

# Town Belt Legislative and Policy Review

We are keen to get your thoughts on the guiding principles for the management of the Town Belt. The principles in this document have been developed from feedback from many different individuals and community groups who have an interest in the Town Belt. They are intended to ensure that the Council's day-to-day management of the Town Belt reflects the values of the general community.

You can have your say:

- by making a submission on this form and sending it to us by:
  - Post: Freepost, Town Belt Draft Guiding Principles (REPL01), Parks and Gardens, Wellington City Council, PO Box 2199, Wellington 6140
  - Fax: (04) 801 3155
- by making a submission online at [Wellington.govt.nz](http://Wellington.govt.nz)
- by sending an email to: [townbelt@wcc.govt.nz](mailto:townbelt@wcc.govt.nz)

Please phone Wellington City Council on 499 4444 for more information.

Submissions close 5pm on Friday 9 September 2011.

### Your details

\* Mandatory fields

Mr / Mrs / Ms / Miss / Dr (circle one)

First name/last name\* Joan Quinn

Street address\* 28 Marewa Rd, Hataitai Wellington 6021

Phone/mobile (04) 3861796

Email \_\_\_\_\_

I am making a submission

As an individual

On behalf on an organisation

Name of organisation \_\_\_\_\_

I would like to make an oral submission to the City Councillors.

Yes

No

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

### Privacy statement

All submissions (including name and contact details) are published and made available to elected members of the Council and the public. Personal information supplied will be used for the administration and reporting back to elected members of the Council and the public as part of the consultation process. All information collected will be held by Wellington City Council, 101 Wakefield Street, Wellington. Submitters have the right to access and correct personal information.

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

Yes

Suggested changes attached

No

Unsure

If not, how would you change these principles? Why would this be better?

Details of changes to principles and comments attached



## Town Belt Legislative and Policy Review -- Submission. Joan Quinn

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

Suggested change: *The Wellington Town Belt, based on the vision of 1839 and the 1840 plan, given in trust by the 1873 Deed to the Mayor, Councillors and Citizens of Wellington, will be preserved in perpetuity for future generations.*

Comments: The 1873 Deed must not be lost. It has served the city well. Any future legislation should endorse the Deed and strengthen it. The vision of 1839 and the 1840 plan would strengthen it by again suggesting we do not build anything more on the Town Belt – so it will be retained for the enjoyment of future generations. Just because mistakes have been made in the past they do not need to be continued. The phrase “held in trust” should also be Principle 1.

Legislation is needed urgently to return the major areas already in Council control but not yet subject to the Deed and special Open Space C status eg. Former Signal Station (Pleasure Ground) on Mt. Victoria, former Chest Hospital and Telecom land. Plus a mechanism is required for any further ex-Town Belt or adjacent land acquired by the Council to be added. It should only be added if it is understood that once added it is there in perpetuity. (Only a few minor existing areas – mainly roads – need to be removed.)

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

Suggested change: *The Wellington City Council will work in partnership with the Citizens of Wellington through community organisations including local Maori groups to manage and protect the Wellington Town Belt.*

Comments: The opportunity for input into the management of the Wellington Town Belt (not governance) should be available to any community group – including local Maori community groups. We are all Trustees.

It is acknowledged that the 2009 Treaty Settlement of Taranaki Whanau ki te Upoko a te Ika gave rights of first refusal to land held by the Crown. However it is important that the Wellington City Council work towards an understanding that ex-1840 Town Belt areas such as land behind Wellington College, Wellington East Girls' College, Wellington Regional Hospital and Government House are visually vital to the Wellington Town Belt. Most Wellingtonians looking up at the hills believe they are part of the Town Belt. It is hoped that should such areas become available all will



agree they be returned as part of the Town Belt – part of the green backdrop to our city --- a Taonga for all citizens.

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

Suggested change: *The Wellington Town Belt's natural character of green open space and visual beauty will be protected and enhanced.*

Comments: While this principle sounds fine within the explanation paragraph there is the opportunity for too many exceptions to allow building or physical construction. Unless it is a critical utility eg. reservoir which it is absolutely impossible to place elsewhere this should be underground and landscaped and no further building should occur.

Principle 4: The Town Belt is for all to enjoy.

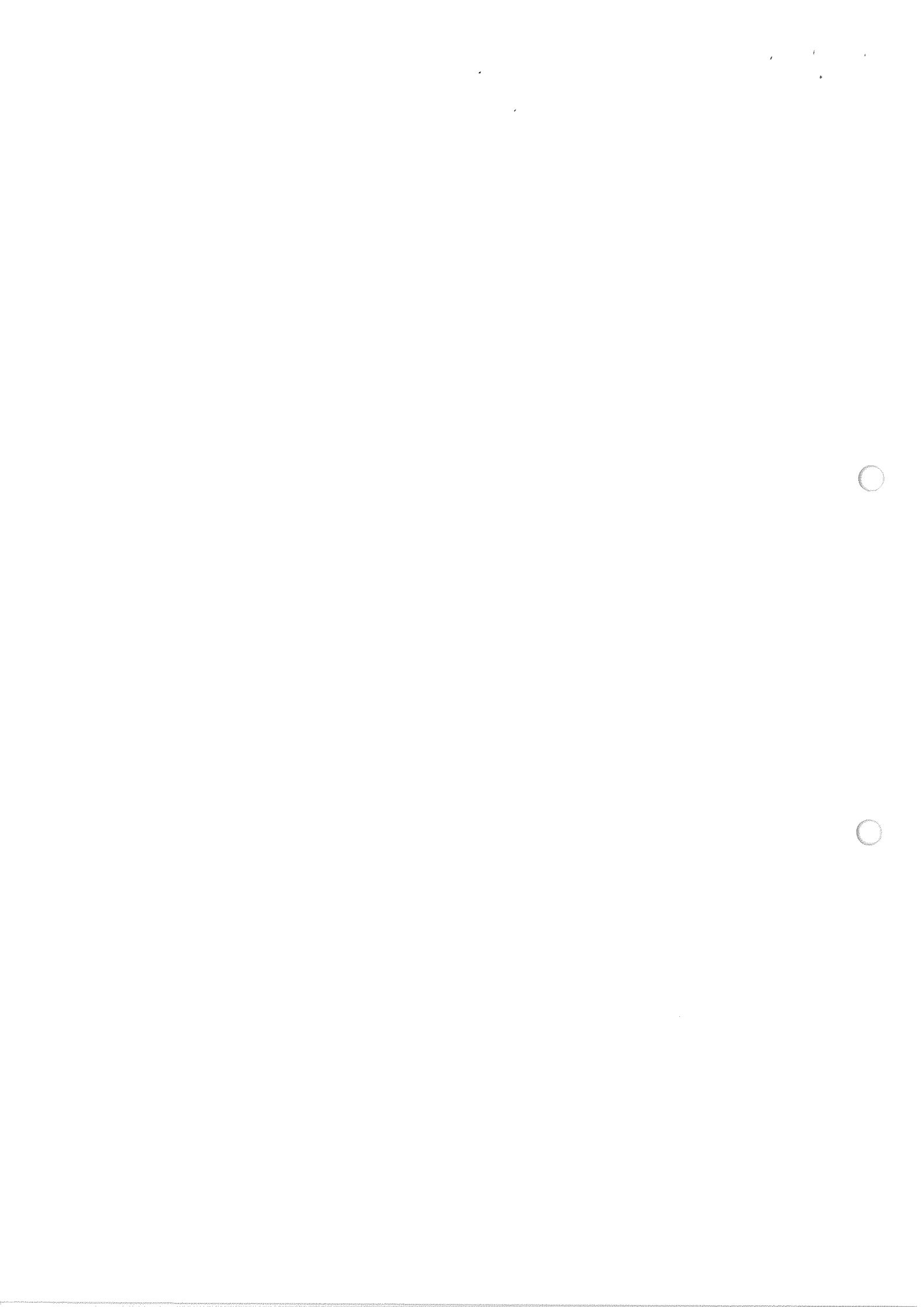
Suggested change: *The Wellington Town Belt will be freely available for all to enjoy – commercial activities are not compatible.*

Comment: Equity of access -freely available – needs to be expressed more strongly in the actual principle. The exceptions seem to be greater than the phrase –“for all”. The limitation of commercial activities should also be expressed under this principle. Access and use should be available regardless of “discretionary income”. Commercial activities even of a recreational kind do not need to gravitate to the Town Belt. There are more appropriate parks and reserves.

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

Suggested change: *The Wellington Town Belt is a public recreation ground with an emphasis on informal activity and outdoor activity.*

Comment: The Town Belt is basically for Open Space. A minimum of buildings to support outdoor organized sports and signs or furniture/seats to add to the enjoyment of individuals at viewing points is acceptable. The term 'hub' should not mean 'increasing buildings' and the encouragement of more and more organized sports migrating to the Town Belt. The Town Belt Open Space C is one special area not the only sports area in the city. It must not be seen as a series of separate entities – it is a whole. The flat areas now mentioned as possible 'hubs' should not



imply that there be more organized sports there. Flat areas for informal play are becoming more scarce with the growth of population in the Central City.

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Principle 6. Management of the Town Belt will acknowledge historical and cultural links to the land.

Suggested change: *The Wellington Town Belt is to be celebrated for its historic, social and cultural importance to all Citizens of Wellington.*

Comment: The present Town Belt Management Plan does mention both cultures but until recently there has been little visible acknowledgement of Maori links to the Town Belt area. Information boards and protocol associated with the opening of the lookouts on Mt. Victoria/Matairangi and Te Ahumairangi/Tinakori have acknowledged the rich and diverse history of both European and Maori culture in those areas – and this needs to be continued.

### Town Belt Legislative and Policy Review – General Comments

I have concern that while the title refers to – “Legislative Review”- there is very little information about how this relates to the present legislation – the 1873 Town Belt Deed and Open Space C zoning in the District Plan. Also the “What happens next” page refers only to Principles and the Town Belt Management Plan not to the process of legislation. Is it proposed the principles be included in legislation? All the principles discussed, although not expressed as ‘principles’, do occur in the present Town Belt Management Plan mainly under Aims and Objectives pages 4&5 in Part One, General Policies.

The Town Belt Management Plan 1995 has generally been a success. Major changes are not required. Legislation however is urgently required especially to provide mechanisms to give land regained by the Council for the Town Belt the protection of the Deed or a strengthened Deed referring to the vision of 1839.

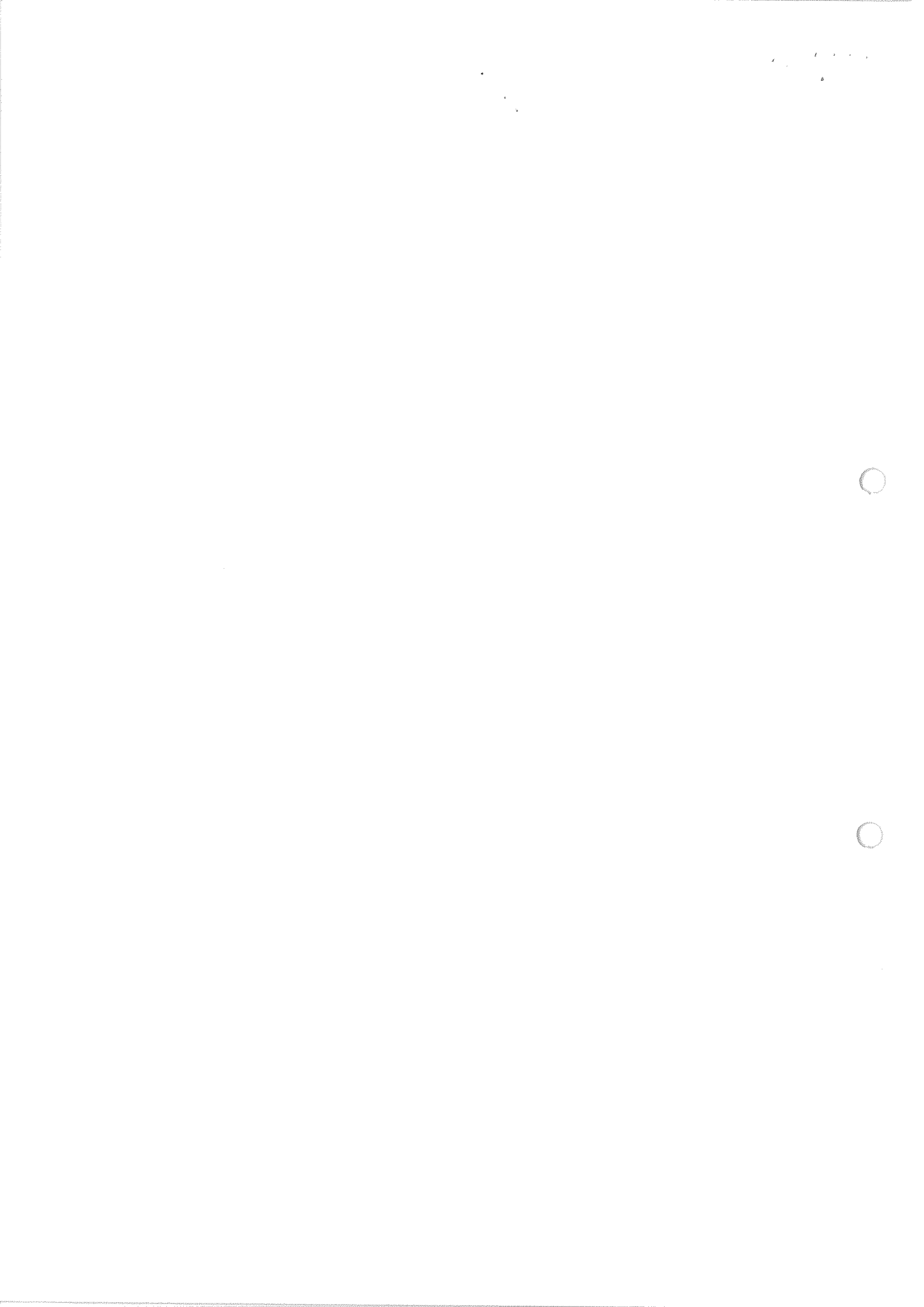
Joan Quinn

28 Marewa Road, Hataitai, Wellington 6021.

Phone 3861796.

I am making a submission as an individual.

Yes, I would like to make an oral submission to the City Councillors.





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**Joanna Gillanders**

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**From:** Michael Oates  
**Sent:** Thursday, 8 September 2011 8:13 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

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-----Original Message-----

From: sadunn@paradise.net.nz [mailto:sadunn@paradise.net.nz]  
Sent: Wednesday, 7 September 2011 11:10 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](http://www.Wellington.govt.nz) website:

First Name: Steve  
Last Name: Dunn  
Street Address: 1 Nikau Street  
Suburb: Newtown  
City: Wellington 6021  
Phone: 3855797  
Email: sadunn@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: No

Comments: It should be stated that the Principles are SUBJECT TO the Town Belt Deed of 1873. this is the founding document and must have higher status than the any principles that could become the driver of management processes.

The definifiton of RECREATION is not clear.

If not, how would you change these principles? Why would this be better: Make the Principles SUBJECT TO the Town Belt Deed of 1873 because the principles offer less protection than the Deed. Ideally there should be an Act of Parliament enacted to protect the Town Belt to give it added protection. Principle 2 - should have a joint GOVERNANCE role rather than management. Principle 5 wide range of recreation activities - is not clearly defined and could lead to significant changes in the character of the Town Belt - the deed has emphasis on OPEN SPACE and THE ENJOYMENT OF ALL. There is no refererence to open space in the principles which is a basic, underlying principle of The Deed. Co-location of activities could be good if it means aggregating standalone buildings currently scattered in the Town Belt, but establishment of new large recreation complexes on the townBelt is difficult to support, particularly when there is restricted access to the facilites (which is happening with the artifical turf areas) and open space is compromised.

