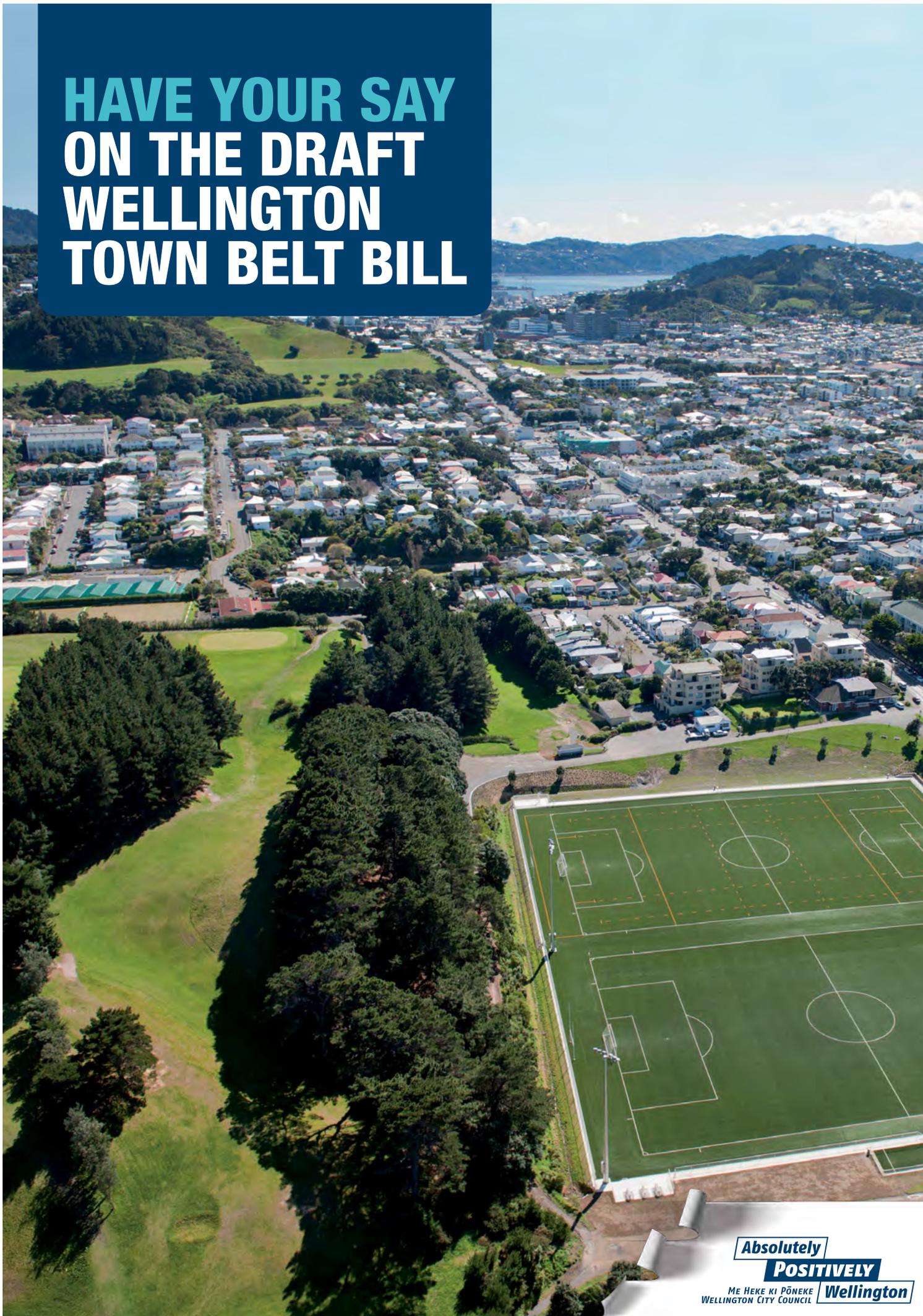


HAVE YOUR SAY ON THE DRAFT WELLINGTON TOWN BELT BILL



Absolutely

POSITIVELY

ME HEKE KI PŌNEKE
WELLINGTON CITY COUNCIL

Wellington

HAVE YOUR SAY ON THE DRAFT WELLINGTON TOWN BELT BILL

The Council is proposing to change the legal framework for the Wellington Town Belt (Town Belt). The aim is to strengthen the protection of, and modernise the governance arrangements for the Town Belt.

In 2013 the Council approved a set of drafting instructions that outlined what a Bill for a local Act of Parliament would look like and aim to achieve. The Council has now drafted the Wellington Town Belt Bill (the Bill) based on these instructions.

The Council is seeking comment on the Bill before it adopts a final version.

Local bills are promoted by local authorities and deal with matters confined to a particular area, in this case Wellington. It is proposed that Wellington Central MP Grant Robertson will be the local MP who introduces the Bill to Parliament.

The next stages are:

1. After taking into account this consultation, the Council will adopt a final version of the Bill.
2. The Bill will be introduced to Parliament.
3. The Bill will proceed through the normal Parliamentary process, which normally includes consideration by a Select Committee.
4. Provided that Parliament gives its support to the Bill, it will be enacted and become law.



Mt Victoria lookout.

WHY IS THE BILL BEING PROPOSED?

The Council is the trustee of the Town Belt under a trust that was established by the Town Belt Deed. The Deed, written in 1873, set out land that was to be held by the Council as a public reserve.

The Town Belt Deed is currently the most important document giving the Council legal authority to hold and manage the Town Belt, as well as providing the power to make rules and regulations to govern its use. Parts of the Town Belt Deed are however difficult to interpret. Adding to this complexity is the range of other statutes that apply to the Town Belt, some of which are very old.

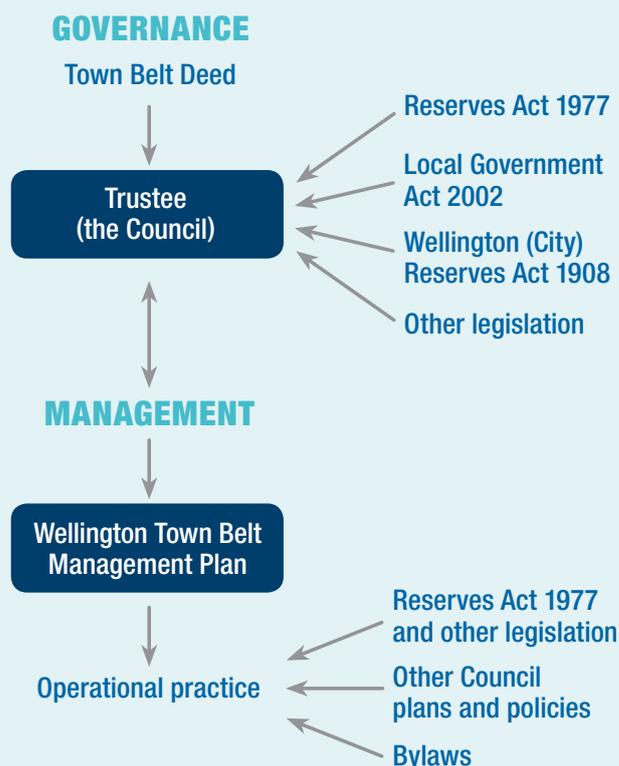
The primary purposes of the Bill are to:

- resolve the existing legal complexities;
- improve and modernise the governance arrangements for the Town Belt; and
- in conjunction with the Wellington Town Belt Management Plan, provide the public and the Council with a single and easily understood reference point for how the Town Belt will be protected and managed in the future.

WHAT IS THE CURRENT GOVERNANCE FRAMEWORK FOR THE TOWN BELT?

Council staff have reviewed the current governance framework and identified improvements that will require legislative change through the Bill.

A purpose of the Bill is to rationalise, clarify and consolidate the basis on which the Town Belt is administered by the Council, while also maintaining and reflecting the intention of the Town Belt Deed.



WHAT WILL THE GOVERNANCE FRAMEWORK BE UNDER THE BILL?

What will not change?

