

**Draft Town Belt Management Plan and Drafting Instructions Issues identified by Town Belt Management Plan Hearings Subcommittee.**

***Chapter 1: Introduction***

<b>Issue identified by subcommittee</b>	<b><i>Is there a need for a vision for the Management Plan?</i></b>
<b>Reference</b>	Proposed addition to Chapter 1
<b>What submitters said</b>	Lack of a long term vision or sense of strategic direction for the Town Belt under the Plan
<b>Officer recommendation</b>	<p>Add to plan</p> <p>Officers propose that a vision/aim for the Town Belt be included based on the aims in the 1995 plan.</p> <p>A Town Belt managed under the Town Belt Deed as a “public recreation ground for the inhabits of the city of Wellington</p> <p>A sustainably managed Town Belt in which the recreational, natural, landscape, cultural and historic values are protected and enhanced</p>

<b>Issue identified by subcommittee</b>	<b><i>Bring objectives and policies to start of chapters</i></b>
<b>Reference</b>	All chapters
<b>What submitters said</b>	Two submitters said the important policies – on how Council intends to manage the Town Belt – are lost in each chapter.
<b>Officer recommendation</b>	<p>Amend plan</p> <p>Review prominence of objectives and policies in the final plan and bring them to the beginning of each chapter.</p>

<b>Issue identified by subcommittee</b>	<b><i>Approve management plan then draft legislation</i></b>
<b>Reference</b>	NA
<b>What submitters said</b>	One group want the proposed legislation to be passed into law and then the management plan be prepared based on the legislation
<b>Officer recommendation</b>	<p>No change</p> <p>Officers originally recommended that the management plan be reviewed first followed by legislative change. The management plan can be approved now (as an interim plan) and then updated once the legislation has been enacted. This is identified in the drafting instructions.</p> <p>The proposed legislation is dependent on the Parliamentary process and enactment is still some time away. The revised plan will provide an up to date policy document under which the Town Belt can be managed. Public expectation is that the review of the plan will be completed. No change.</p>

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<b>Issue identified by subcommittee</b>	<b><i>Identify major decisions over term of plan</i></b>
<b>Reference</b>	Proposed addition to Chapter 1
<b>What submitters said</b>	One submitter recommends the plan identifies major decisions that will be made during the term of the plan in the first chapter. This may help the public understand the key changes and challenges
<b>Officer recommendation</b>	Add to plan  Identify key changes and outcomes in the first chapter noting it will be subject to future LTP funding.

<b>Issue identified by subcommittee</b>	<b><i>Monitor management plan as well as projects</i></b>
<b>Reference</b>	All policies
<b>What submitters said</b>	A few submitters suggest that Council should be monitoring the objectives of the plan – not just some of the projects that will be undertaken.  Eg number of concession applications received for Town Belt, number approved, number declined (and why), number of volunteer groups working on Town Belt, number of trees planted by these groups
<b>Officer recommendation</b>	Some of these measures are covered in quarterly and annual reporting. Other measures could be incorporated into an annual report on work during previous year and intended work over the next year as proposed in Policy 3.1.2.4

<b>Issue identified by subcommittee</b>	<b><i>What policies take priority in the management plan?</i></b>
<b>Reference</b>	1.3 & 8
<b>What submitters said</b>	Some submitters were concerned that sector policies, which were identified as taking priority over general policies, could contradict general policies. One suggested any exceptions to general policies should be clearly listed under the general policy, and reasons why there is an exception. For example, an activity that is prohibited in rules, but allowed on one track in the Town Belt.
<b>Officer recommendation</b>	Amend plan  Officers agree with the submitters and recommend removing the section noting that sector policies take precedence over the general policies. Just note that both policy types should be read together.

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<b>Issue identified by subcommittee</b>	<b><i>What Council plans (and policies within these plans) take priority?</i></b>
<b>Reference</b>	1.5
<b>What submitters said</b>	<p>It is not clear how these other plans will influence the management of the Town Belt. The biggest concern is when a policy in another Council plan may contradict the more restrictive policies or rules in the management plan – for instance those policies developed to protect the Town Belt.</p> <p>Some submitters suggested new policies for the Town Belt Management Plan (which are actually included in other Council Plans.)</p>
<b>Officer recommendation</b>	<p>Amend plan</p> <p>Officers agree it is not clear in the management plan on the relationship of other plans relative to the policies and rules in the Town Belt Management Plan.</p> <p>Section 1.5 will include implications of other Council plans (and policies) on the Town Belt. The main plans are the District Plan, Open Space Access Plan and the Leases Policy for Community and Recreation Groups.</p> <p>Officers have prepared a framework diagram (appendix 2), which shows the relationship of the different plans and policies to be included in the Management Plan.</p>

<b>Issue identified by subcommittee</b>	<b><i>Values of Town Belt and points of difference</i></b>
<b>Reference</b>	Proposed addition to Chapter 1
<b>What submitters said</b>	<p>It is not clear or hidden in chapters 4-7– why residents are so passionate about protecting the Town Belt. The plan lacks a summary of Town Belt values.</p> <p>A large number of submitters said they are proud to show visiting friends and family around the Town Belt. Some said they moved to Wellington because the Town Belt was such an accessible place for recreation and getting away and enjoying nature.</p>
<b>Officer recommendation</b>	<p>Add to plan</p> <p>Propose an addition to Chapter 1 (section 1.2), which identifies the values of the Town Belt and its role in the city. This will be based on the criteria in chapter 2 and will be as follows:</p> <p>What makes the Town Belt distinct and recognisable? The Town Belt's distinguishable features include its:</p> <ul style="list-style-type: none"> <li>perceived continuity and horseshoe shape of open space, comprising the first line of hills and undeveloped skylines encircling the central city</li> </ul>

	<ul style="list-style-type: none"> <li>• geographic location and close visual relationship with the central city and inner suburbs</li> <li>• patchwork and diversity of vegetation cover</li> <li>• availability to be used for a wide range of sporting and recreation activities</li> <li>• accessibility and provision of linkages to key community destinations</li> <li>• rich historical and cultural links with Wellington citizens and mana whenua</li> </ul> <p>This will also include a change to the first two maps. The first map will be changed to show the city context of the Town Belt relative to other reserves and the Outer Green Belt.</p>
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## ***Chapter 2: Town Belt legislative and policy framework***

<b>Issue identified by subcommittee</b>	<b><i>Possible land to be covered in management plan – Polhill Gully (upper)</i></b>
<b>Reference</b>	8.3.2 and Table 3
<b>What submitters said</b>	It doesn't make sense to manage one part of this reserve in the Town Belt and the remainder in another reserve management plan. They are contiguous. The other reserves including Denton Park and Waimapihi are part of the same catchment. Some did suggest taking this reserve out of the Town Belt and including all of these reserves in the Outer Green Belt Management Plan.
<b>Officer recommendation</b>	Add to Town Belt  Officers recommend that the additional reserve areas in the catchment be included in the Town Belt Management Plan and be added to the Town Belt through the legislative process. These include all of those reserve areas proposed for addition to the Town Belt in the 1995 plan. It is important that these reserve areas be treated and managed as one unit. Remove policy 8.3.3.2

<b>Issue identified by subcommittee</b>	<b><i>Possible land to be covered in management plan – Raroa Reserve (Aro Valley)</i></b>
<b>Reference</b>	Table 3
<b>What submitters said</b>	Aro Valley has a number of areas that would be suitable for adding to the Town Belt, even if they weren't part of the original Town Belt. The green landscape is an important backdrop to Aro Valley and needs to be protected. Raroa Reserve between Norway Street and Raroa Road is contiguous with the Town Belt and should be added.
<b>Officer recommendation</b>	Add to Town Belt  Add Raroa Reserve to the Town Belt and manage under the Town Belt Management Plan.