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1166.

**Joanna and Geoff**

**From:** "Michael Oates" <Michael.Oates@wcc.govt.nz>  
**To:** "Nick Leckie" <nick.leckie@gmail.com>  
**Cc:** "Paul Vink" <paul@housingplus.co.nz>; "Johnnie Barrie" <Johnnie.Barrie@wcc.govt.nz>;  
 "Joanna Gillanders" <Joanna.Gillanders@wcc.govt.nz>; "Joanna and Geoff"  
 <greenfieldsfarm@xtra.co.nz>  
**Sent:** Friday, 9 September 2011 1:08 p.m.  
**Subject:** RE: Submission - Paul and Wendy Vink

That's fine thanks Nick

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

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**From:** Nick Leckie [mailto:nick.leckie@gmail.com]  
**Sent:** Friday, 9 September 2011 12:28 p.m.  
**To:** Michael Oates  
**Cc:** Paul Vink; Johnnie Barrie  
**Subject:** Submission - Paul and Wendy Vink

To Whom it May Concern,

Please find attached a submission for the Town Belt Legislative and Policy Review which I have authored on behalf of Paul and Wendy Vink. Please confirm via reply email (prior to the 5pm deadline) whether or not this submission is able to be received in this email format.

Attached is the submission proper (*Submission to the Town Belt Review 09.09.11*) and three attachments to that submission. I offer the following details, as requested on the online submission form:

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First Names: Paul and Wendy  
 Last Name: Vink  
 Street Address: 4/40 Colombo st., Newtown, Wellington 6021  
 Email: [paul@housingplus.co.nz](mailto:paul@housingplus.co.nz)

We *would* like to make an oral submission (Nick - contact person - to speak)



We are making this submission *as individuals* (not an organisation)

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Please note that I am to be the contact person for this submission, not Paul (my contact details below). I look forward to hearing confirmation that this can be received via email.

Best Regards,

Nick Leckie

p: (04) 974 8985

m: 027 666 5056

e: [nick.leckie@gmail.com](mailto:nick.leckie@gmail.com)



# **Submission to the Town Belt Legislative and Policy Review from Paul and Wendy Vink – owners of 90 Nairn Street**

**9 September 2011**

*Please consider this submission together with three attachments:*

*ATTACHMENT 1 – Site Plan*

*ATTACHMENT 2 – WCC Letters on History of Encroachment*

*ATTACHMENT 3 – WCC Synopsis on History of Encroachment*

## **Introduction to submission**

The goal of this submission is to draw the attention of council officers reviewing Town Belt management policy to of a rare (but not necessarily unique) case regarding the use of existing driveway encroachments over the Town Belt. We offer some background to our situation and seek clarification on how cases such as these could be effectively and reasonably resolved into the future. The submission is being made following some initial investigation into our case by Johnnie Barrie (Reserves Planning Management, Parks and Gardens, WCC). Johnnie advised that this Town Belt Legislative and Policy Review would be a good opportunity to have this situation addressed.

We support Council's focus on ensuring the Town Belt remains public land for all to enjoy (draft principle 4). We understand and notionally support Council's position on preventing new encroachments from occurring in pursuit of this aim. That said, however, we believe a relevant and responsive Town Belt Management Plan must also include policy to clarify how instances of existing minor encroachments can be fairly resolved.

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## Our Situation

The situation outlined in this submission relates to an area of the Town Belt that was severed with the creation of Brooklyn Road prior to 1915 (area 'A' in Figure 1 below).

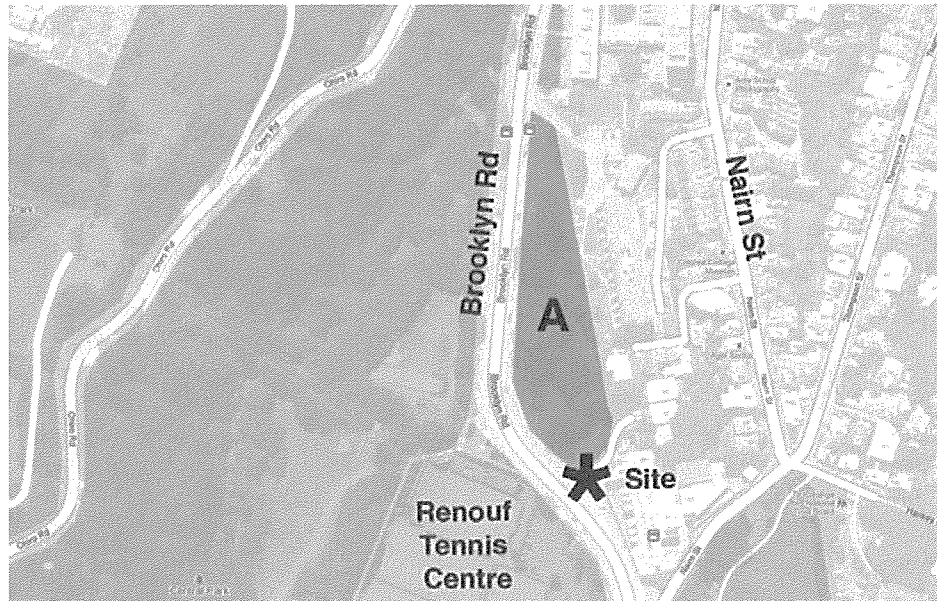


Figure 1: Plan showing severed area 'A'

The driveway and associated minor encroachment in question is at the peripheral southern edge of the area marked 'A' in Figure 1. It currently provides vehicular access to three 'back section' Nairn St properties (92, 94, 96 Nairn St) off Brooklyn Road. We are the owners of 90 Nairn St which borders the existing driveway (see partial plan in Figure 2 below).

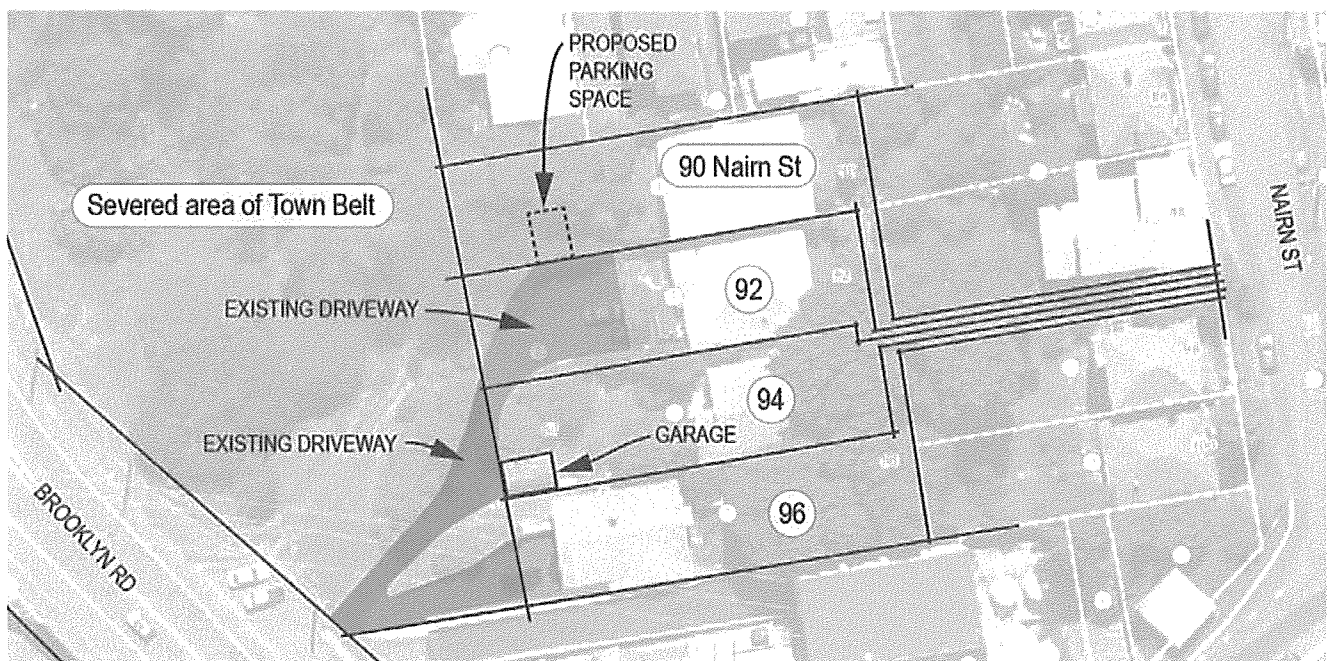


Figure 2: Partial Site Plan (see Attachment 1 for full plan)

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2. This information is being furnished to you for your information only. It is not to be disseminated outside your agency.

Photos below indicate the characteristics of the area 'A' marked in Figure 1, and show the nature of the existing driveway.



Figure 3: Photo of four properties (90, 92, 94 and 96 Nairn St) and driveway



Figure 4: Photo showing character of Area 'A' – a scrubby gully

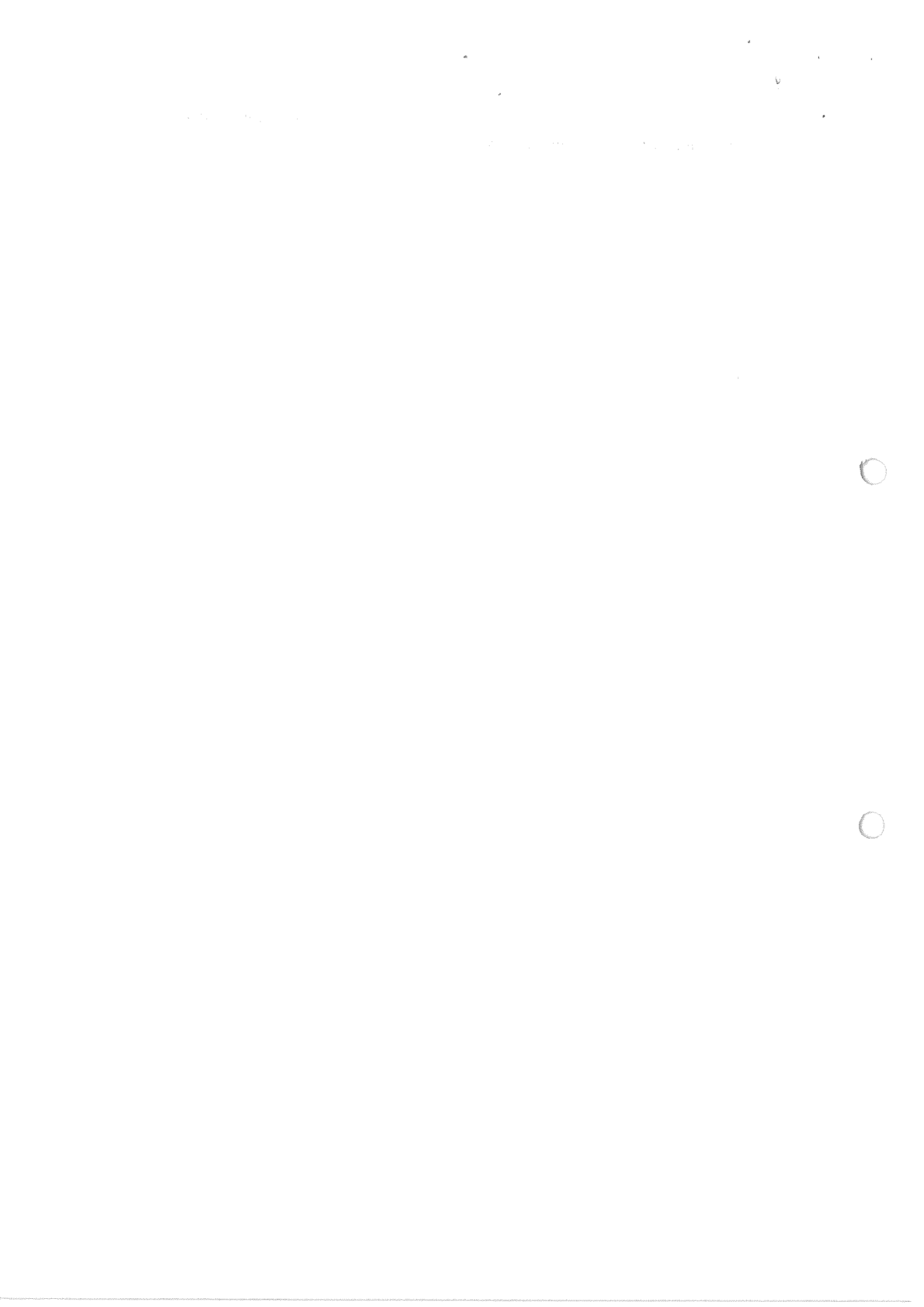




Figure 4: Photo of existing driveway accessing properties (92, 94 and 96 Nairn St)

The driveway has been in use for 40 – 80 years in various forms and under various agreements with Council, however all agreements have lapsed and access has remained intact for these properties. The driveway is formed with a retaining wall and a substantial nib to delineate its edge.

We are interested in exploring, with Council and our neighbours, the possibility of also using this existing driveway to allow vehicular access onto our property 90 Nairn Street. Such an allowance of the use of this driveway would require no physical extension of the existing encroachment, rather simply an allowance for one further property to use the driveway in it's current form.

In considering benefits from such a proposal one can't overlook the current provision of off-street car parks that this driveway allows for the three properties it currently services. We think that any opportunity to reduce pressure on already-congested on-street parking on Nairn St and Brooklyn Road should be looked upon favourably, particularly as we consider projections of continued residential intensification of the central city area.<sup>1</sup>

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<sup>1</sup> R. Neil Gray Strategic Projects (for WCC), *Residential Intensification and the Wellington Urban Development Strategy*, March 2007. Downloaded 06.09.11  
<http://www.wellington.govt.nz/projects/ongoing/pdfs/infill/infill-resintens.pdf>

1. The first part of the document is a letter from the author to the editor of the journal. The letter discusses the author's interest in the topic and the reasons for writing the paper. It also mentions the author's previous work in the field and expresses hope that the paper will be of interest to the readers of the journal.

2. The second part of the document is the abstract of the paper. It provides a brief summary of the main findings and conclusions of the study. The abstract is written in a concise and clear manner, allowing the reader to quickly grasp the essence of the paper.

3. The third part of the document is the introduction of the paper. It provides a detailed overview of the research topic and the objectives of the study. The introduction also discusses the significance of the research and the methods used to collect and analyze the data. The author concludes the introduction by stating the main findings of the study and the implications for future research.

4. The fourth part of the document is the main body of the paper. It is divided into several sections, each dealing with a different aspect of the research. The sections are: (a) Literature Review, (b) Methodology, (c) Results, (d) Discussion, and (e) Conclusion. Each section is written in a clear and logical manner, allowing the reader to follow the author's reasoning and understand the results of the study.

## Seeking Clarification

We think that clearer policy is required to clarify Council's position on existing minor encroachments such as this. To perhaps assist in the formation of new policy on this matter, we ask the following two questions:

1. If this driveway encroachment were to be formalised to allow continued vehicular access onto 92, 94 and 96 Nairn Street, what kind of agreement would Council be willing to form with those current owners?
2. If Council were to grant "an easement" to those *owners* (not associated with the title), would they be willing to "extend that easement to an adjacent neighbour," considering that such an extension would mean no alteration to the driveway, and therefore would detract no more from the public's ability to use and enjoy the Town Belt than the current minor encroachment does? We emphasise that we understand such an easement to be associated with the owners individually and non-transferable to future owners.

Handwritten notes at the top of the page, including a date and some illegible text.