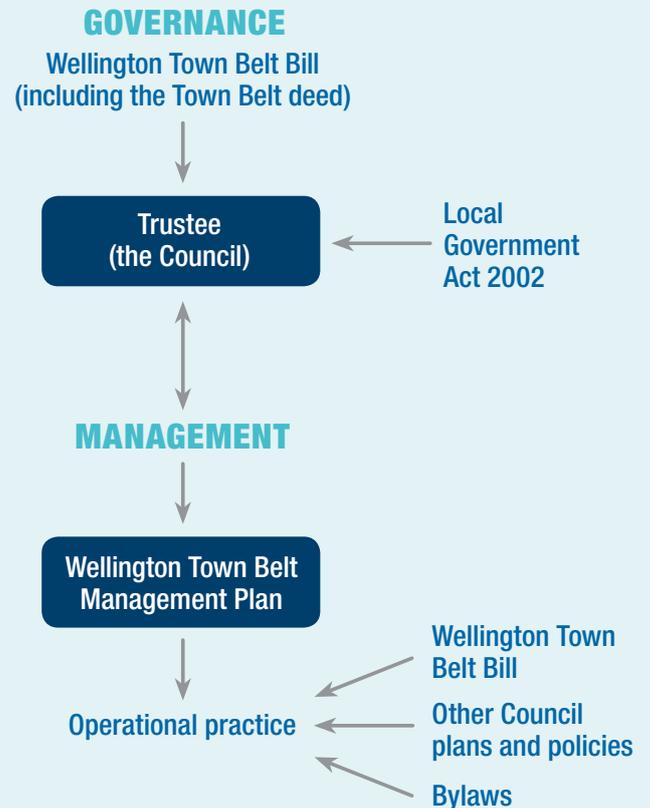
- The Council will continue to hold the Town Belt in trust under the Town Belt Deed.
- The Town Belt will continue to be managed in accordance with a management plan.

What will change?

- The Bill will remove the Town Belt from the jurisdiction of the Reserves Act 1977, meaning the Town Belt will no longer be a recreation reserve under that Act. Other existing local statutes will also be amended or repealed.
- Future management plans will be prepared under a process contained within the Bill.

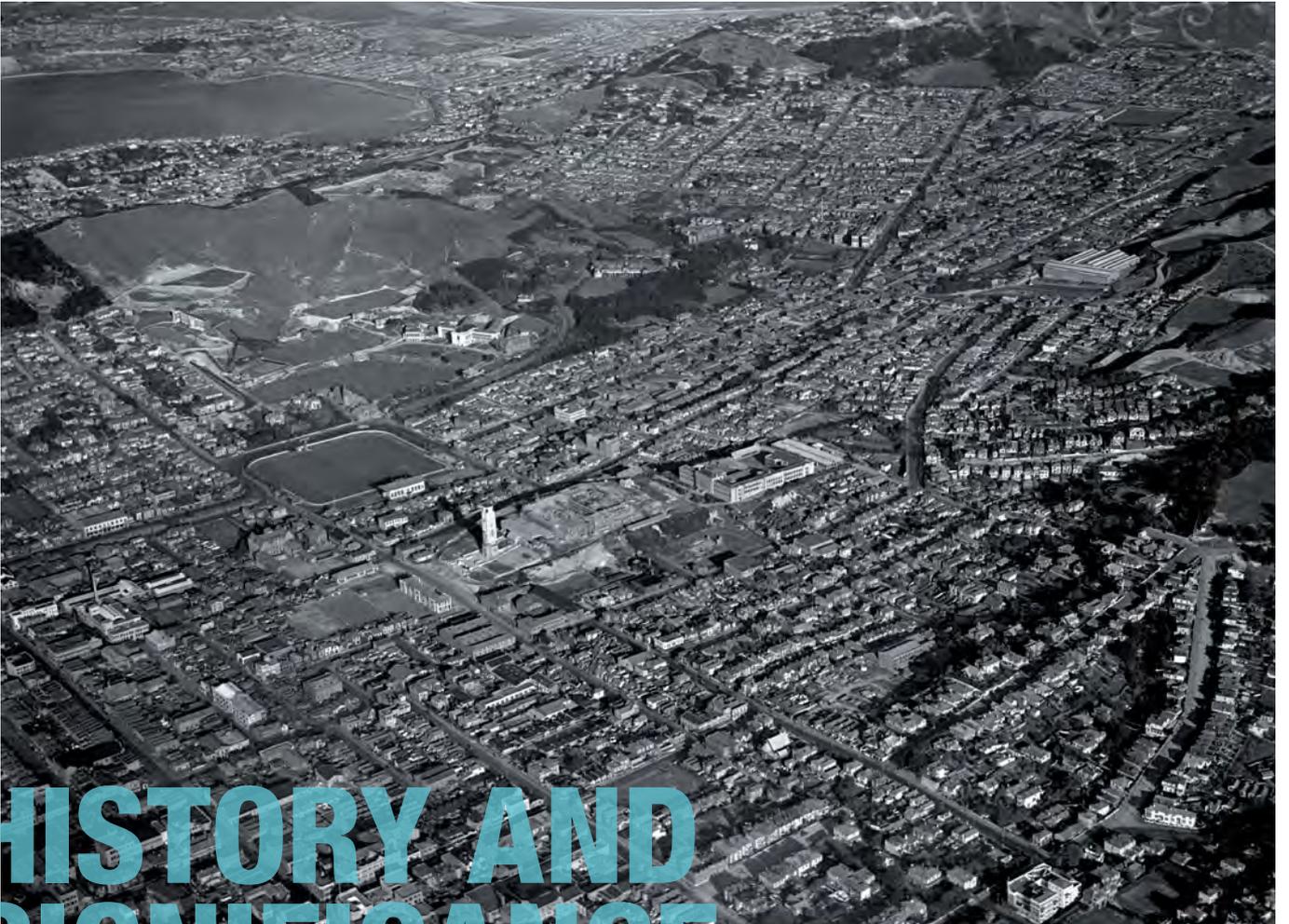
What are the key aims of the Bill?

- In conjunction with the Town Belt Deed, establish a legal framework for the Council's trusteeship and management of the Town Belt that is self-contained and easily understood.
- Be consistent with the Town Belt guiding principles adopted by the Council in December 2011.
- Recognise the history and significance of the larger area of land provided for as a public reserve around the proposed town of Port Nicholson in the New Zealand Company's plan of 14 August 1840 (the Original Town Belt).
- Provide the Council with powers to manage the Town Belt.





Mt Victoria lookout – land that was part of the Original Town Belt but is not currently Town Belt under the Deed. The Bill will enable this land to be added back into the Town Belt.



HISTORY AND SIGNIFICANCE

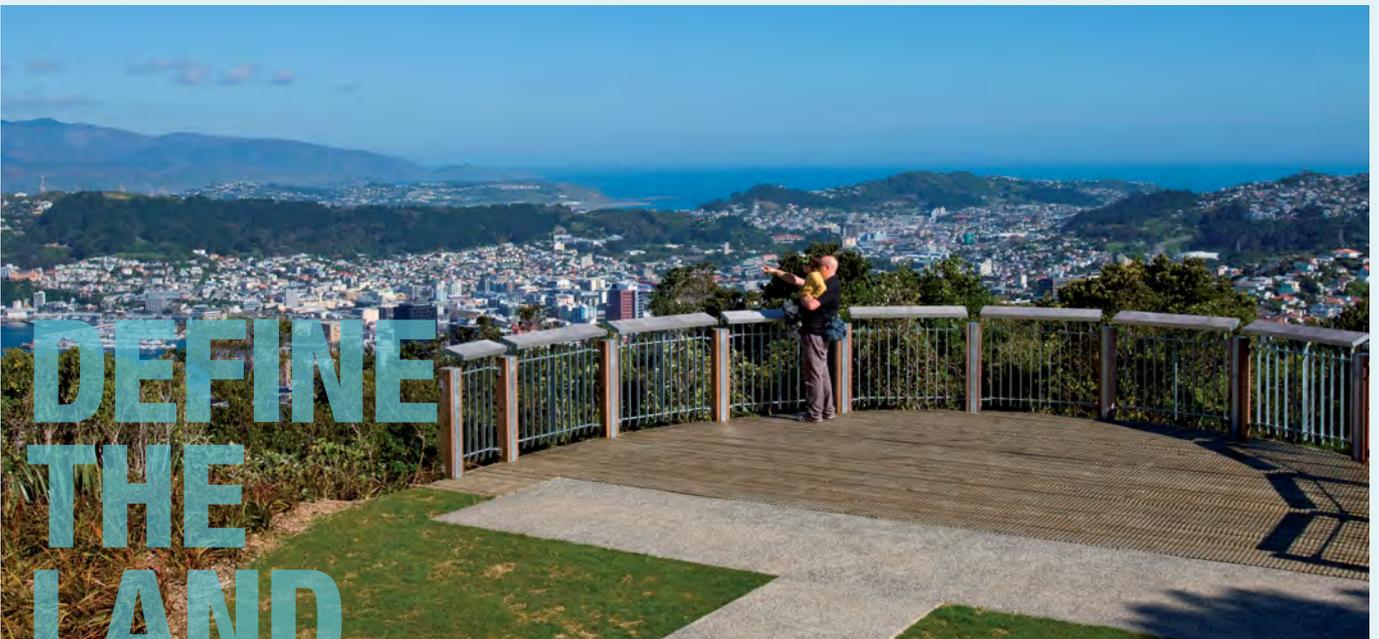
*Aerial view taken in 1934 of the large area appropriated in 1872 for educational and hospital purposes.
(Evening Post Collection, Alexander Turnbull Library, F- 122291-1/2 detail)*



Mountain biking.



Wakefield Park artificial sportsfields.



The horseshoe-shaped Town Belt seen from Te Ahumairangi Hill lookout above Thorndon.