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<b>Issue identified by subcommittee</b>	<b><i>Possible land to be covered in management plan – Tawatawa &amp; Houghton Valley</i></b>
<b>Reference</b>	8.6.2 and Table 6
<b>What submitters said</b>	These two areas are contiguous with the south end of the Town Belt and should be managed under the Management Plan.
<b>Officer recommendation</b>	Do not add to Town Belt  Tawatawa & Houghton Bay are not part of the horseshoe shape. They do not have a visual connection with the inner city suburbs or CBD. Neither are they part of the original Town Belt. Do not include Tawatawa Reserve and Houghton Valley reserve in Town Belt Management Plan.

<b>Issue identified by subcommittee</b>	<b><i>Possible land to be covered in management plan – Botanic Gardens, Basin Reserve, Canal Reserve (all in 1873 Deed)</i></b>
<b>Reference</b>	1.3
<b>What submitters said</b>	The management plan should incorporate all of the land, included in the Deed that is still managed by Council as well as the Botanic Garden being part of the original Town Belt.
<b>Officer recommendation</b>	No change  The Wellington Botanic Garden has it's own Act (Wellington Botanic garden Vesting Act 1891) and Management Plan. The Basin Reserve – has its own Trust Deed.  The Canal Reserve – managed for different purpose than Town Belt but still covered under the 1873 Trust Deed. (mown road verge between Kent Terrace and Cambridge Terrace, now fragmented by roading).  Recommend no change to the areas managed under the Town Belt Management Plan.

<b>Issue identified by subcommittee</b>	<b><i>Criteria for adding land to the Deed</i></b>
<b>Reference</b>	2.7, Objective 2.8 and policy 2.9.4
<b>What submitters said</b>	The criteria should also look at <ul style="list-style-type: none"> <li>- range of recreation values including commuting, walking beside Town Belt on footpath</li> <li>- the risk of loosing value (such as undeveloped landscape, recreation access)</li> <li>- the cost/benefit of adding land to the Town Belt</li> </ul> <p>Some did not think the assessment of ecological value was necessary – because it was not mentioned as a primary purpose in the Town Belt Deed. Others thought the ecological value should be strengthened.</p> <p>A number of submitters said the only criteria for adding land to the</p>

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	<p>Town Belt Deed should be whether it was original Town Belt in 1841 (policy 2.9.4 (4)). This is to ensure the "heritage status" and "historic integrity" of the Town Belt is not diminished.</p> <p>A few submitters said Council should use the 1873 Deed date as the basis for adding land.</p> <p>Some submitters said there may be some adjacent private land that is worth adding to the Deed to protect its open space values. Particularly the land between Glenmore Street and Stellan Memorial Park and land above Aro Street.</p> <p>One submitter opposed the addition of reserve land into the Town Belt and subsequently included as Town Belt under the proposed Town Belt bill.</p>
<p><b>Officer recommendation</b></p>	<p>Minor changes to assessment criteria. Clarify process</p> <p>Some changes could be made to the assessment criteria in 2.7 and policy 2.9.4 – for instance put the criteria on being original Town Belt at the start and in policy 2.9.4 point 2 add ".....and recreational values <b>and linkages</b> to neighbouring..... ."</p> <p>The criteria in 2.9.4 can be used to assess private land as well as public lands. This will link with the cost benefit analysis proposal proposed below.</p> <p>A cost/benefit analysis should be used after the assessment has identified land suited to Town Belt (suggest new policy in 2.9) when the land is being assessed for acquisition by the Council.</p> <p>Officers recommend no change from the current proposal to add reserve land to Town Belt and to manage it as Town Belt under the Management Plan.</p>

<p><b>Issue identified by subcommittee</b></p>	<p><b><i>Possible land to be added to Town Belt Deed – Clifton Terrace</i></b></p>
<p><b>Reference</b></p>	<p>8.2.2, policy 8.2.2.3 and Table 2</p>
<p><b>What submitters said</b></p>	<p>Clifton Terrace has a lot of values for locals and the neighbouring school and provides a park and green space in an area that is undergoing more intensive residential developments.</p> <p>It should not be a low priority for Council. Council should seek its return from the Crown.</p> <ul style="list-style-type: none"> <li>➔ Some submitters want Council to pursue the Government for a report on who owns this land – which was requested in the mid 1990's, when the Crown was attempting to sell the land.</li> <li>➔ Some submitters presented a legal opinion that states that Council owns this land. This is because the New Zealand Company owned the Town Belt and gifted it on trust to the</li> </ul>

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	<p>citizens of Wellington. This was allegedly done prior to 1840 through a letter setting out the Company's intention for the land. The legal opinion states that the land continues to be held by Council for the benefit of Wellington's citizens under the terms of the original trust as set out in the Company's letter. The effect of this is that the current and future use of the Town Belt would be limited to the purposes that were set out in this letter prior to 1840.</p>
<b>Officer recommendation</b>	<p>Amend plan</p> <p>Agree with submitters – Clifton Terrace is a priority for return to Town Belt. Amend description of values in plan.</p> <p>Ownership of Clifton Terrace land Council legal advice is that the Town Belt was not 'gifted' by the New Zealand Company. Rather, it was transferred to the New Zealand government when the British Crown gained sovereignty over New Zealand. This assumption of ownership was free from any purported trust.</p> <p>The effect of this is that the Council should continue to approach ownership of Clifton Terrace and the Town Belt in the same manner as it has always done.</p>

<b>Issue identified by subcommittee</b>	<b><i>Possible land to be added to Town Belt Deed – part of Te Aro School, Raroa Reserve &amp; other Aro Valley land</i></b>
<b>Reference</b>	8.3.2 and Table 3
<b>What submitters said</b>	<p>Part of Te Aro School has a lot of values for locals and the neighbouring school. The land provides a green backdrop to the suburb. There has been a large increase in birdlife at this site – possibly from the nearby Karori Wildlife Sanctuary.</p> <p>It should not be a low priority for Council. Council should seek its return from the Crown.</p>
<b>Officer recommendation</b>	<p>Amend plan</p> <p>Agree with submitters – part of Te Aro School a priority for return to Town Belt subject to discussion and agreement with the Ministry of Education, Te Aro school and Port Nicholson Block Settlement Trust. Amend description of values in plan.</p>