Main body of handwritten text, consisting of several paragraphs of cursive script.





1170

**Joanna and Geoff**

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**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 4:19 p.m.  
**Subject:** FW: Town Belt Discussion Document

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](mailto:michael.oates@wcc.govt.nz)

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-----Original Message-----

**From:** Joy Davies-Payne [mailto:joydp@clear.net.nz]  
**Sent:** Friday, 9 September 2011 3:49 p.m.  
**To:** Michael Oates  
**Subject:** Town Belt Discussion Document

Dear Councillors,

The existing Trust Deed has served the people of Wellington well for nearly two centuries, and I see no good reason to amend, or interfere with it in any way.

I would like the opportunity to speak to the Council, if the proposed changes go forward.

Yours sincerely

Derrick Davies-Payne  
12 Grosvenor Terrace  
Thorndon.=



MM

**Joanna and Geoff**

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**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 4:18 p.m.  
**Attach:** Submission from Forest & Bird on WCC Town Belt Legislative and Policy Review.pdf  
**Subject:** FW: Submission from Forest & Bird on WCC Town Belt Legislative and 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

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**From:** Ken New [mailto:ken.new@paradise.net.nz]  
**Sent:** Friday, 9 September 2011 3:53 p.m.  
**To:** Michael Oates  
**Subject:** Submission from Forest & Bird on WCC Town Belt Legislative and Policy Review

Please find attached a submission from Forest & Bird's Wellington Branch on the Council's recent *Town Belt Legislative and Policy Review* discussion document.

This submission is made on behalf of the branch chair, Peter Hunt, who may be contacted by e-mail at [wellington.branch@forestandbird.org.nz](mailto:wellington.branch@forestandbird.org.nz) and whose other contact details are contained in the submission.

Regards,  
 Ken New  
 Forest & Bird Wellington Branch Committee



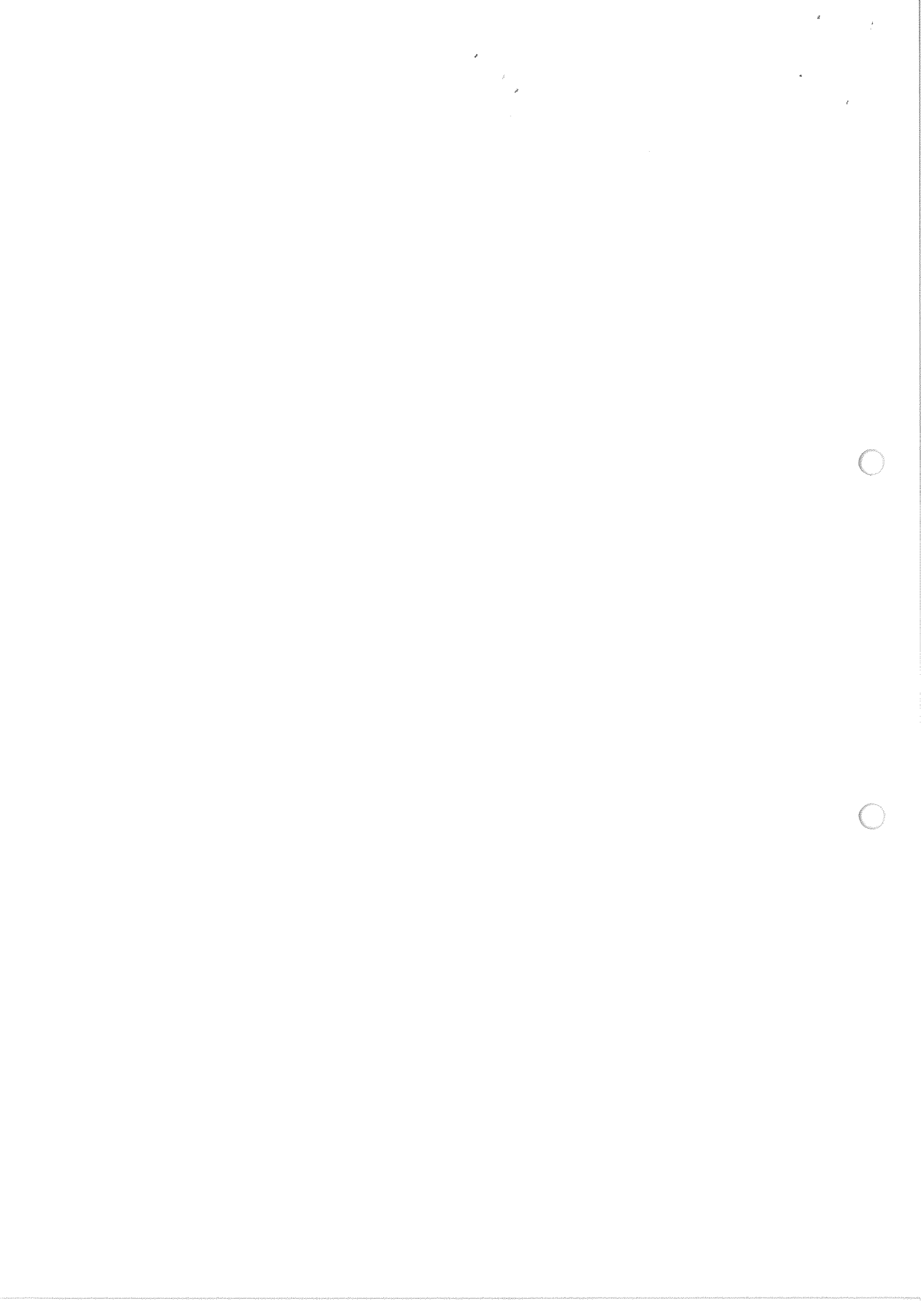
# Submission on Town Belt Legislative and Policy Review

Sent by email to: townbelt@wcc.govt.nz

<b>Your details</b>	
<input checked="" type="radio"/> Mr/Mrs/Ms/Miss/Dr	
First name/last name	<i>Peter Hunt (Chair)</i>
Address	<i>Forest &amp; Bird, Wellington Branch, P O Box 4183, Wellington 6140</i>
Phone/mobile	<i>0-4-232 5726 027-446 7686</i>
Email	<i>wellington.branch@forestandbird.org.nz</i>
I am making a submission	
<input type="checkbox"/> As an individual	<input checked="" type="checkbox"/> On behalf of an organisation
Name of organisation	<i>Forest &amp; Bird, Wellington Branch</i>
I would like to make an oral submission to the City Councillors.	
<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

<b>Do you feel that these principles appropriately reflect the community's aspirations for the Town Belt into the future?</b>		
<input checked="" type="checkbox"/> Yes, in some respects	<input checked="" type="checkbox"/> No, in other respects	<input type="checkbox"/> Unsure

<p><b>If not, how would you change these principles? Why would this be better?</b></p> <p>We support the general tenor of the proposed principles, but have concerns about some of the detail, especially the apparent need for extensive explanatory text. We are particularly concerned that by adding very general principles to the management plan, the Council is attempting to create "wobble room", allowing it to escape from the intentionally prescriptive language of the original Deed.</p> <p>We therefore view these principles more as guidance to the Council in its role as Trustee, with the separate, existing management plan as the operational document to be applied by the Council in its role as statutory manager. The principles under discussion are then the guiding principles for the governance of the Deed by a Board of Trustees and do not form part of an operational plan to be interpreted by the operational management.</p> <p>If a set of principles is to be added to the existing management plan, which has generally worked well since it was drawn up in 1994-5, the principles must support and reinforce the plan, not attempt to undermine or soften it.</p> <p>We have the following comments:</p> <ul style="list-style-type: none"><li>• Principle 1 — a statement of continued existence does not in itself emphasise the level of protection that we feel is necessary. In the explanatory text, the Council notes that: <i>"In situations where removal of land is driven by powers outside of the Council's control (eg by Government through legislation), the Council will pursue the replacement of any land with open space land of equal value or character to be returned to the Town Belt."</i></li></ul> <p>Furthermore, when the Town Belt was created there were few people living in Wellington. Since that time the population has increased considerably.</p> <p style="text-align: right;">(cont'd)</p>
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The Town Belt is needed more now than at any time. Apartment living in the city centre is commonplace and with this lifestyle comes the need for access to open green space. Alongside this through the pest control programmes we have an expanding population of native bird life. It follows that a guiding principle would be for the Town Belt to expand as the population increases.

Furthermore the Town Belt, the harbour and the rugged south coast are the defining features of this city. The Town Belt is thus a crucial and vital element in any attempt by the city to promote itself as a modern sustainable city that is in harmony with nature.

We would like to see these aspects included in the stated principle, for example:

**Principle: The Council will work over time to restore the Town Belt to its original size, scope and natural condition and to extend it when opportunities arise.**

- Principles 2 and 6 seem to overlap and could perhaps be incorporated into a single principle:

**Principle: The Council will work with mana whenua and community groups to ensure that historical and cultural aspects of the Town Belt are acknowledged and that historically important artefacts are protected.**

- Principle 3 refers to the natural character of the land, but it is only in the explanatory text that there is reference to the policy of gradually replanting with natives. We would like to see this commitment as part of the stated principle; for example:

**Principle: The indigenous natural character of the Town Belt will be restored, enhanced and protected.**

- Principle 4 makes no statement as to accessibility, and the explanatory text provides for several exclusions. We suggest:

**Principle: The whole of the Town Belt is for all to enjoy and is to be accessible to all at all times.**

- Principle 5 needs tightening slightly to clarify the focus on outdoor activity and open space; for example:

**Principle: The Town Belt will be used for outdoor recreational and leisure activities that do not compromise its peaceful open space values.**

*Do you think there are any other guiding principles we could include (ie not rules or policies)?*

The core governance document is the Town Belt Trust Deed of 1873. While the discussion document notes that the archaic language of the Deed makes it “too general to provide clear guidance for ... complex management decisions”, it remains as the key document and therefore the very first new “principle” should be:

**Principle: Future management of the Town Belt will be consistent in all respects with the intentions expressed in the Deed of 1873 — specifically that it will be “... for ever hereafter used and appropriated as a public Recreation ground for the inhabitants of the City of Wellington ...”.**

(cont'd)





The clear intent of the city's founders was also to preclude the building of structures on the Town Belt. While we are not advocating demolishing existing structures we believe there needs to be a further primary principle that recognises this important condition. The principle could be:

**Principle: Permanent structures will not be built on the Town Belt and existing structures will be removed and not replaced when they are of no further use to the community.**

The discussion document states that:

*"The Deed is the key document giving the Council legal authority over the Town Belt and provides the primary powers to make rules and regulations to govern the use of the Town Belt."*

The powers entrusted to the Mayor and Councillors are those of Trustees and as such they are required to ensure the management of the land is in accordance with the 1873 Deed. We are making a distinction between a management role and the role of Trustee. The Council has a legal obligation to ensure the Deed is complied with by its officers and the management plan is the mechanism for complying with the Deed.

As to the make-up of the Board of Trustees it would be appropriate to have a guiding principle:

**Principle: The Council will maintain a separation between its role as Trustee and its operational management of the Town Belt; the Board of Trustees will comprise non-operational staff from the legal office, the mayor and several councillors.**

We would also like to see at least one guiding principle that refers to the conservation values (for both flora and fauna) that are implicit in protecting small areas of forest close to a modern city.

For example, both the Zoo, which is still part of the Town Belt, and the Botanic Gardens, which are not (but were originally), now have a major conservation value. In both cases, the conservation effort is not solely for indigenous species and therefore it is appropriate that both the Zoo and the Botanic Gardens should have management plans that are separate from that for the remainder of the Town Belt.

However, the existence of these two special cases provides a pointer to one of the many values that the Town Belt supports — the health of a rich but mixed ecological environment.

If the suggestions included elsewhere in this submission are taken up and the Town Belt is expanded over time, it is likely that in future areas within the Town Belt will become ecologically valuable. So we propose one further principle:

**Principle: Areas of the Town Belt that have exceptional ecological value will receive appropriate additional protection and management.**



Do you have any other comments? Please attach additional pages if you need to.

Forest & Bird is particularly sensitive about the Town Belt because of its importance as a key part of our current and continuing eco-corridors initiative. If the integrity of the Town Belt were to be weakened it would affect the whole corridors concept and have a damaging effect on the movement towards increased biodiversity in Wellington and on the progress being made by the Council to retain, restore and protect our heritage.

We note that the current management plan has been broadly effective. Since its inception, no further encroachments have occurred and no roads have been built through the Town Belt. Furthermore, some areas that had been lost are in the process of being recovered.

Because the existing plan has been so effective, we consider it crucial that any attempt to change it, by introducing "principles" or by other means, should strengthen rather than weaken the existing plan.

Considering for a moment the detailed policy level of the management plan, during the next iteration we would like to see the following policies included:

- In the policies under Principles 1 and 3 (or Principles IV, V and VI in our revised list below): there should be more explicit references to the protection of native vegetation and in particular indigenous vegetation.
- Under Principle 4 (or Principles II and VII in our revised list below), under Encroachments, we support the Council's statement that:

*"The Council will continue to address the problem of encroachments by regaining lost land and preventing any new encroachments from occurring. Processes for encroachment resolution will be included in the updated Town Belt Management Plan."*

We would like to see a strong process for resolving encroachments spelt out.

- Under Principle 5 (or Principles VII and VIII in our revised list below), there should be a clear statement of the need to provide separate tracks for walkers and mountain bikers. On tracks where mountain bikers are not permitted, obstacles, with appropriate signage, should be placed at the start and end of the track.
- Also, perhaps under Principle 5 (or VII and VIII), there needs to be a clear statement that motorised recreation is not permitted.



**Summary of proposed revised principles.**

(We have used roman numerals here to avoid confusion with the numbering of the principles in the discussion document.)

**Principle I:** Future management of the Town Belt will be consistent in all respects with the intentions expressed in the Deed of 1873 — specifically that it will be “... *for ever hereafter used and appropriated as a public Recreation ground for the inhabitants of the City of Wellington ...*”.

**Principle II:** Permanent structures will not be built on the Town Belt and existing structures will be removed and not replaced when they are of no further use to the community.

**Principle III:** The Council will maintain a separation between its role as Trustee and its operational management of the Town Belt; the Board of Trustees will comprise non-operational staff from the legal office, the mayor and several councillors.

**Principle IV:** The Council will work over time to restore the Town Belt to its original size, scope and natural condition and to extend it when opportunities arise.

**Principle V:** The indigenous natural character of the Town Belt will be restored, enhanced and protected.

**Principle VI:** Areas of the Town Belt that have exceptional ecological value will receive appropriate additional protection and management.