WHAT DOES THE BILL CONTAIN?

The broad objectives and content of the Bill are as follows:

- **Preamble:** This introduces the legislation and puts it in context. The preamble summarises the history of the Original Town Belt as well as acknowledging its significance to mana whenua and other Wellingtonians.
- **Preliminary provisions:** These provisions set out the purpose of the Bill. They also define the land that is covered by the Bill. This land is shown in Figure 1. It also identifies the Wellington Zoo and Chest Hospital as distinct areas that are subject to a different management regime.
- **Status and principles:** This sets out the legal status of the Town Belt as being held in trust under the Town Belt Deed. It sets out the principles that the Council must regard when performing its role as trustee and manager of the Town Belt (developed from the principles adopted by the Council in December 2011). Lastly, it notes that the Town Belt is no longer subject to the Reserves Act 1977.
- **Adding to and removing land from the Wellington Town Belt:** This sets out the process by which the Council can add land to the Town Belt. It also sets out that land may not be removed from the Town Belt unless it is acquired under the Public Works Act 1981. The Council is unable to consent or agree to any land being removed. This means the Crown would have to take steps to compulsorily acquire any Wellington Town Belt land it needed under the provisions of the PWA. The Council would be entitled to “full compensation”.
- **Powers in respect of the Wellington Town Belt:** This part provides the Council with the powers necessary to perform its role as trustee and manager of the Town Belt. It ensures however, that there are appropriate limits around the Council’s ability to grant leases, licences and easements in regards to the Town Belt and its ability to allow for any ‘for profit’ use of the Town Belt. The Council will have no power to voluntarily sell, exchange or use as security any part of the Town Belt.
- **Management of the Wellington Town Belt:** This requires the Council to adopt a management plan for the Town Belt. The management plan in force at the time must be complied with by the Council. This part also sets the content of the management plan and the process that must be used when making it. Lastly, it sets out when the Council is required to undertake consultation in relation to the Town Belt.
- **Miscellaneous provisions:** This addresses existing rights in relation to the Town Belt and other more operational elements of the Bill becoming law. This includes listing legislation to be amended; the Wellington City Reserves Act 1871 and the Health Sector Transfer (Wellington City Council) Order 2002,) and repealed; the Wellington City Reserves Act 1872 and the Wellington (City) Town Belt Reserves Act 1908.

WHAT LAND WILL BE ADDED TO OR REMOVED FROM THE TOWN BELT?

At the time of enactment the land identified in Figure 1 will comprise the Wellington Town Belt, being:

- **389.68 hectares** already held in trust under the Town Belt Deed; and
- **130.34 hectares** of reserve land currently managed as if it were Town Belt under the Wellington Town Belt Management Plan 2013.

In addition, there are several areas where boundary adjustments are needed to recognise the situation on the ground. For example, where formed road passes over the Town Belt. These are:

Upper Weld Street: The upper part of Weld Street is located on the north-western corner of Te Ahumairangi Hill. Upper Weld Street is a formed road of which one side is an encroachment on the Town Belt. The strip of land concerned needs to be removed from the Town Belt and declared legal road. See Figure 2.

Corner of Washington Avenue and Brooklyn Road: The area involves two parcels of land at the intersection of Washington Avenue and Brooklyn Road. The sites are subject to the Town Belt Deed. It is proposed that all two sites would be removed from Town Belt and declared legal road. This would include the road frontage adjacent to 181,183,185 and 187 Brooklyn Road. See Figure 3.

Te Ahumairangi Hill in 2012.



Corner of Nairn Street and Brooklyn Road:

Two small areas on either side of the electricity substation are isolated from the Town Belt. It is proposed that the land on the corner of Nairn Street and Brooklyn Road (Pt Lot 9, DP 10508) be removed from the Town Belt and become road reserve. The land on the corner of Nairn and Thompson streets (Pt Lot 11, DP 10508) be removed from the Town Belt and sold. See Figure 3.

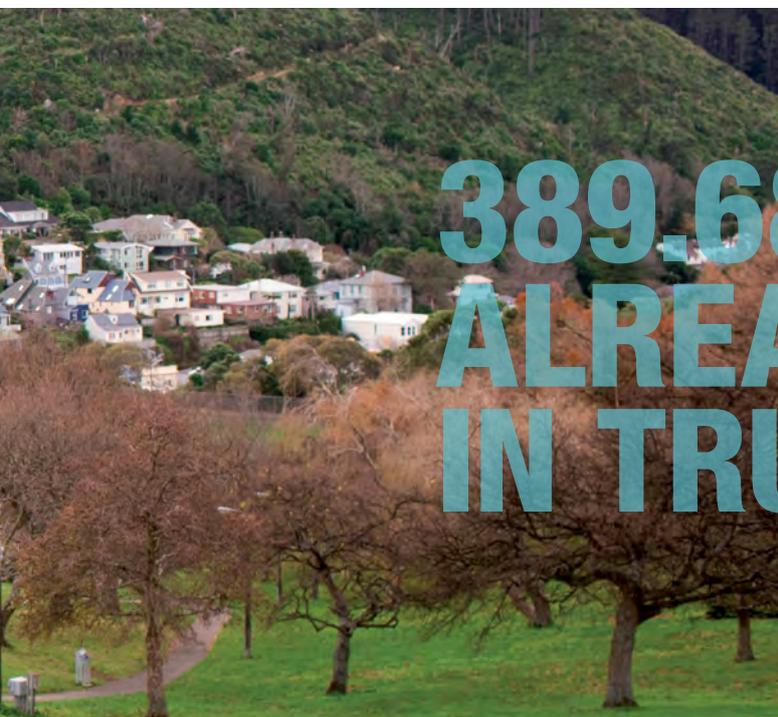
Connaught Terrace land: When Connaught Terrace was surveyed and built, a small 154 sq metre triangle of land (Lot 3 DP 10337) was isolated from the main Town Belt. It is proposed that this land is removed from Town Belt and sold. See Figure 4.

Liardet Street: The defined legal road does not follow the existing formed road in this area of Liardet Street from the intersection with Priscilla Crescent running alongside Macalister Park. The existing road will be declared legal road. Several private properties at the top end of Liardet Street (opposite Macalister Park), all have access encroachments over Town

Belt land connecting through to Liardet Street. The section between these properties and Liardet Street will be removed from Town Belt and declared local purpose reserve (road) to enable these access ways to be legalised. See Figure 5.

Mt Albert Road/Volga Street: The stretch of road from the Mt Albert Road/Lavaud Street intersection through to the Volga Street/Jackson Street does not follow the alignment of the legal road on Town Belt land. This will require several areas to be removed from Town Belt and some to be added. See Figure 6 and 7.

Mt Victoria lookout: The square-shaped land parcel surrounding the lookout was originally used as a signal station by the Harbour Board and subsequently vested in Wellington City Council for road and Pleasure Ground purposes. The Council will return the land to Town Belt and legalise the road looping the summit. This will involve declaring the formed carriageway as legal road, and removing two sections from the Town Belt. See Figure 8.



**389.68 HECTARES
ALREADY HELD
IN TRUST**

FREQUENTLY ASKED QUESTIONS

Why does the Council want to enact local legislation for the Town Belt?

At the moment the Council's obligations and powers as trustee of the Town Belt come from a range of sources, including the Town Belt Deed, the Reserves Act 1977 and a number of older statutes. The relationship between these sources can be complex and hard to understand – in some cases leading to controversy and dispute. New local legislation will simplify the basis upon which the Council holds and manages the Town Belt. This is intended to benefit all Town Belt users, the general public and the Council.

What will local legislation for the Town Belt achieve?

Once enacted, the Bill will – in conjunction with the current management plan – become a 'one-stop-shop' for understanding how the Council must manage the Town Belt, what its powers are and what can and cannot be done on the Town Belt. People will no longer need to refer to, or try to resolve the differences between, the Town Belt Deed and the range of old statutes that currently apply to the Town Belt.

What is the intended management framework for the Town Belt under the Bill?

The Town Belt will remain a trust under the Town Belt Deed with the same purpose – to be forever used as a public recreation ground for the inhabitants of the City of Wellington. The Council will then be given relatively broad powers to manage the Town Belt, provided that:

- certain limits (for example, around leasing) are complied with;
- statutory principles are taken into account; and
- the current management plan is complied with. It is intended that there will always be a management plan for the Town Belt, which will be reviewed at least once every 10 years.

Why does the Bill say that the Town Belt will no longer be a recreation reserve?

The Town Belt is currently a recreation reserve under the Reserves Act 1977. That statute applies to the extent that it is not in conflict with the Town Belt Deed. The relationship between the Reserves Act 1977, the Town Belt Deed and other statutes which apply to the Town Belt is complex.

Many of the protections provided by the Reserves Act 1977 are unnecessary because the Town Belt is already held on trust as a recreation ground. The aim of simplifying how the Town Belt is managed will require taking it outside the Reserves Act 1977 regime so that the only relevant documents become:

- those parts of the Town Belt Deed affirmed by the Bill;
- the Bill; and
- the current management plan.