<b>Issue identified by subcommittee</b>	<b><i>Possible land to be added to Town Belt Deed – Showgrounds</i></b>
<b>Reference</b>	1.3
<b>What submitters said</b>	The Showground should be managed under the Management Plan and referred to/acknowledged in the proposed town belt bill.
<b>Officer recommendation</b>	<p>No change</p> <p>The Town Belt status of the showground land is suspended under the</p>

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	<p>Wellington City Exhibitions Act 1959</p> <p>Any part of the land which ceases to be leased in accordance with the Act will automatically return to the Town Belt. This does not need to be provided for in the local bill.</p>
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<b>Issue identified by subcommittee</b>	<b><i>Possible land to be added to Town Belt Deed in future – identify private land</i></b>
<b>Reference</b>	2.7, Objective 2.8 and policy 2.9.4
<b>What submitters said</b>	There is some land that borders Town Belt that looks like it is Town Belt (undeveloped), but is actually privately owned eg land in Aro Valley, land below Stellan Park in Thorndon. Submitters are concerned that only possible additions of Crown land have been assessed against the criteria in policy 2.9.4. They request the management plan identifies suitable additions of private land that Council could seek to acquire and add to Town Belt.
<b>Officer recommendation</b>	<p>Add to plan</p> <p>Officers have assessed both pieces of land and identified that they both have landscape and ecological values but would be a low priority for acquisition for addition to Town Belt particularly given their current outer residential zoning and the protection afforded by the steepness of the sites. Recommend that other forms of protection such as covenants be investigated first.</p>

<b>Issue identified by subcommittee</b>	<b><i>Do Councillors want to review the Guiding Principles?</i></b>
<b>Reference</b>	2.2
<b>What submitters said</b>	<p>Several submitters commented on the guiding principles and recommended changes, Many were aware they had been through a previous consultation process and reiterated similar submissions to those made previously. However there were two submissions that should be considered.</p> <p>1. The ecology principle – which the public did not get the chance to comment on as it was amended for Councillors (after consultation) just before approval. It is recommended it be changed from:</p> <p><i>The Town Belt will support healthy populations of indigenous biodiversity to</i></p> <p><i>The Town Belt will support self-sustaining indigenous ecosystems</i></p> <p>2. The Town Belt is for all to enjoy. The Accessibility Advisory Group recommended that the description accompanying the principle be changed to :</p> <p><i>This concerns equality of access and the use of the Town Belt. The</i></p>

	<i>Council is committed to ensuring that the Town Belt will continue to be improved with more access and improved accessibility features where it is reasonably practicable to do so. Providing good accessibility features means that the Town Belt would be accessible and usable by everyone in the community. This includes: the able bodied, people pushing strollers, the elderly and people with impairments or disabilities</i>
<b>Officer recommendation</b>	<p>Amend guiding principles</p> <p>Officers recommend that the ecology principle be reworded along the lines of that proposed.</p> <p>Officers recommend that the wording accompanying Principle 6, “The Town Belt is for all to enjoy” be amended to better articulate universal accessibility. Note that this principle was broader than just accessibility as defined above.</p>

## ***Chapter 3: Partnership and community participation***

<b>Issue identified by subcommittee</b>	<b><i>Working with mana whenua</i></b>
<b>Reference</b>	All chapters
<b>What submitters said</b>	<p>Council needs to encourage all Maori to use and enjoy the Town Belt, involve in more decision-making.</p> <p>Involve all Maori in decision making – not just those groups with MOU’s eg cultural harvesting. planting plans,</p>
<b>Officer recommendation</b>	Add in a section into 3.2 community participation about urban maori and add in a policy on cultural harvesting into the ecology chapter.

## ***Chapter 4: Landscape***

<b>Issue identified by subcommittee</b>	<b><i>Scale of pine tree removal</i></b>
<b>Reference</b>	Objective 4.2.2 and policy 4.6.10
<b>What submitters said</b>	Concern about scale of pine tree removal eg clear felling. Establishment of new trees is slow and the landscape can look denuded for many years until they establish. Established trees provide habitat for native fauna.
<b>Officer recommendation</b>	<p>Amend plan</p> <p>Officers recommend the plan is amended to indicate future removals will be generally of a small scale (subject to the influence of major storm damage and overall forest health). Amend Policy 4.6.10: <b>“Exotic forest will generally be retained until trees fall or become hazardous. Hazardous trees will be removed based on risk assessments.”</b></p> <p>Add to 4.3.15 f for landscape and ecological reasons Add to Chapter 5 Ecology: Exotic trees provide habitat for animals, shelter and some are a source of winter feed.</p>

<b>Issue identified by subcommittee</b>	<b><i>Need for some design guidelines</i></b>
<b>Reference</b>	Objective 4.2.1 and policies 4.3.2-4.3.8
<b>What submitters said</b>	Building design needs to be considered for any proposed development. One submitter did not think a colour scheme was required – the building & its purpose should be obvious.
<b>Officer recommendation</b>	No change  Current District Plan rules under Open Space C zoning identify criteria for building structures on Town Belt. Any changes should be via review of the District Plan (likely to be over next few years).  There are already policies around buildings and structures in the landscape section (4.3)

## ***Chapter 5: ecology***

<b>Issue identified by subcommittee</b>	<b><i>Is there a need for a long-term ecological vision (up to 500 years)</i></b>
<b>Reference</b>	Proposed addition to Chapter 5
<b>What submitters said</b>	Ecological restoration of the Town Belt is a long-term plan – that will outlive the length of the management plan (10 years). There needs to be a long-term vision, such as for the Karori Wildlife Sanctuary.  Council needs to focus on the urgent need to plant large tree species such as .... . In a few decades time, these trees will attract native birds that can naturally distribute seeds such as kereru.
<b>Officer recommendation</b>	Officers recommend we include the broad target set in the 1995 plan which proposed a change from 20% native vegetation to 60% over the next 50 to 100 years.  Add a new policy about identifying areas for planting large tree species over the next 10 years.

<b>Issue identified by subcommittee</b>	<b><i>Restructure Chapter 5: Ecology</i></b>
<b>Reference</b>	Chapter 5
<b>What submitters said</b>	Other submitters proposed that the chapter should be reorganised along the lines of the Biodiversity Action Plan with a focus on Identify, Protect, Restore and Research.  Restoration groups should be required to maintain new plantings by regularly clearing weeds to give the plants a chance. It is difficult to establish plants on some sites. There should be a greater need for volunteer groups to monitor the success of plantings and to share what works and what doesn't work with others.
<b>Officer recommendation</b>	Officers agree to the approach around rewriting the chapter.