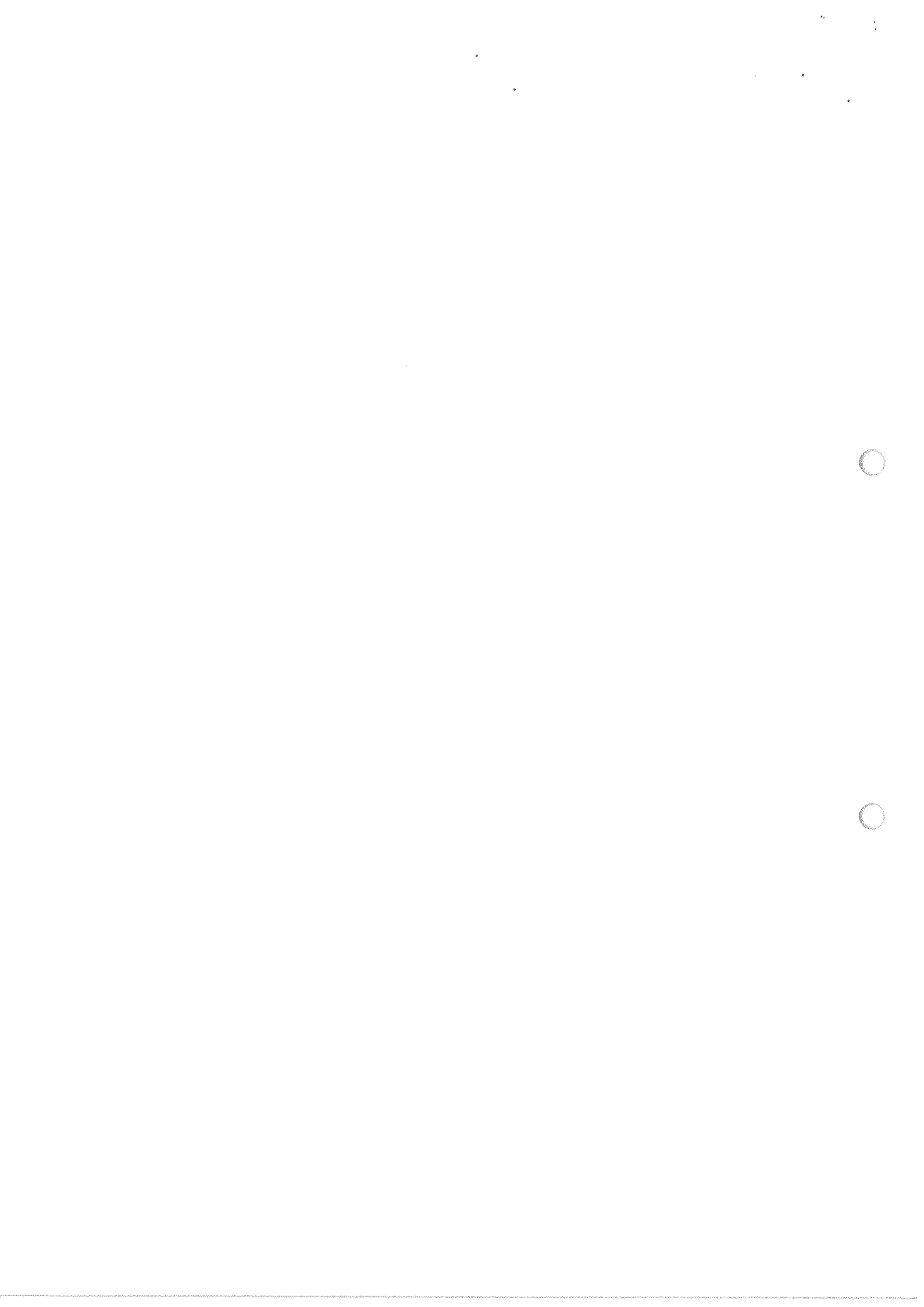
**Principle VII:** The whole of the Town Belt is for all to enjoy and is to be accessible to all at all times.

**Principle VIII:** The Town Belt will be used for outdoor recreational and leisure activities that do not compromise its peaceful open space values.

**Principle IX:** The Council will work with mana whenua and community groups to ensure that historical and cultural aspects of the Town Belt are acknowledged and that historically important artefacts are protected.

To demonstrate the degree of fit between our suggested revised principles and the existing management plan, we have included on the following pages an Appendix that takes the text of the Aims and Objectives in the management plan and allocates them to appropriate principles within our suggested revised list.

We believe this demonstrates that the revised principles that we have suggested support the existing management plan much more closely than the rather vague principles that appear in the Council's discussion document.



## Appendix

Showing the relationship between the principles proposed by Forest & Bird and the Aims and Objectives in the existing management plan.

---

### Principle I

Future management of the Town Belt will be consistent in all respects with the intentions expressed in the Deed of 1873 — specifically that it will be “... *for ever hereafter used and appropriated as a public Recreation ground for the inhabitants of the City of Wellington ...*”.

#### Objectives

- 1 To maintain and enhance the public recreation qualities of the Town Belt for the people of Wellington.
- 

### Principle II

Permanent structures will not be built on the Town Belt and existing structures will be removed and not replaced when they are of no further use to the community.

#### Objectives

- 3 To ensure that there will be no additional land area developed for organised recreation facilities (formal recreation) on the Town Belt but to encourage shared use of these existing facilities.
  - 8 To maintain the Town Belt as an unbuilt visual backdrop and skyline to Wellington.
  - 12 To only permit such development on the Town Belt as is required to achieve the objectives above or the purposes of public utility and to specify the conditions under which this might take place.
  - 17 To protect the Town Belt from new encroachments.
- 

### Principle III

The Council will maintain a separation between its role as Trustee and its operational management of the Town Belt; the Board of Trustees will comprise non-operational staff from the legal office, the mayor and several councillors.

#### Aims

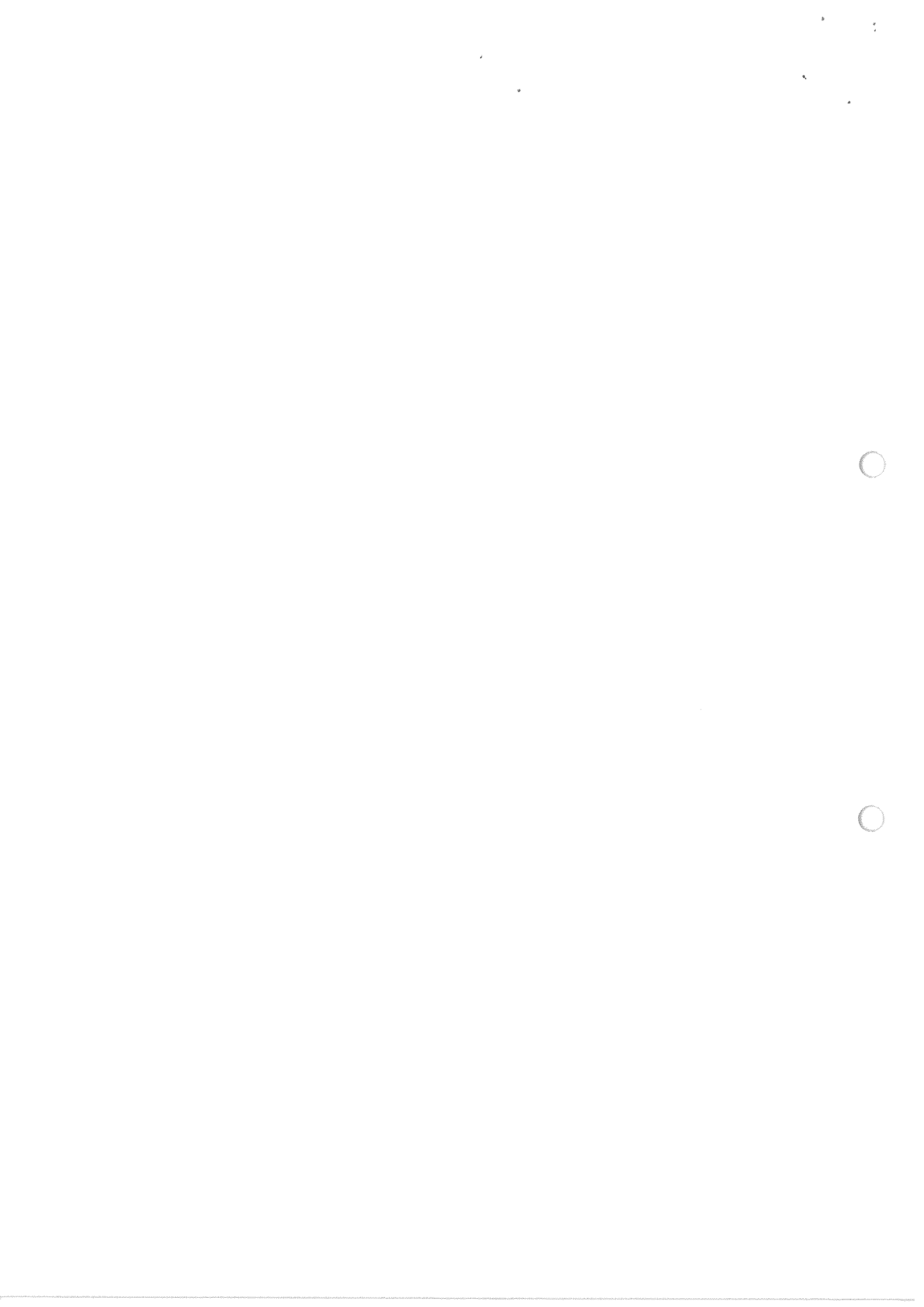
- 1 A Town Belt which is managed in accordance with the principal intention of the original Deed of 1873, which is to keep the Town Belt land forever “as a public recreation ground for the inhabitants of the City of Wellington”.
- 2 A sustainably managed Town Belt in which the natural, landscape, cultural and historic values are protected and enhanced.

#### Objectives

- 13 To integrate and balance conservation and recreation objectives.
  - 14 To guide the decisions required to balance potentially conflicting uses on the Town Belt.
  - 15 To encourage the community’s active involvement in establishing and implementing the management plan to protect the reserve status and the intrinsic values of the Town Belt.
- 

### Principle IV

The Council will work over time to restore the Town Belt to its original size, scope and natural condition and to extend it when opportunities arise.





## Objectives

- 10 To define the boundaries of the Town Belt on the ground.
  - 11 To extend the Town Belt area by obtaining land that was originally part of the Town Belt but since alienated, whenever opportunities arise, and by adding new areas which will enhance the Town Belt's public recreational and "green belt" qualities.
  - 16 To resolve the issues of encroachments with a view to regaining lost lands.
- 

## Principle V

The indigenous natural character of the Town Belt will be restored, enhanced and protected.

## Objectives

- 7 To manage the vegetation and conserve the water and soil resources of the Town Belt to ensure the sustainable balance between the open land and the densely vegetated areas, the "wild" areas and the developed areas.
- 

## Principle VI

Areas of the Town Belt that have exceptional ecological value will receive appropriate additional protection and management.

## Objectives

- 9 To gradually increase the proportion of native vegetation, to actively encourage the regeneration of the native plant communities to their climax state ... and, where possible, to develop wildlife corridors to encourage greater numbers and diversity of native wildlife.
- 

## Principle VII

The whole of the Town Belt is for all to enjoy and is to be accessible to all at all times.

## Objectives

- 4 To protect the public right of access for all to the Town Belt.
  - 5 To promote the public recreational use of the Town Belt through the use of interpretive signs, access ways and the dissemination of information on the recreational opportunities available within the Town Belt.
- 

## Principle VIII

The Town Belt will be used for outdoor recreational and leisure activities that do not compromise its peaceful open space values.

## Objectives

- 2 To allow as wide a range of appropriate and sustainable recreational activities as possible on the Town Belt, with an emphasis on outdoor, informal public recreation.
- 

## Principle IX

The Council will work with mana whenua and community groups to ensure that historical and cultural aspects of the Town Belt are acknowledged and that historically important artefacts are protected.

## Objectives

- 6 To protect and enhance the landscape character, cultural and historic values and physical resources of the Town Belt.
-



Chris Horne  
28 Kaihuia Street  
WELLINGTON 6012  
Ph 475 7025

Barbara Mitcalfe  
15 Boundary Road  
WELLINGTON 6012  
Ph 475 7149

9 September 2011

**SUBMISSION: DRAFT TOWN BELT LEGISLATIVE AND POLICY REVIEW - GUIDING PRINCIPLES (REPL01): townbelt@wcc.govt.nz**

Thank you for this opportunity to present our submission. If hearings are held, we would like to speak in support of it, and possibly make additional comments..

**Introduction**

For many years, we have frequently used the Wellington Town Belt for recreation, in particular, for studying the native and adventive plant communities, and for walking, tramping, and sightseeing.

**The proposed guiding principles**

**1. There will always be a Town Belt in Wellington.**

**We recommend** that this draft principle be amended to, "The **Wellington** Town Belt shall be managed in accordance with the principal intention of the Town Belt Deed of 1873, i.e. to keep the **Wellington** Town Belt forever 'as a public recreation ground for the inhabitants of the City of Wellington'".

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

**We recommend** that this draft principle be amended to, "The Council will work in partnership with mana whenua, who have expressed a wish\* to be more involved in the future management of the **Wellington** Town Belt, and other community groups, to manage the **Wellington** Town Belt". \*See last paragraph, page 10.

**3. The Town Belt's natural character will be protected and enhanced.**

**We recommend** that this draft principle be amended to, "The **Wellington** Town Belt's natural character will be protected and enhanced".

**4. The Town Belt is for all to enjoy.**

**We recommend** that this draft principle be amended to "The **Wellington** Town Belt is for all to enjoy".

**5. The Town Belt will be used for a wide range of recreation activities.**

**We recommend** that this draft principle be amended to, "The **Wellington** Town Belt will be used for a wide range of appropriate, informal, outdoor, non-commercial, non-motorised, recreation activities, without any increase in the area or airspace occupied by buildings, the area occupied by sports grounds, or the area occupied by roads".

**6. Management of the Town Belt will acknowledge all historical and cultural links to the land.**

**We support** this principle, provided that our recommended change to draft principle 2 (above), is accepted.

Yours sincerely

B J Mitcalfe and J C Horne

H73

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that every entry should be supported by a valid receipt or invoice. This ensures transparency and allows for easy verification of the data.

In the second section, the author details the various methods used to collect and analyze the data. This includes both manual and automated processes. The goal is to ensure that the data is as accurate and reliable as possible.

The third part of the document focuses on the results of the analysis. It shows that there is a clear trend in the data, which is consistent with the initial hypothesis. This finding is significant and warrants further investigation.

Finally, the document concludes with a summary of the findings and a list of recommendations. It suggests that the current methods are effective but could be improved in certain areas. The author also notes that the data is still being analyzed and that a final report will be provided in the near future.



