

Tabled Information - Reference 010/13PT(g)^{Sub 242}

TOWN BELT LEGISLATIVE AND POLICY REVIEW

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Submission from Victor Davie
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My comments are:

The existing deed protects the Wellington Town Belt from the very things that the City Council's proposed Management Plan and changes to legislation will do. Instead of "strengthen its governance" the proposed changes including the statutory principles if accepted shall instead jeopardise the future of the Wellington Town Belt. And shall be further jeopardised at the whim of any future Management Plan and especially the removal of the Reserves Act.

Of particular concerns are:

11.3 The term "public recreation ground" will be interpreted as applying to circumstances as they arise.

14. The Bill will include an appropriate set of statutory principles "based broadly" in sections 1 to 4 [including the 1873 deed].

17. Council will have no power to: 17.1 voluntarily sell, exchange or use as security any part of the legal Town Belt.

20.5 "Any sub-leasing, sub licensing or unpermitted use of the land must be authorised by Council".

Some of the proposed changes could allow the Council to:

- Authorise any unpermitted use of the land.
- Allow for the construction of more buildings and not necessarily for recreational activities.
- Enable commercial activities.
- Sell off land.

I would like to make an oral submission to City Councillors

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Oral Submission from Victor Davie

Wellington Town Belt draft local legislation for the proposed Bill

My comments and advice:

Legal status

11.3 *The term “public recreation ground” will be interpreted as applying to circumstances as they arise*”.

The word “recreation” according to modern dictionaries means: “activity done for enjoyment when one is not working”. Synonyms comprise: entertainment, amusement, enjoyment, diversion, distraction, fun and games, leisure [activity], pastime, relaxation, sport, play.

According to The Comprehensive English Dictionary published in 1871 by Blackie and Son, London, recreation during that era meant “refreshment of the strength and spirits after toil”. The synonyms in that same dictionary comprise: amusement, diversion, entertainment, pastime, sport. So nothing has changed in the meaning and interpretation of “recreation” even after some 142 years.

Therefore, the last sentence of 11.3: ***“In other words, how the words are interpreted will not be frozen so that they mean whatever they did when first used in 1873”***, is incorrect as nothing has changed and therefore nothing is “frozen”.

Recommendation:

That 11.3 be amended to read: The term “public recreation ground” is applicable at all times.

Principles

14. *“The bill will include an appropriate set of statutory principles based broadly on”* items 1 to 4.

It is somewhat concerning that past history and statutes are being treated only “broadly” for the proposed new Bill.

14.2 The Town Belt Guiding Principles adopted by Council in December 2011.

Surprisingly these principles have included:

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

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8. The Council will encourage and support community participation in the management of the Town Belt.

While made no doubt with good intention these arrangements could give rise to some difficulty at a future time with one party in partnership with the Council and the other, the inhabitants of Wellington just classed as a participant. The financial and power sharing of a partnership shall need to be addressed.

It's absolutely vital that the Council be solely responsible for managing the Town Belt and upholding the 1873 Deed.

Recommendation:

That the Council amend the guiding principles in order to have mana whenua and the community on an equal footing as participants in the management of the Town Belt. One great city - One great people.

The Town Belt principles should not be part of the proposed new Act unless the statement "The Principles are part of the management plan and to be reviewed from time to time.

The Council as trustees are solely responsible for the management of the Town Belt.

17. Council will have no power to: Voluntarily sell, exchange or use as security any part of the legal Town Belt.

The dictionary term for voluntarily means "of one's free will". Therefore, should the Council become under financial pressure or other duress then they could proceed to sell, exchange etc. The Town Belt is not for sale and must be kept forever.

Recommendation:

The word "voluntarily" to be deleted.

19.2 Authorises a "for profit/commercial" sub-lease - - -

The Town Belt is for free use and access by all citizens of Wellington. The existing management system allows for sports clubs to close off their allotted grounds for special events but on a limited basis. I understand that Council has to advertise such temporary closures and hopefully recovers all costs.

Recommendation:

That 19.2 specify that any such lease be temporary and must be related to recreation.

20.5 Any sub-leasing, sub-licensing or unpermitted use of the land must be authorised by Council.

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Council must not have authority to allow any unpermitted use of the land. Otherwise there would be no limit as to their discretion thus placing the Town Belt at risk.

Recommendation:

That "or unpermitted" be deleted from 20.5.

25.6 - - - *constructing any building on the Legal Town Belt.*

There are enough buildings already on the Town Belt. It is heartening to read on page 15 in the draft Town Belt Management Plan that rationalisation and sharing of sporting infrastructure and buildings will be encouraged.

Recommendation:

That no more buildings be constructed unless for replacement on an existing building site and be of low profile.

Wellington Town Belt draft Management Plan.

I have not had the time to thoroughly review the Draft Management Plan.

I understand that there are T.A.B s and pokie machines in use at some clubrooms. Many sports clubs hire out their buildings for meetings and functions. In some cases residential neighbours have their peace and enjoyment interrupted with the movement of people, party and vehicle noise etc. These venues and licences should be solely for the activities of the club. There are many alternative venues for meetings about the city and some would welcome the opportunity.

Recommendation:

Please review this issue.

MY FINAL COMMENTS

Whatever you do please ensure that without exception the new proposed Bill must uphold all principles contained in the 1873 deed. A broad approach is not enough.

It is my opinion there is no need to proceed with the bill just simply because it's wording is a little old fashioned. The 1873 deed defines the use and the management requirements in relatively simple yet specific terms including:

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“- hereafter used and appropriated as a public Recreation ground for the inhabitants of the City of Wellington in such manner as in and by rules and regulations to be from time to time made in that behalf by the Corporation –“ .

I have already pointed out that the meaning of “recreation” in the 1873 deed is precisely the same as today. Your Town Belt Management Plan [Rules and Regulations] are undertaken as required in the 1873 deed. Good work.

The wisdom of attempting to review the Management Plan and proceeding toward a new Bill at the same time is questionable. Hopefully the public are fully aware of this when making their oral submissions.

The Draft Management Plan should be put on hold until the outcome of the proposed Bill is known.

Thank you.