In this way, the Town Belt will be protected from any uncertainties that could arise from the future amendment or repeal of the Reserves Act 1977. It is also intended that some old local statutes, which are made redundant by or would be in conflict with the Bill, are amended or repealed.

Does the Bill make it easier to add land to or remove land from the Town Belt?

The Bill will make it easier to add land to the Town Belt. Some land will be added at the time the Bill is enacted. The Bill will include a process to add further land as it is acquired or becomes available for addition to the Town Belt.

The Bill will contain a schedule for land to be removed from the Town Belt. Any removal after this time will require further legislative change or acquisition by the Crown under the Public Works Act 1981.

Does the draft Bill make it easier for the Council to lease or allow commercial uses of the Town Belt?

No. Currently the Council's powers to manage the Town Belt how it sees fit are arguably very broad. The Bill is intended to define what powers the Council does have and make them transparent. In particular, it is intended that the Council must comply with the current management plan and that the management plan be adopted following public consultation. What types of leases or commercial activities the Council is prepared to consider on the Town Belt can therefore be controlled through the management plan.

Does the Bill allow easements for private access over the Town Belt to be granted?

No. It is intended that the Council will have no power to grant easements over the Town Belt for private interests. Easements for public purposes – such as stormwater pipes – could be granted.

Public infrastructure which is already on the Town Belt (such as water reservoirs) will be deemed to be lawful and the Council will be able to register easements for existing infrastructure to protect the ability to keep using it in the future. The granting of easements will not allow land to be 'privatised' or taken out of the Town Belt. If Town Belt land is required for future infrastructure (for example by the Crown for a road), then it will need to be compulsorily acquired.

Why are we treating the Wellington Zoo and Chest Hospital differently?

The Town Belt land that comprises the Wellington Zoo is managed very differently from the rest of the Town Belt. It is intended that the Bill will recognise this and allow the Council greater and more flexible powers in relation to the Zoo. Such powers will not extend to taking the Zoo land out of the Town Belt.

Similarly the Chest Hospital is a large historic structure that may require significant investment from future tenants to upgrade and maintain. It is also likely that some future uses of the Chest Hospital may not be consistent with using the land as a 'recreation ground'. It is intended that the Bill will also accommodate these special features of the Chest Hospital.