1174

**Joanna and Geoff**

---

**From:** "Michael Oates" <Michael.Oates@wcc.govt.nz>  
**To:** "Joanna and Geoff" <greenfieldsfarm@xtra.co.nz>; "Joanna Gillanders" <Joanna.Gillanders@wcc.govt.nz>  
**Sent:** Friday, 9 September 2011 5:06 p.m.  
**Subject:** FW: Submission for Town Belt Guiding Principles, Parks and Gardens

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

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**From:** Phil Shepherd [mailto:phil@harmonic.co.nz]  
**Sent:** Friday, 9 September 2011 4:47 p.m.  
**To:** Michael Oates  
**Subject:** Submission for Town Belt Guiding Principles, Parks and Gardens

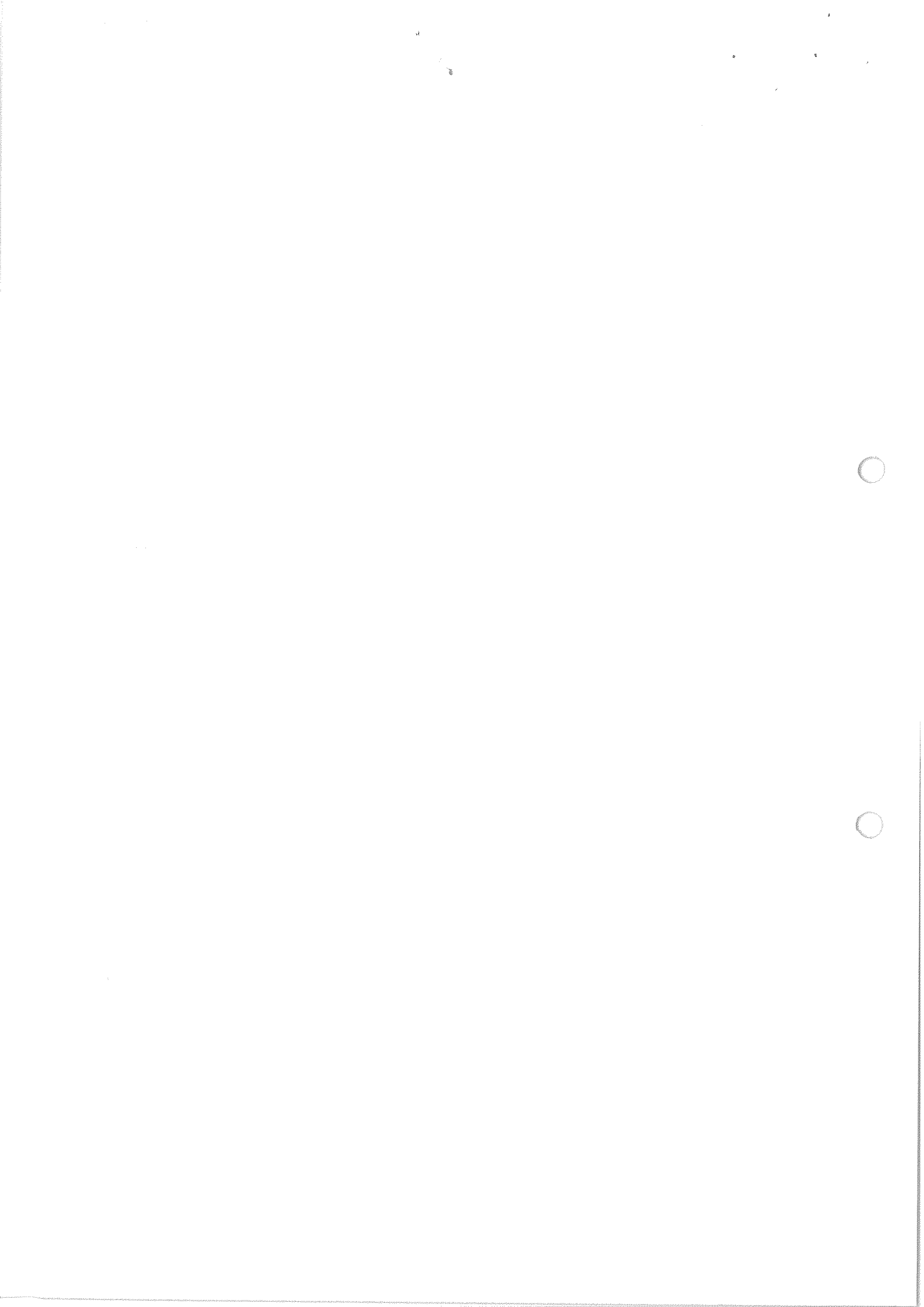
Dear Madam / Sir

I have some concerns about the Wellington City Council draft 'Guiding Principles' for the management of the Town Belt.

If I could firstly provide a little background on myself and my family.

Like many Wellingtonians, I use the Town Belt for recreational purposes several times a week. My wife and four children aged 3 to 10, are also avid users of the Town Belt, frequenting its numerous paths and open spaces for exercise and play, again, several times each week. It is a well utilised, public, open space that is becoming more pleasant to frequent. The native bush and bird population has increased thanks to the tremendous efforts of local volunteers, council staff and the successful possum eradication programme. I understand just in the last 4 weeks, more than 600 natives provided by the council have been planted by local volunteers. I have spoken to some of these volunteers and they are passionate about the town belt, its heritage and its preservation for generations to come. This talk inspires me to keep my family and my various businesses interests here in Wellington.

Being a third generation Wellingtonian, I appreciate a little of the history of the Town Belt and the many attempts over the years of various interests to take a slice in it. My father recently told me of the attempts by the French to seek approval to build an embassy on the Town Belt, apparently with strong support from some councillors. Thankfully, he said, the local community reaction, and the Town Belt Trust Deed, prevented this



However, one can see why people would like to be located on the Town Belt. My involvement in the Crossways Community Trust exposed me to some of this motivation. I represented the Crossways Community Creche and spoke with many fellow parents about the Bandaliers site in the Town Belt as an alternative location if we were unsuccessful raising capital to purchase Crossways. The key reason many parents considered the site a desirable location was that it might be rent free. Once the Clyde Quay Kindergarten teachers heard this, they asked me if they could colocate with the Crossways creche at Bandaliers site, again because it might be rent free. If a creche can be based there, why not a kindergarten? I realised then why allowing organisations access to the Town Belt is a slippery slope and why Wellingtonians have fought hard for over a century to preserve the status quo.

Therefore, I am most concerned with the Principle 5: 'The Town Belt will be used for a wide range of recreation activities'. Specifically, I am concerned about mention of the "development and expansion" of formal recreation in recreational "hubs". This to me suggests the intention is to allow for more buildings in the Town Belt to accommodate sports clubs, cultural groups, creches etc. The Town Belt is already used for a very wide range of recreational activities for everyone, because it is open, with a lot quality space and freedom for people to indulge in largely healthy, fun recreational activities. What will prevent continuation of this recreation is building on the Town Belt. Bearing in mind that the population of Wellington, particularly inner city dwellings, is increasing, this is even more important than it has been in the last 100+ years.

Therefore I recommend that this principle be replaced with one along the lines of the following: The Town Belt will be used for as wide a range as possible of open, outdoor, informal and public recreational activities.

Yours Faithfully  
**Phil Shepherd**

Resident, 6 Scarborough Tce, Mount Victoria, ph 972 8299

Employment, CEO, Harmonic  
61 - 63 Taranaki St, PO Box 5033, Wellington 6145, New Zealand  
Ph +64 4 381 4462 : Mob +64 27 2211 433  
[www.harmonic.co.nz](http://www.harmonic.co.nz)

12/09/2011





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### Town Belt Legislative and Policy Review

We are keen to get your thoughts on the guiding principles for the management of the Town Belt. The principles in this document have been developed from feedback from many different individuals and community groups who have an interest in the Town Belt. They are intended to ensure that the Council's day-to-day management of the Town Belt reflects the values of the general community.

You can have your say:

- by making a submission on this form and sending it to us by:
  - Post: Freepost, Town Belt Draft Guiding Principles (REPL01), Parks and Gardens, Wellington City Council, PO Box 2199, Wellington 6140
  - Fax: (04) 801 3155
- by making a submission online at Wellington.govt.nz
- by sending an email to: townbelt@wcc.govt.nz

Please phone Wellington City Council on 499 4444 for more information.

Submissions close 5pm on Friday 9 September 2011.

#### Your details

\* Mandatory fields

Mr /  Mrs /  Ms /  Miss /  Dr (circle one)

First name/last name\* DAVID ZWARTZ

Street address\* 54 Central Terrace, Kelburn, Wellington 6012

Phone/mobile 475-7622

Email Zwartz@actrix.co.nz

I am making a submission

As an individual       On behalf on an organisation      Name of organisation \_\_\_\_\_

I would like to make an oral submission to the City Councillors.       Yes       No

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

#### Privacy statement

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

Yes       No       Unsure      *Partly*

#### If not, how would you change these principles? Why would this be better?

Please see attached

**Do you think there are any other guiding principles we could include (ie not rules or policies)?**

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**Do you have any other comments? Please attach additional pages if you need to.**

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**Thank you for your submission.**

**Please return this submission form by 5pm, Friday 9 September 2011.**

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Freeport Authority Number 2199



Town Belt Draft Guiding Principles (REPL01)  
Parks and Gardens  
Wellington City Council  
PO Box 2199  
Wellington 6140

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177

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:** Monday, 12 September 2011 8:38 a.m.  
**Subject:** FW: Submission on Town Belt Principles

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

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**From:** Zwartz [mailto:zwartz@actrix.co.nz]  
**Sent:** Monday, 12 September 2011 1:51 a.m.  
**To:** Michael Oates  
**Subject:** Submission on Town Belt Principles

 Dear WCC

I missed getting my submission form posted in time, so here is the submission as an email, and I'll drop the form in on Monday morning.

<!--[if !supportLists]-->1. <!--[endif]-->**There will always be a Town Belt in Wellington**

The use of the indefinite article indicates that "Town Belt" is not a particular Town Belt. As the word "indefinite" indicates, the indefinite article refers to something in a non-specific way. It is important in a principle to be precise with language. The Town Belt in question is the Wellington Town Belt defined by the 1873 Deed. It should be referred to in this principle as "the Town Belt." The definite article is used in all the other draft principles.

<!--[if !supportLists]-->2. <!--[endif]-->**The Council will work in partnership with mana whenua to manage the Town Belt.**

I understood that the Port Nicholson Block Settlement excludes the Town Belt from Treaty of Waitangi jurisdiction. It is therefore not appropriate to co-manage the Town Belt with local iwi, as this gives them a preference over other local groups of Wellingtonians. The Trust Deed refers to the people of Wellington (which of course includes mana whenua). It would be better to say in this principle that the Council will work in partnership with community groups including mana whenua.

<!--[if !supportLists]-->3. <!--[endif]-->**The Town Belt is for all to enjoy.**



Dear WCC

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77

**1. There will always be a Town Belt in Wellington**

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**3. The Town Belt is for all to enjoy.**

The explanatory note in your leaflet refers to equity of access. I think this is of prime importance and should be included in the wording of the principle e.g. "The Town Belt is for all to have access to and enjoy."

**4. The Town Belt will be used for a wide range of recreation activities.**

The explanatory note talks of co-location and intensification of formal sports activities. This goes against the preservation of open space which is a prime principle for care of the Town Belt. "Co-location and intensification" hint at more building or conversion of open space into dedicated sports areas. That is contrary to the spirit of preservation of open space which is a value of increasing importance as the population of Wellington (and the occupation density) increase. I think the reference to preservation of open space should be incorporated into the wording of the principle.

Yours sincerely  
David Zwartz

54 Central Terrace  
Kelburn  
Wellington 6012

Phone 475-7622



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<!--[if !supportLists]-->4. <!--[endif]-->**The Town Belt will be used for a wide range of recreation activities.**

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Yours sincerely  
David Zwartz  
54 Central Terrace  
Kelburn  
Wellington 6012  
Phone 475-7622

Dear Sir,

I have the honor to acknowledge the receipt of your letter of the 14th inst.

and in reply to inform you that the same has been forwarded to the proper authorities.

I am, Sir, very respectfully,  
Your obedient servant,

J. H. [Name]

[Address]





20 September 2011

David Zwartz  
54 Central Tec  
Kelburn  
Wellington

Dear David

Thank you for your submission on the Town Belt Legislative and Policy Review.

Oral submissions will be heard sometime in mid October 2011. We will be in touch with you confirming a date and time.

Yours sincerely

pp. 

Joanna Gillanders  
Wellington City Council  
04 499 4444

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# Town Belt Legislative and Policy Review

We are keen to get your thoughts on the guiding principles for the management of the Town Belt. The principles in this document have been developed from feedback from many different individuals and community groups who have an interest in the Town Belt. They are intended to ensure that the Council's day-to-day management of the Town Belt reflects the values of the general community.

You can have your say:

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  - Post: Freepost, Town Belt Draft Guiding Principles (REPL01), Parks and Gardens, Wellington City Council, PO Box 2199, Wellington 6140
  - Fax: (04) 801 3155
- by making a submission online at [Wellington.govt.nz](http://Wellington.govt.nz)
- by sending an email to: [townbelt@wcc.govt.nz](mailto:townbelt@wcc.govt.nz)

Please phone Wellington City Council on 499 4444 for more information.

Submissions close 5pm on Friday 9 September 2011.

### Your details

\* Mandatory fields

Mr / Mrs / Ms / Miss / Dr (circle one)

First name/last name\* Ron . England

Street address\* 8 16A Lyndhurst Road TAWA 5028

Phone/mobile 04 897-0583

Email r7were@yahoo.co.nz

I am making a submission

As an individual  On behalf on an organisation Name of organisation \_\_\_\_\_

I would like to make an oral submission to the City Councillors.  Yes  No

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

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

Yes  No  Unsure

### If not, how would you change these principles? Why would this be better?

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**Do you think there are any other guiding principles we could include (ie not rules or policies)?**

**Do you have any other comments? Please attach additional pages if you need to.**

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**Thank you for your submission.**  
**Please return this submission form by 5pm, Friday 9 September 2011.**

Fold here 2<sup>nd</sup>

Freepost Authority Number 2199



Town Belt Draft Guiding Principles (REPL01)  
Parks and Gardens  
Wellington City Council  
PO Box 2199  
Wellington 6140

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Anything alive, be it plant, animal or human, requires optimal living conditions. (Even machines need helpful working conditions.) That is the interaction between what is alive, either as singles or in a group and an environment has to be a relationship of mutual benefit. Perhaps the NZ Company knew this when it asked for a belt of land to be public property.

Isn't it now a necessity, well overdue, for us to apply the best current knowledge, with wisdom, when using land and plant resources. Urgent now because it's basic to, "Toward 2040: Smart Green Wellington". WCC's frequent attitude on land use - put buildings on it - and grow city income from rates, has to be questioned. Isn't the wider view that this planet - planet ocean - needs forest life to survive and be livable?

One measure is Ecological Footprint, what humans use of the available earth resources compared to what we have. Wellington Region has been measured, and is in deficit with its Ecological Footprint.

What is the wellbeing state of the present size of the Town Belt? "The role of habitat size as a determinant of species number (and thus community structure) is, therefore, well-established." Begon and Mortimer. Plants, like humans and animals flourish best in interrelated groups. What are optimum land areas for native trees, plants, insects and birds to do well in a town belt situation? Is this known? And the circumstances.

This seems a basic question to answer before anything further is decided about recreational, cultural or other activities in the Town Belt. Another matter. Forested areas have a friction - slowing-down-effect on winds, and affect temperatures, both important in Wellington. More important matters than natural character, backdrop, or permission for construction or encroachments. Have WCC brought these to the notice of NZTA before it begins any of its transportation planning.

Have the writer-compilers of the "Town Belt Legislative and Policy Review studied "Toward 2040: Smart Green Wellington"? Doesn't a new approach to the Town Belt become inescapable? Under the heading ECO-CITY is this, "Developing Wellington as an eco-city means proactively responding to environmental challenges." On the same page, ".Continued protection of Wellington's green infrastructure, including the Town Belt, to protect our biodiversity and offset carbon emissions"

To this person Principle One, is essential.

It's in the Government's interest to maintain the integrity of forested areas in Wellington and elsewhere. Should legislation contrary to this be amended - defence needs seem unlikely.

Extending the Town Belt as in the last paragraph would be applauded. Is the Outer Town Belt in Northern Suburbs included?

#### Principle Two

Further to the Treaty principles listed, is the necessity to safeguard the integrity of Town Belt natural systems, not foreseen as now known, and will be known ahead of now. Are the principles integrated with present-day understandings of ecological systems and climate changes? These have to be more important than any cultural considerations, whatever the culture. Could there be a cross-cultural synthesis of principles beyond Tiriti and Waitangi Tribunal for nature's best interests - a Tiriti for nature?

Principle Three The Town Belt's Ecological Systems will be protected and enhanced

These systems and their needs must take precedence over any construction! Principles Four, Five and Six could be condensed according to the requirements of Principle Three - healthy ecological systems are necessary for us to have healthy human habitats.