<b>Issue identified by subcommittee</b>	<b><i>Need for ongoing dialogue with groups who made major submissions about ecology</i></b>
<b>Reference</b>	Chapter 5
<b>What submitters said</b>	Council should organise a workshop with ecological/environmental groups to discuss the long-term ecological plans for the Town Belt.
<b>Officer recommendation</b>	Ecology groups that made submissions will be sent a copy and asked for further comment on the reworked Chapter 5 (in late April).

## ***Chapter 6: Recreation***

<b>Issue identified by subcommittee</b>	<b><i>Limits on development (eg Sport &amp; Recreation Footprints) &amp; flexibility for growth &amp; development</i></b>
<b>Reference</b>	6.4, Objective 6.5.3 and policy 6.6.1 to 6.6.4
<b>What submitters said</b>	<p>Many submitters supported a limit on further development of the Town Belt for formal sport and recreation parks (ie sports fields and buildings). This would protect the undeveloped areas of the Town Belt. Some think there should be no further development and any surplus buildings should be removed.</p> <p>Some sporting groups said the limits were unfair and did not allow for future growth of sports or the development of world class facilities close to central Wellington.</p>
<b>Officer recommendation</b>	<p>Clarify the current proposal more clearly. No overall change to areas available for development.</p> <p>To avoid confusion the Plan needs to define the Sport and Recreation Park concept and the extent of their footprint better. Some clubs assumed that even when they were within sport and recreation parks their footprint was limited to their existing lease area.</p> <p>The Plan identifies parks where more development can occur (eg Hataitai Park) and other parks where there will be no further extension of building footprints (eg Kelburn Park).</p> <p>The Leases Policy for Community and Recreation Groups (2012) has policies on the</p> <ul style="list-style-type: none"> <li>- additions and alterations of any building or improvement</li> <li>- ownership of buildings and/or structures on expiry or early termination of leases</li> <li>-</li> </ul> <p>These will be referenced in the Management Plan.</p>

<b>Issue identified by subcommittee</b>	<b><i>Maximise community use of facilities on Town Belt</i></b> eg Artificial sports turf, buildings
<b>Reference</b>	6.4 Sporting infrastructure Objective 6.5.4 and policy 6.6.4
<b>What submitters said</b>	In general, submitters supported the draft policy about maximising the use of existing facilities including co-location of sporting clubs and

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	<p>organisations.</p> <ul style="list-style-type: none"> <li>- This would reduce the area developed and the number of single-purpose facilities/buildings on Town Belt</li> <li>- Some noted some changes would be needed to existing facilities to enable multiple activities to occur.</li> </ul> <p>Sporting organisations pointed out that some have specialist needs (eg surfaces) that mean co-location may not be an option for all sports and they should not be penalised.</p>
<b>Officer recommendation</b>	<p>Proposed addition outlining assessment process. This will include a question on whether the proposed new facility/ extension/leased area will be shared with other community groups.</p> <p>Groups applying for land-owner approval will have to provide details on use by community groups or state why the proposed facility can not be shared with the community. This is consistent with the criteria in the Leases Policy for Community and Recreation Groups.</p>

<b>Issue identified by subcommittee</b>	<b><i>Need to emphasise informal use of Town Belt and resource it better</i></b>
<b>Reference</b>	6.4.3 Track network Policy 6.6.21
<b>What submitters said</b>	<p>Some submitters want to see informal recreation emphasised in the plan (policy in 1995 plan) and protected from further encroachment by formal “sports” facilities.</p> <p>A few submitters mentioned that formal recreation is expensive to provide and maintain. The track network is used by many residents but is not resourced to the extent of sports facilities.</p>
<b>Officer recommendation</b>	<p>No change</p> <p>The plan outlines the wide range of recreation activities that occur on Town Belt and limits sporting infrastructure to existing facilities. Officers do not recommend any further change to policies.</p> <p>Add policy about volunteer groups &amp; track building/ maintenance to 3.2.1</p>

<b>Issue identified by subcommittee</b>	<b><i>Commercial activity, professional sport, tourism concessions &amp; pay to play sports competitions</i></b>
<b>Reference</b>	6.4.1 Sport and recreation parks Policy 6.6.4, 9.4.3, 9.6.3
<b>What submitters said</b>	<p>Many are concerned there is growing pressure from commercial interests to utilise the Town Belt. This can prevent public access and no-one should be making money from this public recreation ground. Some examples include elite sport, pay to play competitions or coaching schools, TAB facilities and pokie machines, sub-leasing club rooms to café operators. There are alternative locations for these activities in the city.</p>

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	The reality for many sports groups is that they need to supplement their income by providing cafes, bars, venue for social events etc – and this income goes into supporting sport. Fewer volunteers can mean more income needs to be generated.
<b>Officer recommendation</b>	<p>Clarify in plan.</p> <p>Define what activities are ok for leasing of clubs in section 6.6.5 to 6.6.6. of the recreation chapter and link this to Ch 9 Rules. This should be linked to the policies in the Leases Policy and in particular the following:</p> <p><i>8.8 Any approval to carry out such an activity will only be permitted to the extent that:</i></p> <ul style="list-style-type: none"> <li>• <i>the commercial activity is ancillary to the group's primary community or recreational activity</i></li> <li>• <i>any excess funds generated by the group are in the first instance applied to any maintenance obligations the group has under the lease and then to the group's community or recreational activity</i></li> </ul> <p>Proposed concessions policy will set fee schedules, application process and what gets publically notified. The Town Belt Management Plan will have rules by which the application has to be assessed and what is allowable on Town Belt land.</p>

<b>Issue identified by subcommittee</b>	<b><i>Recreation “hubs” and “sportsville”</i></b>
<b>Reference</b>	6.4, Objective 6.5.4 and policy 6.6.4
<b>What submitters said</b>	Some submitters did not want “sportsville” to be the only “partnership” concept identified in the plan.
<b>Officer recommendation</b>	<p>Clarify in plan</p> <p>To avoid confusion, define these terms better in the plan. Sportville has a much wider definition than outlined in the plan.</p>

<b>Issue identified by subcommittee</b>	<b><i>Process for assessing development proposals</i></b>
<b>Reference</b>	Proposed new appendix in plan
<b>What submitters said</b>	There needs to be a clear process so groups know what is required to obtain approval for new proposals and the timeframes for approval.
<b>Officer recommendation</b>	<p>Add process to plan</p> <p>We will develop a process &amp; criteria from the TBMP by which to assess proposed developments. This will clarify delegations and public notifications. It is likely to be an appendix with process for Land Owner Approval (including lease policy), with a reference to RMA process. It will be based on the existing policies currently scattered throughout the plan.</p>

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<b>Issue identified by subcommittee</b>	<b><i>Encourage development off Town Belt</i></b>
<b>Reference</b>	policy 6.6.3
<b>What submitters said</b>	<p>Development could happen anywhere in the city. All proposals to develop facilities or cater for elite sport or commercial activities need to be assessed by these criteria.</p> <p>Some submitters suggest Council purchase more land which can be developed into formal sports facilities.</p> <p>The Outer Green Belt might be a more suitable area for more adventurous recreation activities.</p> <p>Some users of Town Belt say there is little suitable land remaining in Wellington for formal sport – the topography is steep and land can be expensive. The central location makes the Town Belt very accessible for formal sport.</p>
<b>Officer recommendation</b>	Amend plan and move the policy on assessment of alternative locations (6.6.3) to be the first bullet point.