APPENDIX 1: MAPS

FIGURE 1

Land Included in the Draft Wellington Town Belt Bill

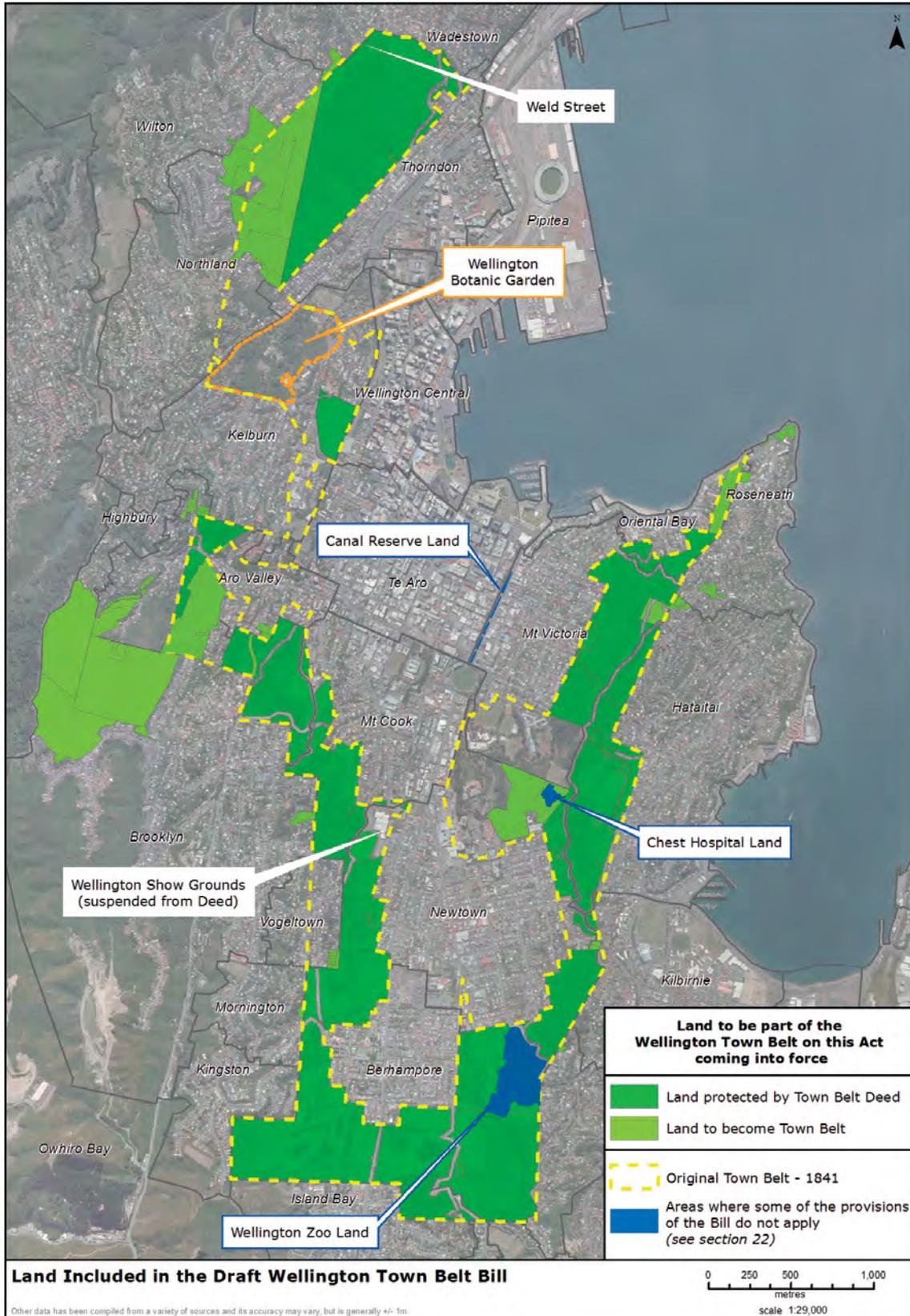


FIGURE 2

Upper Weld Street



FIGURE 3

Brooklyn Road and Nairn Street



FIGURE 4

Connaught Terrace



FIGURE 5

Liardet Street

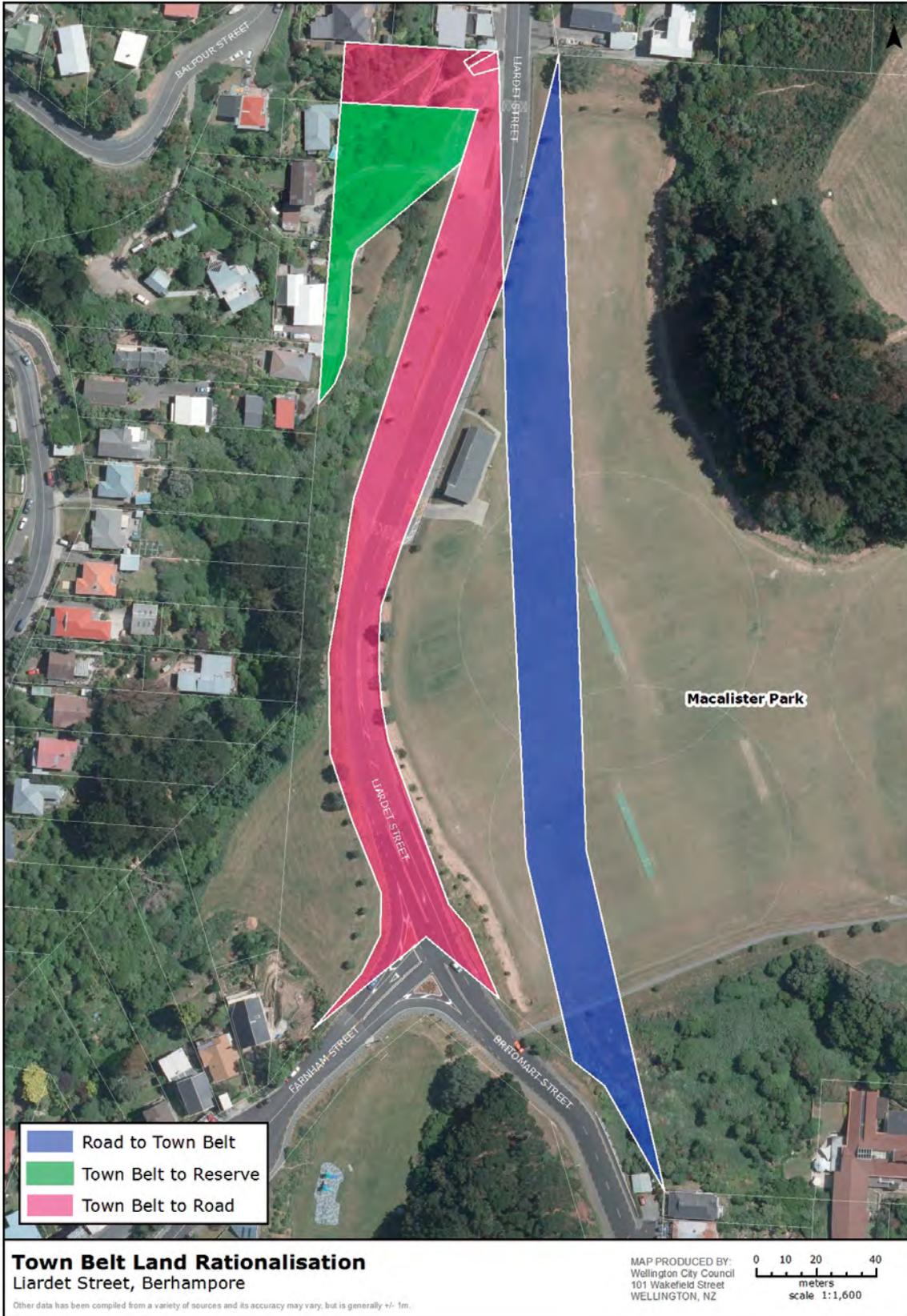


FIGURE 6

Mt Albert Road



FIGURE 7

Volga Street



FIGURE 8

Lookout Road, Mount Victoria



APPENDIX 2: WELLINGTON TOWN BELT BILL

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Grant Robertson

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PREAMBLE

(1) Whakatauki–

“Tumutumu parea, rākau parea, whānui te ara ki a Tāne”

“Ward off post and weapon, so that the expansive path of mankind is opened up”

This was uttered by Te Wharepouri Te Kakapi-o-te-Rangi during the arrival of the colonial ships within the Wellington Harbour, and upon the Petone foreshore during the 1830s. Te Wharepouri, upon building relationships with the colonial settlers, saw the benefits of building positive relationships and working together towards common goals and initiatives. Hence, the focus of this proverb is about the journey of life, overcoming obstacles and issues, and focusing on the main tasks at hand.

(2) The New Zealand Company was a private land settlement company formed in London during May 1839, which planned to establish a settlement at Wellington harbour. The Company’s representatives arrived at Wellington harbour in September 1839.

(3) At the time of the New Zealand Company’s arrival, the iwi groups with take raupatu over all the lands within the Wellington harbour and its environs were Te Ātiawa, Ngāti Ruanui, Taranaki, Ngāti Tama (together, Taranaki Whānui ki Te Upoko o Te Ika) and Ngāti Toa Rangatira. These iwi each had their own ahi kā over particular areas as follows:

- (a) Te Ātiawa at Te Whanganui ā Tara and parts of the south-west coast;
- (b) Taranaki and Ngāti Ruanui at Te Aro;
- (c) Ngāti Tama at Kaiwharawhara and environs, and parts of the south-west coast; and
- (d) Ngāti Toa Rangatira at parts of the south-west coast.

- (4) The New Zealand Company’s initial settlement plan provided for the original Town Belt, being public reserves of 1,562 acres around the proposed town of Port Nicholson (now Wellington City), that would separate it from the Company’s rural district. The instructions from the Company’s secretary, John Ward, to its surveyor, William Mein Smith, included that this land be “public property on condition that no buildings be ever erected upon it”.
- (5) On 16 October 1841, the Governor of New Zealand notified that the reserves provided for in the Company’s plans were “reserved by the Crown for Public Purposes”. This was done without consulting or providing compensation at the time to the relevant iwi groups.
- (6) On 3 June 1861, the Crown conveyed some of the original Town Belt to the Superintendent of the Province of Wellington, “in trust for the purposes of Public Utility to the Town of Wellington and its inhabitants”.

- (7) The Wellington City Reserves Act 1871 instructed the Superintendent to convey some of the original Town Belt to Council's predecessor upon trust for "purposes of public utility to the City of Wellington and its inhabitants". The Superintendent carried out this instruction in 1873 by executing the Town Belt Deed, which conveyed certain land on trust to the Council's predecessor. While the land known as the "Basin Reserve" was conveyed to the Council's predecessor by the Town Belt Deed, the Basin Reserve was subsequently resettled on Council by deed dated 17 October 1884 and the Town Belt Deed has no further application to the Basin Reserve.
- (8) The report of the Waitangi Tribunal Te Whanganui ā Tara me ōna Takiwā: Report on the Wellington District (Wai 145, 2003) concluded that breaches of the Treaty of Waitangi by the Crown had occurred, including in relation to the Crown's acquisition of lands within the Wellington harbour and its environs. For the Wellington District, the historical claims of Taranaki Whānui ki Te Upoko o Te Ika were settled on 19 August 2008, and the historical claims of Ngati Toa Rangatira were settled on 7 December 2012.
- (9) As well as the significance of some of the land to mana whenua, the concept of the original Town Belt and having open green space around the central city is important to the people of Wellington generally. Over time, many Wellingtonians and community groups have cared for the Wellington Town Belt, opposed the removal of land from the Wellington Town Belt and worked to recover parts of the original Town Belt not vested in the Council.
- (10) There is some uncertainty about the legal status of the Wellington Town Belt, the extent to which the Wellington Town Belt is protected for future generations, and the Council's powers to protect, manage and enhance the Wellington Town Belt. This Act will provide certainty by:
- (a) providing a transparent statutory basis for the Council's trusteeship and management of the Wellington Town Belt;
 - (b) being the principal source of the Council's powers for protecting, managing and enhancing the Wellington Town Belt; and
 - (c) being a mechanism for land to become part of the Wellington Town Belt.

THE BILL

The Parliament of New Zealand therefore enacts as follows:

1 Title

This Act is the Wellington Town Belt Act 2014.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

Preliminary provisions

3 Purpose

The purpose of this Act is to –

- (a) provide a transparent statutory basis for the Council's trusteeship and management of the Wellington Town Belt;
- (b) recognise the history of the original Town Belt and its significance to mana whenua and the people of Wellington generally; and
- (c) provide the Council with responsibilities and powers to protect, manage and enhance the Wellington Town Belt.

4 Interpretation

In this Act, unless the context otherwise requires, –

Chest Hospital means the land described in Schedule 4

Council means the Wellington City Council

Exhibition Site means the land described in Schedule 5

original Town Belt means the land provided for as a public reserve around the proposed town of Port Nicholson in the New Zealand Company's plan of 14 August 1840

publicly available means, in relation to making a document or other information publicly available, taking reasonable steps to –

- (a) ensure that the document or other information or a copy of the document or other information is accessible to the general public; and
- (b) publicise both the fact that the document or other information is available and the manner in which copies of the document or other information may be obtained

registered interest means any registered estate or interest in land under the Land Transfer Act 1952; and includes any mortgage or charge registered under that Act

Town Belt Deed means the deed, which is set out in Schedule 1 for ease of reference, entered into between the Superintendent of the Province of Wellington and the Mayor, Councillors and Citizens of the City of Wellington dated 20 March 1873

Wellington Botanic Garden means the land described in Schedule 6

Wellington Zoo means the land described in Schedule 7.

5 Meaning of Wellington Town Belt

In this Act, unless the context otherwise requires, Wellington Town Belt –

- (a) means –
 - (i) the land described in Schedules 2, 4 and 7; and
 - (ii) land referred to in section 6(2); and
 - (iii) land referred to in section 7(2); and
 - (iv) land included under section 12; but

- (b) does not include –
 - (i) land referred to in section 6(1); and
 - (ii) land referred to in section 7(1); and
 - (iii) land referred to in section 14(3)(a).

6 Exhibition Site

- (1) Any part of the Exhibition Site that is subject to a lease granted under the Wellington City Exhibition Grounds Act 1959 is to be treated as not being part of the Wellington Town Belt.
- (2) Any part of the Exhibition Site that ceases to be subject to a lease under that Act –
 - (a) forms part of the Wellington Town Belt; and
 - (b) ceases to be subject to the Wellington City Exhibition Grounds Act 1959.

7 Wellington Botanic Garden

- (1) Any land that is subject to the Wellington Botanic Garden Vesting Act 1891 is to be treated as not being part of the Wellington Town Belt.
- (2) Any land that ceases to be subject to the Wellington Botanic Garden Vesting Act 1891 forms part of the Wellington Town Belt.

Status and principles

8 Name

The land comprising the Wellington Town Belt is to be called the “Wellington Town Belt”.

9 Legal status

- (1) The Council holds the Wellington Town Belt as trustee of the trust created by the Town Belt Deed.
- (2) When this Act comes into force, the only term

of the trust in subsection (1) will be to forever hereafter use and appropriate the Wellington Town Belt as a public recreation ground for the inhabitants of the City of Wellington.