"Toward 2040: Smart Green Wellington" says "We need to develop Wellington as an eco-city by understanding how planning and urban development decisions can support our future sustainability and resilience to the impacts of climate change and threats to our biodiversity"

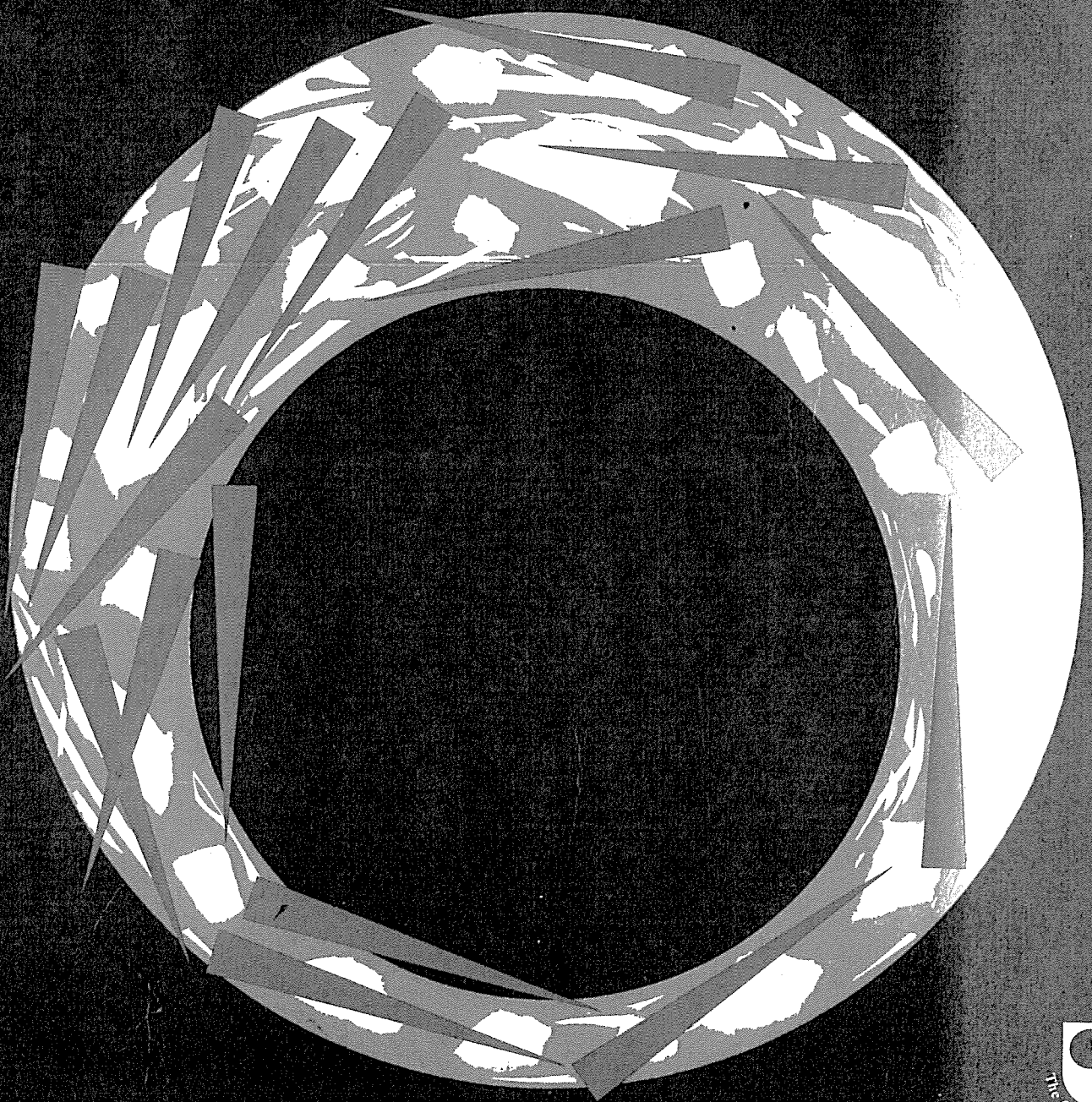


# *Population Ecology*

*A Unified Study of Animals and Plants*

*Michael Begon and Martin Mortimer / Second Edition*

*Blackwell Scientific Publications*



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# Town Belt Legislative and Policy Review

We are keen to get your thoughts on the guiding principles for the management of the Town Belt. The principles in this document have been developed from feedback from many different individuals and community groups who have an interest in the Town Belt. They are intended to ensure that the Council's day-to-day management of the Town Belt reflects the values of the general community.

You can have your say:

- by making a submission on this form and sending it to us by:
  - Post: Freepost, Town Belt Draft Guiding Principles (REPL01), Parks and Gardens, Wellington City Council, PO Box 2199, Wellington 6140
  - Fax: (04) 801 3155
- by making a submission online at [Wellington.govt.nz](http://Wellington.govt.nz)
- by sending an email to: [townbelt@wcc.govt.nz](mailto:townbelt@wcc.govt.nz)

Please phone Wellington City Council on 499 4444 for more information.

Submissions close 5pm on Friday 9 September 2011.

### Your details

\* Mandatory fields

Mr / Mrs / Ms / Miss / Dr (circle one)

First name/last name\* MS VICTORIA LAMB / MR. JOHN BISHOP

Street address\* 8 HARROLD STREET, HIGHTBURY, WELLINGTON

Phone/mobile (04) 970-7496

Email bishop.lamb@paradise.net.nz

I am making a submission

As an individual       On behalf on an organisation      Name of organisation \_\_\_\_\_

I would like to make an oral submission to the City Councillors.       Yes       No

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

### Privacy statement

All submissions (including name and contact details) are published and made available to elected members of the Council and the public. Personal information supplied will be used for the administration and reporting back to elected members of the Council and the public as part of the consultation process. All information collected will be held by Wellington City Council, 101 Wakefield Street, Wellington. Submitters have the right to access and correct personal information.

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

Yes       No       Unsure

### If not, how would you change these principles? Why would this be better?

SUPPORT SUBMISSION FROM THE FRIENDS OF THE WELLINGTON TOWN BELT

Do you think there are any other guiding principles we could include (ie not rules or policies)?

REFER TO SUBMISSION FROM THE FRIENDS OF THE WELLINGTON  
TOWN BELT

Do you have any other comments? Please attach additional pages if you need to.

Fold here

Thank you for your submission.

Please return this submission form by 5pm, Friday 9 September 2011.

Fold here 2<sup>nd</sup>

Freepost Authority Number 2199



Town Belt Draft Guiding Principles (REPL01)

Parks and Gardens

Wellington City Council

PO Box 2199

Wellington 6140

Tape or staple here

85

Town Belt Legislative and Policy Review

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• by making a submission online at Wellington.govt.nz
• by sending an email to: townbelt@wcc.govt.nz

Please phone Wellington City Council on 499 4444 for more information.

Submissions close 5pm on Friday 9 September 2011.

Your details \* Mandatory fields
Mr / Mrs / Ms / Miss / Dr (circle one)
First name/last name\* JOHN BISHOP
Street address\* P.O. Box 28-056, KENBURN, WELLINGTON 6150
Phone/mobile (04) 970-7496
Email bishop.lamb@paradise.net.nz
I am making a submission
[ ] As an individual [x] On behalf on an organisation Name of organisation FRIENDS of the WELLINGTON TOWN BELT
I would like to make an oral submission to the City Councillors. [x] Yes [ ] No
If yes, provide a phone number above so that a submission time can be arranged.
Privacy statement
All submissions (including name and contact details) are published and made available to elected members of the Council and the public. Personal information supplied will be used for the administration and reporting back to elected members of the Council and the public as part of the consultation process. All information collected will be held by Wellington City Council, 101 Wakefield Street, Wellington. Submitters have the right to access and correct personal information.

Do you feel that these principles appropriately reflect the community's aspirations for the Town Belt into the future?
[ ] Yes [x] No [ ] Unsure

If not, how would you change these principles? Why would this be better?
CHANGE IS NECESSARY TO REFLECT THE LEGAL OBLIGATIONS THE WELLINGTON CITY COUNCIL HAS.

Do you think there are any other guiding principles we could include (ie not rules or policies)?

Four horizontal lines for writing.

Do you have any other comments? Please attach additional pages if you need to.

Four horizontal lines for writing, with the handwritten text "REFER TO ATTACHED LETTER" on the first line.

Fold here

Thank you for your submission.  
Please return this submission form by 5pm, Friday 9 September 2011.

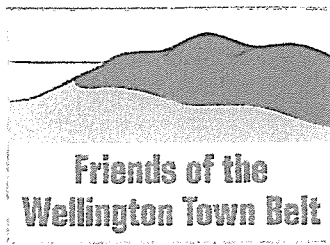
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Freepost Authority Number 2199



Town Belt Draft Guiding Principles (REPLo1)  
Parks and Gardens  
Wellington City Council  
PO Box 2199  
Wellington 6140

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8 September 2011

Mayor and Councillors  
Wellington City Council  
PO Box 2199  
Wellington 6140.

Submission to the Mayor and Council

**Town Belt Draft Guiding Principles (REPL02)**

The Council has released a discussion document entitled "Town Belt Legislative and Policy Review" and invited public input by the 9<sup>th</sup> of September 2011. The document discussed the need to develop guiding principles to assist ongoing management of the Wellington Town Belt.

The Friends of the Wellington Town Belt (the Friends) believe the proposed principles must be concise and precise that reflect the Deed dated 20 March 1873 which formalized obligations on the Mayor, Councillors and Citizens of the City of Wellington for the creation, retention and management of the Wellington Town Belt. To this end the principles should be;

1. The Town Belt as shown on the 1840 plan for Wellington settlement and formalised in the 1873 Deed will be held in Trust in perpetuity by the Mayor, Councillors and Citizens of the City of Wellington.
2. The Wellington City Council will work in partnership with local community groups, including mana whenua to ensure management of the Town Belt is in accord with the aspirations of the Citizens of Wellington.
3. The natural character of open space and visual beauty of the Wellington Town Belt will be protected and enhanced.
4. The Town Belt is for all to enjoy and is to be freely accessible at all times.
5. The Town Belt will be used for public casual and organised outdoor recreation activities without compromising the protected outdoor open space values.
6. The Town Belt will be celebrated for its historical and cultural importance to all the Citizens of Wellington.

The explanatory comments in the Council's discussion document can best be described as "interesting". When they are considered in the knowledge of the obligations on the Council and the people of Wellington as enshrined in the Trust Deed, the explanatory comments are not helpful.

The Friends continue to hold the belief the urgent priority for the Council is to clarify what particular new legislation is needed. This belief is strengthened by the lack of specific information in the discussion document of particular proposals for legislation.

The ammended principles as now submitted by the Friends could be the foundation for a local bill as has been the subject of consideration for the past ten years. If legislation was to proceed on the






basis of draft principles as suggested in the Council's discussion document, it is probable uncertainty and confusion as to what precisely is intended will arise for the Council and the people of Wellington.

It continues to be the Friends submission that;

- i. The existing 1994 Wellington Town Belt Management Plan is generally sound, while some minor adjustments to it may be merited once the particulars of proposed adjustments have been publicly identified and agreed.
- ii. Intended local legislation relating to the Wellington Town Belt should include particular provisions for Management Plan revision and formal implementation.
- iii. Full revision of the 1994 Management Plan should await enactment of local legislation which action should desirably be finalised during 2012.
- iv. It is essential the obligations in the 1873 Trust Deed continue to be safeguarded and observed with acceptance that the Deed represents three party involvement; namely the Mayor, the Councillors and the Citizens of the City of Wellington.



John Bishop  
Chairman  
P O Box 28 056  
Wellington

Tel (04) 970 7496

11/11/11

11/11/11



**Joanna Gillanders**

---

**From:** Michael Oates  
**Sent:** Wednesday, 17 August 2011 4:51 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

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-----Original Message-----

**From:** morrie@raukura.co.nz [mailto:morrie@raukura.co.nz]  
**Sent:** Tuesday, 16 August 2011 5:18 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](http://www.Wellington.govt.nz) website:

**First Name:** Morris  
**Last Name:** Love  
**Street Address:** 15 Balmoral Terrace  
**Suburb:** Newtown  
**City:** Wellington  
**Phone:** 04 9709841  
**Email:** morrie@raukura.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: The principles proposed are sufficiently broad to include those principle which should underpin the modern management of the Town Belt.

If not, how would you change these principles? Why would this be better: There is a view that the Town Belt should be returned to the situation set out by the New Zealand Company around 1840. That approach should not be followed as much was flawed with those arrangement.

Do you think there are any other guiding principles we could include: I don't have any additional principles

Do you have any additional comments: There is a strong need to keep the interpretation of recreation in its broadest sense both with formal and informal recreation being carried out in the many pieces of the Town Belt.

The importance of the Town Belt to the tangata whenua has been p[rovided for and that should continue.

-----



PORT NICHOLSON BLOCK  
NATURAL RESOURCES GROUP

24 August 2011

Michael Oates  
Town Belt Draft Guiding Principles (REPL01)  
Parks and Gardens  
Wellington City Council  
PO Box 2199  
Wellington 6140

Dear Mike

Tena koe

---

**SUBMISSION ON THE WELLINGTON TOWN BELT LEGISLATIVE AND  
POLICY REVIEW FROM  
TARANAKI WHANUI KI TE UPOKO O TE IKA**

---

On behalf of Taranaki Whanui ki Te Upoko o Te Ika attached please find a copy of our submission on the Wellington Town Belt Legislative and Policy Review.

Naku noa, na

Liz Mellish  
Natural Resources Adviser

Railway Station Social Hall  
55 Waterloo Quay  
PO Box 12164  
Wellington 6144

Telephone: (04) 472 3872  
Fax: (04) 472 3874  
[www.portnicholson.org.nz](http://www.portnicholson.org.nz)



---

SUBMISSION ON THE WELLINGTON TOWN BELT LEGISLATIVE  
AND POLICY REVIEW FROM  
TARANAKI WHANUI KI TE UPOKO O TE IKA

---

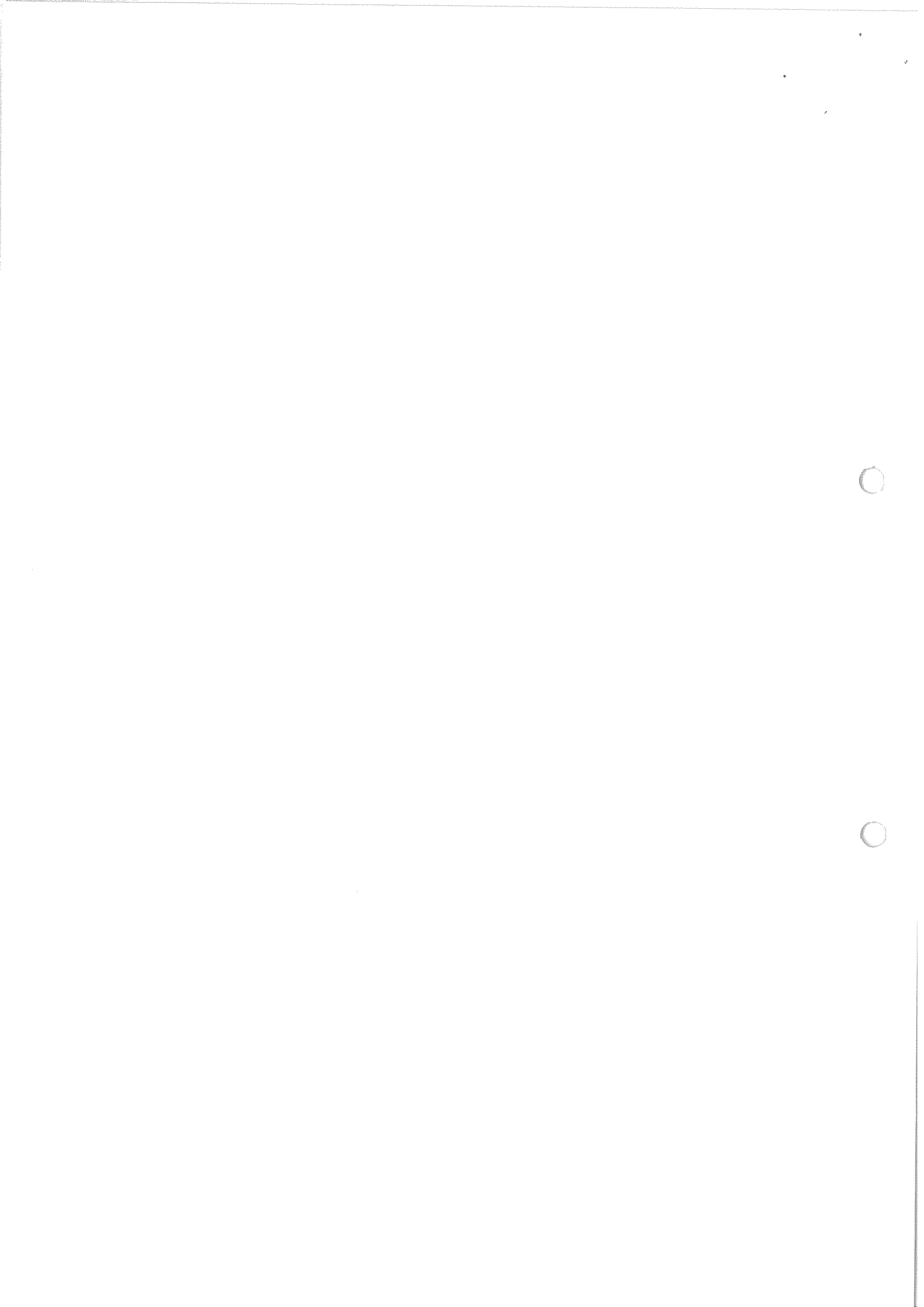
24 August 2011

In developing policy on the management of Wellington's Town Belt and any legislation that would give effect to that policy it is important to get the foundation information as complete as possible. To that end this submission starts by proposing some additions to the history of the Town Belt from the tangata whenua perspective and some of what sits behind the Treaty of Waitangi claims settlement in Wellington. Later this submission will look at draft principles and other matters related to the proposed management regime for the Town Belt.