<b>Issue identified by subcommittee</b>	<b><i>Linkages between pockets of Town Belt</i></b> eg along the urban motorway
<b>Reference</b>	Objective 6.5.5 and policy 6.6.9
<b>What submitters said</b>	Need to utilise pockets of Town Belt as recreation and ecological linkages between suburbs
<b>Officer recommendation</b>	No change See policy 6.6.9. Consider how access networks can link pockets and improve connections to the Town Belt

<b>Issue identified by subcommittee</b>	<b><i>Community gardens/orchards</i></b> eg ownership of produce
<b>Reference</b>	policy 6.6.18-6.6.20, policy 9.5.3
<b>What submitters said</b>	<p>Community gardens provide members with the opportunity to access and share ideas with others in the community.</p> <p>There is some concern about the private benefits to users of community gardens and rules should be tighter on Town Belt.</p>
<b>Officer recommendation</b>	Amend plan Agree with those submitters who want tighter rules around community gardens. Having considered Council guidelines on Community Gardens/ Orchards, we will strengthen section 9.5.3 of Management Plan by stating that these are primarily for not-for-profit community use and not to be sold for commercial or private gain, and there will be no new private allotments

**Chapter 7: Culture and History**

<p><b>Issue identified by subcommittee</b></p>	<p><b><i>Seeking national &amp; international recognition for Town Belt &amp; implications of adding land that was not original Town Belt to Deed</i></b>                  eg World Heritage Status                  Historic Place listing</p>
<p><b>Reference</b></p>	<p>Objective 7.4.1 and 2.7</p>
<p><b>What submitters said</b></p>	<p>The Town Belt should be recognised internationally. Council should seek World Heritage Status for the Town Belt. This would ensure Councillors, as trustees, were overseen by the World Heritage Committee. Some mentioned Adelaide’s Town Belt as an example*. To ensure authenticity in seeking World Heritage Status, Council should only be adding original-Town Belt land to the Deed.</p> <p>The Town Belt should become a historic area under the Historic Places Act.</p> <p>* Note that Adelaide Park Lands do not have World Heritage Status and has not been nominated.</p>
<p><b>Officer recommendation</b></p>	<p>No change</p> <p>World Heritage Status is conferred on sites that represent the best examples of the world’s natural and cultural heritage. There are only 3 sites in New Zealand. To gain World Heritage Status, the site needs to have “outstanding universal value” – that is it</p> <ol style="list-style-type: none"> <li>1) has wow value(s) and</li> <li>2) is the best example in the world<sup>1</sup>.</li> </ol> <p>Officers do not recommend pursuing World Heritage Status for the Town Belt. There are numerous examples of Town belts or green belts around the world.</p> <p>For example, Napier’s Art Deco area was put on New Zealand’s tentative list in 2007 because supporters said it was the best art deco in the world. Further research by an independent person found numerous examples of good art deco areas around the world. The site was not nominated (Department of Conservation).</p> <p>New Zealand Historic Places listing provides registration and recognition for an area or individual structures and sites etc – but no greater protection. A District Plan heritage listing will put restrictions on what can do ie may require resource consent.</p> <p>Any feature constructed prior to 1900 has protection under the Historic Places Act and will require archaeological authority before certain works are carried out.</p>

<sup>1</sup> Advice from the Department of Conservation who are the nominating body for New Zealand.

## Chapter 8: Management Sectors

### Sector 1: Te Ahumairangi Hill

<b>Issue identified by subcommittee</b>	<b><i>Mountain biking</i></b>
<b>Reference</b>	Policy 8.1.5.1
<b>What submitters said</b>	<p>Mountain bikers were keen for more of Te Ahumairangi Hill Tracks to be open to mountain biking. This would also increase commuting options.</p> <p>Some walkers did not want more tracks open to mountain biking. This would cause damage to tracks and safety concerns for other users on narrow tracks.</p>
<b>Officer recommendation</b>	<p>No change</p> <p>Assess selected tracks against Open Space Access Plan policy. Focus on improved commuter links between City and Western Suburbs given there is not widespread support for opening up the whole hill.</p>

<b>Issue identified by subcommittee</b>	<b><i>Track links to Glenmore St</i></b>
<b>Reference</b>	New policy in Sector 1: Te Ahumairangi Hill
<b>What submitters said</b>	There should be a track link from Glenmore St (the Botanic Garden) to Stellin Park.
<b>Officer recommendation</b>	<p>Add to plan</p> <p>Identify as a potential track linkage, but not a high priority especially given it is across private land and of very steep topography.</p>

### Sector 5; Macalister Park

<b>Issue identified by subcommittee</b>	<b><i>Leasing &amp; development of Rugby League Park</i></b>
<b>Reference</b>	6.4, Drafting instructions 20.1
<b>What submitters said</b>	<p>Wellington Rugby Football Union request that the facilities at Rugby League Park, that are used by a large number of rugby teams, to have a longer lease due to the investment made by the Rugby Union.</p> <p>Some are concerned about this elite sport activity occurring on Town Belt and recommend the teams find other training space that is not on Town Belt. There is concern about the long term ownership of elite sports teams and that this might shut the public out of using this space.</p>
<b>Officer recommendation</b>	<p>No change</p> <p>Current Leases Policy has the flexibility to consider long-term leases. Drafting instructions propose a maximum lease term of 33 years. The Leases Policy also deals with commercial use</p>

***Sector 8: Hataitai Park***

<b>Issue identified by subcommittee</b>	<b><i>Precinct development &amp; access (Alexandra Rd)</i></b>
<b>Reference</b>	Policy 8.8.4.1
<b>What submitters said</b>	A number of sports and recreation organisations based at Hataitai Park welcome the Park being looked at as a whole. Access to the park needs to be improved.
<b>Officer recommendation</b>	No change  Proposed plan has a number of policies around Precinct development & working with NZTA on any projects.

<b>Issue identified by subcommittee</b>	<b><i>NZTA amendments (Ruahine St)</i></b>
<b>Reference</b>	8.8.2, policy 8.8.2.1, 8.8.2.2
<b>What submitters said</b>	There was support for the approach set out in 2.9.3 – about pursuing replacement land with Town Belt values especially in the Ruahine St example.  NZTA suggests Council should look at entering a voluntary agreement to acquire the land under the Public Works Act with them on Ruahine St  Some submitters felt the policies were not strong enough around protecting the Town Belt from the loss of Town Belt for roading. The trustees should have a strong position on preventing the loss of Town Belt.  As trustees, Councillors should be doing all they can to protect the Town Belt eg potential loss of Town Belt for the Ruahine St road-widening
<b>Officer recommendation</b>	Officers recommend that the plan refer to the legal position of the Council as trustee by adding a section to 8.8.2:  The Council holds the Town Belt in trust and any negotiation around sale or exchange of land for roading needs to be carefully managed and the legal issues fully considered. It is noted that NZTA has the power to compulsorily purchase the land required from the Council.