- (3) In subsection (2) and for the purpose of the trust in subsection (1), public recreation ground means an area provided for –
 - (a) recreation, sporting activities, and the enjoyment of the public, with an emphasis on outdoor activities; and
 - (b) the protection of the natural environment.

10 Principles

- (1) In performing its role under this Act as trustee and manager of the Wellington Town Belt, the Council must have particular regard to the following principles:
 - (a) the Wellington Town Belt should be protected and enhanced for future generations;
 - (b) the Wellington Town Belt should be managed in partnership with mana whenua;
 - (c) the landscape character of the Wellington Town Belt should be protected and enhanced;
 - (d) the Wellington Town Belt should support healthy populations of indigenous biodiversity;
 - (e) the Wellington Town Belt should be accessible and for all to enjoy;
 - (f) the Wellington Town Belt should be used for a wide range of recreation activities;
 - (g) community participation in the management of the Wellington Town Belt should be encouraged and supported;
 - (h) historical and cultural links to the Wellington Town Belt, including the concept of the original Town Belt, should be acknowledged.

- (2) The principles in subsection (1) must be considered together and no principle takes precedence over any other.

11 Wellington Town Belt not subject to the Reserves Act 1977

The Wellington Town Belt is not a reserve or public reserve under the Reserves Act 1977.

Adding to and removing from the Wellington Town Belt

12 Adding land to the Wellington Town Belt

- (1) The Council may pass a resolution that land vested in it is to form part of the Wellington Town Belt.
- (2) The Council may not pass a resolution under subsection (1) unless it has consulted the public about the proposal using the special consultative procedure in section 83 of the Local Government Act 2002.
- (3) The Council must, within 30 days after passing a resolution under subsection (1), publish a notice of the resolution in the Gazette that describes and defines the affected land.
- (4) On and from a notice under subsection (3) being gazetted, the affected land forms part of the Wellington Town Belt.
- (5) The Council may forward any notice published under subsection (3) to the Registrar-General of Land who must then, without payment of any fee, record a copy of the resolution and register it against the appropriate title (if any).
- (6) The Council may not delegate the power in subsection (1).

13 No removal of land from the Wellington Town Belt

Subject to sections 14 and 15, no land can be removed from the Wellington Town Belt.

14 Application of the Public Works Act 1981

- (1) The Wellington Town Belt is subject to the Public Works Act 1981.
- (2) However, sections 40 to 42 of the Public Works Act 1981 do not apply to the addition of land to the Wellington Town Belt under section 12.
- (3) Where, pursuant to the Public Works Act 1981, any land ceases to be held by the Council
 - (a) the land ceases to be part of the Wellington Town Belt and is no longer subject to this Act or the Town Belt Deed; and
 - (b) the Council must seek appropriate compensation.
- (4) The Council must not consent or agree to any land being removed from the Wellington Town Belt under the Public Works Act 1981.

15 Land not to be part of the Wellington Town Belt

On and from the commencement of this Act, the land described in Schedule 3 ceases to be subject to –

- (a) the Town Belt Deed; and
- (b) the Reserves Act 1977.

Powers in respect of the Wellington Town Belt

16 Powers of the Council

- (1) For the purposes of performing its role of trustee and manager of the Wellington Town Belt, the Council has –
 - (a) full capacity to carry on or undertake any activity or business, do any act, or enter into any transaction; and
 - (b) for the purposes of paragraph (a), full rights, powers, and privileges.
- (2) Subsection (1) is subject to any other enactment, the general law, and this Act.
- (3) Without limiting subsection (1), the Council has the power to –
 - (a) undertake any work on the Wellington Town Belt that the Council considers desirable, including the construction, repair, demolition or maintenance of any building or fixture; and
 - (b) restrict public access to the Wellington Town Belt to enable work to be carried out safely or to facilitate temporary activities; and
 - (c) manage and regulate use of the Wellington Town Belt by making bylaws under the Local Government Act 2002 and setting conditions and rules in a management plan under section 20.

17 Restrictions on the Council's powers

Despite section 16, the Council has no power to –

- (a) sell, exchange, or use as security any part of the Wellington Town Belt; or
- (b) grant leases, licences, easements, or rights of way other than in accordance with this Act; or

- (c) allow any for-profit use of the Wellington Town Belt unless that use is –
 - (i) considered by the Council to enhance the amenity value of, or the experience of the public using, the Wellington Town Belt; or
 - (ii) for the convenience of persons using the Wellington Town Belt; or
 - (iii) temporary and will have an immaterial effect on the Wellington Town Belt.

18 Leasing and licensing

- (1) The Council may grant a lease or licence over any part of the Wellington Town Belt to any person.
- (2) At any point in time, no more than eight hectares in total (excluding the Chest Hospital and Wellington Zoo) of the Wellington Town Belt may be subject to lease.
- (3) Any lease or licence granted under subsection (1) must –
 - (a) not be for a term of more than 20 years, including any rights of renewal; and
 - (b) specify how the lessee or licensee is permitted to use the land; and
 - (c) not allow for any sub-lease, sub-licence, or unpermitted use of the land without the prior consent of the Council.
- (4) Any lease or licence granted under subsection (1) may authorise –
 - (a) the lessee or licensee to restrict access to facilities and charge for admission or membership; and
 - (b) the construction, repair, demolition, and maintenance of any building.

19 Easements and rights of way

- (1) The Council may grant easements and rights of way over the Wellington Town Belt for any public purpose.
- (2) Before granting any easement or right of way under subsection (1), the Council must consider –
 - (a) the impact that the proposed easement or right of way will have on the Wellington Town Belt; and
 - (b) what alternatives there are to granting the proposed easement or right of way.

Management of the Wellington Town Belt

20 Management plan

- (1) The Council must adopt a management plan for the Wellington Town Belt.
- (2) The management plan must not contain anything inconsistent with this Act.
- (3) The Council must review the management plan at intervals of not less than 10 years and, as appropriate –
 - (a) replace it; or
 - (b) amend it.
- (4) In performing its functions and exercising its powers in respect of the Wellington Town Belt, the Council must comply with the management plan.
- (5) The management plan may set out conditions and rules regulating use of the Wellington Town Belt.

- (6) Any new management plan must be prepared in draft, and the Council must –
 - (a) make the draft publicly available for inspection;
 - (b) invite the public to make submissions on the draft;
 - (c) give every submitter who asks to be heard a reasonable opportunity to appear in support of the submitter's submission; and
 - (d) take all submissions made on the draft into account.
- (7) The Council may, without complying with subsection (6), amend the management plan, if it passes a resolution that –
 - (a) such changes are minor or technical in nature; and
 - (b) compliance with subsection (6) is unnecessary.
- (8) The Council may not delegate the powers in subsections (1) and (7).

21 Consultation

- (1) This section applies to the exercise of the Council's powers to –
 - (a) grant any lease or licence under section 18; or
 - (b) grant any easement or right of way under section 19; or
 - (c) consent to any sub-lease or sub-licence for for-profit use of the Wellington Town Belt; or
 - (d) construct, or authorise the construction of, any building on the Wellington Town Belt.

- (2) Before exercising a power in subsection (1), the Council must consider the views of persons likely to be affected by, or to have an interest in, the proposed exercise of the power, including by –
- (a) making information on the proposed exercise of the power publicly available and inviting submissions on it; and
 - (b) taking all submissions made on the proposed exercise of the power into account.

Chest Hospital and Wellington Zoo

22 Application to the Chest Hospital and Wellington Zoo

Sections 17(b) and (c), 18(2) and (3), and 20 do not apply to the Chest Hospital and Wellington Zoo.

Miscellaneous provisions

23 Existing rights not affected

- (1) This Act does not affect any of the following in existence at the commencement of this Act:
- (a) any registered interest in the Wellington Town Belt; or
 - (b) any interest in land which comprises part of the original Town Belt, but is not part of the Wellington Town Belt; or
 - (c) any lease or licence existing when this Act comes into force.
- (2) Any public utility on the Wellington Town Belt that is owned by the Council at the commencement of this Act –

- (a) is lawful; and
- (b) may be the subject of an easement in favour of any party entitled to use the utility, and the Council is empowered to register the easement against the computer register for the relevant part of the Wellington Town Belt.

24 Transitional provisions

- (1) The Council's Wellington Town Belt Management Plan (June 2013) is to be treated as the management plan under this Act until it is replaced by the Council adopting a new management plan under section 20.
- (2) As soon as practicable after the commencement of this Act, the Council may, without complying with section 20(6), make changes to the Wellington Town Belt Management Plan (June 2013) that are consequential on the commencement of this Act.

25 Consequential amendments

Amend the Acts specified in Schedule 8 as set out in that schedule.

26 Repeals

The Acts specified in Schedule 9 are repealed.