Part of the original Town Belt (some 80 acres in the Tinakore range) was included in part of the awards of Colonel William McCleverty in 1847 which lead to the Crown Grant to the New Zealand Company in Wellington and set out the Maori reserves of the Wellington Tenths and awards to the various Pā around Wellington harbour. The Crown grant for this area was issued in 1873 however the land was then sold between 1877 – 1894 (see map in Appendix II).

In 1863 an attempt was made to secure consents to purchase the blocks for the Crown, known as Orangikaupapa, Tinakore South and Tinakore North, however because the land was leased to a Mr O'Neill this did not eventuate. The 97 acres awarded to 'Pipitea Natives' were variously leased in smaller blocks which were subdivided for that purpose. The first sales were of parts of the subdivided Orangikaupapa Block which was divided into 14 lots. These sales started in 1877 and continued with some sold for a Sunday school for the Congregational Church and another for Educational Purposes. Crown grants were issued for the whole of Tinakore North and Tinakore South in 1873 in favour of four Maori owners. 28 Acres of Tinakore North were sold in 1894 and so on with the smaller lots of Orangikaupapa were also sold. Eventually all the lots in Orangikaupapa, Tinakore North and South were alienated from Maori ownership.

The Waitangi Tribunal reported briefly on the overall deal relating to the Town Belt and reported thus:





### **The Crown's acquisition of the town belt<sup>1</sup>**

The town belt was originally set aside out of land included in the Port Nicholson deed of purchase, a deed which the Tribunal has found to be invalid. Thus, the land had not been validly purchased when the town belt was made a Crown reserve by Governor Hobson in 1841. The town belt was not included in the lands in the schedule to the 1844 deeds of release, nor was it included in Fitzroy's or Grey's Crown grants to the New Zealand Company.

Although McCleverty considered the town belt to be waste land belonging to the Crown, the Tribunal rejects this assertion. Following the McCleverty awards, Māori retained only 219 acres, or about 14 per cent, of the original 1562 acres of the town belt. The remainder was lost to them, even though this land had never been purchased either by the company or by the Crown, and Māori received no compensation for the taking of this land. Nor is there any evidence that Māori were consulted or that they consented to the taking of this valuable land, part of which they were cultivating.

## **SPECIFIC SUBMISSIONS AND ASPECTS OF THE TOWN BELT REVIEW**

### **GUIDING PRINCIPLES FOR THE TOWN BELT**

From the Te Atiawa/Taranaki Whanui perspective there is little to be said for trying to return to a Town Belt that was outlined by the New Zealand Company in 1840. Te Atiawa/Taranaki Whanui have accepted that many of the activities between 1840 and 1873 related to much of this land has been less than satisfactory with Maori first losing valuable garden areas when the original town belt awarded, and then dubious mechanisms were used to encourage Maori to alienate their Crown-granted land interests in parts of the Town Belt. The Taranaki Whanui Treaty Settlement provides the right of first refusal with respect to piece of Crown land that had come from the 1840 indicative Town Belt. That right should play out if land is to transfer from the Crown's ownership.

### **RECREATION**

Recreational activities were much less formal for Maori and were often related to the learning of skills for later in life. The use of the poi for instance was used by men as a training exercise for

---

<sup>1</sup> Waitangi Tribunal Report: *Te Whanganui a Tara me Ōna Takeiwi*: Report on the Wellington District, 2003, 6.3.1, p 108



the use of patu and weapons in time of warfare. Today the town belt is used and should in our view continue to be used for both formal and informal recreation. Taking a wide definition of recreation will ensure that the Town Belt will change with the times and continue to be used and valued by the widest range of citizens. The Town Belt should not be an elite space reserved for only a small group of the population.

#### MANA WHENUA ISSUES

Many of the issues for mana whenua have been raised in other places in this submission however it should be noted that the ridgelines which make up important physical and cultural features of the town belt. An examples of this is the ridgelines known as Te Ranga a Hīwi and Ahu Mairangi. Te Ranga a Hīwi extends from the ancient Pā of Waihirere near Point Jerningham through the Te Akatarewa Pā on Mt Alfred (Wellington College) to Uruhau at Island Bay and in itself formed a part of an important cultural landscape. Ahumairangi was more important as garden sites and lookouts and activities going on in those areas. For Te Ranga a Hīwi the old Pā sites along it should be recognised where possible and planting should be appropriate to those sites using taonga species such as Totara, Pukatea, Kawakawa, Rata, Rewarewa and the like where these are suited to the environment. This can make the old Pā site stand out as there is little left of these sites archaeologically.

#### PRINCIPLE 1 – THERE WILL ALWAYS BE A TOWN BELT

The Town Belt as the ‘lungs’ of the City is supported and should remain in the public domain at least in its current form. Extensions to the current Town Belt should be considered on a principled basis rather than a historical basis. For example these principles could include:

1. Extensions will improve recreational use of the Town Belt
2. Extensions would improve the Town Belt’s natural environment
3. Extensions would improve the practical management of the Town Belt
4. Extensions would enhance the cultural landscape of the Town Belt



**PRINCIPLE 2 - THE COUNCIL WILL WORK IN PARTNERSHIP WITH MANA WHENUA TO MANAGE THE TOWN BELT**

Te Atiawa/Taranaki Whānui are mana whenua in Wellington and have the longest relationship of any group with the area that became known as the Town Belt. Their role is also to manage the traditional relationships with previous mana whenua who held sway in the area well before the arrival of Europeans. The Town Belt holds many sites of significance to Maori from the earliest arrival of the Polynesian Explorers whose descendants migrated to Aotearoa and became Maori. This all makes the Treaty principle of partnership an appropriate one in this circumstance.

The right of first refusal with respect to certain Crown Lands would be triggered if the Crown were to transfer the ownership of those parts of the old Town Belt which it currently holds.

**PRINCIPLE 3 THE TOWN BELT'S NATURAL CHARACTER WILL BE PROTECTED AND ENHANCED**

The Taranaki Whānui manawhenua support the principle of protections and enhancement of the natural character of the Town Belt with an emphasis on the enhancement. The natural character has changed on centuries under the influence of Maori occupation and then European colonisation. In the 15<sup>th</sup> century the landscape of Wellington changed dramatically in the event Maori knew as Haowhenua when the Island Motu Kairangi became attached to the mainland with the channel Te Awa a Taia being blocked with the uplifted sand and formed what is now Kilbirnie. Much of the Town Belt land being higher ground simply lifted up. Parts of it were occupied by Pā but most of it was heavily wooded with Pukatea, Rata, Totara, Rewarewa and so on. These woodlands were rich with birds and berries which were a cultivated food source for Maori. Mana whenua would maintain that this is the true natural character of the Town Belt – not entirely natural but modified only to the extent to provide space for dwellings and those thing ancillary to the functioning of the Pā. The stream of the Town Belt were home to fish such as tuna/eels, kokopu, koaro, and the various freshwater species. Suprisingly despite the level of development of the streams leading off the hills and the confining of them well below ground generally right to their outlet into the harbour they are still populated by native fish.

The question behind this principle is the question: *What is the natural character of the Town Belt?*



There are other questions here including about having buildings and structures (such as sports fields and so on) on the town belt. Building and structures have been part of the Town Belt areas since the earliest occupation of Maori at least over 1000 years. It has also been modified by tracks and gardens from the earliest occupation by humans. When moa walked these areas they would have modified the environment and dinosaurs modified the flora before that.

Planting for instance of the indigenous honeysuckle, Rewarewa can provide a natural fire break as it will not sustain a fire. This would look better than clearing fire breaks for instance.

#### PRINCIPLE 4 THE TOWN BELT IS FOR ALL TO ENJOY

Taranaki Whanui support this principle. Leases to community groups will at times limit access and the balance needs to be struck particularly when there is some change in a lease such as a change in function or changes to the building or structures involved.

The Iwi Authority has been involved in a number of infrastructure projects such as water storage tanks and the like in many places around the town belt. For these larger structures there are some principles involved from the mana whenua perspective including:

If a structure for a utility goes into the Town Belt the iwi authority would write or commission a cultural impact report looking at: any Maori sites of significance that might be affected; any Maori archaeological site; any natural resources such as fisheries, flora, birds and the like which might be adversely affected.

In terms of this being a place for all to enjoy it is noted that this principle is a significant challenge. For instance we note that there is a small garden on the corner of Fitzherbert Terrace and Hobson Street is planted with aromatic plants for the enjoyment of the blind giving them access through their other senses. We would support this principle looking to extend access to all groups in the Wellington community.

#### PRINCIPLE 5: THE TOWN BELT WILL BE USED FOR A WIDE RANGE OF RECREATIONAL ACTIVITIES

Taranaki whanui support a wide range of recreational activities as this principle links with Principle 4 above. The mix of formal and informal recreation should be enabled and supported. The geography of Wellington means there is a dearth of flat space suitable for many formal recreational activities. The areas which are suitable for sports fields and the like should continue







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to be used for those activities or related sporting activities. Improvements such as artificial turf and so on will mean that the areas are better able to be utilized by sporting codes.

**PRINCIPLE 6: MANAGEMENT OF THE TOWN BELT WILL ACKNOWLEDGE HISTORICAL AND CULTURAL LINKS TO THE LAND**

We believe that better recognition of places where Maori utilized the Town Belt areas and interpretation will help people understand the history of the Town Belt both in terms of human involvement as well as the ecological history. At present it is not well suited to the latter as it is difficult to envisage the type of cover that grew in the area say in the 15<sup>th</sup> century. Otari is probably the best example of that type of forest. There are however the basis for those types of area on the southern side of the hill slopes and in some of the lower slopes.



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## APPENDIX I

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1. The Waitangi Tribunal examined claims around the town belt and how it came into the ownership of the City of Wellington and other related issues to town belt land. The following excerpts are from the Waitangi Tribunal Report: *Te Whanganui a Tara me Ōna Takitūi*: Report on the Wellington District, 2003.

### 6.2 History of the Town Belt and Public Reserves

In August 1839, New Zealand Company secretary John Ward instructed the company's surveyor, William Mein Smith, that 'the whole outside of the Town, inland, should be separated from the country sections by a broad belt of land which you will declare that the company intends to be public property on condition that no buildings be ever erected on it'. Smith duly laid out a town belt surrounding the 1100 town acres in his August 1840 plan of the town of Wellington. His plan showed a clear exterior boundary to the belt, and this exterior boundary also marked the start of the country district. Duncan Moore has calculated the area of this original town belt, before any land was taken from it for other purposes, as 1562 acres 36 perches. Smith's plan also marked out a number of other areas within the town which were to be used for public purposes.

On 10 September 1841, Governor Hobson proclaimed the boundaries of the town of Wellington (which were also the interior boundaries of the town belt). On the same day, the Governor directed that a notice be placed in the *New Zealand Gazette* requiring all persons occupying public or native reserves to vacate those sites, and declaring that 'all persons are warned not to clear, fence, cultivate, or build in or upon any portion of the belt of reserved land surrounding the town'.<sup>2</sup>

#### 6.2.3 Town belt vested in Wellington City Council

In June 1861, the Governor, under the authority of the Public Reserves Act 1854, granted the town belt to the superintendent of Wellington province 'for purposes of Public Utility

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<sup>2</sup> Waitangi Tribunal, *Te Whanganui a Tara me Ōna Takitūi*: Report on the Wellington District, 2003, pp 103-104



to the Town of Wellington and its inhabitants'. This grant comprised 1234 acres 2 roods 18 perches, the area of the town belt having been reduced mainly by the award of town belt land to Māori, but also by some other takings for various purposes. The superintendent tried almost immediately to have the town belt vested in a local body, but first such a body had to be created. Legislation establishing a Wellington town board passed through the Provincial Council in tandem with the Wellington City Reserves Act in mid-1862. The town board commissioners then set about surveying the town belt and dividing it into allotments, many of which were leased. Title to the town belt remained with the superintendent of Wellington, however, until 17 March 1873, when the land was granted upon trust to the city of Wellington, 'to be forever hereafter used and appreciated as a public recreation ground for the inhabitants of the City of Wellington'. The area granted was 1061 acres 1 rood 2 perches, a further reduction of 173 acres from the 1861 grant. This reduction was apparently due mainly to the granting of town belt land to Wellington Hospital, and for the Governor-General's present residence. The remaining town belt land has been held and managed by the Wellington City Council ever since.<sup>3</sup>

### 6.3.1 The Crown's acquisition of the town belt

The town belt was originally set aside out of land included in the Port Nicholson deed of purchase, a deed which the Tribunal has found to be invalid. Thus, the land had not been validly purchased when the town belt was made a Crown reserve by Governor Hobson in 1841. The town belt was not included in the lands in the schedule to the 1844 deeds of release, nor was it included in Fitzroy's or Grey's Crown grants to the New Zealand Company (see chs 8, 10).

Although McCleverty considered the town belt to be waste land belonging to the Crown, the Tribunal rejects this assertion (see s 10.7.5). Following the McCleverty awards, Māori retained only 219 acres, or about 14 per cent, of the original 1562 acres of the town belt. The remainder was lost to them, even though this land had never been purchased either by the company or by the Crown, and Māori received no compensation for the taking of this

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<sup>3</sup> Ibid p 106



land. Nor is there any evidence that Māori were consulted or that they consented to the taking of this valuable land, part of which they were cultivating.