***Sector 9: Mt Victoria***

<b>Issue identified by subcommittee</b>	<b><i>Vegetation &amp; pine tree removal</i></b>
<b>Reference</b>	Policy 8.9.3.2
<b>What submitters said</b>	Some are concerned about the potential removal of big areas of pine trees from such a prominent location. Other had concerns about the increasing use of the sector by mountain bikers and walkers. Loss of views from the lookout and the character of Alexandra road were also raised.
<b>Officer recommendation</b>	Add to plan  New policy in Sector 9: Develop a master-plan for Mt Victoria/ Matairangi that looks at landscape, future plantings and rate of removal of pines, as well as recreation development and ways to reduce user conflict (similar to Tinakori Hill (Te Ahumairangi Hill) Landscape Plan (2008)

<b>Issue identified by subcommittee</b>	<b><i>User conflict</i></b>
<b>Reference</b>	Policy 8.9.4.1
<b>What submitters said</b>	Many mountain bikers use this area for mountain biking. Some walkers are concerned about the proliferation of tracks for dual use and mountain bike only tracks.
<b>Officer recommendation</b>	See recommendation above

***Chapter 9: Rules for use and development***

<b>Issue identified by subcommittee</b>	<b><i>Implications of encroachment policies on existing use</i></b>
<b>Reference</b>	Policy 9.6.9 (Encroachment rules), 8.9.2.1 (Lookout Road), 8.7.6 (Owen Street); 8.1.2.1 (Grant Road); 8.4.5 (Brooklyn Hills)
<b>What submitters said</b>	Some submitters supported Council's policies around encroachment and want more of the existing encroachments on Town Belt to be removed.  Residents who are using the Carmichael Reservoir access road (off Owen St) are concerned about policy 8.7.6 and the current way the encroachment is being managed ie no new access permitted to new property owners or tenants.  Some neighbours were concerned about some land being added to Town Belt and the implication of this change on their current or proposed use.
<b>Officer recommendation</b>	Officers recommend no change to the policy on encroachments as a prohibited activity.

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	<p>Encroachment rules and 8.7.6 (Owen St) Private vehicle use off Owen Street – proposed policy is similar to 1995 policy and any change would be contrary to Deed – Council can not create thoroughfares across Town Belt</p> <p>Amend plan for other areas as follows:</p> <ul style="list-style-type: none"> <li>- <b>Grant Road.</b> Consultation identified several long established encroachments onto the unformed legal road with licences to occupy. It is recommended that the area not be added to the Town Belt at this stage. The Council will review all uses of this unformed road and develop options for its long term role as a buffer for Town Belt, whether some or all of the road should be stopped and whether some of these areas should be sold to adjacent property owners..</li> <li>- <b>Land adjacent to 45 – 49 Lookout Road.</b> Do not add this section of land which includes the formed driveway into Town Belt as 2 houses have legal access onto this driveway and it has low values as Town Belt.</li> </ul>
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<b>Issue identified by subcommittee</b>	<b><i>Environmental education (not for profit)</i></b>
<b>Reference</b>	policy 9.5.3
<b>What submitters said</b>	<p>Some submitters, involved with community gardens want environmental education to be allowed on Town Belt.</p> <p>Others are opposed to formal education courses being run on Town Belt (contrary to Town Belt Deed).</p>
<b>Officer recommendation</b>	Any environmental education activity can occur when it supports the primary role and purpose to Town Belt and fits within the definition of recreation in the management plan.

### ***Implementation***

<b>Issue identified by subcommittee</b>	<b><i>Need for an implementation plan and allocation of priorities</i></b>
<b>Reference</b>	New
<b>What submitters said</b>	What are Council's priorities for implementing the Town Belt Management Plan?
<b>Officer recommendation</b>	Identify some key work coming out of the plan over next 5 years as part of the final plan.

***Drafting instructions***

<b>Issue identified by subcommittee</b>	<b><i>The local bill should not provide “relatively flexible powers” to Council</i></b>
<b>Reference</b>	Drafting Instruction 3.4
<b>What submitters said</b>	Many submitters had concerns that this approach will give too many powers to officers to make major decisions.
<b>Officer recommendation</b>	<p>No change</p> <p>The historic legislative approach to empowering statutory entities such as local authorities was to compile a prescriptive list of what each entity could do. Any actions falling outside of that list would be "<i>ultra vires</i>" and therefore unlawful.</p> <p>The modern approach is to limit the <b>purpose</b> for which powers may be exercised and the <b>process</b> that must be followed when exercising them. For example, this is the approach of the Local Government Act 2002: Council has "full capacity" for the purpose of performing its role (which in turn is to give effect to the purpose of local government stated in section 10).</p> <p>The "relatively flexible powers" under the proposed drafting instructions are "full capacity for the purpose of performing [Council's] role as a trustee of the Legal Town Belt". These will be subject to:</p> <ol style="list-style-type: none"> <li>1.1 The normal decision making provisions of the Local Government Act 2002;</li> <li>1.2 Compliance with the Management Plan; and</li> <li>1.3 Having regard to and seeking to apply the statutory principles.</li> </ol>

<b>Issue identified by submitters</b>	<b><i>The Deed should prevail. There is no need for a local bill.</i></b>
<b>Reference</b>	Drafting Instruction 12
<b>What submitters said</b>	Several submitters have raised concerns that the Bill will prevail when there is inconsistency with the 1873 Deed.
<b>Officer recommendation</b>	<p>Officers recommend no change. The Deed has historical and social significance. Nevertheless allowing the deed to continue as the legal framework of the Town Belt would significantly lessen the relevance and value of proceeding with a local Act.</p> <p>Resolving disputes over what the Deed allows and ensuring that Council manages Town Belt land in accordance with the Deed creates ongoing risk and requires ongoing legal advice. A key purpose of the proposed local Act is to put an end to this. This purpose will not be achieved if the local Act must defer to the Deed.</p> <p>Also relevant is that the Deed can be interpreted as providing Council with very broad powers to manage Town Belt land as it sees fit. If correct, then enacting legislation which prevails over the Deed will provide the community with stronger, not weaker, safeguards.</p>

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<b>Issue identified by submitters</b>	<i><b>The trust is not a charitable trust</b></i>
<b>Reference</b>	Drafting Instruction 11
<b>What submitters said</b>	Remove reference to charitable trust
<b>Officer recommendation</b>	Amend drafting instructions  Legal advice is that the Deed does give rise to a charitable trust, but this does not need to be included in local Act. Amend drafting instructions: 11.1 Council holds the Legal Town Belt as trustee; <del>11.2 The trust is a charitable trust; and</del> 11.3 <del>2</del> The <del>charitable</del> purpose of the trust is ...