SCHEDULE 1

TOWN BELT DEED

Dated 20th March 1873

The Superintendent of the Province of Wellington
to

The Corporation of the City of Wellington

Town Belt and Basin Reserve Wellington

C of W No. 1

CONVEYANCE

under the Wellington City Reserves Act

Corpn. Book Fol. 1

THIS DEED

made the twentieth day of March One thousand eight
hundred and seventy three

BETWEEN

THE HONOURABLE WILLIAM FITZHERBERT

Superintendent of the Province of Wellington in the
Colony of New Zealand

of the one part and

**THE MAYOR COUNCILLORS and CITIZENS OF THE
CITY OF WELLINGTON**

(who with their Successors are hereinafter termed
“the Corporation”)

of the other part

WITNESSETH

that in pursuance and by virtue and in exercise and
execution of the powers and authorities given to and
vested in him the said William Fitzherbert as such
Superintendent as aforesaid under and by virtue of
“The Wellington City Reserves Act 1871” and of all
other powers and authorities in anywise enabling
him in that behalf **HE THE SAID** William Fitzherbert
as such Superintendent as aforesaid **DOETH** hereby

convey and assure unto the Corporation **ALL AND SINGULAR** the lands and hereditaments comprised and described in the first Schedule hereunder written and delineated upon the plan numbered 1 drawn upon these presents and therein colored red **WITH** all the rights and appurtenances to the same **TO HOLD** the same unto the Corporation **UPON AND FOR** the trusts and purposes and with under and subject to the powers provisoes conditions declarations and agreements hereinafter declared expressed and contained of and concerning the same (that is to say) **UPON TRUST** as to such parts of the said lands hereby conveyed or expressed and intended so to be as are comprised and colored purple in the second plan hereunto annexed **AND** as to such parts of the said lands as are comprised and colored Blue in the third plan hereunto annexed and known as the Canal Reserve (subject as to the lands comprised and colored purple in the said second plan to the power of leasing hereinafter contained) to be for ever 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 shall be prescribed and directed **AND UPON TRUST** as to such parts of the said lands as are comprised and colored green in the said third plan hereunto annexed and known as the Basin Reserve by any deed or deeds to convey the same to a body of not less than three Trustees to be from time to time appointed by the Corporation **UPON SUCH TRUSTS** and for such purposes of public utility to the City of Wellington and the inhabitants thereof as shall in and by such deed or deeds of conveyance be expressed and declared but without any power for the said trustees to alienate or dispose of the same **AND** so that no thoroughfare shall at any time be created

across the said lands or any part thereof **AND IT IS HEREBY DECLARED** that it shall be lawful for the Corporation to demise or lease all or any part or parts of the lands hereby conveyed or intended so to be which are comprised and described in the second schedule hereunder written and delineated upon the plan numbered 2 drawn upon these presents and therein colored purple for any term or number of years absolute not exceeding Forty two years to take effect in possession and not in reversion or by way of future interest so that there be reserved in every such demise or lease the best and most improved rent to be payable during the continuance of the term thereby granted which may be reasonably had or gotten for the same without taking any fine premium foregift for the making thereof and so that there be contained in every such demise or lease a clause in the nature of a condition for re-entry or non-payment of the rent therein reserved for the space of twenty one days and so as the lessee or lessees do execute a counterpart thereof respectively and do covenant for the due payment of the rent thereby reserved and are not exempted from punishment for committing waste **AND IT IS HEREBY ALSO DECLARED** that the Corporation shall stand possessed of all the rents issues and profits arising or to arise from the lands comprised and described in the second Schedule to these presents **UPON TRUST** to apply or appropriate the same in manner described in and by “The Wellington City Reserves Act 1871” and “The Wellington City Reserves Act 1872” respectively **IN WITNESS** whereof the said William Fitzherbert as such superintendent as aforesaid hath hereunto subscribed his name and affixed his seal the day and year first above written.

SCHEDULE 1

FIRSTLY ALL THOSE several pieces or parcels of land adjoining the City of Wellington containing by admeasurement One thousand and sixty one acres one rood and two perches more or less and forming part and parcel of the lands commonly called or known by the name of the Town Belt described in the first part of the first schedule to “The Wellington City Reserves Act 1871” **SECONDLY ALL THAT** piece or parcel of land situate in the City of Wellington aforesaid and containing by admeasurement Nine acres and three roods more or less and commonly called or known by the name of the Basin Reserve **BOUNDED** on all sides by Sussex Square and **THIRDLY ALL THAT** piece or parcel of land situated in the City of Wellington aforesaid and containing by admeasurement Five acres and one rood more or less and commonly called or known by the name of the Canal Reserve AS all and singular the said lands are delineated in the plan numbered 1 on this skin and thereon colored Red.

SCHEDULE 2

ALL THOSE several pieces or parcels of land situated in the city of Wellington containing by admeasurement One thousand and sixty one acres one rood and two perches more or less and forming part and parcel of the lands commonly called or known by the name of the Town Belt described in the first part of the first schedule to “The Wellington City Reserves Act 1871” AS the same pieces or parcels of land are severally delineated on the plan numbered 2 on this skin and thereon colored purple.

SCHEDULE 3

ALL THAT piece or parcel of land situated in the City of Wellington and containing by admeasurement Nine Acres and three Roods more or less and commonly called or known by the name of the Basin Reserve **BOUNDED** on all sides by Sussex Square AS the same is delineated on the Plan numbered 3 on this skin and thereon colored Green.

SIGNED SEALED AND DELIVERED

By the Honourable William Fitzherbert
Superintendent of the Province of Wellington

in the presence of us

(the words “and commonly called or known by the name of the basin reserve” between the sixth and seventh line of the first schedule having been previously interlined)

C.B. BORLASE

Provl. Solr.

Wellington

Wm. Jones

Clerk to Superintendent

William **SEAL** Fitzherbert

SCHEDULE 2

LAND TO BE PART OF THE WELLINGTON TOWN BELT ON THIS ACT COMING INTO FORCE

Area	Description	Certificate of title
6.5595ha	Part Lot 1 DP 10507	CT 427/150
38.9220ha	Part of the land DP 8835	CT 52B/855
0.0033ha	Lot 1 DP 84926	CT 52B/853
0.0018ha	Lot 2 DP 84926	CT 52B/854
0.1075ha	Lot 1 DP 32684	CT 10A/991
0.6032ha	Lot 2 DP 32684	CT 10A/992
0.0670ha	Lot 3 DP 32684	CT 10A/993
0.0278ha	Lot 1 DP 33290	CT 10A/1025
35.7020ha	Parts Lot 1 DP 8519 and Parts College Reserve	CT 48B/341
0.0374ha	Lot 1 DP 81724	CT 48B/336
0.0511ha	Lot 2 DP 81724	CT 48B/337
0.0596ha	Lot 3 DP 81724	CT 48B/338
0.2515ha	Lot 4 DP 81724	CT 48B/339
0.0579ha	Lot 5 DP 81724	CT 48B/340
0.0407ha	Part College Site Reserve	CT 19A/370
0.0584ha	Lot 1 DP 34625	CT 12C/1223
0.0662ha	Lot 1 DP 34024	CT 15A/1225
0.0928ha	Lot 1 DP 33006	CT 9C/1229
0.0607ha	Lot 1 DP 33683	CT 20B/500
0.0803ha	Lot 1 DP 47203	CT 18D/1360
0.2588ha	Part Lot 1 DP 34279	CT 18D/1361
0.1629ha	Lot 1 DP 46505	CT 18C/585
0.0028ha	Lot 1 DP 80431	CT 47A/502
0.0050ha	Lot 1 DP 80751	CT 47B/500
0.0088ha	Lot 2 DP 80751	CT 47B/501
15.7634ha	Part Lot 1 DP 8914	CT 12D/1441
24.1836ha	Part Lot 1 DP 8754	CT 47B/502
0.2201ha	Lot 1 DP 45564	CT 19B/858
0.1866ha	Lot 2 DP 45564	CT 19B/859
0.1365ha	Lot 3 DP 45564	CT 19B/860