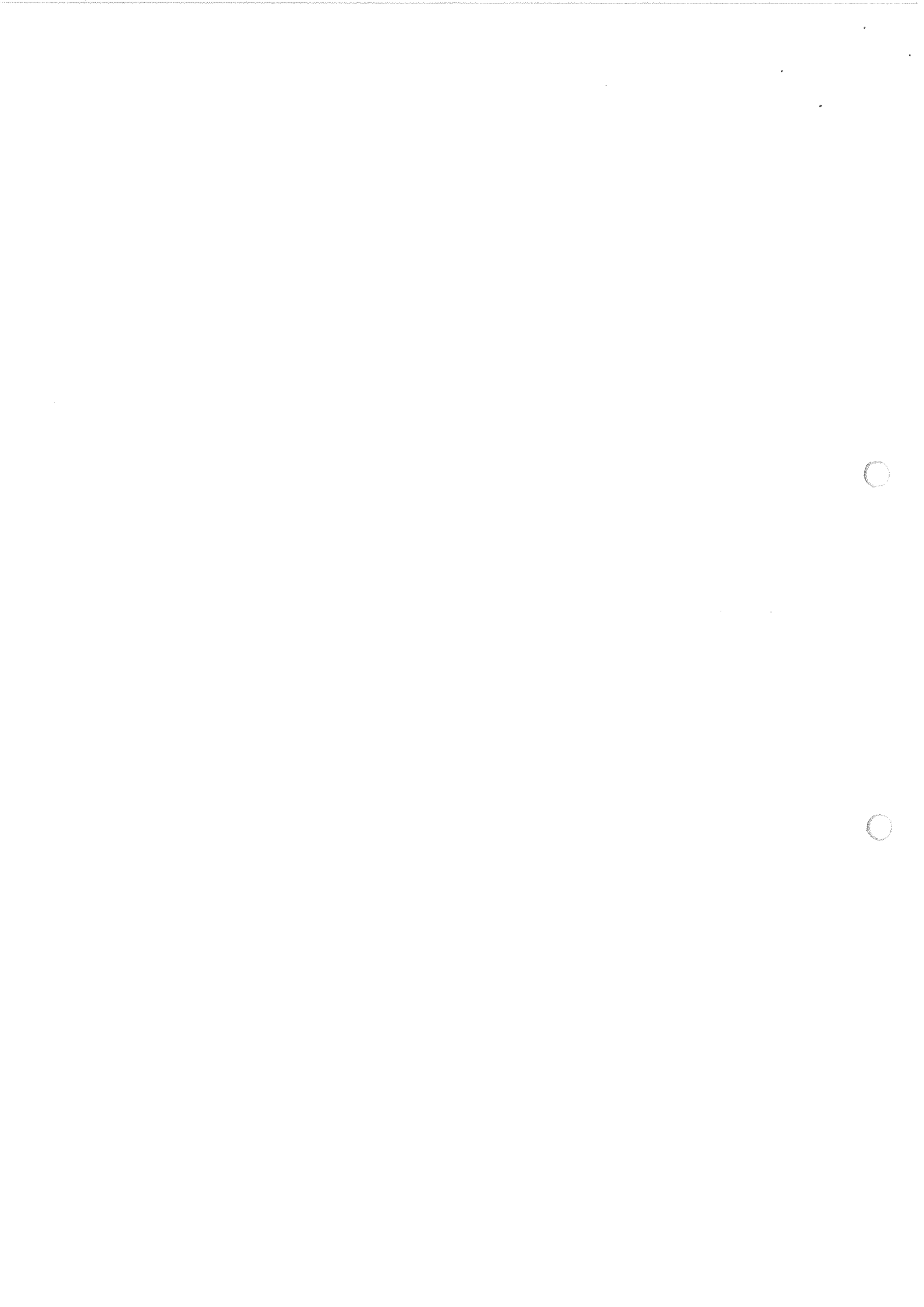
### 6.3.2 Tribunal finding of Treaty breach

The Tribunal finds that the Crown, in taking most of the town belt land from Māori without their consent or any consultation, and without making any payment, acted in breach of article 2 of the Treaty and failed to respect the rangatiratanga of Māori in and over their land. As a consequence, Te Atiawa, Ngāti Tama, Taranaki, and Ngāti Ruanui were prejudiced thereby<sup>4</sup>. Port Nicholson Block settlement.

2. The Taranaki Whānui ki Te Upoko o Te Ika Settlement is the final settlement of all Taranaki Whānui ki Te Upoko o Te Ika historical claims resulting from acts or omissions by the Crown prior to 21 September 1992 and is made up of a package that includes:
  - An agreed historical account and Crown acknowledgements, which form the basis for a Crown Apology to Taranaki Whānui ki Te Upoko o Te Ika, as well as a Statement of Forgiveness from Taranaki Whānui ki Te Upoko o Te Ika to the Crown;
  - Cultural redress; and
  - Financial and commercial redress.
  
3. Taranaki Whānui ki Te Upoko o Te Ika is a collective that comprises people of Te Atiawa, Taranaki, Ngāti Ruanui, Ngāti Tama and others including Ngāti Mutunga from a number of Taranaki iwi whose ancestors migrated to Wellington in the 1820s and 30s and who signed the Port Nicholson Block Deed of Purchase in 1839. The Port Nicholson Block runs from the Rimutaka Summit to the South Coast at Pipinui Point (Boomrock) around the coastline to Turakirae in the east and up the Rimutaka ridgeline to the summit. Taranaki Whānui ki Te Upoko o Te Ika, represented by the Port Nicholson Block Claims Team, has over 17,000 registered beneficiaries.

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<sup>4</sup> Ibid P 108







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4. The history of the interaction between Taranaki Whānui ki Te Upoko o Te Ika and the Crown has been outlined in The Waitangi Tribunal's *Te Whanganui a Tara Me Ōna Takeirei* report on the Wellington District Inquiry, published in 2003. The claims of Taranaki Whānui ki Te Upoko o Te Ika relate to breaches by the Crown of its obligations under the Treaty of Waitangi, particularly the Crown's dealings over, and eventual acquisition of, the Port Nicholson Block, long delays in ensuring there was appropriate administration of the lands reserved for Taranaki Whānui ki Te Upoko o Te Ika in the Port Nicholson Block, and the Crown's compulsory acquisition and endowment of Taranaki Whānui ki Te Upoko o Te Ika lands for public purposes.
5. An account of the historical background agreed between the Crown and Taranaki Whānui ki Te Upoko o Te Ika is included in the Deed of Settlement, along with acknowledgments of Crown breaches of the Treaty of Waitangi, a Crown Apology for those breaches, and a statement of forgiveness by Taranaki Whānui ki Te Upoko o Te Ika.
6. On 28 January 2004, the Crown recognised the mandate of the Port Nicholson Block Claims Team to negotiate the settlement of the historical claims of Taranaki Whānui ki Te Upoko o Te Ika. Negotiations on the settlement package commenced with the signing of Terms of Negotiation on 27 July 2004. On 13 December 2007 the Crown and Taranaki Whānui ki Te Upoko o Te Ika signed an Agreement in Principle. A Deed of Settlement based on this agreement was initialled on 26 June 2008.
7. The Deed was then ratified by members of Taranaki Whānui ki Te Upoko o Te Ika and signed on 19 August 2008. The Deed of Settlement will be implemented following the passage of legislation which was completed on 4 August 2009.
8. There are no particular requirements from the Port Nicholson Block (Taranaki Whānui ki Te Upoko o Te Ika) Claims Settlement Act 2009 pertaining to this area.



Town Belt at Hataitai Park looking towards Te Ranga a Hiwi – the ridgeline

#### “TOWN BELT AND RESERVES<sup>5</sup>

2.13 The New Zealand Company’s initial settlement plan provided for a public reserve of 1,562 acres around the town that would separate it from the Company’s rural district. In October 1841, the Governor proclaimed that the town belt and the other reserves provided for in the Company’s plans were to become Crown lands. Taranaki Whānui ki Te Upoko o Te Ika regarded this as one of their food gathering and mahinga kai areas. The reserves included a number of promontories around the harbour (Jerningham, Halswell and Waddell Points as well as Pencarrow and Baring Heads). This was done without consultation with or compensation to Taranaki Whānui ki Te Upoko o Te Ika.

2.14 Parts of these public reserves were re-allocated by way of grants in the town belt for Wellington Hospital and other public purposes, including the land that became the site of the Governor-General’s residence and grounds after 1911. In March 1873, 1,061 acres in the town belt were granted to the Wellington City in trust forever as a public recreation ground.”

#### RIGHT OF FIRST REFUSAL (RFR)

9. The right of first refusal relates to land held in fee simple by the Crown or a Crown body. If the Crown wished to dispose of the land it must be firstly offered to the Trustees of the Port Nicholson Block Settlement Trust.
10. In this situation it is not yet possible to identify any particular parcels for which the RFR would apply. Much of the land involved is either town belt or Wellington City Council.

#### CULTURAL REDRESS

11. The Deed of Settlement provides for various instruments to provide cultural redress. These instruments extend from the transfer of the fee simple of various Crown properties for which there is a direct connection with the claimants to areas where a statutory acknowledgement applies. There are no settlement properties within the scheme area and there are no statutory acknowledgement lands in this area.

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<sup>5</sup> Waitangi Tribunal, *Te Whanganui a Tara me Ōra Takitahi*: Report on the Wellington District, 2003, p??



#### TOWN BELT AND THE SETTLEMENT

12. As the bulk of the Town Belt remains in the ownership of Wellington City Council and Local Government land, for Treaty of Waitangi purposes, is generally regarded as private land that is not available for the settlement of Treaty claims. It is of note that some of the Town Belt is now in Crown Ownership, however from a brief inspection it appears that the land involved is in the ownership of Wellington City Council. A more detailed examination would be required when more specific plans are available. If that examination indicates that there are no properties within the project area then the right of first refusal mechanism would not apply.
13. Nonetheless the Port Nicholson Block Settlement Trust has an ongoing interest in the Town Belt and areas in the Town Belt (outside the project area) which come into their right of first refusal and other interests.

#### ARCHAEOLOGY

14. A fairly intense archaeological examination was carried out in Te Aro around the site where the Inner City Bypass/Karo Drive is now located around Tonks Avenue looking at the early colonial archaeology. This archaeological survey did not look directly at any possible pre-European archaeology which could have existed below the 'colonial layers'. Māori archaeology is more difficult to locate. In places the old streams, for example, are now located well below the current ground level with many metres of fill above them.
15. The motorway leading to the Terrace Tunnel was built in a different time and many graves were relocated at Bolton Street from the old cemeteries<sup>6</sup>. Many Māori particularly those from Pipitea Pā were buried in these cemeteries and their graves were relocated. Extensions of the cemetery extend towards the Terrace Tunnel however none of the proposed work should impact any of these. It is of note that Kumutoto Pā extended along the Kumutoto Stream which flowed down Salamanca Road. The Pā also buried their people in the Pā boundaries.

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<sup>6</sup> See Map of the Bolton Street cemeteries at Appendix V





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16. Many Māori were buried in the Bolton Street and Sydney Street cemeteries. Many of these burials were unmarked and unrecorded and were relocated in the old Wellington City motorway. In the mid 1960s, the National Roads Board and the Wellington City Council agreed that 3.7 acres of the remaining 8.2 acres of cemetery could be taken for the motorway, however the government acquired more land than it really needed.<sup>7</sup> The authorities had expected to unearth about 2000 bodies when the disinterment started in November 1968; but only ten months later 3528 bodies have been unearthed and of these 1005 were categorised as unknown. Most of these bodies went into a mass grave on the city side of the motorway.<sup>8</sup> The hurt of this activity persists with the tangata whenua families even now.

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<sup>7</sup>, Buchanan, Rachel, *The Paribaka Album Lest we forget*, Huia Publishers 2009, p238

<sup>8</sup> Notebook from City Engineer's Department, Nov 15 1968 to August 1969, Wellington City Council Archives

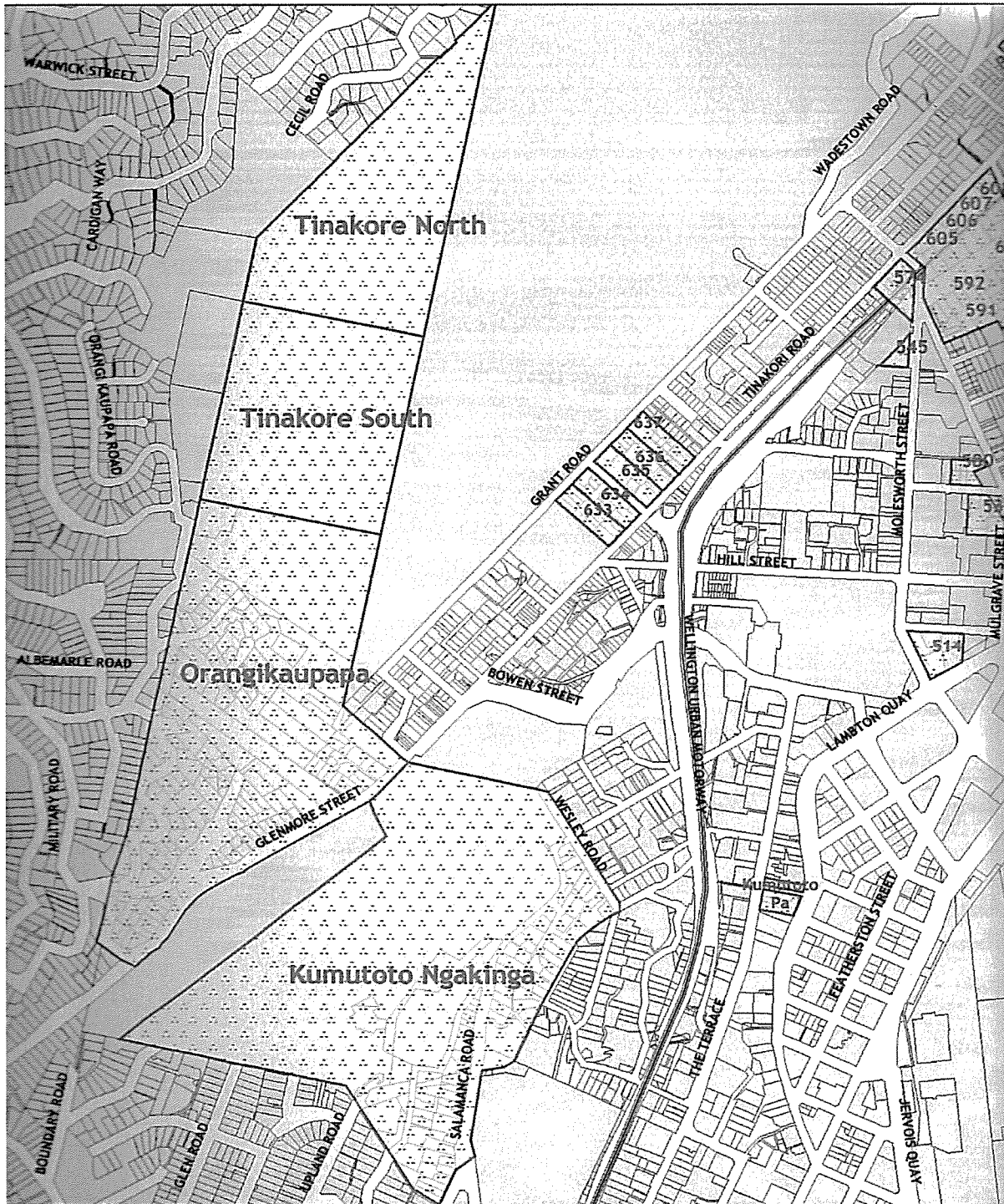






PORT NICHOLSON BLOCK  
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APPENDIX II



**Wellington New Zealand  
Company Tenths**





20 September 2011

Liz Mellish  
PO Box 12164  
Wellington

Dear Liz

Thank you for your submission on the Town Belt Legislative and Policy Review.

Oral submissions will be heard sometime in mid October 2011. We will be in touch with you confirming a date and time.

Yours sincerely

PP 

Joanna Gillanders  
Wellington City Council  
04 499 4444