<b>Issue identified by subcommittee</b>	<i><b>Statutory principles &amp; relationship to guiding principles</b></i>
<b>Reference</b>	Drafting Instruction 3.1
<b>What submitters said</b>	Some people have concerns about the guiding principles being included in the local bill. Amendments to the wording have been suggested (SEE ABOVE).  There was not unanimous agreement in the community.
<b>Officer recommendation</b>	No change. The draft statutory principles will be developed as part of the legislative drafting and will be subject to further consultation when the specific statutory principles will be known.

<b>Issue identified by subcommittee</b>	<i><b>Leasing powers &amp; limit to leased land</b></i>
<b>Reference</b>	Drafting Instructions 18 and 14.4
<b>What submitters said</b>	There are concerns about the current area leased to community groups and the proposed maximum area in the Drafting Instructions. If Council is serious about limiting development it should restrict the area that can be leased.  Also of concern is the length of the lease – maximum 33 years. Very few groups should be granted this because in many cases this enables an exclusive use of an area preventing public access.
<b>Officer recommendation</b>	No change  Area leased – this maximum area stipulated in the drafting instructions is the status quo (from 1908 Act). Officers recommend it not be lowered to just around the current area (around 6ha) to allow flexibility in the future. In particular if such facilities such as the golf course, and works depots are leased. The Reserves Act has no maximum area that can be leased.  Length of lease - 33 years is maximum term in drafting instructions (consistent with the Reserves Act 1977). For most groups, the standard

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	lease tenure would be 10 years plus 10, as stipulated in the Leases Policy for Community and Recreation Groups (2012). Some leases are for longer tenures based on the investment of the lessee and their need for security of tenure.
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<b>Issue identified by subcommittee</b>	<b><i>Officers should not be able to interpret "public recreation ground" as applying to circumstances as they arise</i></b>
<b>Reference</b>	Drafting Instruction 11.3
<b>What submitters said</b>	<p>Many submitters had concerns that any interpretation of “public recreation ground” will give too many powers to officers to make decisions that are contrary to the Deed.</p> <p>The legislation could have a definition of “public recreation ground”.</p>
<b>Officer recommendation</b>	<p>Officers recommend further work be done on this to assess if a specific definition can be incorporated into the legislation. For instance options could be</p> <p><b><i>Recreation</i></b> means any activity undertaken by a group or individual that gives that group or individual enjoyment, relaxation, satisfaction or a sense of well-being, regardless of the degree of physical activity required.</p> <p><b><i>Recreation ground</i></b> means an area of publicly owned land where recreation may take place.</p> <p>or</p> <p><b>Recreation</b> is freely chosen activity engaged in for pleasure in one’s free time</p>

<b>Issue identified by subcommittee</b>	<b><i>Implications of removing from Reserves Act &amp; consequences for delegations</i></b>
<b>Reference</b>	Drafting Instruction 13
<b>What submitters said</b>	<p>Submitters are concerned about the removal of the Reserves Act from the governance of the Town Belt.</p> <p>The Reserves Act provides additional protection eg an appeal process to Minister about decisions made by the Trustees/Council.</p> <p>There is a lot of case law for the Reserves Act.</p>
<b>Officer recommendation</b>	<p>No change</p> <p>Relevant parts of the Reserves Act are going to be included in the local bill. In place of sections 17 and 40 of the Reserves Act<sup>2</sup>, the local Act will require Council to have regard to and seek to apply the statutory principles. It is expected that the statutory principles will cover much of</p>

<sup>2</sup> Sections covering a) classification and purpose of reserves, b) management and control of reserves, c) functions of administering body

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	<p>the same ground as section 17 (“Recreation Reserves”), including freedom of entry and access.</p> <p>In place of the right of objection (s120 Reserves Act), the local bill will identify when public notification will occur eg for the granting of leases/licences, construction of building etc. However the final decision will be with trustees rather than the Minister.</p> <p>There will be no or very little change to the current powers of the administering body because most decisions regarding Recreation Reserve are delegated back to Council (s42-52 Reserves Act). The local bill will have stronger safeguards for granting easements than the Reserves Act (s48).</p> <p>If the Reserves Act was to be removed from the governance framework, this would remove the power of the Minister of Conservation to</p> <ul style="list-style-type: none"> <li>- revoke classification, authorise exchange of land</li> <li>- approve huts, cabins, lodges</li> <li>- approve use of land for communications stations</li> <li>- approve taking of specimens or introducing flora and fauna etc</li> <li>- limit the number of days access to part of Town Belt would be restricted or charged for</li> </ul> <p>Many of the activities are covered in Chapter 9 – Rules for use and development.</p> <p>A review of leasing/licencing powers under the current Reserves Act regime and the proposed local Act is discussed in the Commercial Activities section below.</p> <p>Officers have consulted with the Department of Conservation and they have no objections at this stage for removal of the Town Belt from the provisions of the Reserves Act.</p>
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<b>Issue identified by subcommittee</b>	<b><i>Strengthen process to remove land from the Deed</i></b>
<b>Reference</b>	Drafting Instruction 9 and 10, 17.1
<b>What submitters said</b>	There needs to be a very restrictive process to remove land from the Deed.
<b>Officer recommendation</b>	No change  Will require additional legislation. Council has no power to sell or exchange land

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<b>Issue identified by subcommittee</b>	<b><i>Can the Public Works Act override proposed legislation?</i></b>
<b>Reference</b>	Drafting Instructions 10 & 17.1
<b>What submitters said</b>	Councillors asked if the local bill can include sections that would override the Public Works Act (ie prevent loss of Town Belt to Crown etc)
<b>Officer recommendation</b>	Officers recommend the Council does not change the drafting instructions to exclude the provisions of the Public Works Act 1981 as it is very unlikely the bill could proceed as a local bill.

<b>Issue identified by subcommittee</b>	<b><i>Can Council (as Trustees) enter voluntary negotiations about the loss of Town Belt land under the Public Works Act?</i></b>
<b>Reference</b>	Drafting Instructions new (linked to 10 & 17.1)
<b>What submitters said</b>	<p>One submitter (NZTA) suggests the drafting instructions be amended to note that Council could consider entering negotiations for the Crown to take Town Belt land for a public work under section 17 of the Public Works Act eg Ruahine Street widening.</p> <p>NZTA's specific submission on enabling negotiated agreements is:</p> <p style="padding-left: 40px;">In particular, we recommend that the Drafting Instructions are amended to provide that where Council received a notice under s18 of the Public Works Act that land is intended to be taken for a public work, the Council has power to enter into an agreement under s17 of the Public Works Act to sell that land, provided that:</p> <ol style="list-style-type: none"> <li>a. As a first priority, suitable replacement Crown land has been identified; and</li> <li>b. Where (or to the extent that) suitable replacement land cannot be identified, adequate financial compensation has been agreed.</li> </ol>
<b>Officer recommendation</b>	Officers are still assessing the implications of this proposal and will have a more detailed response and recommendations for the SPC paper in June.

