official off leash area. That reserve seems to illustrate an opportunity to make dogs a (poison and cost free) part of the pest control plan for the town belt instead of putting them at risk from it. Based on observation, rabbits seem to be the biggest pest in that area as well as in parts of the town belt. Dogs chase rabbits (and rats), and possums would probably also prefer not to be in places where they risk being chased by dogs. Obviously dogs could pose a threat in areas where there are a lot of ground-based birds; however that seems unlikely to apply to most of the town belt.

We would welcome the opportunity to discuss these matters with appropriate officials or members of Council as policies are developed for the Management Plan.
Thank you for considering our submission.
Mary Ellen Gordon