Area	Description	Certificate of title
57.1086ha	Part of the land in DP 10181	CT 19B/861
45.3454ha	Part Lot 1 DP 10322	CT 47B/388
0.0027ha	Lot 1 DP 80711	CT 47B/387
0.0347ha	Part Town Belt (SO 18506)	Deeds Index 1/4a
0.0260ha	Lot 1 DP 34790	CT 11B/1136
30.1695ha	Part Lots 1 - 2 DP 10397 & Lot 1 DP 42773	CT46D/915
0.0042ha	Lot 2 DP 80169	CT 46D/914
0.0026ha	Lot 1 DP 80169	CT 46D/913
0.0948ha	Lot 1 DP 80322	CT 47A/234
0.0060ha	Lot 2 DP 80322	CT 47A/235
22.2125ha	Lots 1, 3, 5, 6 & Part Lots 2 and 7 DP 10337 and Lot 1 DP 31911	CT 46D/917
5.2230ha	Lot 4 DP 10337	CT 46D/917
0.0079ha	Lot 1 DP 80170	CT 46D/916
0.0102ha	Lot 11 DP 8655	CT 385/90
0.0032ha	Lot 1 DP 80376	CT 47A/347
25.0141ha	Lots 3, 5, 6, 7 & 8 and Part Lots 1,2,4,9 & 11 DP 10508	CT 12D/1438
7.1139ha	Lots 1, 2 & 3 DP10541	CT 469/200
0.0234ha	Part Section 435 Town of Wellington (SO 19119)	CT 46C/419
6.4657ha	Lot 1 DP 10086	CT 19A/369
70.0072ha	Lots 1, 3 and 6 DP 5461 & Part Lot 1 DP 8709	CT 12D/1439
0.0727ha	Lot 2 DP 46132	CT 17B/358
0.0043ha	Lot 1 DP 81126	CT 47C/457
0.0541ha	Part Lot 1 DP 46132	CT 47C/458
6.4719ha	Pt Sections 13 & 14 Orangi Kaupapa Blk, & Pt Lot 4 DP 706 & Lot 2 DP 51241	CT 21C/945
0.0506ha	Lot 16 DP 2011	Part of CT D1/609
0.0986ha	Lot 60 DP 34918	CT 11C/754
1.1558ha	Lot 73 DP 33790	CT 451/173 & CT 437/213

Area	Description	Certificate of title
3.3061ha	Lot 1 DP 51766	CT 21A/468
0.1362ha	Lots 18 & 19 DP 27337	CT E2/191
2.8ha	Pt Section 30 Karori Area	CT 437/213
18.6364ha	Section 2 SO Plan 38299	CT 58B/128
4.7345ha	Section 2 SO Plan 452140	590650
0.929ha	Part Lot 11 DP 32496	CT 10C/1492
0.0354ha	Lot 24 DP 1453	CT 162/266
0.0111ha	Lot 3 DP 33855	CT12D/1439
0.0605ha	NZ Gazette 1928/700	
33.9405ha	Section 30 Ohiro District and Section 1153 Town of Wellington	CT676/81
0.4075ha	Part Subdivision 3 Block XVA Polhill Gully Native Reserve	CT362/202
0.1406 ha	Lots 1 & 2 DP 2322	CT 420/183
0.4027 ha	Lots 12, 13, 14 and 15 DP 995	CT 425/168
15.0027ha	Pt Sec 1 Upper Kaiwharawhara District, defined on Application Plan 844	CT 6D/671
0.0296ha	Pt Sec 1 Upper Kaiwharawhara District	CT 20A/507
0.0631ha	Lot 8 DP 313319	CT 52420
0.7599ha	Pt Sec 10 Owhiro District	Pt CT 568/165 Cancelled
2.2224ha	Pt Sec 10 Owhiro District	CT 568/231
0.2188ha	Lot 13-17 Application Plan 1524	CT 388/156
0.0938ha	Lot 20-22 Application Plan 1524	CT 23A/607
0.2023ha	Pt Sec 11 Ohiro District	CT 81/265
0.0921ha	Lot 18-19 DP 124	CT 345/47
0.6118ha	Sec 28 Owhiro District	WN593/206
0.3828ha	Lot 44 DP 66894	WN 36B/370

Area	Description	Certificate of title
13.4047ha	Pt Lot 1 DP 66893	CT47A/439
0.1456ha	Lot 2 DP 66893	CT 36B/369
0.0850ha	Lot 18-19 DP 1402	CT E2/465
0.2786ha	Lot 2-8 DP 1402	CT 501/195
0.0779ha	Lot 1 DP 995	CT 835/93
0.1477ha	Lot 2-3 Block IX DP 995	CT 849/7
0.0717ha	Pt Lot 6 Block IX DP 995	CT 834/34
0.1044ha	Pt Sec 10 Owhiro District also known as Pt Lots 102–105 DP 114	CT 863/42
0.0692ha	Pt Lot 4 Block IX DP 995	CT 539/83 Cancelled
0.0665ha	Pt Lot 5 Block IX DP 995	CT 555/253
0.1937ha	Lot 4-8 DP 22555	CT 934/78
0.4982ha	Part lot 1 DP 10508	CT 608/49
0.4071ha	Section 34 Town of Wellington	CT 75/271
0.2522ha	Section 36 Town of Wellington	CT 125/25
0.8479ha	Lot 3 DP 78149	CT 44D/514
0.2727ha	Lots 445, 446 & 447, DP 9808	CT 559/64
0.0918ha	Lot 448, DP 9808	CT 549/96
0.1999ha	Lots 449 & 450, DP 9808	CT 489/262
0.1678ha	Closed Street as shown on SO Plan 23070	CT 624/38
0.2109ha	Section 1 SO Plan 22375	CT 597/102
0.1617ha	Lot 2 DP 80801	CT 47B/602
0.2995ha	Lots 35 and 36 DP 17934	CT 42D/764
2.3028ha	Lot 3 DP 316137	CT 63102
0.8973ha	Lot 4 DP 316137	CT 63103
0.3462ha	Section 1342 Town of Wellington	CT 38A/760
8.1142ha	Section 1324 Town of Wellington	CT 22C/3

Area	Description	Certificate of title
0.3778ha	Sec 2 SO 303812	Part of CT 69533
0.2402ha	Sec 4 SO 303817	Part of CT 69533
0.1658ha	Lot 2 DP 306858	CT 55700
0.0555ha	Lot 1 DP 11417	CT 464/324
1.8678ha	Part of Mt Victoria and part of the land described in the 7th Schedule to the "Wellington Corporation and Harbour Board Streets and Lands Act 1892"	CT 716/19
3.7365ha	Lots 2 & 3 DP 10507	CT 427/150
0.7147ha	Section 167 Evans Bay District	CT 22B/899
2.3028ha	Lot 3 DP 316137 Parts remaining of the Canal Reserve Town of Wellington (as shown on SO 19168)	CT 45C/357

[Insert land to be added to the Wellington Town Belt through boundary adjustments upon the Bill becoming law]

[This schedule has been reproduced from Appendix 2 to the Wellington Town Belt Management Plan (June 2013). It will be reviewed for accuracy and some amendments may be necessary.]

See Figure 5 (page 18), Figure 6 (page 19), Figure 7 (page 20), and Figure 8 (page 21).

SCHEDULE 3

LAND NOT TO BE WELLINGTON TOWN BELT ON THIS ACT COMING INTO FORCE

[Insert land to be removed from the Town Belt Deed through boundary adjustments upon the Bill becoming law]

[Schedule 3 will list all land that will no longer be subject to the Town Belt Deed upon the Bill becoming law (and therefore will not form part of the Wellington Town Belt)]

See Figure 2 (page 15), Figure 3 (page 16), Figure 4 (page 17), Figure 5 (page 18), Figure 6 (page 19), Figure 7 (page 20), and Figure 8 (page 21).

SCHEDULE 4

CHEST HOSPITAL LAND

AREA	DESCRIPTION	CERTIFICATE OF TITLE
0.8973ha	Lot 4 DP 316137	CT 63103

See Figure 1 (page 14).

SCHEDULE 5

EXHIBITION SITE LAND (WELLINGTON SHOW GROUNDS)

All that parcel of land, containing by admeasurement 12 acres 3 roods 25 perches, more or less, being portion of the Town Belt Reserve of the City of Wellington and closed street, being part of the land comprised and described in certificate of title, Volume 427, folio 148, Wellington Registry, and being all the land shown edged red on a plan numbered 23797 lodged at the office of the Chief Surveyor at Wellington.

See Figure 1 (page 14).

SCHEDULE 6

WELLINGTON BOTANIC GARDEN LAND

[Insert area, description and certificate of title reference for the Wellington Botanic Garden land]

[Schedule 6 will describe the Wellington Botanic Garden land]

See Figure 1 (page 14).

SCHEDULE 7

WELLINGTON ZOO LAND

[Insert area, description and certificate of title reference for the Wellington Zoo land]

[Schedule 7 will describe the Wellington Zoo land]

See Figure 1 (page 14).

SCHEDULE 8

CONSEQUENTIAL AMENDMENTS

Health Sector Transfers (Wellington City Council) Order 2002 (SR 2002/393)

Revoke regulations 9, 10 and 11.

Reserves and other Lands Disposal Act 1938 (1938 No 19)

Repeal section 37.

Wellington City Reserves Act 1871 (1871 No 23)

Amend section 4 by omitting the words “Provided that one half of the moneys derived from such lands shall be devoted to the ornamentation and utilization of the lands referred to in the Schedules to this Act and no other purposes Provided also that the other half of such moneys shall be devoted to the construction and maintenance of roads upon the Town Belt described in Schedule 1 to this Act connecting the streets of the said city with the country roads and to no other purpose”.

SCHEDULE 9

ENACTMENTS REPEALED

Wellington (City) Reserves Act 1908 (1908 No 45)

Wellington City Reserves Act 1872 (1872 No 13)