<b>Issue identified by submitters</b>	<b><i>Any proposed building on Town Belt needs to be publically notified</i></b>
<b>Reference</b>	Drafting Instruction 19.3
<b>What submitters said</b>	<p>The local bill needs to ensure public consultation on developments and new or extensions to existing buildings.</p> <p>How does the Management Plan and proposed legislation sit with the Resource Management Act and District Plan?</p>
<b>Officer recommendation</b>	<p>No change</p> <p>19.3 states that Council WILL notify and consult with the public before it “constructs, or authorises the construction of, any building on the legal Town Belt”.</p>

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	<p>In most cases, the building will require resource consent under the Resource Management Act. The area is zoned Open Space C in the District Plan. Resource consent may require public notification.</p> <p style="margin-left: 40px;">1.4 Council will need to publicly notify and consult on any decision to authorise the construction of a building on the Town Belt pursuant to its powers under the local Act; and</p> <p style="margin-left: 40px;">1.5 Separately, the RMA will continue to apply. Thus, if the building requires resource consent (which is very likely, given that the Town Belt is zoned as Open Space), the relevant process required under the RMA will need to be followed.</p> <p>As it stands, the Management Plan is to be considered as a 'relevant matter' as part of the RMA process. However, it will carry less weight than some other instruments, such as the District Plan itself.</p> <p>Under the proposed local Act this will continue to be the case. The Management Plan will need to be considered when assessing matters under the RMA</p>
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<b>Issue identified by submitters</b>	<b><i>Bill would make previous decisions to build infrastructure legal – even if they are contrary to Deed</i></b>
<b>Reference</b>	Drafting Instruction 23
<b>What submitters said</b>	This provision appears to wipe the slate clean. In other words, any decisions made by previous Councils that may have been in contravention of the Deed will henceforth be considered legal.
<b>Officer recommendation</b>	<p>No change</p> <p>There is Council-owned infrastructure, such as storm water drains, on Town Belt. There is no guarantee that infrastructure was built in accordance with the Deed and the Reserves Act 1977. The intention is that, under the local Act, the legal basis for any future infrastructure will be clear. Paragraph 23 would simplify the legal position for Council and create certainty for the community by regularising what has occurred in the past.</p>

<b>Issue identified by submitters</b>	<b><i>Commercial activities should be banned in local bill</i></b>
<b>Reference</b>	Drafting Instruction 18
<b>What submitters said</b>	Oppose the Council being given the right in legislation to authorise leases or licences to commercial activities on Town Belt.
<b>Officer recommendation</b>	<p>Officers recommend a slight change to the drafting instructions</p> <p>The main difference between the current and proposed regimes to</p>

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	consider a commercial operation on Town Belt is the requirement under the Reserves Act 1977 that any lease for a " <i>trade, business, or occupation must be <b>necessary</b> to enable the public to obtain the benefit and enjoyment of the reserve or for the convenience of persons using the reserve</i> ". <sup>3</sup> We will ensure this intent will be included in the drafting instructions. .
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<b>Issue identified by submitters</b>	<b><i>The local bill should list what activities are not allowed – eg childcare, schools, community centres, Plunket, commercial activities</i></b>
<b>Reference</b>	Drafting Instruction 17.3
<b>What submitters said</b>	The bill should include what activities are not allowed on Town Belt eg childcare centres
<b>Officer recommendation</b>	As discussed above the modern approach is to limit the <b>purpose</b> for which powers may be exercised and the <b>process</b> that must be followed when exercising them. Any specific exclusion is best identified in the management plan not in the bill.

<b>Issue identified by submitters</b>	<b><i>Include the Botanic Garden in the Town Belt legislation</i></b>
<b>Reference</b>	Drafting Instruction 8.3
<b>What submitters said</b>	The Botanic Garden should be included in the legislation as a fundamental part of the Legal Town Belt. This would not need to affect the way it is managed.
<b>Officer recommendation</b>	Amend drafting instructions  At the moment the Botanic Garden is vested in Council pursuant to the Wellington Botanic Garden Vesting Act (WBGVA) 1891 and is managed separately from the Town Belt. The Botanic Garden is not part of the trust that was settled by the Deed in 1873.  We recommend that the drafting instructions be amended to provide a mechanism whereby any land no longer required for the Botanic Garden would become Legal Town Belt. The Botanic Garden will continue to be subject to the WBGVA.

<b>Issue identified by submitters</b>	<b><i>Canal Reserve land</i></b>
<b>Reference</b>	Drafting Instruction 8.2
<b>What submitters said</b>	One submitter said the Canal Reserve land should not be considered Legal Town Belt. It has different purposes and its management and status should reflect this.
<b>Officer recommendation</b>	No change  The original purpose of the Canal Reserve was to provide for a canal to

<sup>3</sup> 1 Reserves Act 1977, section 54(1)(d) (emphasis added).

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	<p>be built from the harbour to the Basin Reserve, which was to become an 'inner harbour'. These plans fell away following the 1855 Wairarapa earthquake. Thus, despite its name, it cannot be said that the Canal Reserve was intended as anything other than protected open space at the time it was vested as part of the Town Belt in 1873.</p> <p>There is no convincing historical or legal reason for not regarding the Canal Reserve as part of the Town Belt proper. Retaining it under the deed will continue to provide protection for this important piece of open space.</p>
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<b>Issue identified by submitters</b>	<b><i>Boundary adjustments adjacent to State Highway</i></b>
<b>Reference</b>	Drafting Instruction 9
<b>What submitters said</b>	Where boundary adjustments may impact on the State Highway, Council should seek NZTA agreement beforehand
<b>Officer recommendation</b>	<p>No change</p> <p>Officers recommend the Council and NZTA agree on the specific boundary adjustments involving State Highway with NZTA before they are included within the local Act. Thus, upon the legislation being enacted, a set of specific adjustments will occur which both Council and NZTA have already agreed.</p>

<b>Issue identified by subcommittee</b>	<b><i>Special powers regarding the Chest Hospital &amp; Zoo</i></b>
<b>Reference</b>	Drafting Instruction 7.3 and 24 Management Plan 8.7.3 Chest Hospital
<b>What submitters said</b>	<p>There needs to be more detail about what can occur in special areas. Some development may be required that is contrary to Deed.</p> <p>Specify exact area that will be the "special area"</p>
<b>Officer recommendation</b>	The leased area is confined to Lot 4, with a reservoir servicing the Hospital on Lot 3. The special area could be confined to Lot 4 in the schedule with the reservoir and associated easements legalised on enactment.